

SANTA FE COUNTY

REGULAR MEETING

BOARD OF COUNTY COMMISSIONERS

February 28, 2006

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 10:05.m. by Chairman Harry Montoya, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

Following the Pledge of Allegiance led by Land Use Administrator Dolores Vigil and the State Pledge led by Wayne Dalton, roll was called by Assistant County Clerk Marcella Salazar and indicated the presence of a quorum as follows:

Members Present:

Commissioner Harry Montoya, Chairman
Commissioner Virginia Vigil, Vice Chairman
Commissioner Paul Campos
Commissioner Jack Sullivan
Commissioner Mike Anaya

Members Absent:

[None]

V. Invocation

An invocation was given by Dudley O'Dell from Santa Fe Baptist Church.

VI. Approval of the Agenda

- A. Amendments**
- B. Tabled or withdrawn items**
- C. Consent Calendar: Withdrawals**

ROMAN ABEYTA (Deputy County Manager): Thank you, Mr. Chairman. We have the following amendments. Under X. Presentations, A, the long-term finance planning update, that has been withdrawn, and I was just informed of an item under the Consent Calendar, XI. B. 1, the request authorization to award a professional service

agreement to SED Medical Laboratories, that has been withdrawn. And Mr. Chairman, under XII, Staff and Elected Officials' Items, G, Matters from the County Manager, 3. Request approval of public improvement district guidelines, that has been withdrawn.

And finally, Mr. Chairman, we do have a request to move up item D. Land Use Department, a resolution to establish a community planning boundary for the Village of Galisteo to be heard at 11:00 because that is when residents from the Village of Galisteo will be here to address the Commission on this item.

CHAIRMAN MONTOYA: Okay, so that's item XII. D. That will be moved up according to when they arrive then?

MR. ABEYTA: Yes.

CHAIRMAN MONTOYA: Okay. Any other changes? Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chairman, under XII. D. 1, the resolution requesting fireworks and open burning restrictions, would we want to move that up on the agenda? Maybe move it under Presentations or right after Matters from the Commission?

CHAIRMAN MONTOYA: Commissioner Anaya, my understanding is there may be some press here for that one. I think they were asked to come back at 1:30 or are you here? No. Okay. I think they were asked to come at 1:30.

COMMISSIONER ANAYA: Oh, I thought that's what that was for. No problem.

CHAIRMAN MONTOYA: Any other withdrawals on the Consent Calendar? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chairman, I had B. 1 but that's been withdrawn already, and the other one was item B.3.

CHAIRMAN MONTOYA: Okay. Commissioner Vigil, do you have any withdrawals?

COMMISSIONER VIGIL: I had questions on B. 6 on the Consent Calendar.

CHAIRMAN MONTOYA: Commissioner Campos.

COMMISSIONER CAMPOS: None.

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: I'm fine, Mr. Chairman. Thank you.

CHAIRMAN MONTOYA: Okay, do we have a motion, please? As amended.

COMMISSIONER VIGIL: Move to approve as amended.

COMMISSIONER CAMPOS: Second.

CHAIRMAN MONTOYA: Motion, Commissioner Vigil, second, Commissioner Campos. Any other discussion?

The motion to approve the agenda as amended passed by unanimous [5-0] voice vote.

VII. APPROVAL OF MINUTES

A. January 31, 2006

COMMISSIONER SULLIVAN: Mr. Chairman, move for approval with some administrative or clerical typographical corrections.

CHAIRMAN MONTOYA: Okay. Motion by Commissioner Sullivan.

COMMISSIONER VIGIL: Second.

CHAIRMAN MONTOYA: Second, Commissioner Vigil. Discussion?

The motion to approve the January 31st minutes as corrected passed by unanimous [5-0] voice vote.

B. February 8, 2006 Meeting with St. Vincent Hospital

COMMISSIONER ANAYA: Mr. Chairman, move for approval.

CHAIRMAN MONTOYA: Motion by Commissioner Anaya.

COMMISSIONER SULLIVAN: Second.

CHAIRMAN MONTOYA: Second, Commissioner Sullivan.

COMMISSIONER CAMPOS: Abstain. I wasn't there.

CHAIRMAN MONTOYA: Okay, I have an abstention from Commissioner Campos.

The motion to approve the February 8th meeting with St. Vincent's passed by unanimous [4-0] voice vote with Commissioner Campos abstaining.

VIII. MATTERS OF PUBLIC CONCERN – NON-ACTION ITEMS

CHAIRMAN MONTOYA: Is there anyone here who would like to address the Commission, has an item that they would like to bring to our attention? Okay, seeing none we will move on.

IX. MATTERS FROM THE COMMISSION

A. Recognition of Santa Fe Police Chief Beverly Lennen (Commissioner Anaya)

COMMISSIONER ANAYA: Thank you, Mr. Chairman. I've got a little proclamation that the Commission wanted to put together for you of all your years experience and you've always treated me very, very nice and I just wanted to extend my congratulations

to your years of service. So we have a little proclamation then we have a little video that we want to show you or some slides.

Mr. Chairman, members of the Commission, Santa Fe County proclamation:

Whereas, Beverly K. Lennen, a 22-year Police Department veteran, was appointed Police Chief of the Santa Fe Police Department on January 4, 2003; and

Whereas, Chief Lennen is the first woman in history to serve as a Police Chief of Santa Fe Police Department; and

Whereas, Chief Lennen joined the Santa Fe Police Department in 1984 as a patrol officer; and

Whereas, Chief Lennen held the rank of detective, sergeant, lieutenant, captain, acting chief and deputy chief; and

Whereas, Chief Lennen's late husband, Leo Gurule, was a Santa Fe County Sheriff's Deputy and who was killed in the line of duty in 1980, for which Santa Fe County Public Safety Complex is named after; and

Whereas, Chief Lennen remarried in 1985 to Paul Lennen. She is the mother of three and grandmother of two; and

Whereas, Chief Lennen has belonged to numerous community organizations and sat on numerous boards throughout the years; and

Whereas, Chief Lennen is a recipient of awards such as the Governor's Award for Outstanding Women, and the Human Rights Alliance Advocate Award; and

Whereas, Chief Lennen has instilled outstanding customer service, trust, cooperation, honor, integrity, teamwork in her department; and

Whereas, Chief Lennen serves as a role model for all women who have the courage to strive for success in the police field.

And now, therefore, be it resolved by the Board of County Commissioners of the County of Santa Fe hereby honor Chief Beverly K. Lennen for her invaluable service that she provided to the residents of Santa Fe County.

With that, Commissioners, I move to approve this proclamation.

CHAIRMAN MONTOYA: We have a motion by Commissioner Anaya.

COMMISSIONER VIGIL: Second.

CHAIRMAN MONTOYA: Second by everyone else. Any discussion on the motion?

COMMISSIONER VIGIL: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: Thank you, Commissioner Anaya, for bringing this forward. Beverly, I'm so honored to have known you, and your moving to Phoenix is truly a loss to Santa Fe. But you're leaving legendary-like, because you've broken so many barriers, provided role modelship, not only for women in the Police Force but throughout the community. I have to say, just from my experience in the community, I always thought there must have been 20 of you because you were at so many places, so many times.

The community-based response that the City of Santa Fe worked towards truly became realized under your leadership. Thank you so very much for all that you've done in our community. You leave us at such a wonderful place. And please come back. Our arms will always welcome you.

CHAIRMAN MONTOYA: Commissioner Campos.

COMMISSIONER CAMPOS: I want to thank you too, Chief, for a great job.

CHAIRMAN MONTOYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Congratulations and thank you for your service.

CHAIRMAN MONTOYA: And Chief, I said a few words the other day at the plaza and just want to wish you well again. God bless you and your family and as I said, Santa Fe is going to miss you but Arizona is getting someone that's well respected and I'm sure you're going to make a contribution once you get down there as well. So God bless you.

GERALD GONZALEZ (County Manager): Mr. Chairman, Commissioners, I've had the pleasure to serve with her on the RECC Board and she's been an inspiration to all of us and has really kept us on the move there. I want to thank her for that service, but also for the opportunity to have served with her on the City side when I was a City Attorney and I always thought she should have been Police Chief much sooner than she was. Congratulations and thanks for being here.

CHAIRMAN MONTOYA: Okay. So we have a motion and a second.

The motion to approve the proclamation honoring Chief Beverly Lennen passed by unanimous [5-0] voice vote.

COMMISSIONER ANAYA: Approved, adopted and passed on this date, February 28, 2005 by the Board of County Commissioners, Harry Montoya, Chairman, Virginia Vigil, Vice Chairman, Mike Anaya, Commissioner, Paul Campos, Commissioner, Jack Sullivan, Commissioner, Gerald Gonzalez, Manager, Valerie Espinoza, Clerk, Steve Ross, County Attorney. We want to present you with and we know that your last day is today and we just appreciate everything that you've done.

We also have the Sheriff here who would like to say a few words. I know you've all worked very cooperatively together and we'd really appreciate it, along with Eric Johnson.

GREG SOLANO (County Sheriff): One testament to your success as a chief has really been the fact that I don't think the City and County have any place that we show better relations and work better together than in law enforcement and the RECC board. It's truly been a successful joint City/County operation that you've really helped to make a success and your husband was my supervisor at the Police Department. I worked with you at the FOP and at the Police Department and I don't think I'd be Sheriff today if it wasn't for your family, the Lennen family. So thank you very much and I wish you good luck.

COMMISSIONER ANAYA: We've got a little presentation.

[A video presentation followed.]

COMMISSIONER ANAYA: I also want to thank Rob Yardman for putting that together. Thank you, Rob. Chief, would you like to say a few words?

BEVERLY LENNEN: Have you ever known me not to? Mr. Chairman, Commissioners, Sheriff, Mr. Gonzalez, it has been a wonderful ride. The last 22 years I would not trade one moment of it, but truly it was not done for the recognition. This is somewhat overwhelming. You're even smiling, Chief. I did it because it needed to be done. I did it because it was important to our community and it couldn't have been done without our team. We put together a great team and I know they're going to carry on and that team extends between the City and the County. I agree with the Sheriff. We have a good thing going and I know it doesn't always work because there are different agendas and different issues. But together we can be really strong. And if that's the leadership role that the Sheriff, the Fire Chiefs and our department have been able to take then that was worthwhile in and of itself. God bless you all and thank you for everything.

COMMISSIONER ANAYA: Chief, also Valerie Espinoza wanted to send her congratulations to you. She's going to miss you. She wanted me to say that.

CHAIRMAN MONTROYA: Thank you, Commissioner Anaya. Thank you, Chief. Good luck to you again.

IX. B. Request for Direction Regarding a County Water Line Extension Project to Three Additional Roads in La Cienega (Commissioner Anaya)

COMMISSIONER ANAYA: Thank you, Mr. Chairman. I'm going to go ahead and turn this over to Steve Wust. This is the County water extension that we'd like to extend in a few roads in the community of La Cienega. Steve.

STEPHEN WUST (Water Resources Director): Thank you, Mr. Chairman, Commissioner Anaya. At the request of some constituents, Commissioner Anaya brought forward a concern about extending a water line down in portions of La Cienega. There's a summary in your packets that addresses some of the underlying or overlying issues involved with this extension. I'll just summarize them here. But I'd like to emphasize first that because of these various issues involved we're coming before you today just for direction because dealing with some of these issues is going to take a bit of staff time and money. So before we move in that direction we'd like to get a clear indication from the Commission that you'd like to proceed with this project or not.

The issues involved – let me go over the history first. There was a project done in that area, mainly the line you hear about on Paseo C de Baca. At that time there were some requests from some of the residents on a couple of the other roads wondering if we could extend the line to their roads also. There was subsequently some residents on a third road, also made the same request. At that time those roads were not part of the original scope of work for

the project, therefore it was not done on those roads.

There was some payment made by the residents on the existing facilities like Paseo C de Baca. There was some grant money, a couple other funding options to build some of the projects but the residents also contributed money to hook up their own systems. That was just for infrastructure costs. The standard policy is that in lieu of water rights or building the infrastructure yourself, like some developers do, that there's a hook-up charge of \$6500 per person. That's different from this infrastructure contribution that the residents down in that area made at that time. So that's one of the issues that's going to be involved.

But the residents in La Cienega agreed to turn over water, a contribution from their domestic wells that the State Engineer was allowing at that time. I should note that the State Engineer does not allow that anymore. There's no longer an opportunity at this time according to se anymore. There's no longer an opportunity at this time according to State Engineer policy unless that changes in the next six months as he goes through his public comment on this policy, to not allow a transfer or water rights from domestic wells to community water systems in order allow a hook-up of domestic well users to community water systems. Therefore we revert back to the policy unless the Commission directs otherwise, to \$6500 per residence hook-up.

Some of the other issues involved, the costs for these three roads you'll see in front of you. I think I also included some cost breakdowns that Doug Sayre, our systems engineer put together. Doug Sayre, by the way, right now, he was around at the time all this was happening so if you have some specific questions about what took place he's here today. But as you can see there's a total cost of the three roads at \$228,700. Some of the other issues is the water supply, as you know, we're using our 375 acre-foot allotment from the City prior to Buckman coming on line. I've run up a new total recently. I've been doing some spreadsheets to try to get a handle on the total amount of water that we've committed from the 375 and the amount of water that we've got in new water service agreement requests since getting that 375. My new total – and this is a little different, I think from the one I sent to several people including you, Commissioner Sullivan, recently. The total I have now is 200, almost 218 acre-feet allocated from the 375. That includes, I should add though, 25 acre-feet from Sonterra, which is coming before you later on today. So the 217 includes something that actually hasn't been acted on yet but is on today's agenda.

We have additional requests of a little over 275 acre-feet, obviously way too much, that's just come before us over the last 12 months. So one of the issues is does the Commission wish to commit some of the water from the 375 to this project. Now, on its face, I totaled up that it was about five acre-feet. However, a couple of the landowners along those roads have indicated a preference to try to further develop their land, maybe put some additional homes on them if water service was available in the area. So just as a rough estimate I thought we might have to double or triple that amount, which means ten to fifteen acre-feet might be what we look at having to supply in the next three to five years before Buckman comes on line.

One of the other issues is the hook-up charge as I mentioned to you already. Project

priorities is one of them. The Commission has said they wanted to put a priority in the 375 on affordable housing and economic development. This is existing residences so they don't quite fall in those two categories. So I'd request some direction if the Commission wishes to prioritize this project. There's also a couple of priorities that I've looked at just as a utility from areas that are on domestic wells currently. One of the more critical is the road behind the Downs because they have some nitrate concerns. That's also the La Cienega area by the way. That would be more water. I haven't done any details on that but that's one because of the contamination concerns, we've looked at as a potential County project, hopefully using some of this 375 but we're very limited how much we have left to do these kinds of projects.

One of the others we looked at on a larger scale is maybe the Pinon Hills area. They've expressed a lot of concern because of the development going on in their area and they're concerned about what would happen to their domestic wells. So I look at it just from a utility standpoint about the possibility of maybe extending some lines up in that area because we have existing infrastructure.

The other items on priorities of project, and this came up as a question, I bring this up because this came up as a question when La Bajada Ranch first approached the County with a request for service to their area, which is south of La Cienega. The question of extending our service line beyond where they are at the moment, and that would include these roads or basically beyond the end of our lines at the moment. Not far, but they are. As opposed to maybe filling in in areas that are wrapped around by our existing infrastructure. For example, Las Soleras would be an example, even though it's a lot bigger than this. That's something that's kind of surrounded by our infrastructure and this would be extending our infrastructure.

And again, that question came up on another development. I brought that up as one of the issues. So we're in front of the Commission today just to notify you about this request and I am requesting some direction before we put time and effort and engineering designs and plans and bids and things like that into this project. If the Commission wants the Water Resources Department and Utility to proceed on this, and if so, what is the Commission's wishes regarding hook-up fees and allocation of water? And I keep bringing up allocation of water. Let me back up on that. One thing you could do easily is say you're willing to allocate enough water through this one project but if somebody wants to further develop their land, which would require water, you would wish not to do that or you would wish us to set aside some water to do that in the future. So that's another request I'm making of you today. And I stand for questions.

CHAIRMAN MONTTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chairman, thank you, and thanks, Steve, for that presentation. Mr. Chairman, Commissioners, ever since I've been elected to the Board, this issue has come before my attention about extending water service to these roads. So I am completely in favor, and I would like to add, instead of the five acre-feet, maybe a 15 acre-feet, because I know there is going to be some more development there. I think this is a good idea. These residents have been waiting for years for this and I want to apologize to the

residents for taking so long. And Mr. Chairman, there is some residents from the La Cienega area if you wish to hear from them. Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: Thank you, Commissioner Anaya. Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Chairman, my response to this request is it continues an activity pattern that's uncoordinated and not really comprehensive. Also, we lack information, because we have a lot of other projects that have been working with the County for some time who have requested that the County become involved with them in developing water systems or taking over their water systems. This is happening all over the county. This is perhaps – we're facing the driest year in over 100 years and people understand that wells are becoming less reliable. So everybody's jumping. But we don't have a lot of water. We have 375 acre-feet. We've committed that I think to comprehensive planning, to affordable housing.

We need more information to just make all these decisions. What we're going to do at Canonicito, what we're going to be doing in La Cienega? First come, first served? Just bringing something out and throwing it at us without a comprehensive plan, lacking information about how we're going to do this countywide and ignoring the affordable housing piece. And we're dangerously close to running out of water for affordable housing. I think the piecemeal approach is something I don't favor and I would not favor this request. Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: Mr. Chairman, I'm more inclined to go with the comprehensive utility service and plan to prioritize areas, not so much because I don't empathize with La Cienega's needs, because I recognize it and I understand that they've been quite patient, but I also represent a district of constituents and so does Commissioner Campos and so does Commissioner Sullivan and so does Commissioner Montoya who need infrastructure extension too. I know the Agua Fria people have done something with theirs is they've gone to the state legislature to get some funding to extend their water and sewer lines. There's a lot of issues that have been far and long-standing with them with regard to bringing sewer service.

I think we need a comprehensive plan that we're able to prioritize this based on our Water Resource Department and I think from your memo, Steve, you did identify that that plan is in the works. Am I correct?

DR. WUST: Yes.

COMMISSIONER VIGIL: And Steve, how soon would we have that plan? And maybe at the time the plan is adopted we can start looking at these residential requests. How soon will it be available, do you think?

DR. WUST: Mr. Chairman, Commissioner Vigil, I've already submitted to the Manager some priorities in terms of allocation of the 375 based on what the Commission has discussed in the past. So that piece is there and that's being integrated by the Manager's office in terms of the allocation policy. In terms of projects, that's in development. As I noted in the

memo we've already got a couple of them set out and we're continuing to work on that. The issue is sort of in the realm in what Commissioner Campos talks about. I keep getting approached by different places so it kind of opens up new areas that we need to look at. So it's an ongoing thing. I could have it done as quickly as a month or if you want it quickly.

Part of the other thing on the project though that we did put a little delay on was seeing where the well location is in connection with our hydrologic model is going to be. And as everyone is well aware, you want to have your wells near your infrastructure. You also want to not harm anybody on domestic wells. So some of those good well locations are actually near domestic wells but near potential infrastructure. That would actually be a good place for a project. So that's one of the more recent things I've been looking at in terms of trying to look to the future in terms of projects, to integrate that with everything else we're doing.

So as I mentioned, I'd like to get that finished before we actually finalize the utility project but I'm working along on it. So it could be done quickly if the Commission wished that.

MR. GONZALEZ: Mr. Chairman, Commissioner Vigil, I just wanted to add that there's a broader context to the question that you've raised. As you know, we had our strategic planning study session last week and this was one of the issues that was raised during that study session. We have had some follow-up discussions at the staff level and will probably be coming back to the Commission with some suggestions for possible Commission action to formalize bringing forward a broad scale utilities plan across the county.

COMMISSIONER VIGIL: And perhaps eventually have that documentation. A priority would be that we have a main line through a community or something of that sort. But without having that kind of a policy delineated for us, we are acting, as Commissioner Campos says, on a first come, first served basis. So I'm uncomfortable with that. Thank you, Mr. Chairman.

CHAIRMAN MONTROYA: Thank you, Commissioner Vigil. Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chairman, I would agree with those comments at this point in time. I think we need to – and we've asked consistently for just that policy for probably more than a year now, and in fact in the resolution that we passed some months ago, there was also direction for the staff to begin to coordinate the water utility policies and resolutions so that we have a comprehensive statement of what those policies are and I believe Mr. Ross has been working on that but the affordable housing has been taking away from it recently.

I think this is a bit premature. I'm concerned about the fact that these are private roads, not maintained by the County, so there's some exposure there, some easement questions, some other costs that aren't indicated in this \$228,000. And just to let me understand what you indicated, Mr. Wust. We have about 218 acre-feet that are committed or imminently committed, I guess, is what you indicated. And then did you say an additional 275 in requests? Or acre-feet in requests?

DR. WUST: Mr. Chairman, Commissioner Sullivan, yes, I came up with a little over 275 that we've had requests for. Now, that's not necessarily all – that includes by the way some phasing post-Buckman, but it's still way over 200, even the requests that are –

COMMISSIONER SULLIVAN: I was just questioning, that's in addition to the 218?

DR. WUST: That's correct.

COMMISSIONER SULLIVAN: Okay. So what Mr. Wust has identified is 493 acre-feet, right now, of projects or potential projects. And we are all aware that what we have to last us from now until 2009 is 375 acre-feet. So there definitely needs to be some budgeting here before we go to the grocery store, and I think that applies across the board to projects in all districts and I appreciate your bringing this up because we need to focus on that and we need to set the standards by which we're going to review these water service agreements and by which amounts are going to be allocated to them, particularly when they are amounts that can't be used for years and years and years and we end up having to lock up those acre-footages on a speculative basis. So that would be my take at this point, Mr. Chairman.

CHAIRMAN MONTROYA: Okay. Thank you. I too would be supportive I guess of what the Commissioners have mentioned, because I've had requests from Chimayo and Chupadero and most recently Tesuque. And the unfortunate thing – and I guess the question would be, in discussing this comprehensive plan, how soon are we going to get to this comprehensive plan? It doesn't sound like we have any definitive deadline, but I would suggest that we take a look at it. I think it's clear that we all feel the same and I know exactly what Commissioner Anaya is going through also in terms of this request because of the ones that I get all the time. I think we do need to have something comprehensive. I think we do need to have something that is going to include the recommendations in terms of the hydro study. And those study sessions, townhall meetings, will be done by when? The end of March?

DR. WUST: Mr. Chairman, there's three in the week of March 13th. We're doing all three that week.

CHAIRMAN MONTROYA: All three that week.

DR. WUST: So they'll be done March 16th is the last one.

CHAIRMAN MONTROYA: Okay. So maybe we can get some feedback from that report that would be a part – I take it that's going to be part of this comprehensive plan as well.

DR. WUST: Mr. Chairman, that's correct, and I have one note. The comprehensive plan will probably sort of be two parts. One will be what are all the projects we'd like to do if we had all the water in the world. And then there'd be one a little more like this is all we have so what should we do right at the moment. And that's the part that we're really limited on.

CHAIRMAN MONTROYA: Okay. Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chairman, thank you, and I want to thank the Commission for their comments, although I don't agree with them. The Commission, we

passed a tax to the residents of this county – the residents of this county passed a tax to improve their water systems in local communities and villages. And this money is setting aside for us to use and we haven't used this money for, I don't know, three, going on three, four years. This is exactly what that money is used for.

Now, a developer can stand before this Commission and ask for 35 to 40 to even 100 acre-feet of water and we grant it to them and to residents that don't even live in the county yet. To a development. And we've got individuals on three particular roads in the community of La Cienega that are asking to extend water service to their homes and we are saying no for a measly five acre-feet, probably 15, hopefully if this Commission would grant it. We have been trying for years to come up with a plan and it has not happened.

The residents in my district are getting frustrated and so am I. So what do we do? Do we not allow them to take five acre-feet of water to extend to their homes so that they can be on the County water system, which they've been asking for three years now since I've been on the Commission? And we are quick to just jump and say no? If one of you in your community came to this Commission and asked to extend a waterline in your community, I would be happy. We have \$20 million out there that is not being used and is still, still there. And everybody in the county of Santa Fe is wondering what is the Commission doing with that money? It is still sitting there.

Mr. Chairman, Commissioners, I would like to hear from the people from La Cienega. They came all the way down here and if they would like to say a few words, I would like to hear from them. Thank you.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN MONTROYA: Commissioner Campos.

COMMISSIONER CAMPOS: I'd like to say a couple things. If they want to talk, that's fine. But I have folks in Canoncito that can't even drink their water it's so polluted with radon. These folks are getting sick and they've asked us. We're going to be working with them. We have people in Chimayo who can't drink water from their wells, so there are some areas out there that just don't have clean water. There's all kinds of priorities, all kinds of issues that we all have to consider and that's why we have to act in a comprehensive way, so we can use our limited resources as wisely as possible. We can't do first come, first served. I think that's bad policy.

CHAIRMAN MONTROYA: Okay. Sir, if you'd like to say a few words please. Please identify yourself.

BUSH RODLAKE: My name is Bush Rodlake I live in La Cienega and I've been asking Commissioner Anaya for this help. It seems to me the comprehensive plan is to get us off our wells, to get us all on an integrated system where you can actually control how much water is being used. I have a well and most of my neighbors have wells. I can dig another well. I would rather be on the line that's already in Paseo C de Baca or County Road 50 because – not that I don't have water, but this is cheaper for me, it's more reliable, and I'd be using water anyway from the well. So the comprehensive plan in my understanding is to get

us off our wells so that you, the Commission will have some control over the water use in the county.

I've been there 20 years, on a well 20 years and I'm wanting a line to come up. You've already done most of the work. The line is on County Road 50 now. It's just a short hop up my road and the other roads. Rather than consider a development behind, south of La Cienega for 500 houses I think that the residents that have been there for 20 years deserve an extension before you consider putting in 500 new houses behind us, which is in the works. It's one of the candidates. It may not. That's your decision. But the way to control us to get us off our wells. Thank you.

CHAIRMAN MONTOYA: Thank you, Mr. Rodlake. I would just – I think the message is pretty consistent from each of the Commissioners, Stephen, regarding the comprehensive plan. If we could maybe set a deadline. Is the end of April realistic?

DR. WUST: Yes, Mr. Chairman, I can meet that deadline.

CHAIRMAN MONTOYA: Okay, so if we could shoot for an April 30th deadline, because there are a lot of requests. As Commissioner Anaya pointed out, we do have some funding available and I think we do need to put something into action pretty quick so the residents are at least informed of something that we're doing. So if the rest of the Commission is okay with that. Commissioner Vigil, then Commissioner Campos.

COMMISSIONER VIGIL: Mr. Chairman, I just wanted to say, Steve, the previous testimony brought to mind one issue that I think is really critical because you made the statement that you have been living here for 20 years. Well, some of the historical, traditional communities that many of us represent have been there for hundreds of years. And I want to make sure that the historical, cultural component is captured in the comprehensive plan because the lobbying I get, and I empathize with Commissioner Anaya, is we had water rights way before anyone else did. Our water rights were taken from us and those issues are really deeply embedded in many of our communities and I hope that as this comprehensive plan is drafted that is a significant component of it.

CHAIRMAN MONTOYA: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Chairman, I appreciate there's an urgency to do this but I don't want to set a deadline that doesn't allow staff to come up with the right plan, considering all the facts. Too often our thinking is the urgency of the day, and yet we have 10, 20, other priorities that are always being put in the backseat because we throw something else out. So that is a priority today but our Land Use Code, still, do we have enough resources to get that done. There's a lot of things out there that are sitting because we continue to throw priorities. So I just would really like a serious evaluation from staff as to whether April is enough time, or do we need more time? I want this done right. And there's a lot of factors and it's very complex and there's a lot of demands from all parts of the county.

CHAIRMAN MONTOYA: Does anyone care to respond, staff?

MR. GONZALEZ: Mr. Chairman, Commissioners, there are probably two pieces to this. One is sort of going through the current requests that we have and figuring out a

logical way to proceed with those, but the larger issue of course is just the large-scale utility planning that we need to do. I think we can probably address both of those simultaneously and by April we can bring something back to address the short-term issue. Long-term issue, obviously will take a little bit more planning and I'll have a little bit more to say about that when we get toward the end of the meeting, because as you recall, we did talk about coming back for a couple hours in the wake of the strategic planning study session and getting a little bit more rudder guidance from the Commission. So I'm be talking to you about that toward the end of the meeting.

CHAIRMAN MONTOYA: Okay. Commissioner Anaya.

COMMISSIONER ANAYA: Yes, Mr. Chairman. I just wanted to thank the people from La Cienega that came forward and I hope that staff will look at putting the project on this new plan that we're going to discuss and I hope that it moves fairly quickly, but it has been a long time. Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: Okay. So I think that will be the direction that we would give at this point, Steve. So we'll look forward to late April getting something to react to. I think this also is going to address another issue that's come up and that's the water service allocation. We keep getting water service agreements being put before us and we really are, as indicated by all the Commissioners, reacting on a first come, first served basis, so I think we maybe ought to take a look at where we're at with everything that we're doing and come up with something that's coordinated as opposed to just hodge-podge. So thank you, Stephen.

IX. C. Discussion of Santa Fe County Becoming a Cooperating Agency Representative to Collaborate with BLM Taos Field Office on the Revision of BLM's Resource Management Plan, Presented by BLM Taos Field Office (Commissioner Montoya)

CHAIRMAN MONTOYA: With us this morning we have Ms. Sher Churchill, who's the planning and environment coordinator for the Bureau of Land Management, Taos office. Sher, welcome and also with you is Joyce Fierro, who is also with BLM and the liaison with the New Mexico Association of Counties. Welcome, Joyce. Sher.

SHER CHURCHILL: Thank you, Mr. Chairman, Commissioners. Good morning. I think it's very fitting that I'm here before you this morning to not only talk about cooperation with the Bureau of Land Management but to invite you to join us in a giant planning effort that we're about to embark on. And I think it's most fitting that I follow on the heels of the wonderful tribute to Chief Lennen in light of our joint and very shared concerns and our work together with the City of Santa Fe and the County of Santa Fe on law enforcement issues, and also as a major player in the Buckman Direct Diversion I find the discussion on water rights, water allocations, and comprehensive planning for utilities and infrastructure very both insightful and encouraging. We're going to be your partners in all of

this.

So thank you for having me. I have a power point presentation this morning that will last, oh, about 15 to 20 minutes and depending upon your interest, I'm glad to take questions during the presentation or following the presentation. But I wanted to give you, before I start the presentation, a little bit of history as to why we are engaging in a major resource management plan amendment process. Our resource management plan, which basically guides all of BLM's resource management for our field office area, which runs roughly from the Colorado border to halfway between Santa Fe and Albuquerque. It was signed in 1988, which means that essentially it was developed in the mid-1980s.

So we're looking at a plan that manages land and resources and of course influences people, that is over 20 years old and we have taken a couple of evaluation results and reports and integrated that into community feedback and have determined that we do need to proceed with a major amendment to our planning efforts. So that's a little bit of history as to why we're engaging in the amendment. I'll let the presentation speak for itself if I can proceed.

This map indicates in yellow the BLM managed land across a number of counties in northern New Mexico. And as you can see, we have mostly consolidated lands in the northwestern part of the field office area, and a number of scattered lands throughout the rest of the counties. Again, to touch back on what's driving our resource management plan amendment, in 2003, we conducted a formal agency review of our resource management plan and found a number of areas where direction was either lacking or we needed to engage in changing that direction based on changing conditions on the landscape. A lot of that change on the landscape is people. It's growth in unincorporated areas that are placing increased demand on land and resources that BLM manages, public lands, for a variety of things, such as right-of-way corridors, roads, the water structures and infrastructure to accommodate growing communities.

We also have some internal agency updates. Our guidance comes out of the Bureau of Land Management in the form of handbooks and manuals. We have a land use planning handbook that was revised and we have new direction to that planning handbook that causes us to really go back and re-evaluate our resource management plan on the basis of changing social and economic conditions, and also to take a stronger look at off-road vehicle use, travel management and other recreational opportunities for our public.

What I'm going to go through next are the six main issues that BLM has identified for revision in the amendment and planning process, and just so step back a little bit, our plan is actually a formal resource management plan but it is always accompanied by an environmental impact statement that follows all of the policies and procedures of the National Environment Policy Act, which is NEPA, and most of you are familiar with NEPA. So through this process we are going to be evaluating alternatives and lists of alternatives that respond to the next six issues that I'm going to talk about.

The first is a big one. It's land tenure adjustments. And basically what we've found is that growth in unincorporated areas is resulting in sort of a piecemeal approach to community

requests for certain parts of public lands to be incorporated into the community land base. For Santa Fe County for example, the County is very interested in a number of recreation opportunities and uses some public lands that are currently identified for disposal under BLM policy for open space. So we are engaging in conversations with Santa Fe County in regards to possibly changing, through this amendment process, our disposal allocation to a retention allocation to accommodate Santa Fe County's interests.

In Rio Arriba County, the situation is a little different. We actually have in that area increasing growth and a number of areas that the communities, in particular Española and the northern end of Española Valley, those folks are interested in acquiring public land to accommodate both population growth and infrastructure. In Taos County, the community of Taos as well as the county itself is involved as you probably know in green infrastructure planning, which links open space and recreational opportunities throughout the community and the County of Taos and particularly around Taos. They have an interest there in BLM acquiring land. And those of you that drive up to Taos probably remember and recognize the import of BLM's recent acquisition of the overlook area to protect the viewshed up there for Taos County, the community of Taos and all of us who are fortunate to live up there.

Another major issue is land use which generally manifests in terms of rights-of-way and requests for rights-of-way and opportunities to facilitate the development of infrastructure from unincorporated areas or from incorporated areas that are expanding into unincorporated areas. We're finding that the counties and cities and some very large utilities are going to be key players in these discussions. What we would like to do is take a long-term approach to looking at rights-of-way corridors and development of rights-of-way in order to accommodate a long-term vision on our landscape and a long-term vision for accommodating people's needs.

Another interesting issue, and Santa Fe County is bounded by special management areas, is special area designations. And these are designations for which the Bureau of Land Management provides special management prescriptions. La Cienega is probably one of the most well known here in the area. And for that special management area or special designation, it's an Area of Critical Environmental Concern, we provide very specific management prescriptions there to protect particular cultural resources and historic resources of the area. We are finding that in many communities, folks that are interested in protecting certain lands, surrounding their communities or lying within their communities are interested in these special area designations.

Frequently, communities are asking for special area designations without really fully really understanding the implications for special area designations or the planning process that is used to get there. So what we would like to do is to focus through our amendment process on a number of key areas, and I have a couple of following slides that speak to some of those areas and integrate the planning for these various areas and special kinds of designations into the larger picture process, so that we're dealing at a landscape level as opposed to nickel-diming management across the landscape.

For example, some special areas that are either designated or being considered for

designation here in the Santa Fe County area – Cerrillos Hills. We have been working jointly with the Cerrillos Hills Historic Park in looking at the possibility of cooperating with them in the development – well, they've already developed, but in the management of lands down there to accommodate recreation opportunities. We've had a number of requests from a variety of folks to provide some sort of special designation area to protect both the landscape and the visual resources in the Buckman area in northwest Santa Fe. And of course one of the big ones for us the Galisteo Basin, which is protected through federal legislation. There are a number of sites specifically identified but we would like to look at providing some special designation which would help the Bureau of Land Management in its overall planning effort but also help us be eligible for some additional funding in terms of managing that area.

We're looking at possible expansions in the La Cienega /La Cieneguilla area. That's an Area of Critical Environmental Concern, and again, we're interested there in looking at protection of cultural and historic properties. And then in the Santa Cruz lake area we're also examining the possibility and going to be making some decisions in our amendment process about extending the recreation area.

Just for information purposes, several of the other counties that we're looking at special designations include Rio Arriba County, where we have an ACEC, Area of Critical Environmental Concern, around Ojo Caliente. We've had community requests that and we internally in BLM evaluating the need to provide additional – well, to expand the ACEC in order to provide additional protection for cultural resources there, and those huge pueblo sites that are of course priceless.

In the El Palacio area we firmly believe we need to take a pro-active management approach to that. That's the area just north of Española where there's a lot of ATV and motorcycle racing currently underway. It's minimally managed by BLM. It's also an area of incredible landscape and sort of the front door approach to the gorge and as you head north into Taos Valley. So we feel that we need a mix of management there and that the special management designation would assist us in providing some special prescriptions there.

In San Miguel County we're looking at the Sabinoso area which is an area roughly 14,000 acres-plus that we've managed as a wilderness study area. We're looking at the possibility of getting that an Area of Critical Environmental Concern designation in order to make us eligible for additional funding for management of that area.

Of course our crown jewel in Taos County, beyond our Overlook acquisition is Ute Mountain and we are hoping to provide some sort of special designation for that area in order to protect its amazing landscape and historic and pre-historic resources. We're not sure what kind of designation we're going to be looking at but that's another example.

The fourth issue in our resource management plan has to do with visual resource measurement. In short, our existing resource management plan pays pretty short shrift to managing visual resources and providing an across-the-landscape view of how we're going to manage for visual resources. We have new direction and we are very interested in our office in doing a more landscape approach to looking at how we manage for visual resources, so we

look at that as being a critical part of our amendment process.

Off-highway vehicles, as I mentioned, we have new direction that is providing us actually an opportunity to really get down to the nitty-gritty if you will, in terms of identifying, better identifying areas that will be open, closed or allowing limited access, which is basically access by prescription for off-highway vehicles. It also allows us and encourages us with some deadlines to designate our primary and secondary transportation routes, which is very useful in coordinated planning with other jurisdictions such as counties, as well as very helpful for the public in terms of access.

The last major issue that we're going to be addressing through our plan amendment process is in regards to mineral materials. With the increased population growth in some of the unincorporated areas, we're finding that there are folks that hold patents and claims in areas that are becoming surrounded by residential areas where there is interest in minerals materials within some of those unincorporated growth area. Our goal in managing this issue will be to identify areas where certain minerals should be made available and where residential areas may be taking priority, essentially to set up some criteria by which we evaluate minerals applications and work with communities on managing minerals extraction.

The preliminary planning criteria that we're going to be using for our resource management plan are really sideboards and this is basic guidance. It falls under the bailiwick of ye shall follow all the laws and regulations and policies that are in place. Our goal in this planning process is to have the process be one that allows for flexibility, one that allows for adaptive management, which in BLM parlance equates to we will make some preliminary decisions but build in some monitoring and feedback to the process so that we can evaluate our decisions as we go along, and if we need to change them, we have the mechanisms in place to change them.

We also intend to be updating our current resource management plan through this amendment to comply with our own Bureau of Land Management guidance and direction. Another sideboard is that we plan to actively collaborate with public agencies and tribes and one major element that we've identified as a planning criteria, because it's important to develop baseline information and in building relationships with communities and agencies, is we want to conduct two economic strategies workshops. We're tentatively planning to have one of those workshops in the Santa Fe area with Santa Fe County and we'll have our second workshop probably in the Española area with Rio Arriba County.

We've identified some data and GIS needs and some of that we wanted to highlight because we see some opportunities for sharing information between the Bureau of Land Management and Counties and other entities that we work with. Some of the new data, VRM stands for visual resource management inventory. That's basically doing a baseline look at how communities and how BLM wants to manage the visual quality of a landscape. We need to collect information on where our roads and trails are located and what condition they're in, who uses them. We need to get very busy but we have some sources on mapping mineral materials sites, and that's existing sites as well potential sites, and we are going to be very

active in collecting social and economic data and conducting some analyses that will help us determine what it is communities want and where we fit in working with communities to achieve their goals.

Some of the data sharing opportunities we see in particular with counties are demographic trends and routes, and with all pertinent road and trail information, information about cultural sites, certainly watershed baseline information, which gets at water sources. Water, water, water. It's important for all of us, as well as the visual resources information.

Our public participation approach is going to include a lot of work with the public, going to meet them in their place and on their terms. We have identified a number of potential cooperating agencies. I'll move Santa Fe County to the lead. You folks, I believe are the first to really stand up and both articulate an interest in inviting me back to talk to you about participating as a cooperating agency with us. We hope that we are able to garner support through the City of Santa Fe, Taos County, Rio Arriba County, the City of Española, the Forest Service, both Carson and Santa Fe National Forests, as well as some state departments. And I wanted to thank you in the middle of all this for your interest and for your willingness to take some action on a cooperating agency status in agreeing to work with us. I know that you have some formalities to discuss on that front, but a cooperating agency status with the Bureau of Land Management has a very special meaning in terms of regulation and guidance, to be a cooperating agency means that that agency, which in this case hopefully will be Santa Fe County, you bring expertise and are willing to participate in the actual planning process itself, as well as help us evaluate the alternatives when it comes to starting to make a decision.

And so it's a very important role. I think given all the things that we're cooperating with Santa Fe County on currently, that it's a wonderful extension of the existing role and the work that we're doing with Santa Fe County now. We do count on and I think there have been some earlier discussions on this, active participations. We're already working with some of your staff on open spaces and trails group and with Beth Mills in the GIS arena, and so there's some wonderful opportunities to extend our cooperation and our work together in that area.

The process for the plan is that we will use sort of a conditional BLM planning approach. We have a standard document format that we will stick to that basically lays out broadly a vision for the whole Taos Field Office area and speaks of goals and objectives. There will be an environmental impact statement prepared under the auspices of NEPA to guide us in the evaluation of alternatives and also the analysis of the environmental effects, as well as help us convey to the public what the trade-offs are in the decision making process. We will be looking at alternatives yet again. Go back to and address the six major issues that I've talked about. We firmly believe that it will be fairly complex in that we will have a variety of options that address each issue and based on our analysis, we would like to be able to choose the options that best fit together for the preferred management plan at the end of the process.

We will be using extensive internal review. We plan to have an extensive public participation process and our team includes members from my field office as well members from the New Mexico state office of Bureau of Land Management.

This is my last slide and basically an overview of the key planning steps and our time frames. We are in the very early stages. We hope to conduct scoping some time this summer and be completed with formal scoping probably by August. We're in the process currently of analyzing the management situation which is taking a look at existing conditions, both conditions on the landscape and how we're managing for those conditions, and how we, BLM, are perceiving community needs. We will use the scoping process this summer to reality-check that with communities and individuals as well as agencies.

The formulation of alternatives to address the issues will occur roughly in 2007/2008. We have a number of, as you can imagine, bureaucratic steps to go through in terms of getting various approvals, but we will have a draft out, we believe, in early 2008, and a final plan and final environmental impact statement out in 2009, probably in the middle of the year 2009. So we're looking at a strong and solid three-year process. So that concludes my presentation. Do you have any questions?

CHAIRMAN MONTOYA: Okay. Thank you, Sher. Any questions? Commissioners, I met with Sam DesGeorges along with some staff, and Joyce Fierro was also there, and this is just the preliminary step in determining whether or not Santa Fe County would want to be a cooperating agency with BLM in the development of their new resource management plan. I know that – I believe Paul Olafson has also been working with BLM and I would just encourage us to consider – the next step would be the development and hopefully approval by the formal resolution stating that Santa Fe County would become regional management planning with BLM. Any questions? Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Chairman, I agree. After the presentation it became clear to me how important BLM is and all the other Forest Service and all the other agencies in the area and how we really have to work together. Otherwise we're going to have more of the same. It's time to change our way of thinking. I think this is a good step in that direction.

CHAIRMAN MONTOYA: Okay. Commissioner Anaya and Commissioner Sullivan.

COMMISSIONER ANAYA: Mr. Chairman, thank you for bringing this forward and I thank BLM for being here. All the encounters that I've had with BLM have been great. Joyce Fierro, you've been great. Linda Rendell, everybody over there. So I look forward to seeing us move forward on this. Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Thank you, Mr. Chairman. We do appreciate the task and the burden that the agency has in resource management of such a large area. Since we have them here, let me ask a somewhat related but more specific question if I can. One of the projects that Santa Fe County is interested in is funding a new water system for the Village of Cundiyo. That fortunately or unfortunately, had about \$190,000 worth of federal funds in it through a STAG grant. It was required to do two environmental impact statements or assessments for that project, one for the feds and one for the BLM costing over \$50,000. So

we spent as a County more than \$50,000 in environmental assessments for that project for which we have \$190,000 in federal funds.

Where it stands now is that we are now waiting for the review from the Taos office so could you perhaps give us a schedule of when that might occur?

MS. CHURCHILL: Mr. Chairman, Commissioner Sullivan, thank you for bringing that to my attention. That is I think if not on my desk it will be on my desk by the first of next week. We have a staff reviewing that. And you're right. That was a very interesting process for Cundiyo. My direction to our staff in terms of the planning was basically to embrace the basics of the first environmental assessment that was prepared. We tried to minimize any kind of duplication and adopt, if you will, the earlier environmental assessment while meeting our very minimalist requirements for planning and for meeting the National Environmental Policy Act. So I think it's going to be signed off on within the next two weeks.

COMMISSIONER SULLIVAN: Great. That's real good news.

CHAIRMAN MONTOYA: That is good news. Thank you for bringing that up. That's my district.

COMMISSIONER SULLIVAN: That's Commissioner Montoya's district and they've been long awaiting the green light to get that project moving.

CHAIRMAN MONTOYA: Thank you, Commissioner Sullivan.
Commissioner Vigil.

COMMISSIONER VIGIL: Just a question, because I'm learning about your process too. The El Camino Real in Agua Fria is probably one of the most significant historic contributors in terms of roads to northern New Mexico. Is that something that BLM had considered at all, in terms of a project?

MS. CHURCHILL: Mr. Chairman, Commissioner Vigil, I am not familiar with that road, nor am I familiar with any project proposal that's been made to BLM in order to address that. Is that on public land?

COMMISSIONER VIGIL: Actually part of it is and part of it isn't. But it's a road that goes all the way down to Mexico. Tell me then, how do historical sites get identified through preservation purposes through your department.

MS. CHURCHILL: Mr. Chairman, Commissioner Vigil, I apologize. I misheard what you were saying. You were talking about the Camino Real that's formally being proposed for historic designation status. The Bureau of Land Management is very active in evaluating that particular designation. As a matter of fact that's being managed by the New Mexico state office. One of the lead archeologists for BLM in New Mexico, Sarah Schlenger, is in charge of conducting it. It's in the process of conducting open houses and meetings to get public comment on that process. That will undergo the same kind of process that we typically undergo for planning which incorporates planning under the National Environmental Policy Act, so there will be an assessment of the issues, some examination of alternatives for management as well as an analysis of the effects, social and environmental, for each

alternative, before a final decision is made on that. But that is in progress and that is a way big deal for the Bureau of Land Management.

COMMISSIONER VIGIL: Thank you.

CHAIRMAN MONTOYA: Thank you, Commissioner Vigil. Thank you, Sher. Thank you, Joyce, for being here. I think if we can work with staff and move forward in bringing the resolution I believe either the next meeting or the second meeting in March we'll be ready to take action.

MS. CHURCHILL: Mr. Chairman, Commissioners, thank you for the opportunity to meet with you today.

CHAIRMAN MONTOYA: Thank you.

XII. D. Land Use Department

1. Resolution No. 2006-22. A Resolution to Establish a Community Planning Boundaries and Authorization to Initiate a Community Planning Process for the Village of Galisteo

CHAIRMAN MONTOYA: The Village of Galisteo is here, or at least members of the Village of Galisteo.

COMMISSIONER ANAYA: No, that's it.

CHAIRMAN MONTOYA: Is that the whole village, Commissioner Anaya?

COMMISSIONER ANAYA: That's it. That's all of them. Thank you, Mr. Chairman.

BETH MILLS (GIS Planner): Good morning, Mr. Chairman, Commissioners. On October 28, 2003 members of the village came before this Commission to ask that they could be next in line for planning for the traditional community. And at that time, the Planning Director felt that there wasn't enough staff to grant that request right then but in the fall of last year, 2005, he felt that allocation of staff was such that we had folks to begin working down there. Hence, people down there began to get organized and that's why they're here today to ask for authorization to officially begin their planning process. I'll ask Freddie Cardenas to speak.

CHAIRMAN MONTOYA: Okay. Mr. Cardenas, you have two seconds. Go ahead, Freddie.

FREDDIE CARDENAS: Good morning, Chairman Montoya, Commissioner Vigil, Commissioner Campos, Commissioner Sullivan and Commissioner Mike Anaya. Thank you for putting us on your agenda. We're here today to ask that you pass resolution 2006-22. A resolution to establish a community planning committee, planning boundaries and authorization to initiate a community planning process for the Village of Galisteo.

I want to begin by introducing some of our committee planning members. We have 21 members and out of the 21 there's seven of us here today, so I'd like to introduce them.

They're my baque; they're here to back me up. I have Mr. Frank Hirsch, please stand Frank. Nancy Hall, Denise Pruett, Amy Tremper, Lucy Lippard, who is also our reporter. She has our village newspaper. And Dorothy Victor.

We have a very diverse group in Galisteo. We have all kinds of people and our meetings are interesting. We've had 90 meetings since October 1st. We have come to a consensus on a few things and one of them is that we all love Galisteo. We all love art. We love our pets, open space and we want to work hard to keep it that way.

We have a bit of a history before starting out planning. We started working on this planning committee way back in the spring of 2003. We started working with the University of New Mexico, students that were in the community planning class. So we came up with a community survey and we had some really interesting results of that survey. I know that you have some information there. Do you have a copy of the community survey that was done? It was done in May 2003 and it was pretty interesting. We sent out 140 surveys and we had 76 responses come in, which represented 54 percent of the households in Galisteo. Fifty-nine percent from the village, 17 percent from Ranchitos de Galisteo, nine percent from between the village and Route 285, eight percent from between Ranchitos and the railroad tracks.

Seventy-five percent of the respondents approved of adopting a planning committee for a community plan. So that was our go-ahead way back in 2003. Pretty much in this survey, we talked about defining the community boundaries, which you have in front of you. It also came up – they identified some concerns. A big concern back then was the Galisteo River, the water quality, the erosion, trails and water rights access. Ninety-three percent of them were concerned about the effect of future developments on the water table in Galisteo. Besides that there were some infrastructural elements that people were worried about that they most wanted or needed improvements – waste collection, water and cable internet, there were concerns about traffic, which is a major concern today, which is speed increasing and traffic from developments, truck traffic, signs, road conditions and a large number of other areas.

Anyway, they're the same issues that we have today and I think you have a copy of everything, so what we wanted to do is basically answer questions for you, and that's why we have such a big contingent here today. So with that, do you have any questions for us?

CHAIRMAN MONTTOYA: Questions from the Commission. Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chairman. No, I just wanted to thank them for coming forward and volunteering their time for the community of Galisteo where I am originally from and have land there and homes there. So I am also anxious to see this come forward. One of the questions that I do have is the input that the people on the community planning, are they all residents? Do they all have homes there? Do they all own property there? That is a big concern of mine. I would not want to see somebody that's just renting there for a short period of time make some decisions that are going to affect the entire community. So that is one thing that I would like to just address. But I do thank you all for being here. I strongly support this community plan going forward and I look forward to seeing

it hopefully before the end of five years.

And I also, Mr. Chairman, would like to thank Beth. Beth has worked very hard for the village and everybody seems to really love here. Beth, thank you for all the time that you've put in there.

CHAIRMAN MONTOYA: Okay. Any other questions? Commissioner Sullivan.

COMMISSIONER SULLIVAN: I noticed in your tentative boundaries, it appears and the area that struck me was the area on the northeast corner contains a lot of the Galisteo River and also part of what I'm assuming is resort. What's the name of the resort?

COMMISSIONER ANAYA: Vista Clara.

COMMISSIONER SULLIVAN: It looks like you dip down to the south and then gone east and excluded the Vista Clara resort area and some other roads in that area. Am I correct or not?

MR. CARDENAS: Yes.

COMMISSIONER SULLIVAN: Could you explain why? It seems like that's a big segment in the community there and with the construction and reconstruction it will be an even larger participant.

FRANK HIRSCH: Thank you for allowing us to be here. In the first place, people had to sign up. The outlying communities, such as Vista Clara had to agree to participate. To my knowledge, they did not agree. Is that correct? So the boundaries were drawn dependent upon those people that were willing to participate, apart from the historic, traditional center of the community.

COMMISSIONER SULLIVAN: It's kind of surprising to me. We've always seen the work at Vista Clara as being very innovative environmentally and watershed management-wise and recycling and so forth. Was it because of the health of the owner, or what was the reason that they wouldn't participate? Was there a formal request made?

MR. HIRSCH: That is something that I don't know. Beth?

MS. MILLS: Commissioner Sullivan, I did telephone the owner personally and some of the concern was with the level of participation that we were requesting to be a member of the planning committee, and health concerns on her part. But she did assure me that she wanted to very much keep abreast of what was going on, attend meetings when she thought it was important or relevant for her, and to very much stay in the loop. She just didn't feel that she wanted the property included at this point within the actual boundary.

COMMISSIONER SULLIVAN: And the other question I had – I guess that's why you're still up there. An important issue to me of course is water supply, and I was looking at your internal issues, regarding water supply. We just completed the 285 Corridor analysis and in the 285 Corridor analysis, we had, at least my impression was, frequently before us staff as well as residents who continued to say to us, this is a land use plan; it's not a water plan. It's not a water plan. Although there were some water conservation measures in the plan, that was it. It was basically void of any water thinking. I see in this scope that under

water supply, you say capacity and possible expansion of existing community water system. That of course is something that was totally disregarded in the 285 Corridor Plan with big issues of dealing with the Eldorado water system. The big issue is obviously in Galisteo with the capacity of the water system.

So I'm curious as to what this change of momentum is, because there was certainly an interest in the water component of the plan in Eldorado but it didn't become a part of the plan. Is this a change in staff policy? Is it responding to the concerns of the community residents, or how would you characterize that?

MS. MILLS: Commissioner Sullivan, I would say that it's the latter. It's a response to what we heard from the community when we were there. And in determining – we did some work to determine the issues and to try to narrow things down and give some priorities to establish a work plan for this committee, and it became clear through the discussion that this was one of a few issues that we needed to focus on with this group.

COMMISSIONER SULLIVAN: Okay, well, I certainly agree with that component of the work plan and would suggest that you, in your thinking process, think not only just about expansion of the community water system, which may have its own restrictions, hydrologically, but think a little more out of the box at how that might evolve into a regional water component. Certainly Eldorado has control of its own water system now. You may have been here when Commissioner Campos was mentioning some of the problems we have in some of the areas like Canoncito, of water quality. We expect similar problems may certainly arise in Galisteo. Drought problems would certainly arise. They're already in the Eldorado area, 285 area. So we have a mechanism to work there with the new Eldorado Water and Sanitation District ownership of that, in addition to of course working with the County. So I'd just encourage you to go to think beyond the borders of the yellow line that you have on this map here and think how in the long range you might look at a regional solution to some of these water quality and quantity issues.

MS. MILLS: Very good. I'll bring that back to them.

COMMISSIONER SULLIVAN: Thanks.

CHAIRMAN MONTOYA: Okay. Any other questions? What is the desire of the Commission for resolution 2006-22?

COMMISSIONER ANAYA: Move for approval.

CHAIRMAN MONTOYA: Motion by Commissioner Anaya.

COMMISSIONER VIGIL: Second.

CHAIRMAN MONTOYA: Second by Commissioner Vigil. Any other discussion?

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Campos.

COMMISSIONER CAMPOS: Just, almost a reiteration of what Commissioner Sullivan said. Water has always been my big issue, water and wastewater. If you don't plan for that you really – how can you have a community out in New Mexico, out in Galisteo if you

don't do this. So I would hope that you keep pushing on this and make it the theme of your development plan. I appreciate all that work.

CHAIRMAN MONTOYA: Anything else?

MR. CARDENAS: Thank you very much. We appreciate your time.

The motion to approve Resolution 2006-22 passed by unanimous [5-0] voice vote.

IX. D. Resolution 2006-23. A Resolution. Opposing the Proposed Alternatives for Improvements to Highway 84-285 between New Mexico State Road 503 and County Road 109N (Commissioner Montoya)

CHAIRMAN MONTOYA: That resolution was in your packets. I was approached by several of my constituents in the Pojoaque Valley and the concern that they have is the design that the State Department of Transportation has proposed for the reconstruction of 84/285 all the way to Española. This particular resolution covers only a stretch of probably about a mile, maybe a mile and a quarter at the most. The design as I saw it and was explained to me was highly inadequate. I think it goes against any sort of improvement of public safety that would be supposedly the reason for reconstructing a new highway. As a result, also attached, you have a number of petitions of a number of individuals from the valley, all of the property owners along 84/285 who support this resolution.

I sent a letter already to the governor, as well as to Secretary Ronda Faught regarding the concerns that we have with this, and I would stand for any questions.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Campos

COMMISSIONER CAMPOS: I would like – could you put this in context for me geographically and what the nature of the plan is that you don't like.

CHAIRMAN MONTOYA: Sure. In terms of geographically, State Road 503 is the turn-off to Nambe where you're heading east, right after the bridge on the Nambe-Pojoaque River. 109 North is about the midway point between the bridge and before you start going up the hill to go into Arroyo Seco, so it's about half-ways in between there. That's where 190 is. What's being proposed, essentially, is that they would – if you're familiar with the new construction where they put up all those metal posts with wire in between, the metal posts between Tesuque Pueblo and here, that's what's being proposed to be put in the middle, on the median. There would be essentially two turn-offs, one being 109 and then the other one being on 503. So people who live along there would have to go – turn around at one of those spots. Right now, they have access from where their personal private entrance is.

There's the addition of – I'm not sure, it's hard to determine if it's an accel/decel lane. I'm not really clear on what it is. And that's all it is. That's the – the improvement I guess is to add a little bit more to the shoulder so that either people can get on or get off on that. And the

design, the way it originally was, there would actually be somewhat of a frontage road on each side of 84-285. This was changed kind of at the last minute and people became aware of it actually, and that's when they approached me to do something about it.

COMMISSIONER CAMPOS: Thank you, sir.

CHAIRMAN MONTOYA: Commissioner Sullivan, Commissioner Anaya.

COMMISSIONER SULLIVAN: Mr. Chairman, I haven't seen the plans and I certainly think we could put together a resolution here that will focus on those concerns. The only suggestion I would have is in the second to last whereas on the first page, where it says, Whereas, NMDOT does not address these issues. I don't think we as the County staff, Public Works, has taken any specific design position on this. But obviously a number of people as shown in the petition here don't like the current proposals. So I would just suggest a little bit of wordsmithing there, because generally, DOT is fairly responsive to what people – their input on these projects. I would just propose, Whereas, many residents feel that NMDOT's current plans do not address the issues and concerns associated with the proposed construction. Just add those four words right before NMDOT.

CHAIRMAN MONTOYA: Okay.

COMMISSIONER SULLIVAN: As opposed to us stating that they don't, because I don't really think we've gotten into that level of analysis. Perhaps you have.

CHAIRMAN MONTOYA: Many residents don't feel that...

COMMISSIONER SULLIVAN: Many residents feel that...

CHAIRMAN MONTOYA: Feel that. Okay.

COMMISSIONER SULLIVAN: Feel that NMDOT's current plans do not address the issues.

CHAIRMAN MONTOYA: Okay. I'm fine with that language. Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chairman. My question is – I'm sorry but I had to step out a second. The DOT has already – they already have a plan in place to construct this road from what I'm hearing, and the residents don't agree with the way it's been proposed. And where is 503?

CHAIRMAN MONTOYA: 503 is the turn-off to Nambe, right after the bridge.

COMMISSIONER ANAYA: In Pojoaque?

CHAIRMAN MONTOYA: In Pojoaque, yes.

COMMISSIONER ANAYA: So 503 goes to Nambe and then they're talking about from there all the way to –

CHAIRMAN MONTOYA: 109 North, which is about a mile and a quarter headed north toward Arroyo Seco.

COMMISSIONER ANAYA: So you drop over the hill –

CHAIRMAN MONTOYA: No. It's before the hill. It's about half-way between 503, between the bridge and before you start going up the hill. About half-way.

COMMISSIONER ANAYA: And they're basically not in agreement with DOT, and that's what Commissioner Sullivan just changed.

CHAIRMAN MONTOYA: Yes.

COMMISSIONER ANAYA: Okay. Thank you.

CHAIRMAN MONTOYA: Okay.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Campos.

COMMISSIONER CAMPOS: Another idea is maybe having DOT present to the Commission. I don't know. Would that take too much time? Would there be a more efficient way of doing it? I don't know.

CHAIRMAN MONTOYA: I know that they presented to the Pojoaque Valley Community Planning Committee this past Thursday. Renee, could you maybe summarize a little bit of what occurred please?

RENEE VILLAREAL (Community Planner): Thank you, Mr. Chairman. I'm one of the planners for the Pojoaque Valley Planning Committee which is actually working on a community plan. One of the things that I wanted to mention, at the meeting, I specifically asked the DOT to give a presentation on this subject because I didn't feel that they had enough input from the community, especially off of the road. They did have a public hearing. They did present alternatives, which I thought was a good thing. However, I didn't think there was enough consensus. So we did invite them to the last meeting, which was last Thursday and it was placed in that section of the Pojoaque paper or the *New Mexican*. So in a way to elicit more people from right off the road so that they could attend our meeting, which is basically open to the public anyway.

So one of the concerns, we actually had two property owners attend that meeting. One of the main concerns that the committee had specifically was safety and access. And mostly because access in this particular area, the community is proposing a commercial corridor. So they are concerned about the access as well as safety issues. But I think that DOT and their consultant, which is the Louis Berger Group, they did give an informative meeting. They gave a joint presentation. They talked about the alternatives that were expressed in the first public hearing. They talked about where they thought they leaning towards, which was a hybrid of alternative A and alternative B. None of them specifically talked about putting fencing like you had mentioned, Mr. Chairman. Mostly it was about medians. And there were different levels of the median. Some were limited control medians, controlled for access, and then heavier restrictive areas.

They were actually looking at something in between that. There were people that expressed issues about trailer access and safety, especially for U-turns. So those were all expressed. But I did feel like DOT, and they actually expressed this in the meeting, that they were still in the planning phases and that they would still have opportunities for public input. However, I did think that they need to do some more outreach. We weren't aware of the petition at the meeting. If we would have had that info I think it would have helped us present

more ideas and get them to understand that maybe not everybody is in consensus. They did say that they were meeting with individual property owners along that road stretch.

So I do think that there needs to be more outreach. I think that especially for the petition – I'm not sure how many signatures were on that – that it needs to be addressed further. I'm not really sure what the resolution does at this point, if it completely takes it off the table, or if it opens it up for my dialogue so that we have the actual residents who live off the road feel like it's a good alternative, and that they also speak with Commissioner Montoya in that area so that we all are on the same page.

So I'm not really sure at this point what the resolution will do but I do think that there needs to be more communication. I did speak with Carlos Padilla, who is the lead planner for Louis Berger this morning when we found out it was on the table today, and he said and expressed his desire to have further meetings with the chair, with Commissioner Montoya, and with the residents so we can look at this further and look at the safest alternative for the area.

CHAIRMAN MONTOYA: All right. Any questions? Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chairman. I think that passing this resolution would send too strong of a message that we are opposing something without working together. We just had BLM up here and we passed a resolution where we told them that we were going to work with them. Has anybody asked the DOT to go back and look, and I heard that they haven't even seen the petitions. So I just feel that – I don't mind going back to the DOT and asking them to take a look and showing them the petitions, but I think if we pass this, it's sending a strong message to the DOT – no, go look at it again, and then bring it back to us and then what do we do? Send another opposition or in favor. But I just think that if we had an open communication with DOT we wouldn't have to do this. Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: Okay. And just to respond to your question, this resolution is to open those lines of communication with DOT, and I think more specifically with DOT than with the Berger Group, because I think the Berger Group has been non-responsive and they have been the ones that have taken the lead on this as opposed to staff from DOT. So I think the message has already been sent to Secretary Faught. She did receive a letter not only from me but from Thomas Lopez regarding their concerns along with the petition. So DOT does have the petitions, as well as the governor's office. So I think that's what this would be doing is opening those lines of communication so that they do have more public meetings, public input into the process. And I would be glad to meet with DOT folks. I think along with their consultant, Carlos Padilla to move this forward and if we can't get some sort of resolution along with the constituents in that area then I would think Commissioner Campos' suggestion of bringing DOT to present what they're proposing in that area, to bring it to the Commission at that point.

So I would move for approval of Resolution 2006-23.

COMMISSIONER CAMPOS: As amended?

CHAIRMAN MONTOYA: As amended by Commissioner Sullivan.

COMMISSIONER CAMPOS: To the second to the last whereas. I'll second that.

CHAIRMAN MONTTOYA: Second by Commissioner Campos. Further discussion?

The motion to approve passed by majority 3-1 voice vote with Commissioner Anaya voting against. [Commissioner Vigil was not present for this action.]

IX. OTHER MATTERS FROM THE COMMISSION

CHAIRMAN MONTTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chairman. Our condolences go out to Larry Narvaiz, who works for the Housing Authority. He lost his mother this last week and Larry's son, Chris Narvaiz works for Public Works, and his other son, Gabriel Narvaiz, works for PFMD. Mr. Chairman, Commissioners, I just want to send our condolences out to his entire family for losing his mother.

I want to send a congratulations to the high school boys basketball teams here in Santa Fe and Pojoaque. And I just want to read off – also boys and girls. We have a talented group of people in Santa Fe County. In the Girls Class 5A, Santa Fe is seeded number 16 in the state and they're going to state. The Girls Class 4A Capital is seeded 10th in the state, and they're going to state. The Girls Class AAA, the Indian School is seeded 6th in the state, and St. Michael's girls are seeded 10th. I want to congratulate them for all their hard work and good luck.

The Boys Class 5A the Santa Fe Demons, are seeded third in the state and they're going to state. The Boys Class 4A, Capital is seeded 8th, and the Boys Class AAA St. Mike's High School is seeded first, the Santa Fe Indian School is seeded fourth, and the Pojoaque Elks are seeded seventh. So that just goes to show you, Mr. Chairman, that we have a group of very talented athletes in Santa Fe County in the basketball field, that is, and we wish them luck and hopefully we will be naming, bringing them all up here to congratulate them and honor them in what they've done for their schools.

I have a couple of questions to James Lujan on a couple of roads and maybe the transfer station construction in Stanley, but first I want to bring up the Gold Mine Road. I just want to get an update on where we're at with this. Is it on the schedule for paving, which we told the constituents in that area that it was.

JAMES LUJAN (Public Works Director): Mr. Chairman, Commissioners, we're slated to go out on the 6th, next Monday, March 6th, and then we're slated to start subgrade prep on the 13th after we do some design, and yes, it is going to be paved.

COMMISSIONER ANAYA: Thirteenth of?

MR. LUJAN: Of March.

COMMISSIONER ANAYA: I know we've talked about a Stanley transfer station construction. Where are we with that?

MR. LUJAN: Okay, we have started, we have a preliminary design. We did get rid of the consulting group that was working on it and since Auralee left, we have not had any action on it. I've got a director coming in on Monday, Phil Weston, he's an old environment person and from the first project, when I interviewed him, all the transfer stations are going to start up again and get worked on and Stanley is probably the first one. It's the closest to being designed. We have to bring up the plans and finalize some plans on it in-house and we'll get that design. I hope to have that out to bid, probably by mid-summer.

COMMISSIONER ANAYA: Okay. Thank you, James. And I want to thank the County staff and Public Works Department for taking care of the Public Works Department down in Stanley. That was a needed facility and that's completed. I want to thank them.

Another issue that I had that maybe the Manager can look into is Remuda Ridge Subdivision on Reata Road. There's a Fedex operation, a business there. And this has been going on since I've been on the Commission. The Fedex trucks are blocking the roads so residents cannot pass. They're starting their business, their trucks, at 4:00 am in the morning. Somebody told me they don't even have a business license. I know the Sheriff's Department knows a little bit about this, but if we could just follow up with that and see what's going on I'd appreciate it. Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Campos.

COMMISSIONER CAMPOS: A couple issues related to the Metropolitan Planning Organization for our County Manager. There were a couple of issues that were presented about staffing, about how that should be done and how the membership of the TAC should be constituted. We didn't have our recent RPA but I was curious about how that issue was going. The other MPO issue was the submission of the County proposal to the MPO in regard to the railroad alignment. I think there was a consensus at the last BCC that this realignment proposal by the County should be presented for MPO consideration. So those are the two issues.

MR. GONZALEZ: Mr. Chairman, Commissioner Campos, regarding the MPO's staffing, it's my understanding that that issue is addressed by the RPA JPA and maybe the JPA needs to be amended. I think it specifies that the staffing will be on the City side.

COMMISSIONER CAMPOS: For the MPO?

MR. GONZALEZ: That's correct.

COMMISSIONER CAMPOS: Okay. Have you had a discussion with the City Manager? I guess that was the direction.

MR. GONZALEZ: Not on that issue. I know that the question has come up of taking another look at the JPA that sets up the RPA so that would probably be one forum to do it. I've raised the issue with the City Manager in the past and gotten nowhere with respect to doing that just because of the way the JPA is set up.

COMMISSIONER CAMPOS: And what about the presentation? Is staff ready to present to the MPO on the railroad alignment at the next RPA/MPO meeting?

MR. GONZALEZ: That issue I'm not sure of. I'll check on that.

COMMISSIONER CAMPOS: Mr. Kolkmeier, could you address that?

JACK KOLKMEYER (Planning Director): Mr. Chairman, Commissioner Campos, that was on the agenda for the last meeting but they didn't have the meeting. So we're prepared to go forward.

COMMISSIONER CAMPOS: Okay, good. Thank you, sir. I'd like to still continue that discussion, Mr. Gonzalez on the membership, on staffing, and membership of the TAC. Those are the two issues I think that we asked Steve to look at and discuss this with the City Manager. Thank you.

CHAIRMAN MONTOYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chairman, I had a question for Stan Holden who has sequestered himself in the backroom there with Commissioner Vigil. If he's watching television, come out, Stan. We know you're in there.

CHAIRMAN MONTOYA: They went to lunch.

COMMISSIONER SULLIVAN: Oh, they took off completely. Okay. Reminds me of a former County Commission. Okay, we'll skip onto the next question while Mr. Holden is located. And that is to Gerald or Steve, whoever passed the baton here. About a year ago we suddenly realized that we were making requirements on subdivisions to limit their usage – and they were agreeing to those requirements of a quarter acre-foot per year, but no one in the County was monitoring that. So we assigned an FTE position to do that. I haven't heard anything about the results of that for over a year. Could someone give us a very quick update on what we're doing and we're getting a database set up or what?

DR. WUST: Mr. Chairman, Commissioner Sullivan, the position is actually multi-tasking and this is one of them. What's happened in the last – since the request, Land Use put together a database through their files of everyone that has been required to do one of these things. And that's been turned over now, it was turned over a couple of months ago to Patricia Torpy, our Water Regulations Specialist. She's going through that, but at the same time she's going through our own billing files from people who are on the County water system to look at their usage also. There's no final product yet but that's actually being done right at the moment.

COMMISSIONER SULLIVAN: Because I thought that when we last heard about this, and it was about a year ago, there was a staff person – I forget who it was – now it's been so long. There was a staff person assigned to it, wasn't there, Gerald?

MR. GONZALEZ: Mr. Chairman, Commissioner Sullivan, originally it was Wayne Dalton, whose duties were reassigned, I think, because of shifts internally within the Planning Department. Then eventually that's how it got over to the Water Resources Department.

COMMISSIONER SULLIVAN: Could we schedule some kind of an update on

where those things are? Some kind of a – do we have a chart? Do we have a summary? Do we have a status report or something that we could provide to the Commissioners?

DR. WUST: Mr. Chairman, Commissioner Sullivan, we sure could. I could tell you right away that the first thing that you're going to hear is that the database is a list of all those who were required to monitor and meter and report their results. Over the last three years that I've been here, I've gotten maybe four of these letters telling me what their water use is. So basically, we don't have data. The main data we have now is the people who were required to report, and so where we were expecting to go from there is trying to figure out do we do an enforcement thing or a letter-writing campaign or what.

So the issue – you're not going to get much data is really the bottom line I think I'm telling you, in terms of domestic wells. For those on the County system, we can pull up the data or actually, we've done that before. We have graphs and things for the different areas. But in terms of domestic wells, right now it's at the stage where we've finalized a database of those in the files who were told they were supposed to do this, but almost no one's ever reported it. So we don't actually have real water use data at this time.

COMMISSIONER SULLIVAN: Maybe we need some staff recommendations. As I recall a year ago the direction was, based on the staff recommendation that the staff go back, I think it was five years, and call these requests from the past five years as to the various subdivisions, not just individual wells but subdivisions that were using shared wells. So I'd look to staff to make a recommendation as to whether we deal with enforcement or whether we deal with the public relations aspect of it. If we don't make it a priority certainly the residents aren't going to make it a priority. So I think we need move that ahead and if it takes funding, it takes funding. If it takes guidance, if it takes policy. Let us know what your recommending.

DR. WUST: We'll move ahead on that.

COMMISSIONER SULLIVAN: Okay. I appreciate that.

MR. GONZALEZ: Mr. Chairman, Commissioner Sullivan, we have Chief Holden back. He was providing some medical assistance to Commissioner Vigil who I think has gone to the urgent care center.

COMMISSIONER SULLIVAN: Oh, my goodness. Well, thank you, Stan. Glad we had you here.

STAN HOLDEN (Fire Chief): Did you have a question for me?

COMMISSIONER SULLIVAN: I had a question. Yes, sir. We'll catch you later on about the fire thing, but I had another question. The question was fire stations or fire coverage in the Community College District/Route 14 area. And we talked for several years about a fire station in Rancho Viejo. Now we're approving subdivisions one after the other along Route 14 until we should be in Edgewood probably by the end of the year at the rate we're doing it. And everyone of these that I've seen that has come forward, there are no fire station facilities and no reserved land for facilities of that sort. What do we do here?

CHIEF HOLDEN: Mr. Chairman, Commissioner Sullivan, that's an excellent question. I appreciate you bringing it to everyone's attention. We do have plans specifically for

Rancho Viejo to build a fire station for the La Cienega area which will replace their existing main station and which will become their new functioning main station. But it's not until after 2009. And so it is on the drawing board; it will happen.

COMMISSIONER SULLIVAN: Do you have a site?

CHIEF HOLDEN: Well, we have sites that were originally put on the drawings back in 1997, and it was right at the intersection of Rancho Viejo Boulevard and the College Drive. And I'm trying to remember the name of the individual from Rancho Viejo Development who was from Scottsdale, and his name escapes me right now, but he was in charge of the development at the time.

COMMISSIONER SULLIVAN: Right across from the church?

CHIEF HOLDEN: Yes. Right across – in that area.

COMMISSIONER SULLIVAN: Is that still the site?

CHIEF HOLDEN: Well, since that time we've had some conversations with community members in that area and they are looking to put it deeper into the actual Rancho Viejo Subdivision as its growing. So we haven't totally centered on that site that was originally allocated for us.

COMMISSIONER SULLIVAN: And how about out on Route 14? Again, we're approving subdivisions every time we get together and as I said before, I'm just not seeing any consideration to fire protection.

CHIEF HOLDEN: Mr. Chairman, Commissioner Sullivan, specifically on State Highway 14, we've just constructed the new Turquoise Trail Main Station.

COMMISSIONER SULLIVAN: Right.

CHIEF HOLDEN: Which is about five miles from the Public Safety Complex, which is also houses EMS equipment and fire equipment. So we're not thinking at this time that we need another station along Route 14, at least between those two stations.

COMMISSIONER SULLIVAN: Okay. And you think that will cover, with the exception of what's needed in Rancho Viejo, cover us for the foreseeable future until we get to Madrid.

CHIEF HOLDEN: Yes, sir. Or at least until we get to Cerrillos.

COMMISSIONER SULLIVAN: Till we get to Cerrillos anyway. Okay. Thank you, Chief Holden. Then, Mr. Chairman, just two other quick items. One is at the last Commission meeting the Commission approved a project out on Route 14 that's going to be constructed by Longford Homes. An issue that was brought up was the width of sidewalks that were required. The staff report stated that five-foot sidewalks were required. The attorney representing the developer said, oh, no. That wasn't right. We only need four-foot sidewalks except five-foot sidewalks on arterials. We never resolved that issue and if – I'd like to ask Public Works and the staff to get that resolved because I'd like to bring that subdivision back for reconsideration at the next land use meeting. I did vote in the affirmative on that project if that was an incorrect interpretation. We seem to have two opinions but there was no resolution of that opinion. The Commission seemed to go along with the developer's interpretation but I

never did get a staff interpretation. So I'd like us to look at the requirements for sidewalks in the Community College District and the widths of them.

And then the other question, at our January 31st meeting we approved a final development plan for the first subphases, I guess you'd call it, of the second phase of the La Pradera Subdivision. That issue was also at the time, in transit, as it were, with a memorandum between the Land Use Department going to legal and giving some land use opinions as to what could be constructed in open space. And I reread that interpretation that Ms. Vigil made at the meeting, and I think it missed the point. I don't think the issue is what could be constructed in open space; the issue is what could be constructed in the highway corridor. And so I think that issue is still not resolved and that subdivision has more phases coming before us. It's true that you can have roads in open space. It's not clear to me that you can have roads in the highway corridor. It's also true that the highway corridor can be open space. So I think I'd like to get some clarification on that if at all possible before we address that same issue in the next phase of that subdivision. That's all I had, Mr. Chairman. Thank you.

CHAIRMAN MONTROYA: Okay. I just wanted to add, and Commissioner Anaya did cover pretty much all of them except for the Pojoaque girls will be – and they are an eight seed, will be hosting a game this Friday evening in Pojoaque. The boys will be playing on Saturday. They're in Pojoaque as well, and I think you can check your local listing for all the other Santa Fe teams. But I also want to wish them well. That is certainly a good showing in terms of our student athletes here in Santa Fe County.

I also wanted to – did anyone get an extended invitation from Santa Fe Habitat for Humanity? They're having an open house this week, dedication of a house on Saturday, March 4th. So if we could maybe get a representative from Santa Fe County there. I'll give this to you, Gerald, for consideration.

The other is the Employee Relations Network, and I had also talked to you, Gerald, about this. This would be in assisting Human Resources Department in terms of any potential background checks. They did give us some previous information but unfortunately, they forgot to give us the price listing and this gives us the price listing of what it would cost for background investigation checks and that sort of thing and see if it would be something that would cut down on the costs of what we're currently paying and this is something that's being recommended by both the New Mexico Association of Counties and the National Association of Counties.

We had discusses some time back, and I would like to get either staff to give us some recommendations on having a special meeting for recognition of individuals or teams or whatever the situation may be. What are the thoughts? I think Commissioner Campos, you had made that recommendation as well. I think that's certainly something I would support. The thoughts of Commissioner Sullivan and Commissioner Anaya on having a special meeting for recognizing people.

COMMISSIONER ANAYA: Mr. Chairman, I would agree to that. If all these

people win it's going to take a day to recognize them.

CHAIRMAN MONTOYA: At least.

COMMISSIONER SULLIVAN: I would agree too, Mr. Chairman. I think that looking at the schedule, of course, these individuals come and it's during the school day and if they're in school, that's always an issue. If it's on the land use agenda then we have people waiting for hours and hours to be heard on the land use agenda and that's a tight squeeze. So I certainly think it doesn't hurt to pepper in an occasional recommendation but at times they've gone as much two to three hours when we have that many that the Commissioners feel need to be recognized then it's probably best to set up some kind of an event and – I was going to say at Sweeney, but there's not much left of Sweeney.

CHAIRMAN MONTOYA: Do it in the rubble.

COMMISSIONER SULLIVAN: Do it in the rubble. You understand what I'm saying. Some kind of a venue that would honor all of them and make it an event of that sort.

CHAIRMAN MONTOYA: Okay. Commissioner Campos.

COMMISSIONER CAMPOS: Just briefly, I would suggest maybe quarterly to start off with to see if that works. Also, I think that if we're going to put things on the agenda, I would, like I suggested earlier, that these things be run by the chairman so that the chairman has the opportunity to really manage a meeting. If we're throwing in from all directions without going through the chair we're not going to be managing. So I'm a strong proponent of the strongly managed agenda, and that would be up to – I think if we throw things to the chair and ask for his consent or his management I think that would be the best way of handling things. How do the other Commissioners feel about that?

COMMISSIONER ANAYA: I don't have a problem. But quarterly meetings? I guess that's where we would do all of our recognitions, and I guess staff's going to get back with us and pick a day. The only thing I see with that is when somebody does something in the community that is extremely well, we usually try to get to them as soon as possible before it dies in terms of – not completely dies, but while everybody is excited, you join the excitement and you bring them forward and you express your gratitude at the time. It seems like if you were to wait longer, all the excitement has probably died. But that's just something I'd throw out.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Campos.

COMMISSIONER CAMPOS: There may be special exceptions, and I think if you have one, just run it my the chair.

CHAIRMAN MONTOYA: And I guess part of the other discussion that we had also was considering moving the land use meeting up an hour to 2:00. I don't know if we're still considering that, but if we do, maybe that could, that 2:00 to 3:00 time slot could maybe be the special recognition hour. I don't know.

COMMISSIONER ANAYA: Mr. Chairman, I like that idea too.

CHAIRMAN MONTOYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chairman, I'm not in favor of that idea. I think the land use meetings are extremely focused and draining, to be quite honest with you. When you have competing issues and issues of water and land use and whatever they are, and to go through three hours of meetings and executive session and then start the land use meeting, I feel you might have a tendency to rush through and I think the land use meetings should be focused on the land use, period and get the administrative things done in the administrative meetings. And what we don't get done in the admin meetings then we need to set up a special meeting and finish those. I think we need to be fresh in the land use. I wouldn't mind starting land use meetings at 2:00, quite frankly, but I realize the problem with that is getting the public there of course at 2:00 and you have to have open access to the public so we generally have them starting at 6:00. And I understand that.

CHAIRMAN MONTOYA: Maybe I misunderstood. We would still start the hearings at 6:00, but just move – because we have the administrative portion of the calendar before.

COMMISSIONER SULLIVAN: Right. I understand. What I'm saying is to have three hours of administrative meetings and then start the land use meetings – I really want to be fresh at the land use meetings and to dig into the issues that we're dealing with. These are important issues that affect how we're going to allocate scarce resources. To me, those are the most important meetings, quite frankly, that this Commission has. One of the most important things that we do. And certainly one of the things that we spend 75 percent of our time on, staff time and Commission time. That's – I don't want to get burned out by the time we get to 6:00 is my only concern with starting it any earlier.

CHAIRMAN MONTOYA: Okay. So we still want to set the date.

COMMISSIONER SULLIVAN: That's one opinion.

COMMISSIONER CAMPOS: Yes, I would prefer to use that early hour when we have a lot of cases and we want to be finished around 5:00 to have dinner and then to start fresh at 6:00, because otherwise it just gets hard to manage.

CHAIRMAN MONTOYA: So why don't we just look at a date where we would recognize – do the recognition, starting when? March? March is tomorrow.

MR. GONZALEZ: It's the pleasure of the Commission, Mr. Chairman. We could look to starting in April but if people still felt they had recognitions they wanted to do in March I guess we could finish out March and then look at some date in April. And I suppose we could perhaps start with maybe a Tuesday between the second and last Tuesdays of the month, something like that. Or an alternate day if you would rather do it that way.

CHAIRMAN MONTOYA: Okay. Why don't we just look at doing it that way, Gerald, scheduling something and then we'll go with it.

MR. GONZALEZ: Okay.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Let me suggest too that we could also include

with that some presentations, in my opinion. For example, like the BLM presentation today, where no action is needed and it's an information presentation for us. Let's say we have an hour of recognitions and an hour and a half of recognitions and so forth, then we could certainly fit in another half-hour presentation of that sort. Things of that nature that are not time-sensitive but nonetheless are information that you and the staff want the Commission to be aware of. I think we can wrap those in. Don't you think, Mr. Chairman?

CHAIRMAN MONTOYA: Sure.

COMMISSIONER SULLIVAN: Things like that.

CHAIRMAN MONTOYA: Sure. Commissioner Campos.

COMMISSIONER CAMPOS: Also, I would prefer not to do them in the morning. Preferably afternoon or evening. It just lets me work. I need to get those hours in the morning.

CHAIRMAN MONTOYA: Okay.

MR. GONZALEZ: From a standpoint of public attendance, Mr. Chairman, probably closer to the evening would work better anyway. So maybe if we look at some time right around 5:00 or 4:30 or something like that. Depending on presentations, we could start out with presentations and then do recognitions right after that.

CHAIRMAN MONTOYA: Okay. The other – I had a question regarding the update on the housing. What's the update on that in terms of are we going to move forward with a separate board? And then our next scheduled meeting?

MR. GONZALEZ: Mr. Chairman, Commissioners, we do have sort of a legal analysis that we can provide you, basically setting out what parameters we'd have to look at in terms of setting up a separate board. We can circulate that to you and then bring it forward for discussion at the next meeting if you like.

CHAIRMAN MONTOYA: Okay. That would be good. And then I just want to encourage us to continue moving forward with the strategic planning that we participated in last week. I think a lot of good things came out, hopefully focused the Commissioners in terms of what our priorities are and what we need to be doing as well. I think it was very good and the follow-up again is going to be when, Gerald?

MR. GONZALEZ: That was what I wanted to discuss with you under Matters from the County Manager, but we can do that now if you want. We had talked about maybe doing a two-hour sort of revisit so we can get a little more direction, get steered a little bit more by the Commission in terms of the direction that we're headed for, based on the discussions that we had on that day-long strategic planning meeting. We've got some thoughts at the staff level. We've met once already. We're going to meet again tomorrow afternoon to continue that discussion. I think with sort of a gathering sense of where to go and it will probably involve on the one hand, doing some commitment in the budget process to doing the efficiency and the improvement kinds of things that we talked about related to integrating our information systems and all of that, and the second piece looks like it will be probably moving forward with just what we talked about today, how to bring forward a plan for utilities, roads,

all the infrastructure needs across the county in pieces that you could take a look at as the Commission and approve or give us guidance about and continue to move forward. So it would be a continuation of some of the planning processes that we've already got in place but with your direction and guidance.

CHAIRMAN MONTTOYA: Okay. And then the other thing, just to inform the Commission, the Chimayo substation, which is located on the property of where the Bennie J. Chavez Community Center is will be patrolled and essentially have hopefully full-time presence there from the New Mexico State Police, working on the arrangements of getting it furnished and upgraded and we will hopefully have some presence there on a full-time basis within a month or so. So we're working on that and that's something that unfortunately our Sheriff's Department has not been able to staff. New Mexico State Department is willing to do it so we need to look into making sure also, Gerald, when the JPA does come up that we make sure that that is in there, that the provision does essentially require them to be there on a full-time basis. Because this is a significant investment that we're putting in as well as Rio Arriba County. This is a joint venture that we're working on with Commissioner Corriz, who has that area in Chimayo as well.

And then the legislative session, I'm hoping for the best. I guess all indication is hopefully the capital outlay bill will be signed by the governor. There is one concern, I will just – and I think Gerald has brought it up. I don't know if he contacted all of the Commissioners, but the potential veto of the water settlement agreement bill, within that, there's a \$20 million allocation from the state to go into the Aamodt settlement. That, along with two other Indian rights settlements are in that bill. It's a total of \$75 million and I have received word from our attorney last week, John Utton, that there may be the potential that the governor may veto that as part of about \$250 million that I guess he's got to veto in order to get the budget more in line. So I would request and ask people to contact the governor's office so that that not occur. That he look at other avenues and other potential sources of veto before he looks at this water settlement bill. This is critical. We're at a critical point in the settlement discussion right now and the agreement and this I think just sends the wrong message in terms of where the state's position is on this, if they're not willing to come up and give us some revenue that's going to be needed for this settlement from the state. So with that, I don't have anything else. Commissioner Campos.

COMMISSIONER CAMPOS: Just one last thing on the courthouse planning. It's my understanding that it takes a while to plan a courthouse, maybe as long as a year and one of the reasons that we did not get all the funding this year that we had requested as I understand it was that we weren't a ready-to-go project. And I just would like to hear, maybe in the next meeting or so, your ideas, Mr. Gonzalez, as to when we start the planning. I know we're still waiting on the governor to sign the \$1.9 million capital bill but I would like to get that going so that we're ready by the next session to have a plan.

CHAIRMAN MONTTOYA: Okay.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Just one other item that I neglected to mention as well. I wanted to reiterate our thanks to everyone who worked on the affordable housing ordinance, Homewise and everyone that spent a lot of time doing that. And I do want to also make special note of our Legal Department. I think they really responded quickly under Mr. Ross' direction. There were a number of drafts that had to be scrutinized and a lot of technical detail that went into which ordinances had to be repealed to make sure it was a clean document. There was a lot of behind the desk work that had to go on in addition to the policy issues that we had to deal with as a Commission. So kudos I think are due to the staff and I think particularly the Legal Department for the work that they did on that. I know it took away from some of our other priorities, which we've now pushed back up on the desk. Nonetheless, it's always good to get something off your desk and into the record books and I want to be sure that they realize, and certainly I and I'm sure the rest of the Commission appreciate that.

CHAIRMAN MONTOYA: Thank you, Commissioner Sullivan. I think that's very appropriate. I think unfortunately, Steve Ross and his staff sometimes are taken for granted and Steve, thank you your help with everything that you do with that.

COMMISSIONER SULLIVAN: Yes, we beat up on him a lot.

XI. CONSENT CALENDAR

B. Budget Adjustments

- 1. Resolution No. 2006-24. A Resolution Requesting Approval to Budget Impact Fee Available Cash for all Fire Districts in the Expenditure Line Items Capital Category (Fire Department)**
- 2. Resolution No. 2006-25. A Resolution Requesting Approval to Budget State Forestry Reimbursements for Glorieta and Hondo Districts (Fire Department)**
- 3. Resolution No. 2006-26. A Resolution Requesting an Increase to the 232 EMS/Other Healthcare Fund by \$40,000 for the Community Infant Program (Health & Human Services Department)**
- 4. Resolution No. 2006-27. A Resolution Requesting an Increase to the Budget of the Health & Human Services Department Budget by \$100,000 for Increased Revenue from the "Access to Recovery" ATR Vouchers Program (Health & Human Services Department)**
- 5. Resolution No. 2006-28. A Resolution Requesting an Increase to the Wildlife/Mountains/Trails Fund (233) to Budget Contribution Revenue Received for Expenditure in Fiscal Year 2006 \$3,747.36 (Project & Facilities Management Department)**

- 6. Resolution No. 2006-29. A Resolution Requesting an Increase to the Road Projects Fund (311) / Various Road Projects to Budget Cooperative Grant Agreements Awarded Through the New Mexico Department of Transportation for Expenditure in Fiscal Year 2006 \$280,426 (Public Works Department)**
- 7. Resolution No. 2006-30. A Resolution Requesting a Budget Increase to the General Fund (101) Region III Grant Program for a Grant Awarded by the Justice Assistance Grant Program Through the New Mexico Department of Public Safety for Expenditure in Fiscal Year 2006 \$20,817 (County Sheriffs Office)**
- 8. Resolution No. 2006-31. A Resolution Requesting an Increase to the Federal Forfeiture Fund (225) Region III Program Income to Budget Federal Forfeiture Restitution Revenue Received for Expenditure in Fiscal Year 2006 \$34,069.32 (County Sheriff's Office)**
- 9. Resolution No. 2006-32. A Resolution Requesting an Increase to the General Fund (101) Region III Program Income to Budget Court Settlement Restitution Revenue Received for Expenditure in Fiscal Year 2006 \$280 (County Sheriff's Office)**

C. Professional Service Agreements

- 1. Request Authorization to Award Professional Services Agreement No. 26-1826 CORR/MS to S.E.D. Medical Laboratories for Clinical Chemistry Test Services for Laboratory Services for Both the Santa Fe County Adult Detention Facility Population and the Youth Development Program Detainees (Corrections Department) WITHDRAWN**
- 2. Request Authorization to Award Professional Services Agreement No. 26-1830-CORR/MS to Nursefinders Inc. for Provision of Temporary Nursing Staff for the Santa Fe County Adult Detention Facility (Corrections Department)**
- 3. Request Authorization to Award a Professional Services Agreement to the Highest Rated Offeror in Response to RFP #26-1820-ADF/RH to provide Jail Consulting Services for the Adult Detention Facility (Corrections Department) ISOLATED FOR DISCUSSION**
- 4. Request Authorization to Accept Best and Final Offer and Award a Professional Services Agreement No. 26-0805-FD/RH, Peter Hodge to Provide as the Volunteer Firefighters Recruitment and Retention Coordinator for the Santa Fe**

County Fire Department in the Amount of \$50,960 (Fire Department)

- 5. Request Approval of Amendment #1 to Professional Services Agreement #26-04-1-HAP/KD between Santa Fe County and Las Cumbres Learning Services Inc. Increasing the Contract by \$40,000 for Community Infant Program Services (Health & Human Services Department)**
- 6. Request Authorization to Award Professional Services Agreement #26-0725-PFMD/MS to Visual Magik Group, Inc. (VGM) for Provision of Art Sculpture Molding Services \$65,000 (Project & Facilities Management Department) ISOLATED FOR DISCUSSION**
- 7. Request Authorization to Execute Amendment No. 2 to Professional Services Agreement #22-0164-FD with HRJ Architecture, LLC for the Architectural Services and Design of the Eastern Regional Hondo Fire Station, Increasing Compensation Amount to \$117,335.71 (Project & Facilities Management Department)**
- 8. Acceptance of Offer Regarding IFB 26-0609-PW/JC Sale of Used Road Maintenance Equipment with Pioneer Sales Inc. \$105,250 (Public Works Department)**
- 9. Request Approval and Execution of the 2005 Capital Cooperative Severance Tax Agreement for the County Road 84 Low Water Crossing Project from the New Mexico Department of Transportation (NMDOT)- \$166,271.66 (Public Works Department)**
- 10. Request Approval of Amendment No. 4 to the Professional Services Agreement with First Community Bank (f/k/a First State Bank) to Provide Fiscal Agent Services for Santa Fe County (Treasurer's Office)**

D. Miscellaneous

- 1. Request Approval to Award Construction Agreement to the Lowest-Cost Responsive Bidder Mike Lopez Roofing in Response to the IFB # 26-1821-YDP/RH for Re-roofing of the Youth Development Facility in the Amount of \$93,633.75 (Corrections Department)**
- 2. Request Authorization for the Purchase of 2005 Highland 5500 Model – 400 Gallon Tank/Brush Truck for Santa Fe County Fire Department, Agua Fria Volunteer Fire Department \$137,911.00 (Fire Department)**

- 3. Request Authorization for Ratification of Amendment No. 2 to Contract #24-0093-FD Indefinite Quantity Price Agreement with Nasco MSA Safety Equipment Catalog Extension of Agreement for One (1) Additional Year in an Amount of \$20,000 for FY06/FY07 (Fire Department)**
- 4. Request Approval of Amendment #2 to Joint Powers Agreement between the NM Department of Health and Santa Fe County Concerning the County's Participation in the "Access to Recovery" (ATR) Voucher Program Amending the Amount of the JPA by \$100,000 (Health & Human Services Department)**
- 5. Request Approval of Amendment #1 to NM Department of Finance and Administration, Local Government Division, Grant #06-D-J-G-27 Amending the Due Date of the Final Report and Bill for the Local DWI Distribution Grant in the Amount of \$40,000 (Health & Human Services Department)**
- 6. Request Approval of Revision to the Employee Calendar, April 14, 2006, Good Friday, Half Administrative Leave Day (Human Resources)**
- 7. Resolution No. 2006-33. A Resolution Requesting the Donation of Surplus Computer Hardware from Santa Fe County Public Works to McCurdy Elementary School (Public Works Department)**
- 8. Resolution No. 2006-34. A Resolution Amending the Santa Fe County Road Map and Certifying a Report on the Public Roads in Santa Fe County (Public Works Department)**
- 9. Request Approval to Enter a Memorandum of Agreement #26-0721-PFMD/JC with the Chimayo Youth Conservation Corps for Repair and Construction Services to the Cerrillos Hills Historic Park of Santa Fe County \$17,129 (Project & Facilities Management Department)**
- 10. Request Approval of an Agreement Between the County of Santa Fe and the Santa Fe Mountain Center for Purchase and Installation of Equipment \$25,000 (Project & Facilities Management Department)**

Calendar? CHAIRMAN MONTTOYA: Okay, could we get a motion for the Consent

COMMISSIONER ANAYA: So moved.

COMMISSIONER SULLIVAN: Second, with the withdrawals.

CHAIRMAN MONTTOYA: Yes. Correct. Motion by Commissioner Anaya,

second by Commissioner Sullivan.

The motion to approve the Consent Calendar with the exception of XI. B. 3 and 6, passed by unanimous [4-0] voice vote. [Commissioner Vigil was not present for this action.]

CHAIRMAN MONTOYA: Do we want to break for lunch now?

COMMISSIONER SULLIVAN: Yes.

CHAIRMAN MONTOYA: Till what time?

COMMISSIONER CAMPOS: Two.

CHAIRMAN MONTOYA: Two?

COMMISSIONER SULLIVAN: Two will do.

[The Commission recessed from 12:35 to 2:15]

XI. B. 3. Request Authorization to Award a Professional Services Agreement to the Highest Rated Offeror in Response to RFP #26-1820-ADF/RH to provide Jail Consulting Services for the Adult Detention Facility (Corrections Department)

COMMISSIONER SULLIVAN: Mr. Chairman, I don't know who the staff is on this.

CHAIRMAN MONTOYA: It's Corrections. Lisa, do you want to do Corrections today?

COMMISSIONER SULLIVAN: Or maybe Susan could do it.

COMMISSIONER ANAYA: How about Robert Martinez.

COMMISSIONER SULLIVAN: Mr. Chairman, my question on this was for approval for clinical chemistry test services for the youth development program and the –

CHAIRMAN MONTOYA: Is this with SED, Commissioner?

COMMISSIONER SULLIVAN: Yes.

CHAIRMAN MONTOYA: Is that one withdrawn? Oh, that's right. You're right. Let's go to 3 then. And Susan's the right person I think for number 3 too. My question on that one was I believe that the contractor that they're requesting our approval for for these jail consulting services, MGT of America, is proposing a contract that's considerably more than we had anticipated. I remember our discussions last month where we were talking about the lobbyist contract and the question was how much money do we have to spend on this, and the testimony was we had about \$200,000 to \$250,000 in contingencies that we planned to use for the lobbying as well as for this. And the lobbying was estimated at \$120,000, if that's still the case. But if we do that, and accept this proposal we're now at \$309,000. So my question is where are we going to get the extra money?

SUSAN LUCERO (Finance Director): Mr. Chairman, members of the Board,

Commissioner Sullivan, the source for that specific contract is going to have to come from reserves that we have in the enterprise fund for the jail, and we've identified some reserves. It does take, at this point, roughly a fifth of those reserves but that is what we've identified for those contracts.

COMMISSIONER SULLIVAN: Now, before you talked about the reserves and you talked about the \$250,000. What reserves were those?

MS. LUCERO: Mr. Chairman, Commissioner Sullivan, I'm sorry, the \$250,000? What did that equate to? I didn't understand that question.

COMMISSIONER SULLIVAN: Last month we were discussing the lobbying contract. The question was brought forward, I think by Commissioner Campos about do we have enough money for this. You said we have \$200,000 to \$250,000 in reserves, but we were concerned because the jail contract is exceeding what our estimate was. I was just adding the numbers and I come up with \$309,000.

MS. LUCERO: Right. The \$300,000 is what we had at the time within our general fund contingency. The \$250,000 to \$300,000 is what we had there. Now, what we've identified since then is \$180,000-plus available in the enterprise fund for the jail. So while we're using the general fund contingency for this contract, we're proposing to use jail reserve fund contingency.

COMMISSIONER SULLIVAN: Okay. And what is the enterprise fund?

MS. LUCERO: In other words, the fund that supports the entire Corrections Department, which is a combination of Youth, electronic monitoring, the Adolescent Residential Treatment Center, all of those different programs are under one enterprise fund.

COMMISSIONER SULLIVAN: Okay, and how long is this? There's no copy of the contract in here. There's just a cover memo from Randy Herrera. How long is this contract for? And what's the scope of the work?

MS. LUCERO: Mr. Chairman, I'll defer to the contracts manager for that.

RANDY HERRERA (Contracts Manager): Mr. Chairman, Commissioner Sullivan, this will be a one-year contract.

COMMISSIONER SULLIVAN: And just summarize, what do they do for \$188,000. Do they have a person full-time at the jail that's monitoring? Or do they make periodic visits, or what do they do?

MR. HERRERA: Within the scope of work that they intended to do, the intent of the contract was to have several visits similar to what the DOJ does with us right now. Under tasks, they'll do several tasks and duties.

COMMISSIONER SULLIVAN: All we have is your memo so you have to help me out here.

MR. HERRERA: Do you want to know each of the tasks?

COMMISSIONER SULLIVAN: I'm just trying to get a summary of those tasks. Do those tasks include looking at security? Do they include looking at the medical?

MR. HERRERA: Let me look that up.

CHAIRMAN MONTOYA: Commissioner Sullivan, my understanding was that this RFP was comprehensive in terms of all operations of the facility, from A to Z. So it would include all of that, including the kitchen services, food services, nursing, medical, social work, psychologist, nursing. I mean, the whole gamut from A to Z.

MR. GONZALEZ: Mr. Chairman, Commissioner Sullivan, the other thing that they'll be looking at is the structure to make sure that we've organized ourselves in a way that allows us to meet the requirements not only of the DOJ consent agreement but also that we continue to function properly as we move forward. In part it was to make sure that we put into place the kind of organizational structure that we need in order to make sure that we address the security concerns, the health concerns, the mental health concerns and all of those.

COMMISSIONER SULLIVAN: What are the deliverables?

MR. GONZALEZ: I wasn't part of the RFP process but I'm assuming we'll have a series of reports that analyze each of those areas so that we have something to refer to and that we can use as guidelines for making sure that if our organizational isn't where it needs to be we can modify it in those respects. I saw Randy nodding his head, so –

COMMISSIONER SULLIVAN: Is that what it says? Could you read the deliverables to me, Randy?

MR. HERRERA: Sure.

COMMISSIONER SULLIVAN: I'm trying to see what they're going to produce, how often they're going to produce it and what indication they're going to have with the staff and with the Commission.

MR. HERRERA: Mr. Chairman, Commissioner Sullivan, the tasks that were outlined in their proposal were project initiation, meaning setting up the audits; develop audit manuals and audit protocols; conduct operational audits, meaning there were several in there, food, security, just like the Chairman Montoya was referring to; critical incident review process; provide training; policy and procedures; manual revision and development.

COMMISSIONER SULLIVAN: And that's what they're going to be delivering? These manuals?

MR. HERRERA: Correct.

CHAIRMAN MONTOYA: The manuals and then the training, which would be part of the professional development for new staff that would be coming on. It's pretty comprehensive as I recall in terms of what we were requesting, again to ensure that we're in line with all certifications and licensures.

COMMISSIONER SULLIVAN: Do they have a man-hour estimate?

MR. HERRERA: It's a total of – actually, I don't have a copy of the contract. Could I borrow a copy of the contract?

CHAIRMAN MONTOYA: Maybe I would suggest that we table it until we can get these answers in a way where we'll all be satisfied.

COMMISSIONER ANAYA: So moved.

COMMISSIONER SULLIVAN: That's fine.

CHAIRMAN MONTOYA: Motion by Commissioner Anaya, second by Commissioner Sullivan.

COMMISSIONER CAMPOS: Are we tabling to another meeting or tabling for later in this meeting?

CHAIRMAN MONTOYA: To the next meeting.

COMMISSIONER CAMPOS: Does that cause any problems?

MR. HERRERA: Chairman Montoya and Commissioner Sullivan, I do have that answer real quick here.

COMMISSIONER SULLIVAN: Maybe he's got it. How many man-hours?

MR. HERRERA: 1034.

COMMISSIONER SULLIVAN: 1034. One thousand man-hours is about one person half of the year.

MR. GONZALEZ: Half a man-year.

COMMISSIONER SULLIVAN: It's about \$180 an hour. Well, how critical is it? I would like to see this contract, quite frankly, but also, I don't want to hold things up if we've got to have these people on board tomorrow morning. What's the criticality of this?

MR. HERRERA: The time line of it?

COMMISSIONER SULLIVAN: Yes.

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, we could postpone it until the meeting on the 14th and provide you information between now and the 14th. And maybe we could put it back on the Consent Calendar on the 14th since it's a land use item. But hopefully, we'll check with you first after providing you the information and making sure you feel comfortable with it proceeding on the 14th under the Consent Calendar.

COMMISSIONER SULLIVAN: We could do that, Mr. Chairman.

MR. HERRERA: If I might say, they'll start I guess when we tell them that we're ready for them. They do have the ten days to sign their contract and review it back to us and then tell us what the time line is for start.

CHAIRMAN MONTOYA: Okay. So we had a motion, Commissioner Anaya. Commissioner Sullivan seconded it, to table.

The motion to table item XI. B. 3 passed by unanimous [4-0] voice vote.
[Commissioner Vigil was not present for this action.]

COMMISSIONER CAMPOS: Just one question. I would like to know more about MGT of America. We have no information about who they are, what experience. I'd like to know that we're getting into a contract with a pretty qualified outfit.

CHAIRMAN MONTOYA: Okay. Thank you, Randy.

XI. B. 6. Request Authorization to Award Professional Services Agreement

**#26-0725-PFMD/MS to Visual Magik Group, Inc. (VGM) for
Provision of Art Sculpture Molding Services \$65,000 (Project &
Facilities Management Department)**

CHAIRMAN MONTTOYA: This was requested by Commissioner Vigil. PFMD, Joseph, would you come up please, and maybe tell us a little bit about this. I know Commissioner Vigil isn't here. Unfortunately, she's ill. I hope she gets well soon, but if you could maybe just summarize this.

JOSEPH GUTIERREZ (PFMD Director): Mr. Chairman, members of the Commission, what you have in front of you is a request to approve a contract with Visual Magik Group. What this is is actually one of the more challenging projects within Projects and Facilities. These are \$65,000 that the legislature appropriated to Santa Fe County and it's to develop a garden of heroes somewhere in New Mexico. This would be the first step in my understanding. We're working with an artist here in Santa Fe and the agreement that we worked out with this artist is that the County will procure the materials, all the materials necessary for this artist to prepare 20 busts of 20 American heroes, or 20 New Mexico heroes. He's going to use these busts for a design and eventually go to the legislature and show them and try and sell this vision that he has to set up this garden of New Mexican heroes somewhere in New Mexico, but again, these are dollars that were appropriated through the legislature to Santa Fe County. They expire June 30th. We are not paying the artist any dollars. All we're doing is procuring all materials for him to build these busts, whatever the artist does.

CHAIRMAN MONTTOYA: Okay. Are there any questions for Joseph on this? Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chairman, thank you. So Joseph, we've got \$65,000 that's going to run through the County so we can purchase materials for the artist to build a statue of 20 heroes?

MR. GUTIERREZ: Excuse me, Mr. Chairman, Commissioner Anaya, they're 20 molded busts of 20 American heroes here in New Mexico that have already been identified by the artists.

COMMISSIONER ANAYA: Molded what?

MR. GUTIERREZ: They're molds.

COMMISSIONER ANAYA: Full statues?

MR. GUTIERREZ: No, they're about 35 to 40, so I assume they're kind of waist-up type things.

COMMISSIONER ANAYA: Oh, busts. Okay. I thought you said you were going to put 20 heroes in a bus and put them in a garden. So what heroes and why did the money come to us? They trust us with the money that much?

MR. GUTIERREZ: Mr. Chairman, members of the Commission, why the monies came to us, I don't know but my understanding it was Senator Beffort, Sue Wilson Beffort that appropriated these dollars and the artist sold his concept. His concept is basically

talking about three gardens of American heroes in the United States. One in Washington, one he had a vision here in New Mexico. He sold his concept to the legislators and they appropriated these dollars. What he's going to be doing is making 20 busts of American heroes. I have a list here of who he's identified as American heroes here.

COMMISSIONER ANAYA: Who is the artist?

MR. GUTIERREZ: The artist's name is Boris Dimitrov.

COMMISSIONER ANAYA: And you have the names of 20 people?

MR. GUTIERREZ: I have the names of 20 people. Would you like to see them?

COMMISSIONER ANAYA: Yes, I'd like to see them. Thank you.

CHAIRMAN MONTTOYA: Okay. Any other questions? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Do we really have time for this? Quite frankly, PFMD has got its hands full. And is there someone else we can offer this honor to?

CHAIRMAN MONTTOYA: The City of Edgewood maybe?

COMMISSIONER ANAYA: Commissioner, you're on here.

COMMISSIONER SULLIVAN: The Commissioners are New Mexico heroes; there's no question about that. We certainly can't kick sand into the faces of our legislators, but we really are short-staffed. We're behind on our facilities. As I understand, Joseph, we're supposed to procure them, he's going to prepare these busts and then what? Keep them in his garage or something like that? We don't have to store them also, do we?

MR. GUTIERREZ: We'll retain ownership of them. We'll have ownership of them.

COMMISSIONER ANAYA: We've got to store them somewhere. Twenty busts.

MR. GUTIERREZ: If that's a possibility. I assume that he will have a show. He'll invite legislators. He'll invite you all. Again, this is a vision, and if he secures more dollars, the likelihood of them coming to the County is probably very high.

COMMISSIONER SULLIVAN: Thank you, Mr. Chairman.

CHAIRMAN MONTTOYA: Okay. We have a motion by Commissioner Anaya.

COMMISSIONER CAMPOS: I'll second that.

CHAIRMAN MONTTOYA: Second, Commissioner Campos.

CHAIRMAN MONTTOYA: Discussion, Commissioner Anaya.

COMMISSIONER ANAYA: Can we handle it?

MR. GUTIERREZ: Mr. Chairman, Commissioner Anaya, we have staff that's working on what we call special challenging projects. We receive federal dollars from the legislature and our position is that we use all the dollars that come to us and that's what we're doing. Some of these are difficult but we'll move with them. We're going to get probably similar projects of this type under the new funding cycle, as well as projects that the Commission and the County support also. If they get approved and signed by the governor.

COMMISSIONER SULLIVAN: Do you want to know who the first person on the list is? Dona Tules. We all know who Dona Tules is, right? She's listed as an entrepreneur and businesswoman. So those of you who haven't read *The Wind Leaves No Shadow*, you can get a little background on Dona Tules and her exploits as a woman of the night. Okay, that's just what we need.

COMMISSIONER CAMPOS: If we get things that we don't want to do, we don't have to do them. The money reverts to the general fund.

COMMISSIONER SULLIVAN: Again, Senator Wilson, I certainly want to support her. Her efforts there – I'll go along with whatever you guys say.

CHAIRMAN MONTOYA: Any other discussion?

The motion to approve item XI. B. 6 passed by unanimous [4-0] voice vote.
[Commissioner Vigil was not present for this action.]

XII. Staff and Elected Officials' Items

A. Finance Department

1. Request Acknowledgement and Acceptance of the Santa Fe County Financial Audit Report for Fiscal Year 2005

MS. LUCERO: Thank you, Mr. Chairman, members of the Board. What you have before you is the request to formally approve the financial audit for fiscal year 2005. This is in conjunction or commensurate with the requirements of the New Mexico Administrative Code which requires us to present the audit to you in a public meeting and request your approval.

We engaged in a contract this year for the second year with Barraclough and Associates to conduct the annual audit, and we have a summary indicating kind of the highlights of the audit. Number one, the most important, the auditor's report expressed an unqualified or clean opinion on the financial statements and on compliance requirements for major federal awards programs. We did have one material weakness. It revolved around the soft mortgages that the County approves with respect to mortgages on homes that are built by developers. These aren't affordable homes that are built by the County; these are affordable homes that are built by the developer. So we need to report this information.

We also had two reportable conditions. The main one being County transactions that originate outside of the Finance Department, namely, at the moment that this picture was taken, the receivables that were overseen by our jail operator subcontractor.

Also, we have issues still with billings that reside in the Public Works Department regarding road improvements, road construction. The County has developed and gone into a new era in which the enterprise fund accounting is a lot more complex and requires more oversight. Also, another reportable condition is cash control. The County has made

improvements in this area. However, there are still more than need to be made, mainly with respect to segregation of duties.

Part of the issue is the current software program will allow, for example, the Treasurer's staff to make changes without leaving an audit trail and this is an item that we still seek assistance from the software developer to change. Also, the employee benefit activities need to be directed possibly through another entity, such as a non-profit entity so as not to have the funds and the activities of that group commingled with the normal County activities.

Also, there were no instances of non-compliance that was material to the financial statements. However, we do have some items considered other facts and findings. The first one being arbitrage and post-closure cost liabilities. We have unspent funds from the 97 and other bond issues. This figure needs to be calculated for arbitrage purposes. You may remember we had a contract approved by the Board in months past to engage a contractor to do this calculation. Also, post-closure cost liabilities for the landfill need to be determined.

The second non-material item has to do with disbursement tests in which out of the sampling of 100, six exceptions were noted. Those six involved County policy not being following in professional service agreements where there was no documentation to confirm that the bid process was followed. Also documentation couldn't be provided for certain contracts. We did have one procurement violation and we had one disbursement without backup of the item being purchased and that was a value of \$1500.

The third area of non-compliance has to do with capital assets. County employees outside of the police and fire departments that are allowed to take the County vehicles home must have additional compensation reported on their W-2s at year-end in order to meet IRS and state auditor guidelines.

We also had an issue with computer equipment provided to the County without charge by the office of the Secretary of State for the voting process and this equipment needed to be recorded on the County's fixed asset records.

This is a quick summary again of the financial audit and we're hereby requesting your acceptance of an approval, and I stand for any questions.

CHAIRMAN MONTROYA: Thank you, Susan. Any questions for Susan on the audit report? Commissioner Sullivan.

COMMISSIONER SULLIVAN: The only question I would have is what are we doing to prevent these things from occurring in the future?

MS. LUCERO: Mr. Chairman, Commissioner Sullivan, we have certain things that we've put in place with respect to some items. For example, the material weakness on the affordable housing program. They're working with Housing and specifically with their accountant to identify a procedure in which as these new developments are approved within Land Use, and the lots are identified as affordable, we can begin tracking these units and record the appropriate mortgages once they sell. And then any activity after they sell, such as refinancing or selling again. We're putting that into place.

With respect to accounting transactions outside the Finance Department, we are

developing a procedure manual in which we require a particular reporting formats at particular times by all departments and we hope that with the support of the Manager's office this can be followed and we can reduce the likelihood of late or delinquent billings. Regarding cash controls, we're still working with the developer of our HT software to develop a way to void allowing someone to make changes to the audit trail. With respect to arbitrage, we have a contract in place with Ernst & Young to do the calculation for arbitrage. With respect to post-closure cost liabilities, there is a contract that Public Works has engaged in in order to calculate the new cost of that landfill closure, the updated cost, I should say.

With respect to the other items, exceptions such as County policy not being followed on professional service agreements, we're attempting to keep all departments, regardless of the department in line with what the procedure is and not to allow them to stray from the procedure without our knowing it. On the capital assets, we are working and we have put out a notice to all employees that commute or use vehicles for personal commuting that they will be taxed this year and we've calculated what those amounts are and we're reporting that, and we have reported that to senior staff about two weeks ago.

So that's what we've done to correct these deficiencies.

COMMISSIONER SULLIVAN: Thank you, Mr. Chairman.

CHAIRMAN MONTTOYA: Any other questions? Recommendation of the Board? Actually the recommendation is to approve, what's the wishes of the Board?

COMMISSIONER SULLIVAN: Move for approval.

CHAIRMAN MONTTOYA: Motion by Commissioner Sullivan.

COMMISSIONER CAMPOS: Second.

CHAIRMAN MONTTOYA: Second, Commissioner Campos. Any other discussion?

The motion to approve the financial audit passed by unanimous [4-0] voice vote.
[Commissioner Vigil was not present for this action.]

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN MONTTOYA: Commissioner Campos.

COMMISSIONER CAMPOS: Just a quick question for Ms. Lucero. There's some issues here that require some remedy or action by the Manager. Is that being taken? To be sure these things don't happen again?

MS. LUCERO: Yes. And we've identified in our management response within our audit, which you'll each get a final copy of today, what those recommendations for corrections were.

COMMISSIONER CAMPOS: Okay. Thank you.

XII. A. 2. Request Acknowledgement and Acceptance of Agreed Upon

Procedures Report for the Fiscal Year 2005 Review of the Santa Fe County Lodgers' Tax

MS. LUCERO: Thank you, Mr. Chairman, members of the Board. Again, in conjunction with our annual audit, we also require the contractor to provide us what is called an agreed-upon procedures report with respect to the Lodgers' Tax. It's a review of facilities that are categorized as high risk, moderate risk and low risk, and identifying the appropriate reporting of revenue due the County for Lodgers' Tax. So we do have three categories. The audit was based on a random selection of these lodging facilities, and in high-risk two of the three entities overpaid by a total of \$121.44 and in the moderate risk the entity underpaid by a total of \$129.00, and this is over a period of seven months. And in the low-risk classification the entity that was chosen didn't allow our auditor to perform any procedures. And this is something that's happened to us in the past with this same entity.

So overall, the deficiencies, if you will, identified were immaterial in nature to a total of I guess a net difference to the County of about \$8, irrespective of the one entity that didn't allow us to perform any procedures at their location. So with that, I'd request approval of this review and report, and stand for any questions.

CHAIRMAN MONTTOYA: Questions for Ms. Lucero. Susan, I have one regarding the entity that did not allow us to perform any procedures, is there any recourse that we have in terms of being allowed to do this or is this totally on a voluntary basis?

MS. LUCERO: Mr. Chairman, based on our ordinance, we are allowed and they are required to provide their records at the County's request. In terms of enforcement, that's something we could proceed with our Legal Department.

CHAIRMAN MONTTOYA: So are they receiving Lodgers' Tax?

MS. LUCERO: According to the reports that they're sending us, they are receiving Lodgers' Tax. We just can't verify the accuracy of that information without going to their establishment and looking at their records.

CHAIRMAN MONTTOYA: So we could potentially withdraw any support of Lodgers' Tax to this entity?

MS. LUCERO: Well, that's probably a legal question. I wouldn't want to go there on that one. I don't know. But we'll pursue any remedy that we can through our ordinance at this point.

CHAIRMAN MONTTOYA: Because if this is a mandate that we have to comply with and they're not allowing us to fulfill our requirements then I think we need to do something about it. Is there anything we can do, Gerald?

MR. GONZALEZ: There may be some avenues for going the judicial route in order to get them to produce the information that's required. I know we had a similar problem up in Taos when I was there as the Town Attorney and we had to go to court, basically, to get the records produced but ultimately got that to happen. So it's probably, I think Susan's right; it's a legal issue that we'll need to pursue that way unless they're willing to cave in short of

our having to do that.

CHAIRMAN MONTOYA: Okay.

MS. LUCERO: Mr. Chairman, there are some items that we addressed within the ordinance over the last few years that may offer the County some more improved or efficient way of verifying the entities' revenues and one would be as simple as providing a copy of the gross receipts tax report that they submit to State Tax and Rev. I think we do require that in the ordinance but not everyone complies with that. So that might be one step that would give us some immediate action.

CHAIRMAN MONTOYA: Okay.

MR. GONZALEZ: The one other thing I wanted to bring to your attention in conjunction with the Lodgers' Tax is that the legislature did last year give us authorization to increase that so that we can generate additional funding to be used for the purposes that are set out in the act, but also including parking. The legislature's idea was to give us a little bit more financial capacity in terms of supporting the City of Santa Fe with respect to their parking facility. I don't know if that's something the Commission would want to take a look at but we can lay that out for you if you like at a future meeting, just so you know what the parameters are.

COMMISSIONER CAMPOS: I'd like to know.

CHAIRMAN MONTOYA: Yes. That would be good. Okay. We have a recommendation by staff.

COMMISSIONER ANAYA: So moved.

CHAIRMAN MONTOYA: Motion by Commissioner Anaya.

COMMISSIONER CAMPOS: Second.

CHAIRMAN MONTOYA: Second, Commissioner Campos. Any other discussion?

The motion to accept the Lodgers' Tax audit report passed by unanimous [4-0] voice vote. [Commissioner Vigil was not present for this action.]

XII. B. Fire Department

1. Resolution No. 2006-35. A Resolution Requesting Fireworks and Open Burning Restrictions due to Extreme Fire Conditions in Santa Fe County

BUSTER PATTY (Fire Prevention Division): Mr. Chairman, Commissioners, we're requesting today permission today to go into burn restrictions effective today due to the high fire dangers that we've all experienced in the last several months of this winter, lack of moisture. We've got several things that we can show you in comparison to last year, the year of the Cerro Grande fire in 2000. Do you have your handouts? *[Exhibit 2]*

As you can see on the charts there, we've got a comparison with 2005 and then this year, 2006, that shows the conditions. That's the energy release component chart, of what the energy is releasing in all the fire fuels that are out there right now for the lack of moisture that is in the fuel. As you can see, right now, as of today, these are taken in a five-day period. So this is five days ago that this was taken. We do have today's chart – I've printed out here; I can show you. Last weekend we got a little bit of moisture in the high mountain areas in the northern part of the state and the temperatures dropped. So you can see a tremendous plunge in this year's and this month's and this week's fire rating here. But it's now jumped back up and you can see that it's already jumped as of today – we took these this morning – it has jumped all the way to the extreme.

So with the winds and we're on a red flag day today and we're looking at a pretty serious season here.

CHAIRMAN MONTOYA: Okay. Any questions for Mr. Patty?

COMMISSIONER ANAYA: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: I believe that there was a grass fire in the town of Edgewood.

MR. PATTY: There is one going on right now as we speak. They're in mop-up stage right now but we did have – we're having brush fires but not structure fires, brush fires on the average of one to two a day right now in Santa Fe County. And that's not counting the ones that are mutual aid with some of the adjoining counties that we've been responding to such as Moriarty.

COMMISSIONER ANAYA: Do we have – I'm sure we have a plan for our county in terms of areas where – let me give you an example. That road that goes right past the Hondo station to the left.

MR. PATTY: The Barberia Road area.

COMMISSIONER ANAYA: The Barberia Road. There's only one way in and one way out there. How are we – if we do have a fire in that area, I'm sure you all have some kind of idea how we're going to get out of there.

MR. PATTY: Well, we have several places in the county that are of real concern to us because of the one-way ingress/egress and we are working on ways to try to address how we're going to get these people out. We do have a problem with traffic as we're trying to go in to attack these fires and we have people coming out. Those are some of the areas that are just real difficult areas and it's mainly going to be a combination of Santa Fe County and the Forest Service, of notifying these people. It may be as difficult as going door-to-door to get people out.

CHIEF HOLDEN: If I could add, Mr. Chairman, Commissioner Anaya, we've met with several of these communities in the past few years, even before Cerro Grande and we've talked with them about their evacuation plans and what they need to do to address their circumstances as a result of their ingress/egress faults that are pre-existing to long before

I got here and certainly long before this Commission was seated. And it's a concern. This is part of that plan, to get the word out to them as early as we possibly can, to put them on notice that conditions are such that they need to review their evacuation plans and what they're supposed to do in the event of a fire in their neighborhood.

COMMISSIONER ANAYA: I think that it's important that we go into this stage and that we continually tell our constituents out there what a danger it is out there when we meet with our people in the communities to be very, very careful. Thank you, Mr. Chairman.

CHAIRMAN MONTROYA: Thank you, Commissioner Anaya. Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Chairman, Chief Holden, we're in probably one of the driest years in over 100 years and one of the warmest years in a long time. It seems that this summer we're in great danger. What if there is a big fire? What plans have you made to respond? I'm sure you're coordinating with the City, the County, the feds. But it has potential for having a catastrophic fire or a number of catastrophic fires this burn season.

CHIEF HOLDEN: Mr. Chairman, Commissioner Campos, you're exactly right. The potential there for catastrophic fire exists today. We've recognized the potential for a number of years, previous to even Cerro Grande, and as a result, the County Fire Department began implementing plans to educate and train a number of our firefighters as wildland specialists, so that their training is specific to fighting fires in these types of conditions and this type of scenario. In addition, Mr. Chairman, we've worked very closely with the neighboring agencies, including the National Forest, the State Forestry, the City of Santa Fe, both police and fire, and with our County Sheriff in putting together an emergency operations plan. And that plan would go into effect were we to experience a catastrophic fire.

Of course, our primary concern is public safety and paramount to public safety is human safety. We want to make sure we have no human loss secondary to a large, catastrophic fire. And that would be our primary concern. Secondarily, we're always concerned about firefighter safety and then our concern for engaging any type of fire, whether it be through an offensive or defensive tactic or approach to containing the fire. So first and foremost, it's always trying to get people out of the immediate area and the area that the fire may be headed, is our first and foremost concern.

COMMISSIONER CAMPOS: How are we doing with the Santa Fe Canyon, where the City has the huge water reservoirs? Is the thinning process continuing there?

CHIEF HOLDEN: It is, and they've done very good work there in that area, but certainly much more work needs to be done. I'm sure the Commission is aware of the significant problem that has been existing there as you pointed out, because of hundreds of years of – I don't want to say neglect – but not managing that area correctly.

COMMISSIONER CAMPOS: So does that mean that potentially could endanger our water supply? A huge water supply for this area.

CHIEF HOLDEN: It could. Yes, sir.

COMMISSIONER CAMPOS: Do feel satisfied that we have the agencies coordinated and the resources to deal with a catastrophic fire at this time?

CHIEF HOLDEN: Mr. Chairman, Commissioner Campos, I wish I could say that I felt confident in the number of resources, but I do not. I could certainly point to California as an example. The state of California has tremendous resources when it comes to firefighting from both the state and local agency level. They have numerous state aircraft, both helicopters and air tankers for suppression efforts in the wildland interface areas. They have huge numbers of hand crews, actual firefighting crews that go into the fire line to create a line around the fire. We don't have those types of resources and as a result we're concerned because there are a lack of resources that the state and at the local level to engage in an offensive attack as you might see in the state of California. And therefore our concern primarily is evacuation, first and foremost to protect the public. And this resolution today that we're asking you to approve is paramount in getting the public educated and their awareness heightened to their safety. So that they're making plans to address the immediate needs of themselves and their families if there were to be a catastrophic fire in their neighborhoods.

COMMISSIONER CAMPOS: So the key right now for us is to disseminate this information.

CHIEF HOLDEN: Yes, sir.

COMMISSIONER CAMPOS: And to let people know about these regulations as effectively as we can. And I would maybe ask you to work with our County Manager to see if we can come up with a plan to disseminate this as widely as possible if there are new regulations or new dangers and do the best we can under those circumstances.

CHIEF HOLDEN: Mr. Chairman, Commissioner Campos, I might also point out to you that the Santa Fe County is one of the few jurisdictions in the nation that imposes a wildland urban interface ordinance or code, development code, specifically because of these concerns. So we appreciate the past support of this Commission and the efforts that have been forth by the County in addressing fire prevention specifically in this type of interface area throughout the County.

COMMISSIONER CAMPOS: Do you think we've been successful in the result? Are the citizens responding to all the information you're putting out there?

CHIEF HOLDEN: We believe they are. There are a number of places, communities, neighborhoods that have come together and worked together to thin specifically dense areas in and around their neighborhoods. Individually, they need to do more along the lines of creating a defensible space around their homes. Along that line, I would encourage them that if they not, to visit the County website, Santa Fe County.org and there is specific information in the website about how they can create defensible space around the home. There are also evacuation plans that are available from FEMA and that website is also easily accessed. It too, www.fema.com, and that also will be a site that they can look at for preplanning for their evacuation needs, because it may be more than just a day that they'll be expected to leave their home and there are specific things that we as a fire department that we

ask them to do if they are asked to evacuate. Number one is not to lock their door, because the firefighters may need to actually get into their homes to fight fire and they may also need to utilize their home as an area of safe refuge if the fire were to overblow their safe zone.

There's much more information, Mr. Chairman, Commissioner Campos, which I wish I could stand here and give the public at large but I realize we're short on time and I would encourage them to visit the County website and that will link them to the areas that we would like them to review.

COMMISSIONER CAMPOS: Well, I would suggest to the Commission that we support an effort of getting the word out in the best way possible and as soon as possible so that people are made aware. This is really an extra-ordinary situation we're in and they've got to know that and they've got to take precautions to protect their own property. I think that's what we need to do, Gerald. Do you have any ideas?

MR. GONZALEZ: Mr. Chairman, Commissioner Campos, one thing we have talked about in the past is doing some kind of video recording and playing those through the public access television station and perhaps throughout this fire season we can look at doing something during the breaks for the Commission meetings so that people can access that information. We've also posted it. I know the fire department has done an excellent job of doing posting not only here but kind of throughout the region, just letting people know. They do monitor and post the current fire category hazard so people know what it is and just getting out into the community. But we'll take a look at doing some sort of video production that perhaps we can run during the breaks of the BCC meetings.

COMMISSIONER CAMPOS: What about PSAs, public service announcements on the radio or TV or some mail-outs? Something in the newspaper? I don't know.

MR. GONZALEZ: We'll do that as well. Obviously, we'll be doing press releases as we go through the season because statuses will change depending on weather conditions and so forth.

COMMISSIONER CAMPOS: Thank you. Thank you, Mr. Chairman.

CHAIRMAN MONTROYA: Any other questions? Commissioner Anaya.

COMMISSIONER ANAYA: Yes. When they had the Katrina disaster they had a problem with communication and who was in charge and I'm sure you've all worked that out but I just wanted to hear it from you to make sure that we're not going to run into that problem.

CHIEF HOLDEN: Mr. Chairman, Commissioner Anaya, I'm grateful to state that our community is working very closely together with both City and County fire agencies and City Police and County Sheriffs. As you know, we were lucky enough to receive an appropriation from the federal government and we purchased a command vehicle specifically for that purpose to improve and enhance communications between agencies during an incident like this. I think the one area that if there is a lesson learned from Katrina it would be that the local agencies will take the brunt of whatever the emergency is, at least for the first few days

until help arrives because it's not going to arrive very quickly from the federal government. And it's not intended to.

While Katrina was a huge, huge catastrophic incident for our country, in looking back and looking at the after-action reports for Katrina, it's amazing the number of agencies that were able to come together, not just locally but from other states and other jurisdictions to come and help out in that situation. I'm just returning from California for a chiefs' training there, I can tell you that the Topanga fire in 2003, 13 civilians were killed in the Topanga fire and one firefighter, and those fire deaths were secondary to the fire overtaking people in their cars evacuating the fire. So it's a very serious incident and the lessons learned from other jurisdictions, I think are applicable to Santa Fe County and to the City of Santa Fe. And we need to do everything we can as an agency to make sure that we don't experience those same type of losses in our community.

COMMISSIONER ANAYA: Do you have everything that you need from the Commission in order to do your job in an effective way if we were to have one of these today or tomorrow or in the future?

CHIEF HOLDEN: Well, Mr. Chairman, Commissioner Anaya, we could always use more. There are limited air tanker support throughout the region, not just in the state of New Mexico, but including Arizona, Texas and Colorado and Utah. There are limited resources that are available. I understood just recently from a recent update that we received that the state is going to be bringing in our resources much earlier than they have in the past. That's also a key issue that I think the Commission needs to hear and the public needs to hear. Our fire conditions today are worse than they were in May of 2000 when we experienced the Cerro Grande Los Alamos fire. The conditions are worse and the conditions are worse at an earlier time and this is February 28th. It's not May. We expect those type of conditions in the state of New Mexico in May. We don't expect them in February.

COMMISSIONER ANAYA: Thank you.

CHAIRMAN MONTOYA: Okay. Any other questions? What are the wishes of the Commission?

COMMISSIONER CAMPOS: Mr. Chairman, I'd move that we adopt the resolution.

CHAIRMAN MONTOYA: Okay. Motion by Commissioner Campos.

COMMISSIONER SULLIVAN: Second.

CHAIRMAN MONTOYA: Second, Commissioner Sullivan. Any other discussion? Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Chairman, I think these are extraordinary circumstances, Gerald. I think we need to sit down and get our resources together and a plan together as best we can and get the word out.

CHAIRMAN MONTOYA: Okay. Commissioner Sullivan.

COMMISSIONER SULLIVAN: I'll just reiterate. I really do like the PSA, video suggestion on Channel 6 or wherever we can put it. Every commercial channel has to

run a certain number of hours of PSAs every month and they're usually looking for clips and things that would be of interest to me would be simple evacuation procedures, what do you take? Again, what do you do with your house? Do you leave the shades up? Do you leave the shades down? Do you leave the doors locked? Do you leave the doors unlocked? Do you leave vehicles in the driveway? Do you take all the vehicles? What do you do with pets? What do you do with livestock? What do you do with valuables? All of these. Do you leave hoses running? Any of these really simple things that you don't have time to think about when someone comes knocking on your door and saying, Get ready. In two hours you may be required to evacuate. We'll let you know. It's too late then.

So I don't know if you have that in your budget, Stan. Do you?

CHIEF HOLDEN: We don't have a budget specifically for PSAs but I do think we have the internal resources to do something in the county to help us put those together. I know that Rob Yardman is very talented in this area and I'm sure that he could help us to gather some PSAs.

COMMISSIONER SULLIVAN: Let's do that. Let's get Rob and get a group together and get some things out on the air right away. Put the County logo on it so people know where this is coming from and that it's countywide. I know Bernalillo County has approved a resolution like this just the other night, I think. So they realize the seriousness of it. I think that more than anything will expose people to the realization that we've got a dry season. I know when I walk on my front lawn which is all gramma grass, it crunches. It's just crunch, crunch, crunch. And you don't have to be a rocket scientist to know we've got a serious problem.

CHIEF HOLDEN: And you're right, Commissioner Sullivan. I appreciate your bringing those points up. Those are very valid concerns and points and we do appreciate, I must say, since I have the podium here for just a second, the help that we do receive from our local newspapers. They've been very good about getting the word out and helping us get the word out, and also our television stations. We'll try to also utilize the resource of our local radio stations and PSAs to additionally try to get the word out and we appreciate the recommendations from the Commission. Thank you.

CHAIRMAN MONTROYA: Okay. Stan, regarding the coordinated effort that Commissioner Anaya was referring to in your discussion, it sounded like everything is going to work well. That includes the northern part of Santa Fe County as well?

CHIEF HOLDEN: Absolutely, Mr. Chairman. It's not only just Santa Fe County. It's bordering agencies as well. So the operations plan, it includes areas that aren't specific to our jurisdiction.

CHAIRMAN MONTROYA: Okay. Great. And I think - I don't know if another avenue of keeping people updated would be through periodic press conferences. I think maybe we ought to consider going that as well so that if there is a change or there is a concern that has arisen at that time that we address it immediately that way and these people are continually informed as well. So I'll just throw that out as well.

The motion to approve Resolution 2006-35 passed by unanimous [4-0] voice vote.
[Commissioner Vigil was not present for this action.]

XII. C. Health & Human Services Department

1. Accept Santa Fe County Maternal and Child Health Plan Update as Reviewed and Accepted by the Santa Fe County Health Policy & Planning Council

EDY POWERS: Good afternoon, Commissioners and Chairman. I'm Edy Powers. I'm coordinator for the Santa Fe County Maternal and Child Health Council. Kristi Readyhough, who is our council chair, [inaudible] We are here to request the acceptance of the Maternal and Child Health plan update for the years 2006 to 2010, As you know, I'm sure, the County Maternal and Child Health plan of 1991, the Boards of County Commissioners in the state the opportunity to plan MCH Councils with the primary responsibility was Maternal and Child Health planning and the creation of a Maternal and Child Health plan for the County.

The first one was completed in 1992 and there have been four updates since that time. The Maternal and Child Health plan update is intended to reflect the health status of maternal, family, and child health in the county and to identify priorities that will provide and guide the work of the Council in the next four years. Over the past two years the Council has become an affiliated Council with the Health Policy and Planning Commission and plans are underway to update their *Call to Action* some time in the spring, and the Maternal and Child Health planning will be included in that document. The plan update has been recommended for acceptance by the Santa Fe County Maternal and Child Health Council and subsequently by the Health Policy and Planning Commission. We thank you for your consideration of this request.

CHAIRMAN MONTOYA: Okay. Thank you, Edy. Any questions for Edy?
What are the wishes of the Commission?

COMMISSIONER ANAYA: Move for approval.

CHAIRMAN MONTOYA: Motion by Commissioner Anaya.

COMMISSIONER SULLIVAN: Second.

CHAIRMAN MONTOYA: Second, Commissioner Sullivan. Further discussion?

The motion to accept the update to the Maternal and Child Health plan passed by unanimous [4-0] voice vote. [Commissioner Vigil was not present for this action.]

CHAIRMAN MONTOYA: Edy, thanks for all your work with MCH. You've been with us how long now?

MS. POWERS: Since 1997.

CHAIRMAN MONTOYA: Since '97. Thank you very much. Appreciate it.

XII. C. 2. Request Authorization of a 1.0 FTE Term Position for a Sobering Center Project Manager in the CARE Connection Program

MARY JUSTICE (CARE Connection Project Manager): Mr. Chairman, as you know, we are currently in the remodel process of part of the building for establishment of a sobering center. On the schedule there they are expected to be finished around June 30th. I'm asking for the FTE at this point because they're a little ahead of schedule, actually and I would like the opportunity to bring all the sobering project managers a least a couple of months before we open, two to two and a half months before we open. There's a lot of work to be done because of the new program. A lot of start-up kinds of things, policies and procedures, licensing issues, staffing and a lot of other things. So I am requesting that FTE at this point.

CHAIRMAN MONTOYA: Okay, Commissioner Campos.

COMMISSIONER CAMPOS: Ms. Justice, how many dollars are we talking about?

MS. JUSTICE: For this position?

COMMISSIONER CAMPOS: Yes, ma'am.

MS. JUSTICE: I think it's at \$21 an hour. I think that was about \$42,000, \$41,000/\$42,000.

COMMISSIONER CAMPOS: Plus benefits?

MS. JUSTICE: Plus benefits, yes.

COMMISSIONER CAMPOS: Okay. Thank you.

CHAIRMAN MONTOYA: Okay. Any other questions?

MS. JUSTICE: And I wouldn't be filling this until probably May. I was basically going to keep an eye on the renovation. If it moves a little more quickly I'd be able then to bring somebody on.

CHAIRMAN MONTOYA: Okay. Could I have a motion please?

COMMISSIONER CAMPOS: Motion to approve the one FTE, term position for project management for CARE.

CHAIRMAN MONTOYA: There's a motion by Commissioner Campos.

COMMISSIONER SULLIVAN: Second.

CHAIRMAN MONTOYA: Second, Commissioner Sullivan. Further discussion?

The motion to approve the FTE for the sobering center manager passed by unanimous [4-0] voice vote. [Commissioner Vigil was not present for this action.]

XII. C. 3. Request Authorization of a 1.0 FTE Term Position for a CARE Connection /Sobering Center Program Specialist

MS. JUSTICE: Thank you, Mr. Chairman. The first position relates to the joint powers agreement that you approved as part of the Consent Calendar. The County has a joint powers agreement with the Department of Health for the administration of the Access to Recovery voucher program. The amendment that was approved earlier provides the County with an additional \$100,000 and the intent there is for us to double the number of treatment vouchers that we're issuing out of the assessment center for people to have substance abuse treatment and recovery services. So this position is similar to a case management position. It's just what we call it, a Health and Human Services program specialist. This will enable us to do start doing more mobile assessments, particularly up in the Chimayo area and we are doing some other things as well though amending the PMS contract and doing some contracts with therapists.

But this position also we can share when the sobering center comes on line, this person could be shared in both programs. The funding would come out of the \$100,000 the Department of Health is putting in to the joint powers agreement.

CHAIRMAN MONTOYA: Okay, any questions?

COMMISSIONER CAMPOS: Dollars?

MS. JUSTICE: This position is \$15 an hour, so that's about \$30,000 salary plus benefits.

CHAIRMAN MONTOYA: That are coming out of the \$100,000.

MS. JUSTICE: Yes.

CHAIRMAN MONTOYA: Okay. Any questions? We have a recommendation, and do we have a motion.

COMMISSIONER SULLIVAN: Move to approve.

COMMISSIONER CAMPOS: Second.

CHAIRMAN MONTOYA: Motion by Commissioner Sullivan, second, Commissioner Campos. Any other discussion?

The motion to approve the CARE specialist FTE passed by unanimous [4-0] voice vote.

CHAIRMAN MONTOYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Gerald, while we're talking about FTEs, are you going to be bringing us forward an FTE request for the affordable housing coordinator?

MR. GONZALEZ: That's in the works and we will be, Mr. Chairman, Commissioner Sullivan. It's pretty clear to us we will need somebody who can handle that and it's going to be, as we're aware from looking across the street at the City, it's going to be a

complex job and we'll require an additional FTE.

XII. E. Project & Facilities Management Department

1. Resolution No. 2006-36. A Resolution Establishing Criteria for Trails

PAUL OLAFSON (Open Space and Trails Division): Mr. Chairman, Commissioners, before you today is a resolution to establish criteria to help guide COLTPAC when they're reviewing, and also for the Board when we're reviewing trail acquisition projects. And currently, the large majority of the bond monies for open space acquisitions, fee acquisitions of large parcels has been spent down. There remains approximately \$1.5 million, however, for trails projects. In order to guide that process and make sure we're getting the most bang for our buck, we have worked with COLTPAC and staff to create this set of criteria to help the committee and the Board to determine if a trail project is useful and if it's appropriate for those funds. I stand before you for any questions.

CHAIRMAN MONTOYA: Any questions for Paul? Okay, we have a recommendation. How about a motion?

COMMISSIONER ANAYA: So moved.

CHAIRMAN MONTOYA: Motion, Commissioner Anaya.

COMMISSIONER CAMPOS: Second.

CHAIRMAN MONTOYA: Second, Commissioner Campos. Discussion, Commissioner Sullivan.

COMMISSIONER SULLIVAN: On your recommendations for trails, Paul, I didn't see any discussion of the surfacing of the trail. There's a discussion of widths and variety of widths and so forth. Did COLTPAC have any thoughts on that?

MR. OLAFSON: Mr. Chairman, Commissioner, I'm looking for the exact section right now. There is a section in there related to urban area trails and conformance with ADA requirements, Americans with Disability Act requirements. Generally, the trails I believe we're envisioning are more of an unimproved type trail and similar to a Dale Ball trail surface. It's basically a project by project situation. For example, the spur trail in the Community College District was part of a district network and it had certain requirements. So I think we would consider that as a proposal is brought forward. We don't have any specific guidelines. I think it would be better to leave that flexibility open so we can look at it on a case-by-case basis.

COMMISSIONER SULLIVAN: And once these trails are built, whether they're graveled or not graveled or paved or not paved, then who maintains them? Your department?

MR. OLAFSON: Mr. Chairman, Commissioner Sullivan, that depends. Generally it would be dependent on our department if we are granted an easement

then eventually building the trail, then to maintain it. However, in given scenarios, maybe working with a large development, maybe with the homeowners association. Maybe in the example of the Cerrillos Hills, we have the Park Coalition, which is a volunteer organization that helps us kind of maintain and take care of the trails.

COMMISSIONER SULLIVAN: I just wondered because they are constructing a trail now along Dinosaur Trail to go out to Richards Avenue. It's a narrow graveled trail. It goes beyond, of course, the extent of the homeowners – of the development itself and I wondered who's going to maintain that once it's constructed. Will that be the County?

MR. OLAFSON: Mr. Chairman, we have not been approached about any maintenance responsibility for that trail. I'm assuming that the developer [inaudible]

COMMISSIONER SULLIVAN: Okay. Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chairman. Question in terms of trails. Are all trails open to bikes, pedestrians, equestrians? If you put gravel on a trail then the equestrians will probably tear it up, but if you pave it, that's like saying you don't want equestrians. How are we addressing that issue?

MR. OLAFSON: Mr. Chairman, Commissioner Anaya, generally, we try to allow within our easements for those three uses – pedestrian, equestrian and bicycle. In some certain instances it might not be appropriate to have all three uses. Or it might be appropriate to have a separated alignment for pedestrian/bicycle or pedestrian – one alignment bicycle and then horses and bicycles can share the same trail. Again, it's [inaudible] We definitely aim to include the opportunity for all three uses. Sometimes there's not the room or if you're in an urban setting, there's just no horses there or there wouldn't be horses. So we definitely aim to accommodate all three uses when it's possible and when it's practicable.

COMMISSIONER ANAYA: Okay, good. Thanks, Mr. Chairman.

CHAIRMAN MONTOYA: Okay. We have a motion and a second.

The motion to approve Resolution 2006-36 passed by unanimous [4-0] voice vote.
[Commissioner Vigil was not present for this action.]

XII. F. Water Resources Department

1. Request for Approval of Water Service Agreement for Sonterra LLC

DR. WUST: Thank you, Mr. Chairman. What you see in front of you is the latest of the water service agreements. Technically, if you look at the water service agreement, I think there's the name of the partners. It's Burro Alley Partners but it's for the Sonterra Development, hence the two names.

It is for 25 acre-feet. I will note that this development has a master plan approval. It is

within the Community College District and within the Community College District there's a requirement that developments hook into the County water system when available, and therefore they came forward for a water service agreement. This agreement was worked on between the County, primarily Jack Hiatt out of legal and a representative for Burro Alley Partners, Rosanna Vazquez, who is here today, so if you have some specific questions on that, their representative is here. Also Joe Catanach from the Land Use Department is here. He worked on the master plan for Sonterra Development. And I stand for questions.

CHAIRMAN MONTOYA: Steve, what's the staff recommendation on this?

DR. WUST: Mr. Chairman, we recommend approval. This is within the Community College District and a designated growth area, which is an area the County emphasizes hook-ups to the County water system.

CHAIRMAN MONTOYA: Okay. Thank you. Commissioner Campos.

COMMISSIONER CAMPOS: Dr. Wust, as I understand it, there's 27 acre-feet of in-basin that will be transferred to the County.

DR. WUST: Mr. Chairman, Commissioner Campos, that's correct, that will be transferred to the County.

COMMISSIONER CAMPOS: Now, when you say will be transferred, how long will it take to be transferred?

DR. WUST: Mr. Chairman, Commissioner Campos, that's probably better answered by Rosanna because I don't know what stage they're in in terms of the transfer at the moment. Generally, if they're just starting the process it's a year or so.

COMMISSIONER CAMPOS: It's at least a year?

DR. WUST: Yes. Generally, a lot of times in-basin transfers get protested too, so that's always an issue.

COMMISSIONER CAMPOS: So there's a possibility of complications. Okay.

DR. WUST: Mr. Chairman, Commissioner Campos, if I may thought, there's always a provision in the agreement that if the transfer doesn't happen for some reason, or it's reduced, then the water service agreement follows along. If they don't get 27 acre-feet, if we can't get 27 acre-feet of water transferred.

COMMISSIONER CAMPOS: If we commit today to the eight plus the 27, the eight that's already allocated out of 500 acre-feet, plus the 27 in-basin, we're committing interim water to that?

DR. WUST: Mr. Chairman, Commissioner Campos, that comes out of the 375. If that's what you're asking.

COMMISSIONER CAMPOS: Yes, that's what I'm asking. And if there's a delay of one or two years, we're borrowing from interim to wait for the in-basin transfer?

DR. WUST: There wouldn't be any water delivered for a while anyway, because they haven't even started their development. They cannot go forward with the final development plan, which they have to do before they even begin construction until they have a water service agreement. It's sort of the order of things.

COMMISSIONER CAMPOS: So Phase 1-A is scheduled for the spring, winter/spring of 08. So we still have some time.

DR. WUST: It's some distance away in time.

COMMISSIONER CAMPOS: May I ask Rosanna Vazquez a question?

DR. WUST: Sure. If the applicant would come forward please.

ROSANNA VAZQUEZ: Good afternoon, Mr. Chairman, Commissioners.

With regards to the question of transfer, the rights that we were going to turn over to the County are Zafarano rights. They are the rights that came out of the area where the Target is now. They have been reviewed by the Office of the State Engineer. Several developers have them. Mr. Komis [inaudible] They are pre-1907. They are some of the best in-basin rights that you can acquire here. Steve Ross can correct me if I'm wrong but the beauty of these rights is that you can use them for any sort of alternate water system that you would like to do and not transfer them to the diversion. So I had understood that we were going to transfer the ownership over to the County and you would hold on to them because they are so valuable.

You are able, by transferring them to the County, you don't have to worry about putting them – you don't have to worry about the beneficial use analysis with the State Engineer. And so that's the beauty of these in-basin rights and that's why they are so costly, and that's what we are turning over for this water service agreement.

CHAIRMAN MONTOYA: Commissioner Campos.

COMMISSIONER CAMPOS: The transfer, how long will the transfer take before this water transfer is approved to a County point of diversion?

MS. VAZQUEZ: Typically, in-basin rights, it's going to depend on where you're transferring them to. From the distance between the location, from Zafarano to wherever you're going to transfer them. That will determine how many protests you get, if any. Typically, a year is about right with in-basin water rights.

COMMISSIONER CAMPOS: And you won't be needing these water rights for a year or so.

MS. VAZQUEZ :If you look back to the exhibits on the water service agreement, we tried to be a little innovative with this agreement and give you some flexibility with regard to allocation and delivery.

CHAIRMAN MONTOYA: Is that Exhibit B?

MS. VAZQUEZ: That is Exhibit B. Yes, sir. We are going to be coming in for preliminary plan approval this year and don't expect to be constructing until late 2007 or spring of 2008. So we would really be looking at a delivery schedule of around 2008. And if you notice, we're only looking at, for that first year, 11 acre-feet of water. That's very conservative, Commissioner.

COMMISSIONER CAMPOS: Okay. Let's see. That's all I had, Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: We had an extended discussion this morning

about the fact that we're now potentially over-committed on the 375 acre-feet to the tune of about 483 acre-feet. So the staff has been working on a methodology to help us prioritize these issues. The concern that I see on page 3 with paragraph 3.A, although it makes reference to phasing, it still locks up 35 acre-feet. The first concern I have is that that doesn't jibe with the 33 acre-feet in Exhibit B. Is there a reason for that, Ms. Vazquez?

MS. VAZQUEZ: Exhibit B gives an approximation of about 11 acre-feet. It's just going to depend really on what parks are put in, how much water we're going to need for landscaping on that. That's why I made it approximately 11 acre-feet. But we do need, we are requesting 27 acre-feet of water.

COMMISSIONER SULLIVAN: I understand, just the way we did with the Komis development because that locks that amount up. We're at the point now where we don't have the water left to lock up for speculation. So that's my concern. Mr. Chairman, one possible resolution I see to that is to proceed with phase 1-A as the applicant has estimated, which is for 11 acre-feet. They can then come back when they get closer to phase 1-B and 1-C, which doesn't take place until actually 2009 and 2010. At that point in time, hopefully the Buckman diversion will be on line. We don't know, but that's the estimate. So that's I think a strategy that helps us ration our water rights so that at this point in time what the applicant would need by their own estimation would be three acre-feet from the 375 acre-feet, coupled with the eight acre feet which they already have from the original 500 acre-foot allocation, which would give them the 11 that they need to move forward with their preliminary plan approval. That would be my suggestion of an amendment to that paragraph 3.A.

CHAIRMAN MONTOYA: Okay. Anything else? Commissioner Campos.

COMMISSIONER CAMPOS: Question for Commissioner Sullivan. Don't you think that the plan says that, if they're saying we're only going to use 11 acre-feet, we're not really tying anything up, are we?

COMMISSIONER SULLIVAN: The way I read it we are, but if Mr. Hiatt or Mr. Ross can read it to me differently, then I'm certainly willing to be convinced. It reads to me that the project will require total deliveries of 35 acre-feet. The customer requires an additional 27 acre-feet to serve phase 1 and the total allocation to all phases is set forth in the exhibit. The County agrees to deliver water in accordance with the time frame set forth in Exhibit B. So by that sentence it seems that we are agreeing at this front end to deliver 11 acre-feet in the winter and spring of 2008, another 11 acre-feet in the winter and spring of 2010. That seems to be what we've agreed to here. So that may be phasing in so far as estimating the rates or something like that that we might need for the County, but it doesn't help us with the banking of the 375 acre-feet of water rights. We've locked those additional 27 acre-feet up.

COMMISSIONER CAMPOS: But if all goes according to schedule, we'll have possession within a year of all that water so we'll have a little extra water.

COMMISSIONER SULLIVAN: That would be great. Then I think that would be a compelling argument for the applicant to come back and say these rights are as good as we say they are. We don't have any indication in here from the State Engineer that they are

that good or that the State Engineer will accept them or transfer them. But within a year, the applicant comes back and says it took us a year. We transferred these water rights or a portion of them that were needed and it looks like the process was reasonably handled. That should go fairly smoothly into phase 1-B and 1-C. In the meantime, we won't have had to set aside this 27 acre-feet which we really wouldn't use if what the applicant says is correct, if they're in-basin rights and they're going to go smoothly along for a year, and they're going to be transferred to a point of diversion designated by the County, we shouldn't have to borrow off of those 375 at all. So I'm just leery about making that long-term commitment of those 375.

COMMISSIONER CAMPOS: I'd like to ask Mr. Ross to see what his thoughts are on this discussion. Are we tying up something and pulling it out of the 375?

MR. ROSS: Well, Mr. Chairman, Commissioner Campos, you would be obligating a total of 35 acre-feet per year. The timing of the phasing certainly suggests that at least of the 375 that we've been so worried about, 11 would be subject to a delivery in winter spring of 2008 and the remaining 22 acre-feet would be subject to delivery after the BDD is on line. And that would be consistent with some of the other agreements we've had where there is no delivery obligation on the part of the County until after BDD is on line.

Now that's not exactly how this works. This is done in terms of timing, but because of the timing and the fact that BDD is scheduled at least at this point to be mid to late 2009, it's certainly what that suggests.

COMMISSIONER CAMPOS: Because these are in-basin that's a little bit different from bringing it from the river.

MR. ROSS: We would definitely not want to transfer these rights to the Buckman Direct Diversion. That would be not a good thing. What the agreements we've prepared lately have done is they've obligated the applicant to transfer ownership of all the water rights up front, even though there's not a delivery obligation for maybe perhaps many years, the theory being, as Ms. Vazquez says, the County can include the rights in their portfolio, include them in the 40-year water plan, and thus protect the rights from forfeiture, thus benefiting the whole area

So you'd want to, if you accepted this, you'd want to transfer the rights immediately, transfer ownership to the County, have us take those administrative steps necessary to protect the rights, and then figure out where to transfer them at some other point, probably to a County well or wells. Maybe divide these to where we have existing wells, some place aside from where they are now, which is, I understand, under a shopping center. But we can deal with that in due course. There wouldn't be a great hurry to deal with that issue. But the transfer of ownership would have to be done fairly quickly.

COMMISSIONER CAMPOS: So there's two steps - transfer of ownership and then transfer to the point of diversion.

MR. ROSS: That's right.

COMMISSIONER CAMPOS: You're going to get the protests on phase 2?

MR. ROSS: Depending on where you choose to locate them, that would be

where you'd typically get protests, on the move to location.

COMMISSIONER CAMPOS: Are we responsible for that step 2, transfer of point of diversion?

MR. ROSS: Let's see. Does this have – sorry, Commissioner Campos, I didn't participate in the drafting of this one, but usually, our usual agreement, the usual terms of our agreements are that the applicant is responsible for taking care of those transfers.

MR. GONZALEZ: While he's taking a look at that, Mr. Chairman, I just wanted to point out that transferring to the Buckman would be inappropriate because basically it would be trading water rights that are probably valued at somewhere around \$70,000 per acre-foot where they're located for water rights at the BDD would, looking at main stem Rio Grande rights, we're talking about \$6,000 to \$7,000 per acre-foot.

COMMISSIONER CAMPOS: I haven't heard anyone suggest that we do that. I'm just saying we have to transfer them to a point of diversion. Ms. Vazquez, what about Commissioner Sullivan's concern –

MR. ROSS: Commissioner Campos, I actually found that provision on page 4. It says that the customer, in this case the applicant, pays the additional cost of transferring the water rights from the designated point of diversion to the Buckman Direct Diversion or to another point of diversion of the County's choosing. So that would be their responsibility to take care of protests.

COMMISSIONER CAMPOS: And they assume the risk if there's a loss, right?

DR. WUST: Well, our delivery obligation doesn't click in until those matters are taken care of.

COMMISSIONER CAMPOS: May I ask Ms. Vazquez a question?

CHAIRMAN MONTROYA: Yes.

COMMISSIONER CAMPOS: Commissioner Sullivan has a concern about using this interim water. If the County says 11 now and 11 after the water is actually transferred. Would that be satisfactory?

MS. VAZQUEZ: Mr. Chairman, it depends. Commissioners, the concern that I have is that this development is caught in a Catch-22. We're filing for preliminary development plan. We need a certain amount of units, based on the amount of water that we had to cover all the off-site infrastructure costs. So if you remember this development, it was tabled for six months in a row in 2002. It was tabled along with Thornburg. It was when all the master plans came in. There are extensive off-site infrastructure requirements on this. One of them was a complete move and redesign of Vista del Monte to a double-lane rural highway road with a width center, and then a connection for the sewer and wastewater are very far along the way. There were also other off-site improvements that we were going to need to coordinate with with the County.

That's one of the reasons we're caught with a need to put together – to have the assurity that when we go in for preliminary on phase 1, we have enough homes, even if the build-out isn't until 2012, to be able to cover the cost of the infrastructure. That's the first

point.

The second point is we in good faith brought forward a delivery schedule because we thought it was a way for this Commission and this County to deal with the issue of the 375 being reduced. And so we thought, okay, let's go forward with the water service agreement. It doesn't do an allocation, so you're not necessarily having to subtract out 25 acre-feet out of that 375. What you're able to do is say, Okay, you know what, we are going to deliver in 2008, 11 acre-feet. We're going to deliver in 2009, 11 acre-feet. It gives the County and the staff the ability to go forward with their allocation policy. It gives them the ability to be able to plan some of the water.

And the last point, Commissioner, is this is a project that got approval in 2002. This was a project that was asked by this Commission and staff to work with them on an allocation policy in 2004. We did that. And so we're coming to you because we need to submit for preliminary. So we're caught between all that and in good faith, we put together a delivery schedule which I think will work. I think it will allow you to plan for that water and use delivery instead of allocation.

COMMISSIONER CAMPOS: Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: Okay. Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chairman. Is this similar to the Peter Komis property that we approved last month? Or this month?

MS. VAZQUEZ: Mr. Chairman, Commissioner, it is in that it was one of the projects that was asked to wait and create an allocation policy, and it is, also in the same way that is required to hook into the County Utility system. And they have the same water rights.

COMMISSIONER ANAYA: And staff, you're requesting approval?

DR. WUST: Mr. Chairman, Commissioner Anaya, that is correct.

COMMISSIONER ANAYA: Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: Okay. Any other discussion.

COMMISSIONER SULLIVAN: Mr. Chairman, I'll make a motion. Unless you have some comments.

CHAIRMAN MONTOYA: No. I guess the only comments I'll make is I think based on what we heard this morning this is different in the sense that this one is bringing water to the table, water that I think Gerald referenced may be up to \$70,000 an acre-foot, if that's correct, we're probably talking about close to \$2 million for these water rights. I think this, similar to the previous case that we heard is a win-win for the County and I would support staff's recommendation and what's in the contract. Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Wust, this 35 acre-feet or this 27 acre-feet, with this phasing schedule then, does that allow you only to have to account for 11 acre-feet? Can we then allocate the other 22 acre-feet to some other use?

DR. WUST: Mr. Chairman, Commissioner Sullivan, that's a discussion I've had with Steve Ross. I've noted before that generally on my accounting system when we did sign a water service agreement I put it on my spreadsheet as committed water. However,

because of the phasing schedule and the timing and we see how Buckman's going, we could easily commit to that water, yet, realize it's going to be coming not from the 375, but from the Buckman. So it does give us an opportunity to allocate the rest of the water throughout the system because of the timing of the thing. Even though we've committed to it, and we know we have to deliver it, there's always a clause in there that says this is dependent upon the County's ability to deliver the water and with the phasing we can realize where we are with Buckman and so we do have that opportunity.

I would like to, on that note, make a clarification of a couple of things that were said earlier, if I might, Mr. Chairman. One is that I may not have expressed it well this morning in terms of the amount of water, the 460-something acre-feet that Commissioner Sullivan mentioned, 218, just under 218 of that are definitely committed though signed water service agreements. The rest of the water is just totaling up everything that somebody's written us a letter asking for water. So we've never committed to it, we've never signed water service agreements to it. It just happens to be the amount of water, about another 240 of 250 acre-feet that in my files, somebody's written me a letter and said I'd like some water. So that's all the potential water service agreements that we may have coming down line, obviously exceeding our 375.

And one other note on a question Commissioner Campos had asked. Basically, I think we can make an assumption that every single transfer is going to be protested. To use a recent example, we put in just simply to transfer point of use from Valle Vista, from the Valle Vista wells themselves to the County system as a whole, because they're integrated. We integrated the Valle Vista system with the rest of the County system, and that's being protested. It's not making any change to the amount of water or anything else but it's being protested anyway. Some folks just protest every single transfer that happens. So we make that assumption. Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: Okay. So just to clarify. 216 acre-feet is committed right now.

DR. WUST: Just under 218. It's 217.35 or something.

CHAIRMAN MONTOYA: Okay. Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chairman, Steve, in your calculations, the Rancho Viejo is coming forward with another master plan for 1250 units. Even at .18 acre-foot per unit, that would be 225 acre-feet. Is that 225 acre-feet in your calculations also?

DR. WUST: Mr. Chairman, Commissioner Sullivan, I received a letter from Rancho Viejo that said 110 acre-feet, and I don't know where the difference in those numbers come. That's what they sent a letter to me talking about. I put that in my requests, new requests category, so it's not part of the 218. It's under that second sheet where I just talk about new requests that have come in.

COMMISSIONER SULLIVAN: So that 110 would be part of that 275. So that's realistic, because they're going to the Community College District Review Board on March 2nd for that master plan. So that 110, whatever it is, is already working its way through

the system. So that 218, plus that 110 would be 318. We're pretty close to there. So in terms of how we could work with these water rights, let me get back to that, let's say that we say, 2008, we only need 11 acre feet, or three acre-feet, since the applicant has eight acre-feet already. And let me clarify that. Is that eight acre-feet going to be used in the first phase 1-A? I would assume we would want to require that.

MS. VAZQUEZ: Mr. Chairman, Commissioners, we've got to come before you and we need to talk to staff about the process for transferring that water over. I don't know if we need a public hearing on that. But right now, it is for Southwest Business Park, that's where it is situated. They are not going to be needing all of the water for that development, so we were going to be moving that water. So it would be dependent on the hearing schedule here. But we would intend to use it, yes.

COMMISSIONER SULLIVAN: Okay. So the eight would be used in the first phase. So the question I'm getting at is we have a clause in there that says if we don't have the water we can't give it to you, no matter what we've committed to. So let's say we've gotten to 2009 and we've allocated all the 375 acre-feet and then some, and we're delivering the 375 acre-feet. Are we now committed to provide an additional 11 acre-feet to this development or not?

DR. WUST: Mr. Chairman, Commissioner Sullivan, I think that's a good question for legal.

CHAIRMAN MONTOYA: Mr. Ross.

MR. ROSS: Mr. Chairman, Commissioner Sullivan, yes. The way the agreement is structured is as I described it. We're obligating ourselves to deliver 35 acre-feet but over this schedule. The usual clause, the one you're talking about that permits us to not deliver water in subsequent phases is there on the bottom of page 3 B, but because of the way the agreement is structured, since this is all phase 1, that sentence doesn't apply.

COMMISSIONER SULLIVAN: So it's artfully worded so that phase 1 is the whole water service agreement. Okay. So I'm reading that to mean that this is a full commitment. This is a speculative commitment for the full 27 acre-feet, in perpetuity. And we have to deliver it on this schedule and if they're not ready, we wouldn't deliver it but we've got to deliver it whenever they're ready. So if I were in your position I'd feel that I had to remove those water rights from the available portfolio.

DR. WUST: Mr. Chairman, Commissioner Sullivan, I agree with you. That's the way I look at things. The competing interest I have is that the water rights that have been discussed are very valuable and we are trying to move fairly quickly on developing some groundwater sources for which we need in-basin water rights, and that's something we would like to get our hands on all these water rights early so we can integrate them into our groundwater sources. I would view it more in terms of when I was talking about the allocation, that if we move forward and this development is looking like it's using up its 27 acre-feet before Buckman comes on line, then I would recommend that we don't commit any more water. That's the way I would look at in the future is that we - I would try not to be over-

committing water until we really have a good handle on what we're actually delivering and having to deliver over the next few years. So that's how I would try to balance it.

COMMISSIONER SULLIVAN: My concern continues to be that we're hearing glowing reports from the applicant which is understandable about how wonderful these water rights are. We have nothing from the State Engineer. So pre-1907 is just fine and dandy as long as the State Engineer says it's fine and dandy and protests are properly dealt with. That's my concern of locking up the whole 27 acre-feet until we in fact see that what's being offered here is not a Trojan horse and is in fact usable water rights, and usable in-basin water rights. So that's why I feel that we're – with the limited amount of water rights that we negotiated very hard with the City of Santa Fe, and I'm just concerned about agreeing to a speculative schedule that goes all the way out to the year 2010 for the use of those water rights. It takes away from the water we have for affordable housing, or that we could have for affordable housing. It takes away from our commitment to the City of Santa Fe that these are imminent needs, not long-term needs that one development which happens to be ahead of another in priority in time, gets because they happen to be the first one to get to the door. I think those are real issues, Mr. Chairman. I would move, for the Commission to consider that we approve this water service agreement for phase 1-A of this project in the total amount of 11 acre-feet.

CHAIRMAN MONTOYA: Is that a motion?

COMMISSIONER CAMPOS: I'd like to get comment from staff and from the applicant on that motion.

CHAIRMAN MONTOYA: I think before we have discussion I need a second. Is that correct?

COMMISSIONER CAMPOS: I want to have the discussion just to understand whether we should consider it.

COMMISSIONER SULLIVAN: Second it for purposes of discussion.

CHAIRMAN MONTOYA: Gerald.

MR. GONZALEZ: Mr. Chairman, Commissioner Campos, I guess from the County's – looking at the whole water situation with respect to the County, given the size of the request and the fact that the phasing is scheduled the way that it is, I think there are probably other options for the County in terms of being able to provide the water that's being requested within the time frame that's being requested in a way that would satisfy the applicant and at the same time would allow us to take advantage of a diminishing resource with respect to the water rights.

COMMISSIONER ANAYA: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chairman, would that mean that the applicant would still transfer over the 27 acre-feet of water would it just mean that it that they would transfer over 11?

MR. GONZALEZ: From my standpoint I don't see why we would transfer just

the 11 and not the full amount. That's really – from the standpoint of the County, that's really where the benefit is realized by getting the full amount of the water rights.

COMMISSIONER ANAYA: So the way the motion is is that it would be 11 acre-feet. If that motion goes through, then they would only be allowed to transfer 11, or are you saying the 27?

MR. GONZALEZ: They transfer 11, we'd receive 11.

COMMISSIONER ANAYA: Thank you, Mr. Chairman.

COMMISSIONER SULLIVAN: Mr. Chairman, let me clarify that.

CHAIRMAN MONTOYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: The intent of my motion was – and we have a similar clause right now with Rancho Viejo and that clause was put in at their request. I'm sure Ms. Vazquez remembers it. It was that if all those water rights weren't needed that they transferred, then they would be turned back to the original owner, to the provider of the water rights. So if for some reason they didn't go as far on their development as they planned to, and they had transferred 27 acre-feet then the County would make arrangements to use only what it needed for that development and the balance would be returned to the applicant. That's in the Rancho Viejo agreement, as it related to Buckman rights, and that was requested by their attorney, who was not Ms. Vazquez, it was a fellow from Albuquerque. His name escapes me.

So there's easily a mechanism that we can handle that, Commissioner Anaya, that the 27 can be moved. The 11 can be committed. They can then come back and say, yes, the 27 was moved very quickly. And so it went very well. In which case, we could approve the balance, the next 22, because we knew it would be moved. If, however, it ran into a buzz saw then we wouldn't be obligated for more than 11 acre-feet of the temporary water rights of the 375.

MS. VAZQUEZ: Mr. Chairman.

CHAIRMAN MONTOYA: Okay, we have a motion on the floor. Do I have a second? Motion dies for lack of a second. Could I have an alternative motion?

COMMISSIONER SULLIVAN: Move to table. Move to table until the next land use meeting.

CHAIRMAN MONTOYA: I have a motion to table. Do I have a second?

COMMISSIONER SULLIVAN: I don't think this agreement is ready.

CHAIRMAN MONTOYA: Okay. Motion dies for lack of a second.

COMMISSIONER ANAYA: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: From the testimony that I've heard and with staff recommending approval and that it's similar to the case we heard before, I move for approval.

COMMISSIONER ANAYA: Motion by Commissioner Anaya for approval.

COMMISSIONER CAMPOS: I'll second that, but I have a question.

CHAIRMAN MONTOYA: Second by Commissioner Campos. Discussion.

COMMISSIONER CAMPOS: May I have a question to legal.

CHAIRMAN MONTOYA: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Ross, Commissioner Sullivan contends that this is not legally ready, this agreement, that it needs further review. Is that – do you agree with that?

MR. ROSS: Mr. Chairman, Commissioner Campos, the agreement is, if executed and approved, is valid and it is what I described earlier.

COMMISSIONER CAMPOS: Okay. The other point I'll make is that the Komis deal is very different. I voted against the Komis deal. The Komis deal was strictly commercial. It was outside a growth area. This is within a growth area and it's going to provide affordable housing, probably as much as 30 percent and that's one of our goals. Put our resources in growth areas, encourage affordable housing. That's what Komis did not do and that's why I voted against it. So I think this is very different.

CHAIRMAN MONTOYA: Okay. Any other discussion?

The motion to approve the water service agreement with Sonterra passed by unanimous [4-0] voice vote. [Commissioner Vigil was not present for this action.]

CHAIRMAN MONTOYA: Thank you, Dr. Wust. Thank you, Rosanna.

COMMISSIONER SULLIVAN: Mr. Chairman, could you please assign it to the next agenda for reconsideration at the next meeting.

CHAIRMAN MONTOYA: Okay. Got that note?

XII. G. Matters from the County Manager

1. Update and Direction on the Energy Reduction Task Force Regarding Hybrid and Alternative Fuel Vehicles [Exhibit 3]

MR. GONZALEZ: Thank you, Mr. Chairman. We've been doing some work at the request of the Commission. You notice that the workload list for the County Manager's presentation keeps growing and John Michael Salazar is here to help us grow the information that we're providing you and also the responses to your request. So John Michael, with that, take it away.

JOHN SALAZAR (Special Projects Coordinator): Mr. Chairman, Commissioners, today, the Fuel and Energy Reduction Task Force is presenting hybrid and alternative fuel vehicles, a presentation on this. The task force objective is to conserve fuel and energy through alternative fuel technologies. I'm going to run through some of our County fleet basics. Our fuel budget for fiscal year 2006 is \$1 million. Right now, our total active fleet is 446 vehicles, 254 of which are unleaded, 192 are diesel vehicles, and that also includes some equipment, such as graders, back hoes, things of that sort that we use in Public Works.

We're showing 300,000 gallons of fuel consumed annually. When we include the equipment it goes up to close to 400,000. That's with unleaded and diesel, and we're averaging about six million miles traveled per fiscal year throughout our whole fleet.

I'm going to go through some definitions of alternative fuel vehicles for people in the vast crowd remaining. We'll begin with hybrid electric vehicles. Hybrid electric vehicles, or HEVs typically combine the internal combustion engine of a conventional vehicle with a battery and electric motor of an electric vehicle. The combination offers low emissions with the power, range and convenient fueling of conventional vehicles – gasoline and diesel – and they never need to be plugged in.

Our next alternative fuel is E-85, a flex fuel vehicle. Flex fuel vehicles have a single fuel tank, fuel system and engine. The vehicles are designed to run on regular unleaded gasoline and an alcohol fuel, either ethanol or methanol, in any mixture. For example, they can either run on a 100 percent gasoline, 85 percent ethanol, 15 percent gasoline, or 85 percent methanol and 15 percent gasoline.

Our next one is compressed natural gas. Gasoline powered vehicles can be modified to use this CNG. Vehicles can be designed for the dedicated use of this, or more commonly, it can be used as a bi-fuel, which vehicles can either use CNG or gasoline.

Lastly, we have bio-diesel. Bio-diesel is the name of a clean-burning alternative fuel produced from domestic renewable resources. Bio-diesel contains no petroleum but it can be blended at any level with petroleum diesel to create a bio-diesel blend. It can be used in diesel engines with little or no modifications. Bio-diesel is simple to use. It's bio-degradable and non-toxic and essentially free of sulfur and aromatics.

We're going to look through the pros and cons of each of these, and the requirements, and we'll begin with hybrid vehicles. The pros for hybrids: They have a high mile per gallon, they're cleaner burning, lower emissions, new models are being manufactured with all-wheel drive as well as different makes, and passenger vehicles are available through state price agreements. The cons of hybrids are higher manufacturer price, comparing a standard sedan to a hybrid, the payback exceeds nine years. A note on that – our County fleet average is about seven to eight years of lifetime use. An HEV is sent to dealership for maintenance. Right now we don't have the personnel to work on them. We would have to work on that. They have smaller fuel tanks and there's a limited availability for purchasing via state contract, and right now I believe all there is on there is the Honda Civic hybrid.

Requirements: We would have to purchase these vehicles from the list of vendors on the state contract. As mentioned earlier, the availability of certified in-house mechanics. Until then we would have to send it to a dealer to handle maintenance and repairs. On state contracts, the vendor can't guarantee a specific color and a few years ago I guess that would have been an issue when our fleet was entirely white, but now we've been purchasing different colored vehicles.

Our next alternative, E-85/Flex fuels. The pros of E-85: It's cleaner burning, the

City of Albuquerque we received a presentation from them a few weeks ago. There is good operator acceptance for these vehicles. There's more of a variety of vehicles available compared to the hybrid, with passenger, four-wheel drives and trucks. The purchase of an E-85 is not cost-prohibitive. They're about the same price as a regular gasoline vehicle.

The cons: E-85 can be somewhat corrosive to certain parts within an engine, like the tubes for instance. It can be corrosive to the engine inside the vehicle. You get a lower mile per gallon with E-85. It has limited fueling capability. That's because there's limited production. I read though that GM and other people that are producing these are hoping that the production will be tripled by 2020. The City of Albuquerque experienced cold starts with their vehicles that were using the E-85. This was during the winter. Here in Santa Fe it's a lot colder although even in the summer in the mornings it can be cold. They experience vapor lock, and the fuel price is higher than regular gasoline.

The requirements to go to E-85: We would have to retrofit our current vehicles to accommodate the fuel and we'd have to locate a fuel supplier.

Our next option, compressed natural gas. The pros of CNG, you get a higher mile per gallon, lower fuel cost than gasoline, lower operating costs and lower maintenance cost per mile. The cons include limited range, limited availability and selection on vehicles. There would be a cost for an individual pump at our fueling station and CNG limits the trunk and bed space in vehicles because of the tank size. What we would do is we would have to purchase a separate tank and retrofit our vehicles with that. The City of Albuquerque experienced low operator acceptance because of the limited trunk size and the limited range. So they weren't able to travel as far as they were used to and their fueling pumps for CNG were not very accessible for them.

Requirements: We would have to retrofit our existing fleet with the CNG gas tanks, invest in an additional fuel pump or pumping station.

Our next one is Bi-fuel or bio-diesel. The pros of bio-diesel, it's high mile per gallon, extended service intervals, the rate of return on bio-diesel, the rate of return on our investment would be less than a year, about .6 year we would see a return on our investment. The cons – the fuel costs more for bio-diesel. The City of Albuquerque in their presentation told us they experiences some filter plugging in their vehicles. That was it. The requirements: Retrofit the existing fleet and creating a new fueling station to accommodate bio-fuel. We could use existing diesel vehicles with bio-fuel. We would have to see which vehicles would be able to take it and could use that.

COMMISSIONER CAMPOS: Mr. Salazar, is there a conversion kit for gasoline engine to convert so they can use bio-diesel?

MR. SALAZAR: Mr. Chairman, Commissioner Campos, I would have to look that up. I'm not too sure. I didn't see anything when I was researching that on the Internet. It was focusing more on existing diesel vehicles. There may be a conversion kit, but I can look that up and get with you on that.

COMMISSIONER CAMPOS: Are regular sedans available with – are they

available in a way that could use diesel? Just a sedan or small car?

MR. SALAZAR: Mr. Chairman, Commissioner Campos, during my research I didn't see if a sedan could. I didn't come across that.

COMMISSIONER CAMPOS: Available in other than gasoline models?

MR. SALAZAR: Right.

COMMISSIONER CAMPOS: Okay.

COMMISSIONER SULLIVAN: Commissioner Campos, just a comment. I don't think that that would be possible, because a diesel engine has much higher compression than a gasoline engine. That's what makes the difference, is that high compression compared with a conventional fuel vehicle so that you have to increase the compression ratio dramatically to diesel operate and that requires a whole new engine that has that strength to do that. So I don't think you can convert from gas to diesel. You can put diesel in gasoline cars and they'll knock and you'll eventually ruin the engine, because they're a lower explosive fuel. They have a lower flash point. And that's what makes them safer. Diesel is safer to use. But gasoline has a higher flash point, I believe, and that's why it ignites at a lower compression level than a conventional vehicle. So I think you have to stay with bio-diesel or bio-fuel, depending on whether you have a diesel vehicle or a gasoline vehicle. I believe that's how it works.

MR. SALAZAR: Thank you, Commissioner Sullivan. Now we're going to go to Santa Fe County fuel use. We have some bar graphs. This one is total fuel consumption in gallons. It goes from the first quarter of fiscal year 2005 to the second quarter of fiscal year 2006. What we have there are the Sheriff's Department, Public Works, Fire and the other departments are all grouped into one. You can see in this chart the Sheriffs, most of the time they're using a lot more fuel than the other departments and that's for the entire county.

This one is a breakdown of the Public Works Department total fuel consumption in gallons. It's broken down into the administration, fleet services, traffic engineering, project development, solid waste and road maintenance. These figures are also equipment that I mentioned earlier, graders and backhoes, things of that nature.

The next chart is all other departments, the total fuel consumption in gallons. You can see PFMD, they come out on top there in fuel use. That's a big difference, buildings we have throughout the county. Then Housing, the Assessor, Corrections. Corrections has been gradually on the incline. Utilities, the Manager's, Health. Finance, the Clerk and the Treasurer's were all grouped together because their use is really low. It's well under 500 gallons.

Then we have unleaded gasoline consumption by gallons. The Sheriff's Department is leading in that. And then we have diesel fuel consumption, and Public Works, they're using most of the diesel fuel, but again, that is a lot of the equipment they're using that requires diesel fuel.

These are fuel prices for last week, February 17th to February 23rd. Diesel was a

little over \$1.97 gallon in bulk rate. Regular unleaded was a little over \$1.88. Bio-diesel was \$2.07. Unleaded ethanol was \$1.85. I mentioned earlier in the presentation that ethanol was more expensive. It usually is. Last week it dropped below and it was a little under three cents of what we've been spending on regular unleaded. Natural gas was \$1.82.

This is a table of vehicles that was purchased at Santa Fe County in fiscal year 2006, broken down by vehicle type, SUV, passenger and truck, and classification, which is administrative use, field use or patrol use. You can see 48 percent of our purchases so far have been SUVs. We've had about 44 percent of the purchases, passenger.

Now we go to our recommendations that the task force has come up with. These are short-term solutions. The task force recommends a hybrid pilot program, doing this over a three-year period. We will target administrative vehicle usage. We'll analyze the efficiencies and cost savings over this period and we'll also continuing monitoring the industry for new makes and models. Other short-term solutions: Establish a vehicle replacement policy. This would define the criteria, departments would have to show what type of vehicle they're buying and what the purpose of that vehicle is for. There would be requirements within that policy, setting a V-6 standard, which would mean nothing higher than a V-6. If your department wanted to buy a V-6, you would have to have written justification for that, and also for the purchase of diesel vehicles.

COMMISSIONER CAMPOS: Mr. Salazar, let me ask you – justification for purchase of diesel vehicles. Why would you need justification?

MR. SALAZAR: That way, Mr. Chairman, Commissioner Campos, we could see what the reason is. I know the Fire Department has a lot of diesel vehicles and we'd like to just keep track of what kind of diesel vehicle we're adding into our fleet.

COMMISSIONER CAMPOS: Okay.

MR. SALAZAR: In the requirements, setting a minimum mile per gallon standard for all new vehicles purchased. More short-term solutions: revising Resolution 1998-122. This was a resolution establishing vehicle take-home policy for Santa Fe County employees. Adopt a County vehicle usage policy, something similar to what the state has. An example would be requiring employees to fill out a daily vehicle mileage log. And we would seek what other vendors or vehicles are added to state or other cooperative contracts, such as the City of Albuquerque, they have a contract with DM Vehicles.

Long-term solutions: Establish a motor pool for Santa Fe County. The person in charge of this, people would go to that person and a vehicle would be issued based on the task, the job requirement that would be needed. This person would – say Commissioner Sullivan was going to Albuquerque for a conference. They would issue him a Malibu rather than a Dodge Durango. Initiate a phase-in goal to reduce fuel consumption by seven to ten percent, focusing on the administrative vehicle usage. Going off of those figures, this fiscal year, in 2006 we'd be saving \$75,000. In 2011, assuming that fuel prices do double, and that is what people are projecting, we would be saving \$150,000 a year. And that's just focusing on the administrative vehicle usage. That's not the entire fleet.

At the market figures for hybrids grow we will look into implementing the remainder of the fleet which could possibly triple our potential savings, \$500,000 to \$1 million a year. And that would be watching to see what type of hybrids would be coming out, if we could implement them maybe in our Sheriff's Department. And we will continue our data research and collection, whether alternative fuels for practicality of use and cost savings. So this would be keeping track on E-85, if production were to increase. Right now, we hear different messages that they won't be able to continue producing it because there's not enough – we're not using enough of our corn crop throughout the nation to produce it or maybe they'll start using more of that as GM is predicting, it will be triple the production by 2020.

Those are our recommendations and if you have any questions I'd stand to answer them.

COMMISSIONER CAMPOS: I guess the first question that comes to my mind is that for 06, this year, we're buying 48 percent of our vehicles are SUVs? That to me – who's using them? Patrol is four. I guess field – patrol is the Sheriff's Office, right?

MR. SALAZAR: Mr. Chairman, Commissioner Campos, that's right.

COMMISSIONER CAMPOS: We have six for administrative?

MR. SALAZAR: Yes.

COMMISSIONER CAMPOS: Examples?

MR. SALAZAR: For example, it would be the Manager's Office, the Clerk's office, purchases in there.

MR. GONZALEZ: Public Works administration.

MR. SALAZAR: Public Works administration. Land Use as well.

COMMISSIONER CAMPOS: Okay. Any questions?

COMMISSIONER ANAYA: We lost our chair and our vice chair. I think that – first of all, thank you for putting the presentation together. I think that when we do purchase a vehicle that we should make sure that it's not an over-sized vehicle for what we're going to use it for. I understand that we have our Public Works and our Sheriffs, and our PFMD that need vehicles in order to operate efficiently. So I don't – we can look into the other stuff, but personally, I think things are running fairly smooth. Just that particular point that I mentioned now, is that when we need to replace a vehicle, we make sure that we don't get a four-door power-stroke diesel for the Assessors – you know what I mean.

I think as long as we do that, then I think you would satisfy my concerns in conserving energy or fuel reduction. Thank you, Mr. Chairman.

COMMISSIONER CAMPOS: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I think your short-term solutions are good. I was surprised too at the 48 percent SUVs and just fairly confident that we don't need that heavy-duty a vehicle in half of the trips that Santa Fe County employees take. But I think the hybrid pilot program is a good idea and I think there's some recommendations here, like the V-6's and so forth. We should get a policy set on things of that nature. Justifying

diesels I think is good because diesel fuel costs more, ten cents a gallon more than gasoline does. I'd be a little leery about the motor pool, only because I'm not quite sure where that – we're large enough for that yet and that becomes kind of an extra bureaucracy in and of itself and requires staffing and might eat up the savings that we achieved through some of these other careful programs.

So other than that, which you did indicated some longer term solutions, so I understand that's been something you're recommending we do right now. I think all these others are well thought out and I would like to see Gerald, you turn these into – I don't know who's going to get the job here. Turn these into policies and begin to implement them. I think if we do these on an incremental basis we'll do exactly what Mr. Salazar is suggesting and that is be able to evaluate which way to go without having made a real significant expenditure in any one area.

COMMISSIONER CAMPOS: Commissioner Anaya.

COMMISSIONER ANAYA: Another concern I had with the hybrid is I could see that if we were just in a small city or town. But we've got a long distance to travel and I don't know how efficient those vehicles are. I heard they had some start-up problems or maybe they're not going to be charged. So I know that's one other concern that we have. We're not just a little – we're not just dealing with a little city here. We're dealing with the whole county. Thank you, Mr. Chairman.

COMMISSIONER CAMPOS: Thank you, Commissioner. As far as the hybrid pilot program, what are you envisioning? Buying a couple units? Two, three units? What's the idea of the hybrid? I know they're expensive and I know we don't have the capability to really service them at this point and I'm not sure about their life usage and it will pay back, if they pay back. What are you recommending about that?

ROBERT MARTINEZ (Deputy Public Works Director): Mr. Chairman, one of the comments that we heard from the City of Albuquerque was that their hybrid vehicles, the turnaround, to make them cost-effective, for a county our size would be a longer period. The amount of miles we put on a vehicle in a given year, we would probably have to turn that vehicle in prior to it paying itself off. So I think like Commissioner Anaya had mentioned, for a municipality, it would probably be more cost-effective than for a large county like Santa Fe County. And currently, our mechanics are not trained to maintain or repair hybrid vehicles.

COMMISSIONER CAMPOS: I understand. Okay. Those are my concerns too. They're expensive. They're really kind of cutting edge. I don't mind cutting edge but I don't know if there's a payback issue here. I'd like your thoughts on that.

MR. SALAZAR: Right now we'd be focusing on administrative purchases, say the Manager needed to buy another vehicle.

COMMISSIONER CAMPOS: Other than an SUV.

MR. SALAZAR: Right. It would be for purposes like that. I think the pilot program would work out better that way. Right now, the concerns are legitimate that the

high mileage that we put on our fleet that goes out in the field. But with administrative vehicles, they're not used as much. They don't go out in the fields as often as a vehicle in the PFMD goes out.

MR. GONZALEZ: Mr. Chairman, Commissioner Campos, we'd probably look at the use and try to use that for something that didn't have quite the mileage on an annual basis as some of the other vehicles. We have a mail vehicle, for example that we use to go pick up the mail and that tends to be lower mileage so we would keep it longer and hopefully might get some payback on that. But the idea would be to just do kind of a pilot to see where we are in cost benefit.

COMMISSIONER CAMPOS: Any other comments from any other members of the study committee.

MR. SALAZAR: Mr. Chairman, I was curious to see the hybrid vehicle when the City of Albuquerque came and I asked them if they drove it over here and they said they didn't because it wasn't charged up.

COMMISSIONER CAMPOS: I remember that. He hadn't filled it with gasoline. He'd forgotten to take it in for a fill.

MR. SALAZAR: The way hybrids are working, HEVs, from what I understand. They're designed so that you don't have to plug them into an outlet. When you're stopped at a red light, the braking, along with the stopping and resting the engine at a red light is what recharges those electric cells within the engine. So we wouldn't have to worry about plugging in the vehicle.

COMMISSIONER CAMPOS: They do have a very large, expensive battery. Those are very expensive to replace, as I understand it. Is that true? Vaguely, I remember that from the presentation by the City of Albuquerque.

MR. SALAZAR: I don't remember that part in the presentation, but I'm sure that would be the case. The pilot program also buys us time. It gives us three years to watch where the technology goes, along with the other alternative fuels that we mentioned in the presentation.

COMMISSIONER CAMPOS: Any comments from the other committee members?

MS. LUCERO: Thank you, Mr. Chairman. What we surmised is, regarding the hybrid vehicles, yes, it's very much on the cutting edge but the demand in the market place is there. And the industry is going to respond to that and they have. And they've made quite a few improvements in terms of response, miles per gallon, etc., and availability. So this is something we could very much entertain in a phased in approach in which we could address the administrative vehicles. There are certain field vehicles which are kind of quasi-field/administrative, and there are passenger as well as four-wheel drive hybrids available. We could test and see which ones perform, which ones seem to be conducive to our needs. At least that will give the County some opportunity to potentially reduce our dependency on gasoline as it is right now. For example, the Toyota Highlander,

now that is not on state price agreement, and I understand the availability of that is low because the demand is so incredibly high. But the miles per gallon of that particular vehicle is twice the amount that we're getting on our SUVs right now.

So if we're traveling and using 400,000 gallons of gasoline every year we need to consider some alternative that might give us a little bit of respite from that because the that cost will only go up.

LISA ROYBAL (Constituent Service Liaison): I just wanted to reiterate on the short-term solutions for procurement policies. The Fuel Reduction Task Force will work diligently to work on those policies now that Santa Fe County is working on next year's budget and budget review, so we will begin the process for working on those policies so we can share that with Finance and Procurement. So every department will have those requirements in place before they look at purchases. So I just wanted to mention that.

COMMISSIONER CAMPOS: My understanding of the proposal is that the individual departments will not make their own purchase choices. They will have to get that approved by a different department or different person. Is that right?

MS. LUCERO: Mr. Chairman, I think what we envision is a policy that dictates for the particular type of use what type of vehicle is approved for that. So if it's primarily administrative, then a four-wheel drive wouldn't be an approved item or approved vehicle for that. So what we're anticipating is trying to formulate something that makes sense based on what the County's needs are, what our experiences are and bring that forward as a proposed policy.

COMMISSIONER CAMPOS: It seems to me that my impression of the County fleet is that all the vehicles are much bigger than they need to be. Huge vehicles, SUVs, trucks, big sedans. What about bio-fuel? You don't seem to be that interested. It does cost a little more but it doesn't use fossil fuels.

MS. LUCERO: Mr. Chairman, I think what we recognized was, number one, there wasn't as much data available with respect to bio-fuel as opposed to ethanol, for example. So we were limited in what we could research. And then there's also the issue of limited availability of that type of fuel. So we don't know enough about it yet.

COMMISSIONER CAMPOS: Okay. Because I'm interested in the bio-diesel. I think it's an excellent replacement fuel. It's very clean, apparently. It's a good fuel to use. We just need to know if we can use it in the type of sedans or small cars that we plan to purchase. Another issue for me is the Sheriff. They use a lot of gas and they have big vehicles. Is there any ideas about the Sheriff and Public Works? Public Works uses a lot of regular diesel. Maybe they could be converted to bio-diesel. But what about the Sheriff? I know they're out there all the time but they all have huge vehicles.

MS. LUCERO: Mr. Chairman, I believe what we see is the Sheriff is trying to accommodate a different vehicle introduction into his patrol fleet and that is the Chevrolet Impala versus the Ford Crown Vic. And I think there is a little more gas mileage

to be obtained with the Chevy. However, what we see on the Sheriff's side is that they're fully staffed as of fiscal year 05. The coverage of the area that they're dealing with patrolling hasn't changed but because they are police vehicles and because they need to respond to emergencies, they do take their vehicles home and we do have a lot of individuals across the county, including the Sheriff's office, traveling to Rio Rancho, which is home. And we do see a notable spike that equates to about 20 percent of their fuel consumption, probably related to personal commuting.

COMMISSIONER CAMPOS: How do you propose we address that issue. Are you saying they need to have the vehicle in Rio Rancho?

MS. LUCERO: Well, I'm saying that I guess based on the nature of their work they have to have the ability to respond to an emergency. I don't know enough about the program side as to what that means and who has to respond to what area. That would be something the Sheriff would have to address. But just in big terms and in the big picture, that's what we see, is that type of migration.

COMMISSIONER CAMPOS: What about the idea of a unified fueling station where we could share a fueling station with the City and State, other governmental agencies, so that we could buy in bulk and buy a greater variety of fuels?

MS. ROYBAL: Commissioner Campos, I've been contacting different state agencies, such as the Environment Department and the Department of Transportation. We had heard that the state is looking at property within the city limits to create an alternative fuel station for the state. So we're looking into opportunities for collaboration with the state government so that potentially we would have property where we could have bio-diesel, E-85, be able to [inaudible] what have you. So we're looking into other prospects and opportunities.

COMMISSIONER CAMPOS: Okay. Commissioner Montoya, any comments?

CHAIRMAN MONTOYA: Could you repeat everything that was just said? I don't have any comments, Mr. Chairman.

COMMISSIONER CAMPOS: My final comments are hybrids – interesting. I'm concerned. Maybe a small pilot program would be okay. I'm interested in bio-diesel because it's a clean burning fuel. I'm certainly concerned that our fuel is too big. Maybe we have too many cars. Maybe some of them, most of them are too big for the actual need. And I would certainly like for the County to look at that really carefully. Any other final comments?

COMMISSIONER SULLIVAN: I just want to say thanks to the task force here. I think you all did a really good job in a short period of time, laying out all of these alternatives, coming up with some suggestions, incrementally looking at a variety of things, keeping your options open. I had hoped we could get to a certain level of hybrid or efficiency vehicles to the tune of about 20 percent. Maybe that will work, may it won't. It's a goal to look at, but I really do appreciate the work you did here and the careful way that

you outlined everything and your presentation and I would just ask that you continue to follow up on these policies, get them in place as the budget cycle comes around and we'll begin to see this evolve. Thanks a lot.

COMMISSIONER CAMPOS: Thank you, Commissioner Sullivan.
Implementation – what do you see?

MR. GONZALEZ: From the standpoint of the hybrid vehicle program, that we can start probably immediately. Some of these other steps, the short-term solutions we can begin working on also. With respect to the bio-fuels, one thing we didn't take into account is the fact that we'll probably require separate tanks if we're going to purchase our own. Otherwise, we'll have to purchase them on the market which means that we'll probably pay a premium for them over and above what we would have. As we move into the new Public Works facility, that is something we can take into account, perhaps and plan for a little better with the additional tanks for bio-fuels. So from that standpoint, we're probably looking at more like two or three years in order to try and phase in some kind of a program there.

COMMISSIONER CAMPOS: We're going to start buying smaller cars immediately I assume, right?

MR. GONZALEZ: Right.

COMMISSIONER CAMPOS: Okay. Thank you very much. Good job and let's keep the discussion going because I know there's a lot of other issues out there but we need to go into implementation as soon as possible.

XII. G. 2. Approval of Funding for the Santa Fe County Merit Pool Program

MR. ABEYTA: Thank you, Mr. Chairman. The idea of a Santa Fe County merit pool program is something that we've discussing for several years. I think Commissioner Sullivan was actually the first one to introduce that concept, many years ago, actually, and it's something that kept recurring yearly when we would talk at our strategic planning sessions. So finally, in this last year's budget, \$250,000 was set aside for the creation of a County employee merit pool program. In your memorandum, I provide you with examples of some of the criteria that are currently being considered for the program.

The County Manager has created a merit pool team made up of representatives from just about every County department to come up with criteria. Some examples include 1) The \$250,000 will be distributed between county departments based on the number of eligible employees. 2) The department or office directors will distribute merit increases based on the following: a recommendation from the employee's supervisor, a 300+ score on an employee's recent performance evaluation, the employee has not received a merit

increase within the previous 12 months, and that the employee is not on probation. 3) Any increase will not result in an employee's salary from exceeding the maximum range as set forth in the Human Resource classification and compensation plan.

The merit pool will be replenished annually by retaining the percentage of salary savings accrued from County vacancies and if necessary, additional funding will be requested in the annual budget. The recommendation: The County Manager recommends funding of the \$250,000 for the employee merit pool. The guidelines for administering the program will be finalized and adopted by the County Manager in March. And I would just like to add, Mr. Chairman, that we have concluded our mid-year budget review and we have determined that this money is still available for this purpose and we will be coming to the Board in March with additional recommendations and additional growth that we want to fund as a result of the mid-year budget review and the monies available. Thank you, Mr. Chairman. I stand for any questions.

CHAIRMAN MONTOYA: Questions for Roman?

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Abeyta, give us some examples of how this money would be distributed as an incentive to the higher performing employees.

MR. ABEYTA: Mr. Chairman, Commissioner Campos, as the memo states, a supervisor would recommend to the department director an employee that he or she thinks deserves a merit increase based on performance. The director would require an updated performance evaluation that reflects that and then the director would give the merit increase to the employee. Some of the other criteria that we're working on that would be included. There would be a cap also put on the increase so the entire money available couldn't be spent on just one employee or two or three employees. Based on what an employee's salary is we would determine limits as to how much of a merit increase they could receive. Obviously, the higher paid employees would have a lower amount that they'd be eligible for and the lower paid employees would have a higher limit set for them. But it would basically be based on a recommendation from a supervisor.

COMMISSIONER CAMPOS: So who actually makes the decision? Once the supervisor makes a recommendation, is that final?

MR. ABEYTA: No, the department director has the final say.

COMMISSIONER CAMPOS: That's final.

MR. ABEYTA: Yes.

COMMISSIONER CAMPOS: Now this increase is for a period of one year?

MR. ABEYTA: They would only be eligible to receive one increase a year. So I couldn't recommend a raise for an employee twice in a twelve-month period.

COMMISSIONER CAMPOS: And at the end of that 12-month period – it doesn't affect the base, right? The base always stays the same? It doesn't affect the base?

MR. ABEYTA: The employees – it depends on what you mean by base. An

employee's salary would go up. Their base would increase by five percent or three percent, whatever the proposed merit increase is.

COMMISSIONER CAMPOS: And how would you distribute the \$250,000 amongst all the departments?

MR. ABEYTA: What we have determined is we're just going to take the number of eligible employees for this and we think it's somewhere between 500 and 600 employees right now. We would divide that into \$250,000 and distribute that amount to each department. So the larger departments would get more than the smaller departments but the average would be like \$.40 an hour per employee. Something like that. So it would be fair in that regard, that everybody would get the same amount based on the number of employees in each department. So Public Works may get more money out of the pool but that's because they have a significantly larger amount of employees than let's say, the Treasurer's office, who only has like ten or eleven. But over all, the average would be – it would all average out to the same amount per eligible employee.

COMMISSIONER CAMPOS: Thank you, Mr. Chairman.

CHAIRMAN MONTROYA: Further questions? I guess the only concern that I have is that this then would become a recurring expense.

MR. ABEYTA: Yes, it would.

CHAIRMAN MONTROYA: Is there any way to set it up where maybe it's done maybe the same way but more equitable, like in terms of maybe a one-time bonus, or something where it's not going to become recurring. Because I guess a concern is as much as I would like to continue to give them that increase, I still tell people the jail just scares me to death about who knows what's going to happen there? And then we have to start coming back. Always, the easiest and quickest place to cut back is personnel and we hate to do that. We're already strapped as it is with existing personnel. So has any thought been given maybe to that type of a merit?

MR. ABEYTA: Mr. Chairman, yes we have. We are looking at that but I guess there's some kind of problem, or it may not be legal to give bonuses to government employees for some reason. And so we feel comfortable, and the Finance Director feels comfortable that we would be able to absorb a \$250,000 recurring expense year after year. Or else we wouldn't be proposing this. Because we do realize that this is recurring.

CHAIRMAN MONTROYA: Okay. If that increase goes up the merit pool is going to have to go up too, isn't it?

MR. ABEYTA: Yes. The \$250,000 will always stay. That will always be recurring. But where you would see an increase in cost, let's say next year we're going to have a lot more employees eligible, for example, the officers at the adult facility and the youth – they're on probation now. They were taken care of with the five percent increase when they first came on. But next year, the pool is going to grow and so we're going to need to look at ways to address that. And what we're proposing now is retaining a percentage of salary savings that we currently receive every time we have a vacancy in a

department. But that's where the growth is going to be.

CHAIRMAN MONTOYA: Okay.

MR. GONZALEZ: Mr. Chairman, the problem is that with respect to the current way that we've done a lot of those merit increases, they've come out of salary savings, and we have no control over that, in a sense. So we still end up having the budget increase but we don't have a means for trying to control that. If we slowly back into making the merit pool an operating system and we take some of the money that otherwise would go as salary savings, we begin to build up the pool that you have available for doing this, recognizing that you would still have to bump up the budget for personnel costs one way or the other. So the question is do we do it in a rational way or do we do it in a way that just kind of depends on which department has more vacancy savings than any other department.

CHAIRMAN MONTOYA: Okay. Any other questions? We have a recommendation.

COMMISSIONER ANAYA: Move for approval.

CHAIRMAN MONTOYA: Motion by Commissioner Anaya. Second. Any further discussion?

The motion to approve the merit pool proposal passed by unanimous [4-0] voice vote. [Commissioner Vigil was not present for this action.]

XII. G. 4. Request Approval of Memorandum of Understanding Between the City and County of Santa Fe for Paratransit and Parking Services

MR. GONZALEZ: Mr. Chairman, members of the Commission, this is basically our renegotiated JPA between the City and County for those services. We sat down with the City Manager and his financial staff, worked out the numbers. These are the updated numbers and basically, it's just a continuing agreement that we currently have. We've tried to accommodate some additional increases that they've had in the parking area and one thing that we will be watching closely is the number of parking spaces that are available, given that we now have an ex-Sweeney Center, which has caused the loss of some parking spaces on the City side. So we've talked to them. We told them we'll continue to work with them if we need to adjust the numbers based on loss of any spaces then we'll go ahead and do that as we go along.

CHAIRMAN MONTOYA: Okay. Any questions on this? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Just one question, Gerald, on the second page at the top. In the event the City notifies the County that federal DOT grant monies to

support the Paratransit services become unavailable the parties shall renegotiate compensation paid by the County. Does that mean that this is being subsidized, our part of it is being somewhat subsidized and if they were to lose federal funds, our participation would increase?

MR. GONZALEZ: That's correct. I think they count some of our passenger traffic into the numbers they submit in order to get federal funding.

COMMISSIONER SULLIVAN: So we are getting credited for – all of the federal funding isn't just going to the City and we're a tag-on. We're getting credit for those federal dollars.

MR. GONZALEZ: That's correct.

COMMISSIONER SULLIVAN: Okay.

COMMISSIONER ANAYA: Move for approval.

COMMISSIONER SULLIVAN: Second.

CHAIRMAN MONTOYA: Motion, Commissioner Anaya, second by Commissioner Sullivan. Any further discussion?

The motion to approve the MOU with the City passed by unanimous [3-0] voice vote. [Commissioners Vigil and Campos were not present for this action.]

XII. G. 5. Update on Various Issues

MR. GONZALEZ: First we have an update on the legislative issues, the funding legislation coming out of the last session. What John Michael is handing out is as far as we can tell, at least at this point, is a listing of the capital outlay items that relate to County projects. *[Exhibit 4]* We wanted to make sure you had an opportunity to go over the list and take a look at what is in there. We do have, as I indicated, some priority funding items that relate to Commissioner priorities. The list that relates directly to, as far as I can tell, the five priorities that were identified by the Commission going into the session, the first item is the \$1.950 million for the First Judicial Complex. That's on the first page. It's at the top of the page. Then a little further down, about half-way down there is an item of and \$400,000 for the Eldorado Senior Center and a total of \$825,000 for the Esperanza Shelter administrative complex. That was listed as Commission priority.

On the second page we do have the \$200,000 for – and this is about five lines down, the Pojoaque Valley Senior Center. Just above that is \$200,000 for the community center in Pojoaque Valley, and then just under the Pojoaque Valley Senior Center item is \$300,000 for the Santa Fe County Fairgrounds improvements. So those are the – those relate to the initial five items that the Commission identified as being priorities. I did want to call your attention to a couple of others. On the second page, about half-way down the page you'll notice that there is a total of \$2,050,000 allocated for the Women's Health Services Complex. Given the – I

think it was roughly \$400,000 that they already had received, that gets us very close to the appraised value of that facility that at least came back to us from our appraisal which was roughly \$2.8 million, if I remember correctly. So it puts us within reach of that particular facility.

Then we also have at the bottom of the list \$375,000 for the Youth Shelter and Family Services facility that we're already engaged in constructing, so that takes us a little further with the phase 2 of the project. Now, obviously, the numbers that you have in front of you depend on what the governor ultimately does with respect to his vetoes but the total of what we're looking at in terms of dollars coming to the County from the projects on the first two pages is roughly \$11.5 million, which is probably the best the County has ever received in terms of total dollars. Obviously, some of those projects were not high priorities on our list and some of them are just coming to the County and were not on our list at all to begin with. They are legislative responses to their constituents.

On the third page are three projects which I think we're in the process of trying to determine whether they're County projects or not. We can't tell from the initial language whether or not, but that would total another \$380,000.

CHAIRMAN MONTROYA: Questions? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Gerald, I'm not sure what department these came out of but I saw some additional listing, for example, maybe these were under the Environment Department and these may have come under a different – whether these were under House Bill 2 or whether they're under the CIP bill, House Bill 662.

MR. GONZALEZ: Bill 662 was a reauthorization bill.

COMMISSIONER SULLIVAN: Because I recall seeing several hundred thousand dollars for an Edgewood sewage treatment facility. I recall seeing that on the list. I also recall seeing \$2 million for Santa Fe County sewage treatment facility, which I wondered where that was going to be, except the only place I know it could be would be Valle Vista.

MR. GONZALEZ: We actually took a look at those and we think that those are City numbers as opposed to County numbers.

COMMISSIONER SULLIVAN: The City of Edgewood?

MR. GONZALEZ: City of Edgewood and the City of Santa Fe.

COMMISSIONER SULLIVAN: It said Santa Fe County but it was really meant for the City?

MR. GONZALEZ: Right. One of the difficulties we have with the language is that a lot of projects that are for the benefit of other potential appropriatees, if you will, nevertheless, they designate the money as coming to Santa Fe County. So after we looked at those items, what we were able to figure out is if they were going to different local governments than the County.

COMMISSIONER SULLIVAN: Okay. So Edgewood still got some money for their wastewater, it's just that it went directly to Edgewood.

MR. GONZALEZ: Right. Or else it could have gone through the Environment

Department as opposed to going to the County. I'm not sure exactly how it's getting there.

COMMISSIONER SULLIVAN: Okay. But you think that \$2 million is not for the Santa Fe County?

MR. GONZALEZ: No, I wish it was.

COMMISSIONER SULLIVAN: I was going to say, that's great. We can really fix up that Valle Vista plant out there which is a wreck of a Model T. But it's not to be, huh?

MR. GONZALEZ: Not to be yet.

COMMISSIONER SULLIVAN: Okay.

MR. GONZALEZ: There are also some additional monies, probably principally operating monies that are going to some other projects – Women's Health Services got \$192,000. That was in Senate Bill 415. Senate Bill 301 had a little over \$55,000 for the Abedon Lopez Senior Center located at our Santa Cruz housing site. There was \$50,000 for operation of the El Rancho Senior Center. And there was some money for Santa Fe Community College and we couldn't figure out whether that had anything to do with the scene shop proposal that they had or something else that's going on.

CHAIRMAN MONTROYA: So regarding the other projects, would we consider looking at the water settlement bill? Or is this just projects that are not certain what they are. I think that Peace Conference is Shannon Robinson's, isn't it?

MR. GONZALEZ: It may be. We were trying to figure out exactly what it was. That third page, we're still trying to figure out where the money is going and for what exactly. As I said, the language in some of those bills is a little obscure so it take some digging to try and figure out what it's for and where it's going. And there are obviously programmatic monies that are out there that are different from capital outlay. I just referred to some of them but I understand that Senate Bill 415 also had about \$85,000 for funding Teen Court and the Santa Fe County Recovery of Alcoholics program had, in Senate Bill 639, I think, \$300,000 authorized. And then in House Bill 2, \$255,000 for an alcohol recovery center, but we're not sure exactly what that's earmarked for. So there's still some pieces that haven't landed yet. What we will do is continue to update as we go along and as the governor does his stroke of the pen magic. But hopefully we'll keep on the books what's coming to Santa Fe County.

One thing I did want to suggest, in the process of having staff run off a staff-drafted letter to the governor requesting certainly that the priority items not be tabled and also requesting that the other items also remain on the governor's list in terms of what he does not veto. There are some amounts on there that maybe fall into a middle category. They're not exactly low priority. They weren't in the top five, but for example, the Women's Health Center, if we can keep that money in there, certainly it takes a certain kind of burden off the County. I know that Commissioner Vigil was deeply interested in approximately \$747,000 that was going to the Agua Fria Children's Zone, and I know there are some other projects in there that some of the other Commissioners have an interest in, including some roads.

CHAIRMAN MONTROYA: That aren't on this list.

MR. GONZALEZ: As far as we know, the roads that did get funded are on the

list.

CHAIRMAN MONTOYA: Oh, they are?

MR. GONZALEZ: Yes.

CHAIRMAN MONTOYA: There's only about one or two then.

MR. GONZALEZ: There's not a whole bunch this time around.

CHAIRMAN MONTOYA: And then the other one, like the Chimayo Barela Compound. That will come through the County, even though it wasn't a priority and we didn't ask for it? We still have to administer it? This is one of those special challenges projects?

MR. GONZALEZ: Rudy can address that. He knows about those special challenges.

RUDY GARCIA (PFMD): Mr. Chairman, Commissioners, the list that you have there is actually – we sat down yesterday, the senior staff and the legislative team and we actually picked out the projects that Santa Fe County will actually administer. There's actually tons more projects in the Santa Fe County area, such as the Eldorado Water and Sanitation District. There's tons of acequias up north in the Pojoaque area. There's stuff for the Vadito de Cerrillos Community water system. Those projects that you have in front of you are the projects that Santa Fe County will administer and what we'll do is we'll actually hand you guys out a copy of this list as well that shows all of the projects in Santa Fe County. *[Exhibit 5]* But the list that you have in front of you are the ones that we actually will administer. And all the other projects will actually go through the Environment Department straight to the acequia or straight to the water system, straight to the sanitary sewer districts or straight to the municipality of Edgewood, and so on and so forth. But we'll get you guys a copy of this list as well.

CHAIRMAN MONTOYA: Okay. So that will be the secondary, non-Santa Fe County administered list?

MR. GARCIA: Correct.

CHAIRMAN MONTOYA: Okay. Any other questions? Gerald, anything else?

MR. GONZALEZ: One last subject, Mr. Chairman, members of the Commission. What I'm passing out is just sort of a first cut coming out of the strategic planning process that we did at the meeting of last week, trying to distill the discussions and the concerns and the priority items that were identified into a coherent kind of list. *[Exhibit 6]* And if you'll look at what I've handed out, what we ended up doing was basically dividing the items that were discussed and identified into three major categories. There's a fourth that's not on there that is sort of everything else. But what we saw coming out of that was that the three categories of items that look like they could – that they need to continue to be addressed in the strategic planning process are first, items relating to internal organization. That has to do with limiting the number of priorities that we're working on, departmental autonomy, and I'm reading off the list that's up at the top there under internal organization. Realistic goals, organizational realignment, essential services, multi-year budgeting, and

evaluation/assessment.

The second category of items that was discussed and identified looked like it related principally to land use and infrastructure. And that had to do with identification of growth areas and water and wastewater, facility development, trails and open space, economic development and transportation, energy and housing. And then the third area was the resources needed to support those two above, which really is the information system, the adequacy of facilities and the work environment for County employees.

What we've done is taken each of those categories at the bottom and created a matrix, because some of those items in following up to the strategic planning meeting last week internally with staff, some of those items we realized actually are somewhat in process. With respect to supporting resources, for example, in the work environment, we have a number of internal staff committees that are working some of those items. So what we've started to do, there are four columns that are not filled in to the right of that listing that I just read off that's put into the box matrix at the bottom. What we're in the process of doing is identifying the status of each of those items, sort of assessing where we are and where we need to be going. The third column is the resources that will be needed to complete or implement those items, and then the fourth is taking a look at what policy changes or new initiatives might be necessary to move those forward.

So what we'd like to do is, using this as a basis for discussion, have a follow-up meeting with the Commission to go over these items and make sure that we've got them right, or if there's something that we've missed to go ahead and add it on to the list. As I said, there is a small list at the end that doesn't appear on here of items that sort of fell out of those categories but were identified in the initial discussion. As an example, we talked about greater collaboration between the County and outside organizations, expanding senior and youth programs, working on making Santa Fe County citizen-friendly, increased law enforcement presence throughout the county, working on the courts and jails and possibly a County museum.

So that's a first category but it didn't seem quite as connected to the three that I just outlined in terms of needing to get the wheels on the road and get those moving. What I'd like to do is propose possibly a meeting with the Commission to go over these. One way of doing it, we'll be covering these at senior staff this coming Monday just to make sure at the staff level we've got these right as well, but certainly we'd be glad to convert that into a joint meeting, Commission meeting and staff meeting and hold it here in the chambers and continue the process, or alternatively, after we've had a chance to continue working at the staff level, bring it back and have a separate two-hour session that we had talked about last week with the Commissioners to see what additional thoughts you might have after you've had a chance to digest this.

The supporting resources, obviously, would require budgetary commitment for this next fiscal year and possibly the following fiscal year, but that's essential in order to continue moving forward with the rest of this.

CHAIRMAN MONTOYA: Do you have any questions?

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Campos.

COMMISSIONER CAMPOS: I have a question about the land use and infrastructure, the first item, growth areas. To me, it seems that we have to have also non-growth areas and we have to get away from hydrological zoning. Is that being discussed by Land Use? I know I've had discussions with different people there.

MR. GONZALEZ: In terms of non-growth areas, I don't know that that's been specifically discussed. It's certainly worth discussing in the context of a growth plan and where we go. It would implicate perhaps three different categories, growth areas, other areas, and then non-growth areas where I take it you're suggesting no development would occur?

COMMISSIONER CAMPOS: Not at all. No. Maybe that was the wrong term. We have growth areas where we want to focus, and now in the county with hydrological zoning, you can defend, you can grow anywhere, really. And the lot size is what is determined by that zoning. You can break it down to 2.5. It seems to me that in some areas we have to make the lot sizes larger to discourage growth in those areas and encourage growth in the growth areas.

MR. GONZALEZ: The other issue that needs to be discussed, and we talked about this during our internal staff discussions, just following the session we had last week was – and it's a policy decision to put before you to ask you how you want us to bring it forward. But in light of the hydrologic studies that we just completed, the question is do we want to do something such as require that growth take place in the area where the County brings water and wastewater to, or do we want to also consider the possibility of some growth where there is strength to the underground aquifer apart from that, or do we want to do some combination of the two of them?

One of those areas that kind of raises it a little bit is what's going on with respect to the area just south of La Cienega because it's an identified area for potentially a County well but at the same time it's an area where obviously, people in that area may be able to access water more readily as well. That's the kind of discussion we'd like to have and what I'm thinking is if you think that we've got it right, what we can do is peel off portions of these and bring forward plans that address each of those so that you can take a look at them, decide what needs to be in there that we've left out or whether we've hit it on the mark, and then ultimately start adopting plans in each of these areas that would allow us to continue moving forward.

CHAIRMAN MONTOYA: Any comments? Commissioner Sullivan.

COMMISSIONER SULLIVAN: The only comment I would have is that the focus, ever since the approval of the Community College District plan has been we're going to dump everything into the Community College District and the environs around it, 14, and that's been the policy that Santa Fe County has pursued for the last five years. And I think if you project out that policy to its ultimate conclusion, you're going to find that you're not going to like what you see. And it's very easy to approve developments along Route 14 and say they

have affordable housing and they have recirculated water and what have you, and it's vacant land. You don't have landowners coming in and complaining the way you do with other areas.

This Commission has not bitten the bullet whenever we have a proposal that's adjacent to somebody else we do away with it and we go out into the hinterlands. And if you just simply project that ten years into the future, you're going to have a whole new suburbia out there and it's not going to be Santa Fe County, it's not going to be Santa Fe City, it's not going to be the EZ, it's going to be a Levittown with an umbilical cord serving it via Santa Fe City and County. And I don't think we've looked at that. It's just so easy to say, Oh, well, that's our growth area. Well, we have other growth areas. In the RPA plan there are other growth areas. We don't incentivize them. Developers don't propose much in them except high-cost housing near Las Campanas. And I think what you've got to look at in your long-range planning is is that really what you want out there?

You see Longford Homes go out there with the reputation of Rio Rancho, it's going to serve a need, certainly, in the low housing cost area. But it's going to continue to march out on infinitum until it reaches the Ortiz Mountains. If that's what this Commission wants, that's where it's going and that's where it's going to be. I think you could just take a computer model and project out what that's going to look like and what the cost of serving that is going to be and it's ultimately connected into Eldorado and the possibility of a formation of the formation of an entirely new city out there that would be separate and apart from all of us. I don't think we've looked at those issues. We've taken the easy way out and the easy way out is that all new development – we've talked about growth areas. Tell me another development that has occurred other than in the Community College District, other than Suerte. You can't name them.

It's just simply a myopic development look. We took one area that was vacant land and we said, Gosh, that's a good place to put a bunch of housing because there's nobody out there objecting to it. At least not right now. So I think our long-range planning needs a substantial refocus. I don't think we can go back and say, Gee, that was really a great idea. Let's just put 150,000 homes out there south of Santa Fe and we'll maintain traditional values that we treasure in Santa Fe, values like rural open spaces, values like acequias, values like funny curved roads in Santa Fe and things that make this area unique.

I think we're on the wrong track and I don't see anything here, I don't see anything in our planning, and I don't see anything in our community plans, which are basically enclave plans, that is leading us anywhere but to that ultimate conclusion. I just don't see it. I'll be gone by the time it happens, but when it happens, I'll be sorry that it happened.

COMMISSIONER CAMPOS: Commissioner Sullivan, having the Community College District has, I think worked well. I'm just wondering what your alternatives are. We have to have growth areas where we can bring infrastructure, water, wastewater, roads, utilities. That makes sense to me. We need more than one growth area and we do have several growth areas. I think part of the meeting we had the other day, the retreat on strategic planning was to address those issues. What do we do about infrastructure in other growth areas?

COMMISSIONER SULLIVAN: I'm just saying, Commissioner Campos, that it's all great to say that, but in point of fact, what happens realistically here – and I'm not pointing the finger at anyone, Commissioner, I'm just saying it's human nature. As soon as somebody complains and we have an alternate to go somewhere out where it's still chamisas, we take the easy way out. And that's what we do. I think there's more to our planning thinking that needs to go on than just saying identify growth areas because the city isn't growing anywhere else and we're adding fuel to that fire. I think too much of anything is a bad thing. And too much of what growth is occurring in the south of Santa Fe is sucking the life blood out of Santa Fe and it will continue to suck the life blood out of it, and it won't happen over night.

COMMISSIONER CAMPOS: When you say Santa Fe you mean the City of Santa Fe?

COMMISSIONER SULLIVAN: I mean the city and the immediate surrounding environment, that we spend most of our time in.

COMMISSIONER CAMPOS: I just don't understand what you mean by adding fuel to the fire. I don't get an idea of what alternative vision you have. People are moving in here; it's growing. What do we do?

COMMISSIONER SULLIVAN: What I'm suggesting is when we look at other growth areas as blobs on the map, like we do in the RPA plan, our strategy is to wait until developers come forward and propose a land development there. Well, that's not a very good strategy. Our strategy should be to do something like what Mr. Wust was talking about and get our County water system lines extended first in the areas where we want the growth to occur. So there is already a built-in incentive to those communities. We're working still on a reactionary basis. We don't have a planned utility system, either water or wastewater. We have essentially zoning that says if a developer feels like it's an economical thing to do he comes in and he asks for some zoning or some variance and if the neighbors complain he's knocked down.

So I don't have the answer, other than to say what we've been doing ever since the passage of the Community College District Ordinance in 2000 has led us in one direction and one direction only. And if we keep going in that one direction, we'll have one homogeneous blob south of Santa Fe that won't be anything like what I think any of us wants.

COMMISSIONER CAMPOS: Well, I agree that it's been reactive in a lot of ways in that we respond to a developer and I think utility plan – we're all supportive of having growth areas with utilities. It's up to this Commission to have the political will, stand by it and not approve developments that aren't in growth areas, that are really taking a lot of the water and resources, like Suerte del Sur. That's not a growth area. It doesn't really serve the community. The developer goes out and says, I've got the right, and he does, under the Code. That's why we have to change that Code.

COMMISSIONER SULLIVAN: It's a general comment, Mr. Chairman. And like I say, I'm not pointing the finger at anybody. I've just seen after five years that we're

going in one direction. We'll continue going in the same direction and I don't see anything that's moving us in any other direction, and I'm the Commissioner that gets 95 percent of the developments in his district, and I'm the one that constantly has to be reacting to them, getting the calls from constituents and you after a point in time say how much more time can you spend when the policy of all of Santa Fe County is Dump everything here. You're not going to – it doesn't seem like a very progressive policy. And as good as some aspects of the Community College District may be – as I said before, too much of a good thing is a bad thing.

So I think we're myopic in our view. I don't know how to change it but we need to change it, is my feeling.

CHAIRMAN MONTOYA: Gerald, or –

COMMISSIONER SULLIVAN: Other than that, everything's fine, Mr.

Chairman.

MR. GONZALEZ: Mr. Chairman, Commissioners, I was delighted to see the discussion here because I think it's the kind that actually needs to occur as these kinds of items move forward. And that's what this is designed to do is to move forward with a process that will allow us to present you with some proposals that you could then debate at the policy level and provide us with some direction.

XII. H. Matters from the County Attorney

1. Executive session

- a. Discussion of pending or threatened litigation**
- b. Limited personnel issues**
- c. Discussion of possible purchase, acquisition or disposal of real property or water rights**

Commissioner Campos moved to go into executive session pursuant to NMSA Section 10-15-1-H (7, 2 and 8) to discuss the matters delineated above. Commissioner Sullivan seconded the motion which passed upon unanimous roll call vote with Commissioners Anaya, Campos, Sullivan, Montoya and all voting in the affirmative.

[The Commission met in executive session from 5:30 to 6:30.]

Commissioner Sullivan moved to come out of executive session having discussed only the matters outlined in the agenda, and Commissioner Campos seconded. The

motion passed by unanimous 3-0 voice vote. [Commissioners Anaya and Vigil were not present for this action.]

XIII. ADJOURNMENT

Chairman Montoya declared this meeting adjourned at approximately 6:30 p.m.

Approved by:

Board of County Commissioners
Harry Montoya, Chairman

Respectfully submitted:

Karen Farrell, Commission Reporter

ATTEST TO:

VALERIE ESPINOZA
SANTA FE COUNTY CLERK