

SANTA FE COUNTY
REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

August 1, 2006

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 3:05 p.m. by Chairman Harry Montoya, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

Following the Pledge of Allegiance and State Pledge, roll was called by County Clerk Valerie Espinoza 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 John Michael Salazar.

VI. APPROVAL OF THE AGENDA

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- B. Tabled or withdrawn items**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

JACK HIATT (Deputy County Manager): Mr. Chairman and Commissioners, the only changes that I have are under IX. Matters from the Commission, A, and you have amended agendas before you. Discussion and consideration of discretionary funds to advertise townhall meeting in the Santa Fe *New Mexican* in an amount not to exceed \$400, proposed by Commissioner Sullivan.

And next, under XI. A. 1, Request direction to staff to proceed with placing general obligation bond issue for County facilities on the November 2006 ballot. That's from

PFMD. That's all I know about changing the agenda, Mr. Chairman.

CHAIRMAN MONTOYA: Okay. Any removals from the Consent Calendar? Okay, can we have a motion?

COMMISSIONER VIGIL: So moved.

CHAIRMAN MONTOYA: Motion, Commissioner Vigil.

COMMISSIONER SULLIVAN: Second.

CHAIRMAN MONTOYA: Second, Commissioner Sullivan. Discussion?

The motion to approve the agenda with the changes mentioned passed by unanimous [5-0] voice vote.

VII. APPROVAL OF MINUTES

None were available.

VIII. MATTERS OF PUBLIC CONCERN – NON-ACTION ITEMS

None were brought forward.

IX. MATTERS FROM THE COMMISSION

A. Discussion and Consideration of Discretionary Funds to Advertise Town Hall Meeting in the Santa Fe New Mexican; Amount Not to Exceed \$400.00 (Commissioner Sullivan)

COMMISSIONER SULLIVAN: Mr. Chairman, this is an item to advertise an upcoming townhall meeting that we're conducting on August 24th at 6 pm at the Santa Fe Community College. Several months ago we also held one out in the Eldorado 285 area just to get input from residents on any issues that they would like to discuss. So we put in two advertisements in the newspapers to do this and were advised that the cost of that was somewhat less than \$400.

COMMISSIONER ANAYA: Move for approval.

COMMISSIONER VIGIL: Second.

CHAIRMAN MONTOYA: Commissioner Campos.

COMMISSIONER CAMPOS: Question. Commissioner Sullivan, the \$400 is just for the advertising?

COMMISSIONER SULLIVAN: That's correct.

CHAIRMAN MONTOYA: Commissioner Sullivan, is this just for your district or for all?

COMMISSIONER SULLIVAN: Anyone is invited.

CHAIRMAN MONTOYA: Everyone is invited.

COMMISSIONER SULLIVAN: It's in my district but we always discuss issues like roads and development and water and so things seem to be universal regardless of the district. But they are one's that I am conducting in District 5.

CHAIRMAN MONTOYA: Okay. So the primary intention is for your district.

COMMISSIONER SULLIVAN: That's correct. That's why I took the advertising out of the discretionary funds from my district.

CHAIRMAN MONTOYA: Motion and second. Any other discussion?

The motion to approve the \$400 in discretionary spending passed by unanimous [4-0] voice vote with Commissioner Campos abstaining.

IX. OTHER MATTERS FROM THE COMMISSION

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: None.

CHAIRMAN MONTOYA: Commissioner Campos.

COMMISSIONER CAMPOS: I'll pass.

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: None.

CHAIRMAN MONTOYA: Commissioner Sullivan.

COMMISSIONER CAMPOS: Pass.

CHAIRMAN MONTOYA: I just have one and that's that we are – I believe there are three Commissioners that are going to the NACo conference beginning on Thursday. Have we noticed that we will have three Commissioners attending that meeting, so that there's no question or controversy about the potential Open Meetings violation?

STEVE ROSS (County Attorney): Mr. Chairman, I don't believe it's been noticed but we'll take care of it.

CHAIRMAN MONTOYA: Okay. Thank you.

X. CONSENT CALENDAR

A. Findings of Fact

1. CDRC Case # Z /DP 06-5050 Children's Garden Montessori

School

B. Miscellaneous

- 1. Approval of the New Mexico Department of Health Grant Contract No. 07/665.0200.D120 for the Maternal and Child Health Program in the Amount of \$132,523 (Health & Human Services Department)**

CHAIRMAN MONTTOYA: Is there a motion?

COMMISSIONER ANAYA: Move for approval.

COMMISSIONER SULLIVAN: Second.

CHAIRMAN MONTTOYA: Motion, Commissioner Anaya, second, Commissioner Sullivan.

The motion to approve the Consent Calendar as presented passed by unanimous [5-0] voice vote.

XI. STAFF AND ELECTED OFFICIALS' ITEMS

A. Projects and Facilities Management Department

- 1. Request Direction to Staff to Proceed with Placing General Obligation Bond Issue For County Facilities on the November 2006 Ballot (Projects & Facilities Management Department)**
[Exhibit 1: Presentation]

JOSEPH GUTIERREZ (PFMD Director): Mr. Chairman, Commissioners, in your packets today there's a memo from Paul Olafson and basically, what we're here today to do is just to give you some more information on the GO bond question that will need to come to the Commission for their approval on September 12. This would be a no tax increase to the voters that potentially would raise about \$20 million of bonding, that would be used for County infrastructure and facilities primarily, in this situation, the construction of a new courthouse. And I have a brief presentation for you to cover these points.

If the Commission remembers, as per the memo, on June 19th we made a brief presentation to the Commission on infrastructure and infrastructure financing. This was after Paul Griffin addressed the budget and the purpose was to outline funding strategy for County administrative space renovation, new courthouse and public use spaces. At that meeting we received direction to possibly place this on the November 2006 general election. It would be a \$20 million general bond issue and this would be coming out of property tax. The administrative renovation, courthouse and public use space needs, the items there would be to secure funding for the courthouse and renovation to the existing buildings. The current situation right now in terms of funding that the County has potential to use is we have the 1/16 GRT that has been enacted, and if and when the Commission decides to use this for

bonding, the minimum bonding capacity I believe at this point would be about \$25 million depending on the time. That could be higher, as high as maybe \$28 million or maybe a little bit higher than that.

The other options that we have, based on the property tax and the values in the assessment, we have the ability to place on the general election the ability to put \$20 million of GO bond capacity on there as a question in November of 2006 and again in November of 2008, and potentially even a little bit further down the line. The \$20 million of GO bond, how that would work, it's of no tax increase to the citizens at this point. It's based on previous bonds have been structured with declining annual payments and rapid principal reduction. The County tax base is growing and based on our financial advisor, the average growth in the county has been about seven percent. I believe for the way he structured the debt and the debt acquisition if you call it that, and pay-off was between four and five percent.

Our current tax rate is at \$1.86 and that would support the current and proposed payments for the \$20 million bond issues. Additional bond issues can be added in the future with this debt management structure with no increase to the constituents of Santa Fe County that pay property taxes. This program allows for active debt management. How the monies would be used, again, and our time tables are that we would require action for this first \$20 million to place this on the ballot in November. We would require action by the Commission at the September 12th meeting. The use of the 1/16 for \$25 million of bonding capacity, again, it represents no tax increase to the citizens. It's a GRT that's in place and the BCC can take action at any time. The timing would be coordinated with when we are making a construction commitment at that point.

We also have the ability in 2008 to issue another \$20 million of GO bond without a tax increase, and this would probably be used at this point to finish the infrastructure needs of the County – courthouse facility, potentially, and a remodel of the old courthouse and possibly some renovations in this existing building. Again, based on cost, inflation, those types of things, but it provides that opportunity.

The reason that we're putting this in front of you today is for information but the reason that we need this question on the ballot in November of 2006 – I've made an outline here in terms of where we are on the courthouse. Today, the responses for the A&E services, responses to our RFP were due today at 2:00. So architectural firms responded in terms of interest in doing business with the County to start the planning for the new courthouse. We plan to award the contract to an A&E firm by October 1st. If we give this A&E firm about a 12-month period to do the program and finalize the plans, we're looking at about September of next year in terms of when we would have the A&E documents.

Again, we've heard anywhere from our feasibility study that the time frame could be between 12 and 15 months. Again, we want to be on an aggressive schedule if possible. That means on November 1st of 2007 we would issue an IFB for the construction agreement and enter into a contract where hopefully the successful bidder on this point. And tentatively, based on that, we're looking at about 60 days that we would award a construction contract by 2008 of January 1st. And that's tentatively when we would start

construction of a new courthouse. The reason that we would need the \$20 million of bond capacity and the \$25 million on the 1/16 GRT is that we would want the funding in place before we enter into this construction agreement. Even though you would allow the election question to be on the November ballot, if we have success and it passes with the voters, we would not sell those bonds until probably late in 2007. So theoretically we would go almost 12 months before we would sell the bonds. And at that point is when the County would incur their debt management structure.

The same thing would be with the 1/16 GRT. So the 1/16 GRT you'd have, right now, you'd have almost two years of revenues before you would have to bond that out to provide funding for the new courthouse. These two measures would provide about \$45 million of funding to build the courthouse at that point. Now, the 1/16 GRT that isn't committed at this point, part of that would have to be used for A&E services as we enter into a contract, theoretically, by October 1st, because we would need to have the finances in place at that point. We also have the opportunity for A&E services to go back to the legislature now in January and see if we have another opportunity to secure funding also for the architectural and engineering services at this point. Again, just recapping, that the \$20 million of GO bond is, we want to place that on the November 2006 election. It requires action by the Commission at the September 12th meeting. Again, the 1/16 would be used for the new judicial courthouse but now action would need to take place until probably late in 2007. And then we have another opportunity – we would look at possibly repeating this process two years from now at this point. So it would be the same timetable, and at that point we would be looking to see if we met the cost for the courthouse, if we need any additional dollars, and start the process, if we renovate the old courthouse to move some of our public use. I get the departments interact with the public on a more day-to-day basis, potentially moving them to the old courthouse, because our opportunity for parking is greatly enhanced in that area as it is compared to our current location. And then some minor modifications if necessary to this building. One thing is to bring it up to Code, sprinkler systems and other things that we need to do here. With that, I stand for any questions.

MR. GONZALEZ: Mr. Chairman, we do have a representative from Judge Hall's office here this afternoon as well.

ANGELA PINEDA: Hello, my name is Angela Pineda and I'm the deputy court administrator with the First Judicial District Court and I'm here to represent Judge Hall who was unable to be here due to a jury trial, and all the other district court judges. Again, just emphasizing the need for the new courthouse. I know the judges have been in front of you several times, and just here to show the support for it. If you have any questions.

CHAIRMAN MONTROYA: Any questions for Angela? Angela, do you know if the judges are actively at this point attending any legislative committee hearings or any of that sort, advocating for additional funding or actually funding for this courthouse?

MS. PINEDA: It was discussed at our judges' meeting, about our judges being in attendance at anything that does come up. There's nothing that's been scheduled

right now, and I believe the legislators have some type of conference in meeting in Albuquerque within the next few months and I know they had mentioned about just showing their presence there.

CHAIRMAN MONTOYA: Okay. So there will be some activity on the judges' parts to engage in that process.

MS. PINEDA: Yes. They've been asked to attend as many as possible that are requested and have come up.

CHAIRMAN MONTOYA: Okay. Great. Thank you for being here.

MS. PINEDA: Thank you.

CHAIRMAN MONTOYA: Any questions for Joseph?

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Gutierrez, you said that it's going to take 12 months, about a year to get this A&E plan out with construction detail?

MR. GUTIERREZ: Mr. Chairman, Commissioner Campos, for this type of project 12 months is probably minimal at this point. I've heard anywhere from 15 months or a little bit longer. At this point as we go through the RFP process and award to a successful bidder, we're looking at a 12-month time frame.

COMMISSIONER CAMPOS: As far as selecting the architecture for this building, how is that going to be done?

MR. GUTIERREZ: Well, we had responses but we haven't seen the responses, but they were due at 2 o'clock today.

COMMISSIONER CAMPOS: Not from architects, the architecture itself? What it's going to look like ultimately?

MR. GUTIERREZ: That will, again with a successful bidder, we'll look at that. The first part of this is programming, in terms of how the courthouse will look, the coating, the square footage, options, whether we have the district attorney in there or not. Parking. Parking is going to be a key thing. And as part of the RFP process, it's a two-phase process that first we identify who is capable of doing the work and we narrow the field down, and then the finalists will come in in terms of – and we have somewhat of a conceptual model that we will bring to all of you to look at again. It doesn't mean that's exactly how the courthouse will look. We'll give you all the architects' ideas in terms of what they're looking at.

COMMISSIONER CAMPOS: I assume at some point you're going to give options as to the architects to the Commission. Otherwise, who's going to make the decision if it's not the Commission?

MR. GUTIERREZ: Mr. Chairman, Commissioner Campos, for a project of this size and nature and obviously the scrutiny that's going to undertake we will definitely update the Commission on a regular basis in terms of the progress and where we are and any decisions that need to be made.

COMMISSIONER CAMPOS: Question for Mr. Gonzalez. State lobbyist – way back when we decided we needed a state lobbyist and one of the reasons our efforts

failed in the past was because we approached the legislature and Governor too late. Where are we today on that?

MR. GONZALEZ: Mr. Chairman, Commissioner Campos, the RFP is out and the bids are do I think at the end of next week, if I remember correctly. So we'll be reviewing those maybe this week. I don't remember the exact date but we should have somebody on board within a couple of weeks.

COMMISSIONER CAMPOS: Because I remember talking to one of the proponents, he said we should probably be talking to the Governor as early as July and we're already in August. He suggested we move very quickly.

MR. GONZALEZ: I agree.

COMMISSIONER CAMPOS: So we will be moving quickly?

MR. GONZALEZ: Yes.

COMMISSIONER CAMPOS: Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: Any other questions?

COMMISSIONER ANAYA: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: So that Paramount building will be sitting vacant for a year? Or is it vacant? Are we using it for anything?

MR. GUTIERREZ: Mr. Chairman, Commissioner Anaya, the Paramount, actually we've used it to move some of the departments. Currently we're remodeling the Finance Department so Finance is over at the Paramount. We had Health there previously. So it's kind of – it's been a nice asset to have on a temporary basis but for the most part it will remain vacant at this point.

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

CHAIRMAN MONTOYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Joseph, on the RFP for the architects, did we consider, because of the size of this and the specialty in nature of it, the possibility of design-build?

MR. GUTIERREZ: Mr. Chairman, Commissioner Sullivan, we did do that. We looked at the time frame and where we were and the push on this and the additional work in terms of design-build and it's new territory for us. We had several meetings as a group and we decided not to pursue it at this point.

COMMISSIONER SULLIVAN: Because in terms of the time frame, and I'm not experienced with design-build on a project this size other than the Buckman Direct Diversion project, but the proponents of design build, and there's both proponents and opponents, say that if there is a tight time frame, and particularly if there is a client that doesn't have a lot of technical expertise in house that those are two good criteria for doing design-build, where you bring in a specialty firm that just does courthouses or airports or prisons or whatever the specialty in the field is, that they do all over the country and it's supposed to go a lot more quickly that way and with construction costs going up so quickly I just wondered whether that was something that we thoroughly evaluated.

MR. GUTIERREZ: Mr. Chairman, Commissioner Sullivan, we did meet as

a group. We actually had an outside consultant come and talk to us about it and we evaluated it. And again, there was such a strong push and the way our time frame was it would have taken more time to prepare an RFP and whether we would be more successful or not, it's difficult to tell at this point. I don't know that on a time frame that we have right now, we keep the architect down to 12 months and we get the funding in place, I think overall that our time frame is not going to be any shorter or longer at this point. But again I think there are key considerations and I don't think it's the building at this point. One of the things that we're talking about is parking and things like that. But it's difficult to measure the pros and cons at this point.

COMMISSIONER SULLIVAN: The consultant that came in, who was that?

MR. GUTIERREZ: Mr. Chairman, it was a gentleman from 3DI who is also working with the City on the Sweeney project.

COMMISSIONER SULLIVAN: 3DI?

MR. GUTIERREZ: I believe it's 3DI.

COMMISSIONER SULLIVAN: What's 3DI?

MR. GUTIERREZ: 3DI, it's kind of a construction management company. They've kind of assisted my counterpart with the City –

COMMISSIONER SULLIVAN: That assisted the City in getting one bid on the convention center? Was that it? Okay. I don't think they're construction managers –

MR. GUTIERREZ: I think they're contract goes through the construction process also.

COMMISSIONER SULLIVAN: Yes. But they're not a design-build company.

MR. GUTIERREZ: No, no, no. They're just advising.

COMMISSIONER SULLIVAN: Yes. They're the company that gets you one bid on your contract. Okay. Well, I don't think the door is closed on that. I'm sure when you do the architectural contract you will have a clause in there – I'm sure Mr. Ross will write in there a clause that allows you to move one step at a time, the programming phase and the other phases. Again, I'm not advocating for it, but this is a specialty project and it wouldn't hurt to do a little research throughout the country in courthouses and see what kind of success or not they've had doing that. Because that would go more quickly if we had the funds. I don't know that \$45 million is enough but it's something I think to consider in the programming phase, to write that in. Typically the architectural firm selected is not going to be too enthusiastic about recommending that, obviously, but nonetheless, it should be evaluated I think. You could ask a design-build firm for just informal quotes once you have a program and a square footage layout and the size of the parking structure, you'd probably get some firms interested in just getting some informal cost estimates. It might be interesting to see what the market is. Thank you, Mr. Chairman.

COMMISSIONER VIGIL: Mr. Chairman.

CHAIRMAN MONTROYA: Commissioner Vigil.

COMMISSIONER VIGIL: Thank you. I want to underscore Commissioner Sullivan's suggestion that we do some research on the design and build. While we haven't

traditionally done it this certainly would be a project where we might look into that prospect because I'm understanding the dollars that can be saved with the design-build alternative are significant. So if it's still possible, and I'm wondering now that we've gone out for A&E whether or not it is, but if it is, I'd like us to at least consider it and bring that alternative to the Commission.

MR. GUTIERREZ: Mr. Chairman, if I could just address something, a question, Commissioner Vigil. In terms of – it's my understanding – again this is not – we don't have a lot of expertise in there, but in terms of additional dollar savings, I think that is a perception that may not necessarily be true because again, in the design-build, when you put something out there under design-build and we say we have \$45 million, then we get something designed and built for \$45 million that may not meet our needs but we meet our budget. And I think we're trying to balance two things here. Definitely we want to balance our budget but we want to develop something that manages our needs for now and develop something for the future in terms of if we have –

COMMISSIONER VIGIL: I'm not sure procedurally what's required. Whether or not we have to put out there that we have \$45 million or whether or not we can request RFPs without that information and find out what can be done as a response to those, because we're not familiar with the design-build alternative. So what I propose is that we see if in fact we – once you've been able to do that, if you can bring that information to us, I think we should have that alternative. Because perhaps you're right, but without us having done it I'm not sure we can make an educated decision.

The other question I have is if we're going out for \$20 million and \$25 million, which is a total of \$45 million. What is the current projected cost for the project?

MR. GUTIERREZ: Mr. Chairman, Commissioner Vigil, in the presentation and the feasibility studies that we had earlier this year, the feasibility addresses two numbers. And again, I think the higher number was \$53 million and the lower number was \$43 million. The \$53 million number was about 150,000 square foot structure that included the DA. The \$43 million figure was 120,000 square foot structure that probably didn't include the DA. Our team within the project, we're looking at square footage that will address the needs now and into the future. It's difficult to say that 120,000 square feet is what we need at this point, so we want the A&E firm to take a good look, in terms of the programming phase, the actual space we need.

Because if you look at the current courthouse structure, they're in 60,000 square feet now. Again, it's space; it's not allocated for it's use, but again, if you look at the open area, where they're at now and things like that, it's difficult to conceive that we've jumped from 60,000 to 120,000. So we want to make sure that the A&E firm takes a very close look at that.

COMMISSIONER VIGIL: So again, what is the projected cost at this point in time?

MR. GUTIERREZ: The lower cost was \$43 million.

COMMISSIONER VIGIL: \$43 million?

MR. GUTIERREZ: \$43 million.

COMMISSIONER VIGIL: Okay. Do we currently have any funding budgeted for this project?

MR. GUTIERREZ: Mr. Chairman, Commissioner Vigil, the only funding that we have for this project at this point is an appropriation from the legislature. I don't have that exact number but it's between \$400,000 and \$500,000 that we would use for the A&E services.

COMMISSIONER VIGIL: And would we need more funding? Because you had testified that we could go to the 2007 session for A&E. How much is required for the A&E?

MR. GUTIERREZ: Mr. Chairman, Commissioner Vigil, on the low side I would say – this is very low, \$2.5 million. On the high side it would be about \$3 million.

COMMISSIONER VIGIL: Okay. Thank you. And Mr. Chairman, I do support staff's – actually they haven't made a recommendation. They've just asked for direction and my position is that we should direct staff to pursue the GO bond.

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

COMMISSIONER CAMPOS: Mr. Gutierrez, the metro court in Bernalillo County, many people say it's quite nicely designed. Are the folks that designed that showing any interest, have they shown any interest in this particular project?

MR. GUTIERREZ: Mr. Chairman, Commissioner Campos, that firm was DCSW I believe, and we have worked with DCSW. As of about 30 or 60 days ago, DCSW no longer exists. They took some kind of corporate change. It's my understanding the core group submitted a proposal today and I don't know what their new name is. But they are no longer DCSW.

COMMISSIONER CAMPOS: Okay. The second issue is energy. How did you address that in the RFP?

MR. GUTIERREZ: Mr. Chairman, Commissioner Campos, we haven't addressed that. That would be again through the A&E part of it and we would address it through the programming phase and make sure that any concerns that we or the Commission or any other body has, that we would incorporate that on the A&E design.

COMMISSIONER CAMPOS: I just want to make sure it doesn't get overlooked in the process.

MR. GUTIERREZ: Mr. Chairman, we made a mention of that in the RFP in terms of energy efficiencies.

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

CHAIRMAN MONTOYA: Okay. Joseph, regarding the public use space, does that include the Public Works Department? Or what is it?

MR. GUTIERREZ: Mr. Chairman, it's a broad statement that we put there, again, these dollars, if we start using this method in terms of funding infrastructure, we don't want to limit the uses, so there's terminology there that kind of broadens the scope. So in terms of – the perception of the public is not that it's just a courthouse. This is really to address the County's long-term infrastructure needs, which potentially could be something

like that. Again, there's no specific item that we have envisioned right now. Right now in terms of infrastructure we're looking at courthouse, the old courthouse and this building at this point.

MR. GONZALEZ: Mr. Chairman, Commissioners, the thought was to leave that open so that potentially, we might be able to be creative with that space and use it not only for the court complex but maybe even incorporate some public use space within the complex.

CHAIRMAN MONTOYA: Within the new courthouse complex?

MR. GONZALEZ: Right. Maybe a courtyard similar to what they have in front of the Steve Herrera building but that would be more useful for the public. A place to have a couple tables, maybe some trees and people could sit there and have a little picnic or enjoy the shade, something to that effect.

CHAIRMAN MONTOYA: Okay. So this doesn't address the Public Works building at all then.

MR. GUTIERREZ: Mr. Chairman, in terms of Public Works, the funding to build a new Public Works facility is in place at this point.

CHAIRMAN MONTOYA: Okay, so we won't need additional funding.

MR. GUTIERREZ: In terms of the funding strategies that were proposed today, we wouldn't use any of those dollars for the Public Works. Right now, theoretically, for roads and the building there was approximately \$20 million.

CHAIRMAN MONTOYA: Okay. Where's that project?

MR. GUTIERREZ: Mr. Chairman, the Public Works facility, the firm is going to provide us the actual finished construction documents. I saw a time table and it's the end of September? September 15th.

CHAIRMAN MONTOYA: Okay.

MR. GUTIERREZ: When you see that, at that point when you see September 15th, that's the format where it's ready to go out for construction bid at that point and allowing 60 days. So before the end of the year we should have a successful bidder in place to start the project of the new Public Works facility.

CHAIRMAN MONTOYA: So with this funding we're strictly talking about the courthouse, primarily. For the first issue, and then the second.

MR. GUTIERREZ: Mr. Chairman, the first issue would be for the new courthouse. The second issue, a portion of that could be used to finish off the courthouse at that point and also look at the old courthouse, the County infrastructure needs at that time in terms of office space.

CHAIRMAN MONTOYA: Okay. What direction – Commissioner Vigil has provided us her direction. Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chairman, I think we need to move forward but let me clarify that we're only looking at the 2006 \$20 million issue now. Is that correct?

MR. GUTIERREZ: Mr. Chairman, Commissioner Sullivan, again, yes. The only action that would take place would be again to bring this action to you at the

September 12th meeting to put this on the ballot for the general election in November of this year. That would be the only action that would be needed.

COMMISSIONER SULLIVAN: I think, Mr. Chairman, this demonstrates our commitment to this facility. I would like to challenge our judicial counterparts to get on their tennies and get over to the roundhouse and start lobbying. Because at the rate that construction inflation is going, \$45 million isn't going to do the trick 18 months from now.

CHAIRMAN MONTOYA: Okay. Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chairman. I think by moving this forward it clearly shows the judges that we're doing our part. And I do agree with Commissioner Sullivan that I think – and they did last year, to go to the legislature and they put on their tennies to go look for some money. So I think I'm in favor of moving this forward.

CHAIRMAN MONTOYA: Commissioner Campos.

COMMISSIONER CAMPOS: I agree. Let's move it forward.

CHAIRMAN MONTOYA: Okay. Commissioner Vigil.

COMMISSIONER VIGIL: I would just like Judge Hall and this message to be given to him. I think it would be maybe the interim legislative committees have requested their presence at some of the committee meetings. It might not be a bad idea for him to connect with the Legislative Finance Committee and the chairperson, Representative Lucky Varela, and request being placed on the LFC interim committee agenda. So that those committee members are aware of the project proposal and its need. I think we'll need that committee's full support to gain funding so I'm not sure what kind of an exchange they've had, but again, if he would make contact to be placed on an LFC agenda I think that would really create a benefit for the project.

CHAIRMAN MONTOYA: Okay. And I too feel that we need to move forward with this. I think the plan that we've been given by – is it still Dain Rauscher? It's still Dain Rauscher, right? They haven't changed like DCSW? Okay. I really appreciate the plan that was outlined and Peter Franklin, than you for working with Kevin Powers on that and Joseph as well. I think this certainly gives us a path by which we're going to be able to follow, which is going to allow the taxpayer to know that we are prudently spending the dollars that we're given in order to maximize what we can through this method and I think that's exactly what we're doing and I'm glad to see that we're unanimously in favor of moving this forward. Is that enough direction?

MR. GUTIERREZ: Mr. Chairman, I think it's real clear.

CHAIRMAN MONTOYA: Thank you.

XI. A. 2. First Public Hearing to Discuss Santa Fe County's Infrastructure and Capital Improvement Plan (ICIP) for Fiscal Year 2008-2012 (TWO PUBLIC HEARINGS REQUIRED) [Exhibit 2: ICIP Memo; Exhibit 3: ICIP Projects List]

MR. GUTIERREZ: Mr. Chairman, Paul is going to make a presentation on our infrastructure plan. I just wanted to preface that that our plan within PFMD is to request again another \$3.5 million from the legislature to fund the A&E for the judicial courthouse. So that's part of the packet that Paul is passing out at this point.

PAUL OLAFSON (Open Space Director): Mr. Chairman, Commissioners, what we're presenting to you today is the first round – this is the first of two hearings regarding the Infrastructure Capital Improvement Plan. This is an annual plan submitted to the state through DFA and their capital outlay unit, is the office name. And this, there's a five-year plan for funding of capital programs. We have conducted a series of five community meetings throughout the county, focusing on the north, the Pojoaque Valley, the central area, the Eldorado/Galisteo area, and the Edgewood area.

Within your packet I have a memo here stating that our top priorities – let me mention another point. DFA is requiring five top priorities for the County as part of the submittal. Last year we had five priorities that were Esperanza Shelter, Eldorado Senior Center, the Santa Fe County Fairgrounds, Pojoaque Valley Community Center, and First Judicial District Courthouse that we were just discussing. Of those five, two have been fully funded and will be completed – that's Esperanza and Eldorado, and what remains on the list is the County fairgrounds, Pojoaque Valley Community Center and the courthouse, from the remaining top five priorities from last year.

In your handouts I have a series of spreadsheets that we've tried to color code so that we can go through them somewhat easily. On the first page of 8 is a blue headline. These were the requests we received this year. The left hand column is the name of the project, the center column is the project request for this year, and then the final column outlines funds that have been received for this project.

The second page then has a yellow banner across the top. This again goes to the top five priorities I just outlined and the funding for them. The next page, page 3, starts with a green banner on top. This shows our existing projects and the funding we've received for those projects to date. Some of these funds are not exact because we haven't gotten all the final agreements from the state and some other pending grant sources. That's two pages. The final pages, five through eight, outline all the capital projects that were submitted last year. You see the name of the project and then the second column is the rank of the project as it appeared in last year's plan. And remember, this is a five-year plan so sometimes a priority might not be given until say 2009.

The ICIP we're talking about right now is for fiscal years 2008 through 2012. That will begin in July of next year and the funding request if forwarded to the legislature for the coming session to evaluate and possibly fund different projects. Again, this is the first of two public hearings. What we're trying to present to you today is just kind of a kitchen sink wish list of all the projects and ask for your direction. We'd like to try and make some meetings with you all before the next meeting on August 22nd to discuss maybe district priorities. I know in the past the Commission has somewhat allocated projects per Commission district and that was how the top five priorities have been obtained. I'm not sure if the Commission would like to follow that this year.

Another idea is maybe looking at projects that we can fund that are possibly going to completion or getting closer to a completion date. With that, I'll stand for any questions.

CHAIRMAN MONTOYA: Any questions for Paul?

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Campos, Commissioner Vigil.

COMMISSIONER CAMPOS: Mr. Olafson, how did you come up with the 2008 list? Did you go out and have meetings in the community? You're talking to members of staff? How does that work?

MR. OLAFSON: Yes, we did have the five community meetings. We also requested internally from some staff. We got a good response, actually, from the planning group working with community planning. We anticipate that other requests will be coming in before August 22nd for a final list. We've also then just had interested individuals contact us and say we want to have this project. And that's stemming from basically last year's legislature projects that maybe didn't get funded or were vetoed or that didn't get as much funding as they wanted. They said when the process comes up we want to be back on.

COMMISSIONER CAMPOS: Are any projects excluded from this list that were thought up in the community or by staff or the Commission?

MR. OLAFSON: Mr. Chairman, no.

COMMISSIONER CAMPOS: So this is probably all inclusive of what you've heard?

MR. OLAFSON: Of what we've heard, yes.

COMMISSIONER CAMPOS: Some of these, for example the Pojoaque area water/wastewater system, \$1 million. Now, what is that? I know we've talked about it in the past; it was going to be reconfigured. I don't know what the status of that is. Maybe Chairman Montoya could –

CHAIRMAN MONTOYA: I believe maybe Steve Ross could more adequately answer that. I'm not sure exactly what that reconfiguration has been.

MR. ROSS: Mr. Chairman, what exactly was the question?

CHAIRMAN MONTOYA: The Pojoaque wastewater?

MR. ROSS: The current status of that project is that, as you recall, we had several meetings with the House leadership, including the speaker and discussed potential ways that project could be moved forward. Where it sits right now is the Pueblo of Pojoaque is working on drafting two agreements, instead of the one agreement we were working on about a year ago. And of those two agreements, one would be a joint powers agreement that would serve as a conduit for the money that's already been appropriated to this point to specific projects that are sort of a part of a larger project which is a wastewater treatment facility for the entire valley.

The second agreement would be an MOU or sort of like that, an MOA, MOU, a cooperative agreement, something like that, that would lay out the contours for the whole project and how we intend to get from where we are now, which is approximately \$2 million worth of appropriations to the entire project for the entire valley, which is a \$10 or \$12 million project. So that would lay out a roadmap for how we get from this joint powers

agreement that will be presented to you and accomplish the first two or three portions of the project. How we get from there to a full-blown project.

CHAIRMAN MONTROYA: Commissioner Campos, I think one of the elements in there that was of concern to you and to a number of other people was the perpetual easement which will be addressed in the JPA, right, Steve? Or was it in the MOU?

MR. ROSS: Mr. Chairman and Commissioner Campos, we're going to address that in about two different ways. First of all, we've already addressed it in larger part on the Aamodt settlement. As a part of the Aamodt settlement there are going to federal easements granted to create the water infrastructure that will serve that project. Early on, when we knew the wastewater issue was going to come up we instructed our attorney, Mr. Utton in that case, to negotiate a broad grant of easements so that when the easements were received in connection with the Aamodt settlement they could be used for both water and wastewater. So to the extent that easements are needed in connection with a wastewater treatment project, in part they're already going to be provided as a part of the Aamodt settlement.

As a secondary matter, any additional easements that might be needed, such as for gravity flow sewage lines, which aren't placed normally in the same place that you would place a water delivery line, those would have to be in joint powers agreements that are reached with the appropriate Pueblo in connection with the actual project.

COMMISSIONER CAMPOS: Mr. Chairman, I was also concerned that the project as initially configured focused on the needs of the Pueblo and not the needs of the 3,000 or 4,000 residents in the Pojoaque Valley and I thought it should always be the other way around. The focus should be on having a system that serves the majority of people in that area as opposed to the Pueblos. I think because the majority of people out there are non-pueblo I think the County should have a significant role in operating the system and making decisions as to how the money is spent and how the system is designed and how it services the public out there.

That was really my concern and if this is going to go forward I would like to have more input from the Commission earlier than last time. Because last time I didn't find the proposals very acceptable, looking at the needs of the non-pueblos.

MR. ROSS: Mr. Chairman, Commissioner Campos, I have not yet received copies of the drafts I spoke of so I don't have anything to share with you at this point. I have on my to-do list to contact the Pojoaque Pueblo attorney I've been working with and see if she's been able to make any progress on creating some drafts, rough drafts from the old agreements. And as soon as I have those, I'd be happy to start sharing them with everybody. Maybe as soon as I get them I'll forward them on to you all.

COMMISSIONER CAMPOS: At least have a summary of what the concepts are so we can have a discussion.

MR. ROSS: One of the biggest issues of course is what projects to do first, because there's a limited amount of money but there's certain things that have to be done at some point. I think everybody agrees that at some point in order to serve the entire valley

there's going to have to be a sewage treatment plant installed and that's going to be fairly expensive. We don't have enough money at this point to do that. So I think the idea was to take off some of the smaller projects and use the available money and then try and work with DFA who's been very supportive of the idea, by the way, to try to pick off, say, the sewage treatment plant and maybe some flow lines and things like that. The lines will be a big component of the cost.

COMMISSIONER CAMPOS: The New Mexico Finance Authority can help with that too, right?

MR. ROSS: The Finance Authority could certainly be a piece of the funding equation, although right now, we've been fairly successful with direct legislative appropriations.

COMMISSIONER CAMPOS: Thank you, Mr. Chairman.

CHAIRMAN MONTROYA: Commissioner Vigil.

COMMISSIONER VIGIL: Thank you. Mr. Olafson, I would like you to follow up with a particular member in my district whose name is William Mee. I have received an e-mail from him and I think this is subsequent to the meeting that you conducted out there and there was another project that I don't see included in this, and maybe it is a part of one of the ones that you're proposing, I'm not sure. But I do remember receiving an e-mail from him and that e-mail was also forwarded to our legislative delegation. So if you could follow up with him and bring that project forward and amend this ICIP, unless it doesn't require amendment to include that. It seemed to be a critical project that just didn't come out through your hearing process.

And secondly, I'm like to ask my fellow Commissioners, we have been handling the prioritization in different manners and I agree with Mr. Olafson that last year what we did is we allocated a priority for each one of our districts. Is that the direction we want to do, or do we want to do a countywide prioritization? It seems to me that certainly the judicial complex would be a priority because we've been moving in that direction. If we're looking for money for our public safety direction that in fact might be a direction. If we're looking for money for the Buckman Direct Diversion that in fact would be a priority. I'm just not real clear, and perhaps now is not the time to think about it. We have another hearing with regard to this and maybe we can discuss it then, but I think last year we all just proposed a particular project in each one of our districts and I'm not sure that DFA provides any particular criteria except that they've requested this for the last several years. Are there criteria?

MR. OLAFSON: Mr. Chairman, Commissioner Vigil, I will certainly get with Mr. Mee and I know that the list I gave you came out of the Agua Fria, included the input of the Agua Fria Community Planning Group and there were some items on that list that were undollared. It wasn't really clear what it would cost or what it would be. That might be one of those issues but I'll investigate it.

Secondly, your other point, we would like as much prioritization as we could at this meeting. I think your question regarding should it be countywide issues or should it be district-specific issues or maybe there's a combination in there. I don't know. Working with

DFA there isn't a set of criteria other than we know the Governor has announced this year is the year of water. That might be a priority issue area. Maybe it doesn't play into ICIP, maybe it does.

Another issue is trying to complete projects, to fully fund a project versus partially fund projects that will never get off the books. I know they're very interested in trying to get projects from A to Z and not have too many projects sitting there that can't be completed. I think in our discussions earlier, talking about construction costs, it would probably behoove us to aim at that. At that end there's an ability to say that within that five-year span, maybe project A is not as important as project C. So let's take the first year potential funding for project A and put it in C so C could be completed. If that makes sense.

COMMISSIONER VIGIL: Well, it does. It seems to me that it's quite practical and commonsensical to move forward with projects that are almost completion-ready. It also makes sense to me that we highly consider those projects that are countywide and create a benefit largely for the entire county. But I'm not too sure how my fellow Commissioners feel about that and perhaps it's something we have to mull over. I also actually want to ask you about two particular projects and that's Esperanza. Did I hear you testify that they've received sufficient funding? If so, where are we with that project?

MR. OLAFSON: Mr. Chairman, Commissioner Vigil, Esperanza, we have an A&E request out and we're working with a firm to look at modular construction for that. We've worked with Esperanza's board and explained the costs and the desires and what they need and want and what we can afford with the appropriations we have received to date, and we feel that we can get them what they need within the appropriations we have on the table already.

COMMISSIONER VIGIL: Very good. And Women's Health Services. They received \$2.2 million, I believe, to purchase the building. What's the status of that project?

MR. OLAFSON: Mr. Chairman, Commissioner Vigil, we discussed that I think, or you all discussed briefly at the last meeting, that currently the terms of the lease agreement are being discussed. The funding is close to in place as to what they had gotten an appraisal at. How all that falls out is not fully determined yet but I think that is moving forward and there is impetus to make it move.

COMMISSIONER VIGIL: I do recall we spoke about it but that was more than five minutes ago for my brain. Thank you. Thank you, Mr. Chairman.

CHAIRMAN MONTROYA: And I guess if I look at the priorities for last year, three of the five were countywide. So I think we have tried to look as much as possible at how we can fund countywide projects. So I think we continue to think of how we can continue to do those projects. Commissioner Anaya and then Commissioner Sullivan.

COMMISSIONER ANAYA: Thank you, Mr. Chairman. Did you have meetings in the Village of Galisteo and La Cienega and the Stanley area?

MR. OLAFSON: Mr. Chairman, Commissioner Anaya, we did have a meeting at the Galisteo Community Center, and that was for the Galisteo/Lamy area, as well

as I think we invited Cerrillos and Madrid and Eldorado. We had a meeting at Agua Fria Fire Station where we invited the La Cienega folks to come to. We had a meeting in Edgewood, at the Edgewood Fire Station that we invited that region and we advertised in the papers down there as well as contacted community groups or groups we were aware of. I have to be frank and honest that the meetings were not terribly well attended, so we didn't get a lot of draw out of that or a lot of projects but we did get a lot of individual contact. We got more individual contact with people coming to us with specific projects who couldn't attend the meeting or found out about it after the fact and submitted it after the fact.

COMMISSIONER ANAYA: Okay. Well, next time I think that you should have a meeting in Cerrillos or Madrid for those folks so they don't have to go all the way down to Galisteo. Then I think you'll have more of a turnout. The La Cienega Community Center, on your 2008 ICIP, this is what those people requested. Correct? 2008, the first one.

MR. OLAFSON: I don't see it.

COMMISSIONER ANAYA: It's not on there. I'm saying I'd like to put on the La Cienega Community Center, the La Cienega Park, the Edgewood Senior Center, the Stanley Fairgrounds.

MR. OLAFSON: And Mr. Chairman, Commissioner Anaya, if you go through the back on the pages that have kind of a tan listing and are broken down by water projects, community centers, etc. I know La Cienega Park is in there. I know the community center is in there. I didn't catch what else you were mentioning.

COMMISSIONER ANAYA: Okay, so this page up here doesn't mean they're forgotten.

MR. OLAFSON: No. That means that those were the newly submitted requests for this year. The way this works, it's a five-year plan and basically you roll it over every year so unless the Commission decides to change that or alter it. So the projects that are on the brown page would be resubmitted with new time lines for those projects, unless the Commission decided to change them or rank them at a higher priority.

COMMISSIONER ANAYA: Okay. I understand that now. Then I'd like to add onto 2008, a regional animal control building for the Town of Edgewood, Santa Fe County, Bernalillo County, Tarrant County. Thank you, Mr. Chairman.

CHAIRMAN MONTROYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I just had one question on page 5 down near the bottom where we talk about Santa Fe County water system improvements project, \$85.7 million dollars. What are we thinking there that we would be doing for \$85 million?

MR. OLAFSON: Mr. Chairman, Commissioner Sullivan, I don't know exactly. I'd have to get with our Water Division or Department. We inherited this whole list from last year's ICIP and I don't have that big booklet to reference it right now. I could get back with you though. I know there's another item in there for Buckman.

COMMISSIONER SULLIVAN: Buckman has been one that we have put in in the past but Buckman did get funded last year via the City and it also got funded this year, just this past month through the Water Trust Board. It's not enough, obviously, but

the City seems to be moving on getting Buckman funding and that's fine because it all goes into the pot. It's not City funds or County funds. But I guess what's intriguing to me is from a countywide perspective, if we look at countywide projects we are constantly talking about water.

We're just finishing up a well study. We had a presentation on well opportunities, areas where we might need to drill wells, regional wells and require developers to pay infrastructure to connect to those, but if this is truly the year of water, and we have had two years ago initiatives about a regional water system, we now have a lot more solid thinking about how we would do that. We're well along on Buckman. We're well along on our regional hydrology study and have some alternatives that we can look at. I don't know what's in that \$85 million but I'm thinking we should be thinking about some regional water initiative that does what we've been talking about doing for at least five years that I can remember.

So that's an item that I'd put on as a top five, Mr. Chairman. Only I don't know exactly what the scope of it would be until we dissect that \$85 million and say how would we phase that out. We're not going to go to the legislature and request \$85 million, but we certainly could go with a reasonable phased project that did certain things initially that provided a start to this regional system. So I think that would be in concert with where we've been going for quite a few years in trying to come up with a sustainable water plan for the future. That would be a priority that I would see.

CHAIRMAN MONTOYA: Okay. Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Chairman, thank you. I would agree with Commissioner Sullivan that water is a priority and yet it seems that at least in the request for 08 I don't know how much there is. The other issue I have is strategic planning, Mr. Gonzalez. We're trying to be strategic planners now. How does the strategic plan affect all these requests? Do they have to be re-evaluated in light of some strategic planning? The whole idea was getting the budget aligned with a plan, but that requires alignment I think of ICIP. I think the wells are certainly a big issue as Commissioner Sullivan pointed out and something we need to focus on. Maybe we need to re-evaluate some of the items on this list.

MR. GONZALEZ: Mr. Chairman, Commissioner Campos, I agree. Of course the Commission has not fully adopted the strategic plan yet. We're bringing that resolution forward in August, I think the meeting of the 22nd if I remember correctly. But once it's adopted by the Commission what we will do as next steps is begin to meld the ICIP plan with the budget with the strategic plan and try to converge them all at the same point, so that we don't have conflicting priorities and we do have them organized in a way that makes sense from the standpoint of the strategic plan.

The next step in the strategic plan, once the Commission adopts the resolution will be bringing staff together, pulling together all those groups that we had working on components, bring the staff together to begin to prepare the unified growth management plan for the County. And water obviously is going to be a huge component of that. We need to make sure that when we do our ICIP in the future that we've got that cranked into the whole equation.

COMMISSIONER CAMPOS: If the Governor says that this is the year of water, and we've really got to look at water, we've got to look at this very quickly.

MR. GONZALEZ: I agree.

COMMISSIONER CAMPOS: Even perhaps accelerate it beyond some of these strategic planning areas since it may take a little longer, it seems to me. Also, there are community water associations that have asked for help, Canoncito del Apache, talked to Dr. Wust. We've got to make sure that we're looking at them also. Sometimes I just don't see it. It seems we just carry over things that are thrown on the list and we need to look strategically at what are our priorities and what might be happening at this session. You said year of water? We're talking about wells, regional wells, let's list them right up front. They should be one of our top priorities.

MR. GONZALEZ: Mr. Chairman, Commissioner Campos, that's right on the point, I think. The one thing, and you said we're scrambling at the staff level. We certainly are because I keep pointing out that we're still a Class-A county with Class-B county resources and FTEs from the staff point in order to be able to accomplish all these things and put them all together remains an issue.

CHAIRMAN MONTOYA: Okay. This is a public hearing, so if anyone would like to come forward and speak on behalf or in opposition to the ICIP for 2008 can come forward now. Okay. This part of the public hearing is closed and we will have one more. When will that one be, Paul?

MR. OLAFSON: It's August 22nd.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Campos, Commissioner Vigil.

COMMISSIONER CAMPOS: It's important that we get stuff in our packets so that we can at least look at it before the meetings.

MR. OLAFSON: Understood.

COMMISSIONER CAMPOS: It's kind of hard, you hand things out here and we have to look at them quickly and try to remember from last year and what was said six months ago. It's very difficult. Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: Okay. Commissioner Vigil.

COMMISSIONER VIGIL: I would just like to stress, just so that staff is informed, that we really need to work really closely with the City on getting funding for the Buckman Direct Diversion. One of the things that we need to do and this probably goes to the membership there is we need to really nail out the finances for that project and get that financial picture in place so that when we do go to the legislature for those critical projects that they know where funding is coming from or where we anticipate funding to come from, even if it's an expectation financial statement of some kind. It's very difficult I'm sure for the state legislature to fund something that they don't have a clear picture or at least a status picture of, but I think more importantly, I'm not sure how we're going to work this out, Mr. Gonzalez, with our lobbyists. I think we need to coordinate the lobbying efforts between the City and the County's lobbyists on the Buckman Direct Diversion.

If the City is going to the Mortgage Finance Authority or other sources for funding

on that direct diversion, certainly I would prefer that that be a coordinated effort, but if it is being done unilaterally, we need to consider go for similar funding also for perhaps our portion of the 50-50 infrastructure distribution. But with regard to the state legislature, I do not believe that we will get support unless it's jointly supported. So I'd like that emphasis to be made through our lobbying efforts for that particular project. Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: Okay. Paul.

MR. OLAFSON: There's a couple more points I wanted to cover. I think Rudy has some.

RUDY GARCIA (PFMD): Mr. Chairman, Commissioners, just to keep in mind that this August 22nd Commission meeting is actually the last meeting we can have for our ICIP plan. We need to turn that in by August 31st. So staff will need to get with you guys somehow, either through e-mail or some way to actually figure out how our top five priorities are going to be because August 31st will be here before we know it.

And also, speaking with the Manager's office and with John we are aware of the legislative finance committees that are actually starting today as a matter of fact in Las Vegas. We have spoken with Senator Griego as well as Gerald and Commissioner Mike Anaya and he has made us aware of those meetings and certainly there will be three or four in September and as Commissioner Vigil said, we'll start working with our lobbyists or certainly the ones that we had last year until we do get one on board to start working early on in the process before we get to next year's January session.

CHAIRMAN MONTOYA: Okay. Thank you, Rudy.

MR. OLAFSON: I was just going to add to what Rudy said that it's due August 31st. We have to make a decision on the 22nd or if the Board chose to make another meeting date, but I know it was tight to get meetings this month. We will be in contact with all of you. The priorities that I've heard through this discussion so far have focused on the courthouse, water issues and countywide facilities. Is that correct that I'm hearing that?

CHAIRMAN MONTOYA: I believe so.

COMMISSIONER CAMPOS: Makes sense.

MR. OLAFSON: Okay. We will proceed.

CHAIRMAN MONTOYA: Maybe with that, Commissioners, if we would think maybe when we come back that we'll try to follow those three in terms of the water, the judicial and countywide projects. That way we can try to narrow it down to five.

XI. B. Matters from the County Manager
1. Update on Various Issues

MR. GONZALEZ: Mr. Chairman, members of the Commission, I just wanted to give you a quick update. I think you're all aware we've been having some problems with the e-mail system at the County and probably some other information technology issues as well. What I've asked if for PFMD to provide us with a briefing and my suggestion would be at the presentations meeting on August 16th, just updating you on

what's going on. I think Joseph Gutierrez can give you a quick picture of what's happening right now with respect to addressing the e-mail question. We're I think as of this moment actually trying to deal with that.

I know we've all been plagued with the multiple e-mails and all of the extra e-mails that nobody asked for, the unsolicited whatever they are. But anyway, Joseph –

MR. GUTIERREZ: Mr. Chairman, members of the Commission, just a quick update in terms of the e-mail. A significant problem that we have within the County is we've added a number of users over the last year when we brought on the jail. So there's an enormous amount of e-mail and along with the e-mail comes the spams. I think it's all messages that you receive that you don't voluntarily ask to receive. We have a filter system. It's not a very efficient filter system and because of the way the filter system works it slows down the e-mail and it hasn't been able to filter out in the last month so the problem is compounded.

Agnes, who is not in today, was able to get with the consultant a couple days ago and to address the issue in terms of the filtering. As of early this afternoon we're entering into a small service type of contract to go with an outside vendor to provide the primary filter for the County and in talking to this contractor, we're probably a smaller customer as opposed to a larger customer, so that would be the first filter. One of the customers that they brought on were receiving in excess of 4,000 spams on daily basis as implementing the system, using an onsite source as the primary filter, now they're receiving about three a day, spams a day, from over 4,000. So we hope to have this implemented by the end of the day. I don't think we'll see the net effect until later on this week, but hopefully, that will all clear up.

In addition to that, in the new budget year we were able to receive some dollars to upgrade the infrastructure. That's a big problem too in terms of the infrastructure that we have is a little outdated. So we're going to starting that process in this month and the month of September to make sure that our systems are up to date. But just a quick update for you.

CHAIRMAN MONTOYA: Any questions for Joseph? Gerald, on that? Okay. Thank you. Gerald.

MR. GONZALEZ: One other quick update. I understand that the Valle Vista system, the feasibility study has been moving forward and I think they're in the process of actually scoring the bids that we've gotten in at this point. So we should be able to start moving forward with that wastewater system in the near future. Steve Wust is here if you have any questions on that. That's all I had, Mr. Chairman, Commissioners.

CHAIRMAN MONTOYA: Okay. Any questions or other issues for the County Manager? Gerald, I just have a couple of questions and these are related, I guess to the satellite offices that I had brought up some time back. As part of the overall master plan, is it including satellite offices? I was approached again by some constituents asking why we only sell the solid waste permits once a year in Pojoaque. That's just an instance of again, some of the concerns or complaints that I get, I guess, regarding trying to make services more accessible and easily accessible without having to come and fight for parking and that sort of thing here. What's the update on that?

MR. GONZALEZ: Mr. Chairman, I've sent out a request that we have Public Works, Finance and Facilities all meet to discuss this issue to see if there's some way that we can move forward with it. I think it's been a staffing issue that has been what's driven the way that we've sold the permits on an annual basis. Teresa Martinez may be able to address that question for you. But it's something that we'd like to continue to look at. I know we've had a request not only those requests, not only from the northern part of the county but the southern part of the county and it's also an issue, by the way, that did come up when we were going through the strategic planning initial process. So it is on the strategic planning agenda to be addressed in the future as we come forward with a unified growth management plan. Teresa –

TERESA MARTINEZ (Finance Department): Chairman Montoya and Commissioners, last year was actually the first year we did remote sales, if you will, and we targeted Hondo and Pojoaque. Hondo was not such a great turnout; Pojoaque was a very good turnout. So this year we were transitioning between Auralee and Phillip and he was made aware of the fact that we did the remote sales, so he quickly put it together. Now, they weren't advertised but Pojoaque was very well attended. The attendance was great. We started at 8:00 and we didn't stop until noon. Now, the half day was a limit on staffing on that particular day. So we could explore another sale at Pojoaque. Typically the busy time is in July and then again in December. That's the cycle.

So if there is a request to do that we can work with Fire and Solid Waste to try to coordinate one more day of sales if that would assist.

CHAIRMAN MONTOYA: Would you please do that?

MS. MARTINEZ: Sure.

CHAIRMAN MONTOYA: Thank you. I think that would be worth it. Commissioner Vigil, Commissioner Campos.

COMMISSIONER VIGIL: Mr. Gonzalez, I believe Commissioner Campos had requested at the last meeting that we bring forth discussion on the ASD and I actually had hoped that we might be able to discuss that today. Are you planning to bring that forth at our next meeting?

MR. GONZALEZ: Mr. Chairman, Commissioner Vigil, I'm glad you brought that up because my thought had been to poll the Commission and see whether that was something you'd want to address at the presentations meeting or at the next meeting on the 22nd. I think we had talked about the possibility of doing it at one or the other.

COMMISSIONER VIGIL: I think that the presentation meeting will not have full attendance of the Commission, if that's my understanding. The presentation is August 16th, at 10:00 in the morning. Is that correct? And my understanding is that – and correct me if I'm misrepresenting that but my understanding is that we won't have the full Commission and if in fact we don't, I would prefer to have the full Commission here. So it might be the 22nd is the most viable date. I have the multi-line pool all day meeting on the 16th. I was going to be here for a portion of it but I need to get back to the multi-line meeting.

CHAIRMAN MONTOYA: So then why don't we do it on the 22nd. We'll

do it on the 22nd. And actually, that ties in Gerald, with my next question in terms of – I guess we can discuss it at that point but I think we need to consider hiring a Finance Director. You're doing a great job Teresa and I think you should be the Finance Director, but I think we need to move. I think we're probably a little short staffed down there and I think we need to try and provide some leadership and I guess if we determine on the 22nd what we're doing with ASD I guess that will answer that question.

And then the other question I had, last year we didn't submit a CDBG application. Where are we this year in terms of that?

MR. GONZALEZ: On the CDBG – I'll ask Paul Olafson. My recollection was there was an issue about completing the prior CDBG project.

MR. OLAFSON: Mr. Chairman, Commissioners, and please someone correct me if I'm wrong. My understanding with the CDBG is we cannot apply for one until we have the previous one completed. That's the Agua Fria Community Center. We're scheduled to complete that. We were looking at trying to do some scooping probably the end of August. The application is do I believe in January. So whether we apply or not it's still undetermined and there's a potential that again, in our discussion earlier, that maybe some of that money would look at water or community water systems, if that's an appropriate approach. Discussing it would be – if water projects were also a focus for that funding this year. As well as – it wouldn't be exclusive; any project could apply. But their time line schedule comes in, the application must be in by January 31st, I believe. I'd have to double-check that number. And those are quite extensive application processes.

CHAIRMAN MONTOYA: So we missed it last year because of the Agua Fria Community Center.

MR. OLAFSON: Correct.

CHAIRMAN MONTOYA: And we may miss it again this year because of the Agua Fria Community Center.

MR. GARCIA: Mr. Chairman, two years ago we had an application open for the Agua Fria Community Center and in the past years we were able to have two to three different CDBG applications open at one time. DFA, last year, the year before, recommended that there be only one application open because some of the other communities weren't actually closing their application. There was too much money out there. But we will be completed with the CDBG from Agua Fria this year. Actually our CDBG funding from Agua Fria has been closed out so our federal grant money for that is already closed out. We still are under construction but we definitely will be done with that, definitely within the next month or two.

CHAIRMAN MONTOYA: That allocation has been expended then.

MR. GARCIA: Yes.

CHAIRMAN MONTOYA: So we're good to go with an application for this year then.

MR. GARCIA: Yes. As Paul mentioned earlier, we'll need to come before the Board here and ask the Board for a recommendation on one CDBG project. And just keep in mind that is a project, as Paul mentioned, it is due the first couple weeks of January.

That's a project in an area that has to be either low to moderate income families, households, and we can apply for one application. It's up to \$300,000. Two years ago when we went in front of the CDBG board we actually had the community center and 90 percent of those projects that the CDBG Council was actually awarding monies to were for water and wastewater projects. And as Paul mentioned earlier, that might be a good idea to actually look at a water or wastewater project at a certain area of the county.

CHAIRMAN MONTOYA: Okay. Thank you. Commissioner Vigil.

COMMISSIONER VIGIL: Rudy, I have a question for you. When we applied for the CDBG grant, does it have to be a project that is in the county boundaries and not the municipality?

MR. GARCIA: Mr. Chairman, Commissioner Vigil, I don't know to answer your question. I know there has been a non-profit group, a couple that have actually come forward and asked us if they could be on the CDBG list and apply for the construction of their facility within the city limits because they do have property in the city limits and we're still checking into that.

COMMISSIONER VIGIL: That's a critical piece for me to know because when I get approached for this perspective funding and support through the county, I want to be able to support some of these projects but I need to know the criteria because if it is a project that we can support that is within the municipality of the City of Santa Fe, I need to know that because my understanding, and this may not be right, is that it had to be projects in the county, or on County-owned land. The specifics were pretty clear at one point in time but they're not as clear anymore.

MR. GARCIA: Mr. Chairman, Commissioner Vigil, I'll get you an answer to that by the end of the week. I'll call the CDBG representative from DFA and see what the answer to that is.

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

CHAIRMAN MONTOYA: Thank you. Commissioner Campos.

COMMISSIONER CAMPOS: Thank you, Mr. Chairman. Mr. Gonzalez, you've raised the issue several times about being a Class-A county on a Class-B budget. I've heard that 100 times. What I really want to hear is what we do about it. Do we become more focused? Do we increase revenues? Do we have a plan? Is that part of strategic planning? I'm just –

MR. GONZALEZ: Mr. Chairman, Commissioner Campos, that calls for a broad answer and there are several pieces to that. Part of it has to do with the strategic planning process and the unified growth management plan. That's one way of addressing the issue of shortfall of resources. The idea there, as you may recall, is to bring together all the impacted departments of the County to sit at the table together and determine what resources we need for the future, both in terms of personnel and in terms of dollars, and begin to plan that process out so that every year we're not caught short trying to figure out what we need for the future.

One of the concerns obviously, is as we move forward and the demand for programmatic services increases on the County, this Commission is going to be faced with

making a choice between providing programs or providing FTEs in order to be able to provide the base support for the programs before we move forward with the programs. If we move forward too fast with programs then we aren't going to be able to provide the underlying support. The issues that we're having with respect to the IT functions in the County to me simply represent a failure in the past to invest in the kinds of FTEs that we need to address these issues on a long-term basis.

In addition to that, we've tried to implement a multi-year transparent budget process in which we bring all the department directors together during the budget process. Also get the Commission to participate in that process and look at what the needs are down the road, both from a Commission standpoint and from a staff standpoint and bring those all together. Now, those are represented in the list that we provided you, I believe it was last month. It could have been the month before. The FTEs that we continue to try to roll into the budget. Now the Commission has asked that we bring those back to you, I guess FTE by FTE to make those requests. But long-term, one of my thoughts is, and it's probably going to require another FTE somewhere along the way because I know that my staff is running with their tongues hanging out every day trying to respond not only to the daily needs but the requests that have been imposed on them by the Commission as well and by the County Manager's office. They can't do it all, so things are slowing down. We're starting to see the effects of that at the County level.

But my thought has been that at some point we lay out what those needs are going to be on a long-term basis, using the budget as the tool to move forward. We've got to tie the budget together with all the other needs in order to do that process. So those are some initial thoughts. Long term, I think putting together a unified growth management plan will help to give you a road map so that we all know where we're going and what we're doing. Those are just some thoughts.

COMMISSIONER CAMPOS: Well, I appreciate that because we do have to have the discussion. We did start it with the strategic plan and we started it, I think step one was ASD and I think your proposal was a sound and solid proposal and think there's been a little bit of micro-managing by some of the Commission wanting to fill positions one way or another. I think we really have to give the Manager and his staff the ability to make these decisions so we can move forward and I think the Commission is stalling some progress on the strategic plan and ASD I think is a good example. I think there's too many fingers in the pot, too many people trying to cook it and that's not going to work. I think we have to give Gerald and his staff more authority to do that.

Secondly, I think we have to decide whether we're going to do our base core services or we're going to continue to expand programs. We can't do both. We're misleading ourselves if we think because it's a good idea we're going to go out there and do a new program. That's really hurting our ability to do our core programming. Until we have that discipline, we're not going to be able to really progress. And we're going to stumble along for another two or three years on that plan without giving our CEO and the staff the authority to make these vital decisions and not delay them. I think the ASD proposal is pretty sound. I know everybody had something else. We've got to discipline

ourselves about programs and how much pressure and demands we're putting on the County staff, on the Manager's staff to do little things when we can't do our big things. That's what we've got to focus on.

So I'm concerned about that and I want to have a discussion with the other Commissioners. We're all part of the problem. We've got to be part of the solution. Thank you.

CHAIRMAN MONTROYA: Commissioner Anaya:

COMMISSIONER ANAYA: Thank you, Mr. Chairman. I wanted to go back to the issue that you brought up and that was about permits for satellite offices. And I have a question for Teresa. How did you advertise – you said that you were selling permits at the fire station in Arroyo Hondo, or the Hondo Fire Station. Did you advertise for that?

MS. MARTINEZ: Mr. Chairman, Commissioners, this previous fiscal year, FY 2006 we advertised in the *New Mexican* and we did it on the web. This fiscal year it was not advertised and it was due to a short time in terms of planning so there was no advertisement outside of the transfer stations verbally telling people. Mary, when she was taking the calls would tell people. So there was no advertisement this year. But normally, given the time, definitely we advertise.

COMMISSIONER ANAYA: Yes, and when you do advertise, it should be not just the *New Mexican*, because not everybody in my district gets the *New Mexican*. We have to go to the local papers over there and let them know. There's a local paper in the Village of Galisteo, in San Marcos, the Edgewood area, the Stanley area. I think we need to hit those and then I think you'll be able to get a lot of people generated in those areas. So keep that in mind and I hope – and most of those will do it for free. There's probably just one paper there and I forget the name of it. There might be a little fee but most of those little papers for the small communities, you just call them up and tell them to put that in there they'd probably do it for free. So if we could just advertise a little more that would sure help them out. Thank you, Mr. Chairman. That's a good idea and I'd hope that we can continue to work towards satellite offices. I think it would be a big benefit to the constituents in the areas where we live. Thank you.

CHAIRMAN MONTROYA: Okay. Thank you. Anything else, Gerald?

MR. GONZALEZ: That's all I had at my end, Mr. Chairman, members of the Commission.

XI. Matters from the County Attorney

1. Executive session

b. Limited personnel issues

c. Discussion of possible purchase, acquisition or disposal of real property or water rights

MR. ROSS: Mr. Chairman, we just had a lengthy closed session last week and I don't have anything new for you. So you can skip it if unless you have something you

want to talk to me about.

COMMISSIONER VIGIL: I do.

CHAIRMAN MONTOYA: Do you want to go ahead and make that motion, Commissioner Vigil?

COMMISSIONER VIGIL: I move that we go into executive session for the purposes of personnel issue and purchase of property.

CHAIRMAN MONTOYA: So b and c.

The motion to go into executive session pursuant to NMSA Section 10-15-1-H (2 and 8) to discuss the matters delineated above passed upon unanimous roll call vote with Commissioners Campos, Montoya, Sullivan, Vigil and Anaya all voting in the affirmative.

CHAIRMAN MONTOYA: We are scheduled to be back for public hearing at 6:00. Is that correct?

MR. ROSS: Mr. Chairman, these are always advertised for 5:00. So if you want to come back earlier that possibility exists.

CHAIRMAN MONTOYA: Okay. So 5:30? Okay.

[The Commission met in executive session from 4:40 to 5:55.]

Commissioner Sullivan moved to come out of executive session having discussed only the matters outlined above, and Commissioner Campos seconded. The motion passed by unanimous [3-0] voice vote. [Commissioners Vigil and Anaya were not present for this action.]

DOLORES VIGIL (Land Use Administrator): Mr. Chairman, the applicant for Cielo Sonrisa Subdivision has requested to table. They've got some issues they need to work out with the neighborhood association.

CHAIRMAN MONTOYA: So that would be item XII. A. 2?

MS. VIGIL: Yes, sir.

CHAIRMAN MONTOYA: All right. And the applicant is fine with that? Okay.

COMMISSIONER CAMPOS: We have to take a vote on that since it was on the agenda.

COMMISSIONER SULLIVAN: Move to table.

COMMISSIONER CAMPOS: Second.

The motion to table item XII. A. 2 passed by unanimous [3-0] voice vote. [Commissioners Vigil and Anaya were not present for this action.]

XII. PUBLIC HEARINGS

A. Land Use Department

1. Ordinance Amendment to Article II, Sections 1.2 and 1.3 of the Land Development Code (Ordinance 1996-10) to Set Term Limits for Appointed CDRC and LDRC Members (FIRST PUBLIC HEARING)

WAYNE DALTON (Review Division Director): Thank you, Mr. Chairman. On May 9, 2006 the Bcc granted authorization to publish title and general summary of an ordinance amendment to Article II, Sections 1.2 and 1.3 of the Land Development Code to set term limits for appointed CDRC and LDRC members and to present the amendments to the CDRC and LDRC members for review. As requested by the BCC staff has presented the amendment to the CDRC and LCRD members at their regularly scheduled meetings as an information item only. Thank you.

CHAIRMAN MONTOYA: Discussion? Questions for Wayne?

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Campos.

COMMISSIONER CAMPOS: Just an evaluation from staff. How will this impact the committee process, membership, skill level, knowledge base, things like that?

MR. DALTON: Mr. Chairman, Commissioner Campos, the term limits will be staggered so I believe there will still be some members that have some history with the County and some knowledge of the County ordinances and cases that have been presented. So I think that it will not affect the committees.

COMMISSIONER CAMPOS: These are two-year appointments?

MR. DALTON: Mr. Chairman, Commissioner Campos, that is correct.

COMMISSIONER CAMPOS: Now, compare, let's say, having two terms versus three terms. Two terms times two is four years. Three terms would be six years. How would that work out?

MR. DALTON: Mr. Chairman, Commissioner Campos, I believe it would be up to the Board if they wanted to make that decision. It would be okay with staff. It would benefit staff if we had the same committee members on these committees for three terms.

COMMISSIONER CAMPOS: There's a learning curve and staff puts in an effort to train and teach.

MR. DALTON: That's correct.

COMMISSIONER CAMPOS: I'd like to hear some discussion from the BCC on that because I'm not quite comfortable. I'm not convinced that the two-term thing works.

CHAIRMAN MONTTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: I actually think that when we initially asked staff to bring this forward we were concerned about setting some kind of parameters. If I recall correctly, we directed staff to bring forth a similar term limitation to what County Commissioners have. However, my concern was, and I think it was expressed by other Commissioners, that it's so difficult to get volunteers in the community to commit to these particular positions because they do require a lot of volunteer time. So I think what we're trying to do here is balance the decision that we're making with regard to those issues.

The other concern that I had and I think it's addressed in the way you have drafted the language because it says my serve two consecutive terms. And should it say shall that would create the limitation. So that in my mind allows the opportunity for that particular person who has served two persons to be reappointed, if in fact that particular person has the commitment to continue reappointments, has had their learning curve, has made a commitment to that particular position and wants to continue serving. I know from our experience, we have in our committees, particularly the CDRC, the County Development Review Committee, I think that's what we've kind of focused on, but I know some of the local development review committee have a difficult time getting people to serve on them. So I think if we do create this limitation knowing that the people who serve on these committees may be reappointed if they so desire, I'm perfectly comfortable with that. Is that how staff understood this recommendation to be? Steve, do you want to respond to the may and shall issue?

MR. ROSS: Mr. Chairman, Commissioner Vigil, the way that sentenced is constructed that's a mandatory term limitation. If you want to add some flexibility we can play around with the words in the sentence, but the way it's constructed grammatically, it's a limitation.

COMMISSIONER VIGIL: So if we construct it as may be constructed for two consecutive terms, would that be less mandatory?

MR. ROSS: Two or more.

CHAIRMAN MONTTOYA: So they're going to serve a maximum of three years, then. One one-year and one two-year. Or four. Commissioner Vigil.

COMMISSIONER VIGIL: I think what I'm expressing is to get away from the mandatory component. To actually create the opportunity to set the parameters of term limits, but allow for the Commission to reappoint a candidate after the term limitation that's allowed, that if the particular person serving on the committee needs to be reappointed we have that option. So I think probably that's the kind of language I'm looking for. I thought this said that, because that was upon a request I made when we initially brought this forward, that we not set it so that it's mandatory. Mr. Ross is there something that can be done to provide that? I'd be more comfortable and I'm not sure how the other Commissioners feel. I think that it's too strict to limit it to two term limits and then eliminate a candidate.

CHAIRMAN MONTTOYA: Let's hear from Commissioner Sullivan, your thoughts.

COMMISSIONER SULLIVAN: I think if we want to do what Commissioner Vigil says we just leave it the way it is now, just appoint them as often and as long as you want to. I think what we have, and I've expressed this before and I know personally it works this way is that you develop a coterie of people who are making land use decisions, 90 percent of which never come to the Board of County Commissioners. You don't encourage getting new faces on the committee because you're continually appointing the same people. After a while people stop submitting their resume. They just know that you're going to appoint the same people over and over again.

I think fresh faces and ideas are really good. I think there's a case to be made for continuity, and I think as Wayne says the staggering handles that. I really think that we need to discipline ourselves and if we have an LDRC, and it is true that in the LDRCs it is difficult to get in some cases members, but one of the reasons for that is they meet so infrequently. And another reason is, and we started to address it once but never did, is that they're so unwieldy. Some of these LDRCs have seven, nine members in them.

I'm not sure why, but we a couple of years ago started to address that and we had some staff recommendations to carve those back and to consolidate those LDRCs and I think we should have gone forward with that, quite frankly, because what's happening is is that every time we do a planning study, we're promising them an LDRC. And every planning study that we do we're going to have LDRCs all over the county and the staff is not going to be able to support them. So I think that consolidation is still a good idea. I'm not set on the term. If three terms is a magic number, or two, I just think we need to have a defined beginning and end for any member, just like we do for the Commissioners, and that helps other people who are interested to know that they'll get active consideration. I think we should do it for the EZC as well. Steve, can we do this for the EZC, even though it contains City members on it?

MR. ROSS: Mr. Chairman, Commissioner Sullivan, we'd have to amend the joint powers agreement to do that.

COMMISSIONER SULLIVAN: We'd have to amend the JPA to do that. Okay. So that's not quite as easy. Those are my thoughts, Mr. Chairman.

CHAIRMAN MONTROYA: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Chairman, I agree that when you don't have sort of term limits that you have usually a number of people getting on committees that are often on ten, twelve, fourteen, fifteen years and these folks tend to be very connected to the development community. It's starts to exclude a lot of public input, a lot of board membership. The LDRCs have always been a concern to me. I've always argued that they need to be eliminated and perhaps all functions come under the CDRC. The LDRCs aren't working. They're too close to the community. We don't know if there's subjective enforcement and evaluation of applications. I don't think that if there were LDRC terms were limited we would be seriously lacking, I believe in members. I would say let's do three terms on the CDRC, see how that works. I would say three terms of three years. I would say three years is a good number and let's see how – someone has to be appointed to one year just to work out the staggering maybe. I'm not sure. But I would like to see the

elimination of the LDRCs and I'd like to have all jurisdictions brought in under the CDRC. We could have a really good group that places less burden on staff because it's hard to service all these committees. So that's my thinking. I agree that there's some value in the reduction of terms. I know there's some good people that would be leaving but it keeps it fresh and the history is unfortunately that the developers take control of these committees and that's the end of the game. And they do decide most of the cases. Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: Three terms of three years of three years, eliminate LDRCs.

COMMISSIONER SULLIVAN: Three terms of three years or two years?

COMMISSIONER CAMPOS: Three terms of two years.

CHAIRMAN MONTOYA: Oh, of two years.

COMMISSIONER SULLIVAN: Six years. Yes.

CHAIRMAN MONTOYA: Okay. I thought you said three.

COMMISSIONER CAMPOS: I may have.

CHAIRMAN MONTOYA: Commissioner Anaya, any input?

COMMISSIONER ANAYA: I didn't get to hear what - sorry, I was out on the phone. I didn't get to hear what Commissioner Vigil said. But when you say - what were the proposals? Three terms?

CHAIRMAN MONTOYA: Essentially, just to paint a picture real quickly is that Commissioner Vigil suggested on line 20 and 21, "shall" be changed to "may" instead of making it a mandatory. And now Commissioner Campos just suggested three terms of two years, which is a little difference from what's being proposed here.

COMMISSIONER ANAYA: So Commissioner Vigil is in favor of leaving it as it is?

COMMISSIONER VIGIL: May I?

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: Mr. Chairman, what I'm in favor of is providing language for two consecutive terms that also allows for the Commission to reappoint a representative beyond those two consecutive terms so that we have the opportunity to continue allowing those members from the LDRCs and the CDRC that will provide a greater benefit to Santa Fe County and could contribute serving. I do not want to limit our appointees to two consecutive terms specifically. Number one, because I think that that is punitive, putting a limit on volunteers who sometimes we don't have enough of, and secondly, I think there is a learning curve to these committee meetings and two consecutive terms will not be sufficient, but it also may be.

So it allows us to set boundaries but gives us the flexibility to extend those terms also. I think the language currently reads [inaudible] and it is my understanding that with that language that would allow us to do that, but I had asked Steve Ross to see if there would be some language that would meet those needs. I think we have to have that flexibility. I don't think we can set parameters and I think even if we set three term parameters we're extending the problems [inaudible] Maybe we do need to create a shorter

term for some of these committee members and with two consecutive terms mirrors our term limits, we'd be able to make that determination.

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: Okay, I still need to talk more about it and learn more about what's proposed, but speaking from my experience being on the County Development Review Committee for six years or so, when you first get on, there's a learning curve. To be on for two or four years when you start to really figure out what exactly is happening and how the whole system works in terms of making good decisions, there's a long learning curve. So right now I guess I'm just listening to what everybody is throwing out, but it's hard for me to say put term limits on these people. Their time is valuable and we have a problem now with getting people that want to serve on these committees, and I wouldn't want to throw those people out that are willing to serve and help our County out.

Now, in terms of doing away with our local development review committees, I think that would be a big mistake. These people live in those communities. They know what's going on. They know how their community – which direction they want to go in, and I think those people are valuable to us and they give us direction on how they would like to see their community move forward. So doing away with those, I think that would be a mistake. Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: Okay. Any other discussion? So if everyone totally confused over there?

MR. ROSS: Pretty much.

CHAIRMAN MONTOYA: This is a public hearing, so if there is anyone who would like to speak on this proposed ordinance, please come forward. Okay, seeing none the public hearing is closed. How many more are we going to have? One more? I guess I would just echo what Commissioner Campos has suggested. I think three terms of two years would probably be sufficient. I think also there are some LDRCs that are functioning adequately and I think that to eliminate them is probably not a good thing. But I think the ones that are not active, we should eliminate and I think we know which ones those are.

MS. VIGIL: Mr. Chairman, I am having a problem getting people to serve on the Tesuque Development Review Committee. We hadn't had many applications until recently and so I'm trying to get their chairman to get me some more volunteers, but I've actually advertised twice. It's very difficult to get people to serve on that committee. So I'm working with that chairman and hopefully I'll get someone for our next meeting, but if I don't get a quorum or if I don't have enough committee members, then I'll have to take them straight to CDRC, or the EZC.

CHAIRMAN MONTOYA: Okay. And in the new Code rewrite, what is being proposed in terms of the LDRCs?

MR. ROSS: Mr. Chairman, that system has been preserved intact. The only major structural difference between what is currently going on and what is proposed in that document is the creation of a board of adjustments. Sort of like the City of Santa Fe has. So

a lot of the things that – lot line adjustments, variances – a lot of the things that the CDRC handles would go instead to the board of adjustment, as well as some other things that sometimes percolate up to this Board that are administrative in nature. But the rest of this system, including the whole system of LDRCs is preserved in that document.

CHAIRMAN MONTOYA: Okay. Does it allow any discretion as to whether or not one should continue if there's no participation?

MR. ROSS: Mr. Chairman, that hasn't really been covered. The Code rewrite is really just a Code rewrite, with the exception of the creation of the board of adjustments. So most of the defect or holes in our current ordinance are in the new document as well, and that's one of the areas in which there's not very much guidance in the ordinance. But most of those – all of those LDRCs were created by ordinance and so by ordinance they can be eliminated. So it's a fairly simple process. The Code is just a compilation of ordinances. The rewrite of the Code is a compilation of a number of ordinances which you will pass a single ordinance, but it can be amended just like any ordinance, fairly simply, by publishing title and summary and saying Section 5.1 is no longer okay. Let's get rid of it.

CHAIRMAN MONTOYA: Okay. So maybe if staff you could take some of our critique and massage what you've given us.

COMMISSIONER ANAYA: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: Yes, after speaking with Commissioner Sullivan over here I kind of agree with the three. I know he didn't propose it, but three two-year terms.

COMMISSIONER CAMPOS: For the CDRC.

COMMISSIONER SULLIVAN: And the LDRCs.

COMMISSIONER ANAYA: Well, that would be – that's something we could talk about but I kind of – six years is a long time.

COMMISSIONER CAMPOS: My feeling is that at this point – well, we could do that to the LDRCs now and then decide how we can deal with it in the future if they're not functioning. We could consolidate them under the CDRC. I think we need at least six years.

CHAIRMAN MONTOYA: I agree.

COMMISSIONER CAMPOS: How would we structure that language?

COMMISSIONER VIGIL: Are you done?

COMMISSIONER CAMPOS: I'm just curious if we went to three twos, how we would structure the language to maintain a staggering. If we start here with four ones and three twos to maintain the stagger, would we just have everybody, all seven?

MR. ROSS: Mr. Chairman, I think we're going to have to look at the staggering in between this meeting and the next time it comes up to make sure it still works with the three-year – well, if you have three two-year terms it should work the way it's written, because the way it's written works with an even number of years. So as long as you don't change the term of their office to three years, the staggering should work,

because they start off every other year from the beginning. So if you do two years, there's always going to be a group of folks coming up for reappointment. If you change the term to three years that's when you start to have some problems with the structure.

CHAIRMAN MONTOYA: So this should be okay. Commissioner Vigil.

COMMISSIONER VIGIL: I actually think it's a little premature to consider doing away with local development review committees. I actually think what I'm hearing and what we really need to address is how do we deal with those local development review committees, such as Tesuque who are not able to get the participants in and perhaps we need to discuss how we deal with those isolated incidents. Because I think it's somewhat isolated. I don't think the other development review committees are in the same situation. And it could be that Tesuque is in a place right now where they're very satisfied or perhaps complacent. For whatever reason, they don't feel it's necessary to convene their development review committee and under those circumstances perhaps we could do a suspension of them or look at the rules with regard to that, so that you're not constantly placing forth the effort.

Because I think I agree with the consensus that they do serve a unique opportunity for those of us who are making decisions and are closest to the problem. So my sense is I don't think we need to make the lead to do away with them but we do maybe need to make an intermediary step and that is decide how we're going to deal with those that are not willing to convene at this particular time. I'm thinking probably, with regard to the terms, if I'm hearing a consensus of three two-year terms, I'm fine with that, and perhaps we could be a little more liberal with the local development review committees, because those are the areas in which we have most difficulty in many cases getting people to serve. We do need, to my knowledge – Dolores, unless you can – or Wayne, unless you can correct me on this. We have not had difficulty getting applicants for CDRC. In looking at limitation of term limits it should be focused on CDRC and perhaps we should liberalize the local development review committees.

It hasn't been my experience that we're having difficulty getting applicants for that. Has that been true to your experiences?

MS. VIGIL: Mr. Chairman, Commissioner Vigil, my experience is that we've had, for the most part had quorums for every other except for Tesuque, for every other local development review committee. They're very active. They're very concerned with what goes on in their community and I think they do serve a purpose. But for the record, Tesuque, I'm having a problem with and that's about the only one I've had. As far as getting volunteers, La Cienega, a couple of times, I had to go out more than once, but we were able to find people who were willing to serve another term or come back after they've taken some time off, but for the most part they're very concerned with the community and I think they serve a purpose at this time.

COMMISSIONER VIGIL: Another specific question, Dolores. Are you having any difficulty getting applicants for CDRC?

MS. VIGIL: No. We're not.

COMMISSIONER VIGIL: As a matter of fact, if I recall correctly, Mr.

Chairman, when we appointed the last appointment we had, there must have been five or six applicants for the replacement positions. So I don't know what the issue exists for CDRC. I assume it's similar to that for the local development review committees. So maybe we could extend the CDRC, or we could create the limitation of three two-year terms and local development review, I wonder if we shouldn't even create a limitation. If we are we should perhaps make it a little more liberal than three term limits.

CHAIRMAN MONTROYA: Okay. So we'll go with those suggestions and take a look at the redraft for the next public hearing.

XII. A. 3. CCDRC Case No. V 06-5140 Keith and Patricia Burks Variance. Keith and Patricia Burks, Applicants, Requests a Variance of Article III Section 10 (Lot Size Requirements) of the Land Development Code to Allow a Family Transfer Land Division of 2.5 Acres into Three Lots. The Property is Located at 14 Vista del Monte, Section 25 Township 16 North, Range 8 East (Commission District 5)

JONATHAN SALAZAR (Review Specialist): Thank you, Mr. Chairman. Keith and Patricia Burks, applicants, requests a variance of Article III Section 10, that would be lot size requirements, of the land development code to allow a family transfer land division of 2.5 acres into three lots. The property is located at 14 Vista del Monte, Section 25 Township 16 North, Range 8 East, that would be Commission District 5.

Again, the property is located at 14 Vista del Monte Road. That's in the Basin Hydrologic Zone, within the existing neighborhood zone of the Community College District; therefore the Land Development Code applies. Article III, Section 10 of the Land Development Code states the minimum lot size in this area is 10 acres per dwelling. Lot size may be reduced to 2.5 acres if the applicant signs and records water restrictions.

There is currently a home, one well and septic system on the property. The applicants are making this request in order to deed each of their children their own lot. The applicants state that their main intention is to provide their children with an affordable housing option to remain in the Santa Fe area.

The following lot sizes are proposed: 0.75 acres of vacant lot to be transferred to an adult child; 0.75 acres, vacant lot to be transferred to an adult child; and a 1.00-acre lot with existing residence to be retained by applicants.

Staff recommends denial based on Article III, Section 10 of the Land Development Code which requires 10 acres per dwelling unit.

On April 6, 2006, the CCDRC met and acted on this case. The decision of the CCDRC was to recommend approval of a variance of Article III, Section 10, again, that's lot size requirements of the Land Development Code to allow a land division of 2.5 acres into three lots subject to the following conditions. Mr. Chairman, may I enter those conditions into the record at this time?

[The conditions are as follows:]

1. Water use shall be restricted to 0.25 acre-feet per year per lot. Water meters shall be installed on all three lots. Annual water meter readings shall be submitted to the Land Use Administrator by January 31st of each year. Water restrictions shall be recorded in the County Clerk's Office.
2. The applicant shall provide a shared well agreement for all lots, to be recorded in the County Clerks Office.
3. The existing driveway will serve all lots.
4. The applicant must follow all other building permit regulations including terrain management improvements as required by staff.
5. The applicant shall submit an updated Environmental Department Liquid Waste Permit showing correct lot size and correct number of homes.
6. The applicant must submit a survey plat for Land Use approval and record and file the final plat.
7. Failure to comply with all conditions shall result in administrative revocation of the appeal.

CHAIRMAN MONTOYA: Okay. Questions for staff? Okay, Commissioner Sullivan.

COMMISSIONER SULLIVAN: What is then the smallest lot size for a family transfer, and can you have as many as you want, or two or three, or what would be the requirements for a family transfer?

MR. SALAZAR: Mr. Chairman, Commissioner Sullivan, a small lot family transfer will allow minimum lot size to go down to 1.25 acres in this area and that would allow two lots on the property, but that's as far as it could go down.

COMMISSIONER SULLIVAN: One and a quarter acres. Because that would be half of the 2.5 acres.

MR. SALAZAR: Yes, sir.

COMMISSIONER SULLIVAN: Okay, and then hydrologically, ten acres is the minimum lot size. Otherwise, 1.25, so they could do a family transfer into two lots but the request is for three lots.

MR. SALAZAR: Yes, Commissioner Sullivan, that's correct.

COMMISSIONER SULLIVAN: Okay. Thank you.

CHAIRMAN MONTOYA: Okay. Any other questions for staff? Would the applicant please come forward, Keith or Patricia.

[Duly sworn, Keith Burks testified as follows:]

KEITH BURKS: My name is Keith Burks. I'm here representing our family. The property has been in my wife's family since the early 60s when the subdivision was divided. My mother-in-law and my father-in-law who couldn't make it for health reasons tonight deeded the property to my wife and I when we got married. We've been married 28 years. We've lived in the same residence 28 years and we have two grown children now.

My daughter's 26, my son's 23. We're trying to provide – assist them the way we were assisted to make it a little easier or more feasible to live in Santa Fe County in the early stages of their careers and that is the reason why we are asking not to divide it in half but into thirds.

We feel there are some circumstances that help make it reasonable for where we are. Of the five rows of homes in our subdivision, we are on the top row facing the 512 new homes that are being built. Those are on the smallest lots ever allowed in Santa Fe County for individual homes. 45 feet by 90 feet. I believe 1/14 of an acre. Our motive is to have our children be able to live in Santa Fe which is their choice and I ask your variance for our family. We did go in front of the CCDRC and we presented our case. We have aerial photos of the subdivision. We have acre lots of the subdivision and everything that we've proposed there, and they backed us on this decision with some conditions and I would like to state that we do agree to all the conditions that were put upon us. That's why I'm here today, if you have any questions.

CHAIRMAN MONTTOYA: Okay, any questions for the applicant?

Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chairman. Keith, Vista del Monte, that's the road right by the Allsup.

MR. BURKS: Yes, sir.

COMMISSIONER ANAYA: You live – I guess there's an Exhibit E, that is your lot. You're talking about 2.5. That's the dotted lines. You're like three lots in.

MR. BURKS: We're a few hundred yards from the major center district, which the County is proposing to put density around. Yes.

COMMISSIONER ANAYA: Pat Archuleta used to live –

MR. BURKS: He's our next-door neighbor.

COMMISSIONER ANAYA: On that street.

MR. BURKS: Our next-door neighbor to the northeast, I guess. He did sell, but he lived there next to us for the first 18 or 20 years.

COMMISSIONER ANAYA: And right across the street is that subdivision, right?

MR. BURKS: Yes.

COMMISSIONER ANAYA: What's the name of that one?

MR. BURKS: Longford Homes. They worked with us very well.

CHAIRMAN MONTTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: Thank you, Mr. Burks for your testimony. It's the same road that Tommy Segura has his automotive – is he grandfathered in with that automotive shop? I suppose he is because I know –

MR. BURKS: I would suppose. He's my next-door neighbor.

COMMISSIONER VIGIL: And as I recall that area, it's already been densified. Are you familiar – or maybe this is a question for staff, for prior approvals of family transfers or subdivision requests?

MR. SALAZAR: Mr. Chairman, Commissioner Vigil, there have been a

few recently in that area, since I've been in Land Use.

COMMISSIONER VIGIL: Were they family transfers?

MR. SALAZAR: There have been some family transfers. The overall area is pretty dense. Staff actually – we obtained an aerial photo from GIS to bring today in case the Board would like to see it. I know the CCDRC requested it and I think it helped them.

COMMISSIONER VIGIL: I think I'm familiar with the place and have a visual but I don't know if any of the other Commissioners would like to see that. I guess the other question I had, do you own any other property, Mr. Burks?

MR. BURKS: No, not in Santa Fe. I have one home in Albuquerque. I bought my daughter a home when she was going to school. The bank owns it, but it was one of the things – when she was in undergraduate school that I decided not to pay rent and take a mortgage on it. I'm still paying that.

COMMISSIONER VIGIL: So my question to you would be, if you don't do this, would this create a hardship in any way?

MR. BURKS: They wouldn't feasibly be able to live here.

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

CHAIRMAN MONTOYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Let me just ask staff a question. Across Vista del Monte, as I remember from that proposal, is there entrance road and open space. Is that correct?

MR. DALTON: Mr. Chairman, Commissioner Sullivan, I didn't hear the question.

COMMISSIONER SULLIVAN: The question was, if you go north of Vista del Monte, into the Longford Homes Subdivision, there's not homes as I recall directly abutting Vista del Monte. There's a curvilinear road and there's open space in there.

MR. DALTON: Mr. Chairman, Commissioner Sullivan, I don't recall the exact – it may be open space but I think there's four five-acre lots, I believe, right across from this property. I don't recall it right off the top of my head but I believe there is four five-acre lots. That would be residential lots.

MR. BURKS: We have that map and there are four $\frac{3}{4}$ -acre lots. We negotiated with Longford Homes as a buffer in front of the highway and they were going to put in four $\frac{3}{4}$ -acre lots, and we have the map of that, before the road, and then the 512 tiny lots.

COMMISSIONER SULLIVAN: Yes, but the road doesn't go straight like this; it's curved.

MR. BURKS: Right. And between Vista del Monte and the curved road there's going to be four $\frac{3}{4}$ -acre lots with driveways onto Vista del Monte.

COMMISSIONER SULLIVAN: Right. And they can't access out on the other curved road.

MR. BURKS: Exactly.

COMMISSIONER SULLIVAN: That's all the questions I had.

CHAIRMAN MONTOYA: Commissioner Campos.

COMMISSIONER CAMPOS: I have no questions. There's no basis, factually for a variance because they haven't met any of the Code requirements. And it's surprising to me, that for example Patti Burks has come here and argued about the importance of preserving water and here the family is asking for a split into three. Which is kind of – it concerns me. Thank you, Mr. Chairman.

COMMISSIONER SULLIVAN: I did have one other question.

CHAIRMAN MONTOYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: One other question for the staff. What's the Land Use Code requirement on guesthouses? Could these three lots then also have three guesthouses?

MR. DALTON: Mr. Chairman, Commissioner Sullivan, no, they could not. The minimum lot size in this area is 2.5 acres per dwelling, 1.25 for family transfers. So no guesthouses would be allowed on this property.

COMMISSIONER SULLIVAN: Because of the 2.5 acres?

MR. DALTON: That's correct. They'd already be below the minimum lot size, so there would only be one residential unit per lot.

COMMISSIONER SULLIVAN: Okay. Thank you.

CHAIRMAN MONTOYA: Okay. Any other questions? Keith, regarding – this is a direct transfer of the land to your children?

MR. BURKS: Yes, sir.

CHAIRMAN MONTOYA: Okay. So they'll be utilizing those lots and living on there.

MR. BURKS: Yes, sir. That is the sole purpose of this. I believe my children are going to speak on their behalf of building a home and living there themselves. This is not intended for rentals. This is not intended to put in a trailer court or guesthouses or whatever. This is to keep our children in the town and to pass on the property the way my parents-in-law did to us.

CHAIRMAN MONTOYA: Okay. One thing I've always advocated for is family transfers. Family transfers in the sense that the kids are going to utilize that property as opposed to land splits where you split the land and sell it off, that kind of thing that happens. So that's always been my position, so that's where I stand. Does anyone have any other questions? Commissioner Sullivan.

COMMISSIONER SULLIVAN: I tend to agree with that, Mr. Chairman. The problem I always have with our family transfer rules or statutes are that there's nothing that controls that use of the family transfer. The applicants may be well intentioned to do that but once the transfer is effectuated they have every right to sell it tomorrow morning. So maybe the applicant is willing to put some self-imposed conditions on that, but there's no requirement whatsoever that Mr. Burks' transfer to his children, he could sell it to his next-door neighbor or anyone he chooses or his wife chooses. So that's always been my problem with that strategy of affordable housing is there's no legal control over it.

COMMISSIONER CAMPOS: Mr. Chairman, if I may. The family transfer is 1.25 acres. It doesn't say you can cut it down lower than that. They already have a huge

variance. They want to get an even huger variance. A built-in variance is already there, and now they want more. The water is a big issue. People come here and talk about public interest water and then they come back and say that this doesn't apply to me. We've got to stand up for something. If we grant this variance we have no Code, we have no regs, we have standards. We don't care about what. That's the bottom line. It's become very political here.

CHAIRMAN MONTOYA: Wayne, could they sell this lot, or a lot or any lot, based on the size it's going to be reduced to?

MR. DALTON: Mr. Chairman, yes they could, if this variance was granted by the Board they could sell these lots. They would become legal lots of record and they could sell these lots.

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

COMMISSIONER ANAYA: Thank you, Mr. Chairman. Right now, Keith, on your property, you have a private well. Correct?

MR. BURKS: Yes, sir.

COMMISSIONER ANAYA: How many acre-feet do you have from that well?

MR. BURKS: Three acre-feet. We did agree to the .25 acre-feet, to be metered.

COMMISSIONER ANAYA: Right. Now that's what I'm getting at. We do care about water, and right now he has a permit to pump three acre-feet of water right now. Now, we're putting covenants on him, or we're putting restrictions on him that will only allow him to pump $\frac{3}{4}$ of an acre. So that right there is putting a restriction on him and that right there is saying that we care about water in that area. So I tend to disagree with you, Commissioner Campos.

COMMISSIONER CAMPOS: But if you divide the lot into one additional lot at .25 that would be only .5, which is less than .75.

COMMISSIONER ANAYA: You're talking about –

COMMISSIONER CAMPOS: They're only allowed by the ordinance to go down to 1.25

COMMISSIONER ANAYA: I know. That's a different issue.

COMMISSIONER CAMPOS: It's already a huge benefit.

COMMISSIONER ANAYA: No, I'm talking water. You're talking lot splits.

COMMISSIONER CAMPOS: Point five is different from .75. You don't have standards anymore. You just don't have standards if you approve applications like this. You –

COMMISSIONER ANAYA: You act like we've already voted on. We haven't voted on it.

COMMISSIONER CAMPOS: It appears we have.

COMMISSIONER ANAYA: We have?

COMMISSIONER CAMPOS: It's looks like it.

MR. BURKS: May I respond to one question?

CHAIRMAN MONTOYA: Sure.

MR. BURKS: The three acre-feet that we're permitted for, if I sodded my 2.5 acres and used three acre-feet, would you be happy? That's the message I'm hearing. You're saying it depends on how many people live on the property, not how much water we use.

COMMISSIONER CAMPOS: You just want to hear what you want to hear. You want your three lots, period. It's against the Code. The variance you're asking is not permitted by the Code. It's pretty simple. It's against public policy.

MR. BURKS: But it doesn't have to do with water. We are agreeing to less what than we're permitted for.

COMMISSIONER VIGIL: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: Mr. Chairman, I just have a question for Mr. Burks. Do you currently have a meter on your well? You don't.

MR. BURKS: No, Commissioner.

COMMISSIONER VIGIL: Okay. So there's no way we know how much water.

MR. BURKS: No. But we did agree to three meters if this is allowed.

COMMISSIONER VIGIL: You know, I stand in disagreement with my colleagues because I do believe family transfers were created to create a benefit. Those of us who live in New Mexico who value land and recognize that the distribution of that land sometimes is maybe the only wealth we have, and something we can hand down to our children. I do agree that it makes it very difficult at this point in time when it comes to the water issues, but I think the way this case is being proposed to us, with all of the conditions set forth by staff, I think I do see a hardship here. I see a hardship that if you do not distribute your land to your children they will not be able to build a house or allow an extended family setting, which is an extension of the concept of the haciendas that New Mexico was valued for so much earlier, and I don't think that allowing a variance is against the Code. The Code allows us to provide for variance.

We have to look at each case on its own merits and I particularly have a sensitivity to families that have lived here very long and have wanted to maintain that tradition of handing their land over to their successors. The only issue I would have with this would be with respect to water conservation. But I happen to know, based on many meetings that I've heard Ms. Burks testified before, this family is very conscientious of family, of family and of water and I do not think, based on the limitations that we have on the .25 that those limitations will be considered and I, Mr. Chairman, don't think that we should treat families who come before us requesting this, because they're allowed to do it in a way that could extend or indict their past behavior. I think we need to treat them with dignity and I think we need to go forward with the decision in this case.

CHAIRMAN MONTOYA: Okay. Let's move on to public hearing now.

Thank you, Keith. We'll open it up now to anyone who would like to speak on behalf of or in opposition to this case.

[Duly sworn, Patti Burks testified as follows:]

PATTI BURKS: I'm Patti Burks, Mr. Chairman and Commissioner.

Commissioner Sullivan, our district. I have some visuals I want you to look at so you can get a grasp of what the vicinity looks like in our area, so if you would allow me to bring it forward to you. I also have a letter that was given to me by Mr. Tom Segura and it's addressed to you.

What I've given you tonight is just an idea of where we sit and it's highlighted, our lot, 2.5 acres. It's right off of Highway 14 and 599, where they intersect. So we felt like we're very close to the Longford Homes development. Keith already went through that. Mr. and Mrs. Tom Segura have given their support to this variance. They're right next door. We've lived there 29 years. We built our house there, and in the audience, you're looking at three generations of family. Unfortunately, my dad could not be here tonight but my mom's sitting right there right next to my daughter.

I feel – first I want to make a point to Commissioner Campos, that I am one of those people in the community that volunteered to sit on our local community board volunteering with my input. And I know about my vicinity. I don't get paid for it. I served on the Community College District Review Committee, along with many other developers and I was probably the only one that was there to give a little bit of input from our existing neighborhood. Our neighborhood goes back to the 60s, because that's when my dad saw the property and he had the foresight to purchase that land when he worked for the penitentiary of New Mexico and he went back and forth on Highway 14. It is his wish to keep this land in our family. He gave it to us, my husband and I. We built our house on that 29 years ago, almost 30 years ago, and we've managed to keep the rest of the parcel completely open space, and it was just building our house and raising our family.

And now our young adult children are ready to start growing and they want to do a little bit of that in Santa Fe. And we don't have any other property in Santa Fe. It is my dad and our – I think my mom would probably come out here and say that we would like to keep that property in our family. And so we want to give them the opportunity, and that's why we're here.

As to the water, I know, water is tough issue for me and I've seen how developments come in and they do get their way and they do get their approvals. They get their master plan approvals all the time. And I just have to say okay, don't be frustrated. Our community leaders know what's good for us. They know what's good for us. So they must know – if they're going to give their approval to a master plan of 512 homes or thereabouts, just like Longford Homes, that's fine, but you know it was a good experience working with that developer because they negotiated with us and they gave us the buffer that we needed across the road. Even though we hold 2.5-acre lots, we're going to have ¾-acre lots right across the street. We've allowed that. We asked them please do that, because it's kind of a win-win situation. It's a win for them, because they're going to get to sell more homes, but it also gives us a buffer from our house, from the noise that we're going

to be dealing with on that curved road there.

Santa Fe County is growing in that direction and that intersection right there, we've got a change on our hands in the future. But anyway, what we're here to do is just look towards our future and plan correctly and I know that anything that we put there, it's going to be water conservative. We have never had – maybe a birdbath, and we get rain on that birdbath. We don't have a pool. We don't live luxuriously and have an indoor pool and outdoor pool, Jacuzzi. We have nothing of that sort. We're probably – Keith and I are probably using maybe .15. I don't know. But we're definitely not going to be water-hoarders. So I want to assure you of that. Any structures that do go on the property, it's going to be done onsite. It's going to be done with dignity and beauty and just like we built our home, from the ground up. It's not going to be a mobile home. We've had a lot of violations in our subdivision from day one.

There are covenants on our property. Those covenants, when we built in '77, '78, I took a picture of them. The Highway Department, they knocked them down and the realtors have gone and sold to people and then allowed mobile homes. I'm not going to be against mobile homes because the people that have moved in with mobile homes have managed through the years to improve their property. They've managed to add on, to make it look nice. They've done what they could. It's a working class neighborhood. So with that said, I don't know if you have any questions.

CHAIRMAN MONTOYA: Are there any questions? Okay. Thank you, Patti.

MS. BURKS: You're welcome.

CHAIRMAN MONTOYA: Anyone else like to – Commissioner Vigil.

COMMISSIONER VIGIL: On the concern with the water, I would just ask you, would you consider restricting the use of the water to lower than .25 per acre. I think you said that you only currently use – what?

MS. BURKS: I have no idea. That was a guess. I have no idea what my husband and I use right now. But like I said, it's laundry and dishwashing. What is that? The numbers aren't very high. And I think that the conditions that the CCDRC imposed were – we can agree to that.

COMMISSIONER VIGIL: Because you currently have three acre-feet. I understand. Thank you.

CHAIRMAN MONTOYA: Commissioner Campos.

COMMISSIONER CAMPOS: Commissioner Vigil, please keep in mind that Suerte del Sur was restricted to .25, I believe, and they had a home and a guesthome.

CHAIRMAN MONTOYA: Anyone else like to speak on behalf of or in opposition to this? Please come forward and be sworn in.

[Duly sworn, Dwight Burks testified as follows:]

DWIGHT BURKS: Dwight Burks, 14, Vista del Monte. Thank you, Mr. Chairman. The first thing I would like to address in regard to Commissioner Sullivan's remarks or concerns that my father's – well, it is, there's a potential that as soon as the land's split to be subdivided and to be sold. That is not at all our intention. My sister and I

are here because we very much – we feel very strongly that Santa Fe is home and we were born and raised here. Both went to the public schools and I'm currently back here, gainfully employed in Santa Fe and serving as a board member on a local non-profit. And it is my intention to stay in Santa Fe. I call this home. Unfortunately, at the moment, it's quite difficult as a young person right out of college to buy or build a home in Santa Fe. This just makes it so much more possible. Something that's very feasible in the short term and the way so that I can be more active in the community here, as opposed to somewhere that's an hour commute away that might be less expensive.

CHAIRMAN MONTOYA: Okay. Thank you, Dwight. Any questions?
Okay. Thank you.

[Duly sworn, Nicole Burks testified as follows:]

NICOLE BURKS: My name is Nicole Burks and my address is 712 Cabra NE and that's in Albuquerque. I'm another one of the adult children who would potentially benefit from the three-way split of property. I just wanted to stand up and express how much I appreciate that my parents are trying to do this for myself and my brother. I am currently in medical school at the University of New Mexico and I would love to plan on graduating from medical school and coming back to Santa Fe to practice medicine. And to come back to the area that I grew up. I love that area. Just as my brother is in a non-profit organization and serving the community, that's the same thing that I would like to do when I graduate. So I just wanted to put that out there and I appreciate what they're doing. So consider it. That's all.

CHAIRMAN MONTOYA: Thank you. Any questions? Thank you, Nicole. Is there anyone else that would like to speak on or in opposition. Okay, seeing none, this public hearing is closed. What are the wishes of the Commission?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chairman, just one comment. The water issue is still a concern for me and it always has been. Longford Homes, of course is supplied by the City of Santa Fe and that's one of the reasons why I was in favor of it moving forward to provide affordable housing. That aquifer area is fairly sensitive. I received a call from a resident just yesterday in the Vista Ocaso area that was complaining about the wells, having to deepen their well and now pumping sand. There have been problems also west of Richards Avenue on wells dropping. Some of the residents are blaming Rancho Viejo, but I don't know if that's the case or not. Rancho Viejo is on the County water system. They are doing test wells, so I don't know what it is, but the area is more sensitive than I think people have thought in the past, at least for people with shallow wells and by shallow wells I mean wells that are less than 400 feet.

So it's been a problem and more concentrated development adds to that problem. I think the family transfer ordinance is pretty generous, very generous, considering hydrologically, going from ten acres down to 1.25. I think this one's a bit of a stretch for me in looking at the whole area. That's my feeling.

CHAIRMAN MONTOYA: Okay. Other comments? Questions?

Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chairman, from the testimony that I've heard this evening, we all encourage, this Board always encourages affordable housing and right across the street we approved a plan, Longford Homes for affordable housing. We've also approved in Rancho Viejo affordable housing. If this were to be approved today, to me it would also be affordable housing. The testimony that I heard, in this community we are lacking qualified medical technicians, nurses and I think that this allows for affordable housing and brings in another person that we need in our community to help us with the medical issues that we have. I want to first of all thank the parents for bringing this forward, and thank you for bringing your kids. I know it's difficult to come up here and ask for something and it's emotional and stressful, but you all did a fine job.

And with that, I want to make a motion to approve, with the conditions. And in terms of the water, I think that right now they can pump three acre-feet and we are putting restrictions on them for .25 acres, which means they can only pump that well for $\frac{3}{4}$ acre-foot. So we have restricted that well more than half. So with that, Mr. Chairman, move for approval.

COMMISSIONER VIGIL: I'll second.

CHAIRMAN MONTROYA: There's a motion by Commissioner Anaya, second by Commissioner Vigil.

COMMISSIONER VIGIL: I have a question.

CHAIRMAN MONTROYA: Commissioner Vigil.

COMMISSIONER VIGIL: And this goes to the applicant. Mr. or Mrs. Burks, whoever wants to respond, part of the discomfort we have in allowing for family transfers is that people do abuse them and the testimony that you actually have placed here makes me confident that you won't, that you're coming forth before us to provide land for your children to be next to you and it's a wonderful opportunity and I support it by seconding the motion. I'm just wondering, based on that, if you would approve of a condition where you keep the property at least for a ten-year period under family transfer and not sell it. Is that something that's viable? It would seem to me that based on the advancement of your children that you are probably going to build within the next ten years so that that might be a buffer period to allow you to build and allow your daughter to finish medical school.

MR. BURKS: There would be no problem with that. [inaudible]

COMMISSIONER VIGIL: Okay, we could get an agreement that you would have a ten-year holding on this property and that it not be sold? Is that -

MR. BURKS: [inaudible]

COMMISSIONER SULLIVAN: Mr. Chairman, I'm going to have to ask that if you recognize Mr. Burks that he come up and speak and then I'd be able to rebut his characterization of my comments. My comments were not an accusation of anybody. My comments were facts which the staff has just verified, which is that you have the ability to sell the property at any time once it's platted. Now, if you characterize that as an accusation, I take umbrage at that.

CHAIRMAN MONTOYA: If you'd come to the microphone, please.

MR. BURKS: If that is the case then I retract that statement. I thought you were making an accusation of my character, that I was not telling the truth that I wanted this for my family. I brought my children here to put them up here just so I can get this vote so I can sell tomorrow and I was offended, but apparently, I could be wrong. I retract it. I do agree to signing anything. That is not my intention. My intention is for the family.

COMMISSIONER VIGIL: I am glad and that makes sense to me. I wonder if the maker of the motion would actually agree to include that as a condition of his motion that there be a ten-year holding period for the family transfer on this property.

COMMISSIONER ANAYA: I'll agree.

COMMISSIONER VIGIL: Okay. And the applicant has agreed and I will second that motion with that agreement.

CHAIRMAN MONTOYA: Okay. Further discussion?

The motion to approve CCDRC Case #V 06-5140 passed by majority 3-2 voice vote with Commissioners Sullivan and Campos voting against.

XIII. ADJOURNMENT

Chairman Montoya declared this meeting adjourned at approximately 7:05 p.m.

Approved by:

Board of County Commissioners
Harry Montoya, Chairman

Respectfully submitted:

Karen Farrell, Wordswork
227 E. Palace Avenue
Santa Fe, NM 87501

ATTEST TO:

VALERIE ESPINOZA

SANTA FE COUNTY CLERK