

SANTA FE COUNTY
REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

September 26, 2006

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 10:20.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 County Clerk Valerie Espinoza and a moment of silence was observed for Julian Jaramillo.

VALERIE ESPINOZA (County Clerk): I just wanted to mention Julian here was an employee of the Clerk's Office. He worked in the Bureau of Elections. He passed away last Friday after a courageous battle with pancreatic cancer. Julian is the son of Belle and former Lt. Governor Roberto Mondragon. His wife Paula and family, and I'd like to also mention the Clerk's staff who worked closely with him. He was an accomplished and skilled artist in his life away from the office and he'll be terribly missed. He was our voter registration specialist, assigned to the front desk and he greeted all of you, all of us, with professional service and was very helpful.

DENISE LAMB (Clerk's Office): Thank you for asking me here today. When I first came to Santa Fe County I think all of you saw me sitting down on the very front desk at the Bureau of Elections and I did that for a couple reasons. I figured that's a good place to find out what's going on in the office and get input from the employees and customers that come in every day. And the person I sat next to was Julian and one of the first things that we started discussing

together was how we were going to organize the voter registration to make it flow more efficiently. He was a master at analyzing systems.

He also, like a lot of people who are artistic had a wonderfully well developed sense of humor. He was very tolerant and patient and respectful of the diversity of Santa Fe County in an extraordinary way. I want you to know we get a wide variety of people in who are interested in the election process and Julian always had the time and the energy and the patience and the tolerance to speak to people and even people who sometimes were difficult. He was good-humored and I really enjoyed working with him. I regret terribly his loss. It's a terrible blow to all of us. I feel it particularly strongly because as you know, I lost my mother in February and two months later Julian was diagnosed with his illness.

What I would like to do at this time is I would really like to thank everyone at the County, the employees who donated leave time when Julian ran out. People who donated cash, attended an auction, did a variety of things that helped out with the overwhelming expenses of his last illness. One of the things that I've learned about New Mexico and Santa Fe County in particular through my mother's passing and through Julian as well is that we truly are a family here. We may have our disagreements over policy issues or politics but when it comes right down to it, I and I know Julian's family and Paula, his wife, have experienced nothing but loving kindness and generosity in our time here at Santa Fe County.

I think in the end, all that ever really matters in life is how we treat each other and how we love each other, both in our work and in our families and in the community at large. And when it is over for us that is the memory that we leave for those who will remember us. So I would like to thank everyone here at Santa Fe County for their prayers, their help and we godspeed our colleague into the hands of God. Thank you.

MS. ESPINOZA: Would anybody else like to say any words?

VI. APPROVAL OF THE AGENDA

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

GERALD GONZÁLEZ (County Manager): Thank you, Mr. Chairman. Staff is recommending the following changes. In Section X, under C – that's the Consent Calendar – under C, Miscellaneous, the withdrawal of item number 2 and item number 5. Then in Section XI, under subsection B. Projects and Facilities Management Department, the tabling of item number 2. That's all I have by way of proposed changes from the staff, Mr. Chairman.

CHAIRMAN MONTROYA: Okay. So items X. C.2 and C. 5 are withdrawn. Item XI. B. 2 is tabled. Any other changes? Commissioner Campos.

COMMISSIONER CAMPOS: A question for our County Manager. As far as item XI. C. 1, Consideration of extension of a water service agreement for John McCarthy. Is there any documentation? I didn't find any in my packet. Is there something that's going to be distributed at the meeting?

MR. GONZÁLEZ: That should have been deposited in your box.

COMMISSIONER CAMPOS: Okay. In my box?

MR. GONZÁLEZ: Right.

CHAIRMAN MONTOYA: Okay. Any Consent withdrawals? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chairman, just one item, A. 7. And also, with regard to XI. C. 1, I would recommend that that be withdrawn until the next administrative meeting. I just received a copy of that document and it has to do with the extension of a water service agreement. There are apparently still some legal issues regarding it. It doesn't expire until December 28, 2006, the current agreement. So I think that it needs some more work. I haven't had the chance to read past the first few pages but nonetheless, in discussing it with counsel, my suggestion is that that be withdrawn or tabled until the October administrative meeting.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Campos.

COMMISSIONER CAMPOS: Follow up on the same point for Mr. Ross. Do you think there would be any harm or prejudice if we tabled at this point to the next administrative point. Is that a month down the road?

COMMISSIONER SULLIVAN: A month down the road. I think it's the 31st of October.

COMMISSIONER CAMPOS: It is kind of – there are a lot of pages to read.

STEVE ROSS (County Attorney): Mr. Chairman, Commissioner Campos, I don't know – Commissioner Sullivan currently stated the current amendment requires some action by December 28th or the agreement expires on its terms. I think the developer, Mr. McCarthy, in conjunction with the State Land Office – this water service agreement pertains to the San Cristobal project I understand – may have a need for some certainty and that may explain why it's on this agenda as opposed to the December agenda but I don't have any information on that. Ms. Vazquez is in the audience. She might be able to –

COMMISSIONER CAMPOS: Do you think it's urgent and do you think you could provide us with a significant explanation so that we could understand this agreement without having to read it?

MR. ROSS: The amendment is fairly simple.

COMMISSIONER CAMPOS: Okay.

COMMISSIONER SULLIVAN: Mr. Chairman, I think that's a pretty standard procedure. It seems to be with developers who want to jam agreements down our throats. I strongly protest. I think we have rules in place. We have a resolution in place about when documents should be on the agenda, particularly important documents that involve water rights. So I would move for approval of this agenda with the staff deletions, with the withdrawal of item A. 7, and with the withdrawal of item XI. C. 1 until the next administrative meeting in October.

CHAIRMAN MONTOYA: We've got a motion by Commissioner Sullivan. Motion dies for lack of a second.

COMMISSIONER SULLIVAN: Mr. Chairman, just let me amplify on that motion. One of the things that we're going to be wasting our time today on this agreement if it

comes up before the Board is this agreement was executed before our water resolution, our allocation resolution, and nothing in this agreement, it is my understanding, makes this project subject to that allocation resolution. And it's been my understanding that legal counsel has informed the developer of that and that they have not consented to become a party to that. Now, we worked a long time on that resolution. Either we're going to enforce it or we're going to make exceptions to everybody who comes up with a water service agreement. I'm suggesting this as a tabling to allow our legal staff and this developer to come into the 21st century here with the way that the County is handling water rights and not try to shove something down our throats the way they're doing here by giving us a 20-page document with absolutely no advance warning.

COMMISSIONER CAMPOS: Mr. Chairman, question for the Commissioner.

CHAIRMAN MONTOYA: Commissioner Campos.

COMMISSIONER CAMPOS: Commissioner Sullivan, you talked to legal. Have they asked for of do you think they need more time?

COMMISSIONER SULLIVAN: In my discussions with legal, I understand that legal has advised the applicant that this issue would certainly come up because the resolution is in effect. That's as far as my discussions have taken place because I only received this document 30 minutes ago. I think that's insufficient time.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: Isn't it possible, Commissioner Sullivan, for us to go into those discussions and if necessary we can table at that time for further action? I hesitate to move forward on removing someone from the agenda who isn't here to state their case.

COMMISSIONER SULLIVAN: I think the applicant's here.

COMMISSIONER VIGIL: Are they? Okay. I think that we still have plenty of time to discuss it and if there are the issues that you bring up for concern perhaps it requires two hearings and a tabling would be the alternative, but I don't know that at this point in time.

COMMISSIONER SULLIVAN: Well, I guess, Mr. Chairman, just in response, we have a resolution that's an action of this Board that indicates when items are on the agenda, the amount of time they come forward, not only to the Board, but for the public. For the public to review them. This item has not complied with that. Now, occasionally we look the other way when they are matters of public appreciation or commendations or ceremonial items of those sorts, but when we're talking about dealing with 70 or whatever it is acre-feet of water, I certainly would like a few minutes to read the document and if necessary, ask questions of staff and not take lengthy time periods of the Board to do that. This has been a modus operandi that we have seen here and at some point we need to stop it.

CHAIRMAN MONTOYA: Okay, we have a motion that's failed. Could I have an alternative motion?

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Campos.

COMMISSIONER CAMPOS: I'll make the same motion with the exception of XI. C. 1 with the understanding that we may need to table this because it is unfortunate when someone lays something on us at the every last minute. We're talking about 70 acre-feet of water. It's an important issue and we shouldn't let it slide. Now, I just got this document a minute ago and

have not had a chance to look at it and I think Commissioner Sullivan is right. We should have the right to look at these documents with some time ourselves, not just relying on staff. Ourselves, to see what our thoughts are about this thing. So I really think this is unfortunate. I think the applicant knows that we have deadlines and I hope they comply with them in the future.

CHAIRMAN MONTOYA: Okay, a motion by Commissioner Campos.

COMMISSIONER ANAYA: Second. Is that the same motion?

CHAIRMAN MONTOYA: Same motion, he's only including item C. 1.

COMMISSIONER CAMPOS: I'm not deleting it; I'm allowing it for discussion to allow it to proceed on the agenda.

COMMISSIONER ANAYA: Second.

CHAIRMAN MONTOYA: Motion and second. Further discussion?

The motion to approve the agenda as amended passed by majority 4-1 voice vote with Commissioner Sullivan casting the nay vote.

VII. APPROVAL OF MINUTES

A. August 22, 2006

COMMISSIONER CAMPOS: Move to approve.

CHAIRMAN MONTOYA: Motion by Commissioner Campos.

COMMISSIONER VIGIL: Second.

CHAIRMAN MONTOYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chairman, I have some typographical changes that I would like to include in the motion.

COMMISSIONER CAMPOS: That's fine with the maker.

CHAIRMAN MONTOYA: Okay. Fine with the maker.

COMMISSIONER VIGIL: Seconder too.

CHAIRMAN MONTOYA: Seconder too. Discussion?

The motion to approve the August 22nd minutes as corrected passed by unanimous [5-0] voice vote.

VIII. MATTERS OF PUBLIC CONCERN – NON-ACTION ITEMS

CHAIRMAN MONTOYA: At this point in the agenda we're at Matters of Public Concern. If there's anyone who would like to come and address any issue before the Board, now's the time to do it please. Judge Hall, are you going to speak also? Now's the time. This is the point in the agenda. Go ahead.

ANDREW JARAMILLO: Mr. Chairman, I'm here on behalf of the Tesuque Volunteer Fire Department. I've got two different hats today. This is the third year the Tesuque Volunteer Fire Department is going to have a safety and prevention day. I'm here to cordially invite

the Commission to attend. I have a flyer, and I apologize Commissioner Sullivan, I didn't have it for you properly. But I believe the Tesuque Volunteer Fire Department is a vital asset to the community as are the 14 other districts, so we'd like to bring out the community and show them what we have. We're going to have some food. We have Sparky, the fire dog on a leash, so I'll give you these flyers and hope to see you on the 14th at the main station in Tesuque.

COMMISSIONER CAMPOS: Thanks very much.

CHAIRMAN MONTROYA: Thank you, Andrew.

JUDGE JIM HALL: Mr. Chairman, members of the Commission, I think we're going to have a handout for you here. [*Exhibit 1: Fact Sheet*] It was suggested to me and I thought it was a good idea for me to give you an update on the efforts of the court relating to the bond election that's coming up in November. So what I wanted to do was to provide the Commission with information about what we're doing in an effort to make sure the public understands the issues in the upcoming bond election. What's being handed out to you is simply an information sheet that we have been using in presentations that we've been making to the public. But what I want to talk to you about is what we've been up to to try to get the information out.

We've been working very hard to get this information out. I told you I think last time that we intended to try and speak to as many organizations as we could about this issues. We have either already spoken to or are scheduled to speak to about 25 organizations. Let me go through some of them real quickly: the VFW, the Elks Lodge, the Civitan Lodge, the Santa Fe Lodgers Association, the Fraternal Order of Police, the Santa Fe City Council – we're actually going to appear before them tomorrow night to let them know about this, Santa Fe Community College, the Canyon Road neighborhood association, the Kiwanis, the Association of Realtors, the Homebuilders Association, the Eagles, the Nava Ade Homeowners Association, Lions Club, the Eldorado Community, the Chamber of Commerce, the Commons, Santa Fe Alliance, Vista Primera Homeowners Association, the Rancho Viejo Homeowners Association.

If you recall, last time we met we asked you to let us know about other groups that we can possibly talk to. Commissioner Sullivan set me up to speak on a townhall meeting he was having. We haven't received any others. I'm going to make that request again. Please, if you can, think about organizations that we might be able to speak to and I'll make the same promise: any place, any time, I'll have a judge there. Can't guarantee who it will be but I will have somebody there if we can do that. The chief justice of the New Mexico Supreme Court has expressed an interest in this and has told me he plans to write a column or an op-ed piece for the local media as we get closer to the election. I suspect a number of others who we've spoken to will submit letters to the editor. Those types of things.

We plan to have an open house at the courthouse later in October, closer to the election, in which we plan to invite public officials including all of you as well as the public to come and have them get a chance to look at the building and some of the issues that we've been talking about. We'll probably set that date at our meeting tomorrow and we will get that information to you. I would urge all of you to attend that.

We've been in contact with reporters from the local media about doing a series of articles on the issues related to the courthouse. There's been a good response to that. My hope is that because this is an important issue that they will notice that and come in and take a look at our

building and some of the events that have occurred there. So we expect that to occur. We're also in touch with the editorial staff as well to try to get across the importance of this issue. Obviously, they're going to take a position on the bond question as it comes up and we want to make sure they have the appropriate information.

Last night we had an open house meeting at the courthouse for attorneys in the First Judicial District. We thought we would do attorneys first and then do the public as a separate meeting. The turnout was good. We had I think about 130 lawyers that appeared. Commissioner Vigil was present for that along with the County Manager and the County Attorney. We made a presentation to them. I think it was received very well. There is an organization that's formed; I think their present name is the Committee to Support a New Santa Fe County Courthouse. That is an organization independent of the court that is supportive of this general obligation bond passing, and I expect that they're going to be undertaking certain activities to get the word out as well, perhaps in the media and in other places.

So those are all the steps that we're undertaking. We have a very structured approach to the next six weeks, I guess it is, before the election to try to make sure we get the word out. I will tell you that to every group we have spoken to, the response has been positive. Once they understand the issues related to the courthouse, as it relates to security and space and parking, and once they understand that this is not going to result in a tax rate increase, they have been quite response. So I think the real challenge to this being passed is getting the word out so that the people understand it.

That's what the court's doing. Now it is my hope that you as elected officials and the County are undertaking a similar effort to get this word out because frankly, that's going to be probably outcome dependent on this election. People are in favor of it if they know about it. And I hope that you all are taking the same approach that we are in trying to get in place a very structured approach as to how we can get the word out. I hope that's happening and again, I'll make the same offer. If you want us to speak anywhere to any group, we will do it. But I think this is only going to be achieved if both the court does its job and similarly, the Commission and the County does everything they can to get the word out. So I hope you're undertaking that.

So that's where I wanted to bring you up to date and obviously you all have made this one of your highest priority if not the highest priority and I think whether it passes or not is going to affect a lot of things that you are trying to accomplish here on the Commission. So I think it's very important that everybody make the effort. I'll be happy to answer any questions that you have.

CHAIRMAN MONTTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: Thank you. Jim, I thought you did a fine job yesterday. I was very pleased with the information that was exchanged and I was very pleased with the response that I heard and many of the lawyers that were there and their networking capability I thought was huge. So I hope you're receiving some response. One of my responses to you is I will be conducting a townhall meeting in the Agua Fria Village and I will have somebody contact you once that meeting date has been clinched. It will be about mid-October and that would be a good opportunity to reach out to those people. I welcome that opportunity for you to do that.

Have you as of yesterday – and I know it's a short period because I heard afterwards many other organizations that weren't mentioned currently that there were contacts with. Have you

received responses to that? The Kiwanis, Rotary, those kinds of groups?

JUDGE HALL: Mr. Chairman, Commissioner Vigil, last night after the meeting several people came up to me and said I'm going to go talk to this group or I'm going to go get you on the schedule for this group that I'm a member of, things like that, and I haven't looked at my e-mail yet this morning so I don't know if there's more that's come in but obviously I got that kind of positive feedback. And we would include that to you all. We're not just looking for townhall meetings or political meetings. If you're a member of any group, anything that brings people together, the offer is that we will be there to make our presentation. Commissioner Vigil saw sort of what we present, generally, last night if you have any questions but it goes to the importance of this issue.

CHAIRMAN MONTOYA: Thank you, Judge. Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chairman. Judge, thanks for being here. I'm very impressed with what you did here. I don't know what the County's doing but I would suggest maybe to the Manager that when you do go place maybe you let us know and we can send somebody from the County to back you up and vice versa. But I'm really impressed with what you've done here and I hope that our County is doing something similar to get the word out. Thank you, Mr. Chairman.

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

COMMISSIONER CAMPOS: Judge Hall, another thing that's important – I know this is just about the bond, but we're talking also about legislative money, and there's a 60-day session coming up. I've talked to Roman Maes, our lobbyist and he's trying to set up a meeting with the Governor. So once we get that set up, certainly we'll notify you. We'll get a team maybe of judges and attorneys and other interested members of the public. We also, I think have to have a meeting with our local legislative delegation and get them on board. Last time they were seemingly on board but then they said maybe it was too late, too much money. And we've got to alert them I think by early next month at least as to what we're doing, how much progress we've made, things that have been done to get this project off the ground. So I look forward to maybe talking to you about that and getting that up and running.

JUDGE HALL: We would be happy to participate in that. And if I could just make one comment. This handout is the work of just the court and the County, so I do want to give County staff some of the credit. Obviously, they provided us all the information on the finance side for us to put that together. So they have been helping us along those lines. But we hope that you all will – you can see that we're doing everything we can to try to make this succeed. We hope you all will take the same approach.

CHAIRMAN MONTOYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Thank you, Judge, for coming to our townhall meeting at the Community College District on short notice. I think that was probably your first one so you got a little chance to refine your presentation and respond to questions. I think you're right. The response was positive and I would certainly encourage those of my constituents in District 5 to take a look at this information. Is there a website that they can go to?

JUDGE HALL: No, Commissioner.

COMMISSIONER SULLIVAN: Can we do that?

JUDGE HALL: We will certainly make the effort to do that. If we can get – I would make the suggestion, if we can create a webpage that we provide that so that it's on the County website as well. I would make that suggestion.

COMMISSIONER SULLIVAN: Either that or perhaps the district court. We've had a lot of problems recently with our IT. We're switching over to a new system. We've lost a lot of e-mails and it may be a little difficult to do that right now. If you have that capability at the district court level and a person that can set that website up and monitor it, that might be easier. I don't know. Check with Gerald on it of course and see what he recommends, but one way or the other I'd like to be able to just advise people who e-mail me or write me that if you want information go to this website and perhaps there would be a place there where they could submit questions and somebody could then respond to those. I think we have time to do that, and other than that, there's nothing else I could suggest except just to encourage certainly my constituents throughout District 5 to get out and support this bond issue. It is something that we need for Santa Fe for the long-term sustainability of our judicial system. The County Commission has taken a bold step in acquiring a critical piece of land to anchor this courthouse and things are coming together. All we need is the public's support of this and I think we will, as you say, if we continue to get the word out.

CHAIRMAN MONTOYA: Thank you. And Judge, I'd just like to echo what's been said and offer my support however I can. I'd be willing to go to joint meetings. I happened to be one that Judge Tim Garcia was at with the Homebuilders Association. It makes a good little tag team. He gives his spiel and then we follow up and support it as well. So I'd be glad to help however I can in that regard and also just to ask you to hopefully get the City to consider a different position on this one than they've taken with some of our other proposals. Certainly this is something that we need for this community. So I hope you can convince them to support it and not work against it. So anything we can do to help I think we're here. Thank you, Judge.

Anyone else like to address the Commission at this time?

IX. MATTERS FROM THE COMMISSION

A. Discretionary Fund Approval for \$5,000 for H.O.S.T.S. Program (Commissioner Sullivan)

COMMISSIONER SULLIVAN: Thank you, Mr. Chairman. The HOSTS program, which stands for Helping Our Students to Succeed, is a program that Santa Fe County has been supporting through some of my discretionary funds and I'm real pleased to bring it up again for your consideration for continued support. We have very few areas where we in the County can interact with our school system. When we can I'm really happy to do that. This funding goes for reading, literacy and mentoring programs in the Cesar Chavez and Sweeney elementary schools. Those schools have a very large percentage of English as a Second Language students, so called ESL students, and I mean a very high percentage, in the 80 to 90 percent range.

These mentoring programs take place at the early second and third grade levels to catch students before they fall irreparably behind in reading. I myself participate in the program at the

Cesar Chavez school and several County employees also participate in this mentoring program so I'm real happy that they do that and I want to thank them for doing that. It's been a very active program. What the funds are used for is to purchase books and each year the amount is divided between Sweeney and Cesar Chavez, \$2500 apiece, and those funds are used to purchase the specialized books that are a part of the lesson plan. Each student has a specific lesson plan that the teachers prepare and these books are then provided to the students to move them forward in reading.

It's just a wonderful program. If there are any questions I'd be glad to answer them.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN MONTTOYA: Commissioner Campos.

COMMISSIONER CAMPOS: Question for staff, for our Manager. Has DFA contacted you or Legal or anyone at the County about setting up the standards for the Commissioner discretionary funds? We heard from them maybe two, three months ago. I'm not sure we've heard lately. Any updates?

MR. ROSS: Mr. Chairman, Commissioner Campos, DFA is working on drafting some guidelines for local governments to follow when administering these kinds of funds. They're not completed yet. We were hoping to have some influence on what the guidelines said, so we're going to keep in touch with them on that. Their ultimate goal, though, is a regulatory approach to the issue through their rulemaking authority. So the plan at this point is a two-step plan. Step one would be to do some guidelines and then step two to actually, judging on their experience, using the guidelines, they plan to institute rulemaking.

COMMISSIONER CAMPOS: Any idea as to time when they hope to have these regs in place?

MR. ROSS: Mr. Chairman, Commissioner Campos, I think they were hoping to get them done by October or November.

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

CHAIRMAN MONTTOYA: Any other questions? Commissioner Anaya.

COMMISSIONER ANAYA: Move for approval.

CHAIRMAN MONTTOYA: Motion by Commissioner Anaya.

COMMISSIONER SULLIVAN: Second.

CHAIRMAN MONTTOYA: Second by Commissioner Sullivan. Any other discussion?

The motion to approve the discretionary spending on the HOSTS program passed by unanimous [5-0] voice vote.

IX. B. Status Report on County Well Usage Reporting Program (Commissioner Sullivan)

COMMISSIONER SULLIVAN: Mr. Chairman, I brought this issue up several meetings prior and I put it on the agenda so that we could find out precisely where that was going,

either through our County Manager or through our Water Resources Director. I understand that the FTE that was assigned to do this, or the task of this was moved from the Manager's office to the Water Resources Department; the FTE that we approved to this was not. So we have a question of is there adequate manpower to do the job, but perhaps Dr. Wust you could give me or give the Commission a status report on where we are.

STEPHEN WUST (Water Resources Director): Mr. Chairman, Commissioner Sullivan, the well tracking program was initially to come out of Land Use. They had started a database, basically names and addresses so we could inform those folks and ask them to send in their well meter readings. Originally when that program was moved into the Water Resources Department there was a position that was looked at, funded out of general fund because it would be assisting Land Use, and it was on a list of positions that has come before the Board and the senior staff of various positions and various departments that could be put in. This was one that was not, so it's never been created.

When one of our positions, Pat Torpy, was here, she had started the work on that, although that wasn't her primary job responsibility. Her primary job responsibility was the geo-hydrology reports for Land Use and she went and took a job at Los Alamos and since that time our County Hydrologist has looked at it but she's pretty much doing everything else so she hasn't had a lot of time to track it. The issue now is really it's a time factor because someone has to go through all the files in Land Use and find everybody who had a permit requirement that said they have to do this thing. That was never recorded in any one place as these permits got issued and these conditions got issued. So that's the real time-sink of creating this, populating the database, if you will.

The start of the database was created by Wayne Dalton but somebody's got to go through and put in all the names and addresses and everything else and even what Wayne had was basically those names and addresses that had some building permits but nobody went through and looked at the old development permits to see everybody who has this requirement on them.

I also looked at possibly having our front desk position help on that. She left us recently so we're actually in the process of interviewing for the clerk position and hopefully they'll be able to help us with the file review and I'm trying to get a hold of the person we want to replace Pat Torpy. It's called assistant engineering position and I'm going to ask him to work on that also. But these are all out of these other positions and the position that was originally dedicated to that has never been created.

We're trying to get – it's a slow process because it is a very time-consuming process to go through all the files and we haven't had a position that has the time to be able to do that work. A lot of those files, apparently, are off in archives also so it's really a lot of file searching as a first step and we have people who are trying to get the pieces put together but that big time-sink is the one that's kind of holding us up at the moment.

CHAIRMAN MONTOYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Let me just make a suggestion. Gerald, the Commission approved the FTE for this position, so the issue from the Water Resource Department standpoint seems to be that we don't have it in our budget. Is there still an FTE at the County Manager's level that can do this? Or can that position be moved to the Water Resource Department staff? I know later on in our meeting today we have approval of more FTEs, six or

seven of them more, and then five more to come after that a couple of months later. In none of those positions did I see this person who would do this tracking. What can we do to expedite this?

MR. GONZÁLEZ: Mr. Chairman, Commissioner Sullivan, I'm actually looking at the possibility of moving an FTE that we could potentially devote to this person. It would require some shuffling internally within Land Use and once we have the new Land Use Director on board I'll have that conversation with whoever it is.

COMMISSIONER SULLIVAN: Okay. Thank you. Thank you, Dr. Wust. I can only re-emphasize that if we don't have enforcement that all the time that we spend here on the Commission agonizing over conditions and that the staff spends in negotiations with the applicants, negotiating conditions and reviewing developments is not of much value if we don't have the enforcement and the databases that we need to back it up. Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: Thank you, Commissioner.

IX. C. Resolution No. 2006-149. A Resolution to Endorse the U.S. Conference of Mayors' Climate Protection Agreement Adopting Higher Performance Energy Efficient Building Standards (Commissioner Montoya) [Exhibit 2:Time Line]

CHAIRMAN MONTOYA: I've asked, Lisa Roybal has asked Christina Kershner who is the director of Architecture 2030 to do this presentation. Briefly, Architecture 2030 is a non-profit organization for the new energy economy. She's going to provide a brief, ten-minute presentation regarding what Architecture 2030 is, what it means to the County and ways that the County can utilize Architecture 2030 to reduce fossil fuel usage without expense. Ms. Kershner, thank you for being here. I'd like to also recognize Craig Fields who is also here from the City of Santa Fe from their Economic Development Department. Thank you for being here, Craig.

CHRISTINA KERSHNER: Thank you, Chairman Montoya and Commissioners. As you said, I'm the director of Architecture 2030 and I'm going to tell you a little bit about our organization and the 2030 Challenge, which is a set of targets that the County can use to reduce its fossil fuel energy use. As I'm sure everyone is aware, there are two crises that we are facing and the first is global warming and the second is the rapid depletion of our fossil fuel energy resources. There is a common misperception that the transportation sector is the major contributor to both of those crises but as it turns out, it's actually the building sector.

Buildings are responsible for almost half of all fossil fuel, greenhouse gas-emitting energy use in the United States. And globally, that's 76 percent. So if we have any hope of actually having an impact, we're going to have to rethink how we do buildings. So we have, Architecture 2030 exists to get that message out to alert people to the fact that buildings are such a big part of the problem, and then to issue the 2030 Challenge which sets up a set of targets that we can use to bring our energy use under control.

Just so you know, in case you're not aware, the 2030 Challenge was actually issued last January, officially, and was immediately adopted by the American Institute of Architects which is a 78,000-member organization. They're now out there working to bring all of the architects on board

so that when the cities and counties adopt the 2030 Challenge there are people out there that can actually make it happen.

We've also been working with the EPA who just incorporated the 2030 targets into its target finder, which is their program online where you can go and enter your information about building and choose which target you want to meet – let's say it's a 50 percent target – and it will give back to you what your energy budget is for that building. You can take that energy budget and use it to design your building so that you meet the 50 percent reduction.

We've also been working with ASHRAE, who is now currently working on their new standard, Standard 189, which will be used for all the building codes in the United States. So we're really encouraging them to incorporate these targets so that they're in the code for the next several years, because several years pass between when they write a new standard. We want to get those in there now.

Also, the US Conference of Mayors recently, in July, adopted the 2030 Challenge targets for all buildings in all cities. I don't know, you're probably aware of the 16 mayors in Texas that recently stood up and said that they would sue if the 16 new coal plants are built in the Texas area. That was a direct result of the Conference of Mayors adopting the 2030 Challenge, because those coal plants would set them back so far that they could never catch up.

So that said, you should have a postcard at your seat showing what these targets are. The first, all new buildings and development be designed to use 50 percent of the fossil fuel, greenhouse gas-emitting energy they would typically consume. So there's an average, a country average for all building types and we would now begin designing our buildings to use 50 percent of what they normally use.

Secondly, at a minimum, an amount of existing building area equal to that of new construction be renovated annually to use 50 percent of the fossil fuel energy it's currently consuming. So if you've built a 10,000 square foot office building, then you would also renovate 10,000 square feet and renovate it in such a way that it would use 50 percent less fossil fuel than it was using prior to the renovation.

And then finally, the fossil fuel reduction standard for all new buildings would be increased over time. Sixteen percent in 2010 all the way to carbon-neutral by 2030. This probably sounds daunting and expensive but as it turns out it really isn't. It wasn't until recently, like in the last 100 years, that we got away from basic design principles that allow buildings to be very energy-efficient. So all Architecture 2030 is doing is encouraging cities and counties and other organizations to go back to the design principles that we used to use. So if you go back up to number 2, where the sentence says This may be accomplished through, and it lists several things, design is the first thing on the list.

It's already been shown – there's been competitions and experiments and things that you can achieve a 50 to 80 reduction just by using simple design techniques. In most cases those don't cost anything. You have a brand new building that you're designing and you want a façade full of windows, because you want people to have natural light. Instead of facing that west, where it would almost mandate that you have air conditioning you could face it south and you're going to save yourself a great amount of energy use right there. So these are really simple principles.

And we're currently working on an implementation strategy package that we can give to the

cities and counties that explain these techniques.

The second thing on the list is technology. These are things most people are familiar with like solar panels and solar water heating. Those do tend to be a little bit more expensive than fossil fuels but if fossil fuel prices rises that's going to go away. Also, right now there is significant tax incentives for using those technologies. So San Francisco is talking about putting solar panels on every building in their city to become self-sufficient. So what we're saying is that's not even necessary. You can get 80 percent reduction with design strategies but if you want to go the extra mile you can also use some of these technologies.

And then third, there's a possibility of purchasing green power. This is already available. You can call PNM and chose to use wind power as opposed to fossil fuel and it's pennies on the dollar more. But we really encourage people to limit their use of that to 30 percent of the solution because we want to encourage people to get used to using design and some of these technologies to solve the problem.

The last thing I want to talk about is why this would be good for Santa Fe. The first is because it's going to become a critical issue for the economy; if we continue to run the city on fossil fuels it's only going to get more and more expensive. I know right now fossil fuels have dropped, the price has dropped a little bit, but that's temporary, because we only have a limited amount of resources and we are depleting those. If anyone is interested in the scientific data for that we do have that available but it comes from the resources we all trust to give us reliable data like NASA and Scripps.

The second thing is Santa Fe City had adopted the 2030 Challenge as law and they're currently working with us on an implementation strategy, so it would be really great for the County to get on board as soon as possible because you would have more input into that process, which we would really welcome.

And then thirdly, there's a real opportunity for not only Santa Fe but the state of New Mexico to have another industry that is based on all of this new interest in sustainable architecture, sustainable energy technologies and things like that. Last week I attended the first sustainable salon here in Santa Fe and there were many outside investors from California and other states, venture capitalists, etc., looking for ways to invest in what's going on here in New Mexico, and were telling us that they have traveled the United States and there is more going on in New Mexico than anywhere else in the United States. So we have a real opportunity to be a leader on this and create a new industry for our state. There's not many other states that have as much solar energy available to it and we have the two national laboratories as well who are working on new energy technologies and we can take advantage of that which will spur on new business in the state. Anyone have any questions?

CHAIRMAN MONTOYA: Thank you, Christina. Any questions?

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Campos.

COMMISSIONER CAMPOS: Quick question. You talked about implementation strategy and providing suggestions to cities and counties, local government. When do you think you might have something concrete?

MS. KERSHNER: Mr. Chairman, Commissioner Campos, that is supposed to be

completed at the end of October. We already have a substantial amount of it done and we're constantly looking for input on it. So it's scheduled for completion at the end of October.

COMMISSIONER CAMPOS: So will it be ready for distribution then?

MS. KERSHNER: Yes, that's right.

COMMISSIONER CAMPOS: You also talked about the updates in the building codes. What's the time table on that?

MS. KERSHNER: Well, ASHRAE is now working on their package. It's going to be released at the end of October as well. So we're currently working with them to incorporate the 50 percent and it looks like that's going to go through. We're also working with the USGBC who has a major influence in that area as well. So it's really key for us to get that in before this new standard goes out because the standard lasts for so long.

COMMISSIONER CAMPOS: Okay. What we've done is set up a committee between the City and the County to talk about the creation of an energy plan for our community and we'd love to have you bring your information to this group.

MS. KERSHNER: That would be great.

COMMISSIONER CAMPOS: We're going to be meeting monthly. We had our first meeting last week, I believe. Last Thursday. We'd love to work hand in hand so that the local governments are showing some leadership in that area.

MS. KERSHNER: Exactly. Are you guys aware that Governor Richardson has incorporated the 50 percent reduction?

COMMISSIONER CAMPOS: Yes.

MS. KERSHNER: Okay. We want to work with him as well to get that done.

COMMISSIONER CAMPOS: And one issue for staff is, for Mr. Ross is an issue that come up at that meeting, our energy plan meeting, was whether counties have the legal authority to impose additional requirements in the land use code to enhance energy efficiency. So I would hope that maybe you could get an opinion on that within the next month or so if that's possible. The issue was whether only local rule entities, cities, essentially, have that authority or whether counties in general might have that authority to impose or set new building code requirements that would enhance energy efficiency. So we're looking at that issue too.

MS. KERSHNER: That's great. Do you have authority over the County buildings?

COMMISSIONER CAMPOS: Yes.

MS. KERSHNER: Okay, so you could –

COMMISSIONER CAMPOS: We're working on that. Absolutely. We've had people working on that for about a year now, on our buildings, looking at solar. We're building the Public Works building which should be pretty close to state of the art. We're going to be building a new courthouse probably in the next two years which we hope is also state of the art for energy. And we have some older buildings that we're going to be renovating in the process, including this one and the old courthouse. So, yes, there are going to be some major projects out there that the County is going to be involved in.

MS. KERSHNER: That's excellent. We're available to help anyway we can. We can walk through the buildings that you're going to renovate and give suggestions. We did that at Washington University and it was amazing how simple the changes were at virtually no cost.

COMMISSIONER CAMPOS: Do you have a card? Maybe we could put you on our distribution list and maybe you could attend some of our meetings. That would be great. Appreciate it.

MS. KERSHNER: Thank you.

CHAIRMAN MONTROYA: Any other questions? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chairman, I just wonder, in the resolution it commits the County or directs the County to meet these criteria for buildings in excess of 5,000 square feet to achieve a minimum delivered fossil fuel energy consumption performance standard of one half the US average of that building type. I of course don't know what that means. We don't have data in front of us as to what that means. Everyone is favorable, certainly to the concept of stabilizing and reversing greenhouse gas emissions, but is there cost information as to what the cost of this is? Again, we are familiar with orientation and other items. We've had some presentations from energy experts on that and we've utilized that, as Commissioner Campos says, in the design of our new Public Works facility which is in excess of \$10 million. But what I am asking about and I don't see here is what are the cost impacts?

MS. KERSHNER: Well, it would depend on the strategy that you use.

COMMISSIONER SULLIVAN: In this resolution, what would the cost impacts to Santa Fe County be?

MS. KERSHNER: This is what I'm trying to point out. If you use the design solutions, design strategies, the cost impacts are minimal. This has been shown to work over and over again, so we could give you several case studies that show that that is actually the case. If you're purchasing wind power from PNM, again, the cost is minimal. It's pennies on the dollar difference between wind power cost and fossil fuel cost. So if you want to do what San Francisco is going to do then it's going to be a little bit more expensive but you can alleviate some of that with tax incentives.

More detailed cost information is going to be part of the implementation package and we're still gathering that information from several different resources. But what keeps coming back to us over and over again is that you can keep those costs to a minimum, something \$2 a square foot and often less. The changes that we recommended to Washington University just meant that maintenance would come out to change the direction of the lights in the building and add a photosensor which is a couple thousand dollars and yet they get enormous benefit from that because their air conditioner isn't running 24 hours a day.

So it really is up to the County and the decisions that they make on a particular building.

COMMISSIONER SULLIVAN: What I'm getting at is I realize there are a lot of horror stories and examples that one can point to but more specifically – have you read this resolution? We're considering a resolution. Have you read that?

MS. KERSHNER: Yes. Yes.

COMMISSIONER SULLIVAN: In that resolution, in the Now, therefore, we are planning to do this part, we talk about all of the new construction, renovations, repairs and replacements of County buildings shall employ cost-effective, energy-efficient green building practice to the maximum extent practical. Now, there are different greens. My understanding from talking with mechanical engineers is there's also a green certification. What's that called?

MS. KERSHNER: LEED certification?

COMMISSIONER SULLIVAN: LEED certification. Is that what you're suggesting?

MS. KERSHNER: LEED certification you can do 15 percent reduction in fossil fuel and still get, I think a silver certificate or something. We're actually calling for more than that because that's what it's going to take to actually make a change. We have to keep the global warming to less than one degree or scientists agree, we're going to get into dangerous climate change. So the LEED certification numbers are not aggressive enough. We're calling for buildings to be more aggressive in their reduction of fossil fuel energy use.

COMMISSIONER SULLIVAN: That's why I ask about the cost because I know the state is now proposing, as you indicated, some of these guidelines for public buildings, and particularly they have come out with an executive order regarding that for our school buildings. Mechanical engineers and architects who I have talked to have indicated that those particular standards will increase the construction costs by 35 percent. Now, you could say construction might be 35 percent more, but if I've saved that amount of money over a period of time maybe I should spend 35 percent more. Do you have any cost information on that?

MS. KERSHNER: That's what will be in the implementation package. It will be very detailed, giving that kind of information. I would question the 35 percent given what we've seen so far.

COMMISSIONER SULLIVAN: These are the professionals that design our school buildings.

MS. KERSHNER: Right. In that particular situation that might be the case. So we would definitely need to address that. But if we're not tied to events overseas and the huge fluctuations in fossil fuel prices I would say that we're definitely going to benefit in the long run and recoup our costs that we might have to do upfront.

COMMISSIONER SULLIVAN: Mr. Chairman, what I'd suggest is an additional component to the resolution which encourages the Governor and legislature to provide the additional funding needed because basically, what we've heard from you and others that we've dealt with in energy conservation is that we're trading off first costs for renewable energy sources and for reduced greenhouse gas emissions and for more energy. But as a humorist once said, there ain't no free lunch. And so in order to do that we have to invest money up front to do that. None of this is free. We can't just orient buildings and save millions of dollars a year. So I would suggest, Mr. Chairman, that the legislature and Governor and particularly the Governor who is, and rightfully so, promoting this, ask them for the necessary additional funding that goes into our capital construction, particularly to our school so that they can do these things. Otherwise, they come under limited budgets.

And let me offer one other problem here that should also be addressed by a resolution like this, and that is that all of our public buildings, and particularly I'll go back to schools, are limited to design cost criteria. They have standards in big, thick books, which say if you're building an early childhood education center, it shall cost x-dollars per square foot. It shall have so many square feet per classroom, on and on and on. You cannot do this within those standards. It's impossible. You can't do it. You can't build a building that will house children safely and do that. So what is

needed here is not just some general guidelines. What is needed here is if the state is going to be aggressive and supportive of this concept is a) changing its own regulations, which essentially allow you to design portables, and b) providing the funds that are necessary for the upfront investment.

We don't talk about this here. We just say, oh, this is a nice thing to have. But those are fiscal resources that have to be taken from somewhere else – roads, healthcare, you name it. Somewhere the legislators have to decide this is a better expenditure of money than some other area. I think if Santa Fe County wants to support this, and I'm sure they do, we need to also say, by the way, you've got to a) throw away these regulations, which are outdated and these design manual criteria that architects are burdened by, and b) you've got to give us the upfront money, knowing that these buildings may cost, if it's not 35 percent, some percent more than your traditional history.

That's what we've been facing throughout on these energy design criteria. Sounds great. We're going to meet 50 percent emissions reduction by 2010. It's going to cost money. So Mr. Chairman, that concept of design regulation review and additional funding for public buildings, I would suggest incorporating them in the intent of this resolution because that's really important.

CHAIRMAN MONTOYA: Okay. Any other questions, comments? I would move for approval of this resolution.

COMMISSIONER SULLIVAN: Second.

CHAIRMAN MONTOYA: Any other discussion?

COMMISSIONER CAMPOS: Are we going to incorporate the suggestions made by Commissioner Sullivan?

CHAIRMAN MONTOYA: Commissioner Campos, I think at this point that's broadening it beyond the scope of what it's being proposed at this point.

COMMISSIONER CAMPOS: Okay.

CHAIRMAN MONTOYA: So I would rather leave it as is.

COMMISSIONER CAMPOS: Okay, but I think just as Commissioner Sullivan said, we have to take other steps to make this a reality. We can have something, agree to do something, but if we don't get the money we're not going to be able to do it. So I think we should follow it up with a real commitment and going to the legislature. They have most of the money in the state of New Mexico for governmental activity and building and see if we can get some money. On a regular permanent basis.

CHAIRMAN MONTOYA: Right. Which is beyond this scope.

COMMISSIONER CAMPOS: Maybe, maybe not. Let's do both things, but if we have to do them separately that's fine.

COMMISSIONER SULLIVAN: I would suggest, Mr. Chairman, without changing the resolution, I would just suggest that as an intent of the Commission, coupled with the passage of the resolution.

CHAIRMAN MONTOYA: Okay. Any other discussion?

The motion to approve Resolution 2006-149 passed by unanimous [5-0] voice vote.

CHAIRMAN MONTOYA: Thank you, Christina. Thank you, Craig for being

here. Appreciate it.

COMMISSIONER CAMPOS: Please leave us your contact information, Christina.

CHAIRMAN MONTTOYA: Commissioner Campos, is LANL a part of your working group?

COMMISSIONER CAMPOS: Not that I know. No, I don't think so.

CHAIRMAN MONTTOYA: Maybe Bill, if you could maybe get someone from the laboratory to work with them on that. Because Christina, it sounds like LANL is working with your group.

MS. KERSHNER: Yes, we have people at the lab. Ben Luce, I don't know if you're familiar with him, he works at the lab and also works on the new energy economy.

COMMISSIONER CAMPOS: Ben Luce was invited. He was in Spain. Traveling back from Spain. We expect that Ben Luce will be available at the next meeting.

CHAIRMAN MONTTOYA: Okay. So you will have someone. Okay. We got it.

IX. D. Resolution No. 2006-150. A Resolution in Support of the Chimayo Chile Project Through the Participation and Membership of the Chimayo Chile Coordination Committee (Commissioner Montoya)

CHAIRMAN MONTTOYA: I have been participating as a representative and Joseph Gutierrez, who isn't here now, has been also participating. This resolution is simply asking Santa Fe County to appoint/designate someone who will be a part of the Chimayo Chile Coordination Committee. And primarily the reason that we're looking at doing this is we need to have some oversight of this project. Currently, there are two different sources of funding that are coming into this project. One is a federal grant which we have essentially no oversight of. It's going strictly to another entity, another corporation, which is actually a part of this resolution and that's the Santa Fe Institute for Native Hispanic Cultures. They're the ones that have received this federal grant and are working somewhat with the community.

Essentially, I feel that it's in the County's best interest to participate in this coordinating effort and I would continue to do so had it not been suggested that elected officials not participate. So consequently that threw me out of the coordinating committee at that point. But we would still have the representation there. So that's what this is all about and I would entertain any questions.

COMMISSIONER VIGIL: Elected officials are too controversial, Mr. Chairman.

CHAIRMAN MONTTOYA: We're too political.

COMMISSIONER VIGIL: Okay.

COMMISSIONER ANAYA: Move for approval.

COMMISSIONER VIGIL: Second.

CHAIRMAN MONTTOYA: Motion by Commissioner Anaya, second by Commissioner Vigil. Further discussion?

The motion to approve Resolution 2006-150 passed by unanimous [5-0] voice vote.

IX. E. Resolution No. 2006-151. A Resolution of the Santa Fe County Board of Commissioners, Supporting a Regional Animal Shelter with Bernalillo County, Town of Edgewood, Estancia Valley, Town of Moriarty, Mountainair, Torrance County and Santa Fe County by Utilization of Collective Resources to Secure, Operate and Maintain Such a Facility (Commissioner Anaya)

COMMISSIONER ANAYA: Thank you, Mr. Chairman. This is a resolution in support of all the entities that you mentioned working together to create, construct and possibly operate a regional animal shelter. We've had a couple of meetings now with various representatives from these communities to talk about it. It is a concern. We want to try to work together to create this regional facility and go to the legislature for funding. With me I have Andrew Jaramillo and Jennifer Jaramillo who have attended the meetings. I myself have attended one and worked closely with the Council from Edgewood. If you have any questions we have Andrew to help us out.

CHAIRMAN MONTOYA: Okay. Any questions? Commissioner Vigil.

COMMISSIONER VIGIL: Mr. Chairman, Commissioner Anaya, I commend your community for working on this. Their needs are going to be more varied than what the needs are here closer to the county. I imagine more agricultural animals will be a part of it. The resolution itself just asks that we continue discussions for a regional animal shelter through representatives of the County. Is that not correct? That's the final statement, I believe.

COMMISSIONER ANAYA: Yes.

COMMISSIONER VIGIL: I'm in favor of it, Mr. Chairman. Move to approve.

CHAIRMAN MONTOYA: Okay, motion by Commissioner Vigil.

COMMISSIONER ANAYA: Second.

CHAIRMAN MONTOYA: Second by Commissioner Anaya. Discussion?

COMMISSIONER CAMPOS: Quick question for our witness.

CHAIRMAN MONTOYA: Commissioner Campos.

COMMISSIONER CAMPOS: What goals do you hope to achieve by this regional, multi –

MR. JARAMILLO: The animals that come out of Edgewood would return to the owners a lot quicker. Our goal is to get those pets back to them.

COMMISSIONER CAMPOS: You're talking about Edgewood.

MR. JARAMILLO: Edgewood, Stanley area, Cedar Grove, that southern area.

COMMISSIONER CAMPOS: You're looking at the southern county then?

MR. JARAMILLO: Our goal is to return those animals to the pet owners because there's a percentage that don't get returned and that percentage could be adopted or euthanized. It's our goal for Santa Fe County, not only southern, to cut the overpopulation of animals and incorporate that return to animals. Our returned animal rate is really low for the southern area because it's an inconvenience for these people to come up to Santa Fe to redeem their animals.

COMMISSIONER CAMPOS: Okay. Thank you, sir.
CHAIRMAN MONTOYA: Any other questions?

The motion to approve Resolution 2006-151 passed by unanimous [4-0] voice vote.
[Commissioner Vigil was not present for this vote.]

IX. F. Discretionary Fund Approval for \$2,000 for FORE Kids Scholarship Program (Commissioner Anaya)

COMMISSIONER ANAYA: Thank you, Mr. Chairman. In the past we have donated money for the FORE Kids program, which I think is very important to fund our youth programs, and with me today I have Molly Harris to kind of give us – she had a little background on the FORE Kids program.

MOLLY HARRIS: Good morning, Mr. Chairman, Commissioners. Thank you for letting me speak to you this morning. I just want to start out by saying thank you so very much for participating for the past eight years in this program, and I wanted to just share a little bit of information with you. This money that we raise every year – last year for 2005 we raised over \$12,000 that went directly back into the youth recreation programs for the City of Santa Fe and Santa Fe County youth. We've funded over \$9,000 scholarships last year with that money that allowed our children to participate in all the facilities at the Genoveva Chavez Center, the MRC and the golf course, the Marty Links golf course as well as soccer leagues.

So we have a very diverse program and it has allowed children that would otherwise not be able to participate by making use of these funds and it's been a very, very successful and rewarding program and I certainly hope that we can keep you involved with us because you've been a great partner with the City and all of the others of the business community that have been sponsors for this in the past. And I'd like to answer any questions if you have any.

CHAIRMAN MONTOYA: Okay, any questions for Molly?

COMMISSIONER ANAYA: Move for approval.

CHAIRMAN MONTOYA: Motion by Commissioner Anaya.

COMMISSIONER SULLIVAN: Second.

CHAIRMAN MONTOYA: Second, Commissioner Sullivan. Further discussion?

The motion to approve the discretionary funding for FORE Kids passed by unanimous [5-0] voice vote.

IX. OTHER MATTERS FROM THE COMMISSION

CHAIRMAN MONTOYA: Commissioner Campos.

COMMISSIONER CAMPOS: I'll pass right now.

CHAIRMAN MONTOYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I have three items, Mr. Chairman. I'll make them brief. The first was in our last meeting we tabled an item and I don't see it on this agenda regarding a deputy Health Division director. I thought we better find out what the status of that was because we tabled it at the last administrative meeting. Anybody know anything about deputy Health directors?

TERESA MARTINEZ (Acting Finance Director): Commissioner Sullivan, Mr. Chairman, the last I know is that it's definitely part of the negotiations for the St. Vincent's MOA and that is still in the process of being negotiated, so we're still attempting to come back to you with all the details of that position as well as the responsible funding sources for that position.

COMMISSIONER SULLIVAN: So it would be funded through the MOA. Is that the thinking?

MS. MARTINEZ: We were hoping.

COMMISSIONER SULLIVAN: Okay. Thank you. Then the second –

CHAIRMAN MONTOYA: Excuse me, Commissioner Sullivan. Teresa, when will that be coming back? Is it time sensitive in terms of rolling this over, being that it's not on today's agenda? Is it being included on a future agenda or how does that work procedurally?

MR. ROSS: Mr. Chairman, once an item is tabled it's supposed to come back at the next meeting of the same type. In other words, if it's tabled at an administrative meeting it comes back at the administrative meeting. If it's not here we're going to have to treat it when it comes back as a new item I guess because otherwise those items are being denied.

CHAIRMAN MONTOYA: Okay. That's what I thought. Okay.

COMMISSIONER SULLIVAN: Good point, Mr. Chairman. So it should be brought back as a new agenda item then.

CHAIRMAN MONTOYA: Yes.

COMMISSIONER SULLIVAN: Okay. Well, then just in the administrative mode there then, we also tabled a Public Works cooperative agreement resolution for roads at the last administrative meeting. And maybe Robert Martinez could help us know where we are on that one. We don't want to delay any road building.

ROBERT MARTINEZ (Deputy Public Works Director): I'm sorry, Commissioner. I wasn't paying attention. What was the question?

COMMISSIONER SULLIVAN: The question was at our last administrative meeting we tabled a resolution that the Public Works Department brought forward, a cooperative agreement with NMDOT for road construction and it was tabled, I believe, at the department's request because the resolution wasn't worded correctly or something to the liking of the DOT. And I didn't see it on today's agenda and I want to be sure it didn't fall through the cracks.

MR. MARTINEZ: Mr. Chairman, Commissioner Sullivan, the reason it was tabled was because it had to be in the form of a resolution and it wasn't at that particular meeting, but it came back the first meeting in September. Is that correct? That's already been approved.

COMMISSIONER SULLIVAN: That's been taken care of? Okay. Thank you very much. We'll scratch that one off. I just want to be sure we didn't delay any of our co-op projects. I just wanted also to report to the Board as chair of the Regional Planning Authority that we now have Mrs. Mary Helen Follingstad on board as the principal planner of the Regional

Planning Authority. She's now under contract for a period of two years with us and she'll be attending an accelerated schedule of RPA meetings that go all the way through December with the City, focusing primarily on annexation and I've met with her last weeks and she is very enthusiastic about where the Regional Planning Authority is going and the opportunities for City/County cooperation on land use planning. So that, I think, is a good thing.

And then I did have one last thing and that was to ask the staff to put on our agenda on Matters from the Commission at the next administrative meeting our resolution regarding document deadlines and public notification of packet material. That's a resolution that was passed by the Commission three or four years ago prior to I believe three of our current Commissioners being on the Board. I think it would probably be good to bring that back for all the Commission to look at, make any changes that they'd like to make to it. Consider it for any modification or throw it out if they're not interested. Whatever the case may be. I think it's important that that resolution be at least endorsed by the current Commission.

MR. ROSS: Mr. Chairman, Commissioner Sullivan, those rules are now actually incorporated in our rules of order. So we'll stick that on the next agenda and you guys can take a look at it.

COMMISSIONER SULLIVAN: That resolution is?

MR. ROSS: Yes.

COMMISSIONER SULLIVAN: Does that do away then with the resolution?

MR. ROSS: Yes. Actually, the rules of order when we redid them a couple years ago brought into one document a number of different resolutions including the rules on packet submissions, document deadlines and all that.

COMMISSIONER SULLIVAN: If we should put that agenda just to refresh our memory and see if there's anything that we want to change on that, but I would like to have that on the agenda. Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: Okay. We, by law, have to change that and review it annually, do we not?

MR. ROSS: Mr. Chairman, that's the Open Meetings Resolution. You can bring the rules of order before the Board really at any time.

CHAIRMAN MONTOYA: Oh, okay. Commissioner Vigil.

COMMISSIONER VIGIL: Mr. Chairman, just a question on any status report on the affordable housing structure and FTEs for County Manager.

MR. GONZÁLEZ: Mr. Chairman, Commissioner Vigil, you'll notice one of the FTEs that's being presented to you for funding this afternoon is that particular position. There have been internal discussions with staff and I've had some input from some of the Commissioners about how to move forward with that. I've also had some internal discussions with Duncan Sill and with our legal office about how to do the structuring. Currently, what I'm contemplating is that the position would remain in the County Manager's office for the time being.

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

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chairman, I just want to send my condolences to the family of Julian Jaramillo and to the wonderful job that you all did here. The presentation that

you gave was awesome. Your staff, condolences to them too. It's always sad when we lose somebody but you all did a wonderful job. Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: Thank you, Commissioner. Just a few items here. I just wanted to again mention to the Commissioners that I am having a meeting and would welcome another attendee for an individual who wants to talk to us about healthcare costs in the jail. That again is going to be happening this Thursday. Then also that Thursday afternoon at 4:00, a group is going to be coming to talk to us about wireless technology and I would invite anyone to the meeting at that time. They're going to I think propose a pilot project for Santa Fe County to hook us up entirely wireless, so that would be something of particular interest I think to everyone involved with the County in terms of their hookups and any sort of wireless technology that's out there.

The other thing is I would like to ask if anyone is interested in participating as a judge for the Pojoaque Valley School District. I was invited to attend. They're building what they're calling a hoop house and they're going to be needing a judge for Friday, October 13th if anyone may be interested in doing this. I unfortunately will be down in Deming for the Association of Counties and our board of directors meeting.

I'd like to just thank Steve Ross for the memo on all of the contracts that have been approved and signed. This is good information for us to have.

And then the last item I have is tomorrow I believe at 9:00 the Chimayo Greater Mutual Domestic Water Association is having a meeting regarding some perceived problems that have been occurring with Santa Fe County and us delaying their project and would hope that we could get some representation there in terms of making sure that whatever department may be potentially coordinating this or working with the individuals here, that they be at that meeting. I unfortunately am probably not going to be able to be there so I would just ask that if I could out who will be there, besides Johnny Baca.

Okay, that's all I have.

X. CONSENT CALENDAR

A. Budget Adjustments

- 1. Resolution No. 2006-152. A Resolution Requesting BCC Approval to Budget Movie Production Revenue in the Fire Fund (209) for Various Fire Districts in the Amount of \$49,383.75 for Reimbursement for Personnel, Equipment and Supplies Used During Fire Department Movie Production Stand-by for Comanche Moon (Fire Department)**
- 2. Resolution No. 2006-153. A Resolution Requesting Approval to Budget State Forestry Reimbursements for Various Fire Districts in the Amount of \$22,463.75 to Compensate for Equipment and Personnel Utilized for the Ojo Feliz, General Sage, Cerro Gordo, Mosely and Hondo Fires (Fire Department)**
- 3. Resolution No. 2006-154. A Resolution Requesting an increase to the Jail Operations Fund (518) / Youth Development Facility to**

Budget Prior Fiscal Year 2006 State Special Appropriations Balance for Expenditure in Fiscal Year 2007 / \$15,367.12 (Corrections Department)

- 4. Resolution No. 2006-155. A Resolution Requesting an Increase to the Jail Operations Fund (518) / Adult Facility to Budget Prior Fiscal Year 2006 Cash Balance for Capital Equipment Expenditures in Fiscal Year 2007 / \$454,195 (Corrections Department)**
- 5. Resolution No. 2006-156. A Resolution Requesting an Increase to the Jail Operations Fund (518) / Day Reporting Program to Budget Prior Fiscal Year 2006 Cash Balance for Expenditure in Fiscal Year 2007 / \$14,232.98 (Corrections Department)**
- 6. Resolution No. 2006-157. A Resolution Requesting an Increase to the General Fund (101)/ Home for Good- JAG Program to Budget Prior Fiscal Year 2006 Grant Balance for Expenditure in Fiscal Year 2007/ \$7,203 (Health & Human Services Department)**
- 7. Resolution No. 2006-__. A Resolution Requesting an Increase to the General Fund (101) / Human Resources Division to Budget Prior Fiscal Year 2006 Cash Balance for the Classification and Compensation Study in Fiscal Year 2007 / \$46,925 (Manager's Office) ISOLATED FOR DISCUSSION**
- 8. Resolution No. 2006-158. A Resolution Requesting an Increase to the General Fund (101) / Region III Grant Program for a Grant Awarded by the Justice Assistance Grant Program Through the New Mexico Department of Public Safety for Expenditure in Fiscal Year 2007 / \$240,000 (Sheriff's Office)**
- 9. Resolution No. 2006-159. A Resolution Requesting an Increase to the General Fund (101) / County Sheriff's Budget for a Federal Grant Awarded Through Eastern Kentucky University for Expenditure in Fiscal Year 2007 / \$60,000 (Sheriff's Office)**

B. Professional Service Agreements

- 1. Request Authorization to Award a Professional Services Agreement to the Highest Rated Offeror in Response to RFP No. 26-1404-UT/RH to Provide Professional Engineering Services to Produce a Feasibility Study of Cost Effective Wastewater Treatment Systems to Consider and Develop an Analysis of Wastewater Treatment Alternatives for the Immediate and Future Capacity of the Valle Vista Wastewater System / \$97,119.00 (Water Resources Department)**

C. Miscellaneous

- 1. Request Approval of a Grant Application for \$154,505.96 to Continue Day Reporting Services at the Juvenile Facility (Corrections Department)**

2. **Request Approval of a Grant Agreement Between Santa Fe County and the New Mexico Department of Finance and Administration for Emergency Medical Services and Firefighter Services for the Pojoaque Volunteer Fire District Totaling \$30,000 (Projects & Facilities Management Department) WITHDRAWN**
3. **Request Approval of Fiscal Year 2007 Region III Grant Agreement with the U.S. Department of Justice, Justice Assistance Grant Program Through the New Mexico Department of Public Safety for \$240,000 (Sheriff's Office)**
4. **Request Authorization to Execute Amendment #4 to Ralph Lopez Agreement #25-0008-SD, Providing Services as Region III Coordinator for the Sheriff's Department Extending Term Through September 30, 2007 and Increasing Compensation by \$52,620 Contract Not to Exceed \$171,015 Inclusive of Gross Receipt Tax (Sheriff's Department)**
5. **Request Approval of a Grant Awarded Through Eastern Kentucky University for Expenditure in Fiscal Year 2007/ \$60,000 (Sheriff's Office) WITHDRAWN**

COMMISSIONER ANAYA: Move for approval.

COMMISSIONER CAMPOS: Second.

The motion to approve the Consent Calendar with the exception of item X.A. 7 (isolated for discussion) and items X. C. 2 and 5 (withdrawn) passed by unanimous [5-0] voice vote.

- X. A. 7. Resolution No. 2006-160. A Resolution Requesting an Increase to the General Fund (101) / Human Resources Division to Budget Prior Fiscal Year 2006 Cash Balance for the Classification and Compensation Study in Fiscal Year 2007 / \$46,925 (Manager's Office)**

COMMISSIONER SULLIVAN: Mr. Chairman, I asked that we talk about this or that the Manager perhaps give us an update on it. This is to budget \$46,925 for a professional human resources classification consulting services contract, proposed by Mr. Jeff Trujillo, of our

Human Resources Department. I hadn't heard about it before and just wondered what the intent is and what the goals of this contract will be.

MR. GONZÁLEZ: Mr. Chairman, Commissioner Sullivan, I'll have Jeff address that but this grew in part out of our strategic planning discussions and how to do staff development and the fact that we really are at a place with respect to the County where we don't have an adequate understanding of how our pay system compares to surrounding pay systems and whether our classification and compensation system as a whole makes sense. Jeff.

JEFF TRUJILLO (Human Resources Director): Mr. Chairman, Commissioner Sullivan, what we're doing is we went out to RFP to get somebody to come in and do a salary survey for this County for the region so we can see how competitive we are with other counties and other entities the size of ours. Currently, the money was budgeted last fiscal year and the contract and RFP didn't finish until after June so the money wasn't transferred over. So we need to put the money back in so we can continue with the salary survey that we're doing.

COMMISSIONER SULLIVAN: And where is this firm from and a little background on what is their experience.

MR. TRUJILLO: As far as the one that got picked, I'm not real sure. Randy was the one who did the negotiation with them and supposedly they've done other counties such as San Juan and they have a lot of experience. They were the number one bidder for this.

COMMISSIONER SULLIVAN: And where there several respondents?

MR. TRUJILLO: Yes, there was, Commissioner.

COMMISSIONER SULLIVAN: Are they a New Mexico firm, do you know?

MR. TRUJILLO: I'm not sure.

MR. GONZÁLEZ: Mr. Chairman, Commissioner Sullivan, Randy's here so he may be able to answer more specific questions. Randy Herrera, our contracts officer.

COMMISSIONER SULLIVAN: I'm just trying to get a handle because we're fairly unique in Santa Fe in terms of having to deal with salaries that compensate our employees for high living conditions and I'm just wanting to be sure that we have a firm that understands the Santa Fe area market. Perhaps they worked for the City before or perhaps they have some experience like that.

RANDY HERRERA (Contracts Officer): Yes, sir. Mr. Chairman, Commissioner Sullivan, we had, and I'll count them for you, we had Public Sector Consultants who was chosen at the highest rated. There was a proposal from Human Resources Services Center. There was a proposal from Millman Consultants and the Waters Group, none of which are in New Mexico. There wasn't one that answered the proposal from New Mexico. To answer the question, Public Sector Consultants is out of Arizona and has worked in several counties here in New Mexico. Bosque Farms, City of Hobbs, the City of Santa Fe, Chaves County, Curry County, Grant County, Dona Ana County McKinley County, Los Alamos County and San Juan County.

COMMISSIONER SULLIVAN: So they have worked in Santa Fe before and also in Los Alamos as part of their experience.

MR. HERRERA: That's correct.

COMMISSIONER SULLIVAN: Okay. That's more comforting to know.

MR. HERRERA: The consultant that was chosen had finished with the City of

Santa Fe so I talked to the City of Santa Fe to see how theirs came out. The marketing survey that they completed was successful so we're comfortable with that.

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

CHAIRMAN MONTOYA: Any other questions?

COMMISSIONER SULLIVAN: Move for approval.

CHAIRMAN MONTOYA: Okay, motion by Commissioner Sullivan.

COMMISSIONER CAMPOS: Second.

CHAIRMAN MONTOYA: Second, Commissioner Campos. I had one question. That was regarding – it says here that the funds were included in fiscal year 06, however this didn't get entered into until 07. What was the delay?

MS. MARTINEZ: Commissioner Montoya, the delay was an oversight. This should have been encumbered before the end of the fiscal year and rolled over and that didn't happen. So the budget authority was in the prior year so we're taking the cash balance and establishing the budget authority for the current year contract.

CHAIRMAN MONTOYA: Okay. So essentially this should have been spent in 06.

MS. MARTINEZ: It should have been encumbered in 06.

CHAIRMAN MONTOYA: And it wasn't?

MS. MARTINEZ: And it was not.

CHAIRMAN MONTOYA: All right. We have a motion and a second. Any other discussion?

The motion to approve item X. A. 7 passed by unanimous [5-0] voice vote.

CHAIRMAN MONTOYA: Do we want to break now or go to the Land Use Department?

XI. STAFF AND ELECTED OFFICIALS' ITEMS

A. Land Use Department

1. Request Authorization to Publish Title and General Summary for an Ordinance Amending Article XIV, Traditional and Contemporary Community Zoning Districts, of the Santa Fe County Land Development Code, Ordinance 1996-10, as Amended, to Add a New Section 10, Village of Agua Fria Planning and Zoning District

ROBERT GRIEGO (Planner): Mr. Chairman, Commissioners, I'll keep my presentation brief for you. The Village of Agua Fria Community Plan was adopted by Resolution 2006-116 on July 11, 2006. The plan amends the County's Growth Management Plan for the Village of Agua Fria traditional historic community and was adopted in accordance with the Santa

Fe County's Community Planning Ordinance, 2002-3. This ordinance draft is intended to implement the policies outlined in the adopted Village of Agua Fria Community Plan.

This request will authorize staff to begin the process of codifying the policies of the Village of Agua Fria Community Plan. The process will include notifying property owners and holding community meetings and public hearings for the proposed ordinance as well as legal review.

CHAIRMAN MONTOYA: Any questions for Robert? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Robert, the zoning district will increase the Agua Fria traditional community from 310 acres to 552 acres, according to your memorandum. Was that a part of the plan? That's not something new. You pointed out in your memorandum that that was a part of the planning process. Is that correct?

MR. GRIEGO: Mr. Chairman, Commissioner Sullivan, that is correct. It was all part of the planning process.

COMMISSIONER SULLIVAN: And can you explain to me the difference between what will become the Agua Fria traditional community zoning district and the Agua Fria traditional community?

MR. GRIEGO: Mr. Chairman, Commissioner Sullivan, the traditional community zoning district is a zoning designation, and the Agua Fria traditional historic community is part of – within the Agua Fria traditional historic community the traditional community zoning district is a part of that. So it is only a part of the whole district. So the expansion of the traditional community zoning district will not include the entire traditional historic community but a portion of it.

COMMISSIONER SULLIVAN: Okay, and the Agua Fria traditional historic community was established by state statute, is that correct?

MR. GRIEGO: Mr. Chairman, Commissioner Sullivan, that is correct.

COMMISSIONER SULLIVAN: So the boundaries of that don't change.

MR. GRIEGO: No.

COMMISSIONER SULLIVAN: Okay. But within the Agua Fria traditional community the zoning that we are proposing will apply.

MR. GRIEGO: Mr. Chairman, Commissioner Sullivan, yes, that is correct. There are two zoning districts within the traditional historic community, and the traditional community zoning district is part of that. The other zoning district within that is within the urban area.

COMMISSIONER SULLIVAN: So the only difference here will be we're not changing the size of the traditional community but we are increasing the size of this zoning district from 210 to 552 acres.

MR. GRIEGO: Mr. Chairman, Commissioner Sullivan, that is correct.

COMMISSIONER SULLIVAN: Okay. I think I understand that how. Thank you.

CHAIRMAN MONTOYA: Other questions? Commissioner Vigil.

COMMISSIONER VIGIL: The increase to the zoning district, is the net effect to increase density?

MR. GRIEGO: Mr. Chairman, Commissioner Vigil, part of that is to allow the increase of density within that area. There was a line that was drawn as part of the 1980 traditional community zoning districts that were established by the County Code. This zoning district just basically cut through part of the community but it didn't make sense for the entire community. So

we're just trying to make this consistent with the area that it is located.

COMMISSIONER VIGIL: Okay. Did you say this did go through the planning process? I thought I heard you testify to that.

MR. GRIEGO: Yes, Commissioner Vigil. This was – all we're doing is implementing the policies that were outlined in the plan. So the plan was adopted by the Board and we're implementing the policies.

COMMISSIONER VIGIL: Was this not a subsequent issue to the original adoption of the plan?

MR. GRIEGO: No. This was always part of the plan.

COMMISSIONER VIGIL: Okay, then I'm clear on that. Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: Okay. Other questions?

COMMISSIONER SULLIVAN: Move for approval.

CHAIRMAN MONTOYA: Motion by Commissioner Sullivan.

COMMISSIONER VIGIL: Second.

CHAIRMAN MONTOYA: Second, Commissioner Vigil. Discussion?

The motion to authorize publication of title and general summary of the Agua Fria ordinance passed by unanimous [5-0] voice vote.

XI. B. Projects & Facilities Management Department

1. Resolution No. 2006-161. A Resolution Requesting an Operating Transfer from the Capital Outlay GRT Fund (213) / County Manager to State Special Appropriations Fund (318) for the El Rancho Community Center / \$100,000

PAUL OLAFSON (PFMD): Mr. Chairman, Commissioners, we're requesting today that the Board approve the transfer of \$100,000 to the El Rancho Community Center construction project. We're adding on approximately 1,000 square feet. It's 973 square feet for a crafts room, an ADA bathroom and related function facilities. The architect on board has determined an initial budget that's approximately between \$25,000 and \$75,000 over our estimated budget. We're asking for this \$100,000 to come out of the County's portion of the GRT roads and other fund and I would stand for any questions on that.

CHAIRMAN MONTOYA: Any questions? Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chairman, so, Paul, we've already started construction on it?

MR. OLAFSON: Mr. Chairman, Commissioner, no, we haven't started construction. We do have about \$220,000 from the state in appropriations. We started architecture and engineering services and through that process we've determined that before we go out to bid we already recognize that we're probably going to be over budget on our costs. So we're trying to

get this out to bid in December and we want to make sure we have the finances in order before we initiate that process. So we're almost done with the A&E. We're ready to go out to bid but we want to make sure there's enough money in the fund to complete the project.

COMMISSIONER ANAYA: Seems like every time we need money we always go to the road department and that road department suffers. I don't mind doing it but is there any other place we can go get \$100,000 from instead of the road department? And why do we always go to the road department? Is there a contingency fund out there that we can hit?

MR. OLAFSON: Mr. Chairman, Commissioner, I can't answer to the contingency question. I can answer to the County's portion. You know how there's a regional and a County portion of the GRT, and then within that there are subcategories. One is roads and other. Out of the County's portion of the GRT there's about \$417,000 remaining for roads and there's about \$295,000 remaining for other. We're asking for this cut to come out of the other side of the roads and other.

COMMISSIONER ANAYA: How much is left after? You said \$217,000?

MR. OLAFSON: There's \$417,000 in roads, \$295,000 in other. After this, if you approve it, there will be \$195,000.

COMMISSIONER ANAYA: Okay. So we're not really taking it out of roads. It was already budgeted for that. Okay. Thank you.

CHAIRMAN MONTOYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chairman, just a clarification. The roads and other as we all know is five percent of the ordinance that we passed. Just administratively we've said half is for roads and half is for other. But that's totally up to the County Commission to determine. So if we wanted to budget – let's say we had \$195,000 left, and we wanted to move that into roads we could do that. We've just – correct me if I'm wrong Gerald or anybody. Or Joseph. Just administratively, in order to budget something the staff has said we're going to take that five percent revenue and we're just going to arbitrarily allocate 50 percent other, 50 percent roads. Is that how it's been going, Paul?

MR. GONZÁLEZ: Mr. Chairman, Commissioner Sullivan, that's correct. It really is Commission discretion. It's just so that we have a coherent scheme in terms of how we do the allocation that we came up with that arbitrary –

COMMISSIONER SULLIVAN: And I'm not criticizing it. I think it makes sense. It's just we have that ability to if we get down to critical projects or emergency projects – let's say we have an emergency road project or something to move those funds around. I just wanted to be clear about that.

The other thing I wanted to point out was there was an article in today's *New Mexican* about senior centers and about how five of the 11 senior centers that the City has been complaining about having to fund are in the City. Also what was not pointed out in the article was that Santa Fe County maintains all these senior centers. And it was also pointed out in the article that 89 percent of the usage of these 11 senior centers comes from people living within the City of Santa Fe. So I just wanted to add to the issue the fact that not only do we have to deal with operational funding of these senior centers, our County staff is charged through Mr. Gutierrez with changing the toilet paper and light bulbs and keeping all of these centers within the county operational. So we have a

big stake in doing that beyond the operations and food costs and the costs that we pay the City of Santa Fe under contract to senior meals on wheels and senior programs. That wasn't pointed out in the article. It is a big expenditure so we have a large investment that we put into those senior centers, several of which are enjoyed, as they should be, by Santa Fe City residents and we encourage that, but we don't want it to go unnoticed.

CHAIRMAN MONTTOYA: Good point. Okay, any other discussion on this?

COMMISSIONER ANAYA: Move for approval.

CHAIRMAN MONTTOYA: Motion by Commissioner Anaya.

COMMISSIONER SULLIVAN: Second.

CHAIRMAN MONTTOYA: Second, Commissioner Sullivan. Discussion?

The motion to approve Resolution 2006-161 passed by unanimous [5-0] voice vote.

CHAIRMAN MONTTOYA: Thank you, Commissioners, for your assistance on that. This will help in getting the community center done. Unfortunately –

COMMISSIONER CAMPOS: That was District 1.

CHAIRMAN MONTTOYA: Yes, that was District 1.

[The Commission recessed from 12:05 to 1:40.]

XI. C. Water Resources Department

1. Consideration of Extension of Water Service Agreement for John McCarthy / State Land Office

DR. WUST: Thank you, Mr. Chairman. This is concerning a water services agreement for John McCarthy. I'll just give you a brief little history. It was the original water service agreement. It was from 1999. The way the agreement was written there was a sunset clause. It says if the applicant does not get a final development permit within two years of the agreement then it would go away unless they get an amended water service agreement. Then there were subsequently three amendments to that, each one extending that deadline, that sunset time. The first two extended it by two years each. The third one, which came before you last year only extended it by one year and that deadline is now December 28th, I believe, of this year.

I'd just clarify a couple of things that were said earlier. This particular agreement that this amendment refers to is for 22 acre-feet of water, not 75 or 76, whatever was mentioned earlier, and there were no water rights associated with this particular one. This is from the earlier 500 acre-feet from the City. There was a fee paid. It was called a water rights charge in the original agreement. It amounted to about \$440,000. There was some clauses in there about what would happen if the utility or the BCC decided that they weren't going to get water service, but that charge has been paid, so the water rights charge has already been paid.

This amendment before you, my understanding is it was negotiated with County Attorney Ross and the applicant's representative so, Mr. Chairman, I'll refer all questions or comments on this particular amendment to the County Attorney, if that's okay with you.

CHAIRMAN MONTTOYA: That's fine. Thank you, Dr. Wust. Any questions for

staff? Okay. Do we need to hear from the applicant?

COMMISSIONER ANAYA: Mr. Chairman.

CHAIRMAN MONTTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: Is this a two-year extension?

MR. ROSS: Mr. Chairman, Commissioner Anaya, it's a one-year extension.

COMMISSIONER ANAYA: Oh, one year. Okay.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN MONTTOYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Ross, it looks to me, and again, we're having to read this on the fly, that this is more than just an extension. I was looking at the existing agreement and under the existing agreement it says that the customer has to submit a final plat and I see in the renewal that that's been changed to a preliminary plat. That's a big difference.

MR. ROSS: Mr. Chairman, Commissioner Sullivan, that's correct. That is a deliberate change. That was a request from the applicant. I think it's a pragmatic request because of how long it's taking the State Land Office project to get off the ground.

COMMISSIONER SULLIVAN: Well, it also says to submit. It seems to me that in agreements like this before we've done preliminary approval, you can submit anything and call it the submittal. We've gone into that question before. What is the effective date of the submittal? It is when they deliver a packet to the staff or is it when the staff determines that the packet is complete and ready for submission to the Commission? That's unclear in this agreement.

Let me ask this question, Mr. Ross. We passed the water allocation resolution to specifically deal with these problems with prior water service agreements that dragged on and on and on in perpetuity, it seems. What would be the effect of simply not renewing this agreement? Acknowledging that they've paid the money, acknowledging that the applicant has a certain right to 22 acre-feet of water that we've managed to keep in place for them through our negotiations with the City, otherwise it would have gone away, and then having them come into compliance with the water allocation resolution. Is that do-able?

MR. ROSS: Mr. Chairman, Commissioner Sullivan, for those folks who don't have a water service agreement from the original 500 acre-feet, the water allocation policy clearly applies. Folks without one of these water service agreement have to follow the allocation policy to get water service to the residence, business, what have you. I suppose if this contract lapsed Mr. McCarthy, State Land Office project, would have to follow the terms of the new regime. In other words, get on the schedule, get water delivered pursuant to the schedule and pursuant to the new policy.

And I assume we would require new water rights or a fee-in-lieu-of to support an application for water delivery under the six-month regime of the new policy.

COMMISSIONER SULLIVAN: Yes, and I think what we did that policy for was to prevent speculation in water rights and to prevent allocating water rights before specific developments needed it. And we have a limited amount of the 500 acre-feet left before the Buckman goes on line and that was the purpose all along of putting that policy together was to provide an equitable means of allocating that limited water. I don't hear anything in what you're saying that says we couldn't do this. I do understand there is a little difference in that they were a

part of the original 500 acre-foot deal and that they've paid that \$20,000 an acre-foot to secure that. It seems like that could be accounted for in the Commission's deliberations and we could make them subject to the allocation policy just like everyone else will be. That's all I had.

CHAIRMAN MONTOYA: Steve, this is the second or third time that this has come before a Commission for extension or for an amendment?

MR. ROSS: Mr. Chairman, I think it's the third time.

DR. WUST: Mr. Chairman, I believe this would be the fourth amendment.

CHAIRMAN MONTOYA: So it's already been through three – what significant differences are there on this than has been approved the previous three times, besides the date.

MR. ROSS: Right. Besides the date, the only difference is the fact that the new sunset clause if you approve it requires only that the customer submit a preliminary plat for approval as opposed to submitting a final plat or to obtain final plat approval. If you compare the language in the last whereas, where it says customer fails to obtain final plat approval, that comes from amendment number three. Compare that language to the new proposed language in 1. A and you'll see the difference there.

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

COMMISSIONER ANAYA: Move for approval.

CHAIRMAN MONTOYA: Motion by Commissioner Anaya for approval. I'll second for discussion. Any other discussion?

COMMISSIONER SULLIVAN: Mr. Chairman, I'd recommend again we bring this agreement into line with our policy that we hashed out, recognizing that the applicant does have some prior commitments in terms of water and payments, recognizing also that we don't know when this project is going to get off the ground. And when it's ready to get off the ground, then they come in just like everyone else and we make an allocation. What this does now is it puts the 22 acre-feet off the table. We don't have that available to us anymore if we need it between now and when the BDD comes on line. So I think that's exactly what we're trying to get away from.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: Steve, how many water service agreements fall into this category that they do not have to go through the water allocation policy? Do we know, approximately? Or Steve Wust?

MR. ROSS: Mr. Chairman, Commissioner Vigil, the first 500 is almost completely encumbered by water service agreements at this point. This is a unique agreement because of the nature of the Land Office project. You don't see this language in the typical water service agreement. There are a number of water service agreements from the original 500 where water rights were not deposited with the County so this isn't unusual from that standpoint but it is a little bit unusual in that it terminates if development approval isn't received. Most of the agreements don't ever terminate.

COMMISSIONER VIGIL: How necessary is it for the preliminary plat approval – to amend it, and perhaps that's a question for the applicant.

MR. ROSS: Mr. Chairman, Commissioner Vigil, it may be a question for the applicant. I think we've all followed the State Land Office project and noted that despite the

promise of the project it is just not moving along as quickly as everybody expected.

COMMISSIONER VIGIL: Okay. Mr. Chairman, I'd like to hear from the applicant with regard to this if the applicant wouldn't mind speaking to us. Ms. Vazquez, could you just state for the record the basis for the request for this fourth amendment and the extension.

ROSANNA VAZQUEZ: [Due to audio difficulties Ms. Vazquez' initial comments are summarized.] Ms. Vazquez explained that the project has been delayed by the State Land Office having to have it reappraised and rebid, and being required to go through a lengthy public notice and RFP process on numerous occasions. Additionally, uncertainty about the alignment of the rail line has caused delays. The previous time they went through the master plan process it was tabled for six months and they don't want to be in the position again.

COMMISSIONER VIGIL: Thank you, Ms. Vazquez. Thank you, Mr. Chairman. It just seems to be that one of the issues that makes things happen in states and there are other states who have undertaken this entrepreneurship is the actual cooperation between intergovernmental agencies, and I know that the state does need cooperation from local government, as local government needs cooperation from the state to move forward on many initiatives. I know the State Land Office has gone into this level of – and I'm calling it entrepreneurship. I'm not sure that's the appropriate word for it but I actually do not think it's a bad component of economic development because our state has moved not at a very fast pace in the level of economic development and actually this is one component of it that I think could benefit the state.

So I do not foresee that it's necessary to withdraw the 22 acre-feet and have this water service agreement go through the water allocation policy. I think that might be an unfair treatment to this particular water service agreement and I also think we need to treat all the water service agreement equally. So with that, Mr. Chairman, I yield the floor.

CHAIRMAN MONTROYA: Okay. Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chairman, question for Ms. Vazquez. Ms. Vazquez, on the balance of the water rights, how much do you need to have.

MS. VAZQUEZ: I'm not sure exactly what phase 1 will need or what the entire development will need but I can tell you, Commissioner Sullivan, that Mr. McCarthy and Dan Terrell have transferred approximately 132 acre-feet to the County for use by the State Land Office and that water would be subject to the allocation policy.

COMMISSIONER SULLIVAN: Okay, so those 132 acre-feet would be subject for whatever portion of those is needed for phase 1.

MS. VAZQUEZ: That's correct.

COMMISSIONER SULLIVAN: Let's say 50 are needed, or whatever phase 1 turns out to be. So those would be subject to the allocation policy. So what would be the problem then with these 22 being subject to the allocation policy? It seems like you can't go forward with one without the other.

MS. VAZQUEZ: Mr. Chairman, Commissioners, it's a question of fairness on behalf of my client, Mr. McCarthy. As many other developers at the time the County was putting together their utility system paid a certain amount of money to help the County create this utility system and since then has been paying standby fees on this development. It would be a great loss to

Mr. McCarthy to have ha paid those fees.

COMMISSIONER SULLIVAN: Was Mr. McCarthy the original purchaser?

MS. VAZQUEZ: Mr. McCarthy was, yes.

COMMISSIONER SULLIVAN: And Mr. Ross, just a confirmation from you, the other rights that would be needed would be subject to the water allocation policy, as Ms. Vazquez says?

MR. ROSS: Mr. Chairman, Commissioner Sullivan, yes. Any person desiring water service from the time that policy became effective until it's changed or modified or repealed would have to follow the provisions of that policy.

COMMISSIONER SULLIVAN: And does that policy – refresh my memory – key to master plan or preliminary plat?

MR. ROSS: It's not keyed to any particular phase of development. We did that deliberately because we had previously passed under the County Code that the master plan ordinance about a year earlier which described when you needed to have things in. The policy permitted you to deposit water rights any time and have the County hold them pending your need to use them.

COMMISSIONER SULLIVAN: So then I don't understand what the Commission's control is here then. If they have transferred water to the County and the state has – has the State Engineer approved that transfer, Ms. Vazquez?

MS. VAZQUEZ: Mr. Chairman, Commissioners, it's approved and it's completed.

COMMISSIONER SULLIVAN: By the State Engineer?

MS. VAZQUEZ: By the State Engineer, yes. It was a joint application by the County.

COMMISSIONER SULLIVAN: Okay, so that's been approved. Then if they come forward – the effective date of the resolution is after the initial date of this water service policy. Does that make any difference?

MR. ROSS: I didn't understand your question.

COMMISSIONER SULLIVAN: The effective date of our water allocation resolution is just this year.

MR. ROSS: Yes, March, I think.

COMMISSIONER SULLIVAN: This original agreement was in December of 1999. Would that make any difference?

MR. ROSS: As long as that agreement's in force that agreement would not be affected by the allocation policy. But if it goes away, as you were asking earlier, then it would be.

COMMISSIONER SULLIVAN: Okay. So 22 acre-feet of that is subject to this old policy and whatever balance they need is subject to the new allocation resolution. You are in agreement with Ms. Vazquez on that.

MR. ROSS: Correct.

COMMISSIONER SULLIVAN: Then my other question, Ms. Vazquez is I didn't understand your justification at this fourth amendment to change to preliminary plat from final plat on the others. And again I'll re-express my concern was that we as the Commission would be much more comfortable with the project once it gets to final plat stage having gone through preliminary

plat. All this does is say now we've committed 22 acre-feet of water as soon as you submit a preliminary plat. We don't know what that looks like. It may have trains and nuclear power plants and who knows what else in there? We don't know. And once you submit it you've secured, you've amended this agreement and you've secured these. That gives the Commission really no approval authority whatsoever. It's already a slam-dunk.

So what is the big need to change it from final plat approval or submittal to preliminary plat submittal?

MS. VAZQUEZ: Mr. Chairman, Commissioners, there's two points on that. Commissioner Sullivan, the language in all the prior amendments have been submittal of final plat. So what I have proposed was submittal of preliminary plat.

COMMISSIONER SULLIVAN: I understand that.

MS. VAZQUEZ: The reason that we changed the language to preliminary – we didn't change the "submit", we changed just the preliminary –

COMMISSIONER SULLIVAN: I understand that.

MS. VAZQUEZ: Was because of the time that it takes for this application to get through the process. I can assure you that all the applications that have come in through the Community College District are based on the ordinance. This has a master plan that it needs to comply with that was approved by this Commission, and it just takes a lot of time, Commissioner, after preliminary plat approval. We wouldn't be able to make the deadline for a final plat because of the State Land Office process, because of the need to appraise it, because of the need to send it out for public comment, because of the need to rebid the project and go through that entire proposal. And then at that point, whoever got the proposal would have to submit for final plat. We couldn't get that done in a year.

COMMISSIONER SULLIVAN: Okay, well suppose as an option, Ms. Vazquez, that we kept it just the way it is now, final plat submittal, as you indicate, and the date was December 28, 2008 instead of 2007.

MS. VAZQUEZ: Mr. Chairman, if we were going to keep it at final plat I would respectfully request at least three years for an extension.

COMMISSIONER SULLIVAN: The other extensions were two years. You were perfectly happy with that.

MS. VAZQUEZ: Mr. Chairman, Commissioners, the reason I'm asking for three years is because we're at a point with this development where we've got a submittal, we know where we're going to go forward. But there are some unknowns. The railway line is still an unknown. How that affects that development is going to be an unknown so we think, we are prepared to submit in December. Design Workshop has done a very good job on the preliminary development plan but I don't want to be before you because of all of these other outstanding issues. This is a State Land Office project and the coordination of this development has taken quite a bit of time and my client, Mr. McCarthy, this whole time has been paying the standby fees. He's the water component of this triage of people. And we would request, if you were going to do, that a minimum of three years, or tied to preliminary.

I do think preliminary gives you comfort. You cannot submit a preliminary development plan. You have to have engineering. You have to know where your water is. You have to know

what kind of water system you're going to use, what kind of sewer system you're going to have, it's going to tie you to phases. It will tie you to the number of homes, the number of commercial activities, commercial developments. The County at that point, upon approval, will know what is going to be sitting on the State Land Office project. I believe you could get comfort in that and then we would have the time to work with the State Land Office to continue the process and –

COMMISSIONER SULLIVAN: I understand that all of those submittals are being made; none of that has yet come to the Commission. So while you have a comfort level with what was submitted we haven't even seen it. So that doesn't give me much comfort level. How about we change it to submit a preliminary plat and the plat is recommended for approval to the County Commission? Then at least we have a staff approval of what you're submitting here. For all we know you could submit something on the back of an envelope and that would constitute the submittal. Does that sound okay to you?

MS. VAZQUEZ: Mr. Chairman, Commissioners, how about a submittal in compliance with the County Land Use requirements?

COMMISSIONER SULLIVAN: Well, the County Land Use requirements just require that you submit by a certain date and provide a fee. That doesn't do anything. You can do that on the back of the envelope too. I'm thinking that a submittal that is acceptable to the staff for a presentation to the Commission. Now there still may be a few issues that have to be ironed out. I'm not saying it has to be picture perfect at the preliminary level but it's at least to the point where the staff is comfortable with submitting it to the Commission. Does that sound reasonable?

MS. VAZQUEZ: Mr. Chairman, Commissioners, I would be comfortable agreeing to language that said that the development plan approval would be acceptable to staff. I don't want to tie it to a recommendation because what if the staff recommends denial? I don't want to tie it to that. I want to tie it to that the submittal would be acceptable to staff and we would be comfortable with that amendment, sir.

COMMISSIONER SULLIVAN: Okay. And I wasn't tying it to that, I was just saying acceptable to the staff for submission to the Commission. A lot of times the staff submits things to the Commission and the recommendation is for denial, but the applicant has met the requirements for the submission. I just want staff to tell me that you've met the requirements, not just you, that's all.

MS. VAZQUEZ: That we've met the requirements of the submission? We would be amenable to that language.

COMMISSIONER SULLIVAN: Okay, so you would be amenable to an amendment that said a) if the customer fails to submit a preliminary plat acceptable – where did I put that language?

CHAIRMAN MONTOYA: Steve, could you suggest something to the motioner and to the seconder that may go along the lines of what's been agreed to?

MR. ROSS: Mr. Chairman, how about something like if the customer fails to submit a preliminary plat that is acceptable in form to County staff and is capable of being submitted to the BCC, and then finish the sentence.

COMMISSIONER SULLIVAN: For approval of the BCC, etc. So all of that language would be inserted after the words "preliminary plat" and before the words "for approval".

MR. ROSS: Right. It could either be done – maybe a better place to insert the language would be right after the comma after “Commissioners”. If the customer fails to submit a preliminary plat for approval of the Board of County Commissioners that is acceptable in form to County staff and is capable of being submitted to the BCC, no later than December 28th.

COMMISSIONER SULLIVAN: Is acceptable in form to County staff and–

MR. ROSS: Capable of being submitted to the BCC.

CHAIRMAN MONTOYA: Is that okay with the motioner? And that’s fine with the seconder?

COMMISSIONER SULLIVAN: Would you like me to reread the language, Mr. Chairman?

CHAIRMAN MONTOYA: Is anybody not clear?

COMMISSIONER VIGIL: And I don’t see any difference between that language and what the current language says.

COMMISSIONER SULLIVAN: It’s a belt and suspenders, let’s call it.

CHAIRMAN MONTOYA: Any other discussions on this? We butchered it as much as we can.

COMMISSIONER SULLIVAN: We could do some more.

CHAIRMAN MONTOYA: I know you can.

The motion to approve the water service agreement passed by majority 4-1 voice vote with Commissioner Sullivan voting against.

COMMISSIONER CAMPOS: After all that you voted no?

COMMISSIONER SULLIVAN: As I told you at the beginning of the meeting, Mr. Chairman, this is in violation of our Code for public submittals of documents.

COMMISSIONER VIGIL: I thought it was exempt from it.

COMMISSIONER SULLIVAN: No, it’s not exempt at all; there’s nothing exempt from it.

XI. D. Matters from the County Manager

1. Request Approval to Fund Seven New FTEs and 10 Temporary Election Worker Positions (From Rolling Staff List)

MR. GONZÁLEZ: Thank you, Mr. Chairman, members of the Commission. As you know, when we did the budget approval process, in order to ensure that we had sufficient funding for the FTE positions that we were rolling over from the last fiscal year we had proposed opening those positions up this fall, originally in September. Now we’ve slipped to October obviously. But at that time, the Commission directed that staff bring back these positions for your consideration and the actual appropriations. So in a sense, the positions have been authorized by the budget but appropriations have not been yet made and I’ll go ahead and open that up. I think Paul Griffin is here to respond to specific questions from the Commission.

CHAIRMAN MONTTOYA: Questions for staff? What are the seven positions first of all? There's more than seven.

MR. GONZÁLEZ: Mr. Chairman, they're the seven that are indicated in yellow on your handout, the top seven. Plus there's an additional ten electoral positions that are temporary for elections that are also part of that list. But there all indicated in yellow. Do I have that right, Paul?

PAUL GRIFFIN (Budget Manager): That is correct. Let me say that this is an agreed upon list that was formulated toward the end of the budget process. These positions are not listed in the budget, per se but the \$357,000 that I show for a budget for these yellow highlighted positions is set aside in the budget. So there's no budget action other than a BAR to set these things into motion. But we agreed that these positions would go before the Board of Commissioners for approval before we made any budget action or did any hiring of these people. This is something we've done for a couple of years now. It's remedied some situations in the budget process that we have wanted to do. We're not putting a list of positions in place on July 1st in the budget with a full year's salary because we know that they're not going to be all hired on July 1st. Also it gives us a bit of flexibility in regard to looking at these positions into the fiscal year and making a determination as to whether you want to do this. But this is the recommendation.

CHAIRMAN MONTTOYA: Okay, are there any questions? Commissioner Sullivan.

COMMISSIONER SULLIVAN: I'm not clear, and I'm a little concerned about what the \$60,000 growth management coordinator would be doing. Could you explain that?

MR. GRIFFIN: As I say, these are the lists that came out of the budget process. As far as individual departments are concerned and what they have to say about these positions at this time I'm going to defer to the departments. I'm not here to advocate or to recommend against any of these positions.

CHAIRMAN MONTTOYA: Let's hear from somebody in the Manager's office. They're to manage growth.

COMMISSIONER SULLIVAN: Well, if one person can do that I'd hire him in a day and the rest of us could go home. I guess I'm concerned – I know that we have been requesting a transportation planner for some time and my concern was that we get that person on board as soon as possible and that person would be technically experienced in transportation planning and review of traffic plans and the whole nine yards. But I'm concerned about the insertion of a position called growth management coordinator and where that fits with this fairly sensitive structure that we have with the City through the RPA and we have EZ, the EZA, and we have our own BCC County growth plan, and whether this person is in the Manager's office or whether this is someone in the Land Use office. Gerald, can you be a little more specific about what this person would do?

MR. GONZÁLEZ: Sure, Mr. Chairman, Commissioner Sullivan. This position ties back directly to our strategic planning process. If you remember, the Commission at the last meeting approved a resolution allowing us to step forward with that strategic planning process and indicated that there was also an FTE that was to go along with that. Here's is the person who would do the across-the-board, across the county coordination in order to create a unified growth management plan and also make sure that the working groups, the cluster teams that we currently have working

on specific items also continue to do their work and this ultimately gets blended into the unified growth management plan that would be brought forward and then would be re-examined on an annual basis in accordance with the resolution.

COMMISSIONER SULLIVAN: Are we setting up a separate bureaucracy here? We have growth management that is handled through our community planning efforts. We have growth management that the Commission deals with each day when we approve subdivisions, and then we have growth management that we're dealing with with the City in terms of annexation and coordinating with them on that. Exactly what is the deliverable? What is this growth management coordinator going to be presenting to the Commission? I hear you say growth management plan, what do we do with that plan? Is that an ordinance that changes the County's land use code? Because we're already reviewing the land use code. Is this someone that will be reviewing the land use code?

MR. GONZÁLEZ: No, Mr. Chairman, Commissioner Sullivan, again this grew out of the strategic planning process. The strategic planning process was even broader, if you may recall, then just doing the revision of the land use ordinance. The idea was global and it was to help leverage the County into maybe the current century and the current millennium by establishing a countywide management process that would tie together the resources that we have internally to be able to deliver the services that we need and also try and mold where growth would occur in the future.

It's much broader and much more global than simply sitting down and amending the land use code. The process that's been contemplated at the staff level is that all the appropriate staff departments convene on an ongoing basis, that the cluster teams convene on an ongoing basis, and that we look at looking down the road, ten, 20, 30, 40 years, how we need to grow our road systems, how we need to grow our utilities, what the appropriate places will be in order to provide services in the future, solid waste services, community services, senior centers, and at the same time also ensure that the internal staff resources, the department resources, keep step with our ability to do that.

I know Jack Kolkmeier may have some additional thoughts about that, but it's a much broader process than simply land use planning. It is County planning for the future of the county at a broad level, a very global level, designed to try and help us maximize the resources for the future so that we're not driven by developer interest, we're not driven by other happenstance occurrences that occur along the way but that the County actually molds its own destiny. It's a tall order I know.

COMMISSIONER SULLIVAN: I hear what you say and I think it's too tall an order. I would love to have a superhuman to do that all. I think in reality it will come down to this person reports to someone. They have a job to do from eight to five. They have a product to put out and it sounds like one of their responsibilities is to advocate for future FTEs and I think that's what the County Manager does, recommendations to the Commission. I'm not at all convinced. I would rather spend my money on going down to the pink column and picking up two more code enforcement officers to be out in the county dealing with the massive code violations that we have in the county. I just can't get my arms around what this person does. Thank you.

CHAIRMAN MONTROYA: Any other questions? Commissioner Vigil.

COMMISSIONER VIGIL: With regard to the project specialist changed to IT

systems administrator, could you give me more information about that? What does that mean?

MR. GONZÁLEZ: I'd be glad to, Mr. Chairman, Commissioner Vigil. If you recall in August we had IT give a presentation to the Commission after we had experienced some internal difficulties working with information systems. During that presentation and as a consequence of preparing for that presentation and discussions with the Projects and Facilities Department where IT falls within, it became clear to us that a higher priority at this point, just because of the change of issues that have arisen with respect to IT that we probably are better off remodeling that position so that rather than bringing on board a project specialist who would be working on specific projects, that we really needed to underscore and support the ability of IT in order to provide what PFMD and the other departments would need to have in order to continue forward with improvement of our IT system.

So the system administrative position was the logical choice, given a look at what those options were, and after discussions with the director of the Projects and Facilities Department and our IT folks, I supported and proposed that we make that change of position so that we can continue to improve our IT support for the County, that that was a more immediate need than the project specialist position.

The other thing is because of the departure of some people and hiring of new people over at PFMD we were able to shift some responsibilities that allow us to cover some of what that project specialist was originally intended to do.

COMMISSIONER VIGIL: Thank you, Mr. Chairman. I do recall that I was at an Association of Counties Multi-line Pool meeting for that presentation so I appreciate the summary.

CHAIRMAN MONTOYA: Other questions?

COMMISSIONER VIGIL: Move to approve.

CHAIRMAN MONTOYA: Motion by Commissioner Vigil for approval.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Campos.

COMMISSIONER CAMPOS: Should we just do it one by one or do you want to do it with a lump sum. I hear some dissension so there may be some Commissioners that would vote for some but not all.

COMMISSIONER SULLIVAN: Mr. Chairman, my issue is only that one. I think the others are needed. I would move the growth management director down into the green zone. Other than that I think certainly we need the affordable housing specialist, temporary election workers are required. I'm not quite sure what the employee program specialist is. I didn't hear anyone ask about that, but other than that, it seems to be pretty straightforward. That's the only heartache I have is with that one particular one.

CHAIRMAN MONTOYA: Would you want to, if we move that one down, move up the code enforcement officers? Are there two or one?

COMMISSIONER SULLIVAN: There's only one recommended. I was just looking at – I could get two code enforcement officers at the same price. \$64,000 versus \$60,000. But for the purposes of staying with the staff recommendations, we could move one.

CHAIRMAN MONTOYA: Just move that one down and that's it. Don't move anything up.

COMMISSIONER SULLIVAN: No, I would move one code enforcement officer up. I'd move the growth management coordinator into the green zone, which means we would consider it in January. And I'd move one code enforcement officer up to the yellow zone, the first table. That would be my suggestion. Just a consideration. Commissioner Anaya is recommending two code enforcement officers and I'm supportive of that. Up to the yellow. That would be \$8,000 more than the recommended \$357,000. Or the recommended \$337,287. But it would still be underneath the budget of \$357,000. I just get more calls about code enforcement than anything else is all I can tell you. That may not be true in all the districts but it certainly is in mine.

COMMISSIONER VIGIL: May I, Mr. Chairman?

CHAIRMAN MONTTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: I haven't had a second to my motion so I'm going to assume it's died. So let me sort of toss this through. I agree with Commissioner Anaya and Commissioner Sullivan that the code enforcement officers are necessary. However, I don't know that the County is prepared to house these code enforcement officers, if we have space for them? What actually is foreseeable in terms of making these decisions effective and if I look at some of the green and the pink, there's really some strong justification of assistants in our Finance Department, an Accountant III, further PFMD with a database administrator, each one of these departments' needs are pretty strong and pretty prevalent.

So if there is a consensus with regard to the growth management coordinator, perhaps we could just look at approving everything but the growth management coordinator and perhaps have staff bring forth some analysis with regard to why we should select code enforcement officers versus Accountant IIIs or database clerks. I'm actually thinking we're making these decisions somewhat ad hoc and I don't feel comfortable saying, even though I do believe there is a need for more code enforcers, I don't know that we're prepared to bring them on board. Maybe I should just ask that question. Are we prepared to bring code enforcement officers on board, Gerald?

MR. GONZÁLEZ: Mr. Chairman, Commissioner Vigil, we've not had that discussion at the staff level but I do know that space-wise we're pretty stretched at this point. Joseph? We'd have to do some modification internally, probably much more significant than we've done so far in order to accommodate additional positions. I don't know if Joseph has any thought about that. The other thing that I do want to say is the lists that have come before you have evolved out of the budget discussions that we've had across the last year. If we're going to start into picking these off one at a time and trying to figure that out off the cuff then maybe we simply need to go back to the budget process and have staff do their review again of positions, priorities and requests and bring them back forward to the Commission as a whole and do a complete revision of where we're at in the budget process. Joseph, maybe you have some things about space.

CHAIRMAN MONTTOYA: And I guess the question would be applicable to even the positions being proposed now in terms of space, not just can we accommodate two code enforcement officers. We're talking about whole – I understand the Clerk is strapped, the Manager's office, PFMD. So if you could maybe address –

MR. GUTIERREZ: Sure, Mr. Chairman. I don't have the list in front of me, but in terms of – I know the question, Mr. Chairman, Commissioner Vigil, for the Land Use Department, the real only available space, and we've had some conversation in terms of – because they have

talked about their lack of space and how they would like to reconfigure. Really, realistically, the only space they have available right now is the conference room. And we could – Frank has looked at it and there were plans in terms of potentially putting offices in there at some point. Then again, conference space is a precious commodity in this building. So that would be – the concession there probably would be the conference room for office space.

In terms of the other positions, I know for the IT position at Enacon, we do have enough room to accommodate another position. The Clerk's positions, I believe are at remote sites so that would be a different scenario than here and I don't know what the other two or three positions are.

COMMISSIONER VIGIL: Mr. Chairman, knowing that, and that was my concern, whether or not we have the appropriate analysis to start – to use Commissioner Sullivan's favorite expression – cherry-picking these particular items. So with that, I think I'm going to restate my motion and say that we approve what's presented to us, the seven new positions and then the ten temporary election workers as recommended by the County Manager.

CHAIRMAN MONTOYA: Is that your motion?

COMMISSIONER VIGIL: Again, I am restating that.

COMMISSIONER CAMPOS: I'll second that. I'll basically say I think the process that we have in place from staff – it goes back months and staff feels or believes these are the positions we need now and I'm going to defer to their judgment. So I'll make that second.

CHAIRMAN MONTOYA: Okay, motion and second. Other discussion?
Commissioner Sullivan.

COMMISSIONER SULLIVAN: Joseph, if we don't have any room in the Land Use Department, where are you going to put the transportation planner that was on the first list?

MR. GUTIERREZ: Mr. Chairman, Commissioner Sullivan, we have the old purchasing area which is right on the second floor here. Purchasing has moved downstairs. They're close to Finance. So we have, I believe probably four to five workstations available right there at this point.

COMMISSIONER SULLIVAN: Couldn't one or two code enforcement officers work in there as well?

MR. GUTIERREZ: They possibly could work there also. Again, there is available space for about five FTEs in there. It's a little cramped but the arrangements are rather accommodating because it's new furniture.

COMMISSIONER SULLIVAN: Because if we follow this three-tiered FTE recommendation you'd be coming back in February for the code enforcement officer anyway. So you'd have to create some space between October and February, which is only four months.

MR. GUTIERREZ: And that would be the conference room.

COMMISSIONER SULLIVAN: So there is space for five additional workstations that would accommodate a transportation planner and a couple of code enforcement officers if necessary. If the Commission approved them.

MR. GUTIERREZ: Mr. Chairman, Commissioner Sullivan, that's correct.

COMMISSIONER SULLIVAN: And I'm not proposing in my suggestion, Mr. Chairman or Commissioner Vigil, that we not approve these. I think the timing is not appropriate on the growth management coordinator and I just think in terms of getting code enforcement people out

on the street as soon as possible, in my personal opinion that's more time sensitive and critical than the growth management coordinator. That's why I suggest we moved that back into the green zone and discuss that in January in some more detail. Thank you.

CHAIRMAN MONTOYA: Okay. Other discussion?

The motion to approve the FTEs passed by majority 4-1 voice vote with Commissioner Sullivan voting nay.

XI. D. 2. Update on Various Issues

MR. GONZÁLEZ: Thank you, Mr. Chairman, members of the Commission. First of all, I just wanted to notify you that the Hondo Fire Station, the eastern region, has been completed with respect to the interior. The exterior is being finished as we speak, including the parking lot. But it's up and running. We will have a grand opening there on November 7th and we'll be inviting the community as well as the Commission members.

COMMISSIONER ANAYA: Do we have a time?

MR. GONZÁLEZ: I don't have the time in front of me but I'm assuming there's going to be afternoon and evening because we'd like to have the community members out there.

CHAIRMAN MONTOYA: That's also election day.

MR. GONZÁLEZ: So we may have some other folks there too. I don't know if that's a polling place. We may get a really good turnout. I don't know if the Fire Chief took that into account when he set the date but I think he was doing that in conjunction with his volunteers out there. If there's a date change we'll let you know early on just so we can plan for that.

The other date issue that I have for you is on November 14th, the BCC will be starting at 3:00 that afternoon but after consultation with our lobbyist, Roman Maes, he's suggesting perhaps a 1:00 or 1:30 start so that we could do an earlier portion of that meeting to discuss what we're going to propose to the legislature, not only in terms of ICIP but more specifically whether there's substantive legislation that he would want to have proposed.

So, one, I'd like to see if there's a sense of agreement about starting that meeting early in order to get to that item of business, and second of all, just sort of alert you that we need to start thinking about substantive legislation since this is going to be a 60-day session, as well as doing our capital outlay. I'd be glad to provide you with some forewarnings before that date just so you continue to think about what we may want to bring forward in terms of substantive legislation. I've had some conversations with our Legal Department about possible bills and we'll bring forward our ideas as well and circulate those among you before we get to that meeting, if that's a date that works for you.

CHAIRMAN MONTOYA: How is the 14th? At what time are you proposing?

MR. GONZÁLEZ: I think 1:30 would give us an hour and a half to go through the legislative portion before we actually got to the regular BCC agenda. That's a land use meeting.

COMMISSIONER VIGIL: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: That works well for me, and Gerald, I'm wondering,

not only substantive legislation that we may be considering part of the problem we went into in the legislative session is substantive legislation that surfaces there, actually. And I know that the Land Use Administrators and perhaps even the New Mexico Association of Counties might be able to give us insight with regards to what is expected. There is some traditional legislation that actually occurs but what happens often – and I think this would be helpful to our lobbyist too – there's some bills that continually surface that we're required to have a response to or testify to and is it the State Land Use Administrators, or is it – I'm not sure –

MR. GONZÁLEZ: There are a number of affiliates that are actually proposing legislation for this forthcoming session. One thing we could do is invite somebody from the Association of Counties to come give you a brief update on what they're seeing the legislative picture as, at the same time in conjunction with our lobbyist in there as well.

COMMISSIONER VIGIL: I actually recommend that. Perhaps we can contact Tasia Young who's got sufficient experience to give us sort of an overall view of what to expect and of course give us the priorities for the association also. Mr. Chairman, I think that should be a part of that.

CHAIRMAN MONTOYA: You're talking about November 14th?

MR. GONZÁLEZ: November 14th, right. That way we have time before we get to the session but at the same time, we've also had an opportunity to kind of see where some of the committees are going, interim committees are going at the same time.

CHAIRMAN MONTOYA: Okay. I think that works for everyone so we'll do the 14th at 1:30.

MR. GONZÁLEZ: Okay. Thank you, Mr. Chairman, members of the Commission. A couple of other items here. I just wanted to flag for your attention, although I think most of you may be aware that the City Council tomorrow evening is going to be considering a resolution objecting to a proposed countywide emergency services and communications center GRT. And also with respect to the strategic planning process, I just wanted to give you a quick update. We're continuing that process moving forward. We discussed it again with senior staff this last week and what we're looking at, the sort of forum that we're looking at in terms of continuing to bring it forward to the Commission is to have our cluster groups, our working teams continue working for the next three or four senior staff meetings. At that point, what we'll probably do is take what in the past has been our annual strategic planning workshop off the campus and use that in order to condense everything that's been done and roll it into some next steps for the strategic planning process.

Then go back into working groups for another couple of Mondays during senior staff sessions, and then have one more workshop in order to try and pull it all together. So we have the outlines of a broader strategic plan and the beginnings of our unified growth management plan coming forward for your consideration.

I also wanted to note that I think we've worked out some of the issues with respect to how to proceed with RPA and I think getting Mary Helen Follingstad involved in that process will be helpful in terms of trying to pull it all together. That's all I had by way of updates, Mr. Chairman, members of the Commission.

CHAIRMAN MONTOYA: Okay. Any questions? Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chairman, I see Stan Holden in the audience. Maybe he can give us a time on the November 7th open house.

MR. GONZÁLEZ: As you're walking up there Stan, we noted that that's election day. Perhaps we may have a bigger crowd than we anticipate out at the fire station.

CHIEF HOLDEN: Mr. Chairman, we had not finalized a time period. We wanted to present it to the Commission as an option and get the reaction from the Commission whether or not that was actually a good day and a time period for you all. So we're open. It doesn't absolutely have to be on November 7th. We could change it to a different date. We wanted to do what was best to allow the Commissioners to attend the grand opening.

COMMISSIONER CAMPOS: What about the other election issues like the GRT? We need to be out there campaigning for those and that may be a conflict. We may need to be out there.

CHAIRMAN MONTROYA: I know I'm going to be out there, but I can only speak for myself. With a GRT sign. Plus, vote for Montoya.

COMMISSIONER SULLIVAN: I would suggest you hold it a week before as a way of indicating some progress that the department has made. Physical facilities, staffing, training, public outreach and so forth.

CHIEF HOLDEN: We're certainly open to that.

COMMISSIONER ANAYA: I won't be here.

CHIEF HOLDEN: Just for the benefit, and obviously it's very important to have the Commission there and participating, but from a volunteer perspective it's also important if it's possible and November is not a good day for you all, perhaps we could have it on a weekend, like on a Saturday. Perhaps on a Saturday before the election. It doesn't have to be exactly the Saturday before the election but something along those lines.

COMMISSIONER ANAYA: How about the 21st, Mr. Chairman? Of November.

CHAIRMAN MONTROYA: Of November.

CHIEF HOLDEN: That would be after the election, but that's fine.

COMMISSIONER ANAYA: Oh, I see what you're trying to do.

COMMISSIONER SULLIVAN: We have RPA starting at 4:00 on the 21st.

COMMISSIONER ANAYA: I see what you're saying.

COMMISSIONER SULLIVAN: I'm just thinking if it's ready – is it ready? Is the station ready?

CHIEF HOLDEN: It's ready. The Public Works Department is going to start n the paving tomorrow. It has the basecourse and a layer of pre-utilized asphalt as a base and they're going to start the paving tomorrow. So it will be ready some time in October if that's a good time for you all.

COMMISSIONER SULLIVAN: The Commission meeting is October 31st, which is also Halloween. November 1st is okay. November 2nd is Buckman Diversion Board. November 6th is Regional Planning Authority, November 7th is election day.

COMMISSIONER VIGIL: Stan, do you want to have it before the election?

CHIEF HOLDEN: That was just an idea. We're not beholden to that. We would certainly be willing to host it after the election.

COMMISSIONER VIGIL: What about Thursday, November 2nd?

CHIEF HOLDEN: That's fine. We could hold it then.

CHAIRMAN MONTOYA: Afternoon, or what were you thinking?

CHIEF HOLDEN: Sometime that's more convenient to the volunteers. If we could have it later in the afternoon that would be more conducive to them. If we can't have it on a Saturday, in the afternoon would be fine.

COMMISSIONER ANAYA: What about Friday the 3rd.

CHAIRMAN MONTOYA: That would be better because the 2nd we have BDD.

COMMISSIONER SULLIVAN: Yes, at 4:00.

COMMISSIONER ANAYA: So Friday -

COMMISSIONER SULLIVAN: Or Wednesday.

COMMISSIONER ANAYA: I won't be here Wednesday. Or Thursday, but I'll be here Friday.

COMMISSIONER SULLIVAN: I could do it Friday as long as you have a birthday cake for me. I can't think of a better place to spend my birthday.

CHIEF HOLDEN: How many candles?

COMMISSIONER SULLIVAN: We do it in decades.

CHIEF HOLDEN: Do we need the fire department to be on standby?

COMMISSIONER VIGIL: Fifty is the new thirty. Sixty is the new forty.

COMMISSIONER SULLIVAN: Don't go any further. I think the 3rd it is.

CHIEF HOLDEN: Friday the 3rd?

COMMISSIONER ANAYA: Ten o'clock?

CHIEF HOLDEN: Late afternoon if possible. To accommodate our volunteers if at all possible. Four?

COMMISSIONER SULLIVAN: Fire station dedication, and -

CHIEF HOLDEN: Commissioner Sullivan's birthday. We have it on the record. We will not forget.

COMMISSIONER SULLIVAN: I can't even get my kids to come.

CHIEF HOLDEN: We'll invite them. One more time, Mr. Chairman, if I could just make sure. November 3rd, which is a Friday at 4:00 pm.

CHAIRMAN MONTOYA: Yes. That will work.

CHIEF HOLDEN: Thank you.

COMMISSIONER CAMPOS: Question for the chief. When can we start our campaign organization for the EMS GRT tax?

CHIEF HOLDEN: Well, as far as I'm concerned it's been ongoing for a few months now. We have all the documents ready. All the public information. We've met with the League of Women Voters, to provide them with the information, the papers. We'll certainly have flyers and information for the Commission if they wish to participate in that way. Organizationally we have the information ready for the Commissioners.

COMMISSIONER CAMPOS: If you don't mind, give me a call for an update. I'd like to talk about that.

CHIEF HOLDEN: Yes, sir.

CHAIRMAN MONTROYA: Any other questions for Gerald.

XI. E. Matters from the County Attorney

1. Summary by HMS Inc. Results of a Study Undertaken for the Legal Department of Ownership of Roads within the Tesuque, Pojoaque and Santa Cruz Valleys

MR. ROSS: Mr. Chairman, before we do the executive session we have to do E. 1. Mr. Chairman, I'll give you a little introduction on that particular item. For the last two or three years – I think it's been about two years – the County Attorney's office has been conducting an investigation of ownership issues related to County roads that are located within the four square leagues of the four Pueblos in Santa Fe County. We undertook this investigation because there are persistent reports of access issues from residents in the Pojoaque Valley as well as concerns raised by the Pueblos over County maintenance of certain County roads.

So we hired a firm and the firm is HMS, Incorporated to conduct the investigation. An investigation like this is very difficult because you may remember that in the 20s and the 30s, the United States government first appointed a board called the Pueblo Claims Board and that adjudicated the title of the properties in the Pojoaque Valley through the United States Court of Claims and all ownership of properties within those areas must be traced to some source, either the Court of Claims or the records of the Pueblo Claims Board. Those records are extremely difficult to find. What we did is we hired this firm, HMS, Incorporated which specializes in difficult research tasks within the bureaucracy of the United States government. Mr. Hordes is here in the front row prepared to sort of give you a brief overview of how he conducted the research and what he found with respect to some roads. We're using for an example today the Tesuque Pueblo, the County roads within the Tesuque Pueblo to illustrate how he did the research, what he found in that particular area to kind of give you an idea of what we've been doing in this regard.

The complete presentation would take probably three hours because it's incredibly detailed work and there are a lot of findings and Mr. Hordes when down to the County road level. He searched the records for each and every inch of every County road we have basically Tesuque and north. So it's an incredibly difficult research assignment that involved probably tens of thousands of pages of documents, from which he has gathered specific information about specific roads. The whole presentation would take far too long for us to sit and listen to it but we have a brief overview which he'll present on the screen here and discuss with you.

The complete presentation he figured he would split into four or five segments representing the results of his research on each Pueblo. So with that sort of overview let me introduce Mr. Hordes and let him take you through the presentation and we'll of course answer any questions.

STANLEY HORDES: Thank you, Mr. Ross, Mr. Chairman, members of the Commission. If I could have the power point presentation initiated that would be great. Mr. Chairman and members of the Commission, some time ago I was asked by the County Manager and the County Attorney to document and analyze the history of the 41 roads that comprise part of the Santa Fe County system, located within the boundaries of the lands of the Pueblos of Tesuque, Pojoaque, Nambe, San Ildefonso and Santa Clara, as well as the history of the Plaza of Santa Cruz

as well, with the end of determining the historical ownership of these roads and of that plaza.

I would like to acknowledge the contribution of Mercedes Lopez Wooten who prepared the photographs for this power point presentation, as well as the valiant efforts on the part of County staffer Steve Meyer who helped smooth over the more technical aspects of this report.

The areas that compromise the original grant from the King of Spain to the five Pueblos under consideration in this report served as a focus of controversy dated back to the early 18th century. Beginning in 1704 and continuing for several decades, Spanish colonial authority adjudicated conflicting claims between the Pueblos and their non-Indian neighbors, owing principally to overlapping grants of land. The Pueblos asserted ownership of a full four square league of land which extended 5,000 varas or 2.6 miles from the center of each Pueblo in the four cardinal directions. You can see on the slide that we have up here this is a representation of the Pueblo of Pecos taken from M. Hall's wonderful book *The Four Leagues of Pecos* that illustrates how the Spanish colonial authority measured the lands that were adjudicated that were granted to each Pueblo, from the church in the center of the Pueblos it extended 2.6 miles in each direction and then drawing a square around the entire area.

In certain cases Spanish colonists were granted farming and ranching lands within these boundaries setting the state for disputes that would not be resolved for centuries to come. While Spanish and Mexican authorities in the 18th and early 19th centuries gave greater credence to the position of the Spanish colonists, the US government after the 1846 invasion and annexation of New Mexico territory recognized the complete Four Square League of the Pueblos. Eighty years of conflict ensued between the Pueblos and the non-Indians. Eventually, the US Congress, as Mr. Ross pointed out, in 1924 passed the Pueblo Lands Act designed to patent lands to non-Indians living within the Pueblo boundaries, compensating the Indians for the loss of their lands.

The Pueblo Lands Board established to carry out the terms of the act issued a report for Tesuque in 1925, Nambe in 1926, San Ildefonso and Santa Clara in 1929 and Pojoaque in 1930. The actions of the Pueblo Lands Board in the subsequent quiet title suits decided soon thereafter resulted in the recognition of the non-Indian ownership of portions of thousands of parcels of land within the boundaries of the original Pueblo grants. The documentation generated by the PLB in the 1920s and 1930s served to provide vital information regarding the history of what would become Santa Fe County roads as will be demonstrated in just a few minutes.

In order to understand the status of the Santa Fe County roads in the recent past it will be essential to examine the history of public roads under the Spanish and Mexican administrations, from 1598 to 1848. Under the terms of the 1848 Treaty of Guadalupe Hidalgo by which sovereignty in New Mexico was transferred from Mexico to the United States, the United States held an obligation to respect the rights that had been granted by the previous sovereign, that is to say the Republic of Mexico. Thus, in order to understand the nature of the public roads in Santa Fe County today it will be helpful to trace the history of the Caminos Reales, or the Royal Roads, the public highways in New Mexico, from the earliest days of Spanish settlement to the assumption of sovereignty by the United States.

From the beginning of Spanish rule over New Mexico at the end of the 16th century until the annexation of the territory by the US in 1848, the Spanish Crown and later the Republic of Mexico held ownership of all public roads. Regardless of whether these roads traversed public or private

lands, the central government assumed the responsibility for maintaining these roads. The tradition of state control of public thoroughfares from the Hispanic world extends back centuries to medieval times and can be traced through the documentary record from Spain to Mexico and from there to the far northern frontier of New Mexico.

Las Siete Partidas, the 13th century legal code promulgated by the King of Spain, Alfonso el Sabio, or Alfonso the Wise, which formed the basis of the development of all laws in Spain and its colonies for the next 500 years. It included several provisions asserting the royal ownership of and general access to public roads. Among these principles are the royal responsibility for the construction and maintenance of bridges and roads for the general benefit, the principle that all public highways belong to all persons in common, the principle that no one can block public roads, and the principle that the public roads may not be alienated from the crown.

With the uncovering of the Indies for European eyes at the end of the 15th century the King of Spain assumed sovereignty over large parts of South America, Central America and North America. Over the course of the succeeding centuries a new series of laws were developed for implementation in these new colonies based in large measure on the *Siete Partidas*. These principals were incorporated into the *Recopilación de Leyes de los Reynos de las Indias*. As you can see, one of the cornerstones in the mural, just in the corner of the room here.

These principals were incorporated into the *Recopilación*, the compendium of Spanish royal laws that specifically pertained to the New World. And these principals included the fact that royal officials are responsible for the construction and maintenance of public roads, that royal officials bear financial responsibility for public works, and that all public roads must be open to all who wish to travel. These obligations to oversee highways and other public works by Spanish colonial officials applied specifically in the Viceroyalty of New Spain, of which New Mexico comprised one of the provinces on the far northern frontier.

In the 1550s, the Viceroy of New Spain issued dozens of instructions reflecting the responsibility of the Crown to build and maintain roads throughout New Spain. The public nature of Caminos Reales is also reflected in a rare judicial consideration of the topic right here in New Mexico. In March of 1703 Spanish colonial officials received a complaint from two residents of Chimayo, right here in Santa Fe County, who alleged that Felipe de Arapia had fenced off a portion of the Camino Real that ran across his land and then proceeded to use the area for the cultivation of crops.

In the formulation of their petition, the supplicants invoked a long-standing principal of royal ownership of public roads, the rights of citizens to free passage along these roads and the illegality of property owners to fence them off from the public. The local official designated by the governor to deal with this matter ruled in favor of the petitioners, indicating that Arapia's actions to fence off the public highway were prejudicial to the common good, and he ruled that where the road used to go should be left clear.

In 1821 Mexico declared its independence from the King of Spain. New Mexico was one of the new nation's territories on the far northern frontier. After independence all of the laws of Spain that had been in effect prior to 1821 remained in effect which formed the basis for Mexican independence. An examination of Mexican legal codes from 1821 to 1846 shows that no laws passed that would contradict the principles regarding Caminos Reales that had been in effect in

Spanish law for hundreds of years. To the contrary, through the 1820s, 30s and 40s, laws were promulgated that reinforced the obligation on the part of the government to construct and maintain roads throughout the new republic.

Thus, on the eve of the annexation of New Mexico by the United States in 1848 the laws and traditions of New Mexico acknowledged the governmental ownership of and responsibility for the maintenance of public roads.

Even before the assumption of sovereignty of New Mexico by the United States, while the area was under the military occupation, the Kearny Code of 1846 assigned authority over roads in the territory to the judge of the prefect court who could appoint overseers and engage the services of laborers for the construction and maintenance of highways.

In 1850 the Organic Act passed by the Territorial Legislature, placed such obligations with the Probate Court. With the establishment of Boards of County Commissioners in 1876 each county took on the responsibility for its own system of roads. Minutes of the Santa Fe Board of County Commissioners from the late 19th and early 20th centuries are replete with citations to the County fulfilling its role in the maintenance of public roads under its jurisdiction. In 1877 for example, the County reimbursed Federico Grace for the cost of constructing a bridge across the Arroyo Cuyamunge within the boundaries of Pojoaque Pueblo. Similarly, in 1879 the BCC issued an order prohibiting property owners bordering the Camino Real from obstructing traffic along the highway, compelling them to leave a sufficient width to allow proper passage.

In 1892 the BCC instructed the County road overseer, "To put in good condition the public road known as the road from Jacona to San Ildefonso on the south side of the river," which incidentally passed through the lands of San Ildefonso Pueblo, "as soon as possible."

The following year the BCC responded positively to the petition of the inhabitants of Pojoaque who requested that the road from the house of Juan Buquet to the Pueblo of Nambe, which again, incidentally passed through the Pueblos of Pojoaque and Nambe, be repaired.

The next year the road from Pojoaque to Nambe was declared by the BCC to be a public road with the County Road Supervisor directed to at once proceed to work the same as such public road. In 1898, the BCC again asserted ownership of the public road in Pojoaque when it ordered Jesus Maria Montoya to tear down a wire fence that he had constructed across a public road of the said County of Santa Fe. Several more such actions could be found in the minutes of the BCC through the next 20 years.

The mass production of the automobile and its arrival in New Mexico in the second decade of the 20th century compelled the territorial legislature, and after 1912 the state legislature, to consider the development of public roads on a more comprehensive basis. In 1909 the legislature established a Highway Commission whose powers and duties were enhanced in 1912, 1915, and again in 1917. That year new legislation was approved that formally created the system of state roads to be constructed with federal and state funds, supplemented by local or county revenues.

The newly created State Highway Commission, operating through the State Highway Engineer, was assigned responsibility for managing the network of highways. A total of 6500 miles of road was selected for improvement by the engineer, to be selected in cooperation with County officials. According to the 1918 report of the State Highway Engineer, the Commission and engineer possessed "the power to designate the location of to supervise the maintenance thereof

when completed.” The report also specified the role of the counties in the administration of the new system placing complete control of these public roads in the hands of the County Highway Superintendent. More importantly, the report made very clear that all public roads in the state were divided between state roads and county roads. The state roads included the aforementioned 6500 miles maintained by the State Highway Department with federal, state and county funds, and the county roads comprised “all other roads”, the improvement of which was to be funded and executed by the counties. Moreover, the County Commissioners were given responsibility for the general control and management of all roads and bridges in their respective counties except those declared by the State Highway Commission to be state roads and bridges, and the County Highway Superintendent was to be the direct active agent of the Board of County Commissioners relevant to highway matters.

Even before it was released in 1917 the Santa Fe BCC had gone on record resolving that it “will forthwith take proper steps to lawfully designate and declare all public roads in said county to be public highways.” Armed with the authority to establish and improve New Mexico’s road network, state and county officials immediately initiated an ambitious highway program. In Santa Fe County this part of the system ran north from Santa Fe connecting the capital to Tesuque, Pojoaque, Espanola and Taos. A sufficient portion of these roads passed through Pueblo Indian lands.

In 1918 the BCC approved federal aid project number 14, the building of a road between Tesuque and Pojoaque. The 1922/23 report of the State Highway Commission indicated the completion of the first phase of this project, an earth-graded road with plans for surfacing with gravel running between these two villages, passing through the lands of both the neighboring Pueblos. The Commission was able to secure 100 percent funding from the federal government to cover expenses for the construction of that part of the road that traversed the lands over the aforementioned Pueblos.

Other road projects were conceived in 1919, one from Pojoaque to San Ildefonso and the other in the area around Sombrello. Thus by the 1920s County officials had been granted and had actively assumed control over all roads considered “public” throughout Santa Fe County, including roads that traversed Pueblo grant lands.

Now, let’s turn our attention to the status of the public roads within the boundaries of the Pueblo land grants. As stated earlier, in 1924 Congress passed the Pueblo Lands Act in an attempt to clear up title issues resulting from overlapping claims between Pueblo and non-Indians living in close proximity to Pueblo lands. The act established the Pueblo Lands Board which gathered testimony and issued reports on its investigations. The PLB confirmed to the Pueblos all the lands within each of these grants with the exception of portions of tracts of land that were patented to non-Indian settlers as well as rights-of-way for utilities, railroads and road. The claims of the non-Indians were only partially ordered by the PLB. In many cases, while the tracts claimed by non-Indians included grazing areas located uphill from the cultivated lands, houses and barns extending to the foothills, the Pueblo Lands Board recognized only the cultivated lands and the improvements, eliminating over half of acreage claimed by non-Indian settlers. This was to have a particularly significant impact on one of these roads, County Road 84-C which passed through the boundaries of the Pueblo of San Ildefonso.

During its proceedings for all the Pueblos the PLB used discrete numbers that had been assigned to each of the private – that is to say non-Indian – claims based on a survey that had been conducted in 1914. These private claim numbers provided the order by which the PLB conducted its hearings and heard testimony of local residents, Pueblo and non-Indian alike. The site-specific information that these hearings generated provides historians today with the ability to derive valuable observations with regard to the status of the lands in dispute, and more importantly, the nature and ownership of the roads that pass through these lands. And I just have here an example of one of these early maps that showed the course of County Road 84-F, I believe, through the Pueblo of Nambe, showing the course of this road as it ran in 1917 with a blow-up of this portion of land that ran by the example that we're going to be looking at for a few minutes, the tract that was ultimately patented to Francisco A. Romero.

The records of the PLB – proceedings vary slightly from Pueblo to Pueblo in the late 1920s and early 1930s, but typically they begin with a cover sheet indicating the private claim number and the name of the claimant, followed by a summary of the ownership of the tract, often extending back to the late 19th century but sometimes a century and a half earlier. Typically, these abstracts will contain detailed descriptions of the boundaries, sometimes referencing the existence of Camino Real, public road, state road or county road. And as you can see in this illustration here, the abstract refers to the boundary on the east, you recall on the road we just saw, the boundary being a public road and that road constituting what is today 84-F going through Nambe Pueblo.

In the case of most of the five Pueblos under consideration in this report there followed a detailed plat of the tract indicating the dimensions, the placement of structures and often an indication of the presence of public roads bordering the property. Next in the file is the transcript of the hearings held by the PLB where owners of the tract, family members, neighbors and representatives of the adjacent Pueblo offered detailed testimony with regard to the boundaries, land use and roads running by or through the property. For each of the Pueblos the PLB prepared large, comprehensive plats showing the locations of each private claim as well as the course of the roads that pass through Pueblo and non-Indian properties.

After the PLB considered the evidence before them they issued a series of reports indicating the validity of claims to land asserted by the Pueblos and the non-Indians, the valuation of the lands, and in some cases, the status of the roads that were located within the Pueblo grant lands. Some months later, the US Court of Equity issued rulings confirming or revising the Pueblo Lands Board's decisions, and sometimes contained additional information with regard to the ownership of these roads.

Let us now examine for a few minutes the historical public or non-public status of those roads currently designated Santa Fe County roads using the Pueblo of Tesuque as an example based on Pueblo Lands Board records, Bureau of Indian Affairs right-of-way records, Santa Fe County Board of County Commission records and other relevant documentation. So let's for a moment review the three roads that pass through the Pueblo of Tesuque. There were I believe 41 roads in all that we were considering and we're just going to look at three this afternoon as an example.

Three Santa Fe County roads traverse the lands within the boundaries of Tesuque Pueblo: County Road 72-I, County Road 73, and County Road 74. The first two represent vestiges of the

Camino Real that ran from Santa Fe to the Spanish Village of Tesuque, through Tesuque Pueblo, to Pojoaque, and ultimately north to Taos. County Road 74 leading from the Taos-Rio en Medio road east into the Sangre de Cristo Mountains developed at a later time and came into County ownership in 1962.

So let's first look at County Road 72-I, and you can see on the map here, it's a very, very short stretch of road measuring no more than .2 mile. Branching off from County Road 73 in the north comprised a private road approximating the course of the old Camino Real, which was supplanted in 1932 by what is today County Road 73.

As part of Santa Fe County's initial effort to establish a network of roads through the northern part of the county with state, county and federal funds, the BCC in 1917/1918 passed a series of resolutions authorizing plans for the construction of State Road #8, also known as the federal aid project #14, "beginning at the Village of Tesuque running northerly to Pojoaque". The newly created State Highway Commission reported that State Road #8, extending "from Santa Cruz to Santa Fe by way of Pojoaque" including a 10.7 mile section between Pojoaque and Tesuque, had been designated as a state road by the third state legislation.

By 1922 the Commission reported that work on the gravel road had been nearly completed. The fact that this road was considered by the area residents as a public road may be seen in records generated by the Pueblo Lands Board in the mid to late 1920s. The files in these records are replete with references to "a public road", "public highway", "wagon road", "public road leaving from Santa Fe to Taos". "Santa Fe to Espanola road", and "Santa Fe to Taos Highway".

The identification of today's County Road 72-I is part of the 1910s and 20s FAP #14 is indicated by an examination of the documentation from the Pueblo Lands Board. A Pueblo Lands Board plat of Tesuque Pueblo shows the course of the road leading from Santa Fe to Taos, passing within the southern portion of the Pueblo forming an eastern boundary of private claim 9, the western boundary of private claims 4, 5, 6 ½, 6, and 10. The plat also shows the "approximate location of the new highway" that was to become today's County Road 73, which we'll discuss in a minute. Today's County Road 72-I can clearly be seen as that part of the old road branching off to the north from today's County Road 73, running along the western edge of PC 5. You see the original road that we're talking about marked in yellow, and the little stub of the road which is today 72-I marked out in red.

A contemporary Pueblo Lands Board report referenced one of the boundary markers as of Oscar McCallister's tract as "an iron post on the east side of the Santa Fe to Taos Highway". Moreover, a 1931 State Highway Commission sketch map showing the course of today's County Road 73 indicates a road branching off to the north precisely at the point where County Road 72-I branches off, identifying the road as "present right-of-way". So to conclude with 72-I, this road comprised part of State Road #3, also known as federal aid project #14-A, the Santa Fe to Taos Highway, and the public road planned in 1917, finished by the early 1920s, and supplanted by a new, straighter road in 1932. This road ran along the approximate course of the old Camino Real between Santa Fe and Taos and was generally known by residents of the area as a public road. A 1931 Highway Department map identified the road as having had a right-of-way.

Now let's look at County Road 73, which is also known as Tesuque Village Road. You

can see it extending from one part of the branch off 84/285 going through the Village of Tesuque, passing through Pueblo lands and then again rejoining 84/285. As you can see very clearly, the Pueblo of Tesuque put up these signs on the barbed wire fence on both sides of the road indicating that that was the boundary of the Pueblo of Tesuque land grant. So everything on the other side is Pueblo land and presumably not on that side was not Pueblo land.

In 1931 the State Highway Commission sketch map shows a proposed right-of-way for what was at the time the realigned FAP #14-A, which is the course of today's County Road 73. The same year an agreement was signed by the governor of the Pueblo of Tesuque and by the chairman of the Santa Fe Board of County Commissioners whereby the Pueblo consented to sell to the County a 100-foot right-of-way "for the construction of Santa Fe County FAP #14-A as surveyed by the New Mexico State Highway Department". This agreement was approved by the Commission of Indian Affairs on May 21st and by the first assistant Secretary of the Interior the following day.

In 1940 the Pueblo and the BCC agreed to extend the right-of-way an additional 50 feet. So the conclusion that I've come to for this road is that the right-of-way for County Road 73 was approved in 1931 and added to in 1940.

Now let's look at County Road 74. You can see it extending east and you can see the course of the road from the Rio en Medio road eastward across the Tesuque grant lands back into the County lands into the foothills. You can see the fence looking south as the road passes from the boundary from the lands of Tesuque on the right into non-Pueblo lands to the left. And again, we see the same signage here. "Pueblo of Tesuque grant boundary. No trespassing. Violators will be prosecuted." Again, everything on that side appears to be lands of the Pueblo of Tesuque with the implication that everything on this side appears not to be.

In 1958 the BCC passed a resolution designating today's County Road 74 as "a public road of Santa Fe County" in recognition of the fact that it has been used as a public road for more than 25 years, being used by the residents and property owners of that area. The resolution cited the specific location of the road from a certain point and continuing westerly to the main Rio en Medio highway, the same location as today's County Road 74. Four years later, in 1962, Tesuque Pueblo passed a tribal resolution authorizing the United Pueblos Agency of the Bureau of Indian Affairs to grant a right-of-way of 50 feet to the County for the Valle Escondido road for a length of 0.542 miles, "extending from a point on the east boundary of the Tesuque Pueblo grant westerly to the state road located in Section 24, Township 84 North, Range 9 East.

The general superintendent of the United Pueblos Agency approved the amount of compensation due to the Pueblo and the County completed the construction project the following year, according to plans filed with and approved by the United Pueblos Agency of the BIA. So the conclusion on this road, County Road 74, right-of-way for this road was approved in 1962.

So I've concluded similar investigations into the Santa Fe County roads running through the Pueblos of Pojoaque – 17 roads, the Pueblo of Nambe – 10 roads, the Pueblo of San Ildefonso – 8 roads, and the Pueblo of Santa Clara – 3 roads, as well as the history of the ownership of the Plaza of Santa Cruz, and would be pleased to share these results with you either today or at a later time. And again, I would cite the original report which ran to close to 100-some pages is on file in Mr. Ross' office.

But in the interests of time, I will close this afternoon with a series of conclusions that I've reached for the County roads passing through the boundaries of all five pueblos in northern Santa Fe County. From the beginning of Spanish rule over New Mexico at the end of the 16th century until the annexation of the territory by the United States in 1848, the Spanish Crown and later the Republic of Mexico held ownership of public roads, regardless of whether these roads traversed public or private lands. The central government assumed the responsibilities for maintaining these roads.

Two, beginning in 1876 and continuing to the recent past counties in New Mexico were assigned the task of maintaining all public roads that were not designated as federal or state roads, including roads that passed through the boundaries of Pueblo lands. In Santa Fe County the County government exercised responsibility for the maintenance of all such roads. Records of the Pueblo Lands Board, Bureau of Indian Affairs, New Mexico State Highway and Transportation Department and Santa Fe County show that most of the Santa Fe County roads that pass through the lands of the Pueblos of Tesuque, Pojoaque, Nambe, San Ildefonso and Santa Clara were recognized as County or public roads as opposed to Pueblo roads.

Lastly, the Santa Cruz Plaza was established as a public space, owned by and serving the needs of the Spanish settlers of the Town of Santa Cruz. This status was recognized by the Pueblo Lands Board in the mid-20th century which exempted the plaza from ownership by the Pueblo of Santa Clara. And with that I thank you and I'd be happy to take any questions that you might have.

CHAIRMAN MONTOYA: Thank you, Mr. Hordes. Any questions for Stan? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Just wanted to get in the time frame. When were the Pueblos designated or created and by whom?

DR. HORDES: Well, I guess you would have to talk to each Pueblo leader to find out the history of those Pueblos. Certainly when the Spanish explorers came up they had found these Pueblos that were already established, so they long pre-date the arrival of the Spanish in the 16th century. When did the Spanish begin to recognize these Pueblos? When did they exist as a legal entity within the Spanish colonial –

COMMISSIONER SULLIVAN: That would be the next.

DR. HORDES: We are unfortunately hampered by the destruction of all locally generated records, virtually all locally generated records by the Pueblo Revolt of 1680 that resulted in the destruction of the Palace of the Governors and everything that was in there. So we know very little about the interaction between Pueblos and non-Pueblos from 1598 all the way until the reconquest of New Mexico by the Spanish, by Diego de Vargas. So the first significant documentation that we see that involves the relationship between the King of Spain through his governors here in New Mexico begins in the 1690s and continues through the 18th and early 19th century. That's when we see the Pueblos appearing in Spanish colonial records, oftentimes petitioning the governor for what they regarded as trespass on their lands or asking for remeasurement of their boundaries. But it's beginning

But it's beginning in the first decade of the 18th century is when we see the first recognition in the record that the Spanish colonial authorities recognized the extent of this four square league area for each Pueblo, that is to say 2.6 miles extending from the center of each Pueblo in a big

square drawn around it. Some have less. You have the Pueblos of Nambe and Pojoaque, you can't go 2.6 miles before you start overlapping. So some of the Pueblos actually received less than their full four square league grant. I hope that begins to answer the question.

COMMISSIONER SULLIVAN: Thank you.

CHAIRMAN MONTOYA: Other questions. Commissioner Vigil.

COMMISSIONER VIGIL: In the conclusions that you drew, Mr. Hordes, on the roads that you were able to evaluate, is there any contestation of those? Do the Pueblos have any claim to those? Are they all maintained by the County or did you do a separate analysis for all of them?

DR. HORDES: Well, Mr. Chairman, Commissioner Vigil, I'm going to have to defer to the County in terms of what it is that they're claiming, what each Pueblo is asserting ownership to.

MR. GONZÁLEZ: Mr. Chairman, Commissioner Vigil, one of the purposes of this study was to – the study was prompted by the fact that there are areas in which the Pueblos and the County have perhaps conflicting views of who's responsible for what part of the road and who has what ownership of what part of the road.

CHAIRMAN MONTOYA: And I'll just add that the majority of the Pueblos other than Tesuque feel that they own the roads.

COMMISSIONER VIGIL: Okay.

DR. HORDES: Mr. Chairman, members of the Commission, I should have made this statement from the outset but my report was not at all results-oriented. I'm a professional historian and I don't have the luxury of taking sides with this issue or any of the issues that I research. When the County Attorney and the County Manager asked me to undertake this study, I told them that, look, I'll be happy to undertake this research but I have to tell you that I don't know what I'm going to find. It very well may be that the findings that I have are not consistent with the interests of the County, but I just kind of will do the most objective research and analysis that I possibly can, letting the results fall where they may. That's exactly what it is they wanted. So here it is.

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chairman, so this tells us that the roads that we've been maintaining we continue to maintain? And if they're saying that they own the roads then why have we maintained them?

CHAIRMAN MONTOYA: Good question.

COMMISSIONER ANAYA: But they don't own the roads, so we own them, so we continue to maintain them. But they think they own them.

MR. GONZÁLEZ: Mr. Chairman, Commissioner Anaya, there are some instances where I think the Pueblos concede clearly that the County has ownership of some portions of these roads. There are other places where there is a difference of view. I think part of why the County has maintained them over the years has had to do with the fact that nobody ever really went into the records and tried to put together a picture of what the County owned or didn't own. So depending on the County Commission that sat at a particular time, some of them just said well, let's just main the roads and others said, no, we can't because we don't think we own those portions of the road.

So it's gone back and forth over the years.

DR. HORDES: And I have to tell you, when they said that – when the County Attorney indicated that this was a difficult task, it indeed was quite complex and the research was based on research that was done at the State Archives, the US Bureau of Land Management office here in Santa Fe, the State Highway Department, the State County Clerk's office, which I have to say provided some wonderful records and you should be extremely appreciative of the value of the records that you preside over here. It included Commission records that documented exactly all of the actions of the BCC going back as far as there are records.

Some of these records are held at the State Records Center and Archives, and many of these records are held here. You should be very, very aware of the value of the records that you have right here in your own front yard, I should say. Research was also done at Zimmerman Library at UNM, the BIA offices, the Southwest Regional office in Albuquerque, the National Archives in Washington, DC, College Park, Maryland and Denver, Colorado. In addition I had done some oral history interviews as well. So the paper trail has been interesting indeed.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: Mr. Hordes, it seems to me, and I remember this issue on County Road 84-C because we do need to gather more information, but it seemed to me, even the documentation out there, the Pueblo Lands Board, the Pueblo Lands Act, even though the intention as you testified was quite comprehensive, it wasn't all inclusive nor were roads and easements a part of all of those decisions, those decisions which were done over a period of time were taken as is and we've got the documentation for whether or not those easements or those roads are dedicated to a particular property owner. It isn't quite all there. That complicates the issue a little more on what was a really strong and I think reputable initiative on behalf of Congress and through the cooperation of all of the property owners and the Pueblos at that time. It is a point of decision but it really sheds very little light, from what I understand in terms of whether or not roads were a part of those dedicated plats. Is that part of the problem?

DR. HORDES: Absolutely, and Mr. Chairman and Commissioner Vigil, the example of 84-C really underscores that challenge, where as you said, despite the best intentions of the members of Congress in passing the Pueblo Lands Act, when you had some of the lower level officials demonstrating profound ignorance of the economy and the way lands were used, where you have your crops in the bottomland and houses and outbuildings on the first rise, and then beyond that, this is where you graze your flocks.

And so what it is that these officials did is that they completely disrespected the need on the part of these settlers to utilize the common lands uphill from their outbuildings and their homes, and they just kind of cut off their lands right there. You can see today as you drive down County Road 84-C, and of course you don't put your road through your cropland you don't put your road through your houses. And you certainly don't put the road down by the river. What it is you do is you build a road behind your houses and outbuildings and that was meant to connect all of these non-Indian properties, these properties that were exempted from Pueblo ownership.

What it is that these officials did is they just drew the boundary at the back of the outbuildings and back of the houses and completely cut off the grazing land. So it certainly would have made far more sense to have put that boundary farther uphill. That way, if they had done so,

respecting the traditional land uses, the road would have passed completely through non-Indian lands. As it is right now it kind of weaves in and out, with a portion in being in Pueblo lands, a portion being in non-Indian lands. Good luck on straightening it out.

COMMISSIONER VIGIL: And it seems to me that despite our efforts even through those kinds of actions that the authority for identifying, unless there was an official action taken and a transaction occurred when the County purchased an easement such as we did in Tesuque, that the other problem we have leaves us in a position that we really must come, I think to the fact that we need a really strong cooperation between the Pueblos and the County and the State on these roads. It seems to me the Pueblos are in a position to be able to identify what their needs are, the County of course being concerned with safety issues and I would say that might have been part of the impetus for a lot of the maintenance in those roads and the State and Congress being a part of where sovereign immunity is held.

There's so much to balance here, so I think we need to be in a position of recognizing and being cognizant, however we deal with these issues. It has to be through joint cooperation. That's it, Mr. Chairman. Thank you, Mr. Hordes.

CHAIRMAN MONTTOYA: Thank you, Commissioner Vigil. Any other questions?

MR. GONZÁLEZ: I just wanted to comment because I know we have Pablo Sedillo from Senator Bingaman's office here. We invited him to also view the presentation. But one issue that did come up, and it doesn't relate exactly to the results of the study but it could have implications for future studies that Rio Arriba County or Española or someone else may want to do. It has to do with the repository for the Pueblo Lands Board records. As I understand it those records are currently split – were split between our local BIA office and the repository up in Denver. As a consequence of the lawsuit involving the payment by BIA or the record keeping BIA had to do with respect to Indian funds, we were told that the Pueblo Lands Board records being held by the local BIA were being shipped to Interior offices in DC and would not be as accessible as those through the Denver repository.

So we had to jump through some hoops just to access the ones that were available here. Those hoops may become larger in the future if Rio Arriba or Española decide they want to do the same process as we did. I don't know if Dr. Hordes has any observations about that.

DR. HORDES: Mr. Chairman, Mr. González, I wish that it were true that the records were only being threatened for transfer to Washington. Sadly, they're being threatened to transfer to Lenexa, Kansas in a big storage facility there where public access is considerably less available than where they are today. Currently, these records are being stored in Albuquerque at the Southwest Regional Office of the Bureau of Indian Affairs. These are not Indian records. They're not BIA records. What they are are records that reflect an agency that was created by Congress, a separate agency called the Pueblo Lands Board and those historic records from the 1910s, 20s and 30s really belong at the National Archives in Denver. We've been trying to work with the archivists up in Denver and in DC to effect the transfer of those records north but since they are currently being maintained by the BIA it looks like the BIA is going to be able to make the decision as to the disposition of these records.

CHAIRMAN MONTTOYA: Okay. Stan, I know this has been a work of two years already and certainly something that I have been looking forward to. I guess the only question I have

is if you were Commissioner in District 1 here, what would you do with County Road 84-C?

DR. HORDES: Mr. Chairman, that's why I do the work that I do. I don't have to make those decisions. What I'm trying to do is provide you with the historical basis so that you all, the constituted elected officials, will be able to make a sound decision on the basis of the research and analysis that I'm going to be providing.

CHAIRMAN MONTTOYA: Okay. Seeing no other questions, what would be the next step, Gerald, in terms of are we going to look at the complete document or what's the way we're going to roll this out?

MR. GONZÁLEZ: Mr. Chairman, Commissioners, the way Dr. Hordes has structured his presentation is designed to allow us to appear before each of the Pueblos and lay out to them the information and the research that we have and kind of a similar presentation although we have the back-up documentation as well. Dr. Hordes' presentation has had this afternoon two parts. It had sort of a basic historic background until we got to specific information related to Tesuque Pueblo. He has components that are also related to the other Pueblos that he did research for. So the thought that we've had at the County's Manager's office level and in discussions with Legal is that what we could do is take the presentation to each of the Pueblos, run through it with them, as the invitation to sit down at the table across from each other and begin a really face-to-face and heart-to-heart discussion about how to finally settle the road issues so that we don't have them just hanging out there.

And so the thought would be that we would schedule in the near future those visits with each of the Pueblos, make the presentation at their pleasure to either the council or the governor's office or both, and then at that point just open the dialogue and say we've got a lot of other things that we're working through including Aamodt, including some of the water and wastewater issues though EBRPIF, this might be the climate in which we can finally settle a lot of those issues and put them behind us and move forward in a cooperative and collaborative way.

CHAIRMAN MONTTOYA: Thank you, Dr. Hordes.

DR. HORDES: Thank you. Just one last comment. What each of these presentations to the Pueblos would consist of is essentially about 90 percent of what you heard today and then it would be the variation on the theme I went through for Tesuque Pueblo which only had three roads through it but a bit longer in the case of Pojoaque and Nambe and San Ildefonso which have considerably more, and with the same kind of conclusions that you heard this afternoon. And I'd be thrilled to initiate that process.

CHAIRMAN MONTTOYA: Okay. And Hutch Miller who is our liaison with the Pueblos would be someone to work with also. So he can help in setting that process up and getting it moving as well.

DR. HORDES: Again, I just hit the high points here. There's far more explanation for each sentence that I gave you. There's probably about 23 more and it's all included in the report that's on file in Mr. Ross' office.

CHAIRMAN MONTTOYA: Okay. Thank you.

DR. HORDES: Thank you for your time.

CHAIRMAN MONTTOYA: Appreciate it very much.

- XI. E. 2. Executive Session**
- a. Discussion of Pending or Threatened Litigation**
 - b. Limited Personnel Issues**
 - i. Interview of Mike Trujillo, Applicant for Deputy County Manager**
 - c. Discussion of the Purchase, Acquisition or Disposal of Real Property or Water Rights DELETED**
 - d. Discussion of Bargaining Strategy Preliminary to Collective Bargaining Negotiations with a Bargaining Unit**

CHAIRMAN MONTOYA: I guess we still have a quorum here to go into executive session. I would ask that b. i be tabled.

MR. GONZÁLEZ: Mr. Chairman, I apologize. I know you left a voice mail for me. Because I was scheduled bookend to bookend yesterday I didn't receive it in time to be able to bring that forward when you were doing approval of the agenda.

CHAIRMAN MONTOYA: Okay.

COMMISSIONER SULLIVAN: b. 1 in executive session?

CHAIRMAN MONTOYA: Right.

COMMISSIONER SULLIVAN: So moved.

CHAIRMAN MONTOYA: Okay. We have a motion.

COMMISSIONER CAMPOS: What's the motion?

COMMISSIONER SULLIVAN: To table b.1.

CHAIRMAN MONTOYA: To move into executive session other than b.1. That will be tabled.

COMMISSIONER CAMPOS: Well, I'm not sure how long it would take to interview Mr. Trujillo but he's been sitting here all afternoon. That's a consideration.

CHAIRMAN MONTOYA: I guess we need to get everyone in here. I had asked that that be tabled.

COMMISSIONER CAMPOS: There's three people who can conduct business. Somebody else can make a second if they want.

COMMISSIONER SULLIVAN: If he's here it certainly wouldn't hurt to interview him.

CHAIRMAN MONTOYA: Okay.

COMMISSIONER VIGIL: What are we doing?

CHAIRMAN MONTOYA: Moving into executive session to discuss all of the items listed. Do we need all of them, Steve?

MR. ROSS: Mr. Chairman, because the interview of Mr. Trujillo had been scheduled I have a light executive session tonight consisting only of pending or threatened litigation and a brief discussion of collective bargaining related to the ongoing AFSCME negotiations.

CHAIRMAN MONTOYA: So nothing on c?

MR. ROSS: Nothing on c. That's correct.

COMMISSIONER SULLIVAN: So I withdraw my motion then.

CHAIRMAN MONTOYA: Okay. He withdraws the motion. Is there an alternative one?

COMMISSIONER SULLIVAN: Move to go into executive session, Mr. Chairman, where we discuss items 2. a, b, and d, as indicated on the agenda.

COMMISSIONER CAMPOS: Second.

The motion to go into executive session pursuant to NMSA Section 10-15-1-H (7, 2 and 5) to discuss the matters delineated above passed by unanimous [5-0] roll call vote, with Commissioners Anaya, Campos, Sullivan, Vigil and Montoya all voting in the affirmative.

[The Commission met in executive session from 3:47 to 6:55.]

Upon motion by Commissioner Anaya and second by Commissioner Sullivan the Commission voted unanimously to come out of executive session.

XII. ADJOURNMENT

Chairman Montoya declared this meeting adjourned at approximately 6:55 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