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STATE OF NEW MEXICO) ss

BCC MINUTES
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SANTA FE COUNTY

BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

February 12, 2013

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

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SANTA FE COUNTY
REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

February 12, 2013

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

Employees of the Public Works Department Emiliano Mendoza and Julian Gutierrez led the Pledge of Allegiance and State Pledge, following roll call by County Clerk Geraldine Salazar which indicated the presence of a quorum as follows:

Members Present:

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

Members Excused:

[None]

V. MOMENT OF REFLECTION

The Moment of Reflection was led by Johnny Baca.

VI. APPROVAL OF THE AGENDA

- A. Amendments
- B. Tabled or Withdrawn Items

CHAIR HOLIAN: First I will say that there has been a request that item XIV. A. 2 be heard at 3:00. This is regarding the courthouse parking. Sheriff Garcia asked that it be heard at 3:00 and District Attorney Pacheco and Judge Ortiz have agreed to be present at that time so that is one amendment that I would like to make to the agenda. Are there any other suggested amendments, Katherine?

KATHERINE MILLER (County Manager): Madam Chair, that's the only amendment that has been requested. Everything else is as published.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR HOLIAN: Commissioner Stefanics.

COMMISSIONER STEFANICS: Unless anybody else has a change I would move approval with that one amendment.

COMMISSIONER CHAVEZ: Second.

COMMISSIONER ANAYA: Madam Chair, not a change just a comment.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, appreciate the adjustment you've made as well as the work of the Manager to do that, and I'm just going to suggest that as we have presentations, when we have our elected officials that have presentations, whether they be our internal elected officials or external elected officials, when we can place them before we get to the other staff items I think that will help them along with the items. I appreciate that, Madam Chair.

CHAIR HOLIAN: Okay. Thank you. We have a motion for approval of the agenda and a second.

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

VII. APPROVAL OF CONSENT CALENDAR

A. Consent Calendar Withdrawals

CHAIR HOLIAN: I will note that there are no resolutions on the Consent Calendar. Commissioners, are there any items that you would like to withdraw?

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

CHAIR HOLIAN: Is there a second?

COMMISSIONER CHAVEZ: Second.

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

XII. CONSENT CALENDAR (Public Comment for Resolutions)

A. Final Orders

1. **CDRC CASE # V 12-5150 Victor & Patsy Roybal Land Division/Variance.** Victor & Patsy Roybal, Applicants, Requested Approval for a Land Division of 1.56 Acres into Two Lots. This Request also Included a Variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to Allow Two Dwelling Units on the Proposed 0.80-Acre Lot. The Property is Located at 38 La Joya Road, within the Traditional Community of Glorieta, within Section 2, Township 15 North, Range 11 East (Commission District 4) Denied 3-2, Wayne Dalton
2. **CDRC Case # V 12-5180 Joseph and Hope Roybal Variance.** Joseph and Hope Roybal, Applicants, James Siebert (James W. Siebert and Associates, Inc.), Agent, Requested a Variance of Article III, Section 4 (Commercial and Industrial Non-Residential Districts), of the Land Development Code, to Allow Commercial Zoning Outside of a Designated Commercial District on 3.98 Acres. The Property is Located Southeast of the Village of Cuyamungue, East of the US 84-285 Frontage Road, Between Exit

- 176 and Buffalo Thunder Road, at 22 B Mystic Lane, within Section 28, Township 19 North, Range 9 East (Commission District 1) Approved 5-0, Jose E. Larrañaga, Case Manager
3. **CDRC Case # V 12-5200 Robert and Bernadette Anaya Variance.** Robert and Bernadette Anaya, Applicants, Talia Kosh (the Bennett Firm), Agent, Requested a Variance of Ordinance No. 2007-2 (Village of Agua Fria Zoning District), Section 10.5 (Village of Agua Fria Zoning District Use Table), to Allow a Towing Business as a Special Use Under the Zoning Use Table on 0.70 Acres. The Property is Located at 2253 Ben Lane, within the Traditional Community of Agua Fria, within Section 31, Township 17 North, Range 9 East (Commission District 2) Approved 3-2, Jose E. Larrañaga, Case Manager
4. **BCC CASE # MIS 07-5502 Apache Springs Subdivision Extension.** Beverly Chapman, Applicant, Joe Ortiz, Agent, Request a One-Year Time Extension of the Preliminary and Final Plat and Development Plan Approval for the Apache Springs Subdivision. The Property is Located at 87 Camino Valle, within Section 10, 11, 14, and 15, Township 15 North, Range 10 East (Commission District 5) Approved 5-0, Vicki Lucero, Case Manager
5. **BCC CASE # MIS 12-5350 Turquoise Trail Subdivision North Phase Time Extension.** RCS-Turquoise Trail South I, LLC, a Colorado LLC, Requests a 24-Month Time Extension of the Previously Approved Preliminary and Final Plat and Development Plan Approval for the North Phase of the Turquoise Trail Subdivision Consisting of 290 Dwelling Units on 101.57 Acres. The Property is Located Off of New Mexico State Highway 14, within Sections 24 and 25, Township 16 North, Range 8 East (Commission District 3) Approved 5-0, Vicente Archuleta, Case Manager
6. **BCC CASE # MIS 06-5271 Tavelli Master Plan Extension.** Michael A. Tavelli, Applicant, Requests a 24-Month Time Extension of the Previously Approved Tavelli Mixed-Use Subdivision Master Plan. The Property is Located North of Agua Fria Street, East of Lopez Lane, within Section 31, Township 17 North, Range 9 East (Commission District 2) Approved 5-0, Vicente Archuleta, Case Manager
7. **BCC CASE # MIS 12-5380 Concierto at Las Campanas Time Extension.** Las Campanas Land Holdings, Applicant, Requests a 24-Month Time Extension of the Preliminary and Final Plat and Development Plan Approval for the Concierto at Las Campanas Subdivision, Phases I and II, Consisting of 170 Residential Lots on 105 Acres. The Property is Located Along Las Campanas Drive,

- North of the Caja del Rio Intersection, within Sections 14 and 15, Township 17 North, Range 8 East (Commission District 2)
Approved 3-0, Vicente Archuleta, Case Manager
8. **BCC CASE # MIS 10-5550 Tessera Master Plan Time Extension.**
Homewise, Inc., Applicant, Requests a 24-Month Time Extension of the Previously Approved Tessera Subdivision Master Plan (Formerly College Hills) Consisting of 166 Residential Lots on 145.90 Acres. The Property is Located on the North Side of State Road 599, at its Intersection with Via Tessera, within Sections 17 and 20, Township 17 North, Range 9 East (Commission District 2) Approved 2-1, Vicente Archuleta, Case Manager
9. **CDRC CASE # V 12-5290 William Keller Variance.** William Keller, Applicant, Requested a Variance of Section 9.8 (Mountain Special Review District Standards) of the Extraterritorial Zoning Ordinance to Allow an Addition to an Existing Residence to Exceed 14' Feet in Height. The Property is Located at 20 La Barbaria Road, within the Vicinity of Old Pecos Trail, within Section 17, Township 16 North, Range 10 East (Commission District 4) Approved 3-0, John Lovato, Case Manager
10. **BCC Case # MIS 08-5211 Sandstone Pines Time Extension.**
Anasazi MVJV LLC, Applicants, Request a 36-Month Time Extension of the Previously Approved Preliminary and Final Plat and Development Plan for a 12-Lot Residential Subdivision (Sandstone Pines) on 42.99 Acres. The Property is Located in Glorieta, North of I-25, South of State Road 50, within Sections 1 and 2, Township 15 North, Range 11 East (Commission District 4) Approved 5-0. Vicki Lucero, Case Manager

VIII. APPROVAL OF MINUTES

A. Approval of January 8, 2013 BCC Meeting Minutes

CHAIR HOLIAN: Are there any changes, Katherine?

MS. MILLER: No, Madam Chair.

CHAIR HOLIAN: Any changes, Commissioner? Do I have a motion?

COMMISSIONER STEFANICS: Madam Chair, I'll move approval of the minutes.

CHAIR HOLIAN: Is there a second?

COMMISSIONER MAYFIELD: Second, Madam Chair.

CHAIR HOLIAN: There's a motion and two seconds.

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

IX. PROCLAMATIONS AND PRESENTATIONS

A. Presentation From Northern New Mexico College Regarding Information on Legislative Issues, Academics, Policies and Tuition Assistance (Overview of Northern New Mexico Community College) (Ricky Serna, VP for Office of Institutional Advancement/ Domingo Sanchez, VP for Finance and Administration)

CHAIR HOLIAN: I believe this is being presented by Ricky Serna, who is the vice president for the Office of Institutional Advancement. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, just a quick comment before the presentation. I'd like to acknowledge former County Manager Domingo Sanchez who is going to be part of this presentation. Former Santa Fe County Manager, good to see you back in Santa Fe County, Mr. Sanchez.

CHAIR HOLIAN: Welcome, Mr. Sanchez.

RICKY SERNA: Thank you, Madam Chair, Commissioners, for having us this afternoon. I did want to begin by saying that this presentation is informational only for your information. We'll be presenting an update of the institution. I don't know if this has been done before. It's important to us that we give this presentation because as you know, Santa Fe County and Rio Arriba County combine in the middle of Espanola, the city, and the college serves of course a large majority of Rio Arriba County but it also is a major resource for Santa Fe County as well. As you get the presentation I'll just roll you through.

This stapled packet right here is what we'll begin with. *[Exhibit 1]* Madam Chair, Commissioners, if you have any questions please at any point just interject. On the first slide you'll see the mission and vision of Northern New Mexico College and I'll let you read that essentially, but we're revising our mission, which is the college is a Hispanic and Indigenous-serving institution dedicated to student achievement and the advancement of our community and our region, emphasizing sustainability and service for the common good.

And the next slide is equally important to that and it kind of summarizes the history of the institution. The college was established in 1909 as many of you may know, in El Rito, which is about 30 miles north of Espanola. And that was the first institution of higher ed chartered in the state constitution and to date the only institution chartered by the state constitution, which made us the very first Hispanic-serving institution in the country, because it was chartered to serve indigenous populations.

In 1970 it was established at the technical-vocational school and then 1975, the Espanola campus opened of course, and then in 1977 it was established as a community college. But in 2004 with the help of legislators including Senators Sisneros, Martinez, Representative Rodella and Representative Salazar, and the support of the entire legislature in 2004 the college was sanctioned a four-year comprehensive institution. So effective 2004 Northern New Mexico Community College transitioned into Northern New Mexico College, a four-year institution.

And the next slide will run you some of our student demographics. So you can see there that we enroll approximately 1,800 students every single semester with the majority of them being Hispanic, Latino and Native American students because we of course serve the eight Northern Pueblos in northern New Mexico.

The next slide will show you some of our enrollment trends from fall 2009 to fall 2012, and that's been a steady increase over the last couple semesters, and that's been important to us especially when we transitioned from a two-year institution to a four-year institution we reflected that change in our tuition as well, so we made a significant increase in our tuition but our student enrollment, we were able to sustain that.

On the next slide, enrollment by institution, I think this is really important because it shows you all essentially who we enroll from Santa Fe County, of course, and you'll see there that some of our feeder schools include Santa Fe Indian School, Santa Fe High and Capitol High School where we're very active in a number of areas including dual credit enrollment for students who are eligible beginning in their junior year in high school.

And the next slide shows those trends. For those of you who may not be familiar, all students beginning in 2012 were required to take of course all of their credits required for graduation but in addition to that they were required to take a dual enrollment course or advanced placement course as part of high school redesign. So what Northern New Mexico College does is provide those opportunities to Santa Fe County and Rio Arriba County going as far north as Dulce, Chama, Tierra Amarilla, Coronado and so on and so forth. And one of the reasons why Northern New Mexico College is positioned well to do that is because we are a dual mission institution, which means that even though we are a comprehensive four-year institution we retain our programs and the certificates and the associate degree. So students can come to Northern and begin with a cosmetology certificate, certificate in automotive trades, welding, or even fiber arts, which could be weaving, and then they can matriculate into associate degrees and four-year degrees as well, so they no longer have to leave the region to a larger institution to pursue a four-year baccalaureate degree.

You'll see this semester alone on the next slide, the dual credit enrollment by district. We serve 130 high school students in Santa Fe County, and that's predominantly from Santa Fe public schools of course. So what we do in some cases is the students drive up to Espanola to take the classes, or we actually provide faculty at the local high school here in Santa Fe to provide students with instruction in a number of different areas. So that's how we roll our dual credit and in some instances we actually may identify a high school instructor who is qualified and then they become adjunct faculty for the institution and teach those classes as well.

The next slide on academic programs shows the programs that we offer and the rate at which they're enrolled. Students enroll in them and right now we have a total of 13 baccalaureate degrees, 51 two-year or associates degree programs and a total of 25 certificates and a total of four endorsements. And those endorsements include a post-baccalaureate endorsement in engineering. But they also include endorsements in education and we have several partnerships with Santa Fe Public Schools also where we take faculty who need to be endorsed in teaching English as a second language and we provide the programs to them here and the local public school district. Santa Fe Public Schools is a partnership and those faculty of course, once they're endorsed, receive increased salary from the school district as part of state law.

The part I want to focus on next is our next steps and our major priorities which is on the next slide and that's where we envision somewhere in the near future that Espanola, Northern New Mexico College, Rio Arriba County and Santa Fe County will come together

to partner for the advancement of Northern New Mexico College. Some of our major priorities on the academic side are to accredit a number of our programs including the engineering degree, the engineering program, the college of education, nursing and business administration, because we understand that in order for our students to get a four-year degree and transfer even to UNM or even New Mexico State that these programs need to be accredited prior to their admissions.

But we also want to enhance the college's academic retention. Right now, the state's funding formula really forces institutions to look not just at how many students they bring into the door every single semester, but how many students finish every single course and how many students ultimately graduate. And Northern is positioned well to do that because we have a student to teacher ratio of about 16 and that gives us the opportunity to spend a lot of time with our students. But it also plays against us in that it costs just as much to run a class with 16 students as it would with 40 except with 40 students in the class you make a little bit more revenue from that. So we're really starting to enhance our development education which is a big deal. In northern New Mexico including Santa Fe County Capitol High School, Santa Fe High School, the rate at which students enroll in developmental courses, meaning they're not at college-level coursework is phenomenal. In fact in Espanola, including the students from Santa Fe County, eight out of every ten students that graduate from high school are not prepared for college level course work, and in some instances it takes them up to three semesters of developmental course work before they're ready for freshman English and college algebra.

So we're working with the local school district here and throughout Rio Arriba County who are our major primary feeder schools to enhance the quality of the students when they leave high school. And we're enhancing our students' support services, meaning when students get to the college they're assigned to an advisor and that advisor follows them to ensure their success.

One of our major projects which segues into our final point of our presentation is we also need to focus on increasing student enrollment, and Northern New Mexico College is the only four-year institution in the entire state that does not have a residence hall on its campus. One of our major priorities and certainly the priority of our president, Dr. Barceló is to construct a residence hall on the Espanola campus. Right now, over 80 percent of our students come from a 30-mile radius, Santa Fe and north primarily, including Los Alamos. And in order for us to be able to recruit outside of that area we need to provide local housing for them. And that's the same for Santa Fe County north of Pojoaque, is students that enroll there, they more than likely have to stay home and live with their parents.

So what we've done is we've actually approached the Rio Arriba County Commission and we received their support to introduce legislation that would allow us to do a special mill levy. And Rio Arriba County, much like a local hospital would to impose a tax that would allow us to construct a residence hall on the Espanola campus, a project that we anticipate would cost about \$14 million. And we know that that would allow us then to expand our recruitment services, not just in northern New Mexico but as close as Santa Fe, Albuquerque, an outside of the state of New Mexico. One of the things that has really prompted that need has been our commitment to the NAIA Athletic Conference. When we joined the NAIA Conference, we actually are obligated by 2014 to have three athletic teams for both men and

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women. To date we have men and women's basketball, we have men and women's golf. So by next year we'll be adding a couple other teams. So we know that if we want to recruit players, quality players from all over the country we need a place for them to leave. So that's something that we're sincerely interested in doing.

A side note on that, our Eagles men's basketball team are actually headed to conference play beginning next week, so they've actually made it to a post-season conference play.

Those, Madam Chair, Commission, kind of segue into our 2013 legislative priorities that we wanted to share with you. *[Exhibit 2]* As you all know the session is on and we wanted you to know what we're pushing for and how that would impact Santa Fe County, especially Santa Fe County in the Espanola Valley. Right now we're really working on a faculty salary parity request. Northern New Mexico College faculty are the lowest paying faculty in the state of New Mexico, and in some instances their salaries are lower than those at two-year institutions including Santa Fe Community College, which makes it very difficult for us to recruit and retain faculty when they can go 30 miles south and make more money by about \$6,000 a year.

So we are moving legislation in the amount of \$600,000 so that we can bring our faculty salaries up to par with our counterparts, and we're also seeking \$4.5 million in capital projects to support the renovation of our administration building so that we can enhance campus life and enhance our student services, and of course, another one of our major priorities is the special mill levy. We know the voters in Rio Arriba County, Espanola Valley and throughout, will have the opportunity to vote on and support the institution in its endeavors to construct a residence hall on the campus.

Now, we understand that there's an educational institution here in Santa Fe, however, at some point the students, after completing their two-year degree may want to pursue a four-year baccalaureate degree. Northern New Mexico College is committed to being the comprehensive four-year institution certainly of northern New Mexico. So our goal is to enhance the institutions so that residents from Santa Fe County and even further south of northern New Mexico would have the opportunity to do that – stay in the region and then contribute to the economic growth of northern New Mexico.

One of the other pieces of media that you received is this small handout here. *[Exhibit 3]* We were very fortunate to receive a grant that allowed us to do an economic impact study on what Northern New Mexico College generates in terms of revenue for the north-central economy. And this will give you a number of snapshots but in fact, some of the numbers I want to call your attention to is on the third panel here. Northern New Mexico College operations generate about \$11.7 million annually for the north-central New Mexico economy. And essentially is south of Santa Fe and north. And what we essentially do is we employ a large population of course, several of whom of course resident in Santa Fe County and in the City of Santa Fe, 250 employees approximately.

But as we enhance the college, including the expansion of our athletic programs and residence halls, we bring people from all over the state and in some instances all over the county to northern New Mexico. They eat in our restaurants, they stop here in Santa Fe in some instances, they stay the night here. Teams visiting from neighboring states come to play northern New Mexico College. They come to Santa Fe, they eat, they stay here and we hope

that we can continue to enhance the amount of revenue that's left from outside the region here in Santa Fe County and in Rio Arriba County alike.

So this pamphlet here will give you a lot of information about that economic impact study. It will save you the time of reading the 75-page report that we read to get you these six panels. And Madam Chair and Commissioner, and then this other handout here summarizes the priorities I spoke to, and then on the back it kind of gives you an at-a-glance facts about Northern New Mexico College, our performance, our enrollment, our academic programs, etc. And finally, on the back of the handout here of course, Mr. Sanchez' contact information along with mine is available to you all if you have any questions or information. But we're certainly eager to continue our partnership with you all. We hope that at some point we can sit down and talk about – we can have an exchange about what Santa Fe County needs in terms of education and economic development and what can Northern New Mexico College do to support and enhance that, because we understand that we're going to play a major role in higher education for northern New Mexico and we understand that as a neighboring county your needs need to drive where we go in terms of a mission.

CHAIR HOLIAN: Thank you very much, Mr. Serna. Mr. Sanchez, did you want to add anything before I open it up to questions?

DOMINGO SANCHEZ: Thank you, Madam Chair, members of the Commission, I think Ricky did a really good job of giving the overview. I just want to mention just quickly though is there's a lot of excitement in terms of what we're doing at Northern New Mexico College an one of the things I think is really neat is that we're really now at a point where we're very close to I also call it unclogging the pipeline in terms of us becoming a college town. And that really benefits northern New Mexico, Santa Fe County, and a lot of the surrounding areas, but it also gives our kids, our nephews, our nieces, our brothers and sister and family members an opportunity to get educated at a four-year institution. Many people may or may not have an interest in driving all the way to Las Vegas or to Albuquerque or further.

The other thing I wanted to mention too is as we've been making progress the last couple years the average age of our students at Northern New Mexico College just two years ago was 31 years of age. Today it's 22. So the culture is really changing on campus. You're seeing a lot of young folks really roaming the hallways studying and participating in activities that you normally see at four-year institutions. So the issue of bringing forth a residence hall is a real big, I think, step towards us actually becoming a college town. I just wanted to share that with you.

The other issue too is we've made a number of attempts to go out and actually not just attempts, we've actually gone out and interacted with a lot of local governments to try and make sure they get an appreciation for our services and also our interest in working with everybody. That's what we're here to do. We're here to serve the folks that are within our region. We've met with local governments, we've met with businesses, we've met with the healthcare providers in our area. We've met on a monthly basis almost with Los Alamos National Laboratories and their staff, and we'll continue to do so because again, in our view, the partnerships are very important if we're going to be able to provide the folks in the area the things that they need. So, thank you, Madam Chair.

CHAIR HOLIAN: Thank you very much, Mr. Sanchez. So Commissioner Stefanics, you had a question.

COMMISSIONER STEFANICS: Thank you. Thank you very much, Mr. Serna and Sanchez, for coming. I have a couple of questions. First of all, I wish you well on your legislative requests. The projections for the funding available kind of goes up and down every day at the legislature and who knows what's going to be available for all of us to share. But I wanted to ask a couple of questions. First of all, you have a college of community workforce in CTE. And the CTE stands for –

MR. SERNA: Career Technical Education.

COMMISSIONER STEFANICS: Career Technical Education. And then you have a college of nursing and health sciences. And the reason I wanted to bring that up is that with the Affordable Care Act we are looking at a healthcare workforce shortage in the entire state. So anything you can do to promote health careers through your curriculums I think is great. And please take that message back. I'm working on another project where we're trying to address some of the numbers that we're going to need in the future throughout the state.

The other direct question I have for you thought is about seniors. Do you have very many seniors that come to access any of your courses in an audit or credit manner?

MR. SERNA: Madam Chair, Commissioner, yes, we do. We have them as young as juniors –

COMMISSIONER STEFANICS: No, I'm talking about seniors persons.

MR. SERNA: Oh. I'm sorry.

COMMISSIONER STEFANICS: Senior persons with gray and white hair. Silver.

MR. SERNA: Excuse me, Madam Chair, Commissioner. I recall Domingo Sanchez taking a class, so I would say yes. I'm kidding. Commissioner, we do. In fact the CTE, the Career Technical Education primarily is the college responsible for what we call continuing education classes. And those are the courses that are typically taken for no credit or audited by community members at large. And some of those programs include weaving, they include Spanish Colonial arts and etc., etc. Retablo making, painting, things like that. Those are the programs that are at the core of our institution. In fact we had a discussion at length about the value of those programs to the mission or our institution but also the value of those programs in terms of financial gain for the institution.

And the bottom line is that they don't generate a lot of revenue for the institution but we understand that if we want to be community serving we need to offer them because we know that our community members are interested in them. Not only do they play a role in providing entertainment to the community or an avenue for which the community can participate locally, they're at the center of cultural sustainability. We provide the only, for example, fiber arts program in the entire country. And we're working now on legislation to work with the New Mexico State Regulation and Licensing Department so that we can do what is happening a lot with Hatch chile, right? Which is create criteria so that we can authenticate the weaving, because what's happening now is people are replicating it all over the state and all over the country and outside of the country. But it's an art that's unique to the northern Rio Grande Valley. It's an art that's unique to the people of northern New

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Mexico, and that's an example of those classes that your average community member wants to take and wants to be a part of.

COMMISSIONER STEFANICS: Well, Madam Chair, the reason I'm asking, and maybe you could actually do a follow-up email to me or something later, but recently, and I realize you went from being a community college to a four-year college, but recently the Santa Fe Community College encountered a situation with the State Higher Education Department where the reimbursement for seniors auditing certain courses was not going to be reimbursed. And I would just like to see how your college is handling anything like that. So if you could just send me any information or have the right person contact me I'd just like to pick their brain about what your college is doing regarding that problem.

I, being a participant in some of our courses that are close to me would not want to discourage people from being involved in their colleges and their communities. And as you said, you know that you want those individuals involved so that they'll be happy. They'll vote for bond levies and so on. So we feel the same way. And I'd appreciate any information. But thank you for coming today.

MR. SERNA: Thank you.

CHAIR HOLIAN: Thank you. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, thank you. Mr. Serna, Mr. Sanchez, thank you. Quick question. You mentioned a credit hour. What do you all charge per credit hour?

MR. SERNA: Madam Chair, Commissioner Mayfield, I'll refer you to the back here and you'll be able to see that all the way across. We charge \$100.45 per credit hour, and that's through the 11 hours, and full-time, that's 12 to 18 hours, that's \$1,205, full-time students. And it is important to note also that our tuition is the most affordable in the southwestern United States.

COMMISSIONER MAYFIELD: And do you have a sliding scale for individuals who may have economic challenges?

MR. SERNA: Madam Chair, Commissioner, one of the other astonishing facts that you'll see here on the back sheet, if you'll piece them together is over 60 percent of our students are eligible for full Pell grants. We serve an area - I'm including Santa Fe County - that is very low income. And it goes higher, the rates go higher the further north you get. So we work with our students most of whom are eligible for the fullest amount of financial aid that's afforded to them for an institution of our size.

We also work very closely with the foundation office to provide over 62 scholarships annually to students at Northern New Mexico College. Our foundation has really focused over the last five or six years on college affordability. And what we're looking at now especially, Madam Chair, Commissioner, is scholarships for community members who want to take continuing education classes. But when we increased our tuition that might have become unaffordable for them. So we're working on addressing that subgroup of student population as well.

COMMISSIONER MAYFIELD: Thank you. And then you mentioned, sir, a little earlier, the dual credit hour that you work with high schools I guess. So do you teaching [inaudible] at the same time at a high school?

MR. SERNA: Madam Chair, Commissioner Mayfield, it happens a few ways. One of them is a student can come to the institution, which really is the most effective way, at least research shows because they're seen to at the post-secondary area. The second way is to provide the instruction locally, meaning that we can have a faculty member in one of the school districts providing that instruction there. And the third way is we can adjunct a faculty at the high school who can provide the class on our behalf and the student is receiving college credit for it. And then there's actually a fourth way, if I may. That could be that the student is enrolled in a distance education course, meaning that they don't have to leave their local high school, that they may be participating either on line or through ITV.

COMMISSIONER MAYFIELD: Okay. And that credit hour is at the same rate? It's not a reduced rate?

MR. SERNA: Madam Chair, Commissioner, that's correct, although the student does not have to pay for that. Dual credit rules indicate that institution does not charge the student tuition nor the district. The student enrolls for free. The only cost that the student has to absorb is if there are any associated fees for that particular class. And the district is obligated to purchase the text book.

COMMISSIONER MAYFIELD: Thank you. And then sir, as far as before you became a full four-year accredited institution were you serving the Pojoaque District school as a two-year?

MR. SERNA: Absolutely. We still serve Pojoaque through both dual credit and they're a major feeder high school for the institution.

COMMISSIONER MAYFIELD: So as I understand, maybe your proposal and your presentation today, if you're proposing that Santa Fe County affording you the opportunity to propose a mill levy for Santa Fe County. Would that encompass all of Santa Fe County? And maybe that's a question for the Manager or Mr. Ross, that you all might at a later day come to Santa Fe County.

MR. SERNA: Madam Chair, Commissioner, that's something that we have yet to really discuss at our institution. We know that what we do to enhance the institution does benefit Rio Arriba County, especially the part of the county that exists in the City of Espanola. We would carefully consider that prior to making a request to you all because we know that only the very north part of the county for the most part enrolls in our institution. But we hope to change that with a residence hall. We hope to make this an institution that serves 100 percent of Rio Arriba County including those students who matriculate from the College of Santa Fe.

COMMISSIONER MAYFIELD: I think that's great. Thank you. Because right now you all are going through the Board of Regents so the Governor would appoint your board, whereas, say Santa Fe County wouldn't have a say in our electoral process of who gets to serve on the board.

MR. SERNA: Correct.

COMMISSIONER MAYFIELD: Thank you, sir.

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

COMMISSIONER ANAYA: Madam Chair, thank you, gentlemen for the presentation. A couple questions, keeping in mind that there's several public institutions. Can

you talk about how, understanding you're trying to increase your enrollment, how you complement and work together with the other institutions in the region – the Community College here in Santa Fe, Highlands University, UNM-Taos, UNM-Los Alamos, Luna. Is there a lot of coordination or interaction that goes on?

MR. SERNA: Madam Chair, Commissioner Anaya, that's a very good question and the answer is yes. We do that currently. We're constantly striving for ways to do that and I'll give you a couple examples. Through grants – right now we have a very large Title 3 grant that is a partnership between Santa Fe Community College, University of New Mexico – Los Alamos and University of New Mexico – Taos. And it's an interesting project for us because it's the very first time we've received a large grant where we're the receiving four-year institution. For a number of years we were always the two-year that fed students off to UNM or Las Cruces or New Mexico Highlands or so on.

Well, that one project in particular does a number of things, but what it does is it aims to create these educational pathways, and by doing that, we work with a school like Santa Fe Community College in their forestry program and all of their two-year programs in the stem field especially. We line up our programs so that when a student finishes up school at Santa Fe Community College they seamlessly transfer to Northern to finish the four-year degree and they never have to leave the county; they never have to leave the region.

We have recently partnered with schools all over the state to do what's called Sun on Line. What it is is it's a statewide consortium where, let's just say you have a school at ENMU-Ruidoso and they only have two students in an algebra class. And those students need that class but there aren't enough students for ENMU-Ruidoso to offer it. Well, we have the statewide consortium where they go on line. If we're offering that class and we have enough to make it, those students pay the ENMU tuition and they take the class with our faculty on line and they never have to leave Ruidoso, Santa Fe, Las Cruces and Dona Ana for that matter.

So we're working in a number of ways with institutions. We have a partnership also where students in northern New Mexico can get their masters degree in Espanola out of New Mexico State University in educational leadership. We have that program available where we pay for the entire tuition for students to enroll. They take the classes either with adjunct faculty at Northern or through distant ed we have a partnership with the University of New Mexico. They accept all of our graduates in the engineering program after they receive our post-baccalaureate certificate.

So we're striving continuously because we don't want to be the only resource for our students in northern New Mexico. We want to be the conduit through which they access higher education at all levels, all over the state.

COMMISSIONER ANAYA: Madam Chair, thank you for that response. Your response kind of led into my next question. Transferability of credits is something that was a challenge for me and for other students. Are we better in New Mexico across the board about having credits and classes that transfer from one institution to the next? And where students that have to move or relocate for financial or other personal reasons, where they're not having to start over or take the same classes. Have we improved in New Mexico in that area?

MR. SERNA: Madam Chair, Commissioner, that's a good question because it was an issue for this state for a number of years. Prior to joining Northern I used to work for

the Higher Education Department. What we created were the transfer modules for all of the general core courses. All of the courses that every student has to take to receive a four-year degree are now all transferable to every institution in the state. So we have solved that problem for all the gen ed courses. They are the articulation agreements that are established at the Higher Education Department.

But beyond that, we work on a number of different programs to do that for engineering specifically, and all of our stem programs as part of this Title 3 grant. We identify the course offered at Santa Fe Community College and then we'll link it at our institution. And that's the major deal for us. We've also become part of a statewide study to do the very same for the nursing program. And now we're going to be part of a statewide consortium of nursing programs that provide the same curriculum at every single nursing program in the state of New Mexico. So a student could be one class away from graduating with an AND or a BSN and if they move to a complete different institution that will be the only class they'll need there as well.

COMMISSIONER ANAYA: Madam Chair, thank you both for coming and I look forward to learning more about what you do and how you serve the region and how you complement one another in the region. So thanks again.

MR. SERNA: Thank you, Commissioner.

CHAIR HOLIAN: Thank you, gentlemen, for your presentation. I have a question myself. I was talking to Camilla Bustamante a little while ago and my understanding is that you have a program at the college which trains your students on how to do water quality testing. Is that correct?

MR. SERNA: Madam Chair, that is correct, and we run that lab at this point out of our El Rito campus, which is becoming an innovation and research center for the state of New Mexico with partners coming from as far as North Carolina and as close as the University of New Mexico and New Mexico State.

CHAIR HOLIAN: So it seems to me that that is a way that the college could partner with the County with our water utility as a matter of fact, to do water quality testing. I really commend you for that because I think that's a real need in northern – well, in all of New Mexico.

MR. SERNA: Madam Chair, we would love to follow up with you on your ideas on how we could make that happen.

CHAIR HOLIAN: Okay. Great. Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, on that point. Have you had any interaction with our Buckman Direct Diversion?

MR. SERNA: Madam Chair, Commissioner, not to my knowledge, no.

COMMISSIONER MAYFIELD: I suggest you get into contact with Erika Schwender out here at the Buckman Direct.

MR. SERNA: Great.

COMMISSIONER MAYFIELD: You could maybe even do a tour. Thank you.

CHAIR HOLIAN: Thank you, Mr. Serna, Mr. Sanchez.

MR. SERNA: Thank you for having us.

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IX. B. Presentation of City of Santa Fe Reclaimed Wastewater Resource Draft Plan

ADAM LEIGLAND (Public Works Director): MADAM CHAIR, Commissioners, the City of Santa Fe wastewater treatment plant generates about 5,600 acre-feet of wastewater a year and a lot of that they use for other sources. But I think since 1997 the amount of reclaimed water has declined by almost 25 percent and so they recently convened a new group to examine how they want to allocate the diminishing resource. So they convened their Reclaimed Wastewater Working Group. The Santa Fe County rep on that working group was Karen Torres and she is here today to present the City's draft plan. So I'll turn it over to Karen.

CHAIR HOLIAN: Thank you, and welcome, Karen.

KAREN TORRES (County Hydrologist): Good afternoon, Madam Chair, Commissioners. This will be really quick. I just wanted to give you a brief update on this planning process. This was instigated by the City of Santa Fe. They started in May of 2011 and the goal of this is to allocate a limited resource amongst many users. One of the key issues involved in this is the ability to use this water for irrigation. During the peak demand there is more water needed than is actually available, so trying to figure out how that gets allocated is very important.

Adam did mention about the supply. The supply of effluent actually decrease since 1995, that is available. That is due to water conservation efforts on behalf of the City of Santa Fe for lower indoor water usage and also there has been an increase in the actual use of effluent too. So there is a report that is in your packet. If you want further information on that page 10 has a little chart on there that would show you the decline in the available amount of effluent through time.

Through the planning process they looked at several different criteria for different proposed uses for the effluent. One criteria is to assure the project has community acceptability. Also there is to improve the water supply viability, protect the environment and to manage the cost. So there was about 15 different proposed uses and they were arranged by criteria. There's more detail on this analysis on page 23 of that report.

One of the things that was interesting about this is most of the effluent is outside of the city limits; it's actually in Santa Fe County. Our constituents do benefit from that. It's used at the Municipal Rec Center. It's used at Marty Sanchez Links. It's utilized for the BLM land. They have an interpretive center there at the Caja del Rio landfill. It's been a big benefit to Santa Fe County.

In my memo on page 2 I synthesized the projects that were discussed and their ranking, which is one through 15, and I also indicated which Commissioner district the project was in and the amount of water that would be used. So if you'd like to we could go through those or we could just move on.

CHAIR HOLIAN: Thank you, Karen. First of all, I'll ask if there are any questions from the Commission. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. Madam Chair, Mr. Ross, what is the code doing to address graywater? The new code?

STEVE ROSS (County Attorney): Madam Chair, Commissioner Mayfield, yes. I'm not conversant with the details but it is going to address it.

COMMISSIONER MAYFIELD: Well, we'll get to it when we get to it. Thank you.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR HOLIAN: Commissioner Stefanics.

COMMISSIONER STEFANICS: Madam Chair, Ms. Torres, thanks for coming today. On your page 2, I don't think some of these are in District 5.

MS. TORRES: Oh, okay.

COMMISSIONER STEFANICS: So let's go down to the bottom. Santa Fe Country Club Golf Course, I believe that's in District 3, Commissioner Anaya's.

MS. TORRES: Okay.

COMMISSIONER STEFANICS: Then if you go up to items 4 and 8, where exactly are those?

MS. TORRES: The Southwest Activity Node Park, or as it's called, SWAN, it is a proposed park. It's going to be near – oh, what is that subdivision called?

COMMISSIONER CHAVEZ: Tierra Contenta.

MS. TORRES: Yes.

COMMISSIONER STEFANICS: If it's near TC then it's also District 3.

MS. TORRES: Is it.

COMMISSIONER STEFANICS: Is that the same thing as 8?

MS. TORRES: I apologize.

COMMISSIONER STEFANICS: I just wanted to clarify, because I didn't think that the water projects were going to get into my district but I just wanted to clarify that. Thank you very much, Madam Chair.

CHAIR HOLIAN: Thank you, Commissioner Stefanics.

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, thank you very much for the presentation. Could you speak more relative to the priority 10 and the total amount of available water? Those long-standing traditional uses irrigation have been going on for a long time. Could you speak to some of the discussion that went on? We passed a resolution as a Commission to support the use – we had some preliminary discussions with the Mayor about piping the water around the beaver ponding areas to make sure that the agricultural water flow is higher. Are they going to have any water left over to be able to send downstream, I guess is my first question. My second question is are they going to be able to – what was the discussion about serving those long-standing traditional communities that have relied and utilized those waters for irrigation for many, many, many years?

MS. TORRES: Absolutely, Madam Chair, Commissioner Anaya, for the supply of water there has been a lessening of the amount of effluent that is discharged. That has been happening over the last ten years, and the amount of water that is sold has increased so there is less water going into the river. On an annual basis, a lot of water is released and does get down to the La Bajada area, sadly, not necessarily when it's needed by that area. The

peak irrigation season, June and July, that is the demand for all of the users so looking at that there is not sufficient supply to cover all the demands that are on there.

That being said, there is a notion that there should be a shortage sharing, much like is done in the traditional communities. There's never enough water so certain users get water on certain days and try to accommodate the limited resource in that manner. Now, there is a question as to whether or not even with that sharing if there is sufficient water to actually reach down to La Bajada. The water has to not only pass through the part of the Santa Fe River that has a lot of vegetation and a lot of storage; water likes to stay there. That water has to travel seven miles downstream to try to make it to La Bajada. It takes about 20 hours for the water to get down there and in the wintertime only about 50 percent of that water is picked up. So you have all of these losses of water along the way. So if one acre-foot of water is released from the wastewater treatment plant it doesn't necessarily mean one acre-foot gets delivered down to that.

We're trying to figure out the best way to increase that to make it so that the water that is available does make it down there when necessary. Some of the strategies that this group has been discussing about this and it's been a big topic of discussion, because it is a huge concern – and the City has been very cooperative and trying to tease out some of these issues. To understand the water flow there we really need to get a better understanding of – when water is released, when effluent is released, how much actually gets down there and how long does it take?

One of the issues that has arisen in the past couple of years is the riverbed actually drying out. So then when the riverbed is dry, when effluent is released it just tends to soak into the ground at a higher rate, so it's not necessarily available to slow down. One of the thoughts is that there is trying to keep what they call like a base flow or a small amount of water in the river. A lot of times it's described as an environmental flow, enough to stay in there so that when there is additional water that is available it can reach it's location more efficiently. I don't know if all of it will get there but that's to try to increase that.

Another thought is again I mentioned the traditional shortage sharing. Additionally there's been talk of actual infrastructure solution, looking at aquifer storage and recovery. During the non-irrigation times there is a lot of water that is released that is not utilized that tends to soak into the ground and is available there. There may be an opportunity to have some way to extract some of that water in order to get folks over that hump, when things are in an emergency situation. That would eliminate a lot of those losses, a lot of the water that goes away in its flight down to La Bajada, and also Cieneguilla and Canyon as well.

COMMISSIONER ANAYA: If I could, Madam Chair, just a follow-up, just to restate. Based on that traditional, long-standing use for generations, I see that use as a higher priority than number 10 and want to work continually with staff to figure out ways that we could potentially use our own raw water and utilize some of the systems we have in place for piping to get that raw water into the river and be able – not just for La Bajada but La Cieneguilla and La Cienega to be able to access its use as well.

I guess the other question I have that deals with the Santa Fe County Club was that it was my understanding that the effluent water has been watering the golf course there for a while. If it's a 15 priority, even if it's last on the list, are they going to use fresh water now to irrigate the Santa Fe County Club? Or are they going to be accessing their wells to water the

Santa Fe County Club, which would even be more concerning for myself and the residents in that region. Do you know the –

MS. TORRES: Certainly. The City has a contract with the County Club to deliver effluent to them, and I don't believe they are limited on that and they are not charged for that water. They get to use as much water as necessary or as is available to them for that purpose. I think it was the reason why this particular use was ranked so low is when they started teasing out the benefits of different project, cost or the ability to generate revenue was ranked relatively high and this usage does not generate revenue and so it was knocked down quite a bit. Additionally, I think that they've used some of the access to it and whether or not it provides any sort of environmental benefits and that sort of thing. That did knock that down.

If the contract was taken away and they were no longer allowed to use that effluent I do believe they'd have to find another source. I would have to defer though to the City on how they would like to handle that.

COMMISSIONER ANAYA: So, Madam Chair, Karen, they have a contract that goes to when? Is it in perpetuity?

MS. TORRES: Currently it is. I do believe that the City is looking into that as far as if that contractual agreement should remain as it is.

COMMISSIONER ANAYA: Thank you, Madam Chair. That's all the questions I had.

CHAIR HOLIAN: Thank you, Commissioner Anaya. Well, Karen, I would just like to thank you and the task force. I think that this is a very thoughtful plan. I want you to know I read the whole thing actually, and I realize that there are still many decisions that have to be made but what was important about it is it provided a framework for making those decisions. And so I think another thing that I was really impressed with is that it actually recognized climate change. I think that that's an incredibly important thing for us to be aware of on any planning that we do with regard to water in the future, because we know it's already here and so I just was impressed that they actually recognized that it was something that needed to be planned for and so on.

I do have a couple questions. One is how will the decision be made in the immediate future as to how the reclaimed wastewater will be used, if there's a shortage?

MS. TORRES: There is not a shortage schedule right now that is in place. Right now it's based upon contractual agreements and the uses by the city municipal parks and that sort of use. So the water they sell under certain contracts and then the water that is used by the City for some of their facilities.

CHAIR HOLIAN: Does the City have a specific policy for how that will be allocated at this point in time?

MS. TORRES: It's limited to the contractual amount, so it is – that is when they looked at providing a budget for each of the uses the contractual amount is what they went with. Now, whether or not there's sufficient water to meet what their needs are during the height of need, that's where it gets to be a little bit questionable. From the folks who run some of these facilities and the other entities involved, there's just never enough water when it's needed. There's not enough for any of the municipal parks, there's not enough for the

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downstream irrigators, there's not enough for anyone. I think that is important though and it will be something that is pieced out to try to understand how to best allocate this.

CHAIR HOLIAN: Yes. Well, I think that that's an incredibly important next step, what to do if there are water shortages that actually develop, because as was pointed out in the report, there's more demand than there is supply. Thank you, Karen.

XIV. MATTERS FROM THE COUNTY MANAGER

A. Miscellaneous Updates

2. Courthouse Status Update and Public Parking (Possible Action)

[Exhibit 4: Spreadsheet Comparison; Exhibit 5: Area Map]

CHAIR HOLIAN: I want to note that there could be possible action on this item. Katherine. And I would like to recognize Judge Ortiz and District Attorney Pacheco who are here on this, and Sheriff Garcia, who has been here all along.

MS. MILLER: Madam Chair, Commissioners, I think this is a real important subject to bring up to you. We had several discussions at the staff level and then additionally with the different individuals that will be utilizing the new judicial complex parking and those that will be working in the facility. So as we've gotten to the completion of the facility we've run into some issues relative to needing to do some changes to the construction contract based on what we do with the parking underneath the facility.

So we've had a few meetings and there are some differing opinions of those involved in using the parking structure for their staff or providing security for it and budget implications for dealing with it, in addition to needing to make some change orders to the contract. I think that the overall issue is that there's not enough parking for everybody. The number of spaces we have are not enough to provide parking for all of the judicial staff, all of the DA's staff, their vehicles, plus the public, plus law enforcement. So we were at the point in time to decide, well, how do we apportion the parking in addition to whether or not there's public parking.

And there are very differing opinions on whether we should have public parking in the facility or not. I want to make sure that you hear all sides of the issue, so the individuals that we've had in several of the discussions with the court and Judge Ortiz and the judges and the judicial staff, the DA, that's Spence Pacheco and her staff that would be utilizing it. The Sheriff with law enforcement, and then just the County staff and how to move forward on this. So what was put in front of you is kind of a spreadsheet. *[Exhibit 4]* We had different discussions as to number one, whether there's any public parking at all, and when you look at the spreadsheet what you have are kind of three options for you to consider. That is that there would be no public parking. That would then require no staffing to deal with ingress and egress to the parking lot. It does not have any recurring costs to maintain with no public parking. It would be predominantly DA and judicial staff that would be in there as well as the judges. It would provide what I would call a recurring savings because \$28,800 because we would need to buy about 40 spaces – oh, and I would like to say that we had allocated about 40 spaces for public parking and if we did not have to provide those then those would be for staff that we would not have to provide elsewhere.

Currently we purchase from the City monthly parking permits at the railyard at \$60 a month. So this is \$60 times 40 spaces times 12 months. So that's where the \$28,800 comes from. The things that we would need to do to the facility in order to do any of the parking – we do need to do changes no matter what the contract because this is not in the original construction contract, but we would need a gate at the top of the ramp, so right off of Montezuma, we would need a roll-down door at the bottom of the ramp, but we would not need a roll-down door between the two different levels because there are two levels of parking. We would make the first level access for public. The second level would just be employees. So we would not need that second level if it's all employees and law enforcement.

And then we would also not need a booth at the top for someone to actually allow people in and out. And then we said, well, what would the security level of this be? That would be the most secure not having any public underneath the facility. The capital costs to do those changes at the top of the ramp and the roll-down door is estimated at \$160,000.

Option two is to have public parking and work with the City to actually do parking enforcement and a kiosk. We do not have a parking ordinance. The County typically does not have any facilities that have public parking or fee for public parking. If we had a fee we'd need a way to collect that from an audit perspective. We'd need to make sure it has good cash controls. We also would need to have some kind of enforcement if somebody – if their meter runs out or whatever.

So one of the things we thought of was a kiosk with the – the City would do a kiosk like they have in the front of our building and they would their parking enforcement and their ability to actually ticket and that type of thing within the municipal boundaries to provide that service for us. It's estimated at about 90 percent fill-rate on this parking. That would generate about \$140,000 a year at \$2 an hour. And that's based on about 600 to 800 public individuals coming through the courthouse which is what the court has indicated they have on a given day.

That would require a gate at the top of the ramp. It would require a roll-down door. It would require a second roll-down door between levels and it would require a booth at the top of the ramp.

We recommend, based on conversations with the Sheriff, that we would have deputies do that and at about 11 to 12 hours a day that it would be open and need to be monitored through the lunch period, holidays, things like that. Any holidays an employee would take, that this would be about two deputies, probably somewhere between 1.5 and 2 deputies. But two deputies would be about \$107,000 a year recurring, but that could be offset by the \$2 per hour fee, at the \$144,000. That would also give us some funding to work with the City to trade those 40 spaces for spaces elsewhere for employees.

So that would be probably mid-level of security. It would require the same capital costs as the third option of about \$241,000, and then the third option would be that it would be free, but we would still need attendants because of the volume of vehicles that might be down there at any given time. You'd need somebody at the top to control that flow of people, making sure that it's people who have court business. Using two attendants based on the salary that we provide for the attendant who currently does that over at the DA's parking, that's about \$78,000, recurring cost. There would be no revenue under that scenario. We

would have to purchase about 70 to 80 spaces elsewhere for the staff. And that would run about \$50,000 a year to do that. And that's \$241,000.

So I wanted to make sure that you had all the information we've looked at. It shows you the details in the next section of the options, and then we also looked at the parking that's available within five blocks of the courthouse and we wrote all three of those. [Exhibit 5] Those are the parking structures that currently exist within five blocks. And then also we looked at what is available at other similar district courts. The closest we could come up with is Albuquerque where you have a fairly condensed downtown. Most of the others have very spread-out areas for parking and parking is not an issue for them in Dona Ana County and up in San Juan County

So with that I just wanted to give you this information, but I really do believe that the Sheriff, the District Attorney and the Judges have their concerns and issues and I think that they're here for that. So with that I'll have them speak and then I can come back for any questions.

CHAIR HOLIAN: Thank you, Katherine. Judge Ortiz, would you like to say a few words?

JUDGE RAY ORTIZ: Yes, Madam Chair, members of the Commission, thank you for the opportunity to present this afternoon. I'm Chief Judge Ortiz representing of course the entire First Judicial District, all of our eight elected and appointed judges and all of our 100 employees. Just as a preliminary matter I'd like to thank again the Commissioners for all your support historically for the judiciary and certainly for this courthouse. You are now \$65 million and counting with the money you have spent, the public money that has been spent on this project and most recently the \$275,000 that the County appropriated for furnishings for the courthouse.

I was given notice of this meeting late last week and I'm given to understand that one of the options that is being considered by the Commissioners as part of the overall resolution of the parking issue is to eliminate public parking altogether and I wanted to express in the strongest possible terms, as strong as I am permitted to do as a judge and not as an advocate that the judges are opposed in the strongest possible terms to omitting public parking from the facility as a whole. Frankly, it comes as a complete surprise to the judges, dare I say, shock, to the judges that elimination of public parking was being submitted. I would submit to this honorable Commission that public parking in a courthouse is one of the prime examples of public facilities where the public business is conducted on a daily basis and that public parking is an integral part of allowing the public to access the courthouse.

In terms of the statistics that were alluded to, the statistics that we have are that an average of 700 people per day come into our courthouse. Some days it's upward of 1,000 people per day, an average, therefore, of 14,000 people on a monthly basis, upward of 18,000 people on a monthly basis, depending on the public's business that's being brought to bear. And we would respectfully submit that a number of the public, a significant number of the public would be turned away if public parking were eliminated.

I think context is very important here. There was a meeting that Katherine Miller referenced in her comments to the Commission. I was called to that meeting basically right off the bench so I didn't have a chance to gather some information but I do have some information I'd like to present to the Commissioners in terms of context and the importance

of allowing some public access to the parking. I have a series of handouts for the Commissioners and likewise a series of handouts for County staff. [Exhibit 6]

I'll go very briefly through these, just as a matter of setting forth the context in which the whole parking issue associated with the public courthouse. This is parking attached to the courthouse came up. The very first handout here is excerpts from a study over 100 pages long done by the National Center for State Courts, so any time any court in the country, any community in the country is thinking about building a courthouse an extensive study is done. And so on the very first handout of a very lengthy study I'll refer the Commissioners to page 35, goal 4 of six goals that were the summary goals of the study that was done, and this is on the basis of extensive data analysis and interviews over a six-month period of time. So goal 4 was the courthouse should offer an environment easily accessible to the public and user-friendly. The very first bullet point under that is the courthouse should be provided with adequate parking for judges, court employees, jurors and court visitors, obviously referring to court litigants.

The very next handout here is from the architectural firm Durrant and Associates. This is of course the firm that was hired by the County to design the courthouse. This is one of many studies so this is draft one. Draft after draft were done all throughout the process of designing the courthouse, and all of them basically said the same thing in terms of parking, and I'll refer you to page 68 of this Santa Fe County complex architectural space program. Page 68 references the parking requirements in the very first bullet point: provide adequate public parking for daily visitors during jury trials and jury assemblies.

During the time that the whole courthouse issue was being considered by the public of course a general obligation bond was put before the voters in November of 2006. I need to point out and emphasize that the judges themselves coordinated a very extensive media campaign to encourage voters to vote in support of the general obligation bond which of course provided the funding in large part for the courthouse. The judges fanned out to every major constituency in the city and what I was able to pull out of my own file is the third handout here which is a preliminary list of clubs and organizations, and this was an early list that the judges themselves fanned out individually and collectively to make presentations to. So this was then Chief Judge Hall, then Judge Barbara Vigil, now Justice Barbara Vigil, myself, Judge Mike Vigil, Judge Tim Garcia and Judges Pfeffer and Daniel Sanchez.

We all went out to various organizations, and these were not casual comments. These were focused presentations, sometimes lasting a half hour with slide shows, and you can see the list. Lions Club, Chamber of Commerce, the Civitans, the Elks, Eagles, police organizations, League of Women Voters, variances alliances or associations, VFW, various business groups, bar associations, and then of course we covered the entire northern part of the state in terms of state senator and state representatives in addition to the Governor. So every one of us made individual and collective contacts.

And this is, I must point out, a very preliminary list. So it was a very organized campaign where promises were made to the public about parking that was going to be associated with this particular facility. The main talking points were of course pass the bond issue because there would be no tax increases. It will enhance security because we can control the flow of prisoners through the facility. We will of course double the size of the courthouse to provide greater service to the public, and the public parking attached to the

courthouse will be very significantly increased. As the Commission would be reminded there are currently only six parking spaces attached to our existing courthouses and one of our major pitches to the public was it's not just the six; it's going to be increased many-fold.

At that time we were talking about upwards of 100 parking spaces attached. It has since been reduced over time for various reasons to 40, which is what we're talking about now in terms of public spaces. But there were promises made by the judges to these various organizations and others and to all representatives, all elected officials.

The fourth handout is an example of a memo that was put out by then Chief Judge Hall, and this was at a meeting that was held at the courthouse September 18, 2006, just less than two months before the bond issue, and it was at this meeting that a very extensive and expensive media campaign was put together and there were mailers sent out to all registered voters, flyers put out, more speaking engagement and at every single one of those there were representations made that there was going to be public parking attached to this particular courthouse.

And then the last handout is a June 18, 2008 letter to Joseph Gutierrez to then Chief Judge Stephen Pfeffer and the focus of this letter was again on parking and the context here was going to be an effort to reduce the public parking for various reasons that were related to architectural limitations and I just wanted to point out right in the middle of that first page, Chief Judge Pfeffer reiterated again that in seeking voter approval of the courthouse bond it was represented to the public that there would be an increase in public parking with the planned court.

It's part and parcel of the efforts that have consistently been made and the advocacy on behalf of the general public by the judges that public parking be attached to the courthouse. Now, this is the first time I've seen this spreadsheet that has been presented to the Commissioners. The option that – and these type of options were discussed at the meeting that Katherine Miller represented to you earlier, the meeting that was held last week. They weren't numbered necessarily like this but the option of course the judges would prefer and are strongly arguing for is option 2, because that's got public parking associated and attached to the building.

There were a number of concerns raised by the District Attorney in terms of concerns to protect the safety of her deputies and of course the judges are concerned with protection of the safety of the deputy district attorneys. We're also equally concerned with protection of the safety of our own employees, safety of judges, safety of the general public. But those safety concerns can be addressed by item 2 on this spreadsheet basically by having the roll-down door, the big gate drops down at a certain time in the evening, 5:30, 6:00, whatever the Sheriff recommends to prevent individuals from going into the building past a certain point.

Of course the DA's, assistant DA's who work late, judges who work late, staff who work late can come out of the building because it will be a mag-card protected gate so the gate will life up for coming back out of the building but we're basically – this concept would eliminate individuals coming in [inaudible] the security basically over the evening and nighttime hours. We could open up the gate 7:00 in the morning, 7:30, whatever time the Sheriff recommends. Same thing, with this roll-down door required between levels. That way you could manage security further.

A booth at the top of the ramp where you could manage the number of individuals who are going in and again, we're talking about 40 spaces. And I would like to emphasize the vast majority of hearings at the court are half an hour or less. So there's going to be a lot of turnovers of individuals coming in and out of the court. And so there can be a very easy count kept of individuals who have public business there and once the 40 space limit is kept they could be turned away to other parking facilities.

But the idea of not having public parking associated with the courthouse, again, the epitome of a public building, is something that the judges are very, very, very concerned about. And again, having seen this spreadsheet for the first time maybe 15 minutes ago item 2 is the item or line item which is the one the judges would certainly be in favor of. I'll certainly stand for questions from any individual or group of Commissioners and be willing to provide any further information that the Commission desires.

CHAIR HOLIAN: Thank you, Judge. Maybe we'll have the other people who are here to speak, speak, and then I'll open it up to questions.

JUDGE ORTIZ: Thank you.

CHAIR HOLIAN: Thank you, Judge. Sheriff Garcia.

ROBERT GARCIA (Sheriff): Madam Chair, members of the Commission, with all due respect to the Honorable Judge Ortiz they did go out and I know Commissioners went out and campaigned for a new judicial complex with the understanding that I'm learning is that they would provide public parking. My campaign at the time as undersheriff was don't build that courthouse in the downtown area. You have plenty of space outside of the downtown area which would provide for ample parking without having to park underground, causing my office, with the concerns that I have here today. The location, that I just mentioned, I have major concerns with public parking underground at a courthouse that we now provide security for. If something should happen I am going to be answering for whatever takes place with regards to security in that courthouse.

I could be providing, with the number of deputies I have now, I don't even have enough to cover the security for the upper levels without even thinking about the underground parking. So in checking with the US Marshal's Office this is the first time that this County has ever moved into something that we're experiencing now with the growth of the judicial complex, so we're going to learn as we move. Understandably I will work with staff and Commissioners and the court – we're going to have to come to an agreement somewhere in terms of the issues as we move forward. But that is my major concern and in checking with the US Marshal's Office and in checking with San Juan County, Las Cruces, again, they have no underground parking but they have ample space between the parking area for the public and the building itself, the courthouse.

The number of deputies I have, correct me if I'm wrong – ten? Eleven? Ten. Las Cruces, for the same amount of judges and hearing officers and the number of people that visit the courthouse on a daily basis, on an average of 900 a day, this year in six months we're at 105,000. Last year for the whole year we were at 186,000. So the concern is 40 spaces for an average of 900, even though they say most hearings last one-half hours, it's going to create a major problem for us. So I have major concerns there. I stand for any questions. I'm hoping that we can work with regards to providing public parking somewhere outside other than the underground parking.

Right now district courthouses provide parking for the public where they sit everywhere at this point, so there's parking available within five blocks which you now have around the Santa Fe area other than the municipal parking lot across from the judicial complex. That was never there to begin with. So there is ample parking and I think we can accommodate the public and work with them to try to accommodate that. Thank you.

CHAIR HOLIAN: Thank you, Sheriff. District Attorney Pacheco, would you like to say a few words?

ANGELA PACHECO (District Attorney): Good afternoon, Madam Chair, members of the Commission. How are you all? You guys are between a rock and a hard place. Parking in downtown Santa Fe is a very emotional topic, and parking at the courthouse is a real problem because currently at the courthouse there's not enough parking for us as it is. All of my staff run around looking for parking just to get to the courthouse. Now with the new courthouse, for the past four years we have not had any parking and we haven't had parking for our victims, we haven't had parking for law enforcement, we've had to overcome a lot of difficulties involved with parking. And I would love to have a parking lot. As a matter of fact a parking lot was taken away from us. Now that is a moot point.

Parking is something we all want. The issue though, and it's an issue that we have to wrestle with, is the issue of security. That's really what it comes down to. You have spent lots of money making that courthouse secure, and you spent a lot of money providing a secure parking area for the judges to then have them drive through a public parking area which is unsecured basically. You either have a secured parking lot or you don't have a secure parking lot. There's no such thing as half-ways, because you still have to drive through the public parking lot.

I came to you before because of my concern for the staff. About three weeks ago, I believe it was about three weeks ago a Texas prosecutor was shot down in the parking lot at the courthouse. The last time there was a shooting at the courthouse it was a defense attorney in 1999 walking outside the courthouse and I will always remember that because I was the one who had to notify his wife and his parents when it happened. I'll never forget that day. The last time before that there was a shooting at the courthouse, that was in about the late eighties. I don't remember the exact date, but there was an individual who went to the courthouse because at that time the district attorney's office was housed in the courthouse and that individual went looking for the district attorney, and that individual was shot and killed by deputies or City police.

So I think we're raising issues about security and it's not that I'm trying to be a big cry baby about it but either you have a secure area or you don't have a secure area. You can't have something in between. It's illogical. To reference something that Robert Garcia said, he now has five levels of security he has to provide. He has three levels in the courthouse and two in the parking structure, and right now all they do is protect two levels in the old courthouse. The amount of deputies that you have allocated is not sufficient for the courthouse and parking structure as it is regardless of whether or not you open the parking structure. I'm just talking you don't have enough deputies for the security period. And that's a real concern of mine, especially since we also share that area with them. I have to be concerned with my staff, and as you all know, or maybe you don't know, our office has recently – well, the County has recently hired an architect to remodel the front part of our

office and as a result of that they've also hired a security consultant. And I can assure you, the County has hired a security consultant for our office, the security consultant is also going to take into consideration where we park.

So again, you're going to have another big red flag about security. I wish we had parking. Believe me, you have no idea how miserable our lives have been without parking. But for 40 spaces, I don't know how we're going to monitor that. I really don't. And again, we still have to drive through that area, where the public parks, and the purpose of having a secure area is to protect us from the public. Parking lots are very dangerous and I am concerned for m staff and the court staff. So I don't know what to say to you. You have a very difficult decision. I don't envy your decision but we're all bringing to you the facts and you will be the ultimate decision makers. Thank you for your time.

CHAIR HOLIAN: Thank you, District Attorney. Okay. I will open this up to questions now. Any questions from the Commissioners? Commissioner Chavez.

COMMISSIONER CHAVEZ: Thank you, Madam Chair. I don't have a question right now but just an observation and to the judges, Judge Ortiz, I think that it may be a little unfair right now to portray that all of the information was shared to the public during the campaign when that promise was made from what I can see how conditions have changed. I don't think the public knew full well the restraints that we had on that building site and the fact that there were many unknowns going into the project. We had to adjust the parking accordingly.

And so to hinge our decision only on that campaign and promises that were made to the public during that campaign for me is a little unfair, and I am not going to base my decision on that one campaign or promises that were made to the public, because I think I feel that I have a larger responsibility and I need to look at the facts as they are presented with current information and with the completion of the courthouse we know that we have those restraints. And so I'm going to be making my decision based on that. I just wanted to share that with you and touch on that process just a little bit.

But having said that, Madam Chair, I think that if we are going to – if our decision is going to be based on security and being fiscally responsible, that's where I will – those are the areas where I will base my decision this afternoon, not with any disrespect to the process we've gone through so far or promises that were made. I just wanted to lay that out. Thank you, Madam Chair.

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

COMMISSIONER STEFANICS: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Stefanics.

COMMISSIONER STEFANICS: Madam Chair, none of the sitting Commissioners were here when we decided where the courthouse should be so we weren't involved in that decision and that decision might have been different if in fact we had been here. Maybe it wouldn't have been. In the meantime, the \$25 million expense that was sold to the public quickly expanded to many more millions based upon the problems with the property. Now that we've overcome those problems, we're having to decide a matter that could either play to the sympathy of the public or to the public safety, and I'm going to err on the side of public safety. And Madam Chair, I move that we adopt option one – no public parking – in the Judge Stephen Herrera Judicial Complex Courthouse.

CHAIR HOLIAN: I will second that for purposes of discussion.
Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I have many comments, many questions, and I had a presumption that there might be enough votes on this bench to make this decision quickly, one which I'm probably going to disagree with. But I feel it appropriate to give the Commission ample opportunity and time to raise the questions and have the discussion before the Commission jumps to a vote. So I just want to ask the chair to allow that to occur.

CHAIR HOLIAN: Commissioner Anaya, I believe that we will vote on the motion that we've put in place.

COMMISSIONER STEFANICS: Madam Chair, you asked for comments and no one really spoke up, so I think we should have all the comments that Commissioner Anaya wants to make.

CHAIR HOLIAN: Sure. Would you like to move forward with comments?

COMMISSIONER ANAYA: Various questions and then comments, yes. I'd like to call whoever the Manager feels is the most appropriate staff person to come forward to address questions about parking spaces and how it's evolved to make sure that I accurately understand what's presented in the spreadsheet and what's transpired over time. So whoever you feel is most appropriate, Ms. Miller, to do that.

MS. MILLER: Madam Chair, Commissioner Anaya, I think it would depend on the question, because as you know this project has been about a six- to eight-year project so I think there were some people who worked on it and worked on the programming and design initially, so it might become the question, but I would say Mark Hogan would be the initial point of contact because he's the one trying to work with the contractor on the change orders.

COMMISSIONER ANAYA: Okay, Madam Chair, Ms. Miller. That'd be fine. So Madam Chair, Mr. Hogan or whoever is most appropriate to answer the question, I'm looking at the memo provided by Chief Judge Ortiz dated June 18, 2008, and I want you to help me understand to make sure that I'm clear. In that particular letter that was provided by then Chief Judge Pfeffer – maybe I'll wait until you get your hands on it if you don't have it. June 18, 2008.

And before I go any further I appreciate the opportunity the chair has given to go through a discussion and hear the questions and comments that I might have and maybe other questions that may come about. So I appreciate that, Madam Chair.

In this memo, Mr. Hogan, if you look down, let's see, to the fourth paragraph, it refers to spaces, 60 non-secured spaces, 24 secured spaces, and then the lower level will now provide 70 spaces, which will result in total spaces of 154. Is the 154 spaces reflected in this letter the number reflected in the onset or was it even greater than that number, Mr. Hogan?

MARK HOGAN (County Facilities Manager): Madam Chair, Commissioner Anaya, the current parking count is right in at 154, so that number remains constant.

COMMISSIONER ANAYA: So, okay, so Mr. Hogan, the current level is the reflected 154 spaces, so from 2008 until now, the spaces were going to be utilized for judicial personnel, including the judges, some district attorney parking, and public parking, as

reflected in 2008 in this memorandum, at the time of this letter, not memorandum. Is that accurate or not accurate?

MR. HOGAN: Madam Chair, Commissioner Anaya, I believe that's accurate. The numbers that came in terms of the allocations but those were all the basic parties that were seeking parties in the lot, in the garage.

COMMISSIONER ANAYA: So, Madam Chair, Mr. Hogan, if we back up to the previous paragraph we see 150 spaces of non-secured and 40 secured parking for a total of 190 parking spaces. Was that 190 parking spaces the total number that was to be allotted at the onset before, as Commissioner Stefanics alluded to there were design changes and engineering changes that necessitated reducing that parking amount? Was it 190 parking spaces that we were going to have established as former Chief Judge Pfeffer laid out? 150 and 40 for 190 total?

MR. HOGAN: Madam Chair, Commissioner Anaya, I really don't have the history to answer that question. I do know that there were some parking places that were lost when the discovery of the buried petroleum came to light. Some parking was eliminated so that we would not have to excavate further into the ground. Whether that was 40 spaces or not, I wasn't around. I don't know.

COMMISSIONER ANAYA: Madam Chair, Mr. Gutierrez was here so maybe Mr. Gutierrez can answer that question.

JOSEPH GUTIERREZ (Community Services Director): Madam Chair, Commissioner Anaya, can you refer to the paragraph that you're talking about?

COMMISSIONER ANAYA: Paragraph number 3 on the letter dated June 18, 2008 signed by Judge Pfeffer, former Chief Judge Pfeffer.

MR. GUTIERREZ: I see. Okay. This was the plan back then. I don't remember the specific amount of parking spaces but again on the original plan before we went to construction, before we addressed the remediation issues, this was the number that was approximate. After we went through the remediation issues and went back to the construction and the design, there were certain changes that needed to take place. I think there were adjustments for handicap parking. There were adjustments for the HVAC control room and some of those things. So there were parking spaces lost during that process. Again, this was just an approximate amount.

COMMISSIONER ANAYA: Madam Chair, Mr. Gutierrez, understanding that we had to make engineering adjustments to the building, what was the highest level of public parking in number of spaces that was programmed into this facility?

MR. GUTIERREZ: Madam Chair, Commissioner Anaya, I'd have to go back to our records. I couldn't give you an answer right now.

COMMISSIONER ANAYA: It was more than 40, wasn't it?

MR. GUTIERREZ: I don't remember that number. It was never a very large amount, and I don't believe at that point we set exact numbers for public, for judge parking, for any visitor parking. It was always an approximate number, what that space could handle.

COMMISSIONER ANAYA: Madam Chair, there was never a change prior to 2008 when the bonds were approved or up until now? There was never a discussion about removing public parking until now. Is that correct?

MR. GUTIERREZ: Madam Chair, sorry, I would refer to the County Manager.

MS. MILLER: Madam Chair, Commissioner, the first time it came up was when we started to get down to what change orders would need to be made. So it started to come up in the fall and also at that time we found out that in the condemnation papers there were also seven spaces that were there for Barker and I said we'd need to acquire those as well, that we should buy those out because either way they were going to be public or not, and that was the first time that it had come up, well, what do we do with all these? So there were those, and then the changes, so the acquisition of those seven spaces as well as what we might need to do for the change order.

So no allocations specifically to these will be yours, these will be yours, here's how many total and this is definitive until we started to look at well, why do we have these seven and things like that. So after that, it was about the fall timeframe when we realized we needed to make change orders.

COMMISSIONER ANAYA: Madam Chair, Ms. Miller, just for clarity, the fall being this last fall for this particular Commission that sits on this bench. With the exception of Commissioner Chavez, correct?

MS. MILLER: Madam Chair, Commissioners, yes, but it wasn't brought to you as an item for decision at the time. But it was probably a November timeframe, beginning of December timeframe that I brought forward the issue of the property acquisition of the seven spaces and the public parking issue.

COMMISSIONER ANAYA: So, Madam Chair, Mr. Gutierrez, understanding that we had as Commissioner Stefanics brought up earlier and staff has brought up, engineering and remediation issues that we had to address associated with the project and that we had various engineering challenges and changes that were made to the project, Madam Chair, Mr. Gutierrez, or anyone who wants to answer, we knew we were going to have public parking. Why are we now addressing change orders in design to adequately accommodate those when I have before me a memo of 2008 that articulates not only that we were going to have secured parking but non-secure that was going to include public parking. 2008 to now. Why are we talking about this change now? Why weren't those changes included throughout the project?

MR. HOGAN: Madam Chair, Commissioner Anaya, I can't comprehensively address that because again, that preceded my history on it, but I do know that it has been – the parking allocation in the division has been a constant source of conversation. We've been meeting on this weekly for the last year and a half that I've been here and also prior to that. As we got closer to opening and we started to coordinate the further details of the security requirements and we started getting more input from other users – I think it was the DA's office that really first started really throwing in the light on the conflicts that had not been resolved.

And so as we started investigating those more thoroughly, and also keeping in mind that the environment around courthouses and security has changed dramatically in the eight years since this project was originally programmed. So as we started focusing in on it we got the input of the Sheriff, we got the input of the Marshal. We had meetings in office. Stephen Pacheco from the judiciary has been part of those conversations. So while there wasn't any

resolution we started looking at the options to determine how this parking structure more secure, since that was what we were hearing from all the outside consultants is that security does need to be tightened up here.

So we started looking at different scenarios for gauging the structure, limiting hours and the like. And that's consistent with other security details that we've gotten closer to as the building is prepared to open. We had the first radio testing with the Sheriff's Office to fine out how effective the radios were in different parts of the building and we found that at particularly lower levels there was difficult radio communications. We're having to address changes to improve that. So there's been a number of security issues that have intensified and we're making changes to the building that also includes outside surveillance and other issues, security controls.

COMMISSIONER ANAYA: Madam Chair, Mr. Hogan, I appreciate the try but this project was constructed after the travesties in Oklahoma, after 9/11. So the bottom line is that we didn't do what we should have done relative to security or planning in preparation of not only the secured parking but all parking. So, Madam Chair, here are my comments. Number one, when the Commission voted to pursue the bonds to build this project it was conveyed to the public that there would be public parking.

Number two. The voters were told there would be public parking prior to that vote. Number three. I have been advocating since I became a Commissioner to have and maintain public parking and do what the County said they would do. I have spoke with former Commissioners, former Commissioner Vigil being one who aired her concerns on this bench desiring to maintain public parking. I have spoke with former Commissioner Anaya who occupied the seat that I sit in that throughout the public hearing process that was held publicly in public meetings, but more importantly in this chamber, based on decisions made by that Commission the discussion was had and maintained that there would be public parking.

The public should not take last position in the discussion of this issue or any other issue; they should take the first position. I define public parking, and I had this conversation with our Sheriff and our District Attorney because there was some question as to what access people would have to the public parking. And my definition of public parking that I've always worked off based on the correspondence that I've reviewed and based on the discussions that I've had was reflected by Chief Judge Ortiz earlier, that there is public people that are going to do court business and have public business in the courts, is the definition of what public parking would be, access for those individuals that are doing business in the courts, that are doing business with our District Attorney's Office. That's how I define public parking.

Number seven, I support the Sheriff being able to adequately provide the security. I don't support attendants. I support deputies that would be working in that kiosk to track not only the public, who we seem to be picking on in this issue but to also understand that in security there's always breach of security associated with other individuals that are District Attorney officials or other individuals that are defined as somewhat secure. There can always be breaches there. That attendant or those attendants as deputies will help provide that security, not just for the public access but anybody that's going to go underneath that facility.

Eight. I don't advocate for fees associated with that public parking and that public business. Nine. People pay taxes and we shouldn't always look to their wallets to define or to

fix problems that arise that were of no fault of theirs, theirs being the public. Ten. Uphold the desire and the intent of the public, our citizens. Let us please maintain public parking. Maintain the intent and the integrity of this County, of this Commission, and the prior Commission that had the responsibility of making the difficult decisions that they've had to make continuing through this Commission, as recent as providing for options for furniture so that we would have open doors at the judicial complex.

Most importantly, most importantly, maintain that will, maintain that public safety, maintain the trust of the public to have and attain that public parking in a secure way. Thank you, Madam Chair.

CHAIR HOLIAN: Thank you, Commissioner. We have a motion and a second on the floor but I would like to make a few comments as the seconder. I would also like to reiterate what Commissioner Stefanics pointed out that many things have changed with this project over the years, and we have to make the best decision now, based upon what actually exists at this point in time, and we need to do this right. The size of the parking lot has changed over the years and there really is limited space on that site for parking.

From my point of view priority number one is safety and security. No doubt about it. I think actually we all agree on that. Priority number two for me is ample parking for the judges, for the staff in the courthouse, for people from the DA's Office, for the Sheriff's Department, and public parking would be lower on that list as far as I'm concerned. So with that, I would also like to ask our County Manager that in the future she investigate as to whether we could secure public parking in some of the parking lots that are in the immediate vicinity of the courthouse right now, to see whether that might be a solution in the long run. So are there any other comments before we take a vote? Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, just a quick question for our County Manager. Manager Miller, you were maybe looking at some adjacent properties that were vacant, maybe for potential acquisition?

MS. MILLER: Madam Chair, Commissioner Mayfield, I have asked Mr. Hogan and staff to look at talking to the property owners along Montezuma where there are currently some parking – just one level, as to whether they would be willing to either sell property to us for public parking or whether they would partner with us on some kind of public parking structure. So we have made contact with a few of those but we didn't want to go very far.

MR. HOGAN: Madam Chair, could I make just one more point for the record? I do want to address some of the concerns that Commissioner Anaya expressed. We have talked today about the judiciary staff's safety, the DA's staff's safety. We didn't just look at this in terms of bomb threats and large, catastrophic types of threats. One of the things, the most important that came up was public safety in the garage and if you think about scenarios about people coming out of the courtroom and are in a contentious frame of mind and being in a contained place like a parking garage, that additionally is one of the risks that was identified and if you can go out the front door of the courthouse and disperse you are less at risk and bystanders are less at risk than being in a contained space with one way in and one way out.

So I just wanted to make that point that the public safety was definitely included in this discussion. It wasn't just staff. So thank you, Madam Chair.

CHAIR HOLIAN: Thank you, Mark. Judge, would you like to make a final comment?

JUDGE ORTIZ: Yes. To the point made by Mr. Hogan and to the points made by the District Attorney and the Sheriff, the judges are – and I want to emphasize this – are every bit as concerned with safety and security as the District Attorney and the Sheriff. What I would like to point out is if there is not a drop-down gate you're not going to have a secure parking area. Period. And a drop-down gate is part of items two or three on your spreadsheet. So the concerns about whether or not a district attorney or the District Attorney would be assassinated, that a judge would be assassinated – there are more judges assassinated I would duly point out to you than district attorneys on an average basis.

We're certainly concerned with security of the public, security of our staff, security of ourselves, security of the District Attorney. If you don't have a drop-down gate you're not going to have a secure parking area. There's going to be nothing to prevent somebody coming, walking right down that ramp with a gun or a knife and laying in wait. And you can't do that without having a drop-down gate.

So any area of security in that – I applaud the Commission's emphasis on the need for security here but if you don't have the drop-down gate there's no secure parking. There's nothing to prevent somebody coming in at some point at night, laying in wait with a gun or a knife or whatever. Somebody coming in at any time during the day, laying in wait with a gun for a judge to come out of chambers, for a district attorney to come out of chambers, for an assistant district attorney, for a victim. Everybody's going to be at risk if you don't have a drop-down gate, certainly at the front end and certainly between areas.

So the concern, the expressed concern about security, it's impossible to emphasize and maintain that security without that drop-down gate.

CHAIR HOLIAN: Thank you, Judge. And I will note that there is a drop-down gate with all three options. So with that, all those in favor of parking action number one.

The motion passed by majority 3-1 voice vote with Commissioner Anaya voting against and Commissioner Mayfield abstaining.

COMMISSIONER MAYFIELD: Madam Chair, I'm going to abstain from the vote please.

CHAIR HOLIAN: Okay. The vote is three in favor, one opposed and one abstention.

COMMISSIONER STEFANICS: Madam Chair, Mr. Ross, does somebody have to explain their abstention or recusal?

MR. ROSS: Madam Chair, Commissioner Stefanics, yes.

COMMISSIONER STEFANICS: Commissioner Mayfield, I'd be interested about your abstention please.

COMMISSIONER MAYFIELD: Madam Chair, Commissioner, I have a case in front of Judge Ortiz at this time.

COMMISSIONER STEFANICS: Thank you.

X. MATTERS OF PUBLIC CONCERN – (Non-Action Items)

CHAIR HOLIAN: These are non-action items that are not on our agenda. Is there anyone here from the public who would like to comment to the Board of County Commissioners? Former Commissioner Montoya.

HAROLD GONZALES: Madam Chair, members of the County Commission, my name is Harold Gonzales, retired deputy fire chief with the Albuquerque Fire Department and now on the regional – I'm an employee benefit specialist with a company called Legal Shield. We currently offer an employee benefit with Bernalillo County, San Juan County, New Mexico Association of Counties. We were a strategic partner of theirs and we're here to request consideration and approval to offer our Legal Shield and our identity theft shield benefit to the Santa Fe County employees by official resolution or by being able to piggyback off current contracts with Bernalillo County or San Juan County, and I'm here to answer any questions you may have regarding that request and to also let you know that former County Commissioner Harry Montoya is working jointly on this project.

CHAIR HOLIAN: Okay, former Commissioner Montoya, would you like to say a few words?

HARRY MONTOYA: Yes, Madam Chair, members of the Commission, I'm with Harold Gonzales. Thank you.

CHAIR HOLIAN: Thank you.

MR. MONTOYA: Short and sweet. Congratulations, Commissioner Chavez, glad to see you up there. Again, we're just asking for consideration. I know a little later on Katherine is going to have a presentation for you in terms of what you all may decide to do with employee benefits and we're not asking that the County – this is totally a voluntary employee benefit that they would purchase their own as they do AFLAC or other supplemental insurances. So thank you, Madam Chair.

CHAIR HOLIAN: Thank you, Mr. Gonzales. Thank you.

MR. GONZALES: Just one last thing. Our company, Legal Shield, is an American-based company. We're located and our corporate headquarters is out of Ado, Oklahoma, and we've been around for about 40 years. So thank you very much.

CHAIR HOLIAN: Thank you.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR HOLIAN: Commissioner Stefanics.

COMMISSIONER STEFANICS: On this point, this is to our County Manager. We're going to hear about insurance later, I understand, or employee benefits?

MS. MILLER: Madam Chair, Commissioners, yes. Later on in the agenda I had put how we actually currently select employee benefits and then what the process would be if we want to add to that. So that is another –

COMMISSIONER STEFANICS: Okay. Then I'll hold my questions, Madam Chair, until that time. Thank you.

XI. MATTERS FROM THE COMMISSION

A. Presentation

**1. Presentation and Discussion on Property Tax Rates and
Discussion on Possible Resolution**

COMMISSIONER MAYFIELD: Madam Chair, thank you, and you and I have met with Manager Miller on this so I'm just going to ask Manager Miller to give a presentation. She's prepared a great one for all of us and hopefully I can have a better understanding of yield control. I had an opportunity to meet with Mr. Isaac Montoya from the Department of Finance and Administration and they gave a great presentation so I think Katherine is going to incorporate that into her presentation also.

MS. MILLER: Madam Chair, Commissioners, I did want to say that Carole was the one who put this together, but we worked on actually taking a lot of information on what the DFA- Local Government Division and property – when they put their property tax presentation together we got quite a bit of information from their presentation and also [inaudible] how it works for Santa Fe County. So we actually show you in this presentation how property tax rates are set and then how they actually play out in Santa Fe County's tax rates.

So in your packet is a presentation that was put together by Carole and as I said putting a lot of the information from the state's presentation. What I want to point out is in the statutes the property tax code is found in Chapter 7-35 through Chapter 7-38, and this is where it basically says that the property tax is administered by the Department of Tax and Rev and the Department of Finance has a partial but very significant administrative responsibility. So as you can see, the state really has a lot to do with how property tax rates are set even though the County is responsible for some components of that.

Also, as you know, the County Assessor does valuation of property, does the assessments of property in Santa Fe County and those are provided for in the statute, that methodology for property tax purposes is also set out in Chapter 7-36. I won't go through all of that but it tells you on slide 2 who does what function.

One of the things that has been talked about a few times at the Commission meetings is the limitations on property tax rates and that item called yield control, where although the County has the ability and the City has the ability and school districts have the ability to impose rates they are limited by a yield control factor, and I'll show you how that actually plays out in our property taxes.

And then the piece where it actually comes back to you as a Board is that the Board of County Commissioners orders the imposition of the property taxes within five days of getting that rate-setting order from the Department of Finance. It says the Commission shall issue the written order imposing the tax at the rate set on the net taxable value of property allocated to the appropriate governmental unit.

So that's where we get the procedures of how we bring that tax rate back to you for issuing that order. So on 5-3, in New Mexico a mill is equivalent to one dollar for each dollar of net taxable value. The net taxable value is one-third of the assessed value. So if you have a property that's assessed at \$300,000, it's net taxable value is \$100,000 or one-third of that. And then that's what the mill rate is imposed against, that is one dollar per thousand.

MS. MILLER: Madam Chair and Commissioner, yes. That was a House Bill 33 that was put in place – oh, I can't remember. Several years ago by the state legislature to try to provide a funding source for school districts to maintain the school buildings. It's the only little bit of operating that they get. It's very specific to what it can be spent on in school districts and it does go to the voters within that school district.

COMMISSIONER CHAVEZ: So it's typically for operation and maintenance of certain schools.

MS. MILLER: Primarily for just maintenance of public school buildings. And the school district actually has the ability to go to the voters with that or not.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair and Manager Miller, starting with municipal operational, and I know they also were fortunate enough to get some [inaudible] too, but do they cap out also at a certain point? And are they at their threshold and do they have a yield control formula also?

MS. MILLER: Madam Chair, Commissioner Mayfield, yes. If you look – go to municipal operations, look at the first column, Santa Fe, that's inside, the very first column is within the city, that's the CN, and then the R is residential. Then the C in non-residential is the second column. If you go down you can see, and this is – I have to go look at what they have imposed but my guess is they have about 2.87 or 3 mills or something like that. They might have a little more. I'd have to see how yield control has affected it, but you can see that they actually have a different operational rate between – as does the County. If you look at one section up, we have 11.85 that are residential, shows 5.022, that's where yield control comes into play. We have 11.85 imposed. It shows up as 11.85 on the non-residential but on residential the rate is actually five dollars, not 11.85.

And when you look at the city's they have the same effect. Non-residential is higher, but they have to have the same rate imposed. But the city is eligible, as it says here, constitutionally up to 7.65 mills. I'd have to look and see what they actually have imposed. Perhaps Commissioner Chavez knows. I know they're not at their full capacity though.

CHAIR HOLIAN: Commissioner Chavez, do you know?

COMMISSIONER CHAVEZ: I don't have that figure right off but I don't think they're at the full mill levy either but I don't know the actual number.

COMMISSIONER MAYFIELD: So, Madam Chair, Manager Miller, in total it's not 11.85; it could be higher if say the school district that we were in and the city and the county, what would the total total mill be then?

MS. MILLER: Madam Chair, Commissioner Mayfield, look at the very bottom, grand total.

COMMISSIONER MAYFIELD: Okay.

MS. MILLER: That is the actual rate, whether you're in the city limits residential, in the city limits non-residential, 29.581.

COMMISSIONER MAYFIELD: That's the cap.

MS. MILLER: That's it. Now, county – yes, and that's capped by – that's the combination of debt service of all of those entities and the operational with the yield control imposed.

COMMISSIONER MAYFIELD: Okay.

MS. MILLER: That's why they're different, because yield control is different on residential and non-residential. But you know how it works. Then you can see the next two columns. These are probably most places for you that's in the county, that next one is county, and it says out. So you're not inside any incorporated area. So if you're in the county,

residential, not in an incorporated area, meaning not Espanola, not Edgewood, not the City of Santa Fe, your rate total is \$18.36 per thousand taxable value. So if you had a \$300,000 home, \$100,000 taxable, \$18.36, your tax bill would be \$1,836.20 for the year.

COMMISSIONER MAYFIELD: Madam Chair, Katherine, just for argument's sake, that presentation we had a little earlier from the northern school. If they came in and said would Santa Fe County maybe allow us to impose two mills or something. Would that have to be done statutorily? Would that have to be done locally?

MS. MILLER: Madam Chair, Commissioner Mayfield, your district is defined by state statute and the [inaudible] so the county's boundaries, we're the only one – the county boundaries will determine where the county operating and where the county debt service is imposed. The state is – everywhere in the state, every county is going to have a state rate. School districts, whatever the boundaries of the school district is, only entities that live within that – same with the Community College District.

That's why you see so many columns. It's all within Santa Fe County, those are all the different districts. So if you go to the last column for instance, Edgewood. Edgewood you've got the residential in Edgewood, that's the gray column, second to last. They don't have – if you go across their municipal, operational, municipal debt, they have none. So they have not imposed an operating mill, yet they do have the authority to go up to 7.65 per statute. They also could issue debt. They have none. So their rate is the lowest, or it's the same, if you look at that it's just about the same. But what they do have I think is like a little – they probably have something in there that's a little district, their school district, that's slightly different. So that's why there may be 20 cents different that somewhere else. It's probably an Edgewood school district or something. I'd have to look at it closely to see what's different. But that's probably where there's – but it's not from the city; it's from one of the school districts. Because if you notice across the whole county, the state debt service is the same residential as it is, no matter whether you're in the city or the county or what school district.

CHAIR HOLIAN: Commissioner Chavez.

COMMISSIONER CHAVEZ: Manager Miller, where would vacant residential property fit into the mill levy and the rate structure? How are they assessed? Commercial?

MS. MILLER: Madam Chair, Commissioner Chavez, I think it depends on whether it's considered agricultural; that would be a different rate.

COMMISSIONER CHAVEZ: Let's say but it's –

MS. MILLER: If you have a lot that's residential within the city would follow the value of a lot for residential within the city limits or a residential not in the city limits. There are things that determine that that the Assessor makes that call as to whether it's considered agricultural or if you're farming on it or that it might be attached to a home but used for farming, that would end up being probably agricultural. But if it is considered and in our Assessor's record as a residential lot it will have a residential rate based on the – based on its assessed value.

COMMISSIONER CHAVEZ: Thank you, Madam Chair.

MS. MILLER: Okay. So then what the County Assessor – so as you know we do the rate verifications and the BCC has five days to set – to approve the certificate and their purpose for that is that so that then the Treasurer knows what rates to put the property tax bill

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and then send them out. But prior to that, what happens is the County Assessor's Office compares the valuations on the certificate and then the valuations of property tax of the state. So they go through their process of making sure that the valuation that's on the certificate is what they have certified to the state what the county's valuation is. We also verify the math for the rates used by each district, and we research any large or unexplainable changes in the rates.

And they do this in conjunction with our Finance Department to make sure that we're all on the same page. We also look at all of the debt service to make sure that they counted every bond issue that we have out there and what the state has is what we definitely have obligations for. And they verify the math for the rates by each district. Reasonableness compared to prior years. If something looks off. And then as I said they also run through the yield control worksheet, which you'll see later, and we verify all of our debt service schedules.

Just to give you an idea of how – the last column on the next sheet, slide 6, the last time Santa Fe County changed its imposed mill rates was in fiscal year 2000 when a .5 mill increase was passed. This took the imposed mill rate to its statutory maximum of 11.85. But you can see we have 11.85 on residential on residential and we have 11.85 on non-residential imposed. So that's what been imposed and passed by the Commission. However, yield control in 2010 – you can see in 2010 or you can look at any year. 2012. When you run it through that formula it pushes the rate down on the residential side to \$4.69, \$4.70 per thousand on the residential side. That's because we have such a huge valuation in residential. And on the non-residential it would actually say we should have a higher rate, but it's not allowed because constitutionally we're capped at the 11.85. So there's one where it would have been \$12 based on a drop in value. But it says, sorry, too bad, so sad, you only get 11.85, and that's the cap.

So that's where you see no matter what happens with yield control you're still capped constitutionally at 11.85.

And then – and it does by statute says the lower of the two rates is what's imposed, 11.85 by statute or what yield control gives you based on your valuation.

So understanding what that means, what yield control is. Yield control, on the next slide, it's very complicated, but if I could just – I'll try to simplify this by saying that the statute, what it intends to do is tell you that just because valuations in the market go way up you're not going to get a windfall in your revenue for that. What it says is, counties, you're going to be limited on your existing valuations with a growth factor, that your budget or your revenue cannot grow too much. So if you had a million dollars in revenue last year based on this valuation, if that valuation goes up to \$1.2 million and there is no inflation – we'll call the growth factor inflation – then you're still going to get a million dollars in revenue, or whatever your last year's revenue was. We're going to lower your rate because it's your value, times the rate, equals the revenue and it says if your value goes up, if your revenue has to stay the same your rate is going to go down. So that's why you see our residential rate, because our residential values went up and our imposed rate was 11.85 but it said, nope, nope, nope. You're going to get too much revenue, so your rates going to go down.

And it's the opposite on non-residential, on our commercial. It says your values have gone down for the most part since you imposed your rate including a growth factor, so your rate would have gone up to keep your revenue the same, but you don't get to go above 11.85.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair and Manager Miller, and maybe this is for Mr. Perez also, but not so much the revenue side, but even the tax side, if you could help explain to our property taxpayers, because they're concerned about their taxes growing up, but their taxes would go up incrementally also, right? It's not like they're going to see a big, huge hit on the tax increases. Yield control should keep their taxes from going up too, right?

MS. MILLER: Madam Chair, Commissioner Mayfield, yes. Yield control – now, mind you, this is valuation countywide, so each individual property can be different based upon several other factors like the tax lightning issue, whether your property is undervalued. Your property may go up and the rates may have stayed the same and your tax bill is going to be a little higher then. So this factors takes all county valuation into account. And it also has nothing to do with new value, and I'll get to that in a little bit.

Rather than trying to explain this formula, I just want to give you the basic principle, is that it takes prior year's – I say tax effort. It really is taking your value from your prior year and giving you a growth factor to that, because it's driven – it's limited by revenue. So the revenue being the thing that the County gets off of property taxes, it limits us having too big of a revenue growth. So it's going to push the rate down if this is going to be too big of an increase, because values went up due to big market increases.

CHAIR HOLIAN: Katherine, I was just going to say that in the previous slide the points that you're making are kind of illustrated because you can see that between 2000 and 2005, the rate that was imposed due to yield control actually went down during those years and those were the years when houses were really inflating in price. Is that correct?

MS. MILLER: Madam Chair, that's an excellent point. Yes, that shows it, that our valuation, if you were to put that, superimpose that on our valuation, that was when our valuation was going up but the rate went down and it is a factor of saying you're limited in your revenue. That's what the state law does. And that's all without our ability to do anything, and the purpose for that is that the Assessor will do their job. They don't want the Assessor out there undervaluing properties so that he gets or she gets dinged for valuing the property correctly because the tax bill's higher. The intent is that we want you to do every five years the County's reappraisal and we don't want the rate to go up because of that, or your tax bill to go up, we just want you to have the values right. And this formula provides that protection for assessors to be able to go do their valuations and this yield control – it's controlling how much revenue, how much we yield off of that valuation so the person who did the valuation is not being pressured not to value appropriate.

So the state law, the purpose of it is to try to make it so that assessors can do their job, the county doesn't have a windfall, but you do get a reasonable increase in your revenue if there is a growth factor attributed to it in this formula.

So anyway, that's probably my most simplified way of explaining something that's very complicated. If you look in the statutes it's pretty complicated but I do have a couple of

examples where you do it. So if you look on page 8, you look at 2011 operating mill, it was \$4.89 per thousand. This is the residential side. The prior year's rate divided by 1,000, because that's per thousand, and then times our prior year base valuation, \$5,217,000,000, gives us a prior year property tax effort of \$25 million on residential. So that's what we got. That's the revenue that we received in 2011. It may not be exactly what we received. That's what the rate times the value is. Whether everybody paid is another factor and I'm not going to go into that because that has nothing to do with the rate.

So that's the estimated revenue off of the valuation we had. So you take that factor and then you run this through this calculation also of a growth factor. That growth factor, taking that same previous year's base, plus your current net-new. So this is where you net-new value – it's not what is already on the books but the Assessor's efforts at valuing new properties you get a factor that and this does not get included in the yield control. So that first year that it's new it gets full credit for revenue. And it gets added to your prior year base. So now you have a new valuation, which is your base plus your new, but it's divided by your previous year's base. So it's 1.0077. So that's where we get a factor. We get that amount. The rate gets to go up a little bit, that .0077, for the new value. So it gives us that plus you get the state sets that inflation factor, that .033. That's the growth factor.

So the growth factor is this figure that says government spending across the country. It's a factor – it's kind of like the CPI. And it says, well, you get a little inflation factor. So here in 2012 we got an inflation factor of three percent, plus we had a new valuation that gave us another 7/10 of a percent. And so we got the ability, our rate to grow by basically four percent. Because it's at 1.04. And that's the most our rate could grow was four percent based upon new valuation and inflation factor. That's the only two things that the state law lets that rate grow by.

And on the next sheet, on slide 10, here's how it plays out completely. So you had last year's rate at 4.89. You had our base valuation from 2011, giving you a property tax effort of \$25 million. Then you have your growth factor, you had your base rate. You had your \$40 million of new value. So you got 7/10 of a percent for that. Then you get a growth factor of 3.3 percent, and it gives us an ability to have a rate that takes our prior year \$25 million revenue to 1.04 or four percent and allows us to have \$26 million in revenues in 2012. Then you divide that by your valuation, your unprotected valuation and you get a rate. So it says, so there's your rate: \$5.02 per thousand.

And then is that lower than the 11.85 you have imposed? Yes it is. That's your rate. So that's where it gives you a little bit more for new value and a little bit more for inflation and then your estimated revenue then instead of \$25.5 million is not \$26.5 million. So for the \$40 million of new value, plus a growth value on the existing value would produce an estimated million dollars in new revenue. And so that was our difference between 2012's budget and 2013 budget, but then also factor in maybe we collect 95 percent of that in the first year, or 93 percent, so we would estimate, okay, \$930,000. That's where you had as Commissioners some money to work with to provide new positions, the five new deputies for the Sheriff. That's how we get to that figure in the budget.

And we really don't have a choice, but Commissioner Mayfield, we don't have a choice because you can't cut it. You could cut it but you'd have to cut seven mills and it would cost you on the non-residential side.

So the next slide shows you the exact same – that's the formula that the state law makes us run through. Here it is on the non-residential side. Same thing. There's a factor for the new valuation. There's the same growth rate. It allows us on the residential side to go up six percent because of the growth in value and the net-new and all that and the yield control. It's 1.06. If you multiply that by the prior year efforts it runs through the same formula and it would say then you'd have 13.4 operating mills. The constitution says sorry, you can't. You can only have 11.85. that's what you have imposed. Your rate is 11.85. So there's where it works on the non-residential, just the opposite. And that's why – but we have to run it both sides through this formula and we do that to get our County rates for residential and non-residential operating mills.

Now, one of the questions, Commissioner Mayfield, you had asked was, well could we cut the property tax rate? And I was telling you because of yield control you could roll back a mill but your residential properties would never feel it because they're so much below the actual imposed rate.

So if you go to the next slide, slide 12, this is doing the same thing, taking the two formulas I just ran you through on both sides because that tells you how much we get on revenue from the residential side and the non-residential side, and if you were to try to go through and actually cut the rate – oh, here's the collection rate. So 96.84 percent on the total collections. And if you look at this particular one. If you drop – if you look at the box on the lower right hand side and impose that rating rate of 10.85, it doesn't change – it's not going to change your rate at the top. So we ran it through the exact same formula. It won't change your rate at the top. So if you look at the top where it says residential and non-residential, you've got 4.891, residential; non-residential, 11.85. If you changed to 10.85 your non-residential rate is going to drop to 10.85, the very bottom right-hand square. It's going to drop to 10.85. Notice your drop in revenue. Follow those red circles. At the current rate we get \$18 million off of the value at 11.85. If you drop it one mill, run it through the formula. You're now going to have 10.85 on non-residential and your revenue would be set at \$16.7 million in non-residential. But look at what happens to the green boxes on the residential – no change. You ran it through the formula, no change. And you have to keep going until you get to five operating mills before you could make a change to the residential property.

And each time you drop one you show a loss of about \$1.5 million? Did we come up on? Oh, here it is. The very next slide. For every operating mill the County rolls back revenue from non-residential property taxes will be reduced by \$1.5 million. To create a tax break for residential property owners, residential property owners, the operating mill would need to be reduced by 7.1 mill. That would result in a \$10.6 million loss in revenue on the non-residential side and about a million dollar loss in the residential property taxes. So you would lose in the general fund almost \$12 million annually. Before you could even reduce the rate. Because we currently, with yield control, have one of the lowest rates in the state on the residential side. I think we're the second lowest.

So you could roll it back seven mills to reduce it for the residential property owner but it would cost you \$12 million to do that. You could roll it back one mill then your non-residential would get a break, and that would cost you \$1.5 million in revenue. But the big – and then, as I said, you can see in those how much we get from – we get about \$25 million in general fund from residential and we get about \$18 million in non-residential.

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So now there is later in the agenda, there's a – oh, and then the last slide, slide 14 was kind of the summary of that. But there is a bill that's going through the legislature and that's one I was going to bring up later where it gives you an option of not using – so could we go back to slide 10? Okay. On there when you see that about midway through the current inflation factor of .033, there's a bill being proposed at the legislature that says, well, what if we wanted to not use that full inflation factor? What if we only wanted to use – because the state sets that rate. But there's a bill that's going through that's adding a paragraph that says you could use that rate or one that's slightly lower, one by a process that you'd have to work through with DFA. So maybe you'd want to do only a one percent growth factor instead of a three percent. That would be the only place that you could – if that law were to pass, that would be a place where you could actually affect the County operating mill.

But if you were to run that all the way through the formula – I don't know. Carole, did we put a – did we do a thing where we could show it on line, how it works?

CAROLE JARAMILLO (Finance Department): I could go back to the worksheet.

MS. MILLER: Okay. So we could show you – we could bring you one that would show instead of say three percent growth rate as set by statute, if you wanted to do one percent. Something less. We could show you how that would play out. We could run that scenario for you when we talk about it later. All it would do is instead of a rate of like about 5.022, you'd end up with maybe something like 4. – so it was like 4.89, and 5.02, so what's that? A 13 cent difference. Maybe you would have about in that case, say, four or five cents difference. So instead of being 5.022 it would come out like 4.98, 4.95, something like that. And instead of an increase in revenue of a million you might end up with an increase in revenue of \$800,000. I'm just kind of winging it by estimating what that would end up being. But that's how it would play out. That's how that bill would work. It's an option.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Manager Miller, and along that also, what about – and I think we discussed it briefly. We don't have to go into it in too much details as it's taking a long time. It's a great presentation. Carving out potentially Class A counties. Could that be a benefit for us or not? If we kind of looked at our own assessment. Would that be a way to get us whole again? And start this all over for us?

MS. MILLER: Madam Chair, Commissioner Mayfield, I don't know if you could – even if you wanted to, say, let's carve out Class A counties, you don't want to mess with the rate too much because if you said, okay, yield control doesn't apply to Class A counties, how will you get – you don't want the 5.022 to shoot up to 11.85 and kill your residents. That would probably be pretty complicated as to how you would figure that out. I don't know that that's every been talked about, but for sure if they got with the yield control you'd have to do something so it didn't just immediately go up to the imposed rate.

COMMISSIONER MAYFIELD: I know we don't want to have a negative impact on folks. I was trying to save them money. Then I guess, maybe for our budget discussions, one thing we could look at is setting aside net-new. And maybe that's a way to approach it, just philosophically for me, is how we would address net-new and that might be something we might look at.

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MS. MILLER: Madam Chair, Commissioner Mayfield, I think we'd somehow to – because the way new value is – well, that bill, the one thing you could do is that bill that's on later is, let's say you had a lot of new value and you're going to get plenty of revenue from the new value, because we would have already gotten about a 7/10 of a percent because of new value. Let's say you had new value that was up giving you about a two percent increase. If this bill that's at the legislature were to pass, and say you were going to be able to get a three percent growth factor, if you wanted to say, well, you know what? We have enough net-new that two percent is enough. Let's not impose the growth factor. That might be a way of compensating for the new value versus increase in existing value.

COMMISSIONER MAYFIELD: Thank you. That's all I have. Thank you for the presentation.

CHAIR HOLIAN: Okay. Thank you. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Commissioner Mayfield, I appreciate the fact that you requested the presentation. It further clarifies that there's not much that's really clear when it comes to how taxes are calculated and how the taxes clearly equate to what residents pay. So I think that this document and the presentation that Ms. Miller made sheds light on the issue and it's something that we need to delve into further because having a public that understands is important and it's important for us as Commissioners to fully understand it and vet it. So I do appreciate the presentation and you bringing it forward.

COMMISSIONER MAYFIELD: Madam Chair, just a point of clarification. And I still am going to bring that resolution. I think we've talked about it. But it think it was Commissioner Anaya who requested the presentation, so I want to give you that credit, Commissioner Anaya. You definitely wanted the presentation, so thank you, Commissioner Anaya.

CHAIR HOLIAN: Okay. Are there any other questions? Well, I would just like to say thank you, Katherine. It is a very detailed and complex topic and I feel like, by George, I've got it now. So anyway, thank you very, very much for that presentation. And thank you to Carole for all the groundwork that you did to put together the actual numbers and so on. It's really helpful to have actual examples of what's going on. So thank you very much.

MS. MILLER: And Madam Chair, we're going to put this on the web so people can look at it as well.

CHAIR HOLIAN: Okay. Great. So no further questions?

XI. B. Commissioner Issues and Comments (Non-Action Items)

COMMISSIONER ANAYA: Thank you, Madam Chair. I have a few issues and I'd like to thank the Public Safety Secretary to come forward if you could, Mr. Sedillo. A few questions. And you're welcome to bring up the warden or anyone else you feel is appropriate, Mr. Sedillo. We have a report that's in our packet that talks about statistics monthly and issues going on that ties to not really some of the questions that I have but I'd like to get some clarity on few things briefly, and then probably have a more broad presentation to talk in more detail on some of the questions that I'm going to raise today.

Could you talk and just tell the public when the Correctional Advisory Committee is scheduled to begin interfacing and working with the County? That was something that Commissioner Mayfield and Commissioner Holian had merged their resolutions together and we voted on enacting that. Is that in the pipeline? Are we getting close?

PABLO SEDILLO (Public Safety Director): Madam Chair, Commissioner Anaya, actually we are. We had 11 – nine positions. We had 11 applicants. All those applicants did not fit the criteria for the disciplines that Commissioner Mayfield wanted in that resolution. We're looking at that right now. Like I said, we've had 11 applicants. We sent out the packet for them last week. They were supposed to all return them yesterday and I'm not sure where we're at with that but we have sent out all the packets for the information for that.

COMMISSIONER ANAYA: Well, Madam Chair, Mr. Sedillo, we're making progress and there's still an open invitation for the public to apply to fill any vacancies we might have or unfilled areas. Is that kind of what I'm hearing?

MR. SEDILLO: Madam Chair, Commissioner Anaya, I'm not sure of the process, if we have to re-advertise for it again on those positions because we did not have all those disciplines filled.

COMMISSIONER STEFANICS: On this point.

CHAIR HOLIAN: Commissioner Stefanics, on this point.

COMMISSIONER STEFANICS: If you don't mind, Commissioner. I just would like to know the types of vacancies you did not receive applicants for so that we could actively recruit.

MR. SEDILLO: Well, we have plenty of mental health, I can tell you that, Madam Chair, Commissioner Stefanics. I don't have the exact list with me today on those but we were missing someone from the judiciary.

COMMISSIONER ANAYA: Thank you, Madam Chair and thank you, Commissioner Stefanics, I would –

CHAIR HOLIAN: Commissioner Anaya, Commissioner Mayfield has something else.

COMMISSIONER MAYFIELD: On that point, I'm sorry, Commissioner Anaya, but thank you. Also, Director Sedillo, on this point. Could you do some outreach please, if you haven't, and I would just ask that the individuals who were there that night testifying, if you could just do some outreach to see if they would potentially want to be an at-large member, I would appreciate that. There were a gentleman and a lady that were testifying in front of this Commission. If you could get those minutes. If not I'll find them and maybe do some outreach if they would potentially want to be a member at large in our community group. I would appreciate that. Thank you. Or maybe you already have.

CHAIR HOLIAN: Commissioner Anaya, go on.

COMMISSIONER ANAYA: Thank you, Madam Chair, and thank you Commissioner Stefanics and Commissioner Mayfield. Would you – or you made a point – I'd like to ask Ms. Miller or maybe the Commission. It would seem to me that if we had on our website the various committees that we have throughout the county that we should just have it open all the time, and that if people are interested in serving on any committee that they can solicit their application. Obviously, there's an application process that they would have to go

through but more of that information that we get in advance and the more interest we get the better. Is there anything that you think would be negative to do that, Madam Chair, Ms. Miller, or anyone else?

MS. MILLER: Madam Chair, Commissioner, some of the appointments are for like a couple years, so I think we could do that. I think we might want to make sure that we have a whole bunch of people expecting to get appointed. So maybe give some kind of indication of additional information with that, because a lot of the different committees, some of the appointments are like four years. So we wouldn't want to have people in the three-year timeframe going, well, how come I never was called to be on here?

So maybe there's a way we could sort out ones that are shorter term and say, but we're always interested in having people let us know if they're interested in anything because the other side of it is, one committee we might have plenty of members and we just need one member and another one we might need three or four. So let me work with HR and Kristine and the different individuals involved and see if we can't find some way to kind of keep an open if-you're-interested-let-us-know in serving on anything.

COMMISSIONER ANAYA: Madam Chair, Ms. Miller, I appreciate that and maybe just simply publishing who's on the committee and for what, when they were appointed and how long they have would convey the information the public would need to know, the timeline. But I'd appreciate looking into that.

Briefly, and we can have a more detailed presentation later. It's important to this Commission, because I know that they brought it up during the advisory committee discussion and other discussions we've had, to try and engage individuals who are incarcerated in educational programs and other internal efforts to help them once they're released. Are we still doing our educational programs? Are we expanding? Are there areas that we need to work on? Kind of just give me a summary and a barometer as to where we're at with some of those types of programs. There was one highlighted, for example, on the news, in Bernalillo County that dealt with education specifically.

MR. SEDILLO: Madam Chair, we certainly do have several programs and I can provide you with a list of all the programs that we have at our institution. As a matter of fact I walked the facility this morning prior to coming to the County Commission, walked into a GED class, actually for the females. Walked in there and spoke to the females. They're having various studies that they were doing. They were doing some writing. Some were doing some science and math, so I asked them how it was and they were very excited about having the opportunity to have education to them at the facility.

I can provide you with all the volunteers that we have, the different programs, provide the Commission, and all the attendees that we have as well.

CHAIR HOLIAN: Commissioner Anaya, if I might make a suggestion. Could I put this on as an agenda item on our next meeting?

COMMISSIONER ANAYA: I don't know about next time. I just have a couple more questions that I'd like to ask him briefly, if that's okay. Mr. Sedillo, relative to the GED program, are we still coordinating with Santa Fe Community College and are they doing the testing for that program, because that's my understanding of what occurred, they would come in and help with the testing. Is that still happening and what was the last time that you were aware of that we had that, or are we still doing that?

MR. SEDILLO: Madam Chair, Commissioner Anaya, I'll defer that to the warden.

COMMISSIONER ANAYA: Okay.

MARK GALLEGOS (Warden): Madam Chair, Board of County Commission, Mr. Anaya, thank you for allowing me to speak here and kind of explain what our programs are. I can tell you last month we had over 144 attendees in the GED program. We're in collaboration with the Santa Fe College to re-sign a program to have them come over to monitor the tests. So we are preparing for that and waiting for them to respond to a contract. However, we do have that in place and waiting for them to respond back. They have to have the proctors come over and proctor the test.

COMMISSIONER ANAYA: So, Madam Chair, Mr. Warden, we had a contract and then that expired and now we're re-initiating it?

MR. GALLEGOS: Yes, sir.

COMMISSIONER ANAYA: Okay. And then two more questions, Madam Chair, brief, I think. I know there's been capital improvements going on. Could you give me the sense of the general condition of both facilities and some of the capital improvement projects that we've been doing lately and some we plan to do?

MR. SEDILLO: Madam Chair, Commissioner Anaya, as you are well aware, we were afforded the capital outlay projects and afforded the budget to fix that facility, to upgrade a lot of our security measures in both institutions. A lot of the issues that we're dealing with right now in regards to our capital outlay projects are just the basic neglect of general maintenance of our facilities. There was not a preventative maintenance program. We instituted a preventive maintenance program on there. When we're doing some of these capital outlay projects we're encountering some issues and we're dealing with those issues as we encounter them.

But we are making a lot of progress in regard to the adult facility. A little progress at the youth facility at this point but we do have an outlay project for them as well.

COMMISSIONER ANAYA: Madam Chair, Mr. Sedillo, I appreciate that. There's always things that we can improve and build upon and I know that internally, based on what you're telling me we're working on those things and we're dealing with those issues as they arise and trying to do preventative maintenance and planning.

Last question, tied to population and our efforts to help the federal programs and deal with other federal and local inmates. Are we improving that relationship? My understanding, we've expanded the use of the facility and have begun building more and more the confidence from the federal level and other entities that utilize that facility. Do you want to just briefly touch on that?

MR. SEDILLO: Madam Chair, Commissioner Anaya, thank you for that question. It's a great question. I think that the US Marshal [inaudible] on a regular basis. When we first entered our contract with the US Marshal program they had allocated 125 US Marshals on a constant basis. They've done that plus more. So we're averaging about 135 US Marshals in addition to about another anywhere from 8 to 12 BOP. So we're averaging about almost 147 federal inmates in our facility, which is a great boost to our revenue.

COMMISSIONER ANAYA: Thank you, Madam Chair, and I know that we're striving toward that accreditation, working with the Association of Counties and other

entities to get there. So I appreciate those efforts and we have a regular report that's in our agenda that we talk about statistics and we talk about numbers but I think this discussion that we had briefly gets into more of some of the programmatic aspects and some of the other areas that we're working to approve. So I appreciate the time, Madam Chair, and I appreciate the information and the work of your staff, the warden and the entire staff at the facility. Thank you.

MR. SEDILLO: Thank you. Madam Chair, if I may respond to Commissioner Anaya's –

CHAIR HOLIAN: I believe that Commissioner Stefanics has a couple questions for you as well.

COMMISSIONER STEFANICS: [inaudible] I hope that the committee can get going even if it's not completely filled with participants. The second thing is I would ask for a listing, especially – well, in both the adult and juvenile facility of programs that are led by volunteers and led by paid contractors. And the reason is a past contractor is interested again in participating and I don't know if we're moving all towards volunteer activities or not and I'd like to see the breakout of those.

And the third thing was I understand that there might be an opportunity to have a free composting machine for a couple weeks to try out and I hope you all will look into it. Thank you very much. That's it.

CHAIR HOLIAN: Thank you. Do you have anything else that you would like to add under Matters from the Commission? So Mr. Sedillo, did you have something you wanted to add before we go on?

MR. SEDILLO: No, Madam Chair. I was just going to thank Commissioner Anaya for bringing those topics up. It's a challenge every single day and our staff do a very good job combating all the issues that we have on a day-to-day basis and when you oversee a facility and you run a facility you encounter those challenges on a day-to-day basis. But I think that the staff, the administrative staff all the way down to the line staff are doing an excellent job in collaboration with our Santa Fe County Sheriff's Department and other entities. So they have a good communication with all of them So thank you very much for bringing that up.

CHAIR HOLIAN: Thank you, Mr. Sedillo. Actually, before we go on from Matters from the Commission, I've noticed there are a number of people who have come into the courtroom now, and if you are here for a land use item under the Public Hearing, that probably will not happen for quite a while. We still have quite a bit of our agenda to go through, and so I would estimate that we won't even start our Public Hearings for the land use cases until around 7:00. I just wanted to warn you about that in case you want to go have dinner or something like that.

So anyway, what I will do now is go on with Matters from the Commission, and then I believe Commissioner Chavez would like to make a motion about the agenda. First of all, we'll start with Commissioner Stefanics and work our way down.

COMMISSIONER STEFANICS: Thank you, Madam Chair. I just wish to say Happy Valentine's Day to our staff, our employees, our public, and perhaps on Thursday you could wear red and be nice to your colleagues. That's all. Thank you.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, I also want to wish everybody a Happy Valentine's Day and thanks to our staff for all the great work. And Mr. Sedillo, you went away too fast, but that's okay. Pablo, would you mind coming back up for one second? Pablo, I had an opportunity to speak to you I guess offline, online, and I just wanted to thank you also. I know I asked you about the advisory committee and I also asked you a couple things about how the visiting process is working at the jail, and you educated me and I haven't had an opportunity to see it, but you told me great things that I wanted to hear, so I wanted to thank you for that. And I just want you to share that with everybody. So Pablo, if you could just give us a little insight on that.

MR. SEDILLO: Madam Chair, Commissioner Mayfield, thank you very much. One of the issues we had in our visiting was that there was a lot of people that were coming in visiting. We have a very small lobby at that facility. We have a very large second floor at our institution. We have a very large area for visiting. So what we did, because people were sitting and standing up and waiting outside for the visiting. I thought that was very inappropriate. The warden and I spoke about that. So what the warden did, he put some chairs up on the second floor, a lot of chairs, and put a television set for the kids and have videos for the kids so that they will be able to be entertained while they're waiting for visitation. We have a staff member who's up there. A case manager is up there as well to talk to the visitors. I've actually been up there and helped facilitate some news from the inmates to go see their families as well.

So I thank the warden, I applaud the warden's efforts in making sure that the general public is safe, number one, and number two, that they don't wait there long periods of time. And that the kids – most importantly the families are being taken care of.

COMMISSIONER MAYFIELD: Thank you, Director Sedillo. I really appreciate that. Thank you. So I'm really glad you pointed that out. Thank you.

COMMISSIONER CHAVEZ: Mr. Sedillo, before you leave I want to thank you for your time here today and for your personal one-on-one time that we had last week. And we covered almost every topic that was discussed here today, even the advisory committee. So I think we covered all of our bases but I think that moving forward, what I would like to do as we talked about at our meeting is take a tour of the facility and see what you're dealing with on a daily basis on site, because we can talk about it here or over breakfast, which is fine. We can share that information. But going onsite to actually experience what you deal with on a daily basis is I think where I would like to be. So we'll schedule that as we move forward, but I wanted to thank you for your time now, today, and for our meeting one-on-one.

MR. SEDILLO: Madam Chair, Commissioner Chavez, the Commission is always welcome to come to our facilities. And I will say this, not only the inmates, I appreciate that, but the staff really appreciate that because sometimes they feel they're the unsung heroes and nobody really pays attention to them because they're behind four walls and do provide Santa Fe County with public safety, not only to the staff, the inmates, but the general public as well. And we welcome that, and our staff and inmates welcome that too. When you walk in the facility I encourage you to talk not only to the staff but to the inmates and get their input. Not all of it will be positive; I can tell you that. But we address those issues. So Commissioner Chavez, thank you very much for bringing that point up.

CHAIR HOLIAN: And I would like to thank you too, Mr. Sedillo, and I can actually attest to the fact that you have a lot of talent there because I showed up when neither you nor the warden were there, and there was still somebody to take me on a very informative and very good tour, Sgt. Mestas And thanks to him.

MR. SEDILLO: Well, thank you. Madam Chair, we've passed that on to him and he was very excited. This is the morale that our staff needs at our institutions in regards to the County Commission going through there and talking to our staff. And they really appreciate that and he was very ecstatic that you made that comment. And I appreciate that, Madam Chair.

CHAIR HOLIAN: Thank you. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. Yes, Madam Chair, just a couple other things. I received an invitation to a grand opening. I just wanted to pass that on. It's for the Tan Pavi Gallery and it was from a Mr. Elmer and Deborah Torres, and that is going to be at the – it's next to Gabriel's Restaurant, and it would be on Saturday, February 16, 2013. So anybody is welcome and encouraged to attend.

Also, Madam Chair, this is for I guess Steve Ross, just to give me some insight. There is going to be a new steering committee at La Bajada Ranch, and that will be a regular meeting now, on February 15, 2013 at 3:00 pm, and I guess that will be out there at the La Cienega Community Center. But one thing that just struck my interest and I need to ask this of Steve. Steve, they have a privilege to go into closed executive session, and I just kind of want to know what that's about. So can you please tell me what that's all about?

MR. ROSS: Madam Chair, Commissioner Mayfield, I don't know what it's about but as we discussed earlier it worries me a little bit and I'd certainly like to have an attorney present. I've got some doubts that a task force –

COMMISSIONER MAYFIELD: Why would a steering committee be allowed to go into executive session?

MR. ROSS: My concerns are more particular than that. I'd be a little concerned that a task force without the power to dispose or acquire real property could go into closed executive session to discuss same. So that's my general concern. And I want to kind of run that down. But I don't know anything about it other than just seeing the agenda.

COMMISSIONER MAYFIELD: Well, and again, respectfully, we had some discussion on this and not to split hairs but I still think it's very important that agendas run through our Legal Department. Did this run through your office?

MR. ROSS: Madam Chair, Commissioner Mayfield, the agendas are not run through my office. I see them at staff meetings but I didn't see this one until today. So we're going to have to run that down.

COMMISSIONER MAYFIELD: Okay.

CHAIR HOLIAN: So, Commissioner Mayfield –

COMMISSIONER MAYFIELD: I just want to know – well, then I would just ask that this be stricken from the agenda. I just want to know. Can a steering committee go into executive privilege to discuss disposition of this property or not? Because I don't think they should. I think if they're going to talk about something like that it should be done in open.

CHAIR HOLIAN: Commissioner Mayfield, this is the La Bajada?

COMMISSIONER MAYFIELD: Yes. I'll just leave you the agenda, Madam Chair.

CHAIR HOLIAN: If I might suggest – I'm actually on that committee and so I would be glad to track that down and try to find out what is going on and strike that, because to me it seems like it's inappropriate for an advisory committee to go into executive session.

COMMISSIONER MAYFIELD: Okay. Thanks. That was just for clarification. And then second, Madam Chair, on the animal control ordinance, I know we published title and general summary and I just want clarification for myself. We publish title and general summary and we were going to have – we've had one public hearing. We also published to have a second public hearing, but just clarification for myself. Are we going out to have more public comment with the working group?

CHAIR HOLIAN: Commissioner, actually I've been involved in that so let me sort of bring you up to date. What I have done so far is to schedule two public meetings. One will be on issues related to cats, and one on issues related to dogs. And it will be for anybody who wants to come from the public, to come and to give us feedback. Now, I think that the second public hearing was actually noticed for the end of the month, but I think it's going to be impractical to have a second public hearing on the animal control ordinance until we get more feedback from the public, and we can digest that.

COMMISSIONER MAYFIELD: Madam Chair, and I support that wholeheartedly, because we have taken formal action for the date, do we have to take action to republish that second date formally? Or do we have to –

CHAIR HOLIAN: Well, I think we can strike that date but then we have to decide when we're going to notice the second public hearing. I would like to wait until we get feedback from the public before we make a decision as to when we'll have the second public hearing.

COMMISSIONER MAYFIELD: And I guess my point on that, Madam Chair, is because there are people that make arrangements already knowing that there is a certain date certain that we were going to have this hearing, and then if we give them last minute notice of when we're going to have a new date they have to make whole new arrangements.

CHAIR HOLIAN: Well, Commissioner, I'll ask you then. We can have a second public hearing on that date, but I don't think that we will be ready to vote on anything.

COMMISSIONER MAYFIELD: Okay. Then let me do a follow-up, Madam Chair. So if we're having more public meetings, has this been noticed when these public meetings are going to be, where they're going to be?

CHAIR HOLIAN: They will be, yes. They will be noticed.

COMMISSIONER MAYFIELD: And where will they be? Here? Will they be up north? Down south?

CHAIR HOLIAN: Well, we were thinking of having the meetings on the cats here in this building, but we were thinking of having – the one for the dogs is going to be very well attended and we need to have good parking facilities. So we were thinking of having it out at the fairgrounds.

COMMISSIONER MAYFIELD: Okay, no, that's great. And Madam Chair, is this with the Commission steering committee, the Commission task force already?

CHAIR HOLIAN: Not necessarily. This really is just a public meeting to get public input from anybody. Now, I will of course invite the members of the Animal Focus Group to come so that they can hear it as well, but they're members of the public as well. Now, if the Commission would like, I could ask for the task force, the focus group, to be reconvened to make suggestions based on the public input, but for the first go-round what I had envisioned was that we would just go out to the public and really allow people to express their feelings in great detail, and then try to digest those comments in such a way that the Commission could understand what the comments were and why. Commissioner Stefanics

COMMISSIONER STEFANICS: On this point. I'm just wondering if you could – I don't know who's going to lead that, but the animal control ordinance is underneath the Sheriff's Office. And we have had representatives, employees of the Sheriff's Office but I'm not sure the Sheriff has been involved. And the Sheriff is the one who is going to have to manage and carry this out. And so I would want to make sure that activities to engage the public or to bring us to some summary does include the Sheriff at the level he wants to be involved. Thank you.

CHAIR HOLIAN: Yes. As a matter of fact the Sheriff's Department has been involved in setting up these meetings. We've all worked together. Rachel Brown and the Sheriff's Department and I have been engaged in conversations on how to set up these meetings. So they will be there; they will be involved.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. And then Madam Chair, I just didn't know if there would be more input from the focus group, if there would be an opportunity, because I don't know when the focus group was appointed, one, and that's okay, but two, if I would have an opportunity, if I would have an opportunity to appoint a focus group member.

CHAIR HOLIAN: Absolutely, Commissioner. And what I'm thinking is that we will have the public meetings. We will digest the data. We will present it to the County Commission, and we will then ask the County Commission how should we move forward from here? Should we have the animal focus group reconvene to make suggestions? How should we go about it?

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

CHAIR HOLIAN: I won't do anything –

COMMISSIONER MAYFIELD: I didn't know if we had to reset a date. So that's what I was getting at. Thank you. That's all I had. Thank you.

CHAIR HOLIAN: Okay. Commissioner Chavez.

COMMISSIONER CHAVEZ: Thank you, Madam Chair. I just wanted to let the Commission members know that I want to start working on two resolutions. One will be a resolution that will lay out a framework as to how resolutions will be introduced and placed on the agenda, allowing more time for discussion between Commissioners and staff, and certainly allowing more time for the public so that we can notice the public and let them know what we are doing even as it relates to resolutions. I would ask in that resolution that we also include a fiscal impact report, where it's applicable, and that we have a section in there to allow for special exceptions for proclamations and things like that.

The second resolution that I would like to work on is something that's on the agenda later having to do with property tax lightning, and as staff does their presentation there is a legislative effort to support what staff is suggesting, so if a resolution in that case has merit I would like to have staff work on that as well. So those are two resolutions that I'd like to bring forward. And then what I'd like to do now is to amend the agenda so that we can hear the discussion of the solid waste task force, because I know they've been patiently waiting in the audience. So if we can take care of that business then we can go back to the agenda.

CHAIR HOLIAN: Is that a motion?

COMMISSIONER CHAVEZ: That would be a motion.

CHAIR HOLIAN: I'll second that. Okay. We have a consensus. I would actually like to say my comments and then I will call a ten-minute break.

First of all, I would like to say Happy Valentine's Day to our staff and to everybody who's out there. And I think this is a really good time to tell loved ones how much you appreciate them. So I'm going to say to my long-suffering husband, who may be watching on TV, how much I appreciate your patience and your support. I know that it hasn't been easy for you, the position that I'm in now, so I just want to tell you how much I appreciate what you do and how much I love you.

The other thing I want to bring up is that at the last BDD Buckman Direct Diversion Board meeting there was an exciting development and that is that the BDD project got a design-build award that was given by the Design-Build Institute of America. And this was a national award that they got. What that means, because it was a design-build award, it means that the entity that designed the BDD project was also the entity that built it. And there's some major advantages when you do a project like that. One is that the management responsibility is consolidated, so that means that if things go wrong the builder can't blame the designer and vice versa, so it creates more accountability. It also speeds up the completion of the project because you can have more efficient scheduling.

And another thing that I think is really neat and I hadn't really fully appreciated it until I read about this design-build award and that is innovative ideas can be much more easily integrated into the project. Because as you go along, the designer and the builder are the same person, so you don't have to have necessarily change orders to change things. So that means that you can do more innovative things as you go along. And also, I think that you'd have a lot of cost savings when you do things this way.

So I think it was a very prestigious award. I'm really proud that we got that for our BDD project, and also I hope that here in the County we can learn some lessons from that particular way of doing things.

COMMISSIONER STEFANICS: On that point.

CHAIR HOLIAN: Yes, Commissioner Stefanics.

COMMISSIONER STEFANICS: Madam Chair, did the BDD come up with its peak pumping resolution or policy?

CHAIR HOLIAN: Not yet. I believe that's -- we'll go forward at the next --

COMMISSIONER STEFANICS: Okay. Because our budget approval was dependent upon that.

CHAIR HOLIAN: Yes. I realize that. Okay. Commissioner Mayfield.

COMMISSIONER MAYFIELD: I'd also like to say congratulations on your appointment to the BDD chair. And also congratulations to Manager Miller, the government official of the year, and to Chairman Holian, for Santa Fe County official of the year as recognized by Boys and Girls Clubs of America.

CHAIR HOLIAN: Thank you for that, Commissioner. And the final thing is that I would really, really like to thank Teresa Martinez for the financial reports that we are getting, and I would like to thank Pablo Sedillo for the reports that we get on Corrections, and Adam Leigland for the reports that we get on Public Works and Bernadette Salazar for the reports that we're getting on Human Resources. I really want you to know that I read those reports. I take them seriously, and I feel like I am really being kept up to date on four of the most important areas that the County deals with. And so I just would really, really like to thank you. And I would also like to say a special thank you to Bernadette for keeping on top of those union negotiations. I remember seeing an email that you sent out reminding the president of AFSCME that it's time for negotiations now because their contract expires at the end of June. So I just want to thank you for being so following through and really making sure that things get done.

And then I would also like to take this opportunity to thank Katherine, because she has really created an atmosphere of openness and transparency in all of our County operations, and that is why we're getting those reports, and so I really appreciate that. And that ends, I think, the Matters from the Commissioners, and now I will call a ten-minute recess. We will reconvene at 5:35.

[The Commission recessed from 5:25 to 5:40.]

CHAIR HOLIAN: I'd like to call this Board of County Commissioners back to order.

XIII. STAFF AND ELECTED OFFICIALS' ITEMS

B. Public Works Department

1. Discussion of the Solid Waste Task Force Evaluation Regarding the Existing Solid Waste Program and Possible Approval of Short Term Recommendations [Exhibit 7: Power Point Presentation]

WALTER WAIT: Shall I begin? Madam Chair, members of the Commission, my name is Walter Wait and as the chair of the Solid Waste Task Force I'd like to present the results of our six months of research and deliberation. However, before I do that I would personally like to thank the members of the task force and those members of the public who joined us for their efforts, ideas and attention. While I would love to report back to you that we have completed the task that you set before us and are prepared to deliver a set of long-term recommendations for consideration, that is not to be.

After looking at all the available evidence the task force determined that like too many other County issues, solid waste management in Santa Fe County cannot be stuffed into a one-size-fits all container. Suggested programs that might work in some parts of the county simply would not work in others.

We have constructed and explored several options and scenarios that might either

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augment or replace our current system, might more evenly distribute costs and might reduce costs, we could not follow any of them to arrive at long-term recommendations due primarily that information, particularly as to who and where solid waste was being dumped was simply not readily available.

To remedy this critical shortcoming we have requested a formal study be undertaken and we shall detail this planned study in a moment. We have, however, prepared a report of our general findings which we would like to share with you today and is in your packet. Before I turn the program over to Adam Leigland, the task force's able presented who prepared and directed a summary of our findings to date, I would like to state that the task force members would like to take up this difficult subject once again at the Commission's pleasure after data collection is complete. At that time we feel that with the experience we have acquired we should be able to complete our task and deliver a formal recommendations for long-term, financially sound solid waste management in the county. With that I'd like to turn this over to Adam who will present our findings. Thank you very much.

MR. LEIGLAND: Thank you, Walter. Madam Chair, Commissioners, in your packet is a 12-page report that the task force compiled that summarizes our six months of work, but in the interests of time we decided to do a part of my presentation that just summarizes that summary. So all the information in the power point is just taken straight from the report.

Well, first, just to remind you, the task force was created by Resolution 2012-52 which was approved by the Board of County Commissioners on April 10th. The group met six times as the original resolution said and on the bottom there, the task force was charged with looking at fee structure, seeing if the fee structure was adequate, seeing the program was self-sufficient and then reviewing the program to make recommendations to improve services.

The task force looked at existing documents including the comprehensive solid waste management plan that was created by the Solid Waste Management Agency and approved by the County Commission by resolution in 2011, and then also the existing County Solid Waste Ordinance, 2010-5. So the Solid Waste Task Force took the charge and summarized it into four primary goals and two secondary goals. The primaries as listed here, to increase recycling, to address the program's affordability, looked at alternative funding methods and then really, as Walter sort of alluded to, we needed to look at solid waste countywide out in the secondary because we realized that those two would be part and parcel if any proposals would meet the primary goals it would be to minimize illegal dumping and also the County Treasurer asked us to look at the way we handle cash associated with selling permits.

So what it came down to, we needed to look at revenues and expenditures. So this pie chart, it is also in the report, is a breakdown of the revenue sources. As you can see about one-fifth of it comes from permit sales. We get about a fifth from half the proceeds of the environmental GRT. Just to remind the Commission the County has an environmental GRT. Half the proceeds of that go to this program and the other half, about \$350,000 go to our wastewater program. And then finally 62 percent comes from the general fund. So the total program is a little over \$2 million.

The expenditures are broken out as shown on this chart. Fully half of it go to salaries and benefits of the staff, a quarter, one fifth of it goes to paying the tipping fees. To remind the Commission, when we take our solid waste to the Caja del Rio landfill we pay the

tipping fees there, \$40 a ton. The 11 percent is just the hauling costs – picking it up at the transfer stations and hauling it to the BuRRT or the landfill. And then 13 percent is capital replacement, that's replacing our bins, equipment at the sites, etc. And then the final four percent is all outs. And we'll be referring to these expenditures and revenues throughout the presentation.

This is just a breakdown of our transfer stations. The County operates seven transfer stations throughout the county and in your packet is a map showing them. We also operate one unstaffed, recycling only station in Rancho Viejo. As you'll see in this chart which summarizes the activity over the calendar year 12, Eldorado, Jacona are just in terms of volumes of waste, each of them about 3500 tons per year. I'll note that those of the very far right hand column had a lot of greenwaste. A lot of greenwaste is waste that had been collecting over many years. We had a large pile of mulch. We just wanted to make sure that that was represented because that could skew the numbers. We wanted to make sure that we took that into consideration when we looked at total volumes.

Also, I'd like to direct your attention to column, number of pulls per year. A pull is when a vehicle goes and takes a full bin from the transfer station to the landfill. Jacona and Eldorado, even though they have the same amount of volume of waste the number of pulls is vastly different because of the physical infrastructure of each of the sites, and I'll refer back to that later, which is why I bring your attention now.

Here's permit sales. As I mentioned earlier, 20 percent of the total revenue comes from permit sales. We sell various types of permits. The largest one is a 24-trip. That entitles you to – it essentially entitles you to 24 visits to the transfer station. Under the current structure it costs \$75 and under the current structure it's good only for the fiscal year in which it was bought, although the Commission did extend the FY 12 permits several months waiting for the results of this task force.

So on average we sell about 5,524 punch permits per year, so that gives us an idea of our customer base.

One of the things that the task force realized very soon was we were only talking 20 percent of the total waste generated in the unincorporated part of the county. We collect about 10,500 tons per year and our estimate is that the unincorporated part of the county total generates about 55,000 tons a year. So as Walter mentioned earlier we felt that in order to make any larger recommendations we will need to figure out where that other 80 percent is going because that 80 percent could be impactful.

So almost at our very first meeting we decided we needed to do a study and just serendipitously the Solid Waste Management Authority had already been talking to the City about a similar study, so we were able to partner with them to get a scope of work included in his request for proposals. The primary task, the actual RFP is included in your packet. The primary tasks were really just to assess what the solid waste management picture looks like right now in the county to see – to give us options if we wanted to make any large scale changes.

But beyond that, we spent the rest of the task force evaluating three separate types of options. We looked at different ways of creating revenue. These are listed here. We looked at ways of reducing expenditures, and then we talked about some other measures.

The revenue generations are to maintain the current permit structure, implement a

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pay-as-you-throw system which is where a unit of waste is priced at a certain amount and you pay that regardless of how you throw. Pay by individual visits, instead of making people buy a 24-punch permit they can just buy as many permits as they want. Or go to a countywide property-based assessment where everybody in the unincorporated part of the county pays some sort of annual assessment that goes toward maintaining the solid waste operation.

When we looked at maintaining the current fee structure we looked at tweaking it in various ways, keeping it at the current \$75, building in a planned excavation so it goes up every year to reflect the existing price of input such as tipping fees and fuels, going to a fewer punch permit. We heard from constituents that many people feel that since they have to buy a 24-punch permit but they may only use ten or 12 over the year they feel like they're being forced to buy more than they need. Or coming up with a permit that allows unlimited visits.

Each one of these has pluses and minuses again but we thought that we couldn't properly evaluate them without more information. We looked at various pay-as-you-throw mechanisms, weight at the transfer station similar to how the Solid Waste Management Agency operates. We go to a policy of the only way to dispose of waste is by buying individual bag tags, or going to some sort of debit card. Again, these – a pay-as-you-throw can generate more revenue. It can have closer match program expenditures. There would be some capital expenditures, say, for instance if we needed to buy scales at each individual transfer station.

Several counties throughout the state operate systems where you just pay per visit. Bernalillo County operates that way so if you want to visit you just pay \$10, \$15 and you don't have to buy a permit.

We did look at a countywide assessment. This is a chart and it's show in your packet that several counties already have a countywide assessment. This is a summary. You can see that the prices and the way that the payments work vary across counties. We actually took a field trip up to Taos to interview their solid waste management program to figure out exactly how it works, if they've been happy with it, problems and what not, and that gave us a good idea of what would be included in such a policy, but again, we felt like we didn't have the full information to take that to the full evaluation.

Next we evaluated several options to reduce expenditures. These are listed here. Making changes at the way we operate transfer stations, implementing mandatory curbside, increase recycling, and then outsource completely. There are different ways that we could reduce the cost of operations. We can reduce staffing, because if you recall, 50 percent of our total expenditures was staffing. We can reduce staffing by reducing hours so that the peak number of staff needed at any time is less. We can close transfer stations or we can reduce staffing so that we only have one person at a transfer station at any one time.

We can reduce hauling. 15 percent of our costs are hauling, so if we can reduce hauling by getting greater compaction in our loads or getting larger bins. Eldorado, we can get larger bins out of those which is why the pulls are so few. Or we can reduce just the amount of volume that we handle. We would have to pay for less hauling, fewer tipping fees, and we can do that by diverting the waste that we collect to other collection streams.

Mandatory curbside, this is something the County has been considering for some time. It would affect our operations by diverting waste from our operation to another hauler, and there are various ways we looked at that. Doing it in-house, having contractors do it

under various franchising arrangements. If we increase recycling we don't have to pay tipping fees for recycling so all the waste we can divert from going into the landfill to the recycling saves us on the tipping fees. We would have to probably make some operational changes just to get the volumes because right now, under the way our transfer stations currently operate it's rather expensive to haul recycling but we could make changes to change that.

We also talked about amending our current ordinance. Our current ordinance requires recycling but on a limited number of items. We talked about expanding that. And then outsource. Our solid waste operation has a very high overhead, very high fixed costs, so if we could outsource it to some other operator that has a smaller fixed cost the cost would be reduced.

The other options we looked at is increasing our compliance. Our solid waste compliance officer enforces both our ordinance, which has to do with what kind of things you can throw away, having untarped loads and also illegal dumping, and he has to cover the entire county. If the Solid Waste Management Authority accepted out of county waste he could have a larger customer base and that could reduce or at least slow the rate of increase of tipping fees. And then as I mentioned earlier, half the environmental GRT goes to the wastewater program. We'll be in a position after annexation that we can redirect that GRT entirely to the solid waste program.

And I'll just quickly scroll through these. So as Walter mentioned, the large-scale recommendations, the group felt that we didn't have enough data. We needed to do a serious data collection effort. But we were able to produce 13 short-term recommendations and that's what's listed here and on the next slide. So the first recommendation is to proceed with and fund the countywide solid waste study. As I mentioned earlier, we were able to partner with the Solid Waste Management Authority who are already well down the road of getting a study. We included our scope of work in that, negotiated, but the County has not yet committed to that. The County has not obligated any funds. So the first recommendation would be to obligate those funds.

The second one is related to that. The Commission commits to adopt a true countywide stance toward solid waste management, and that would inform future options that the task force, the original resolution that created the task force said that it would have to disband after six months so we're recommending that it just be paused until the results and that it reconvene to examine the results of the study and then continue on to further recommendations.

We recommend that the current fee structure, which is the \$75 24-punch permit be continued until recommendations to change it, if they are forthcoming, are made. And that the current process, I'll remind you has a planned price escalation and this recommendation would be to forego that.

We would recommend updating the Solid Waste Ordinance to include a greater list of recyclable materials.

We recommended to adopt the lead-by-example resolution but that was actually adopted at the last BCC meeting. A group in Eldorado called 285 Recycles has toured our transfer station and given us a lot of great, inexpensive recommendations to improve recycling and we recommend to implement those. At some point we feel that we should probably implement a second solid waste compliance officer because we have a large county.

We feel that the County should advocate at the Solid Waste Management Authority board to accept out of county waste.

When the annexation occurs and the wastewater can afford it that we rebudget the environmental GRT to the solid waste effort.

Work to increase education and outreach.

We recommend to begin the process to begin the process to build a new, modern transfer station in the Jacona area. As I mentioned earlier, the Jacona station handles the same amount of waste as Eldorado but it has five times as many pulls, which is very expensive. If we built a new station there we could get the operational efficiencies that we see at Eldorado.

And in our ultimate proposal we consider an annual amnesty day or spring cleaning day where people can bring bulkier goods or whatever to the stations for free. And with that I'll stand for questions.

CHAIR HOLIAN: Thank you, Adam. Actually, I have a quick question first and then I would like to open it up to the other members of the task force. First of all I would like to recognize that we have three members of the task force from the public who are here. Harry Smith and John Lopez and then of course Walter Wait has already spoken. I just want to thank the members of the task force for all of their hard work, which included in fact two days worth of going out to visit every single transfer station. So I just want people to recognize that this task force did work very hard in coming up with these recommendations.

But anyway, my first – the only question I have is can you tell us how much our portion of doing – what it would cost the County for our portion for that short-term study and how much SWMA would be contributing towards it as well as how much the City would be.

MR. LEIGLAND: Madam Chair, that's a good question. The Solid Waste Management Authority is the one who handled the procurement. They went through the normal RFP process, followed the procurement code. They had several firms and then the selected the highest ranking firm and conducted price negotiations, and the result of that is the County portion would be \$89,550. The City's portion would be \$197,000 and the Management Authority would be \$119,000.

CHAIR HOLIAN: \$119,000?

MR. LEIGLAND: For the Solid Waste Management Authority's portion. The City's contribution is approximately \$200,000, just under \$200,000. And then our portion is \$89,000, and the Solid Waste Authority's is just over \$100,000.

COMMISSIONER MAYFIELD: Madam Chair, on that point.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: [inaudible]

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, our scope of work is included in your packet. The summary of tasks – so the first one is just to identify where the 80 percent of the waste stream, the 80 percent generated – who's collecting it? Where is it going now? We also looked at different ways of managing that. Options to increase recycling, beyond what I've already described. Looking at cost effectiveness, and then evaluating different rate structures. So there's a whole host of tasks and the City and the Solid Waste Management Authority each had different focuses so it was kind of broken out into three separate tasks. Ours is mostly focused on what is the 80 percent of the county doing? We felt like we needed that.

CHAIR HOLIAN: Okay. Thank you. Commissioner Stefanics, is it okay with you if I ask the public or do you have a question on that point? Okay. All right. Well, first of all, I noticed again a number of people have walked into the chambers here and I just want to reiterate that we will not be getting to the public hearings on the land use cases for at least an hour, maybe even a little bit more. We have still quite a bit to go on our agenda. So I just want to warn you, anybody who's here for that, that that's what the case is. But anyway, I would like to ask, would anyone – Terry or John, would you like to come up and say a few words about your experience on the task force?

JOHN LOPEZ: Madam Chair, Commissioners, my name is John Lopez and Commissioner Holian had requested I come and relate some of my personal experiences on the task force. I know it's always important to establish a pedigree at these kinds of gatherings. So I was born and raised in Santa Fe and when I graduated from college I went to work for the federal government. So I actually moved 11 times in 33 years and when I retired about four years ago I came back home. But returning back to Santa Fe, Commissioner Chavez, our representative from District 2, I ran into her one day and I was complaining about the lack of a recycle program in the county and she said, oh, you know, John, I've got an appointment to make to this task force and she said would you be interested? I said, well, I'm not a professional in waste management and those kinds of things but I do know that I've lived in a number of communities that had really good programs. And she said, well, that's good enough credentials as far as I'm concerned. Plus, I had the interest and the passion to see if we could do things better and obviously after the report you know that we can do things better.

So I got on the committee. The staff is real good. Like I said, I'm not a professional and they've been able to help us get down in the weeds and understand these processes and terminology and tipping and those kinds of things. So that was good. I think it was Commissioner Mayfield that made the suggestion that all the committee visit all the transfer station and to me that was a real eye-opener. They're very diverse and they're spread all across the county and you know how big the county is. There's a lot of situations out there that are different than the typical going by the curbside and picking up your trash can.

So that aspect of it was like I said an eye-opener. The other thing that was refreshing was we did have quite a participation from the community at our meetings. I think the folks from Tesuque were pretty vocal, and then the folks from Eldorado were there all the time too because they have some great ideas. And I think their main concern is the future of the transfer station. They don't want to see those go away and I think to respond to that I think we have to ensure that we have a system that's going to be responsive to their needs and the services of their waste and recyclables.

So Adam did a great job. I think he pretty much outlined everything that we had talked about and doing during the times we've gotten together, and you can see the huge amount, some great ideas. And so I look forward to continuing to try to see this thing through. We have to have some information that we need to collect. It's a good recommendation that has all the potential of succeeding. And again, those folks out in the county that are concerned about what the program is going to be, we would hope to be in a position that we can address those concerns and we have something for them that we can actually implement that's simple and convenient and affordable.

So that's my role. I want to thank you for your time and I want to thank Virginia for – I think I want to thank her. I think she owes me lunch or a drink or something. But anyway, I appreciate being here and thank you.

CHAIR HOLIAN: Thank you, John. And I noticed that there's some people from the public here who've attended many of our task force meetings. Would any of you like to make a comment? And please identify yourself.

JOE EIGNER: My name is Joe Eigner and I live in Eldorado. I'm a member of the pro-active recycling group called Eldorado 285 Recycles. Members of our group were not on the task force but one or more of us attended most of the meetings. I think we only missed the initial meeting. We thank Chairman Walt Wait and the other four public members, Commissioners Holian and Mayfield, and the County staff members for their hard work on this important project, and also for the many good ideas that they contributed.

We are very pleased that the Board of County Commissioners at your last meeting has already approved one of the task force interim recommendations, Mayfield's lead by example plan for waste reduction, recycling and energy conservation at County facilities. The second recommendation endorses our group's work at the Eldorado transfer station. You may be surprised to learn that that is a very good recommendation and one that you should endorse. Two important findings emerged from the task force work. First, the current system is a significant burden on the County's general fund and increasing the transfer station fees is not a feasible solution. And second, the current system serves only 20 percent of the residents of the unincorporated county. While it provides excellent trash and recycling services for this 20 percent little is known about how the other 80 percent dispose of their trash and how they recycle if they do at all.

We therefore agree with the task force's request for approval of an outside study of all aspects of solid waste management in Santa Fe County including the study of the City's system and the joint City-County agency operations. We believe that from this study a much needed comprehensive, coordinated and cost-effective system can emerge. We therefore urge your approval of the task force's recommendations. Thank you, Madam Chair and members of the Commission.

CHAIR HOLIAN: Thank you. So now I'll open it up to questions.
Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you. You have another comment.

CHAIR HOLIAN: Oh. Yes. Please come forward and please identify yourself.
I'm sorry.

JOSEPH DURLAK: Hello. My name is Joseph Durlak. I live in Eldorado. I'm also a member of Eldorado 285 Recycles. Madam Chair, fellow Commissioners, I want to thank you for another opportunity to come speak to you. The topic is solid waste management. Solid waste management. What are we talking about here? For many years people used to just think of garbage, and I'm going to use that term for a little bit. And I wanted your cooperation for just a little bit.

I want you to use your imagination and follow along with this example. We are in this beautiful room. Very long, very wide. Beautiful tall ceiling. Imagine this room filled with garbage. Imagine this room filled with garbage every day. That's what the County has to deal with. That's what we're talking about in terms of solid waste management. My example is

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conservative because it's not one room. This County probably generates five or six rooms like this filled with garbage every day, and the County has to find the best way to deal with this.

We know two things about this room full of garbage. One, is it costs a heck of a lot of money to just take this and put it in the landfill. And it's going to cost more money in the future as landfills fill up. It's going to be more expensive. As staff costs go up, it's going to be more expensive. As the population of the county increases, it's going to be more to get rid of. So we certainly know that there's a cost involved.

The second thing we know is that this room doesn't have to fill up with garbage every day. There are ways to reduce it and that's where we get into more modern terms, when people are talking of solid waste management. Okay. How do we reduce this? It's not all garbage. It's not all waste. Much of this can be recycled. Some communities could recycle half of this room, 80 percent of this room, 70 percent of this room. There's some very successful programs around the country.

So I looked at the resolution. I attended some of the Solid Waste Task Force meetings. I know this is a very complicated kind of issue. Probably the biggest thing you'll have to make a decision on is whether or not to pay for the cost of this study. There was a commercial several years ago on TV. Some of you might have remembered it. Fram fuel filter commercial. And its slogan was pay me now or pay me later. And the idea was if you take good care of your car, sensible car of your car, buy these air filters, you're not going to have to pay later to make more expensive repairs. I think the situation here is very similar in terms of the whole solid waste management issue. You've commissioned the task force – the task force is basically coming to you and saying, you know, we cannot make the best recommendations to you. We can't give you the best of our decisions until we have more information. Yes, it is going to cost something, but I think in the future it's really going to pay off. They're going to be able to come to you, make sounder, better judgments, probably a much more flexible plan to deal with this complicated kind of issue. So I recommend that you accept all of the committee's resolutions. Thank you much.

CHAIR HOLIAN: Thank you, Joseph. That was very eloquent. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. I would like to thank the task force and also 285 Recycles. I think that there's a lot of merit to having the study then reconvening. I'm assuming that we have already approved the funding for the study.

CHAIR HOLIAN: I don't believe we have, Commissioner.

COMMISSIONER STEFANICS: Mr. Leigland.

MR. LEIGLAND: Madam Chair, Commissioner Stefanics, that's an item before you. That's the recommendation from the task force.

COMMISSIONER STEFANICS: Well, the way it reads is possible approval of short-term recommendations. Short-term recommendations are several pages in here, so I'm not sure we want to approve all the short-term recommendations. So what specifically is being considered for action today?

MR. LEIGLAND: Well, Madam Chair, on the very last page in the packet material there are 13 short-term recommendations.

COMMISSIONER STEFANICS: Right. But one is extra personnel. We haven't gotten to budget cycle. I mean there are several things in here that we have not studied for – if we're talking about fiscal impact, that's major. So I understand that there are many things that are recommended and I want to help move us forward, but rather than say here's everything, what is it we really want. If you had to prioritize what would it be? Now, I'll give you a moment to think about that.

The other issue I'd like to bring up is even if we continue with the fees the way they are until the study is done, the one issue I have not seen addressed, even on a temporary basis, is our elderly and disabled low-income people. And we have ways to address that in property taxes and other payments throughout the county and we have not heard anything about that here. And it is a small population but there needs to be a recommendation because those are the individuals in the community that I hear from.

I believe that all of us have some sense of responsibility in budgeting but I do believe that there is a population who already qualifies under government standards for low-income rates. So I think that that should be addressed. But now go back to what are the priorities? If we weren't going to approve everything that's requested, what are your priorities?

MR. LEIGLAND: Madam Chair, Commissioner Stefanics, actually, if I can address the second question first. You are right. We do have a senior and a low-income pass right now. The senior is \$5 less and the low-income is \$10 less than the standard. So when we froze the standard one we also froze the other two as well. So at least in the short term we froze those two at their current levels.

There are 13 recommendations and the priorities, I think the first one would be to continue with the study, and that would be to fund – to obligate the funds. The County portion is \$89,550 and we have that money available in savings in our solid waste operation, so the funding is already available. The second recommendation would be to suspend the Solid Waste Task Force, don't disband it, and reconvene it when the study results come back. I guess, continue with the current permit structure. And then an important one I think, and this is one I think would be to begin the process to build a new transfer station to consolidate at Jacona. I think we will get significant savings there. And so beginning the process would be to launch a location study and maybe begin design. I'll remind the Commission that on the GRT funds are already allocated for a new transfer station.

So, Madam Chair, Commissioner Stefanics, those would be my recommendations for the prioritization.

COMMISSIONER STEFANICS: Okay. So what page? On page 11 of the materials that you just gave us, could you identify those that you just prioritized? Number 1.

MR. LEIGLAND: Well, Madam Chair, yes. So the ones I would recommend are short-term recommendation #1, #3, #4, I guess those would be the ones that I would prioritize immediately. I think that #7 we could implement very quickly. You did mention staffing and it did say as appropriate and as funds allow so maybe that should be reconsidered as we state with #13. But #1, #3, #4, and #7 I think would be the ones that would be the priority ones, the ones that could be implemented very quickly.

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

CHAIR HOLIAN: Commissioner Anaya.

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COMMISSIONER ANAYA: Madam Chair, Chairman Wait and Solid Waste Task Force staff and members, I appreciate the work and the due diligence that you've all gone through and the time that you've done. I appreciate the list of recommendations. Madam Chair, before I go into further comments, Mr. Leigland, #6, which was referred to earlier, because I made some comments to this effect when we passed the resolution was that we in the county, whatever we do, that we do, we implement and carry out the responsibilities that we're trying to pass on to the citizens. And it's my understanding from the resolution that that was the intent from Commissioner Mayfield. So I think it's real important that that be in the list of priorities and that we as a County absolutely implement and do what we are asking citizens to do before we impose that on citizens. So I just want to clarify that.

That being said, I think the data is necessary. I think the chair and the members of the committee and staff are wise in the recommendations and the resources that you've found through savings I think are important to allow the task force to go forward. I would just make three comments that I continually make relative to solid waste management and I appreciate the articulation and the story of what it means and what we're dealing with, but #1, based on what I hear and what I see and what the recommendation, increase recycling. #2 is something that we've talked about as a Commission and staff based on recommendations from the prior task force as well as this. We need to look at curbside and diverse. That would be the one thing I would ask.

We have in here commit to adopting a true – I would insert the word diverse – countywide approach to solid waste because it's going to differ from urban to rural settings and I think the task force has acknowledged that. And that our curbside options in the urban areas is going to be something that is going to offset overall costs. We know and we've had discussions on that. And the third comment that I've made consistently is that as we diversify and we increase recycling and provide for options in the urban areas and financial costs that offset our costs, that not only can we sustain what we're paying or residents are paying in the rural areas but we might even reduce those by fully utilizing taxes like the environmental gross receipts tax for their intended purpose, solid waste being a priority.

So I thank you and I thank the chair, Mr. Wait and your team of people and all those participants that participated including of course our chair as well as our vice chair. Thank you, Madam Chair.

CHAIR HOLIAN: Commissioner Chavez.

COMMISSIONER CHAVEZ: Thank you, Madam Chair. So I'm going to make a motion to approve the Solid Waste Task Force short-term recommendations that Adam identified on page 11.

CHAIR HOLIAN: Commissioner Chavez, would you like to state which ones exactly?

COMMISSIONER CHAVEZ: Well, it's 1, 3, 4, 6 and 7. Now, Adam, how does that reconcile with Attachment A and the dollar amount? Because Commissioner Stefanics asked about the dollar amount. So I think the motion would be specific to short recommendations and the dollar amount that the County would be – the County's share for the study. Because you're asking for a dollar amount and short-term recommendations. You want actions on those two points.

MR. LEIGLAND: Madam Chair, Commissioner Chavez, that's correct. And

to remind you that Attachment A, which is the County portion of the study, the cost for that is \$89,550 plus GRT.

COMMISSIONER CHAVEZ: Because on page – you do refer to a dollar amount, but maybe you did it so you could have some flexibility but it said the Solid Waste Task Force will budget up to \$90,000. So you're under the \$90,000.

MR. LEIGLAND: Commissioner Chavez, that's correct.

CHAIR HOLIAN: Thank you, Commissioner, Do you have anything else to add? I'll second that for purposes of discussion. Commissioner Mayfield, do you have comments?

COMMISSIONER MAYFIELD: Madam Chair, I just want to thank our task force members that are present today and I just want to thank you all for your service and I do hope that after a study does go forward that there will be some additional comments back in April. But with that being said, Mr. Leigland, I know there was a summary that came to us, I think some points of the draft that was prepared are important to point out and I just want to go over a couple of them.

One point, and I think it was mentioned to the full Commission. I'm going to go to page 1. I'll be very brief, Madam Chair, just so you know.

COMMISSIONER CHAVEZ: What page are you on?

COMMISSIONER MAYFIELD: I don't know, Commissioner, Madam Chair. Just let me get to it real quick. But going to page 4, and Adam, I think you were going to touch on this and you haven't gotten to it. I think it's important to note specifically with Jacona and Eldorado and it's alluded to later on in the report, but one of the recommendations or one of the discussions of this report alluded to the size of the trucks that are coming out of our stations. Eldorado is in a unique position because of the size of the transfer station that they're able to bring out larger trucks. So that's the reason there's less pulls. That reduces the amount of drive time, maybe the amount of drivers. Can you just elaborate on that a little more? And that's why you're seeing the number of pulls, such as out of Jacona, higher than out of Eldorado, where arguably you might be seeing the number of customer visits than Eldorado and you're seeing the annual weight of tonnage arguable equitable on both of those. Can you just kind of explain that a little more, Adam, please?

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, yes. The size of the bins – backing up a second. Just by the nature of the operation, it costs approximately the same to do a pull. The driver's salary is the same; the vehicle use is the same; the fuel efficiency is about the same and the time is the same. So regardless of the size of the bin the cost per pull is about the same. But the number of pulls is directly related to the size of the bins because when the bins get full – and they're filled based on volume, not on weight, is when the dispatch. So it's sort of a just in time dispatch. The transfer station operator says this one's about full, the truck comes out and picks it up.

At Eldorado we are able to get much larger bins, about five times larger, so the number of pulls needed is much smaller. And you can actually see that directly in Jacona and Eldorado. They have almost the exact same amount of waste but because Jacona, just because of the way it's physically set up, it can't accommodate the largest bins like we have at Eldorado, and so we have to do five times as many pulls to get the same waste out.

COMMISSIONER MAYFIELD: Madam Chair, I guess my point on that is

maybe if we had a little more capital investment, and that was another side thing, I wanted to show how much capital dollars we were putting into each station, arguably over the last ten years. Sometimes you have to spend money to save money. And if there was more capital investment in some of these stations in the long run we may be saving money. That even goes with arguably trash compactors, big, industrial trash compactors at all of our stations, understanding health, safety standards and everything else, but if we were compacting our trash at some of these stations – I don't think they're very expensive – \$30,000 – we would have less pulls coming out of each station, thereby reducing road – the carbon footprint, everything else, the mileage. And Adam, that's just one of my points I wanted to emphasize here also.

MR. LEIGLAND: Madam Chair, Commissioner, actually that's a great point and our 12th point was to do just that, to invest the capital at Jacona to get the economies of scale. And so maybe the Board would consider adding that to the –

COMMISSIONER MAYFIELD: And I haven't got there yet, so I'm going to save that page for the last.

COMMISSIONER ANAYA: Madam Chair, on that point.

CHAIR HOLIAN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, and I was just asking the maker of the motion, but I think that the County staff specifically related to Jacona has already since we got on the Commission has been evaluating and determining moving forward with the modification for that transfer station. Is that correct?

MR. LEIGLAND: Madam Chair, Commissioner Anaya, it's correct, but it's somewhat confusing. We have an agreement with the pueblo. We have to deliver some designs to them on the current site. But this recommendation would be to build a new site because the current site could not accommodate the infrastructure that gets you the economies. So that process – you're correct. We're already pressing with that to meet a previous obligation and that's in process. This recommendation is to build a brand new station at a different site.

COMMISSIONER ANAYA: But we've had discussions at this Commission about that very topic. Correct?

MR. LEIGLAND: That's correct.

COMMISSIONER ANAYA: So Madam Chair, based on the discussion I just had with Commissioner Chavez, I would add the friendly amendment, because we – and it doesn't say finish the process, it doesn't say build it over night; it says begin the process, which is something that I think we've all had discussions on. So I would request a friendly amendment to add #12 to the list. Number 12.

CHAIR HOLIAN: So does the maker of the motion accept that? And I accept it as seconder of the motion.

COMMISSIONER STEFANICS: Madam Chair, on that point.

CHAIR HOLIAN: Yes, Commissioner Stefanics.

COMMISSIONER STEFANICS: I think what we're now doing is we have entered into the budget process and started identifying capital projects. It's the same thing as if we approve the compliance officer. So if we want to jump outside of the budget process, let's just be clear that we're doing it.

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CHAIR HOLIAN: Okay. Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Commissioner Stefanics, I don't think we're getting outside of it at all. I think that this item in particular has been something that we've discussed as a Commission and staff has been working on potential options, one of which is the option of a recommendation that staff provided recommendations on when I started on this Commission. So in the spirit of speaking toward we've talked about in the past and what staff and Commission has already discussed and given the fact that we're not talking about an item that's going to impact my district, it's going to help the overall County operation and more holistic solid waste program. So I don't think at all that we're stepping out of the box of what we've previously discussed, not only in this Commission but in prior budget cycles as well.

MR. LEIGLAND: Madam Chair, if I may, also, I'd just like to remind the Commission that when we approved our entire capital package in September last year it included a line item for a transfer station, so the capital has already been allocated through Board action.

COMMISSIONER STEFANICS: Madam Chair, on that point.

CHAIR HOLIAN: Yes, Commissioner Stefanics.

COMMISSIONER STEFANICS: So what amount did we identify for a new transfer station?

MR. LEIGLAND: Madam Chair, Commissioner Stefanics, \$2.5 million.

COMMISSIONER STEFANICS: And we've already identified and approved that?

MR. LEIGLAND: Yes, ma'am.

CHAIR HOLIAN: Katherine.

MS. MILLER: Madam Chair, Commissioners, that is true. That is in the budget under the capital outlay GRT, but the one thing that I think would need to be clarified in order to do this is whether it would be a different site. Because we really can't do anything unless it's a different site.

CHAIR HOLIAN: I believe that the friendly amender, the maker of the motion and the seconder agree that it would be a different site.

MS. MILLER: Because in the budget, it is in the budget to actually do that.

COMMISSIONER MAYFIELD: And even the person who represents that district agrees. That being said, I'll just kind of move through this really quick. So Madam Chair, Mr. Leigland, that's just what I wanted to identify. I think that there would be some efficiencies that we could still improve. I think the task force kind of identified that. I'm not speaking for the task force. They can speak for themselves, but there could be definitely some process improvement. And I'm just going to kind of get – summarize this really quick. One thing that I think is very important, on page 6, I guess it starts on page 5, but just the very last sentence after the comma. I'm just going to say this. County transfer stations collect approximately 10,500 tons a year, leaving approximately 44,500 tons or 80 percent unaccounted for.

We have no idea where this trash is going. Do you want to explain that a little more, Adam?

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, that's correct. We

believe that most of it is being collected by private haulers such as Waste Management, MCT or East Mountain Disposal in Edgewood, and being deposited in either the Caja del Rio or landfills –

COMMISSIONER MAYFIELD: Bulk.

MR. LEIGLAND: But – and if we compare the numbers with what the Solid Waste Management Agency is seeing we think we have a pretty good idea where it's going. But we also know that there's a significant amount of illegal dumping. We do know that some of it's being collected by the North Central Waste Management Agency. They collect in Espanola and the very northern part of the county. I know through talking to people in the southern part of the county that many people actually go to Bernalillo County to use their transfer stations, because they're part-year residents and they would rather just pay the \$15 or \$20 a visit in Tijeras than to come to use our transfer station.

So we have sort of an anecdotal picture but we just don't know and we feel like we need to know that to make more recommendations.

COMMISSIONER MAYFIELD: Thank you. And then I'm just going to bring this up to Mr. Ross. I bring it up all the time. Mr. Ross, Madam Chair, there's no issue if we went the franchise fee route through local government. We'd be okay on that?

MR. ROSS: Madam Chair, Commissioner Mayfield, a franchise?

COMMISSIONER MAYFIELD: I'll just ask Mr. Leigland, because I think that might be part of when we get into this contract of scoping stuff out that might be a recommendation that comes out.

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, no. Just when we surveyed other counties around the state they had entered into arrangements where they had a franchise fee. For instance, Taos County, they have in order to operate as a solid waste hauler in that county you have to enter into a franchise agreement with the county. The Board of County Commissioners in Taos County has to approve your rates every year, and then in exchange for that, I guess it's a privilege to operate in the county, the private haulers pay a percentage of their gross revenue to the county.

So that was another – other counties have done that too so we just said that's one thing that would have to be examined.

COMMISSIONER MAYFIELD: I just don't know how local governments do that, but I guess that's up for Mr. Ross to do that if we ever went down that road. And then I guess two other things that I just want to bring up because I think it was very important, but I'm going to go to the bullet that we're asking. Mr. Leigland, I'm just going to jump to the proposed contract really quick. I think it's great that we move forward on that. I know we talked about \$89,550, where were you proposing that this funding is coming from? Out of your budget? Out of Manager Miller's discretionary funds?

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, out of the solid waste program budget.

COMMISSIONER MAYFIELD: I was going to bring this up. I brought it up on this bench. I brought it up in the SWMA meetings. I still believe there is a credit from the Solid Waste Management Authority that is due to Santa Fe County. And I'll bring it up until we get the credit. Manager Miller, I'm going to bring it up to you again. I think we're due, arguably, better than \$100,000. I think that could be [inaudible] if we want the whole amount

that's due to us. But Manager Miller, I would suggest, and I'm not giving any directions to you because it's not noticed properly, but that might be a pretty good offset of where this money could just be a semi-wash and does not have to come out of our Public Works budget. And you might want to look into that and see if that might be an avenue that we could ask for that \$89,500 to come – and Mr. Kippenbrock's here too. I hope he is.

CHAIR HOLIAN: Commissioner Mayfield, I just will add that I think that the board of SWMA would have to approve that.

COMMISSIONER MAYFIELD: Again, I would hope that the Commission could give the board the direction.

CHAIR HOLIAN: Katherine, do you have anything to add?

MS. MILLER: Madam Chair, Commissioner Mayfield, no. I can look into whether that's something we can do. I don't know that we can force them to be fair, but I do think if we're due a credit they should provide us an opportunity to get that credit.

COMMISSIONER MAYFIELD: Madam Chair, maybe this is appropriate, maybe it's not. Let me ask this question this way, Manager Miller. Could this Board have officially brought to this body of five, and could this body of five give direction to the SWMA representatives to support this credit?

MS. MILLER: Madam Chair, Commissioner Mayfield, I think we could but I do believe what Commissioner Holian said is that it's still – that budget – it's their own authority so it would still be a vote of that board or an action by SWMA itself.

COMMISSIONER MAYFIELD: Right.

MS. MILLER: But I think this Board could certainly, and we have representatives on that board, hear the issue and present a resolution or something to SWMA saying we want a credit. Tell us how we're going to get it.

COMMISSIONER MAYFIELD: And we have three members from this Commission on the SWMA board. So if this Commission passed a resolution to support it then our three members would have to support it on the SWMA board, correct?

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, just a simple question. I heard the tail end of it, but are we due a credit from SWMA straight up?

CHAIR HOLIAN: Commissioner Anaya, could I address that? There is some controversy about that, whether we're actually due a credit. I think that the City got a reduced fee for some of the trash that it was dumping into the landfill. It was not a credit per se; it was a reduced fee. So there is controversy on that as far as the SWMA board is concerned and we have discussed that before. But I think that that is – I think that the appropriate next step is for the SWMA board to discuss this.

COMMISSIONER ANAYA: But Madam Chair, I'm just curious. If they received a reduced fee then we should have the same opportunity for a reduced fee.

CHAIR HOLIAN: Yes, but I believe that the board, Commissioner, the board would have to make that determination. The SWMA board would have to.

COMMISSIONER ANAYA: Well, Madam Chair, I made a suggestion at the last meeting. We didn't have this noticed as an action item so we can't take action but we can surely garner a consensus of the way the Commissioners feel. I agree that we should receive a

commensurate reduction of fee as suggested by Commissioner Mayfield, speaking for myself. So I would put that forward for the record.

CHAIR HOLIAN: Okay. Anyway, it was not noticed.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Stefanics.

COMMISSIONER STEFANICS: I want to make it clear that I support every recommendation on this list. But as we continue to discuss this almost everything on here as a fiscal impact. And we are not taking this seriously. We are not looking at whether or not we have a credit. We haven't identified in writing that we had \$2.5 million already approved. We haven't put in the amount. If we're looking at this page 11 we should be having a little chart with an amount of money that's next to each one. And we're not doing that. And how serious do you want us to be about the budget and the taxpayers' money in Santa Fe County. And this isn't just about you; this is about our entire process.

So I'd like for us to be serious about the money. We are moving into the budget. Everything that we approve is going to affect budget and now I'm hearing that we might either be due a credit or a reduced fee. And I would love to go ahead and do some amnesty days, but are we going to be charged for the dumps, the tipping fees for the amnesty days without a reduced – without that credit or a reduced fee? I think this is a more complicated issue than just saying, hey, everybody, there are some wonderful recommendations; let's approve them. I can approve them if I say it's a zero budget with it.

CHAIR HOLIAN: Thank you. Commissioner Chavez.

COMMISSIONER CHAVEZ: On the reduced tipping fees, that's not part of my motion and I don't really think that – well, it is germane to the discussion but it's really not part of what's being presented. If one feels that the City should give us a credit I think it should be on an as-needed basis and not brought into this discussion. That's separate. I think that the City would be reasonable with the amnesty day if we need it, a reduced tipping fee. I think they would be open to that. But to ask now for the City to return a favor –

CHAIR HOLIAN: Commissioner Chavez, it actually was a credit that was given by SWMA to the City.

COMMISSIONER CHAVEZ: Okay. Well, then the agency, as it was pointed out, would have to follow that through and reverse that so that at some point, if we needed a reduced tipping fee we could ask for that, and I think SWMA would be open to that. If we're looking at a revenue sharing between SWMA, the City and the County, then our commitment for these short-term recommendations is only the \$89,000. Right, Adam? And I'm being told that that's already budgeted if that's what we want to do. So I'm not throwing this open to the whims of the budget, I'm just trying to focus on what the short-term recommendations are and keeping that dollar amount specific to those recommendations.

CHAIR HOLIAN: Thank you, Commissioners. So any further discussion? Commissioner Mayfield.

COMMISSIONER MAYFIELD: Yes, Madam Chair, and I think all these initiatives are important, but I also think the increase in education and outreach efforts – I don't think that has a big fiscal impact on this committee. I just think that's pretty important and we could probably do that outreach ourselves throughout the county. And Commissioner Stefanics did bring up a great point. Elderly, low-income, disabled outreach. I think that's

something – maybe that's something I should have pushed a little more. I definitely should push more on our committee, especially helping out our disabled at our transfer stations. I know I have heard that from my community members. If we can at least assist when they need to help pitch that trash out there in the bins and stuff. I know I've brought that up personally with Mr. Leigland. He stepped up the efforts with our local operators out there to try to help out, but that's something that we need to address ourselves. Madam Chair, that's all I have, and I just want to thank our representatives on the task force again. Thank you.

CHAIR HOLIAN: Thank you. So, I was going to make some brilliant summarizing comments but I decided that you probably would all appreciate it more if I didn't have any comments and we just went on to the motion.

COMMISSIONER MAYFIELD: Could I just add one other thing, Madam Chair? I just need one thing and I'm just going to ask Adam and I did ask him. Adam, have you looked at how Highlands University managed their solid waste program, because I did read, when I read the New Mexican article that Highlands had a pretty great program and they may have already looked at this, just for what that's worth. You might want to look at how Highlands University recently has done this.

And then my last suggestion, if we do piggyback off of this report, is for whoever your consultant will be, they don't have to reinvent the wheel; they can look at all our minutes. They can look at all this paperwork you just provided us. Hopefully they don't bill us for it, but just give us all this information. This is our local information that could be very beneficial to them. Thank you, Madam Chair.

CHAIR HOLIAN: Thank you. All those in favor of the motion –

COMMISSIONER MAYFIELD: What is the motion?

CHAIR HOLIAN: The motion is to approve the recommendations of the Solid Waste Task Force, numbers 1, 3, 4, 6, 7 and 12. Is that correct, Adam?

MR. LEIGLAND: Madam Chair, I'm verifying, but I believe that's correct.

CHAIR HOLIAN: 1, 3, 4, 6, 7, and 12.

MR. LEIGLAND: Madam Chair, that's correct.

COMMISSIONER CHAVEZ: I want to be specific to the dollar amount. Because my motion was specific to a dollar amount.

CHAIR HOLIAN: Oh, and the dollar amount was \$89,550 for the study. Is that correct?

COMMISSIONER STEFANICS: And \$2.5 million.

CHAIR HOLIAN: From the general obligation bonds?

COMMISSIONER ANAYA: That's already budgeted.

MR. LEIGLAND: Madam Chair, GRT.

CHAIR HOLIAN: Capital GRT. Okay.

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

CHAIR HOLIAN: Now, again, I notice that there are a lot of people out there who are probably here for a public hearing for a land use case, and it is still going to be a while for that. We have several more issues on our current docket and then we will have an executive session, and then we will begin the public hearing for the land use cases after that.

So it may be a while longer. I just want to warn you at this point.

XIII A. Administrative Services Department

1. Request Approval of Contract #2013-0170-PW/PL to Molzen Corbin for the Engineering Services for the Old Santa Fe Trail Multimodal Transit Road Improvements and Design of Waterline TL2N, Old Santa Fe Trail and El Rancho Way [Exhibit 8: Staff Memo]

BILL TAYLOR (Procurement Director): Yes, Madam Chair, Thank you. Commissioners, we're handing out – there were a few typographical typo errors on the memo. And if I could just restate the subject project I requested award of contract, design contract to Molzen Corbin for engineering services for the Old Santa Fe Trail multimodal transit road improvements and design of a waterline from Old Santa Fe Trail and El Ganchito way in the amount of \$391,614.49. With that, Madam Chair, I'll stand for questions.

CHAIR HOLIAN: Are there any questions?

COMMISSIONER STEFANICS: Madam Chair, I'd move for approval.

COMMISSIONER MAYFIELD: Second, Madam Chair.

CHAIR HOLIAN: Is there any further discussion?

COMMISSIONER ANAYA: Madam Chair, if I could.

CHAIR HOLIAN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: For waterline work, multi-modal trail improvement along the way as well? When you say multimodal, clarify that.

MR. TAYLOR: Multimodal, Madam Chair and Commissioner Anaya, multi-modal is for pedestrian, bicycle, ADA-complaint road.

COMMISSIONER ANAYA: Thank you, Madam Chair.

CHAIR HOLIAN: Okay.

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

XIII. A. 2. Request Approval of Agreement #2013-0014-PW/MS Northeast and Southeast Connector Alignment and Corridor Study to Occam Consulting Engineers, Inc. in the Amount of \$388,214.91, Exclusive of GRT

MR. TAYLOR: Thank you, Madam Chair, Commissioners. This is the northeast-southeast corridor analysis. It will be conducted in accordance with the NMDOT location study procedures and the study is to recommend and prioritize the corridor transportation improvements within the identified improvement areas. And with that, Madam Chair, I'll stand for any questions.

CHAIR HOLIAN: Any questions?

COMMISSIONER STEFANICS: Madam Chair, a comment.

CHAIR HOLIAN: Commissioner Stefanics.

COMMISSIONER STEFANICS: Part of it is the Rabbit Road study and then the area that goes south. It does not connect Eldorado. It does go south past the Community College.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Taylor, and I don't know if this is for yourself or our Public Works Director, but this will alleviate all those traffic concerns and all that congestion, correct?

MR. TAYLOR: That's correct. Madam Chair, Commissioner Mayfield, that's what the study will identify.

COMMISSIONER MAYFIELD: Great. And the MPO also, I think, and the Highway Department will help foot some of this funding later?

MR. TAYLOR: The funding, I believe so.

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, that's correct. The location study was actually paid for with HWA funds and the two segments of it, the southeast connector and the northeast connector, the County will pay one and then actually we just had the MPO technical meeting yesterday and the other half of it will be – it's on the TIPS.

COMMISSIONER MAYFIELD: Thank you. Thank you, gentlemen, thank you. Big job.

CHAIR HOLIAN: Commissioner Chavez.

COMMISSIONER CHAVEZ: Adam, maybe in the future for my reference it would be nice if we had a map that would kind of point this in the direction that we're going.

MR. TAYLOR: Madam Chair and Commissioner, we'll take care of that at Purchasing.

COMMISSIONER STEFANICS: Madam Chair, I'll move for approval.

COMMISSIONER MAYFIELD: Second, Madam Chair.

CHAIR HOLIAN: I have a motion and a second or approval.

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

CHAIR HOLIAN: So now, if the Board has no objection I would like to move to item XIII. D that has to do with the Treasurer's Office, because item XIII. C will probably take a little while.

XIII. D. Treasurer's Office

- 1. Request Authorization to Publish Title and General Summary of Ordinance No. 2013-___, an Ordinance Amending Ordinance 1992-03 to Establish the Right to Obtain a Duplicate Business License and Establishing a Fee for Issuance of a Duplicate Business License**

PATRICK VARELA (County Treasurer): Madam Chair, Commissioners, thank you. Good evening. When I came into the office as deputy I noticed Marian Martinez,

she handles the business registration. One day she had a stack yea-high in her hand. So I asked her what it was and she said duplicate licenses. A day later the same thing, duplicate licenses. I asked her how much do we charge for these duplicated licenses. She said nothing. So we did a little six-month training and costing and it was impacting our budget without them knowing.

So I just wanted to make it clear that this isn't for lost licenses. It's not going to impact licenses. It's strictly duplicate licenses. And the cost that I came up with was \$6 and that was basically the cost of the consumables, which would be the license itself, envelopes, the meter rate, everything that goes along with it. So, the consumables and the meter rate that goes with that. We're not asking for anything more, just covering the consumables that impact our supply budget and meter budget. So I would ask for any questions.

CHAIR HOLIAN: Any questions? Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair and Treasurer, so this will be revenue-neutral to the consumer?

MR. VARELA: Correct.

COMMISSIONER MAYFIELD: Thank you.

MR. VARELA: And this will probably have to be looked at in two years because historically the postal rates go up once or twice a year so probably in two years we'll have to look at it as \$6.25 perhaps.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR HOLIAN: Commissioner Stefanics.

COMMISSIONER STEFANICS: Just a reminder. We're not passing the ordinance; we're just publishing title and general summary, and I would move for approval.

CHAIR HOLIAN: Is there a second?

COMMISSIONER ANAYA: Second.

CHAIR HOLIAN: Okay. There's a motion and a second to publish title and general summary of this ordinance.

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

COMMISSIONER MAYFIELD: Madam Chair, point of clarification. Madam Chair, Steve, Mr. Ross, we just need one hearing on this?

MR. ROSS: Madam Chair, Commissioner Mayfield, yes. One hearing.

CHAIR HOLIAN: Thank you.

XIII. C. Health and Human Services Department

1. Senior Services Update

TERESA CASADOS (Senior Services): Madam Chair, members of the Commission, good evening. I'd like to start out first by welcoming Commissioner Chavez. I have not had an opportunity to visit with you or talk with you about senior services. I just wanted to let you know we are available at any point if you want to visit centers or have conversations about the facilities.

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We were last here in September to give you an update and I welcome the opportunity to provide you information on where we are today with the senior program. As you know, we have six facilities where we serve congregate meals. I'm going to just kind of summarize where we are on those facilities over the last quarter. As you can see from this presentation, at our Abedon Lopez Center, which is located up in Santa Cruz, we have had growth in the second quarter in comparison to last year. The growth is very slight. We served 65 additional meals in the second quarter at that facility.

Then the other facilities up in District 1 is the Bennie J. Chavez facility. That facility has seen more growth in the second quarter in comparison to last year. We served an additional 233 meals in the second quarter of this fiscal year and our growth there in home-delivered meals has been a little bit more significant. We've done 431 meals in that area. So we are seeing quite a few more people who are asking for home-delivered meals up there. We are able to accommodate that growth at this point in time and don't see that we would have any problem meeting the needs of additional members.

At our El Rancho Center, that growth is very, very slight. We served an additional 13 meals in this quarter as opposed to last year and our home-delivered meals have actually declined, but as I reported back in September that was due to the fact that we were limiting the days that we were providing meals and seniors were not real happy receiving frozen meals. With the opening of Rufina and the additional driver that we hired we are now back to delivering meals on a daily basis to home-delivered clients there. So I definitely think that in the third quarter those numbers will increase.

At our Rio en Medio Center, that was closed during the first fiscal year so I don't have any numbers to compare, but during our second quarter this fiscal year we've served 206 individuals, so we are seeing growth there and people are coming back to that center and participating there.

At the Eldorado Center, the Ken and Patty Adam Center, we have seen significant growth there as well. We've done an additional 313 meals in the second quarter as opposed to last year, and our home-delivered meals have increased by 289. This year we're also tracking transportation. We did receive funding, and in the second quarter they provided 1,081 rides to seniors needing to go to appointments or grocery shopping, medical appointments, various errands and things to run.

Our Edgewood Center is where we've seen the most growth over the second quarter. Our congregate meals have increased by 475 and our home-delivered meals have increased by 577. So that is really a lot of growth in that area. And we were able to hire a part-time person to help in this kitchen. This has helped significantly in that area, so thank you very much for approving that. Our transportation there is significant. It's 516 rides in that quarter, and when you compare that to Santa Fe where we have several drivers, this is just one individual who's providing both the home-delivered meals and the transportation to seniors in that area needing rides. So he stays very busy.

So this graph just kind of show the growth and as you can see from that we've had growth in all of the facilities, very minimal in some and quite significant in others. This chart shows the home-delivered meals and the growth that we've seen there. As you can see, Edgewood and Chimayo, it's very significant. Eldorado has seen growth, and unfortunately El Rancho has dropped off just a little bit.

So just to kind of give you a recap of that, the meals have increased significantly. I think that's because of the cooks that we have right now. We have very qualified cooks and that's to say these people are loving the food. We're just in the process of doing the nutrition survey of both congregate and home-delivered meals and the results that we have coming back really show that we've improved in the services and the food that we're delivering. I also think it's due to the increased activities that we're providing in those centers. We've added several exercise classes. We've added some jewelry-making classes, so we're trying to accommodate them so that we can bring in more seniors and they're staying for longer periods of time and not just coming in for one activity and leaving.

And so we're really focusing on individuals who were just coming in for activities and not staying for meals and we're trying to get them to stay and participate in congregate meals, and we're also trying to talk with the congregate meal recipients and find out what activities they would be interested in staying for so we can have a combination of those and increased participation.

We've had substantive increases, as I said, in Edgewood and Eldorado and Chimayo. At this point in time I believe that the staff that we have is adequately addressing those needs, but if we continue to see that growth we will probably need to address staff issues as well to help to make sure that we're getting the meals to them in a timely manner and that their needs are being met.

We had the opening of the Nambe Center in September of last year and that center has been used quite a bit by the community, for community events there. We also held a flu shot clinic there. We held one countywide. We did it in Eldorado, Edgewood, and Nambe, but we had really good participation in Nambe with 81 individuals coming into that facility alone for flu shot clinic. We are also going to be doing a pneumonia shot clinic there in March sometime and we're working on that right now. It's been a concern of the seniors and they've asked for pneumonia shots. We've secured vaccine for that and we're going to move forward with providing those shots at that facility as well as we will provide transportation to seniors wanting to go.

We also had a diabetes clinic there, just kind of pre-diabetes and it was a lead-in to something that Rio Arriba County was going to be working on and getting seniors to participate in, and so we made that available to seniors in that area as well.

We, after several months, opened the Rufina facility. We're using that as our hub right now to serve our home-delivered meals for all of northern New Mexico, Highway 14, Aldea, and Galisteo. Basically, all of the meals with the exception of a very few that get served in Eldorado by a team of volunteers, and the Edgewood meals, with the exception of those, all of the other meals for home delivery are coming out of our Rufina site. So if you guys haven't had an opportunity to come by to the Casa Rufina apartments and see that kitchen we would welcome you to come. We have a part-time employee and she works from 6:00 to about noon every day getting those meals out. So she's doing a fantastic job. We've already gotten calls from some seniors who are complimenting the food that they are receiving at home. She's doing a great job there as well. And that facility is open five days a week.

We are working on CPR training and we've partnered with the Corrections Department to do that. They are providing training to our staff in small increments. So we will have all of our staff completely trained in CPR within a short period of time.

We've worked to get the Senior Advisory Board in place. All of those members have been appointed and they have already met twice. They've made some really good suggestions on policy and things that we should be doing at the centers. They've given advice on some of the issues that have come up from seniors. And the next senior advisory meeting is currently scheduled for February 21st. It's scheduled to be held at the Chimayo Center, and as of right now we don't have a time but I will definitely let you guys know so you can notice it appropriately and we'll let you know the time. It was scheduled for 9:30 but it's also budget kick-off so there was conflict there. But we'll let you guys know and if you want to come and attend any of those Senior Advisory Council meetings in your district we welcome you to participate.

We received funding a couple of years ago to install a fire suppression system in Edgewood. That work has been completely finished and so they're now ready, just waiting on the hookup of the fire alarm system so that that service will be in place, and that will be completed. We started work there in mid-December. Because this went very, very smoothly we did not have to close the center at any point in time. We did have one issue with a broken water line but that was resolved very quickly and we did not have to close the center and continued serving meals there on a daily basis while the fire suppression system was installed.

The Area Agency on Aging donated several computers to us back in October. They have been given to the IT Department for them to program, and those will be disseminated out to the senior centers for computer labs. I've worked with HR and they will come and do some computer training for us, for the seniors. We're setting up labs right now in the centers in Edgewood, El Rancho, Santa Cruz and Chimayo. And so they will have computer labs set up for the seniors' use there and training. We currently have a computer set up in Eldorado and fortunately we have an individual who comes and does one on one training for seniors who want training there. So hopefully this will address the needs in other areas of the county as well.

We've moved forward with a couple of senior dances. We had a dance in December, a winter dance at the County fairgrounds that was very widely attended and they had a great time. We also had our Valentine's Day dance today at the County fairgrounds. It was originally scheduled for Valentine's Day but we moved it to today because lent starts tomorrow and several seniors from up north will not come and participate to dance during Lent. So I'm personally conflicted with the BCC meeting today, but I can report to you guys on how that dance went. It is something that the seniors really enjoy, and something that we've committed to try to do for them several times a year. So we transport seniors from all of our center, including Edgewood, and it's something that the seniors look forward to.

We had our very first newsletter in February. That's something we're excited about. It's something that we have been talking about for a very long time, and we were able to pull that together and get that distributed to seniors countywide. They are excited about and they're working on distributing their own letters or articles on things for the March newsletter. So it's something that we will continue to do on a monthly basis. If there's every

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anything that you would like to contribute or things you would like to see in there that we're not currently including then let us know and we'll make sure to work on including that in future newsletters.

As I mentioned earlier, we did receive funding for transportation this year from the Area Agency on Aging. They gave us very minimal transportation units, which we have already exceeded, so we're hoping that by the end of the year if they have any additional transportation funds available that we will be eligible to apply for those funds to be reimbursed for transportation units that we have provided during this fiscal year. When we apply for funding for the next fiscal year from the Area Agency on Aging we will definitely be asking for more transportation dollars to supplement what we are currently doing. But we do have very dedicated drivers who are driving seniors around. We do medical appointments as a priority. We also do grocery shopping, personal appointments, banking, basically any services that the seniors need rides for; we're trying to accommodate all of those requests at this point in time. We do not have the list right now and we have not turned down any requests for transportation.

The funding that we received from Aging and Long-Term Services last fiscal year to purchase new vehicles has been just about all expended. We have received our three hot-shot vehicles to provide the meals. That really helps with our meals delivery, because if we didn't have the hot-shot we are limited to the number of hours that we can actually have a meal on the vehicle, but because we have the temperature control in the hot-shot it enables us to keep those in the vehicle for a little bit longer which has allowed us to expand our routes.

So we received three of those vehicles. One of them is serving northern New Mexico, one is serving the Eldorado-Galisteo area and one is located down in Edgewood. So those are on the road and they're great and the drivers love them.

We received three small mini-vans. Because we're not transporting large numbers of individuals at a time we figured it was better on fuel to go with a smaller van. They seem to be really popular with the seniors. They're easier for them to get in and out of, and we have three of those right now that we're using mostly in this vicinity. We did not send one of the small vans to Edgewood because of their need for the four-wheel drive vehicle which we have kept down there.

We have purchased two additional, small, handicap access vans. Those are now here in Santa Fe. We're using them in Eldorado and up north on the Santa Fe route. The handicap van that we had which was a larger van and had four-wheel drive has now been relocated down to Edgewood. So we do have the ability to provide transportation with handicap accessible vehicles in all of Santa Fe County.

The last vehicle we purchased with that grant money was a cargo van for the delivery of food, which was very much needed so we could keep the food refrigerated or frozen. It takes quite a while to get the delivery down to Edgewood and we were having some issues with food getting there and not being completely frozen and having to switch around our menu to make sure that we were using that food in a timely manner. So with this new cargo van it's made the delivery of our food so much easier and safer.

Last July I reported to you that we had submitted requests for capital outlay money to the Area Agency on Aging. These requests basically incorporate our preventative maintenance issues and planning for the centers. Our initial request is for outdoor

improvements, and included in House Bill 211 and Senate Bill 60 are amounts to do outdoor improvements in Edgewood, El Rancho, Rio en Medio and Chimayo. This includes some septic system work, some lighting for parking areas that are very dark, revisions to the parking surfaces themselves and for some energy savings, such as new windows in some of the centers that have extremely old windows, replacements or updating of the HVAC systems and heating systems and various systems like that. So I will continue to work with Public Works on identifying preventative maintenance issues and planning for next fiscal year so we can be ahead of the game when it's time for the new capital outlay projects due at the state. So we'll be working on another package that will be due probably in July to them as well.

I want to kind of give you guys an update on the community center highlights as well, because as you know the community centers fall under the senior services. We've worked really hard to recruit community members to serve on the board. We do have full boards in place at the Nancy Rodriguez Center, in Cundiyo, at Nambe, El Rancho, and Rio en Medio. And when I say full boards, the current resolution allows for a minimum of three, a maximum of five. So a full board would be three members. Some of them do have five but we consider it completely filled if we have at least the three because they're able to conduct business with a quorum.

We have partial boards in place at Chimayo and we're still working to recruit members in that area, and we have a partial board in place in La Cienega, and we're working there to recruit additional members as well.

We put a contract in place back in September for an individual to come in and provide board training so that the community board members understand what their roles and responsibilities are, how to conduct the business, how to rent out the center. They were at one point collecting funds but we have dedicated a County staff employee to help with the running of the community centers so that the board members are not responsible for collecting those fees and making the deposits. So we've kind of held off on training right now because one of the things that we're doing is a rewrite of the resolution to incorporate some of these changes and to incorporate different fees. We're working with the insurance provider to lower the insurance rates that had been \$103, so in addition to the rental fee and the deposit, community members were required to pay \$103 insurance fee.

So we were able to negotiate and lower that fee to \$25 of \$35 for property damage. And then what we are working on right now is there's an additional personal injury fee of \$75, but where we're headed right now is to not make that a mandatory fee, and make that if they would like to purchase property insurance and it's available for them to do so, but it would not be required for them to rent the center.

So we can get all of those issues tweaked and the new resolution brought forward we're holding off on any additional board training, because we don't want to train board members on an old policy and have something new roll out in just a couple of weeks or a month or so and then have to do additional board training. But as I mentioned, we have a dedicated County staff who is working to make sure that the application process is handled through the County. People are bringing that in and bringing the fees in so that we're depositing the money in a timely manner. Before we were having issues where the board members were receiving it and then maybe once a month reconciling and bringing in the

deposits and so we've changed that to take that responsibility and that burden out of their hands and put it back onto the County.

And that seems to be working. We're also working on creating a master calendar for the community centers that would be on the website so individuals can look and see if a facility is available, and it would have all the information on who they need to contact and what they will need in order to rent that facility. And the application will be on line also so that they have access to that without having to come in and fill that out.

One of the other things that we're working on for the centers is a keypad entry system, and we're hoping that that will enable us to go the keyless entry for those facilities and give us a little bit more control and we can remotely set those up. So if there's a function on a weekend we don't necessarily have to have a staff member or a community member to go and open the facility. We can enter a temporary code that people can use to come in and rent the center, and they can kind of come and go during the day and set up and somebody doesn't have to be available to continuously open and close the center for them throughout the day. It would also give us a little bit oversight so that we know who's entered in the facilities during the day or weekend and we wouldn't run into the issue of coming in on a Monday morning and wondering who was in the facility that week, because it hadn't been rented out. And so we think that a keyless system will eliminate a lot of problems that we're having in the centers right now.

We've received two bids for those and we're waiting on the third before we move forward on implementing that in a couple of areas just on a trial basis.

One of the things that we're really working on and we started implementing is a fresh food initiative so that cooks are no longer working with any prepared food. So they're not getting any pre-cooked meats or pre-diced and sliced and cooked. Everything is coming to them fresh. We're working really hard on using fresh vegetables. I know that last summer we used a lot of the vegetables that were grown both in Eldorado and Edgewood and they really did enjoy that and it made a difference in the food that we were serving. So we're working hard toward that fresh food initiative. And all of the cooks have been instructed, our food ordering person has been instructed not to order pre-cooked foods and so we've been doing that for two weeks and it seems to be making a difference in the centers. The centers have been very, very complimentary about the food that they've been receiving, which is really good news for us.

We issued an RFI a while back for the Highway 14 senior center that we would like to move forward on. We did receive some responses and last week, Mark Hogan, Agnes and I went out to go look at properties in that area. There are some really good properties available and we're going to be trying to move forward to get information on those properties and we will be bringing that information forward to you as we move through that process.

The La Cienega remodel is moving forward. We're looking at potentially adding a community library in that facility and possible renovations to that kitchen area. And so as that process moves forward we will be updating you on that as well.

We are working also on the Eldorado expansion. We have had a couple of meetings with the architect. They have been hired. They're on board. They gave us one preliminary drawing yesterday which we met with them on and the seniors gave input on that as well. They are going to come back to us next week with three additional drawings so we have

some comparisons and we made a few suggested renovations yesterday for that plan. So they will be bringing us a plan next week and we'll be continuing to move forward on that. We're hoping to get plan and design done quickly so that we can go out to bid and get that project moving forward. But it is moving right now, so I know it had been stalled for a little bit of time but we had to get the architect on board and that took a little bit of time, but we are working with them right now.

We are partnering with Rio Arriba County to do a shingles clinic. That's something that the seniors have been extremely concerned about. Rachel O'Connor who has been working with the Department of Health to try to secure vaccine for that. It's been extremely difficult and it's very expensive, but Rio Arriba County received a grant and so we're partnering with them to provide services to seniors in Santa Fe County. So that is something that Rachel's working on right now and we're moving forward to get that done. We've had several conversations with them and it looks like it's going to be a go and will work so we're excited about that.

The last thing that we're working on right is the Knox key system for all of the centers, and I know it's been an issue that's been brought up several times and I've been working with Chief Sperling to identify funding and to find out how expensive those are so it's something that we'll be putting into our current budget, and we'll be trying to get those in place very early in the next fiscal year so that we have the Knox boxes at each of the facilities.

So you can see there's a lot of projects going on at the center and I would like to especially thank the staff because each one of them works extremely hard every day and we would not be able to be doing the work that we're doing on a daily basis if it weren't for the staff that we have. So if you guys are out at the centers and see them I just would like for you to express your gratitude to them because they work extremely, extremely hard. So that's all that I have on the update and I stand for questions.

CHAIR HOLIAN: Thank you, Teresa. I just think that the senior centers and our community centers are a real success story in Santa Fe County. Anyway, Commissioner Anaya, and then Commissioner Stefanics.

COMMISSIONER ANAYA: Madam Chair, Ms. Casados, thank you very much to you and to your entire staff and thank you for being patient, because we held your report over from last time to this time. I know it took a little time but it's very extensive and comprehensive and covers all the key aspects of if not the most golden program in the County one of the most golden programs in Santa Fe County. I want to tell just a brief little story about our visit the other day when we were meeting with the seniors in Edgewood about their garden and the work that they're doing. We had a good meeting and they're excited about things they're going to be working on. But one of the employees – Travis, right?

MS. CASADOS: Travis.

COMMISSIONER ANAYA: Travis' last name is?

MS. CASADOS: Darnell.

COMMISSIONER ANAYA: Darnell. Travis Darnell waited – actually, I met with yourself and we had discussions with staff and Travis waited there at the center until we were done to lock up the door. And on the way out, he told me, he said thanks for coming. And here's my number, because I'm the one that does transportation services to people in this

area. And he said, you would be amazed and surprised and in some cases very saddened with the people that we serve sometimes that have no one. They have no family members at all to help them with their yards. They have no family members to take them places. And he said, let them know, because it's something that we do for our seniors and it really does help them and make a difference.

So we have many, many Travis Darnells throughout the entire senior program. You and Rachel and the entire team, and Travis and all the Travises out there in the centers out there do a great job. I want to expressly say that since I got here I've been working hard and communicating with you and the other Commissioners have helped along the way on the Highway 14 initiative which encompasses not just Turquoise Trail and Highway 14 but Cerrillos, Madrid, Galisteo and that whole region. So there's a lot of excitement over the existing programs and the new programs that are in the pipeline like that Turquoise Trail, Galisteo, Madrid, Cerrillos project that's going to serve a lot of seniors. So thank you very much and please express our thanks and I will do the same as I go through the senior centers and visit with the staff and the members of our senior community. So thank you very much.

MS. CASADOS: Madam Chair, Commissioner Anaya, thank you very much. I just want to say Travis is really an exceptional employee. We have great employees in the program but I get notes from seniors all the time down there saying Travis came by this weekend and shoveled my snow or Travis came by and brought me some groceries. He's just an amazing individual and he's exactly what we need in the senior program. And I'm really proud of the staff that we have.

On another note, with regard to Highway 14, I worked with GIS to get some numbers and determine how many seniors we have in that area, and it was pretty amazing to me to see how many individuals we have in that range that really are living in that area that do not have access to services. So I think the expansion of building the center in this area is a great idea and I applaud the Commission for saying that and allowing us to move forward in that. So there will be so many individuals who can receive services that are not currently having that opportunity. So thank you.

CHAIR HOLIAN: Thank you, Teresa. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you very much, and thank you very much for your work and please thank all of the staff for caring about our seniors. I have two questions. One is that the seniors at Eldorado had requested some tables that could fold up on wheels that they could move around more easily, because they have to take them up and down and there aren't quite enough staff to do that every day. Did that get accomplished?

MS. CASADOS: Commissioner Stefanics, we're in the process of obtaining tables with wheels. We've been working on that for a while. They were extremely expensive and so we have put in a requisition and we're moving forward on buying tables with wheels. The only conversation I've had with them recently is when we started with this expansion now and they're going to be expanding and having stationary tables that won't be coming up and down, the conversation that we have now was maybe we should wait on ordering all of the tables and chairs at one point in time. And so we have identified tables. We're ordering some currently to have at Nambe, because that facility is still without permanent tables [inaudible] the fairgrounds and they're there. But with the expansion and the tables that will be stationary and not moved up and down we're now thinking that maybe that's not what

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they need. So it's a discussion that I am continuing to have with the seniors and as we move forward in identifying the furnishings for the expanded facility it will definitely be addressed.

COMMISSIONER STEFANICS: Okay. Thank you. And the second request for the next time that you would make a report is for you to give us a written flow chart of how we interface, Santa Fe County and the senior centers, how we interface with the Area Agency on Aging and the State Agency on Aging. Because one of the legislators said to us at our legislative breakfast, oh, tell us when you want something for the GO bond, and we just would like, all of us, to be aware of what is the timeline, what is the process, who does what in terms of our advisory council members. Okay? Thank you very much, Madam Chair.

COMMISSIONER STEFANICS: Thank you. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, thank you. Ms. Casados, thank you. It's a great report. Thank you so much and all the work your staff is doing. Just real quick, and you touched base on a lot of these things. The art sale, I know in December also a lot of the senior centers up north, specifically they do a lot of the crafts work. How you incorporate the dance in December maybe you could also do something with their art sales. I know they have them individually at the centers. Maybe there could be something done at our fairgrounds also in December. Just a suggestion, however you want to work that out.

Also I know Commissioner Anaya have been big on this but if can get them involved, and I know you did last year, in our county fair, some of them were involved but maybe they could start entering a little more if you could push that initiative I'd be very appreciative of that.

MS. CASADOS: Madam Chair, Commissioner Mayfield, we have had that discussion and I think I would love to get them to participate more in the fair. I did speak with Greg regarding the fair, and one of the things we talked about and he was going to see if maybe we could make it a reality is maybe on the last day of the fair or the day after the fair or the day before the fair starts, is to have a crafts fair where the seniors can come and show all of their crafts and maybe have a sale at that point in time. So it is a discussion that we are having right now for this next year's fair, and we would definitely look into having some sort of a crafts fair there next September.

COMMISSIONER MAYFIELD: They could even enter into the fair.

MS. CASADOS: Right. Right. And we did have several members enter into the fair last year. Not the participation we were looking for but we had a few and it was a good start, and we will continue to work towards that end and we will probably start to push it earlier than we did last year.

COMMISSIONER MAYFIELD: Madam Chair, Ms. Casados, you're offering transportation to the fair also, right?

MS. CASADOS: We do.

COMMISSIONER MAYFIELD: Great. Thank you. And then you mentioned, you touched base as far as on the community side. You're going to start doing the calendar. More – not the private events, but on the public events. So you're going to put that up on the calendar when there's public events – acequia association meetings, that type of stuff when the community centers are open to the public?

MS. CASADOS: Yes. Madam Chair, Commissioner Mayfield, we will post all events happening at each of the community centers on the calendar. So whether it's public

or private it will be posted. If it's a private event we're not going to be posting the name but we'll just post the type of event that's happening at that center so that they will know that the facility is not available, and it will give us a better idea of who in the community is using those and how often they're using them.

COMMISSIONER MAYFIELD: Fair enough. Then as far as when your report comes back to us, maybe you could just show, at least for me, for the northern centers, how much use is being used for the centers for the public events. Because I'd like to see how much use is being done at the centers.

And then you mentioned something with the cost for these Knox locks and even these keypads. Just let me know what you guys are asking to be budgeted for that. Maybe I can try to find some assistance for that if it's being a problem.

MS. CASADOS: Madam Chair, Commissioner Mayfield, if it's something you're interested in funding it's something we're interested in doing this fiscal year. So maybe I could get together with you on those costs. All right. Thank you.

CHAIR HOLIAN: Thank you. Thank you, Teresa, and thank all the staff too.

MS. CASADOS: I definitely will.

XIV. MATTERS FROM THE COUNTY MANAGER

A. Miscellaneous Updates

1. Discussion on Employee Insurance Benefits

MS. MILLER: Madam Chair, Commissioners, as you heard earlier, we had an insurance provider come in and comment they would like to be able to offer insurance to County employees, and that is not one that the County has actually got on its employee benefits where we actually pay for a portion of it or it was one that was done through an RFP and awarded a contract to the state through risk management where we have that on our payroll deductions. I think basically what they were asking for was the ability to sell to County employees and then have payroll deductions. Well, payroll deduction actually takes the County time and staff and implies some kind of endorsement by the County. So the County has a method by which they have offered employee benefits and I wanted Bern to just give you a little update on what we currently have in the way of benefits, what we pay a portion of, and then what additional ones and how we got those. And then I would just add to that if we were to add any others that we should do an RFP for those and perhaps we would want that to be in place to find out if there are any additional benefits they'd like to have. But Bern, could you just give a real quick – you've been waiting a long time.

BERNADETTE SALAZAR (HR Director): Thank you, Katherine, Madam Chair, members of the Commission. Basically, we are a public body under the state's plan so we offer all the same benefits as the state. Some of the voluntary benefits that we have are legal insurance, flexible spending and additional life insurance, with the regular medical, dental, vision. So basically, that's the insurance package that we have and it falls under the state.

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

COMMISSIONER MAYFIELD: Madam Chair and Manager Miller, I know that I spoke to you about this, but can you explain the RFI, and if individuals want to come and make a presentation to the County you could put out an RFI, or if somebody wanted to come and pitch something to the County, couldn't we do it like a mass blanket so that anybody could offer – how do I say this? So anybody could present their product if they went through you and be afforded the same opportunity so it's equitable across the board, and it's not one specific person so there's no violation of any procurement codes. And maybe it's not an RFP that's put out but maybe it's an RFI that's put out.

MS. MILLER: Madam Chair, Commissioner Mayfield, we had a discussion similar to this in the fall relative to we had a vendor who wanted to come talk to you regarding medical services at the jail. Yet we have several vendors who say we'd like to talk to you about that. At that time the discussion was that if it was something where – and I don't think we'd want to do it on every single service and have every vendor in here or your entire meeting would be talking to vendors. But if it was something that we were interested in as the County looking at an optional service or something but we really didn't know what was out there, instead of an RFP the first step would be an RFI, a request for information, giving some parameters of the type of vendors we would be looking for and the type of services we'd be asking are you able to provide.

Then at the point that we got responses, that if there was then a desire with that for somebody to – we'd give a summary to the Commission and any of those that responded would be able to be at that meeting and speak on behalf of their company. At that point if the Commission found that that was of interest then we would go out for an RFP, at which point we would not be able to talk to you because we would be in an actual procurement. The issue of whether a vendor could come in here and talk is more of a when do you say no? How many do you bring in and how do you make it equitable? That's why the RFI process, if it were something like that.

In this particular instance if there are additional benefits that the County would like to offer to employees through payroll deduction I would just recommend that rather than having an RFI and each individual vendor try to come and talk about it, that we ask employees, what would you like to see us do an RFP for? And then we go out and do an RFP for it, and do an evaluation of whether they are capable of providing the services, or we do as we've done in the past, order off of what the state Risk Management does because they've gone through a competitive process and then vetting of those contractors that offer the services.

COMMISSIONER MAYFIELD: And I guess, Manager Miller, what if somebody says here's this service I want to let you guys try and use. I'll let you try it out for a while and then you guys tell me if you like it. Would we go for an RFI after, an RFP after?

MS. MILLER: Madam Chair, Commissioner, I think quite often we get approached to do pilots. If we try to pilot – like we would still have to do a procurement process. It wouldn't guarantee that the individual how offered a free – a company who did a free pilot demonstration would get the contract. We'd have to do an RFP.

COMMISSIONER STEFANICS: On this point, Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Stefanics, then Commissioner Anaya.

COMMISSIONER STEFANICS: Madam Chair, when I was at the state we did do a survey of employees to find out different insurances or extra benefits that they might want for voluntary services and we had everything from homeowners insurance to car insurance to pet insurance, etc. It was also determined, mostly by the companies that were going to do it that they had to have a minimum number of participants in which to make it viable, because most of the vendors were seeking payroll deductions, so that they had a regular point.

I'd like to just say that in the past, the state had an insurance agent for an independent insurance product that actually turned out to be disreputable, and currently, the state is going through an issue with disability and life insurance and not paying some individuals and the state is on the hook for it. And they went through the proper vetting and they went through the RFP process but the governmental entity is now having to work it out in court. So I would just say that offering extra benefits is tricky and we could be held liable for some financial debt. And I would just say of course I want to take care of our employees but I also want to make sure that we're protected. Thank you.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Ms. Miller, I've actually had companies that approach and ask to do the very same thing that was requested today, and I think if there's a process by which they're evaluated and they're deemed competent and in good standing and other jurisdictions are utilizing them, I actually don't have a problem having more choices for employees as opposed to a few. Now, there might be some that are more beneficial. To those employees from our perspective that we endorse, if you will, but I think if there's more alternatives and they're bona fide companies I don't have a problem with that. So maybe there's a balance that we could strike between communicating with employees and also providing options for different choices that are not just within the prescribed one or two. So those are my thoughts, Madam Chair.

CHAIR HOLIAN: Katherine.

MS. MILLER: Madam Chair, I would like to say that when people come to us and say we have things that we'd like to offer employees, we've allowed them to put brochures, like at employee orientation or when we have our house fair. They've been invited. The one thing we don't do is the payroll deduction for them, and that's what they want is basically the County to be their bill collector for them. And part of the reason we don't do that is because one day we stop. So if we say that we want to do that – and this is the same issue when I was at the state. There would have been 60 companies who maybe had 20 people, and for the payroll entity, you're responsible for making that – collecting that and making sure that entity gets it.

So what we ended up doing is saying we would offer three spaces in payroll deductions above and beyond the other and that's what they did the RFP for, but it was really hard, because you'll have – and you might even have several representatives for the same insurance, saying, well, I want a payroll deduction to go here, one to go here, so really, we don't stop anybody from approaching employees on their own time and all but what we just don't do automatically is give them payroll deduction.

So I don't know if there is a balance for trying to pick some, but I think if we do do payroll – if we do the payroll deductions and pay the vendor we should do some competitive process for that would be all I would say. I think we would get ourselves into issues with providing something for a vendor without having a contractual arrangement with them.

COMMISSIONER ANAYA: Madam Chair, if I could just follow up. And maybe it's not 60 as you suggest but maybe it's five. But maybe there's some reasonable number that's a little more expanded and does go through a process. Thank you, Madam Chair.

CHAIR HOLIAN: Thank you. So would you like to go on, Katherine?

MS. MILLER: Madam Chair, that was all we had on this. I just wanted to give you information. I know we had some requests for that and we'll continue to look at those options.

XIV. A. 3. Reports

MS. MILLER: You probably covered it earlier under Matters from the Commission. We didn't get to the reports at the last meeting. If there were any questions on those reports the directors are here to answer those if you had any questions.

XIV. B. Legislative Update

1. **Resolution No. 2013-___, a Resolution in Opposition of House Bill 30 of the 2013 New Mexico Legislature as Introduced Which Relates to Regional Transit Gross Receipts Tax Distribution That Would Eliminate the Involvement of Santa Fe County in the Direct Distribution of County Regional Transit Gross Receipts Tax Proceeds Thus Hampering the Transparency and Accountability for Santa Fe County Tax Payers**

MS. MILLER: There's a couple of things. One, just kind of an update on this first item, the resolution opposing, in opposition of House Bill 30. I did receive an update from the director of the NCRTD that the chair of the RTD board and the director discussed House Bill 30 and to let the bill's sponsor know that in requesting House Bill 30 not move out of committee. So you could still pass this resolution but I think they have also decided that there were enough board members not in favor of this that they were not going to move the bill along.

CHAIR HOLIAN: So let me ask the Commissioners. Is it okay if we just move on?

COMMISSIONER ANAYA: Madam Chair, I would suggest we just move on if they're going to not ask it to come out of committee.

CHAIR HOLIAN: Okay. Let's move on.

XIV. B. 2. Property Tax Lightning [*Exhibit 9: Power Point Presentation; Exhibit 10: Bill Text*]

MS. MILLER: The next item was Deputy Assessor Gary Perez was requested to give a brief, brief presentation on the tax lightning bill that might be introduced. They have two days left for bill introduction for the 14th of February.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR HOLIAN: Commissioner Stefanics.

COMMISSIONER STEFANICS: Before Mr. Perez starts, didn't we essentially approve this in a resolution to the Association of Counties? It was one of the six, I thought.

MS. MILLER: I think this was one of the ones we didn't do because they had not decided on what bill.

COMMISSIONER STEFANICS: Could one of your staff research this while Gary's talking? Thank you.

GARY PEREZ (Deputy County Assessor): Madam Chair, members of the Commission, what I'd like to do here is I have 13 slides, if you'll bear with me, I think once I get through all the slides I will probably answer most of your questions. I was able to, Madam Chair, talk to three out of the five Commissioners in person so we could get this information to you on a more personal basis. However, I was not able to meet with Commissioner Holian and Commissioner Mayfield.

What I want to present to you is a synopsis of what I call proposed legislation. Actually early today they did introduce the bill. It is known as House Bill 521 now. It was introduced by Representative Ed Sandoval. And what the legislation attempts to do is provide a solution to the perceived tax lightning problem as well as create an equitable, transparent and understandable application to all residential property tax valuations. Right now, the way the capped value system works for residential properties is very hard to see why certain properties are lower than the others or higher than the others, so I think this will see at the end might provide a solution to that.

There's four components that result in maintaining the original intent and the spirit of the value cap la that was implemented in 2001 by Speaker Ben Lujan. The first three of the components as I call them would be implemented in the first year. The fourth component would be implemented in the year after and the years following.

First of all, the bill only affects residential property; it also residential condos. What the bill proposes to do in component #1 is to raise all property values that are below 90 percent of their market value to 90 percent of their market value. Right now we have, out of the 52,000 properties, 47,000 or 89 percent of them are above 90 percent of their market value. The averaged assessed value of those properties is 95 percent of their market value. We have only 5,144 properties, or ten percent of those residential properties that are below 90 percent of their market value. Right now, the averaged assessed value of those properties is 66 percent of their market value.

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In this example A, what I tried to do here is present to you how example A or referring to component #1 would work. This would be for residential properties that are under 90 percent of the market value. If you would bring them up to 90 percent this is what could happen to a property. On the first line we would assume that the true market value of the property in the real world is \$200,000. On the Assessor's books, in 2013 we would assume that we are assessing the property at \$160,000, or it's 20 percent undervalued. It's only 80 percent of its market value. In the first year of implementation under component #1, we would take this property to 90 percent of its market value, or \$180,000. That would result in a 12.5 percent increase in the full value.

If you'll turn the page on your handout. Under example A-1, this example is still under component #1, but for properties that are over 90 percent of market value. So what would happen, you'd have the same figures here. We're assuming that the true market value is \$200,000. Our assessed value is \$190,000, or we are assessing it at 95 percent of its market value. This property would be left alone at \$190,000. There would be zero change in the full value.

The effects of implementing component #1 are as follows: We would be raising the 5,144 properties approximately to 90 percent of its market value. We are currently valuing the property on the second line at \$15.7 billion of its full value. If we raised all the properties to 90 percent of their market value we would be – our total tax base on residential would be \$16.192 billion. That would result in a net gain to the residential tax base of \$431.5 million or \$143.8 million in taxable value, which is one third of the full value.

When we increase the residential tax base or either the res or the non-res, the tax rates, assuming nothing else happens and all of the variables that are components of the yield control, the tax rates should decrease. So the larger amounts in the increases in the base will result in a larger tax rate decrease.

This is example B on the next page. This is an example of how component #2 works. In component #2 we would apply an additional five percent limitation on value or a discount, if you will, of the value that we just calculated in examples A and A-1 for people who have owned their house ten years or more, for single-family residences and for people who are New Mexico residents. There is no age requirement on this one. If you have owned your house 10 years to 19 years then this would apply. Again, we're going to assume the market value is \$200,000 in true market value. The Assessor's office is assessing this property at \$160,000. In the first year of implementation we would take it to \$180,000 in the first step, but then they qualify for this limitation on value, so we would multiply the \$180,000 by .95, getting to a value of \$171,000.

So their value is changing from \$160,000 to \$171,000, resulting in a 6.8 percent increase. I want to point out, however, that the end result of \$171,000 is still only 86 percent of market value. Under this component this would be locked in for as long as the resident owns their property.

On the next page, for example B-1, again, this is for a property that is currently valued over 90 percent. So we're showing you an example for under 90 percent and an example for over 90 percent. We would apply a five percent limitation on the value for a person who has owned their property for ten years or more. As I stated before, for a New Mexico resident and

with no age requirement. The true market value is \$220,000. The Assessor's value on the books currently is \$190,000. We're assessing it at 95 percent of its market value. In step one, we leave it alone. If they did qualify for this limitation then we would bring that value down to \$180,500. So the end result in this step would be a five percent decrease in their full value.

The implications of implementing component #2 are as follows: There's about 15,000 properties, over 15,000 properties that would qualify for implementing component #2 or who have owned their houses more than ten years. So we would be bringing those values down. Those are people who's values are older and they're valued higher, closer to 100 percent of market value it would be coming down. We would be losing \$284.7 million in full value of valuation, but we would still have an increase in full value of \$146 million because of component #1.

On the third component on example C we are applying a ten percent limitation on value for people who have owned their houses 20 years or more who are 65 years or older for single-family residents. Here I have an example of a property that's currently 90 percent or under 90 percent of its full market value. Let's again assume the real world value is \$200,000. In 2013 our value was \$160,000. In the first year of implementation we'd take it up to \$180,000 but at the same time we would apply that ten percent limitation on the \$180,000, so that would result in a value of \$162,000. So the property would go from 2013 to 2014, from \$160,000 to \$162,000. And this would result in a one percent increase in the full value.

The next example is for the property, the same component, component #3 for a property at over 90 percent of its market value. We apply the ten percent limitation again for ownership for 20 years or more and 65 years or older. We would again assume that the value in the real world is \$200,000. We are assessing it currently at \$190,000. If they applied for the limitation on value and they qualified for 20 years, we would take that value from \$190,000 down to \$171,000. This would result in a ten percent increase in the full value. And it's also \$171,000 of \$200,000 is 86 percent of the market value. So this person with this value at this present time would continue to enjoy, any person who has owned their home for 20 years or more and is 65 years or older would continue to enjoy a lower market value than the true market value for as long as they own their property.

It's important to point out that right now, under the current law, a person can get to market value. We've established that because we know that we have many, many properties that are already at their market value and they have been capped over the years, but because the market has been decreasing, the market value has been decreasing and we're going up three percent we've almost caught up to the real world market value.

So right now they can be assessed at 100 percent of their market value. Under this new law a person who has retained their home for ten years or more will receive a benefit from that.

The results of implementing component #3 is a loss in value of the original gain of \$368 million. Right now, there's about 7,600 properties that have people who have been in their homes for 20 years or more. Now, we don't know the exact number here, because we don't know out of this 7,600, we don't know how many of them are 65 years or older. So in this case I just assume the worst case scenario that they all are qualified. Or best case scenario. The net result is a gain in full value of \$63 million, so we are still up. Originally we

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gained \$431 million but we reduced it because of the limitations. Our gain here is \$63 million to the tax base, or \$21 million in taxable value.

Again, when we increase the tax base the tax rates tend to decrease. So the committee that worked on this actually, that was one of the goals of the committee is to ensure that the tax rates would decrease for everybody, because that would minimize the increase on taxes to the people who are going up to 90 percent of their market value.

In conclusion, the effects of the legislation would do this: After the first three components are implemented operational tax rate should decrease for all residential properties due to yield control. They'll change differently because of the different tax districts, and that hasn't been studied yet. The increase in taxes would be minimized for those residential property owners who received an increase in the value for those that were below 90 percent of their market value due to the operational tax rate decreasing. Also, taxes would decrease for all other properties. We would be an average of 65 percent of market value to 100 percent of market value. Implementing this law would take it to 90 percent of market value – actually 80 percent of value to 90 percent of value. Under the current cap law property owners may be assessed at 100 percent of their market value, and I already stated this law would give somebody who has owned their home for a long period of time a permanent reduction in their assessed value.

The proposed legislation would actually lock in a lower value for those homeowners who retain their houses for ten years or more. Again, this legislation really reinforces the original intent of the cap law instituted by Speaker Lujan and provides for more equitable valuations amongst residential property owners. Also, tax lightning, what the media has termed tax lightning, would be minimized or eliminated.

I've also provided to you a map. *[Exhibit 11]* Commissioner Anaya had requested one and Mr. Martinez and I met with him yesterday. A map of where the properties are located that are under 90 percent of market value. The map's a little hard to see. The first one you have is a map of the county and it's kind of hard to tell where the properties are. But you can see there's some information above the legend. It tells you in District 1 there's 401 properties that are under 90 percent of their market value, or eight percent. In District 2 there's 1001 properties or 20 percent of the 5100. In District 3 there's 701 or 15 percent. In District 4 there's 1230 or 25 percent and in District 5 there's 1644 or 32 percent.

The second map I gave you leads into the perimeter of the city limits and that kind of gives you a picture of what's going on inside the city limits. *[Exhibit 12]* What we found is the properties that are under 90 percent of their market value, most of them are the older homes in the older subdivisions. But those are – at a big map, more than half of them would come off of this map because they also qualify for the reductions in component 2 and 3. Out of the 5144, 2900 have been in their house ten years or more, or 20 years or more.

With that I'll stand for questions.

CHAIR HOLIAN: Thank you very much, Gary, and it's a good think that we had the presentation on yield control earlier, because now we understand. Commissioner Chavez.

COMMISSIONER CHAVEZ: This really brings it full circle. It's still not easy to follow but it does bring it full circle because there's the yield control and the assessment

and the collection and then the work that you're doing to try to make it more equitable. So I did want to thank staff for the work that they've done. We did get a copy of the resolution that was adopted in 2011, a resolution supporting New Mexico Association of Counties legislative initiative for the 2012 regular session regarding property tax solutions. So that's dated. I don't know if we could piggyback on this, but I'll just reference that.

What I liked about the work that staff has done, and it's really well articulated in the conclusion. To me, to summarize it, it makes property tax less regressive. It spreads it around. It spreads the property tax assessment across all properties. I think that's fair. It rewards, in a way, those that are maintaining their homes for a longer period, and those that are over 65 in that scenario, Gary, it would mean that they do not have to apply for the rebate year after year. Right? As you said, they would be locked in in perpetuity as long as they own that residence.

MR. PEREZ: Madam Chair, Commissioner Chavez, I believe that they would still have to apply for the rebate, because it's a different issue. The rebate would be through the state income tax forms.

COMMISSIONER CHAVEZ: So but for them to qualify for this provision though they would not have to apply year after year for this, to meet –

MR. PEREZ: Madam Chair, Commissioner Chavez, what we're intending to do in discussions with the other assessors and the committee is to make things like that into the regulations if the bill gets passed. But our intent is not to make them apply every year. Once they apply one time and they qualify with the Assessor's Office they should not have to reapply every year. Only upon the sale of the property or where the transfer of the property would the valuation change.

COMMISSIONER CHAVEZ: Okay. Thank you. So Madam Chair, the only think I would add is I would ask the Board of County Commission to consider updating this resolution to support House Bill 521.

COMMISSIONER STEFANICS: I would second that. Is that a motion?

COMMISSIONER CHAVEZ: No, it really wasn't in the form of a motion.

COMMISSIONER STEFANICS: I'll make the motion.

COMMISSIONER MAYFIELD: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair and Mr. Perez and Mr. Martinez, I appreciate the data and the information and I have a few questions that I want to summarize and then I want to get your feedback on your thoughts on the last comment that Commissioner Chavez brought up about the increment after if this bill would go through, what would take place. But the first question or remark, and you make sure I'm accurate. If I oversimplify what we have in front of us is we have 52,000 residential properties that we're looking at, and we have 5,109 that are not to the assessed value out of that number that we're essentially targeting in this legislation for parity, I guess would be the way to put it. Is that accurate?

MR. PEREZ: Madam Chair, Commissioner Anaya, that's very accurate.

COMMISSIONER ANAYA: So 5,100 individuals, 46,891, the number of people that are assessed according to the valuation that is targeted, the 90 percent or the true

and correct I think is the terminology that you guys continually use. If this bill passes then the net impact to that 46,891 people would in average be a reduction in taxes if we just averaged it, right? The reduction, and then when you look at longevity for living in the house and you look at whether they're a senior or not, and then you look at some of the other reductions or deductions or however you want to term it for low income and others, overall, the average would be a reduction for the majority of people in the county. Is that right?

MR. PEREZ: Madam Chair, Commissioner, that's correct. Now, I wouldn't say majority, because out of the 47,000 there's about 22,700 that would come down. So that's not quite the majority. It's not quite half. But you're heading in the right direction.

COMMISSIONER ANAYA: So, Madam Chair, so you're saying of the 46,000 – and I want to cut to the chase on that – of the 46,000, you're saying 22,000, roughly, would come down and the difference between the 22,000 and the 46,000 would go up?

MR. PEREZ: Madam Chair, Commissioner, no. The others would probably stay the same. But out of the 47,000, 22,000 at this point, 689 have owned their homes either ten years or more, or 20 years or more.

COMMISSIONER ANAYA: And we don't know on that.

MR. PEREZ: We don't know how many of those are 65 years or older. So it will probably be a little less than the 22,000

COMMISSIONER ANAYA: Okay. So Madam Chair, Mr. Perez, relative to the current law, and then I'm going to go to my last question and see how you feel about a suggestion that I have. Relative to the current law that's enacted there were a lot of assumptions drawn as to the legality and the constitutionality of the bill that the Speaker carried forward and got past, the late Speaker, that basically kept the increase that anyone could have at three percent, period. Correct? There was question as to that and a lot of the discussion we heard was that it was unconstitutional. The State Court of Appeals has ruled and upheld the law as it was changed by the Speaker and as it currently sits. Correct?

MR. PEREZ: Madam Chair, Commissioner Anaya, yes, that's true. The Court of Appeals has ruled that it is constitutional the way it is. And the specific part they were testing whether it was constitutional or not was the part where the Assessor is to remove the cap value in the year after a property has sold. That was determined constitutional.

COMMISSIONER ANAYA: Okay. So if you sell the property everything changes. Right?

MR. PEREZ: That's correct. To true and correct. That's correct.

COMMISSIONER ANAYA: Everybody knows that and it's consistent. So my last question and my comment to you is the Assessor – because I think there is some balance and equity in the work that yourself and the other assessors have done and have taken into consideration some of the specific concerns that I and others have raised relative to equity and balance. I think you guys have really rolled up your sleeves and done some good work. One thing that the Assessor said yesterday in our meeting was the art of compromise is where we get anywhere. Okay. So the one piece, there's only one piece left as I'm sitting here on this bench that I have conflict with and it's the provision – and I just want to make sure that I'm clear on it so you can articulate it and make sure I get it right.

But the last component creates a scenario that if the law's enacted and then you take essentially the 52,000 people in the county and you create that equity, from that point forward, okay, it's a fair assessment of value and there's some benefits to longevity and senior status and veterans and other things that come into play. Veterans probably not this law but there's other benefits that come into play. The last piece is that you have a provision in there that from that point forward if the market goes up, that those properties would be raised not by three percent but by five percent.

MR. PEREZ: Madam Chair, Commissioner, that's correct, and I did not touch on that fourth component but you got it.

COMMISSIONER ANAYA: So, Madam Chair, the fourth and last component is the only hang-up that I have to the art of compromise that was suggested by the Assessor that I think could actually help maintain some traction and possibly even get to being passed in the legislature. And that's to recognize the intent of Speaker Lujan that the three percent was enough, and the three percent was more than enough. So that if that one provision, if we could work through and make it instead of five, if we could make it consistent with the intent of former Speaker Lujan at three, then I think we have a balance of bringing up values and a distribution of equity that's fair.

So is that something – and I know you can't speak for the other assessors, but is that something that yourself as a deputy and Mr. Martinez, for this, for our vote, would consider in the interests in the art of compromise? And you may very well have three votes sitting on the bench but I'm asking this based on a lot of discussions that I've had on this bench and a lot of work that we've done and communication back and forth. Is that something that you and the Assessor could accept as an amendment to the resolution that we would support that would help at least for myself and I don't know – I'm not speaking for Commissioner Mayfield but I know he expressed some of the same concerns I had.

MR. PEREZ: Madam Chair, Commissioner Anaya, first let me – I'd like to let the Assessor weigh in on that before I do, but let me first say that the reason why the five percent number is out there is because the committee who worked on these ideas took into consideration what was brought up in prior meetings in prior years by the legislature. We've been working on trying to fix this problem for about five years now. And one of the things that some of the legislators have said and there's even been bills that came before I think two years ago before the legislature that said just change the cap law from three percent to five percent or six percent so that you can catch up on those lower value properties. So those ideas are out there by other people and that's why they chose the five percent. Also, if we get into a situation where the economy starts to pick up again and we're increasing in the real world more than five percent, more than three percent, that we can go up five percent and stay caught up and yet it's still a good number for the public. It's a five percent increase. I know that's quite a bit for some people but that's why we had the five percent. That's why the committee agreed on the five percent instead of three percent.

But I would be willing and I first maybe Mr. Martinez agrees that yes, we would be willing to compromise there and we certainly go before the rest of the assessors and the committee to give them that suggestion that we just keep it at three percent.

CHAIR HOLIAN: Commissioner Chavez, on that point.

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COMMISSIONER CHAVEZ: On that point, Gary, if you took a – read further in component four, it also says that a residential property in 2015 and thereafter cannot exceed 105 percent of its prior year value determined by the Assessor. So does that compensate for what would be perceived a higher percentage but still keeping it equitable across all properties.

MR. PEREZ: Madam Chair, Commissioner Chavez, I think what we're saying is change that to 103 percent from 105 percent, is what Commissioner Anaya is –

COMMISSIONER CHAVEZ: But let's back up a minute. Because it says the last component applies a valuation cap of five percent a year after the first year of implementation.

MR. PEREZ: Correct.

COMMISSIONER CHAVEZ: So you would roll that back from five percent to three percent?

MR. PEREZ: Madam Chair, Commissioner Chavez, I guess that's what Commissioner Anaya is trying to say is that we only limit it by three percent, not five percent. So in the first year of implementation where we took a property of \$100,000 that in the second year it couldn't go more than \$103,000 rather than \$105,000.

COMMISSIONER CHAVEZ: Got it. Okay.

CHAIR HOLIAN: Okay. Commissioner Anaya, do you have any more?

COMMISSIONER ANAYA: Madam Chair, Mr. Perez, I saw the Assessor nod over there. I would just offer that as a – would you like to say a few words, Mr. Assessor? But I would offer that as a friendly amendment and I would ask that that be included, because we bring the values up to a more equitable manner, we provide some allocations for longevity and we provide some incentives for seniors which we should, and it also remains and holds intact the intent of the late Speaker to see property taxes not increase more than three percent.

DOMINGO MARTINEZ (County Assessor): Madam Chair, Commissioner Anaya, it's exactly what you said. This bill really brings equity and fairness into play and if the issue is whether it's three or five percent, we'll take whichever one it is. The problem is, someone has to amend the bill at this point in time because it's already introduced in a five percent cap thereafter. So anybody can go to the committee and ask that it be amended to three percent. I believe that since Mr. Perez was involved with the committee and the committee all agreed to the five percent it will probably add up to be someone like you could come to the committee and offer that amendment and go forward with it.

COMMISSIONER ANAYA: Madam Chair, Mr. Assessor, I guess what I'm asking in the interest of compromise is that I'd be happy to go and that you would go and that we would carry an amendment like that together, as a Commission and would hear support.

MR. MARTINEZ: I would have no problem with that. I would not go against the amendment if that's the amendment that you would offer but the problem with me is that if other assessors and the rest of the committee which is made up of realtors, would they accept it or not? And if they wouldn't, we would have to come up with reasons why it should be three percent then instead of the five percent.

COMMISSIONER ANAYA: And Madam Chair, I understand there's other dynamics and other assessors. I'm just speaking from the perspective of my seat on the Commission and whether or not you'd be willing to do that with us and support it.

CHAIR HOLIAN: Thank you, Commissioner Anaya. I think we would, for us to present it as an initiative of the Board we would actually have to pass a resolution.

COMMISSIONER ANAYA: I guess I'm asking for a friendly amendment to reduce that to three percent.

CHAIR HOLIAN: Katherine, can you speak to that?

MS. MILLER: Madam Chair, Commissioners, I know that there was – there was a question earlier about a previous resolution. We did have this one. I do not have it on today as an action item because we'd need to write a resolution and bring it back to you. So it was to inform you and then if you wanted a resolution give us direction and then we can put those components it and bring it back for approval.

CHAIR HOLIAN: Commissioner Chavez.

COMMISSIONER CHAVEZ: Well, that's what I understood and with all due respect to my colleague, Commissioner Anaya, I was comfortable supporting the bill in its current form. I know we can have the debate between three percent and five percent. I think it's a debate worth having, but I felt more comfortable moving forward with a resolution that supported the current legislation. That's where I'm at right now. So I don't know if I would change my position or not. I can think about that, but I do know that we're not going to be able to take action on a resolution tonight but I did want to discuss it as an option in context with the presentation that we have before us. So that's pretty much where I'm at right now.

CHAIR HOLIAN: Thank you.

COMMISSIONER ANAYA: Madam Chair, just in response, I wasn't – I understand that fully but I don't mind being on the downside of a 3-2 or a 4-1 vote any day of the week if it's protecting, from my perspective the taxpayers and a lower tax rate and increase. So I was putting that forward to try and strike consensus and have a 5-0 vote and some unanimous support but I fully respect the individual integrity of each Commissioner and what they have to do and why they have to do it.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR HOLIAN: Commissioner Stefanics.

COMMISSIONER STEFANICS: I'd just like to let the body know that this week on Thursday and Friday the Association of Counties does have an executive committee meeting and a board meeting and we will be taking a position on this at the board meeting.

CHAIR HOLIAN: Thank you. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, thank you. Deputy Assessor Perez and Assessor Martinez, thank you for being here. Real quick, Deputy Assessor or Assessor Martinez, as far as your presentation, just for my clarification, your average of the \$200,000, is that a good value of where our home values are at or should it be a little higher in Santa Fe?

MR. PEREZ: Madam Chair, Commissioner Mayfield, the average is – I believe the last number I looked at was closer to \$300,000.

COMMISSIONER MAYFIELD: Would this change our scenarios as far as increased full value and everything if we used \$300,000 as a plug?

MR. PEREZ: Madam Chair, Commissioner Mayfield, no. That was just an example. The actual numbers I presented to you, on one of the pages that I labeled implementing component 1, 2, or 3, those are actual numbers there.

COMMISSIONER MAYFIELD: Let me to this, Assessor. Let's go to the last one, for example. Last page, C.1. So if we used \$300,000 as true and market, current and correct, is \$300,000. Could you do the math for me and tell me what that would do? If that was the average.

MR. PEREZ: Madam Chair, Commissioner Mayfield, sure. Give me just one second please.

COMMISSIONER MAYFIELD: So \$300,000 again is our average, right?

MR. PEREZ: That's correct. So we're going to see that the true market value of this home is \$300,000. And then we are going to assume that we are assessing it at 95 percent of its market value. So the value on our books would be \$285,000.

COMMISSIONER MAYFIELD: \$285,000?

MR. PEREZ: That's correct. And you are referring to example C. 1, is that correct?

COMMISSIONER MAYFIELD: I'm looking at C. 1 with a ten percent limitation for 20 years or more, at least 65 years or older.

MR. PEREZ: Madam Chair, Commissioner Mayfield, the end result would be that we would take this property to \$256,000. If it's currently on at \$285,000, given the additional limitation would take it down to \$256,500, but its real world value is \$300,000.

COMMISSIONER MAYFIELD: Okay. But the new assessed value would then be what?

MR. PEREZ: \$256,000.

COMMISSIONER MAYFIELD: It would no longer be \$190,000?

MR. PEREZ: No, because if we're assuming that the real world value is \$300,000 and we are assuming that we are assessing it at 95 percent of market value, then we would be assessing it at \$285,000.

COMMISSIONER MAYFIELD: Again, Assessor, that's the more truer number, right?

MR. PEREZ: Madam Chair, Commissioner Mayfield, it's closer to what the average assessed value is for the average home.

COMMISSIONER MAYFIELD: Okay. So let's go to the limitation of the value for 20-year owners now. So what would that be?

MR. PEREZ: Madam Chair, Commissioner Mayfield, that would be \$256,500.

COMMISSIONER MAYFIELD: Okay. So that changes a little bit.

MR. PEREZ: Madam Chair, Commissioner Mayfield, it changes, however, the percentages stay the same. It would still result in a ten percent decrease in the value from

what it's currently assessed at. And it would still be, it should be about 86 percent of its true market value. Let me figure that real quick. Yes, it's still 86 percent of its true market value.

Madam Chair, Commissioners, may I add one more thing? Unless the Commissioner has another question.

COMMISSIONER MAYFIELD: I do but go ahead.

MR. PEREZ: I just wanted to add that last Friday at the Board of Realtors, the Realtors Association of New Mexico Board, they voted to support this proposed legislation.

CHAIR HOLIAN: Thank you, Gary. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, I don't think we're voting on any resolution, right?

CHAIR HOLIAN: I would just like to point out that this is not noticed for action. So the idea is whether we should bring a resolution forward at the next meeting.

COMMISSIONER STEFANICS: Madam Chair, on this point, we did ask at the last meeting that all items related to legislative update include "and possible action" so that as things started popping up at these meetings and during the session we could act on it. So I hope that at our next meetings that we could say "and possible action." Thank you.

COMMISSIONER MAYFIELD: Thank you.

CHAIR HOLIAN: Thank you.

COMMISSIONER MAYFIELD: Madam Chair, just because some suggestions were made on legislative intent just now my suggestion would be that if we do support modifications to the past legislation that there is modification made to the second to last whereas that the Court of Appeals did determine that Speaker Lujan's legislation was constitutional.

MR. PEREZ: Madam Chair, Commissioner Mayfield, that is correct. However, we don't have –

COMMISSIONER MAYFIELD: Mr. Perez, this is more for our bench up here, so if we are going to support and do amendments to this resolution that we make that clarification to the last piece that we passed. Thank you, Madam Chair. Thank you, Assessor. That's all I have.

CHAIR HOLIAN: So Commissioner Chavez, would you like a resolution brought forward to the next meeting?

COMMISSIONER CHAVEZ: Yes, definitely. Thank you.

XIV. B. 3. Optional Local Liquor Excise Tax

MS. MILLER: Madam Chair, I just wanted to point out that there was a piece of legislation going through the legislature on local liquor excise tax and that we had passed a resolution last year. This is pretty much the same bill going through for local liquor excise tax and we think unless the Commission wants a different resolution that we have a current one that we can give to the legislators and speak in support of that legislation.

CHAIR HOLIAN: Okay. Thank you, Katherine. Any comments? I'm certainly in support.

XIV. B. 4. Property Tax Rate Regarding Yield Control

MS. MILLER: Madam Chair, that is House Bill 377, and earlier today I referred to, there was a bill, this is the House Bill 377 that would allow in that yield control where it says you have the growth factor, and it's like three percent or four percent; it can't be any higher than four percent. This bill would allow for a County Commission to set a rate lower than that growth rate that's imposed by the DFA. It doesn't really have a bit effect on a property. I think there's a – Carole has done an estimate of what it would be if you reduced it by the way that DFA had suggested that it could be done, and maybe Carole could give a real fast explanation on what that is so they would know whether to support this or not.

CAROLE JARAMILLO (Finance Department): Madam Chair, Commissioners, when I was reviewing the changes in the growth factor, what would happen if we lowered it. If we were to take our current growth factor for what was established for this tax year it was 3.3 percent. If we were to go to the very minimum, which would be zero of a growth factor, that would have reduced our mill rate by .159 mills, which is not very much. It ends up being about \$15.84 on a home of \$300,000 in assessed value or \$100,000 in taxable value. So that would be a very insignificant amount of money to each taxpayer. It was approximately .048 per one percent of growth factor.

CHAIR HOLIAN: Thank you, Carole. Any questions, comments? Okay.

MS. MILLER: Real quickly before that though, some other legislative updates. There was an issue on one of the capital outlay projects and I think that Commissioner Mayfield would want to know. This was one of his district's projects relative to whether or not the County would be interested in instead of actually acquiring and improving the ballfields up in the Pojoaque Valley area whether we would work with the school district to lease them and do the improvements and then the school district would maintain them. So I was hoping to get a sense of whether that would be okay to let the legislators that were interested in appropriating some funds for that, rather than acquiring it, if we would be amenable to a insignificant lease. I say that because the Pojoaque School Board actually asked that at a dollar a year kind of thing, but we would provide the improvements that we had budgeted for and then they would maintain it. I think on the whole that's better for the County because they currently are the ones who maintain it because they have the staff and the ability to do that because they schedule the ballfields for things. So I was hoping to get some indication on whether you were okay letting me letting the school board know and the legislators interested in appropriating funds that we would look at either option.

COMMISSIONER STEFANICS: Madam Chair, I'm sorry. I don't think we can. It wasn't scheduled for action. We have some other important issues to take up. We have – we requested that this say legislative update and possible action. If we didn't take action on anything else we shouldn't be taking action on this.

COMMISSIONER CHAVEZ: Could we give direction, Madam Chair? Can it be direction to staff?

CHAIR HOLIAN: Steve, could you answer that question? Is it possible that we can give direction on this sort of thing?

MR. ROSS: Madam Chair, it has the same fundamental problem. I'd suggest that you all have individual conversations with the Manager concerning your interest in pursuing this and she will proceed accordingly.

CHAIR HOLIAN: Okay. Will do.

COMMISSIONER STEFANICS: Madam Chair, I think there's another bill that everyone should be aware of and that is the pre-emption bill, introduced by Senator Carlos Sisneros.

CHAIR HOLIAN: Yes. Could you just describe it briefly.

COMMISSIONER STEFANICS: I sent everybody a copy of the bill. Page 4, the last paragraph says that if we've done anything, any city or county has done anything on oil and gas drilling that we cannot go against the state. And then there has been a letter that's also been sent by all the Republican legislators to the Governor saying that any county that's done anything around oil and gas should not get any capital outlay.

CHAIR HOLIAN: Thank you.

XIV. C. Citizen Survey Update, Discussion and Possible Action

TERESA MARTINEZ (Finance Director): Madam Chair, Commissioners, what you have before you is a summarized and small presentation on moving forward with a citizen survey as it relates to our performance based budgeting. As you know every transition we've had a phased approach and one of the items within that phased approach was to conduct a citizen survey. So what you have before you is our research relative to that. We are hoping to do a National Citizen Survey. There's a company out of Boulder, Colorado, the National Research Center, that would work in conjunction with an international city-county management association that we are currently using as a County to help us get comparative data with other entities of like size and nature.

So they have a standardized survey attached as part of your presentation. Obviously, it's a canned presentation. We would take out any of the items that don't apply to Santa Fe County. It has an option for three questions if you will that we would write and they would have a rating factor of one to five. An example would be Please rank your priority in terms of open space, possibly roads, water, infrastructure, and the cost for that is at \$23,000. It is a mailed survey. It would reach about 3,000 individuals, and they also have an a la carte menu.

We also looked at a polling consultant, which would basically be by telephone. We'd be looking at the length of the survey being no more than 15 minutes. We can use the firm that we've used in the past. It would not be a standardized survey. It would be conducted by telephone again and we can choose any offered services. This one will be slightly higher, between \$26,000 and \$29,000.

What we like about the National Citizen Survey is that it's tried and true, it's been used by jurisdictions across the state including the City of Rio Rancho. We would be able to have comparative results that would be reported and use in terms of what other jurisdictions are currently using. It could also be directly fed into the ICMA, which is a program that we're currently using, and again, it requires no more project management.

The problems would be it's not completely customizable and a report would be completed by May at the earliest, which is well into our budget process.

We looked at this as an option because we could start it now and then maybe get more centralized questions, if you will, open-ended questions in 2015.

In terms of our polling firm, it's a fully customizable survey that we develop. We can decide on what focus to use for that survey. Once the questions are finalized the survey will be completed within eight to ten weeks and again, information can possibly be available in April or May, which is again well into our budget cycle. And we would not have comparative data with this program. It would not be lined up with our ICMA CPM 101 program, and what we'd like to do is recommend that we go with the National Citizens Survey, give us comparative data with other entities, feed right into the ICMA program that we're currently using. It would be a start for budget matters for fiscal year 2014, and then moving towards customized questions or more open ended questions for the budget cycle for fiscal year 2015. I stand for questions.

CHAIR HOLIAN: Any questions? Commissioner Anaya.

COMMISSIONER ANAYA: Help me understand, Teresa, I think we have a general pulse and know what the citizens desire throughout the county and our district and roads and water and the key aspects. Help me rationalize the benefit of expending money just for the benefit or to help with the budgeting process. Because I think we know, based on interaction with our communities what those needs are and the feedback we get.

MS. MARTINEZ: Madam Chair, Commissioner Anaya, this was part of the original plan. When you implement performance based budgeting citizen survey is key to that. Those priorities drive your performance based budget. The last citizen survey we did at the County was really based in a bad economy, the time of a bad economy and it was more of a – what are your priorities relative to the County having to do cost cutting measures. Again, we sit here. We listen. You listen to your constituents so we know we have an idea of what those priorities may be, so we could go either way. We can go either way. But having a survey, having comparative data to other jurisdictions and knowing the priorities confirmed is all part of our original plan.

COMMISSIONER ANAYA: So, Madam Chair, Ms. Martinez, have we extended and raised questions with key community leaders and sought feedback from the public on why we think this is beneficial and from them what they feel about it? Have we done any of those types of surveys to get a pulse of what the public –

MS. MARTINEZ: Madam Chair, Commissioner Anaya, no, we have not.

COMMISSIONER ANAYA: I don't have anything else, Madam Chair.

CHAIR HOLIAN: Commissioner Chavez.

COMMISSIONER CHAVEZ: Thank you, Madam Chair. So this is noticed as discussion and possible action. Staff has done the work. I always appreciate staff's work because we can't do our job without staff doing theirs. So the National Citizen Survey seems to be a better fit for me. It's done through the mail and it's the lowest dollar amount. But on the mail survey will it be custom-tailored to our demographics? And how do you see that playing out?

MS. MARTINEZ: Madam Chair, Commissioner Chavez, yes, it can be. The standard template survey, we will have a chance to go through and say no, this does not apply to our governmental entity, and then our three questions we would have control on how we word them and what the priorities would be representative for our county.

COMMISSIONER CHAVEZ: I guess if needed you could do Spanish and English?

MS. MARTINEZ: Yes.

COMMISSIONER CHAVEZ: Okay. So I would move for approval of the citizens survey update and specific to the National Citizen Survey that staff is recommending.

CHAIR HOLIAN: And I will second that.

The motion passed by unanimous [3-1] voice vote, with Commissioner Anaya voting against the motion and Commissioner Mayfield not present.

COMMISSIONER STEFANICS: Madam Chair, I believe it was 2010 when we did our last survey, so I think this would give us another good baseline. Thank you.

XV. MATTERS FROM THE COUNTY ATTORNEY

A. Executive Session

1. Discussion of Pending or Threatened Litigation

2. Limited Personnel Issues

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

MR. ROSS: Madam Chair, we do. It can be very brief. We have one litigation matter to discuss and two limited personnel issues.

CHAIR HOLIAN: Okay. I will try to keep the executive session at 30 minutes or less. Is that possible? Okay. Do I have a motion to go into executive session?

COMMISSIONER STEFANICS: Madam Chair.

CHAIR HOLIAN: Commissioner Stefanics.

COMMISSIONER STEFANICS: I move we go into executive session to discuss pending or threatened litigation and limited personnel issues.

CHAIR HOLIAN: Do I have a second?

COMMISSIONER CHAVEZ: Second.

The motion to go into executive session pursuant to NMSA Section 10-15-1-H (2 and 7) to discuss the matters delineated above passed upon unanimous roll call vote with Commissioners Anaya, Chavez, Mayfield, Stefanics and Holian all voting in the affirmative.

CHAIR HOLIAN: So we will be in executive session and attempt to be back here at 9:10.

[The Commission met in closed session from 8:40 to 9:20.]

CHAIR HOLIAN: Let's call this meeting back to order. May I have a motion to come out of executive?

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COMMISSIONER STEFANICS: Madam Chair, I move that we come out of executive session having discussed only pending or threatened litigation and limited personnel issues. And present were the five County Commissioners, the County Attorney, the County Manager, the HR Manager for only a short period, and the Deputy County Attorney.

COMMISSIONER MAYFIELD: Second, Madam Chair.

The motion passed by unanimous [3-0] voice vote. [Commissioners Chavez and Anaya were not present for this action.]

XVI. PUBLIC HEARINGS

A. Growth Management Department

- 1. CDRC CASE #V 12-5060 Jay Shapiro Variance. Jay Shapiro, Applicant, Requests a Variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to Allow Two Dwelling Units on 10.21 Acres. The Property is Located at 94 Cloudstone Drive, within Section 5, Township 16 North, Range 10 East, (Commission District 4) [Old Business, Tabled on January 8, 2013]**

CHAIR HOLIAN: I will just point out to the people who are here that we heard this case before in great detail. We had the public hearing. The public hearing was closed. So Vicki, I wonder if you would give a short summary and then we can go into deliberations as a Board.

VICKI LUCERO (Case Manager): Thank you, Madam Chair. The applicant is requesting a variance to allow two dwelling units on 10.21 acres. They obtained a permit for the accessory structure and then converted it into a dwelling unit during construction. When the permit was issued the applicant signed an affidavit stating that it would never be converted into a dwelling unit but then proceeded to convert it to a dwelling unit.

Staff recommendation is for denial of the variance from Article III, Section 10 of the Land Development Code, and if the decision of the BCC is to recommend approval of the applicant's request staff recommends imposition of the conditions as listed in the staff report. Thank you, Madam Chair.

CHAIR HOLIAN: Thank you, Vicki. Any comments or questions?

COMMISSIONER CHAVEZ: Madam Chair, I have a question for staff. Being that this is after the fact, the second accessory unit is already there. If we deny the variance what happens to that structure?

MS. LUCERO: Madam Chair, Commissioner Chavez, if the variance is denied the applicant will be required to remove the kitchen facility in the accessory structure. They will be required to pour concrete down the pipe so that it can't be utilized as a kitchen.

COMMISSIONER CHAVEZ: Got it. And do they have a bathroom and a kitchen or just kitchen facilities?

MS. LUCERO: Madam Chair, Commissioner Chavez, they actually have both in the structure right now.

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COMMISSIONER CHAVEZ: They can have one or the other but not both.

MS. LUCERO: Correct. Yes.

COMMISSIONER CHAVEZ: That's all I have.

CHAIR HOLIAN: Any other questions, comments, motion? Well, I will make a motion then. I would like to move for denial of CDRC Case #V 12-5060, Jay Shapiro Variance. And the reason that I am making that motion is that I feel that the owner designed and built the guesthouse with the express purpose of going for a variance. I do not feel that it is a true hardship case. And he is now, or he always seemed to plan to rent out one or both of the structures. Is there a second?

COMMISSIONER STEFANICS: Madam Chair, I'm going to second, and I have a reason why I'm going to second. At the last full hearing we also learned that professionally, he works in this area of designing and building and he had signed an affidavit agreeing to the County circumstances, or the County agreement and I just believe that this was deliberate.

CHAIR HOLIAN: Okay. We have a motion and a second for denial of the variance.

COMMISSIONER MAYFIELD: Madam Chair, I have a question for staff, please. Madam Chair, Ms. Lucero, take me – do you have an exhibit of your denial letter to the applicant or request to the applicant for compliance?

MS. LUCERO: Madam Chair, Commissioner Mayfield, a letter of denial for this request?

COMMISSIONER MAYFIELD: Just to come into compliance to remove that kitchen.

MS. LUCERO: Madam Chair, Commissioner Mayfield, there was a notice of violation that was issued. That was basically the notification to the applicant that he was not following code requirements, that he was in violation.

COMMISSIONER MAYFIELD: And what exhibit was that please?

MS. LUCERO: It's not in here as an exhibit, Commissioner Mayfield. It's in the original permit file.

COMMISSIONER MAYFIELD: It was in the permit?

MS. LUCERO: Yes, that's correct.

COMMISSIONER MAYFIELD: Okay. Thank you.

CHAIR HOLIAN: Okay.

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

XVI. A. 2. CDRC CASE # V-12-5280 Kimberly Moseley Variance. Kimberly Moseley, Applicant, (Rubin Katz Ahern Herdman & Macgillivray, P.A.) Frank Herdman, Agent, Request a Variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to Allow Two Dwelling Units on 11 Acres. The Property is Located at 24 South Cloudstone Drive, within Section 5, Township 16 North, Range 10 East (Commission District 4)

MIGUEL ROMERO (Case Manager): Good evening Commissioners. The subject lot was created in 1976, and is recognized as a legal non-conforming lot. The property is located in the hydrological Mountain Zone where the minimum lot size per code is 80 acres per dwelling unit. Lot size may be further reduced to 20 acres with water restrictions.

There are currently two dwelling units on the subject property. The structures consist of a main residence and an accessory structure that contains a kitchen and a bathroom. The main residence was permitted in 1999, permit number 99-090. On January 22, 1999, the previous property owners were written a letter by Santa Fe County Land Use staff stating that the kitchen facilities must be removed from the existing structure which is the guest house within six months of the main house being completed. This letter was agreed to and signed by the previous property owners.

On February 13, 2012, Santa Fe County Building and Development Services Department received a written complaint regarding the Applicants' second dwelling. On February 16, 2012, the Applicant received a Notice of Violation from Santa Fe County Code Enforcement for exceeding density requirements.

The Applicant states that during their search for a home, they were shown the property at 24 South Cloudstone Drive, which included a detached guesthouse with a full kitchen along with a main residence. The Applicant claims the guesthouse was advertised as being permitted with a kitchen and approved for full-time occupancy. The Applicant advised the sellers that as part of their search for a home, their intension was to move their elderly parents from California to provide assistance for them. In December 2010, the Applicant purchased the property at 24 South Cloudstone Drive. The Applicant feels the purchase of the property which included includes two dwelling units was misrepresented by the sellers by advertising two dwelling units.

On October 18, 2012 the CDRC met and acted on this case. The decision of the CDRC was tied at three votes to approve and three votes to deny. Under Commission rules of order the application was automatically tabled to the next meeting. On November 15, 2012 the CDRC met and acted on this case. The decision of the CDRC was to recommend denial of the Applicant's request by a 4-3 vote.

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

CHAIR HOLIAN: Yes, you may.

[The conditions are as follows:]

1. Water use shall be restricted to 0.25 acre-feet per year per home. A water meter shall be installed for each residence. Annual water meter readings shall be submitted to the Land Use Administrator by January 1st of each year. Water restrictions shall be recorded in the County Clerk's Office (As per Article III, § 10.2.2 and Ordinance 2002-13).
2. The Applicant must obtain a development permit from the Building and Development Services Department for the second dwelling unit (As per Article II, § 2).
3. The Applicant shall provide an updated liquid waste permit from the New Mexico Environment Department with Development Permit Application (As per Article III, § 2.4.1a.1(a) (iv)).
4. The placement of additional dwelling units or Division of land is prohibited on the property (As Per Article III, Section 10).
5. The Applicant shall comply with all Fire Prevention Division requirements (As per 1997 Fire Code and 1997 Life Safety Code).

MR. ROMERO: I stand for any questions.

CHAIR HOLIAN: Are there any questions for staff? Okay, seeing none, is the applicant here?

FRANK HERDMAN: Madam Chair, my name is Frank Herdman. I'm an attorney here in Santa Fe and I represent the applicant in this particular case, Dr. Kimberly Mosely. And I want to introduce who I have with me this evening. I have Dr. Kimberly Mosely. I have her husband, Dr. Bill Doherty. They are both trauma surgeons at Christus St. Vincent Regional Medical Center, and I have Dr. Bill Doherty's parents. We have Harry Doherty and we also have Mary Doherty. And this case is about all four of them and the fact that they live together in a committed, loving and supportive family arrangement that this home and this property provides.

The first thing I want to do is make sure everybody understands that this case is nothing like the case that you just denied the variance for. Mr. Shapiro was asking for a variance very similar to this one and both cases are about kitchens. However, as you have recognized, Mr. Shapiro's situation was not, as one member of the Commission mentioned, was not a true hardship case and it was a circumstance that he brought upon himself. He was an architect. He signed an affidavit that he would not build a house with a kitchen, and then he proceeded to do that. And then he not only did that but he proceeded to rent the house. Our circumstance is nothing like that case. This case is a true hardship case.

Allow me to explain. As I said, this case involves a request for a guesthouse kitchen to remain in place, where it has been for more than 20 years. That's another reason this case is different from Mr. Shapiro's case. And it's not just any kitchen. This kitchen is an extremely important kitchen because it is critical to the living arrangement that allows Dr. Doherty and Dr. Mosely to care for and watch for Dr. Doherty's elderly parents, Harry and Mary Doherty who are here.

Dr. Doherty and Dr. Mosely moved to Santa Fe within the past two years to work as trauma surgeons at the hospital. When they relocated to Santa Fe they searched for a home that would allow them to care for Dr. Doherty's elderly parents and allow them to live close by so they could accomplish that. Harry and Mary are in their 80's. They have medical

conditions that require someone to be watching over them. When they were relocating to Santa Fe Dr. Doherty and Dr. Mosely searched for a property that would allow Dr. Doherty's parents to live with them so that they could be cared for.

Dr. Mosely and Dr. Doherty were shown the property at 24 Cloudstone, which is the subject of this application, and it met their needs because it had a main house and a separate detached guesthouse that included a kitchen and was represented to them as a guesthouse that was fully habitable. The sellers understood the purpose for the guesthouse and the plan for these four individuals to live together so that Dr. Doherty and Dr. Mosely could care for Dr. Doherty's elderly parents.

The sellers assured Dr. Doherty and Dr. Mosely that the guesthouse could be used as a separate, full-time residence and so they proceeded to purchase the house. They spent a considerable amount of money making the guesthouse suitable for Dr. Doherty's parents. For example, the installed handrails in the bathrooms. They installed new floor covering, so the entire floor is level and handicap accessible. They replaced the gas stove and the range with an electric stove and range so that Harry and Mary would be safe in that home because they're both on oxygen. You cannot have a gas-fueled range or stove if you're on oxygen. They also replaced the kitchen appliances so that the kitchen was more accessible.

In March of 2010 Harry and Mary Doherty, they sold their home in California and they moved into the guesthouse where they have been living full-time every since. Dr. Doherty and Dr. Mosely live in the main house, which is 100 feet away, and they are able to care for and watch over Harry and Mary Doherty. Everything was going per plan until the County served them with a Notice of Violation, stating that the kitchen in the guesthouse had to be removed. This came as a complete shock to them because at no time were they ever made aware of the fact that the seller of the home, back in 1999, committed to the removal of that kitchen. And let me just explain. The guesthouse was first built in 1992. Then in 1999 the prior owners of the property built the main house, and when they built the main house they committed to the removal of the kitchen because the County's density requirements had changed since the construction of the guesthouse. But of course none of this was made known to Dr. Doherty and Dr. Mosely until they received the Notice of Violation.

So we're asking for a variance that would allow that kitchen to remain, the kitchen that has been in place for 20+ years. If the kitchen has to be removed then the current living arrangement will not work. It's no longer possible. That's because Dr. Doherty's elderly parents cannot depend on the kitchen in the main house for their cooking and living needs. Harry and Mary Doherty have limited mobility. The main house is 100 feet away. They can't be going back and forth three times a day. There are numerous steps leading into the main house. The main house has five different levels. All of the flooring is stone. It's extremely dangerous if they were to fall. And also they're on oxygen. The appliances in the main house are gas and so that would create an additional hazard.

So without the kitchen in the guesthouse the living arrangement and the care that is being provided for Harry and Mary Doherty will come to an end. So this is a true hardship situation that is not self-inflicted by the applicant. The variance criteria in this case have been met. The various criteria in the code have been satisfied. First, there is a very real hardship if the variance is not granted and the problem is due to circumstances over which Dr. Doherty

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structures were built in accordance with County approved plans and both sets of plans show the driveway as it exists today.

Now, Buster Patty observed for the CDRC that that driveway cannot be modified. It cannot be made to comply with current requirements. This home is situation on – the lot is steep. The driveway switch-backs up the lot. If you look at the materials you have in front of you the lot is triangular in nature and you can see that that driveway switch-backs up that lot to the home at the top of the lot. There's no way to modify it. It is a use, however, that it compliant with the County's approval in at least two circumstances. So there's nothing that can be done about that driveway.

We have had discussions with Buster Patty. He has been extremely helpful. There have been discussions about installing a sprinkler system in the guesthouse. The main house already has a sprinkler system. But the point of fact is there's virtually nothing that can be done about the driveway. So we would request that that particular condition of approval be stricken. But we do ask that you grant the variance and I'm going to give Dr. Mosely as well as Harry or Mary an opportunity to speak to you this evening about why they would ask that you grant this variance so that their living arrangement can continue. Thank you, and I'll stand for questions.

CHAIR HOLIAN: Okay. Thank you, Mr. Herdman. And Dr. Mosely, please be sworn in.

[Duly sworn, Kimberly Mosely testified as follows:]

KIMBERLY MOSELY: Kimberly Mosely. I am the owner of the property at 24 South Cloudstone. My husband and I moved here to work at St. Vincents and the trauma and acute care surgery service. Part of moving here included the plan to move his parents here with us so that they could be very close and we could help care for them as needed. In looking for a home that was an important part of our search. We needed to be near the hospital. We have a 15-minute response time for traumas and we also needed a home where we could house another family.

We found that. It was represented as such and it really is essential for us to continue to care for them in the way that we planned to live together. The kitchen's been there for 24 years and we had no idea that it was supposed to have been removed in 1999. It really would be devastating to our family if we had to do that. I just can't really imagine what we would do. I really would just like to request that you grant the variance. We'll be compliant with the code as planned, I believe, and it really would be a tremendous help to us.

CHAIR HOLIAN: Thank you, Dr. Mosely. First of all, are there any questions for staff or for the applicant? I actually have a couple of questions. First of all, this is for Mr. Romero. Where does the requirement come from that the guesthouse can only have a bathroom or a kitchen, not both? Is it because of the particular location of this property? Or is this countywide?

MR. ROMERO: This is countywide. It depends on the acreage of the property, the location in the county you reside, as to how many dwelling units you're allowed. With an accessory structure, as you know, if you add a kitchen and bathroom it becomes a dwelling unit. So there is an ordinance in the Land Development Code under accessory structures that I believe indicates that information.

COMMISSIONER STEFANICS: On this point, Madam Chair.

CHAIR HOLIAN: Commissioner Stefanics.

COMMISSIONER STEFANICS: On this point, Ms. Ellis-Green, in the new proposed code an accessory structure will be able to have both a kitchen and a bathroom, correct?

PENNY ELLIS-GREEN (Land Use Administrator): Madam Chair, Commissioners, an accessory structure would not, and it clearly states that accessory structures used for dwelling purposes are governed by another section but the proposed section is an accessory dwelling unit in the proposed code, and that would be able to be used for dwelling purposes and have a kitchen and a bathroom.

COMMISSIONER STEFANICS: So the difference is the name of the building?

MS. ELLIS-GREEN: Correct. An accessory structure is not to be used for dwelling purposes.

COMMISSIONER STEFANICS: But an accessory dwelling unit can have both a kitchen and the bathroom.

MS. ELLIS-GREEN: That is correct, and there's limitations on that in proposed code whereas everybody could have an accessory structure.

COMMISSIONER STEFANICS: Thank you very much, Madam Chair.

CHAIR HOLIAN: Thank you. And at closing on this property, I'm assuming that this information would not be passed on to a potential buyer for a property. Is that correct? This information regarding accessory structures?

MR. ROMERO: Madam Chair, Commissioners, the information would have been provided by the real estate agent, in this case advising them of that information which obviously was not. The information – if the individual applicant came into the Land Use Department and asked those questions we could answer that prior to possibly them buying the property or the house in the county.

CHAIR HOLIAN: But there would be no other way they would find out about it at closing? No official way.

MR. ROMERO: No, Madam Chair.

CHAIR HOLIAN: Okay. Thank you. So are there any other questions? Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. Madam Chair and I guess this would be for the applicant's attorney. Katz – there's no relationship between Rubin Katz attorney and Rubin Katz who sits on our CDRC Committee, correct?

MR. HERDMAN: Oh, Frank Katz?

COMMISSIONER MAYFIELD: Yes.

MR. HERDMAN: None whatsoever.

COMMISSIONER MAYFIELD: Thanks. And it is an exhibit, Exhibit 3. Your statement of this commitment was made known to my clients prior to the purchase of the property. Would you have recourse against the seller of this property for not disclosing this?

MR. HERDMAN: Well, recourse is a big question. Anybody can file a lawsuit. What are the odds of recovery? It's incredibly speculative. It would add to the economic hardship. It would prolong this problem, the outcome of which is completely unknown. And so that's a difficult – it's a question that's impossible to answer.

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COMMISSIONER MAYFIELD: Thank you. Madam Chair, question for staff.

MR. HERDMAN: Madam Chair, if I may while I'm standing up here. There was one thing that I meant to point out and that is I wanted to point out that the homeowners association restrictive covenants preclude the separate rental of a guesthouse separate from the main house. So there's an added layer of protection there already in place that would prevent a situation where this home, the guesthouse could be rented separately as a dwelling unit. Sorry that I forgot to mention that.

COMMISSIONER MAYFIELD: Well, and then on that point to staff, and I haven't got to your conditions yet but would that be one condition, that it would not be ever rented out as a guesthouse?

MR. ROMERO: We could add that as a condition.

COMMISSIONER MAYFIELD: Just food for thought on the back end. Let's go to staff exhibits – and let me just find it. Bear with me please. Staff Exhibit 9. I don't know if it's staff Exhibit; I'm just going to go to Exhibit 9. So Exhibit 9 is the January 22, 1999 letter and it was addressed to the initial applicant of the property, and I'm going down to numerous bullet points but one of the bullets points says the County will conduct periodic inspections to verify the compliance. And this is on the second dwelling. And then another bullet that I have highlighted was Applicant shall request a final inspection upon completion of construction. I'm going to flip the page. And then the last bullet is saying the kitchen must be removed from the existing structure within six months of the main house completion. So let me go back to the previous page. So do you know, and again, this is 1999. We're fortunate enough to still have the Land Use Administrator here in a different capacity. But do you know if those first two bullets were complied with? Did they go back and do the periodic inspections? And do you know if they did the final inspection?

MR. ROMERO: Madam Chair, Commissioner Mayfield, it is from my understanding that they didn't. And it really is unknown whether at the time they did or they didn't.

COMMISSIONER MAYFIELD: So we don't know if the County fulfilled its obligations of this at the time.

MR. ROMERO: Correct.

COMMISSIONER MAYFIELD: Okay. And then let's go back to the last bullet, and this is kind of – I just have a hard time digesting this last one because I'm reading the last bullet. So it's telling us the kitchen must be removed from the existing structure. But then there's a period break and then it says the cook-top, stove and oven must be removed, but the dishwasher and refrigerator can remain. So Penny, can you kind of help explain that one to me a little bit? So they're telling them to remove a kitchen but they're letting them keep half the kitchen.

MS. ELLIS-GREEN: Madam Chair, Commissioner Mayfield, I haven't seen a condition like that before. Usually, if we need a kitchen removed we request that the kitchen be removed.

COMMISSIONER MAYFIELD: So we don't do that anymore in the county, right?

MS. ELLIS-GREEN: I've not seen it before and I don't believe we do it now, no.

COMMISSIONER MAYFIELD: Okay. Well, I just wanted to point that out because it was kind of a confusing condition back there. And then I'm just going to bring one point up. At the very front of Exhibit 3, because this is one of my peeves that I hope we address in the new code. And it is Exhibit 3, #9 on page 25, I guess if that makes any sense. \$300 for a variance fee and then in parens it's \$150. So we charge everybody a fee for a variance, and if this Commission would deny the variance, do we refund the money back to the applicants?

MS. ELLIS-GREEN: Madam Chair, Commissioners, no. This is an application fee and a review fee.

COMMISSIONER MAYFIELD: Well, let's just kind of keep that in mind for the new code. Madam Chair, that's all the questions I had. Thank you.

CHAIR HOLIAN: Thank you. Actually, I have a question for Buster Patty. Captain Patty, could you explain to me in condition #3 exactly what you mean by that? And whether that requires the driveway to be redone somehow, which everybody seems to agree can't be remedied?

BUSTER PATTY (Fire Marshal): Madam Chair, Commissioners, the condition 3 about the driveway that cannot be – it topographically cannot be changed. The grade is as good as they can get it and they have worked on it quite a bit. It is still over-grade but in a case like this, that's where that Article IX, Section 902, 1997 Uniform Fire Code states that when you can't possibly engineer a driveway then we can ask for additional fire protection. That's why, back in 1999 when they did issue a permit to build a second house that's where we required the sprinkler system in that building.

CHAIR HOLIAN: Is there a sprinkler system in the building?

CAPTAIN PATTY: Yes, there is, in the house that was built in 1999, which is the main house. The other house was existing at the time; it was already built. So they did allow that with that driveway the way it was because it cannot be changed. It's impossible.

CHAIR HOLIAN: And by condition #3 here, you are asking them to add a sprinkler system to the guest unit?

CAPTAIN PATTY: We didn't ask yet because they already have one in there, but I have talked to them and they are looking into sprinkling the guest house. It's a retrofit, but on a flat-roofed house it's very difficult.

CHAIR HOLIAN: Okay. So could the applicant come up please? I'd like to ask a couple questions. Dr. Mosely, would you have any objection to putting in a sprinkler system, or do you think that would be an undue burden in the guesthouse?

DR. MOSELY: I don't know at this point how much it would cost. I'm actually looking into getting estimates right now. I have someone coming next week to take a look. We're certainly planning on doing it if we can.

CHAIR HOLIAN: Okay. Thank you. And another question I have is would you have an objection to another condition that if Dr. Doherty's parents no longer occupy the unit that you would remove the kitchen:

DR. MOSELY: Well, I have parents too, and while my parent's are younger than theirs potentially it would go in sequence.

CHAIR HOLIAN: So perhaps a condition that you would not rent the unit out?

DR. MOSELY: That's already a condition of our homeowners association. It can't be rented separately. So that was never an issue.

CHAIR HOLIAN: Right. Thank you, Dr. Mosely. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair and Captain Patty, as far as sprinkler systems, and I know we've spoken about this on numerous occasions. What other options are there for the applicants besides maybe a wet sprinkler system? Have you let the applicants know that there are other options available to them?

CAPTAIN PATTY: In this case there isn't really any other options.

COMMISSIONER MAYFIELD: Is there a dry sprinkler system that's available to them?

CAPTAIN PATTY: A dry sprinkler system?

COMMISSIONER MAYFIELD: Isn't there some sort of foam they could use? Maybe –

CAPTAIN PATTY: They would still have to run the same piping. So if they're going to do that a wet system is the cheapest way.

COMMISSIONER MAYFIELD: That is the most economical?

CAPTAIN PATTY: Oh, yes.

COMMISSIONER MAYFIELD: I thought also, I don't know if it would be construction-wise but wouldn't an option be if we approved it for a bed and breakfast, they could have exterior doors, maybe. Windows that would break away.

CAPTAIN PATTY: There are options. We have to kind of weigh it out in different areas, making a call on that. We don't really see the occupants of this building being able to climb out of windows. The sprinkler system is a 13-D system which is an egress system only, which is only a 10-minute system to get them out of the doors of the existing house.

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

CHAIR HOLIAN: Okay. This is a public hearing, so is there anybody here from the public who would like to speak for or against this case, please come forward.

COMMISSIONER ANAYA [telephonically]: Madam Chair.

CHAIR HOLIAN: Oh, Commissioner Anaya. We can hear you.

COMMISSIONER ANAYA: I have a couple comments before the public hearing. I just want to say that I don't think the applicant, the owners have acted in malice in any way. I think they've acted in good faith in what they've done to this point and as was stated earlier, there's nothing like the previous case. And I don't think imposing a sprinkler system on a flat roof house – I think that would be an undue burden and expense. But I do think the condition that Commissioner Mayfield brought up does make sense. So those are my thoughts thus far.

CHAIR HOLIAN: Okay, Commissioner. We are doing the public hearing now. So is there anyone here that would like to speak for or against this case. Would you please come forward and be sworn in.

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

J.J. SHAPIRO: I'm J. J. Shapiro. The Commission just turned me down five to nothing. I'm not here to speak for or against this application but I would like to state that this is my neighbor, right down the street. They bought this house from the past president of

the homeowners. He personally came on my property and told me that he had a variance for his guesthouse for the kitchen. When I signed that paper I had no intention of putting in a kitchen. But when the president of the homeowners comes over and tells you he has a variance I took that to the bank.

So in good faith, this is the City of Faith. I hope you make a just determination. I cleared my land after I had a permit for the new restrictions from Mr. Patty. I widened my driveway, cut down two pinon trees so he could get access for his fire truck. So I just ask you to look into your hearts. You turned me down five to nothing. Could I put my folks into this house? I would have agreed to water restrictions. I would agree to not rent it out. I would agree to – my attorney got up to say something but he didn't get a chance. So this is again the City of Faith. I leave it up to you in good faith.

CHAIR HOLIAN: Thank you, Mr. Shapiro. Is there anyone else from the public who would like to speak? Seeing none, the public hearing is closed. Are there any other questions from the Commission? What are the wishes of the Board?

COMMISSIONER ANAYA: Madam Chair, I would move for approval of the variance with the condition added that Commissioner Mayfield brought up, if he could please restate that condition.

CHAIR HOLIAN: Commissioner Mayfield, would you restate the condition?

COMMISSIONER MAYFIELD: Madam Chair, the condition that I asked that this house would be afforded to move on to the other parents of the applicant but as the homeowners association have requested, that it would not be allowed to be rented out at this time unless our new code would allow that permission. And with that, I would second Commissioner Anaya's motion.

CHAIR HOLIAN: We have a motion and a second for approval of CDRC Case #V 12-5280 with staff conditions and the added condition by Commissioner Mayfield.

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

XVI. A. 3. BCC CASE # MIS 12-5420 College Park Master Plat Authorization. Univest-Rancho Viejo, LLC, Applicant, Jim Seibert, Agent, Request Master Plat Authorization to Allow for the Creation, of a Maximum, of Twelve Mixed-Use Lots on 77.4 Acres. The Property is Located on the Corner of Richards Avenue and Avenida del Sur, in the Community College District, within Section 20, Township 16 North, Range 9 East, (Commission District 5) [Exhibit 13: Revised Exhibit 3 – Maps]

JOSE LARRAÑAGA (Case Manager): Thank you, Madam Chair. The College Park site consists of 82.78 acres. Currently, Bicycle Technologies International is being constructed on an existing six-acre lot within the College Park. Master Plan approval for 75.78 acres of this site was granted by way of the Village West Master Plan. 49.65 acres of those 75.78 acres are designated as an Employment Campus and Center within the Community College District. A Master Plan Amendment of the Village West Master Plan

will be submitted by the Applicant to include proposed uses and to incorporate a seven-acre parcel, which lies outside of the approved Village West Master Plan, to the College Park.

The Applicant requests Master Plat Authorization pursuant to Article V, Section 5.6.1 of the County Land Development Code which states: "In commercial, industrial or high density residential subdivisions which are to be developed in phases or in cases where a condominium proposes to convert to a subdivision, the Board may delegate authority to the Land Use Administrator to administratively approve a specific lot layout plan when it determines that due to the size, scale or marketing requirements that approval of a plat with a specific lot layout is in the best interest of the County and developer."

If the Board approves the petition, it shall direct that the development request be submitted to the County Development Review Committee. After such a delegation is made, the County Development Review Committee and Board shall establish development standards applicable to the subdivision as authorized by the Code and other applicable ordinances and laws, establish the maximum number of lots to be permitted, intensity of use, and required improvements, and may then approve both the Preliminary and Final Plat which will be known and designated as a Master Plat.

Growth Management staff has reviewed this project for compliance with pertinent Code requirements and finds the following facts to support this submittal: the Village West Master Plan was approved by the Board of County Commissioners; the Application is in compliance with the Community College Ordinance; the Application meets code criteria to allow a Master Plat Authorization pursuant to Article V, Section 5.6. of the Land Development Code.

Staff recommendation: Staff recommends approval of Master Plat Authorization to allow for the creation, of a maximum, of twelve mixed use lots on 76.78 acres.

Madam Chair, there was a handout passed out to you which replaced Exhibit 3 in your packet material had a label of master plan amendment with some uses on it. I'd like to emphasize that a master plan authorization is strictly a procedural process, a platting process especially for commercial. If this is approved the master plan authorization allows the Land Use Administration – after it's platted, it still needs to go through the platting process with this Board – allows the Land Use Administrator to move lot lines or consolidate lots so when a development wants to go in there, they like the location but the lot's not big enough for the development, we can administratively adjust those lot lines.

Master plan authorization does not plat the lots; it just fills in conceptual lot lines, and because it's such a procedural process the applicant turned in the next step which was the master plan amendment as part of this. In the past, I've some of these to this Board before and they ask for master plat authorization. They kind of have the same with showing uses and so on on the master plan. Master plat authorization, also it does not give the applicant the development rights. They still have to come in for preliminary development plan and plat and ultimately final development plan. It pretty much just establishes the total lots and the conceptual lot lines. After this they will still – again, they would have to come in for master plan amendment, preliminary and final plat, and then preliminary development plan and on a project like this usually the developer who wants to put a building on there or a business, they would come in for final development plan meeting all the requirements of the Community College Ordinance and the Land Development Code.

Also on the handout was the colored version of the phase 3 of the Village West master plan. I have some bigger plats and a colored picture of phase 3 of the other master plan also up here, if you have any questions. Madam Chair, I stand for any questions.

CHAIR HOLIAN: Are there any questions for staff? Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. Thank you, Mr. Larrañaga. Would you please restate again, slowly, what point in the process this request is and what would follow if this request is in fact approved.

MR. LARRAÑAGA: Madam Chair, Commissioner Stefanics this is the first part – well, currently there is a master plan, which is the Village West Master Plan.

COMMISSIONER STEFANICS: And it was approved, Madam Chair, about 13 years ago?

MR. LARRAÑAGA: Madam Chair, Commissioner Stefanics, that's correct. This step is just a process to go forward for the planning process, just basically what it's doing is it's authorizing that the Land Use Administrator, once a copy of these 12 lots are platted and gone through the platting process and recording, gives the authority to the Land Use Administrator to be able to adjust lots or consolidate lots so that the development that's going to go on to those lots can meet the requirements, what they need for that development. In other words, if they really like one of these lots, the location of one of the lots, but the size of the building maybe won't allow them to meet the parking lot requirements. We could adjust the lot lines and that particular development can go into that lot.

COMMISSIONER STEFANICS: So Madam Chair, before you get to lot line adjustments, if we move ahead with this today, and the developer then comes back to the CDRC with the actual proposed plans for the use of the land.

MR. LARRAÑAGA: Madam Chair, Commissioner Stefanics, yes, the next step would be from the prior meetings that we've had with the agent for the applicant would be a master plan amendment. In this old Exhibit 3 you kind of get an idea of what they may be proposing. So that would be the next step.

COMMISSIONER STEFANICS: And so Madam Chair, Mr. Larrañaga, if this is approved this evening and the plan then came back to the CDRC and the Board, what type of plan would not be deemed acceptable if they received approval tonight for having complied with the 2000 community master plan. At what point could they be refused legally, if any?

MR. LARRAÑAGA: Madam Chair, Commissioner Stefanics, with the master plan amendment they would have to submit like a brand new submittal, brand new master plan. So they'd have to do a traffic impact analysis. They'd have to connect to County water. They'd have to meet all the requirements of a master plan submittal for the master plan amendment. So before it goes forward to the CDRC and to this Board it would be reviewed by all agencies. We wouldn't bring it forward until we had positive recommendations from all reviewing agencies, which also would be SHPO, State DOT, State Environmental, State Engineer, our County Fire, our Utilities, and Public Works on the traffic impact.

At that point in time staff would be recommending approval if they met all the requirements. There could be some conditions of course that the Board could put on them but legally, they are an employment center under the Community College Ordinance. It was zoned, under the master plan it was zoned for an employment. The majority of the master

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plan amendment is just adding on some stuff where it's kind of stated open space and so on. Again, I've seen a conceptual drawing of the master plan. Until they submit I can't comment on that.

COMMISSIONER STEFANICS: So, Mr. Larrañaga or Mr. Ross and Madam Chair, if – just let's stretch a moment. If there were unremediated artifacts on these pieces of land, on this piece of land, is that something that could possibly stop any further development?

MR. ROSS: Madam Chair, Commissioner Stefanics, that's a different part of the code. The general rule with that is these kinds of developments do an arc survey and the general practice is to protect them with easements, anything that's found and not develop on that specific artifact or object.

COMMISSIONER STEFANICS: So where I'm going with this, Mr. Ross and Madam Chair is can you envision any circumstance that would be legal grounds that that would not move forward?

MR. ROSS: Madam Chair, Commissioner Stefanics, it's a discretionary action on the part of the Board to permit the master plat process as opposed to the more detailed process. So in that sense the Board has the choice of determining whether this process is more appropriate to this particular development or another process.

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

CHAIR HOLIAN: Commissioner Chavez.

COMMISSIONER CHAVEZ: Mr. Larrañaga, could you give us a definition of mixed use that would be proposed for this? Because it's a business park, right? Employment node, or –

MR. LARRAÑAGA: Madam Chair, Commissioner Chavez, this would just be commercial and residential or basically what the –

COMMISSIONER CHAVEZ: It would be a mix of both residential and commercial combined? Or separate or both?

MR. LARRAÑAGA: Madam Chair, Commissioner Chavez, it would be separate. The majority of this, if you refer back to the colored map of the page 3 of the Village West Master Plan, that pink area is an employment center which would be pretty much commercial. Again, we've seen in your old Exhibit 3, it has maybe some proposed uses for the master plan amendment. Again, that has not been submitted so I don't know if this has changed. The only thing that's been submitted to us to review has been the master plat authorization just with the 12 lots.

COMMISSIONER CHAVEZ: Thank you, Madam Chair.

CHAIR HOLIAN: Any other questions for staff? Okay. Is the applicant here? Will you be sworn in please?

[Duly sworn, Jim Siebert testified as follows:]

JIM SIEBERT: My name is Jim Siebert. My address is 915 Mercer Street, Santa Fe. Let me just begin by emphasizing that what we're really acting on tonight is purely procedural. It's the same process we followed in a prior case that I handled that was for the Rio Santa Fe Business Park. And it's strictly an authorization to allow for administrative adjustment of lot lines.

And what I'm doing is following a section of the code that's Article V, Section 5.6.2, and I think one of the – there was a question by Commissioner Stefanics that what would prevent you from having no alternative but to approve this case in the future? And the answer is, and I think Mr. Ross iterated that. When we come in with a master plan, which is the next step, and we will be submitting a master plan. At master plan review, either approval or denial is strictly discretionary on the part of the County Commission. There's no mandatory thing; it's not similar to a subdivision plat where if you meet all the standards the only choice is to approve the project. That's not the case with a master plan.

You will be seeing me two more times, I don't know if that's good or bad. One will be with the master plan the second will be when we file a plat. And actually, this procedure that's called the master plat is really not finalized. It doesn't become active until the County Commission adopts the final plat. And I'll read one section from the code. It says Before final plat approval the Board may rescind its intent to delegate it if determines that such delegation is not in the best interest of the County.

So even if you approve this tonight you still have the ability to withdraw that approval at some point, either the master plan or the final plat approval. The one thing you may ask is why are you doing this in the first place? Well, what happens with a business park is there's no way to predetermine what a client really needs in the way of land and a client will come to me and say, well, you know I'd like – you have a lot that's two acres and I really need three and I'd say, well you have to adjust the lot line in order to do that. Well, that's a several-month process to do that. If the client says, well, we'll look at other parks or other counties or other states and we'll get back you, well, they never get back to us.

So it's kind of essential for our ability to move the process along. Let me describe where exactly this is located. This is Richards Avenue, the Community College is here. This is College Avenue here, the Santa Maria de la Paz Church is here, and the Santo Nino Catholic School sits here. The Avenida del Sur, which is also one of the main roadways into Rancho Viejo is here. I don't know if you've been out to the Community College lately but if you drive down, on the right-hand side you'll see a large building that's under construction. That large building sits here and it's Bicycle Technologies International, BTI. And I suppose part of that construction, what will happen is they will built the fourth leg to the roundabout that currently goes to the College and they will complete that roadway to this point.

The utilities that are being brought in to serve BTI are also the utilities that will have the capacity to serve the rest of the part. There's a sewer line that's coming up from the school that will come in and serve BTI. There's a waterline that's designed and will be in a size appropriate to fire protection measures.

Maybe just to talk a little about the history that's associated with this development. First of all, when they adopted the Community College District Plan, part of that realization of the plan was to have a mixed-use community. You'd have residential, you'd have employment, you'd have schools, you'd have shopping, all of which Rancho Viejo currently has. The other thing that they talked about was employment centers and in the Community College District you'll see that there is an employment center adjacent to the Community College. The reason for that was the hope that as business came in, as they needed employees to be trained they would have an opportunity to take advantage of the college right next door in order to do that.

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This plan here is the Village West Master Plan that was adopted by the County Commission. It contains residential, it contains a commercial center, a school and then an employment center. And it's this area, the employment center where we have requested that the approval for authorization of a master plat. And with that I'll answer any questions you may have.

CHAIR HOLIAN: Thank you, Mr. Siebert. Any questions for Mr. Siebert?
Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Siebert, just on Exhibit 3 that I have – I don't know if you have the same exhibit. Just on some of the utility easements I'm looking at, are you going to continue them through all the lots, and I don't know if all the lots are yours or not, but I was looking at, say, Lot 6 in particular where the Bicycle Technologies is. Is that your lot already?

MR. SIEBERT: The utilities will be extended throughout the park and it will be in a phased manner, but we brought in sufficient utilities for the BTI to accommodate the full development of the park.

COMMISSIONER MAYFIELD: And just on your map you're not showing them. At least not on this map it's not being shown.

MR. SIEBERT: Right, and that was intentional. Because all you're doing tonight is just authorizing the master plat. When we come in with the master plan we will show you what the layout is and have a very detailed layout of utilities. We'll have a detailed description of what the land uses will be, and a description of what the development standards will be for each lot.

COMMISSIONER MAYFIELD: Okay. So Madam Chair, Mr. Siebert, so there will be no issues later on if we do act on this tonight of any interconnection between any of these utility easements between lots?

MR. SIEBERT: No, because you're not really acting on anything to do with utilities tonight. When we bring a master plan in front of you you will be acting on that.

COMMISSIONER MAYFIELD: That's all I have for now. Thank you.

CHAIR HOLIAN: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. Who are the Uninvest owners?

MR. SIEBERT: Actually, I have Warren Thompson with me tonight. Let me have him describe that relationship between Rancho Viejo and Uninvest.

COMMISSIONER STEFANICS: Thank you.

CHAIR HOLIAN: Mr. Thompson, will you be sworn in please?

[Duly sworn, Warren Thompson testified as follows:]

WARREN THOMPSON: Warren Thompson. Uninvest-Rancho Viejo is owned by myself, the original land partners, which is my family, Myers family, the Kennedy family, the Chambers family that have owned that property for the last 20 years and a fellow named Tom Lowe who is Uninvest who is providing some of the capital and the expertise.

COMMISSIONER STEFANICS: So, Madam Chair, Mr. Thompson, are you saying there's about four or five? Or larger?

MR. THOMPSON: Well, it's even larger. There are four families involved in the original ownership of the ranch and when Suncorps went broke we invested money to

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keep the project out of bankruptcy and then we brought in Mr. Lowe to help round out the financial picture.

COMMISSIONER STEFANICS: Well, first of all, you're to be commended for keeping it out of bankruptcy in this economy. Could you describe, Madam Chair, Mr. Thompson, or Mr. Siebert, either one, any kind of community process that's occurred to date on this?

MR. THOMPSON: Yes, Madam Chair and Commissioner Stefanics, we have put an article in the Roundup, I think it's called, which is the homeowners association newsletter and we've committed to do that in each one of their publications to keep the homeowners up to date. The homeowners associations have been notified of these meetings. We have met with a representative group of homeowners out there to discuss issues and agreed to continue to meet with them as we move forward. So we've been very available to the homeowners and accessible.

COMMISSIONER STEFANICS: And Madam Chair, Mr. Thompson, has there been more than one meeting? Has it been for a particular group of people or has it been for anybody in the community?

MR. THOMPSON: There have been three meetings. I was [inaudible] with Mr. Siebert and a group of homeowners. Mr. Siebert made a presentation to the La Entrada Homeowners Association and then at the request of some of the homeowners who are here this evening we met with a group of what was described as a representative group of homeowners. I know that there were people from the La Entrada Association and the South Association there and there were – oh, I don't know, probably 20 people in total.

COMMISSIONER STEFANICS: Thank you. And Madam Chair, Mr. Thompson, do you believe that after having the meetings that any fears or resolutions, any fears were allayed or resolutions arrived at?

MR. THOMPSON: Madam Chair, Commissioner Stefanics, I believe that there is a high level of distrust and that it going to take some time to build those relationships. Hopefully, it's possible.

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

CHAIR HOLIAN: Commissioner Chavez.

COMMISSIONER CHAVEZ: I have a question either for Mr. Siebert or for staff, and I'll just put it out there. In Exhibit 3 it also indicated that there is 100-foot open space drainage and future trail easement. So how do you see that shifting as you go through the process?

MR. SIEBERT: Well, actually, that is part of the Village West Master Plan and we have just simply maintained that as part of the master plan. Here you see, this green strip here is that same green strip you're referring to. The one thing that will happen is the discussions we've had with the Trails Division it was said that it is likely that the County trail will follow that alignment pretty much as you see it here. So that will be retained in order to actually construct the trail.

COMMISSIONER CHAVEZ: So will it then be a utility easement as well?

MR. SIEBERT: In one situation it may be. Where there's a sewer line that comes up from the school it will follow a portion of that open space and then it will go into the roadway.

COMMISSIONER CHAVEZ: Thank you.

CHAIR HOLIAN: Thank you. This is a public hearing. Is there anyone here that would like to speak for or against this case? Please come forward. Can I have a show of hands of how many people might like to speak? Okay. Perhaps you can all get sworn in at once. So please stand all of those of you who would like to speak. And I would urge you to try to keep your comments efficient and please try not to repeat too much. And please give your name for the record.

[Duly sworn, Vicki Schneider testified as follows:]

VICKY SCHNEIDER: I'm Vicki Schneider. I'm a homeowner at La Entrada, 99 Via Orilla Dorada and I'm going to make a very short statement and a specific request asking the Board simply to table this decision for tonight. My main purpose is to keep it very short, not go into lots of details, and I don't know the process. I apologize to you but I have, in anticipation of this – I have 12 copies of letters submitted by people who tried in vain to stick it out tonight and be here for you. You know that we had a pretty large group of folks who wanted to speak, originally, with the 5:00 date and the 6:00 and the 7:00. That became a kind of hardship for some people. And some of them have left documents for you to consider, and then I come prepared with people who could not make the meeting by appointment. They knew they couldn't. So their statements are here. [Exhibit 14] I don't know how you pass out things.

CHAIR HOLIAN: Just give them to staff and they will pass them out.

MS. SCHNEIDER: This is a mere pittance of the number of things that are beginning to be gathered for you. Again, to save time, because I know you have way more stamina than a lot of people I've ever known to be able to do this and we appreciate we're last on the agenda. Appreciate you're staying late. So this is extremely controversial. Like every homeowner in the La Entrada of Rancho Viejo, I object to the concept design as illustrated in the Siebert plan. There are a number of proposed items that directly contract the development as represented to us at the time of purchase of our properties.

A representative group of homeowners – actually, Mr. Thompson referred to us – a representative group of homeowners from each of the sections of Rancho Viejo met with and attempted to have Mr. Thompson, the developer, make the request himself to table this item. In addition, the developers agreed and appreciated his agreement to go forward with the process to have us meet to provide input and to discuss all future development. We really appreciated that. The developer, however, did not table this items, so we ask you Commissioners to do that.

We think that this process should proceed any submitted designs into the County files. The documents before you are going to be concretized into a file and later drawn up and many of the things that go on in that design we residents recognize as controversial and don't want them to be memorialized into a file at this time. Certainly we believe in development and we know that a lot of things will be happening, but this particular design we hope that you'll table.

I'm going to only mention three contested areas, again, because of time. Number one, Amy Biehl School was not originally planned for the location it's now occupying, Amy Biehl Elementary School. It may also need to expand and the proposed development on the corner of Avenida del Sur and Richards is inappropriate for the uses laid out in the Siebert design. There's nothing configured if they're allowing for the school to expand and because it's so far down on Avenida del Sur there are reasons we want to contest that, again, because of impacts.

Number two is subsequent to the master plan the Santa Fe Community College, our anchor institution that we adore and love and support, has experienced a reported 25 percent increase overall. Today's reality envisions even more growth in the near term for that college.

Number three, subsequent – after the master plan the Petchesky family, the most generous family in the world, put about 258-or so acres into the New Mexico Land Conservancy. It's a treasure. And this impacted the original area as zoned and imagined at that time that that master plan came into existence. So these three major things, these are just three little things. There are many, many more.

Without going into many details of just these three items, and the very important verbal contracts made at the time of our purchases – this includes things like trailheads and open space and all kinds of very important concepts, umbrella concepts. We must have a chance to negotiate with the developer as a community. We are in the process of organizing an organizing committee. Mr. Thompson generously has agreed that the process should happen and he agreed that we could put it together. We could give him dates we'd all agree, and we'd have an ongoing process up and running. We just haven't had the time to complete that process.

Please grant our request and table this item while we work with our developer. And I thank you very much.

CHAIR HOLIAN: Thank you, Ms. Schneider. Next.

[Previously sworn, Gary Lee Nelson testified as follows:]

GARY LEE NELSON: Good evening. My name is Gary Lee Nelson. I live in Rancho Viejo North, otherwise known as the village, and this is the part of Rancho Viejo that is closest to the proposed development. I oppose this in the strongest of terms. I think it will change the character of Rancho Viejo and the character where I live. In 2008 I retired after a 40-year academic career in Ohio and launched a search for a place so spend the rest of my life. I had lots of alternatives, both inside and outside the United States but Santa Fe was the winner. And I moved here, I arrived here December 1, 2010 and got a sublet for five months while I looked around and May 1, 2011 I closed on my house on Woodflower Place in the north and have lived there quite happily since then.

The things that struck me most about Rancho Viejo were the atmosphere and the ambience of the place, the dark sky, the quiet, the trails, the distance from commerce and two very important things for me, the sparse traffic and the low crime rate. In January I attended another meeting at Santa Fe Community College about another development that's going on and there was a formal presentation from the developers that included a traffic analysis that the 250 or 300 people that were there along with me thought was a fairy tale, since we drive Richards and Avenida del Sur every day.

I drove it coming out here today and when I left my home in Rancho Viejo there was traffic that was backed up from behind the Community College all the way to Rodeo. So we already have a lot of traffic there. The other project is a 400+ apartment complex which will increase the traffic, and then this development on the corner of Richards and Rancho Viejo is going to further that. And it ties into crime. The more people that are in the area you can expect more crime. Right now if somebody walks through the Village or they drive through and they don't belong there we know it immediately. If the traffic increases and we see lots and lots of people I think we're going to be at risk of not being able to recognize the dangers and threats when they occur and I think burglaries will increase.

I've spoken kind of informally to an officer of the Sheriff's Department who has concern about it too. I don't know what they're going to do about it. We didn't get into it in much detail, but this is my position. I think we have to look at this a lot more and I echo Ms. Schneider's request that the whole thing be tabled until we have some more input and more conversation with the developers and a greater understanding of exactly what's going to happen if this were to occur. Thank you.

CHAIR HOLIAN: Thank you, Mr. Nelson. Next.

[Previously sworn, Glenn Smertch testified as follows:]

GLENN SMERTCH: Commissioners, I am Glenn Smertch, also from Rancho Viejo. As described to us earlier by a member of staff, master plan authorization is not as benign or innocent as the staff member and developer would have us believe. I would begin to characterize it as a County-sanctioned scam, because if tonight you approve the request by Univest you will have in a sense sold that land down the stream. There will be no backing off from it, and that land, I would contend, is quite inappropriate to commercial development as the developers want to proceed with. That land would be best reverted by you and that might be an action for you to take even tonight, reverted to residential, single-family and townhouse.

If you consider the location, the character and the environment of that land it doesn't belong as commercial. There are other places in Rancho Viejo quite more suitably designated for commercial, even business-type of development.

So I would like to request that you at least, as Ms. Schneider and my predecessor requested, that you at least table this request so that we, the residents of Rancho Viejo in particular can pursue what is maybe wrong about the proposed development, what might be alternatives that perhaps are better for both the community and for the land itself.

Before you make any further designation on this land it must be through a public hearing at which the developer really presents what I guess here is called a master plat. We need to know what really is there, not what they would loosely like to envision this is. And if you approve this master plat authorization you are giving them license to do a great deal of what they would like to do, irrespective of whether it's responsible or irresponsible development of that land relative to the current community as it exists out there and the location and character of that land.

While I'm here I want to address one more point that might be thought of something to come later but I think it should be brought up now. It is very typical nationwide for developers to come in like this with a big, glorious plan, and part of this plan is to exploit existing roads, especially arterial roads. Now, you may not like to think of Richards and

Avenida del Sur as arterial roads, but truthfully and functionally, pragmatically, they are. And if we anticipate as is so commonly the case that the developer is going to want several points of ingress, egress on Richards and Avenida del Sur, we're going to be, and the residents of Rancho Viejo in particular, are going to be in a hell of a mess. So we need to ask you as Commissioners to be bold and novel in treatment of roads and applications of developers who seek to impose on roads and the driving public that use the [inaudible]. Thank you.

CHAIR HOLIAN: Thank you, Mr. Smertch. Next.

[Previously sworn, Tom O'Brien testified as follows:]

TOM O'BRIEN: Good evening. I'm Tom O'Brien. I'm a resident of Rancho Viejo North. I live at the corner of Canada del Rancho and Firehearth which is approximately a tenth of a mile from the south end of this proposed commercial development space. One observation I made from learning tonight and Commissioner Stefanics made the point about have you done an archeological survey on that land? And that's an even important point because being a tenth of a mile from that area I have four archeological easements on my property. You can't build. We had to build around them. So unless I'm missing something, my guess is there would be some archeological issues on that land.

The second point that was mentioned here tonight was that there were meetings with representatives of Rancho Viejo. I'm a resident of Rancho Viejo and I hadn't a clue of these meetings, so in term of inclusiveness as far as the builder-developer is concerned I think it's basically non-existent in terms of the stakeholders.

The other main point that I want to address is something that I sent to Ms. Penny Ellis-Green and Stephen Ross. This is about what I saw on the map, the proposed second entrance/exit from the commercial space onto Avenida del Sur. I think just being in that area we know all the traffic in that area. What I don't think folks really and truly appreciate is that that second entrance/exit as proposed is directly opposite a limited access private Rancho Viejo road. All right? And that Rancho Viejo residents would be very opposed to commercial traffic going from the commercial development center onto and across into a restricted access private Rancho Viejo road. We may even have to take restrictions to restrict access to that road or that place.

The other point that is not on anyone's map is that 45 feet from Avenida del Sur and going parallel to Avenida del Sur and across Canada del Rancho is a community trail that is run by Rancho Viejo. In other words Rancho Viejo residents and families go on the trail that crosses a potentially very busy intersection. Now, in addition to that, if you're there in the spring and the fall you see the students from Amy Biehl – you remember the old parochial parish schools walking in single file with their teachers along that same pathway, a community trail.

So I think that whole idea of a second entrance/exit is fraught with problems as it interfaces with Canada del Rancho and going across a very busy road called Avenida del Sur. So I would really have folks think about the safety issues there, the traffic implication issues and maybe involve the community of Rancho Viejo in the design process associated with that intersection, if that happens to be an intersection.

Now let me give you an antidote [sic]. I came from Wilmington, Delaware and we lived in a residence called Westminster. It had all private roads. Right opposite the main drive, which is like Avenida del Sur was a space where Pulte was going to build \$700,000

homes. Pulte wanted to have his main access going out of that development right across this private road. Newcastle County said no. You've got to move it down 300 feet, and they had to do that.

So, and going forward here we would appreciate that the Commissioners consider tabling the proposal today or tonight, if not this morning – we're working on it – and have much more community input in a directed fashion, not the haphazard fashion, and probably fashioning how this proposal can go forward.

CHAIR HOLIAN: Thank you, Mr. O'Brien.

MR. O'BRIEN: Thank you very much.

CHAIR HOLIAN: Next.

[Previously sworn, Eunice Vellen testified as follows:]

EUNICE VELLEN: Madam Chair, Commissioners, my name is Eunice Vellen. I live in the La Entrada section of Rancho Viejo. I'm not as good an extemporaneous speaker as these people are. I wonder if you wouldn't mind if I just read my statement to you. We live in the La Entrada section in Rancho Viejo in Santa Fe County. Rancho Viejo was presented to us as a planned community designed on the village model of dense residential centers with small retail areas surrounded by open land that is traversed by trails to allow optimum recreational enjoyment by all residents. This is a concept that ensures the maximum preservation of the natural environment, is the model used to develop the first two phases of Rancho Viejo, and is the reason we elected to purchase our home here.

Univest-Rancho Viejo, LLC, owner and developer of Rancho Viejo has made public their plans to build out sections of our development in ways that not only do not comply with this model but would be detrimental to Rancho Viejo and the larger area around us. Specifically, the developer is proposing commercial/residential/retail areas designated as College Park. This development would consist of two areas: 12 lots over 90+ acres, one of which is the Bicycle Technology Building, already under construction. If this plan is approved then regardless of the nature of the buildings built there will be an additional impact on traffic, depending on the size and nature of the businesses, that additional traffic will almost certainly include large tractor trailer trucks which cannot be easily accommodated on existing roads.

Lot 11 is of 20+ acres designated for residential development behind the Amy Biehl Community School is in direct contradiction to the terms we agreed to as purchasers. When we purchased our home overlooking the conservation area we, along with all the local residents along Via Orilla Dorada were charged a significant premium with the assurance that the land would be preserved as open land and used only for recreation. In addition, our home abuts a trailhead leading to the open areas for which we were charged an additional premium.

The promises regarding open space and trails were made to everyone who has purchased a home in La Entrada. If the residential lot behind Amy Biehl School is approved it will not only negate the large contract with all of the residents but it will be necessary to extend the proposed road to connect with our street, replacing the trailhead, negating another contract with the homeowners of Rancho Viejo.

Attached to this statement is the map that we initialed as part of our purchase contract that supports these terms. Santa Fe Community College has unexpectedly grown approximately 25 percent over their projections for the last few years, so there is already considerable traffic

congestion in this area. At times the traffic backs up from the entrance to the college almost to Rodeo Road to the north on Richards Avenue and for a considerable distance to the south side as well, including Avenida del Sur and Rancho Viejo Boulevard. The opening to a secondary entrance to the College off College Road has done little to alleviate the problem as the traffic still has to travel on Richards to reach that road.

The developer is also proposing construction of a large apartment complex consisting of 400+ apartments and 50 single-family homes at the eastern end of College Avenue in College Heights behind the Santa Fe Community College. At the present time College Avenue is the only road in or out of this area. The construction of this complex would put conservatively 1,000 more cars onto both College and Richards Avenue, which are narrow roads, one lane in either direction. Each of these areas is being designed by a different design firm and each firm has apparently done traffic use studies, but it is unclear whether either of them is aware of the other development or if the County has looked at cumulative impacts. Richards Avenue is the sole or primary road of ingress and egress to the majority of homes in Rancho Viejo and to the Community College. Aside from the traffic congestion there is also the conservation issue. Currently, coyotes and other wildlife traverse through this area as they travel between the Sangre de Cristo foothills to the Petchesky Conservation Area. The construction of these buildings and homes would be cutting them off from the conservation area, perhaps leading to starvation of some of that population as well as destroying the natural flora.

We are not opposed to development and the residents have asked for an ongoing dialogue with the developer to which they have agreed. There are other areas within Rancho Viejo that are partially developed or that would easily be developed to accommodate the expansion being requested without the drawbacks enumerated here. We respectfully request that you delay any action on this proposal until an independent traffic study has been completed and we have had a chance to meet with the developer to discuss alternate plans. We are dependent on your to act as our representatives and to protect our interests as well as those of the County. Thank you.

CHAIR HOLIAN: Thank you, Ms. Vellen. Next.

[Duly sworn, Eileen Gorman testified as follows:]

EILEEN GORMAN: Good evening. Good night. My name is Eileen Gorman. I live at 3 Firehearth Place in the Village. And I have watched this unfold and I'm struck by the fact that there are three major development plans that are happening that the County is treating as though they're totally independent. They're all interlinked and they're being handled by different parts of the County staff. I know that they probably all sit near each other, but they're being handled as if they're totally separate projects when in fact they all are related. They have similar developers, the same developer and a very key road project that makes them possible, and that's the southeast connector.

So I would like to have you consider that they be made to be treated not as a single project, because I realize that that would be difficult, but at least as linked projects, because they are related and they have to do with, as other people have said tonight, the traffic and the impact along Richards Road and what's happening out in the Community College District. The three projects are the southeast connector, and there's been a lot of discussion and a lot of comments that have been made about the bogus traffic studies that we've all been to

meetings about when they were building the circles and the traffic hand counts they did on the days when schools were closed, and said, oh, well, the traffic going north from Rancho Viejo on Richards isn't going to be a problem. Well, guess what? It is, if its during rush hour.

So the southeast connector, the future large apartment complex and development which has been mentioned already, which hasn't come to the County yet but is going to put thousands of cars onto Richards. Again, there's no traffic study. And the biggest development at Avenida del Sur and Richards, which was not a surprise to me; I was aware of that. But they should not be treated as though they're separate entities, because they are not. They are in that same very close proximity to each other, part of the Community College District.

And I find it very frustrating that the County is treating them as though they're separate and not linked. And I would urge you to think about them as though they are linked because in fact they are. The Rancho Viejo area as we learned recently in the Village, because of something completely separate is one of the most compliant and productive group of taxpayers in the county tax base. And that's data from something that happened with a special bond that those of us who live in the Village had to pay because the developer set it up that way. Now, fortunately, that's been paid off because we paid on time and fully.

So before action is taken that puts that tax population at more duress than it already is, just take a pause and try to think about how these three big projects can be considered together, at least conceptually, in terms of traffic impact and environmental impact, and think about whether or not the road along Richards and eventually along Avenida del Sur, in addition to what's happening with the southeast connector, are going to be able to actually handle what's going to be pouring out onto it.

We are the constituents of the county and we do live here in a very special place. There is no question about it. Rancho Viejo is a very, very special place because of the open space, because of the environment, because of the trails and because of the people, many of whom had to leave because of the schedule here, but many of whom actually toughed it out so that our voices would be heard. And we hope you have heard us. Thank you.

CHAIR HOLIAN: Thank you, Ms. Gorman. Is there anyone else who would like to speak? Have you been sworn in? Okay. Thank you.

[Duly sworn, Pat Perron testified as follows:]

PAT PERRON: My name is Pat Perron. I live in College Heights. I hope you can see the spelling. Commissioners, you need to understand that Rancho Viejo is divided into two homeowners associations, one in the south and La Entrada and the southern area and that is where the developer sits. And in the north, we have another homeowners association which has been on the fringes of this. Rumors are flying that a commercial supermarket is going in on this corner. We don't really know what is the long-range plan for it but that's one of the rumors.

Most of our problems center around Richards Road which is heavily trafficked especially when the college lets out or when classes begin. 75 percent of the traffic is probably college oriented. So until we get the southeast connector in and we have the infrastructure in to support additional development we really are in a quandary. Thank you so much.

CHAIR HOLIAN: Thank you, Ms. Perron. Is there anyone else who would like to speak from the public? Seeing none, this public hearing is closed. Mr. Siebert, would you like to make any final comments?

MR. SIEBERT: Madam Chair, Commissioners, thank you for the opportunity. The only thing I'd like to point out is we are following exactly the provisions that are provided in the code requesting the authorization to proceed with master plat. All the issues that were brought up tonight are valid issues and they're issues that we're going to have to address as part of the master plan process and we will be – I think we have an advantage with one thing that occurred in this process is that the neighborhood groups are getting organized. We have the ability through the master plan process to deal with an organized committee of the various neighborhoods. Thank you.

CHAIR HOLIAN: Thank you, Mr. Siebert. Any further questions?
Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. Mr. Ross, if we were to move to table tonight, could you explain what the process is for the very next meeting. We don't have any further discussion? We just come back and vote?

MR. ROSS: Oh, yes. Madam Chair, Commissioner Stefanics, that's correct. Once the public hearing is close then it is closed. We would not reopen it; we'd have discussion and a vote next time.

COMMISSIONER ANAYA [telephonically]: Madam Chair.

COMMISSIONER STEFANICS: Thank you. Commissioner Anaya is trying –

CHAIR HOLIAN: Commissioner Anaya, are you there?

COMMISSIONER ANAYA: Yes, Madam Chair. I'm sorry. Commissioner Stefanics was still talking. I'm sorry to interrupt. But I do have some comments.

CHAIR HOLIAN: Okay. Commissioner Stefanics, are you –

COMMISSIONER STEFANICS: I'd like to finish and then we could turn it over. So Mr. Larrañaga, could you come up and define or describe what a master plat is and what the next step is? Because I just think we need to be clear that if we were to table, number one, that we're not going to come back and discuss it; we're just going to come back and vote. So I'm not sure that's going to meet the goals, because those are the rules. Number two, I want to discuss what a master plat is supposed to be and then what further steps are and whether or not the master plat conditions have been met.

MR. LARRAÑAGA: Madam Chair, Commissioner Stefanics, master plat authorization, the request that's before you tonight, is giving the authority to – would give the authority to the Land Use Administrator to be able to adjust lot lines or consolidate lots. This is after it's been platted and there's been a master plan approved and it's ready for development. So this is again, as I mentioned before, it's a procedural process. It's kind of the first step to allow the lots – you're not platting the lots, you're not giving any development rights to this parcel. All it does is allow the Land Use Administrator to be able to adjust those lot lines after it's been platted. This way if they have to adjust lot lines they don't have to come back to the Board after it's been platted. As Mr. Siebert stated before, if a development wanted to come in, they need a bigger parcel, we don't have to bring it back to this Board to adjust lot lines; the Land Use Administrator can adjust those lot lines to allow this development to go in.

COMMISSIONER STEFANICS: Thank you. Mr. Siebert or Mr. Thompson, either one of you could answer this next question. If there is a delay for one month, will that hamper some active plan that you have?

MR. SIEBERT: Madam Chair, Commissioner Stefanics, no. I don't think the sky is going to fall in if there's a one month delay.

COMMISSIONER STEFANICS: Thank you very much, Madam Chair. I'm finished.

CHAIR HOLIAN: Commissioner Anaya, are you there?

COMMISSIONER ANAYA: Yes, Madam Chair. I appreciate the opportunity to comment. I just want to ask one last time. This is a procedural approval that has to do with a process that we followed through on with other developers. It's not out of the box. It's consistent with a process and the procedure that we followed. That's the first point of the question. The second question is that there will be other opportunities for the public to comment as plans come forward in the future.

CHAIR HOLIAN: Thank you. Are you finished.

COMMISSIONER ANAYA: Yes. Is that correct?

CHAIR HOLIAN: Jose, would you like to answer that?

MR. LARRAÑAGA: Madam Chair, Commissioner Anaya, yes. We have processed a master plat authorization in the past. As Mr. Siebert mentioned, before we did one I think a year, a couple years ago. It's just a process to get it going to establish the lot lines for future platting.

COMMISSIONER ANAYA: Thank you.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. Mr. Siebert, and I appreciate that you all are bringing this proposal forward, but looking at your letter dated November 20, 2012, and then just respecting your last sentence. Please place this request on the next available agenda for the BCC, and then hearing the comments that were given us today by the audience that was able to stick it out with us tonight, I guess the tone, or the sentiment that was conveyed tonight was what public input or process did you have with the community? Did you go out there and have any community meetings about this, because that's what I've heard, is hey, talk to the residents about this. We want to talk to you about traffic studies. We want to talk to you about configurations. So what have you done to go out to talk to the public about this?

MR. SIEBERT: Well, Mr. Thompson talked about some other things that they've done to compile written material regarding this request. Personally, I know the meeting at College Heights, which is directly north of the Community College was a group that asked me to come out and attend their meeting. I attended the board meeting of the homeowners association for the La Entrada Subdivision. I'm guessing there was maybe somewhere between 25 and 35 people there that night. And there was an attempt to disseminate information regarding this request.

Two things – there is a lot of concern regarding traffic. Part of what will be coming along with the master plan will be a traffic study. There is concern regarding archeology, and in fact what's happened is part of the Village was master planned. They've done a detail archeological survey of everything you see within that plan. And there were some places that

they didn't want to mitigate the archeological sites so they simply set them aside in easements. In this particular case there are no instances of archeological sites that the State Historic Preservation Office considered worthy of preservation. So this area has already been cleared.

COMMISSIONER MAYFIELD: Thank you. Madam Chair and Mr. Ross, I know we spoke earlier about a tabling, but this Commission also has the authority to postpone to a certain date, so we could pick maybe a month out, two months out, and then maybe ask for some public outreach, some more public meetings be done. And we could ask that this come back a month from now, maybe a month and a half from now, so that we don't have to carry it to the next meeting. Could that be I guess a motion?

MR. ROSS: Madam Chair, Commissioner Mayfield, yes. A tabling –

COMMISSIONER MAYFIELD: Not a tabling, but a postponement.

MR. ROSS: A tabling is for one month. A postponement is for a date certain, usually beyond the normal period of a tabling.

COMMISSIONER MAYFIELD: And with that postponement could we ask that some public outreach meetings be had? Thank you. Madam Chair, that's all I had for now. Thank you.

CHAIR HOLIAN: Okay. Commissioner Stefanics.

COMMISSIONER STEFANICS: Madam Chair, I wanted to make just a couple of general comments about the Community College District. And the consternation felt by the community in Rancho Viejo is not the first time this has come up in the past 12 months regarding the Community College Plan. It came up with La Pradera. A lot of people, a lot of the residents did not want a higher density. They did not want mixed use, and yet that is what the Community College District Plan calls for.

And I don't think this action is going to be avoided. I think it might be postponed, but 13 years ago the County accepted a community plan, a plan that your community developed. And your community has the right to change it but it's a very detailed process to do that. It's an ordinance. It's a law. And so we could move along and accommodate the developer this evening or we can postpone and come back and accommodate them in a couple months. So you have to really think that if there is a couple month delay, what will you accomplish and what will you set your mind to accomplishing. And we have done that with other cases. We have had some very controversial cases. We've had the Girls and Boys Ranch. We've had Saddleback Ranch. We've had several other controversial pieces where we've said go back and work it out.

And this is not unlike that. And so if my colleagues are up for it I would agree that we should postpone, and I would so move that we postpone for two months. We're in February, so that would be April. So at the beginning of April, which is our land use meeting we would come back to address this and I will see if there's a second to the motion or not.

CHAIR HOLIAN: I'll second that, and it's April 9th would be the date of that meeting. So we have a motion and a second for a postponement for two months.

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

XVII. ADJOURNMENT

Having completed the agenda and with no further business to come before this body,
Chair Holian declared this meeting adjourned at 11:15 p.m.



Approved by:

Kathy Holian

Board of County Commissioners
Kathy Holian, Chair

Geraldine Salazar

GERALDINE SALAZAR
SANTA FE COUNTY CLERK 3/12/13

Respectfully submitted:

Karen Farrell
Karen Farrell, Wordswork
453 Cerrillos Road
Santa Fe, NM 87501

Northern New Mexico College Comprehensive 4-year Institution

Santa Fe County Commission

February 12, 2013

NORTHERN New Mexico College



Northern's Mission

Vision: By the year 2015, Northern New Mexico will be a regionally recognized comprehensive university creating a culture of quality student learning that addresses student and employee needs while maintaining the community college mission.

Mission: Northern New Mexico College is a Hispanic and Indigenous serving institution dedicated to student achievement and the advancement of our community and our region, emphasizing sustainability and service for the common good.



Institutional History

- ✦ Established Normal School: 1909
 - ✦ Chartered in the State's Constitution
 - ✦ First Hispanic Serving Institution in the Country
- ✦ Established Tech. Voc. School: 1970
- ✦ Española Campus opened: 1975
- ✦ Established Community College: 1977
- ✦ Established 4-year College: 2004



Student Demographics

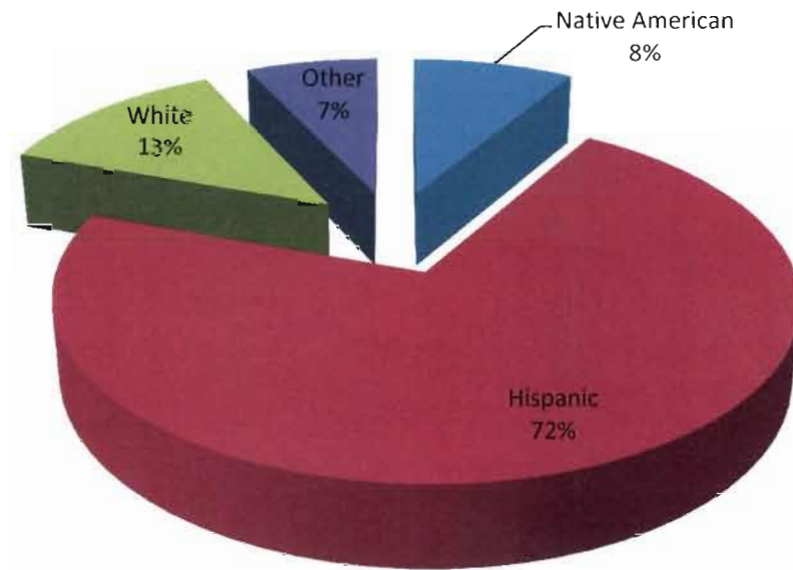
Gender

Female: 1133 (61%)

Male: 725 (39%)

Avg. Age: 22

Ethnicity Distribution Fall 2012



Enrollment

Enrollment Summary (fall 2012)

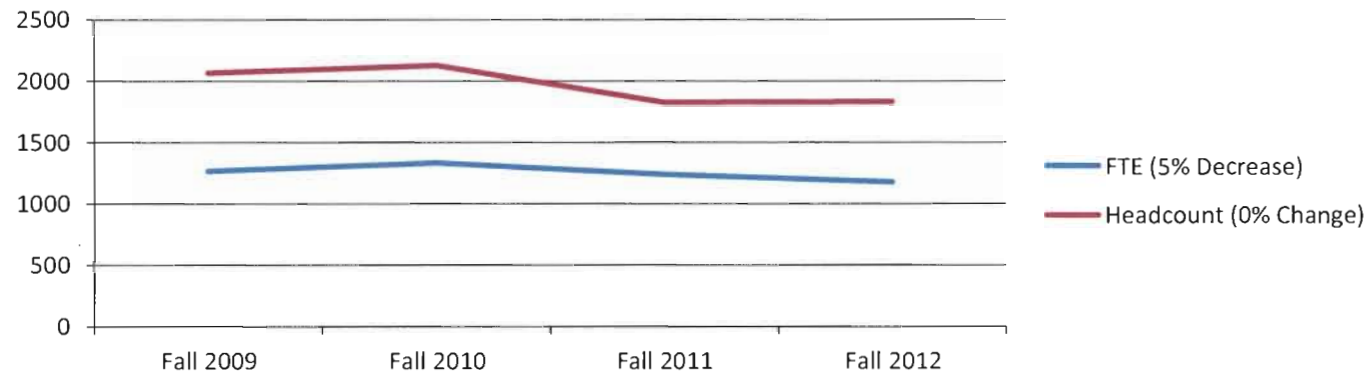
Total Headcount: 1858

Full-time: 944 (51%)

Less than half-time: 451 (24%)

Half-time: 282 (15%)

4-year institutional enrollment trends



NORTHERN New Mexico College



Enrollment by Institution

Two-year changes in freshmen enrollment

Institution	Fall 2011	Fall 2012	% Growth
EVHS	84	90	7%
GED	47	32	-32%
Pojoaque	36	23	-36%
Other NM HS	17	21	24%
Out of State	13	13	0%
Mesa Vista	4	11	175%
Santa Fe Indian School	4	9	125%
Santa Fe High School	7	7	0%
Los Alamos	6	6	0%
Penasco	7	6	-14%
Out of Country/Unknown	4	5	25%
Victory Faith Academy	5	4	-20%
Capital High	1	3	200%
McCurdy HS	9	2	-78%
Coronado HS	9	1	-89%
Escalante	3	0	-100%
Questa	3	0	-100%
Total Students	259	233	-10%

NORTHERN New Mexico College



Dual Credit Trends

Dual Credit Summary AY 2012 - 2013			
Term	Credit Hours	Number Increase	Term - Term % Increase
Fall 2011	606	Fall 2011 - Fall 2012 353 increase in Credit Hours	Fall 2011 - Fall 2012 58% increase in Credit Hours
Spring 2012	799.5		
Summer 2012	271		
Fall 2012	959		
Term	Student Head Count	Number Increase	Term - Term % Increase
Fall 2011	106	Fall 2011 - Fall 2012 105 increase in students enrolled	Fall 2011 - Fall 2012 99% increase in students enrolled
Spring 2012	156		
Summer 2012	57		
Fall 2012	211		



Dual Credit Enrollment by District

High School Name	DC Enrollment (Spring 2013)
Espanola Valley High	181
Santa Fe Indian School	75
Santa Fe High	32
Escalante High	30
Pojoaque High	30
Coronado High School	16
Dulce High	6
McCurdy High	5
Mesa Vista High	4
Abundant Life Christian	1
Total	380

Serving over 130
Dual Credit Students
in Santa Fe County



Academic Programs

Student Declared Degrees

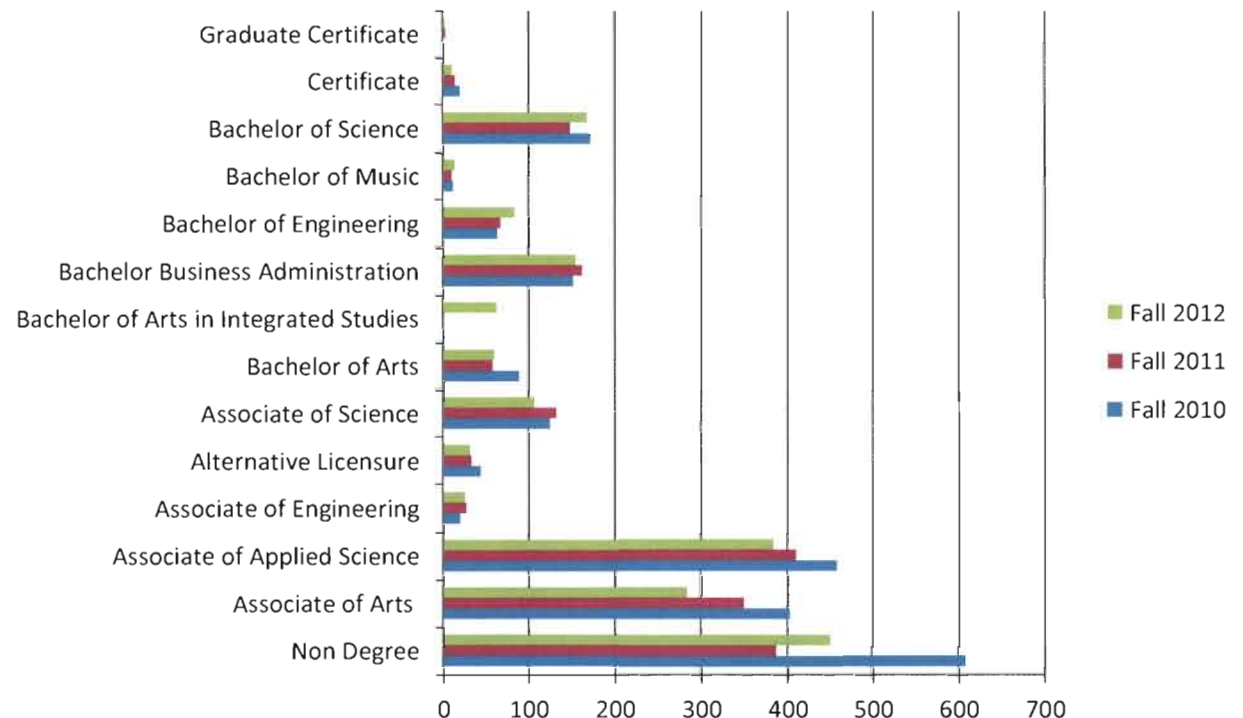
Degrees offered

Total Bachelors: 13

Total Associates: 51

Total Certificates: 25

Total Endorsements: 4



NORTHERN New Mexico College



Next Steps/Major Priorities

- ✦ Accreditation
 - ✦ Engineering
 - ✦ College of Education
 - ✦ Nursing – ADN
 - ✦ Business Administration
 - ✦ Enhance College's Retention
 - ✦ Developmental Education
 - ✦ Student Support Services
 - ✦ Increase Student Enrollment
 - ✦ Residence Hall
 - ✦ Enrollment Management
-



Northern 2013 Legislative Priorities

- + IT Infrastructure - \$400,000
- + Faculty and Staff Salary Parity - \$600,000
- + Capital Project: Campus Building Renovations - \$2,500,000
- + Capital Project: Campus Infrastructure and Repairs – \$2,000,000
- + Rio Arriba County Special Mil Levy



Questions/Comments

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NORTHERN New Mexico College



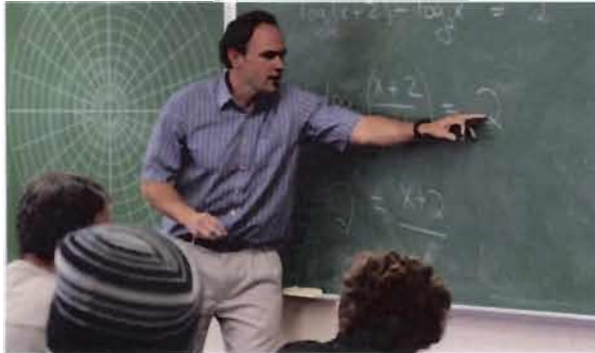
Legislative Update

From the Office of Institutional Advancement

NORTHERN
New Mexico
College



2013 Legislative Priorities



PRIORITY: Northern NM State School Faculty Salaries: \$600,000

SB 34: Richard C. Martinez

HB 129: Nick L. Salazar

Summary: Northern's compensation study revealed that, on average, annual faculty salaries at Northern are \$6,000 less than those at comparable institutions in the state. In some instances, Northern faculty are paid less than those at 2-year institutions.

Notes: The 2012 legislative request was vetoed by the Governor. Compensation study has been introduced to LFC and DFA.

PRIORITY: Information Technology (IT) Infrastructure - \$400,000

Summary: Funding would allow for server and IT security upgrades, as well as the implementation of a campus-wide network.

Notes: The 2012 legislative request was unfunded due to limited STB funding.



PRIORITY: Capital Outlay Request - \$4.5 million

Summary: Funding would support building renovations and infrastructure upgrades at both Española and El Rito campuses. Projects include the creation of an Academic Advisement Center.

Notes: HED recommended outlay funding for 16 of the state's institution. Northern was among the institutions and received \$2.5 million recommendation.

PRIORITY: Local Government Higher Education Facility Property Tax

SB285: Richard C. Martinez

Summary: Rio Arriba County voters will vote to support a special mil which would support the design, construction, and operation of a residence hall for Northern's Española campus.

The institution plans to construct a facility that would house approximately 200 students. It is estimated that the facility would cost \$12 - \$14 million.

Notes: This legislation has been endorsed by the Española City Council and the Rio Arriba County Commission.





Institutional and Regional Information Sheet

Enrollment (fall 2012)

Total Headcount: 1858
Full-time: 944 (51%)
Less than half-time: 451 (24%)
Half-time: 282 (15%)
Three Quarter-time: 181 (10%)

Gender

Female: 1133 (61%)
Male: 725 (39%)

Ethnicity Composition

Hispanic of any race: 1364 (73%)
White/non-Hispanic: 242 (13%)
American Indian or Alaskan: 184 (10%)
Black or African American: 31 (2%)
Asian: 12 (.5%)

Tuition/Fees

Resident: \$100.45 per credit (1-11 hours)
Resident: \$1,205 full-time (12-18 hours)
Non-Resident: \$425.45 per credit (1-11 hours)
Non-Resident: \$5105.40 full-time (12-18 hours)

Budget

Total I&G appropriation (FY12): \$9,895,100
Total I&G appropriation (FY13): \$10,328,514
Annual Grant Funding (FY12): \$7,801,000

Faculty

Total full-time: 50
Average Salary: \$46,491
Total Adjunct: 142
Total PhD: 26
Total Masters: 18

Faculty (full-time)

% Hispanic: 28/50=56%
% Native American: 1/50=2%
% White: 17/50=34%
% Other: 4/50=8%

Staff (full-time)

Total full-time: 153
Average Salary: \$37,976.15 (excluding president salary)
% Hispanic: 120/153=78%
% Native American: 10/153=6.5%
% White: 19/153=12%
% Other: 3.5%

Degrees offered

Total Bachelors: 13
Total Associates: 51
Total Certificates: 25
Total Endorsements: 4

Academic Departments

College of Education, Dr. John Hollenbeck
College of Arts and Science, Dr. Mellis Schmidt
College of Nursing and Health Sciences, Ellen Trabka
College of Community, Workforce, and CTE, Dr. Camilla Bustamante
Department of Engineering, Dr. Ivan Lopez
Department of Business Administration, Dr. Lori Baca

Academic performance (full-time students)

% freshmen testing into remedial courses: 82%
1st semester retention (full-time degree seeking): 72%
1st year retention (full-time degree seeking): 54%
% completing certificates in 3 years: 20%
% completing baccalaureate degrees in 5 years: 15%
Total number baccalaureate degrees awarded (FY12): 52

Financial Aid (full-time)

% of students receiving some aid: 75%
% of students receiving Pell: 62%
% of students receiving loans: 14%
% on Lottery Scholarship: 11%

Institutional History

Established Normal School: 1909
Established Tech. Voc. School: 1970
Española Campus opened: 1971
Established Community College: 1977
Established 4-year College: 2004

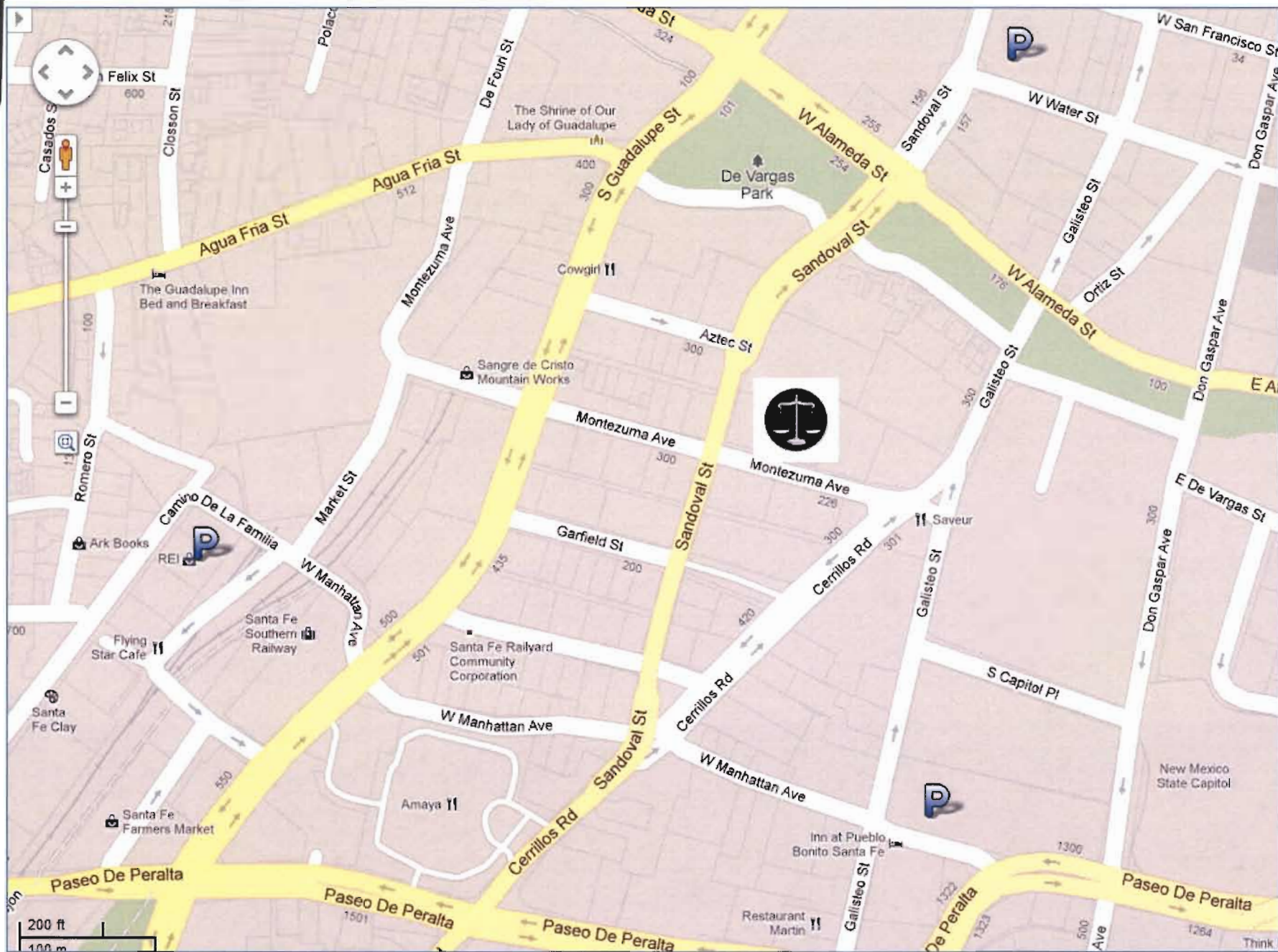
Major Feeder High Schools (fall 2012):

Española Valley High
GED Programs
Pojoaque
Other NM High School
Out of state

Regional

Total population - NM- 2,082,000
Total population - Espanola: 10,313
% w/Bachelor's Degree (Rio Arriba, age 25+): 16.1%
% w/Bachelor's Degree (Espanola, age 25+): 19%
Total population - Rio Arriba: 40,466
% living below poverty (Rio Arriba): 19.7%
% living below poverty (Espanola): 16.1%
% living below poverty (NM): 25.5%

Public Parking Lots Available For Judge Steve Herrera Judicial Complex



I. INTRODUCTION

The first judicial district court facility needs assessment report is to document the current operations/services, and to quantify the future growth and operational needs of the first judicial district court in Santa Fe, New Mexico by statistical analysis and projection. The findings of the court needs assessments are to be used as reference by the project team to determine the space requirements of the court, and the design of the proposed new construction of the district court facility in Santa Fe. The project team takes both quantitative and qualitative approaches to address the long-term court growth issues. The project team members analyzed the historic court case filings, the court staffing levels, and the historic population of the judicial district to develop a future court system growth statistical model. The quantitative statistic projection results were later integrated with the qualitative factors that the project team was able to gather, through on-site observation, staff interview, and the consultants' insight/suggestions, to formulate the recommended future court system requirements, in terms of size of the court staff, the number of judicial officers, and the support court functions. The needs assessment include the three county judicial district, namely Santa Fe County, Rio Arriba County, and Los Alamos County. Court departments and various court-related programs included in the study are district court judiciaries, court administration, clerk of courts, Alternative Dispute Resolution Office, Child Support Hearing Office, Domestic Violence Hearing Office, Adult and Juvenile Drug Courts, mediation/family court services, special services, records management, and jury and customer Services.

In addition to the statistical exercise on the quantitative growth projection, using demographical and court statistical data, the project team paid specific attentions on the issues of future court service quality and their impacts of the future physical environment. The project team approached the relevant planning issues, in terms of court's internal operational efficiency, staffing requirements, public access to court services, the provision and proper utilization of court functional space, public safety, and secured work environments, as they conduct interviews gathering input from staff members who work in the building and general public who use the courthouse. The ultimate goals of this project are to ensure that the new courthouse programmed in Santa Fe is user-friendly,

operationally efficient, convey the proper decorum and respect for law, and accommodate future growth needs.

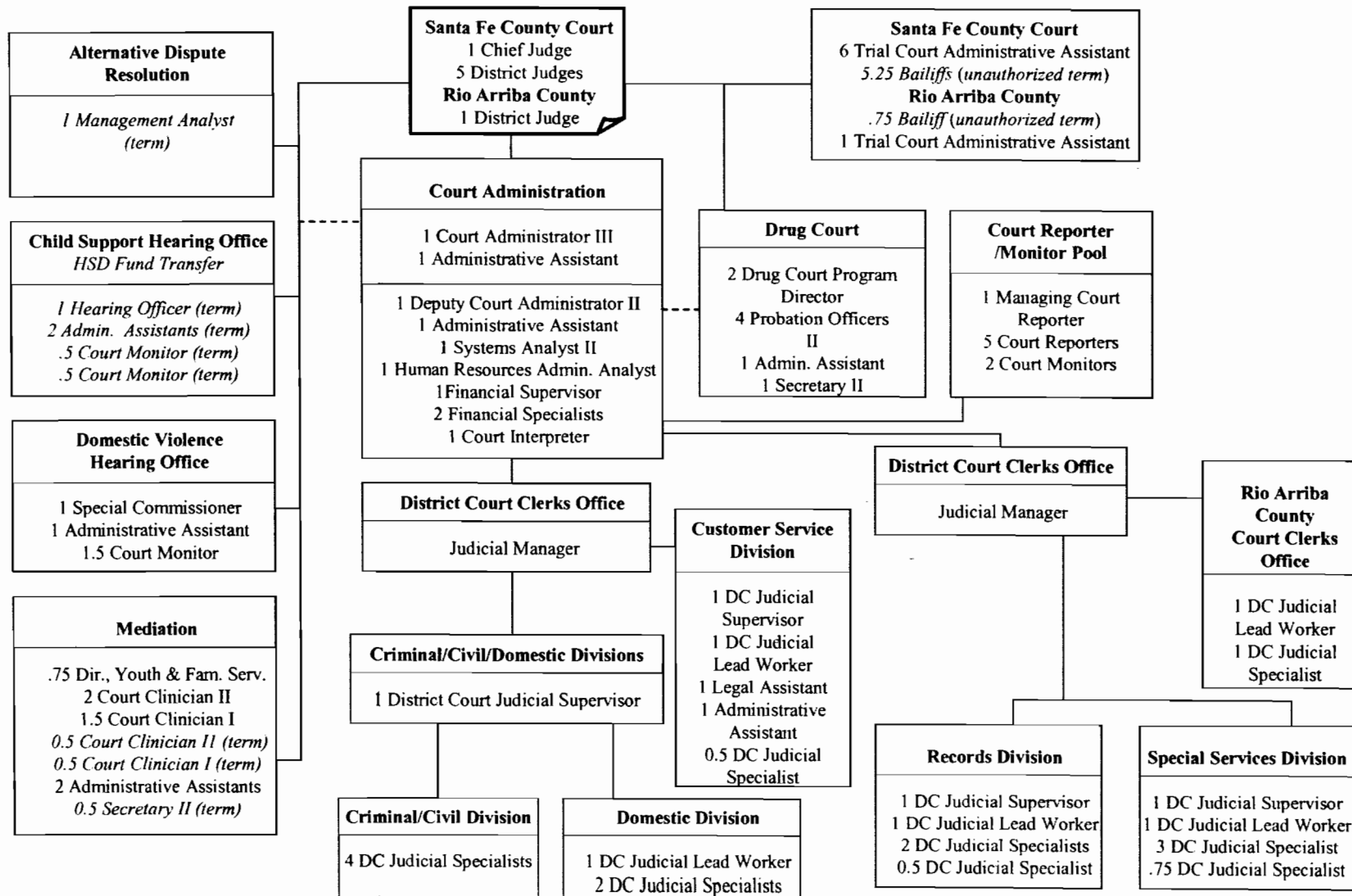
The needs assessment process begins with an observation of the court activities and gathering user input through interviews with court staff. The project team also conducted a survey to compile court functions and service requirement information for every court department and related service providers operating in the courthouse. Subsequent to this initial data gathering/interview process, the project team conducted an the quantitative alaysis of court workloads, as measured by the county population and case filings for major case types, and projections of growth of the first judicial district court. This analysis is then translated into estimates of future personnel or staffing needs for each courts functional space and court-related office space, which determines the actual physical space for the court and all designated court-related offices or departments that are included in this study. This needs assement conclusion can also be referred to as in the process of formulating the architural solution of the new courthouse project. Finally, the long-term facility requirements are incorporated into the building planning and design goals of the new construction.

Court Facility Needs Assessment Tasks Plan

1. Analyze current court components and offices of the court and court-related offices or departments that are housed in the courthouse to identify current facility needs.
2. Project future growth and expansion needs of the First Judicial District court system with emphasis on the facility needs in Santa Fe.
3. Identify appropriate court and court-related office functional space needs through on-site interviews and observations, resulting in the development of appropriate space standards for the functional space needs identified.
4. Assess present facility utilization and deficiencies, based on the present levels of court services or court-related office or department operations.
5. Develop future court facility space needs in terms of total square footage for the court and court-related offices, incorporating appropriate space standards and building grossing factors. The future court facility space needs projections will accommodate the growth and expansion of the Santa Fe County District Court and the offices included in this study over the next twenty years.
6. Develop visionary concepts of the future court physical operating environment.

II. DESCRIPTION OF COURTS AND COURT RELATED OFFICES

Santa Fe County Court Organizational Chart



Adequate space for jury selection and juror deliberation areas must be planned for in the new courthouse design. Currently, jury selection takes place in the large courtroom, and Grand Jury meetings are held in the judicial conference room. Space and facilities should be adequate and comfortable for juror assembly and deliberation rooms, as jury duty is an inconvenience to many, and the new courthouse should accommodate potential jurors satisfactorily. Space for jurors should also be secure and restrooms and facilities should remain isolated from public areas.

C. Future Court Facility Planning Concepts and Goals

The proposed new courthouse will serve the citizens of the First Judicial District for many years. In consideration of the present needs and the future changes in court operations, the new courthouse should be designed to address the following goals:

- To convey an image of dignity and solemnity and a sense that the facility is one in which justice is done.²
- Serve as a focal point for appropriate civic activities and events as well as a venue for county judicial functions.
- Maintain flexibility to accommodate both short- and long-term space needs and contribute to the effective administration of justice.
- Offer an environment that is easily accessible to the public and user-friendly.
- Offer an efficient and secure environment for all citizens who utilize the facility as well as for the judges and court employees who work within the facility.
- Equip all courtrooms, offices, and other functional space with advanced technologies to facilitate the efficient administration of justice and improve the quality of service to the public.

In the preparation of the facility plan, a set of court facility planning concepts have been developed, based on these goals. These concepts, addressing facility issues that affect future court operations, are presented as follows:

² See American Bar Association, Judicial Administration Division, *Standards Relating to Trial Courts* § 2.46 (1990).

Goal 1: The courthouse should be designed to convey an image of dignity and solemnity and a sense that the facility is one in which justice is done.

- The architecture design should reflect the traditional image of the judicial system: dignity, strength, respect, and a sense of importance of the judicial system in the community.
- The appearance and ambiance of the courtrooms should be restrained, dignified, and business like. Consideration should be given to proper sight lines, acoustics, lighting, properly functioning heating, ventilation, and air-conditioning systems.
- The design of the prisoner transportation and service delivery systems should not interfere with the surrounding Santa Fe downtown business environment.

Goal 2: The courthouse should serve as a focal point for appropriate civic activities and events as well as a venue for county judicial functions.

- Multiple-use and sharing of the court facilities by the courts and local citizens should be considered. However, sharing the facility with the local civic activities should not impede court security and the effective use of the courthouse.
- The courtrooms, jury room, and the hearing rooms, when not used by jurors, could be used for education programs provided by court programs or local organizations

Goal 3: The courthouse should maintain flexibility to accommodate both short- and long-term space needs and contribute to the effective administration of justice.

- Provisions for future expansion of the court system should exist. Additional space for a courtroom and support space/judge's office should be constructed.
- Standard-sized trial courtrooms and courtroom ancillary facilities should be constructed to accommodate a broad range of growth, jurisdiction changes, or policy changes for the circuit to enhance the facility's flexibility and long-term usefulness.
- Each judge should have access to a courtroom or a hearing room. Additional hearing rooms or courtrooms should be provided to accommodate court expansion or visiting judges.
- Judges' chambers should be close to the courtrooms, although it is not required that they be immediately adjacent to the courtrooms.
- Courtrooms should be supported by a set of ancillary facilities, such as courtroom prisoner holding facilities, witness waiting rooms, a jury deliberation room, and attorney-client meeting rooms.

- Jury deliberation rooms should provide comfortable surroundings with adequate facilities and conveniences separate from public circulation.

Goal 4: The courthouse should offer an environment that is easily accessible to the public and user-friendly.

- ✓ • The courthouse should be provided with adequate parking for judges, court employees, jurors, and court visitors.
- The courthouse should be a barrier-free, accessible facility in compliance with the American with Disabilities Act Title II requirements for governmental facilities.
- A simple and clearly displayed public directory and signage system should be provided so visitors are able to find their way around the courthouse.
- A public self-service center should be provided near the clerk of court office for pro se litigants and the public to seek assistance from the court in answering questions or preparing forms or other documents to file.
- High public traffic area, such as the clerk of court office, should be located near the public entrance of the building so that the public visiting these offices can be served quickly. On premise, short-term visitor parking should be provided to court visitors.
- A short-term children-waiting area should be provided in the courthouse for children of court visitors, jurors, or litigants while their parents attend court.

Goal 5: The courthouse should offer an efficient and secure environment for all citizens who utilize the facility as well as for the judges and court employees who work within the facility.

- Courthouse security should be provided through the use of a combination of structural elements, traffic pattern and access controls, weapons detection and screening, security surveillance devices, and properly trained security personnel.
- Public traffic in the courthouse should be controlled for security reasons. The public should access the building through a main entrance where security staff, using magnetometers and x-ray scanners, screens the public for weapons and contraband.
- The courthouse space should be organized into zones that are similar in function, operational needs, physical characteristics or access requirements. Proper circulation and access control should be designed and provided at individual space zones to maintain an efficient and safe court environment. Public access to private work areas, such as judges' chambers, the circuit clerk's offices, and the circuit clerk's records room should be controlled.
- Separate circulation systems should be provided for judges and court employees, prisoners, and the public in the building to maintain proper security and work

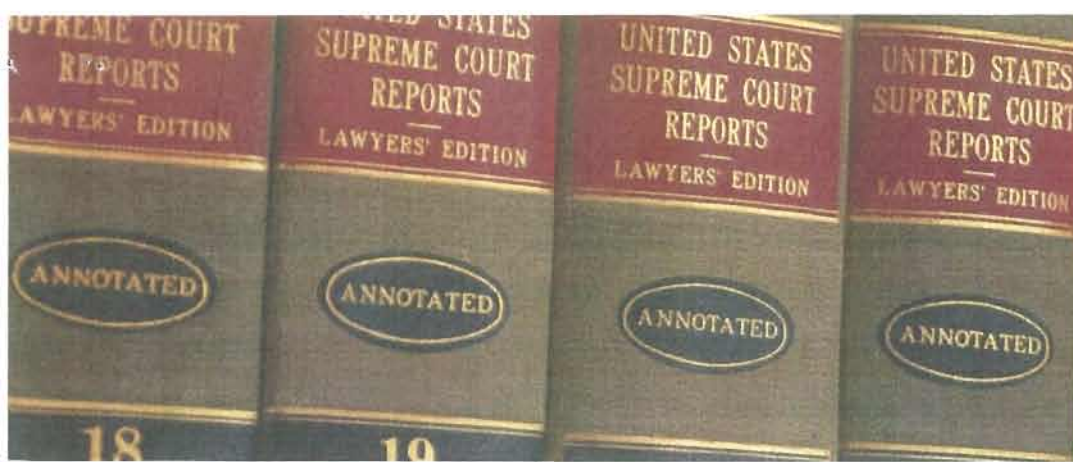
privacy. Prisoner movement in the courthouse should be segregated and not intersect with other court users. Judges and court employees should be able to move into work areas or courtrooms through private corridors and a private elevator without going through the public area.

- The building design should incorporate building security and operational considerations for having night court sessions and other community programs and activities held in the building during non-regular business hours.
- A shared attorney work area, with telephones, tables, and chairs, should be available to attorneys and public defender while they wait between scheduled court appearances.

Goal 6: The courthouse, including all courtrooms, offices, and other functional space, should be equipped with advanced technologies to facilitate the efficient administration of justice and improve the quality of service to the public.

- The courthouse should be designed with provisions for the extensive use of computerized, advanced technologies at all functional areas for efficient operations and a secure work environment. Individual workstations in the courthouse, including courtrooms, judges' chambers, court administration offices, Clerk's Office, and other court-related offices, should be designed with computer-networked information access and telecommunications capabilities. New technologies, including video, document imaging, electronic docket displays, public information kiosk/self-service computer workstations, and electronic access to court records should be incorporated in the facility plan.
- Provisions for voice-activated video/audio recording technologies should be planned and pre-wired in all courtrooms and hearing rooms to provide a convenient, accurate record of court proceedings, requiring a minimum of human intervention.
- The facility should be planned for video arraignment technology to arraign in-custody defendants more efficiently. The use of video arraignments can ease jail overcrowding by allowing in-custody defendants to be arraigned and released shortly after they are booked in the jail. Video arraignments also reduce prisoner transportation and improve courthouse security.
- Video arraignment technology should be incorporated into the design of the courtrooms and be linked to the county government's communications network. The video arraignment system should be planned as an added but integral function to the future courtroom video recording system. The location of the cameras, video monitors for the respective participants, and the public should be planned.
- Remote, interactive video testimony and computerized evidence display capabilities should be provided and integrated in the courtroom audio/video system.

- Security surveillance cameras should be installed in courtrooms, hearing rooms, secured prisoner areas, courthouse-access control locations, and secure parking areas.
- Document imaging technology should be available throughout the courthouse to reduce paper circulation and storage requirements, improve record dissemination, and facilitate effective information sharing.
- The general public should be able to access court services through the use of telecommunications and self-service information display technology. Public information and public access terminals should be provided in the public lobby or at the public self-service center for the public to access court information. The courthouse should be designed with provision to allow public access to court information via telecommunication.
- Proper holding areas and screening areas for prisoners should be incorporated into the design of the new courthouse. Secure holding and screening areas should allow direct access to the courtroom separate from public or judicial circulation paths.
- Screening and holding areas should also provide secure and private areas for 'No-Contact' meetings between attorneys and clients in close proximity to the courtrooms. Attorneys should have access to holding areas of prisoners directly from courtroom and separate from public circulation paths.
- New courthouse should address security measures for 'after-hour' events that require nighttime access and security; particularly, alternative and educational-type programs such as Teen Court that take place after 5 p.m.



March 2007



Santa Fe County Courthouse Complex Architectural Space Program

Draft One



DURRANT

REC'D CLERK RECORDED 3/14/2013



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This program is the product of the initial phase of the County of Santa Fe, First Judicial District Complex Santa Fe Courthouse Complex design. Durrant would like to thank all those who participated in the interviews and review meetings for their time and commitment to this project.

FACILITY SPACE NEEDS

This document identifies the facility space requirements, shared facilities needs, and service points for the components of the new Santa Fe Courthouse Complex.

The major components are organized as follows:

- Courtrooms
- Court Clerk and Operations
 - Court Clerk
 - Jury Division
 - Special Services Division
 - Records Division
 - Docket Division
 - Customer Service Division
- Administrative Services Division
 - Court Administration
 - Court Reporters
 - Information Technologies
- Court Programs
 - Family Court Services
 - Child Support Division
 - Domestic Violence Division
 - Adult Drug Court / Treatment (Mental Health) Division
 - Juvenile Drug Court Division
 - Court Constituent Services(ADR)
- County Prosecutor
- Public Defender
- Court Holding / Court Security (Sheriffs Office)
- Ancillary Functions

The facility requirements in this report have been created based on the concept of a single, centralized building for all of the functions identified. This would simplify communication, overall operations, and allow for convenient access by the public. In addition to the space requirements identified for each department, a section entitled **Ancillary Functions** has been included to describe general building functions. It also describes spaces that could be shared by the various facility users.

LOBBY

- Create a central lobby for public entering the facility from vehicular parking and pedestrian routes. Security screening must occur prior to entering the main lobby. Provide ample waiting areas prior to screening stations. Incorporate reception as part of public lobby. Staff will enter the facility at this same location.
- Security screening needs to be as discrete as possible to not detract for the dignity of the courts.

RECEPTION

- Provide a central public reception area for all departments to provide general information and to direct public to services. This would be achieved through the use of directional signage (electronic monitors) and informed staff to guide the public to the appropriate areas of the facility. Building security control would also be appropriate at this location.

CAFE

- A café central location for access by the public and all departments. Access for jurors to an eating area with indoor and outdoor facilities and access to the vending sales counter.
- In addition to the café, vending areas and a small break / coffee area in larger staff departments

STAFF BREAK AREAS

- Staff break areas will be dispersed into the various departments where the number of staff warrants a break room. There will be no building-wide general break area other than the café.

MAINTENANCE

- General building maintenance staff will be provided by the County.
- Maintenance areas need direct access to a secure maintenance yard.
- Provide a loading/receiving area for the facility within the secure area with convenient access to central storage areas
- Area for buildings systems monitoring and control equipment.

BUILDING SUPPORT

- General building storage and janitorial supplies storage
- Refuse staging
- Mechanical Central Plant, Electrical Service Entrance Section
- Main staff restrooms to include showers/lockers
- Emergency power generation

PARKING

- Provide adequate public parking for daily visitors during jury trials and jury assemblies.
- Provide CCTVs in the parking lot to monitor public after court proceedings
- Provide restricted staff and judge parking in basement.
- Provide separate designated areas for juror parking
- Staff parking will be restricted by use of a card access system
- Parking facilities will be under the jurisdiction of the County for parking fees and operations and maintenance
- Reserved parking for Sheriff division vehicles
- Covered areas for pedestrians arriving at the facility

2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018 2019 2020 2021 2022 2023 2024 2025 2026 2027 2028 2029 2030 2031 2032 2033 2034 2035 2036 2037 2038 2039 2040 2041 2042 2043 2044 2045 2046 2047 2048 2049 2050 2051 2052 2053 2054 2055 2056 2057 2058 2059 2060 2061 2062 2063 2064 2065 2066 2067 2068 2069 2070 2071 2072 2073 2074 2075 2076 2077 2078 2079 2080 2081 2082 2083 2084 2085 2086 2087 2088 2089 2090 2091 2092 2093 2094 2095 2096 2097 2098 2099 2100 2101 2102 2103 2104 2105 2106 2107 2108 2109 2110 2111 2112 2113 2114 2115 2116 2117 2118 2119 2120 2121 2122 2123 2124 2125 2126 2127 2128 2129 2130 2131 2132 2133 2134 2135 2136 2137 2138 2139 2140 2141 2142 2143 2144 2145 2146 2147 2148 2149 2150 2151 2152 2153 2154 2155 2156 2157 2158 2159 2160 2161 2162 2163 2164 2165 2166 2167 2168 2169 2170 2171 2172 2173 2174 2175 2176 2177 2178 2179 2180 2181 2182 2183 2184 2185 2186 2187 2188 2189 2190 2191 2192 2193 2194 2195 2196 2197 2198 2199 2200 2201 2202 2203 2204 2205 2206 2207 2208 2209 2210 2211 2212 2213 2214 2215 2216 2217 2218 2219 2220 2221 2222 2223 2224 2225 2226 2227 2228 2229 2230 2231 2232 2233 2234 2235 2236 2237 2238 2239 2240 2241 2242 2243 2244 2245 2246 2247 2248 2249 2250 2251 2252 2253 2254 2255 2256 2257 2258 2259 2260 2261 2262 2263 2264 2265 2266 2267 2268 2269 2270 2271 2272 2273 2274 2275 2276 2277 2278 2279 2280 2281 2282 2283 2284 2285 2286 2287 2288 2289 2290 2291 2292 2293 2294 2295 2296 2297 2298 2299 2300 2301 2302 2303 2304 2305 2306 2307 2308 2309 2310 2311 2312 2313 2314 2315 2316 2317 2318 2319 2320 2321 2322 2323 2324 2325 2326 2327 2328 2329 2330 2331 2332 2333 2334 2335 2336 2337 2338 2339 2340 2341 2342 2343 2344 2345 2346 2347 2348 2349 2350 2351 2352 2353 2354 2355 2356 2357 2358 2359 2360 2361 2362 2363 2364 2365 2366 2367 2368 2369 2370 2371 2372 2373 2374 2375 2376 2377 2378 2379 2380 2381 2382 2383 2384 2385 2386 2387 2388 2389 2390 2391 2392 2393 2394 2395 2396 2397 2398 2399 2400 2401 2402 2403 2404 2405 2406 2407 2408 2409 2410 2411 2412 2413 2414 2415 2416 2417 2418 2419 2420 2421 2422 2423 2424 2425 2426 2427 2428 2429 2430 2431 2432 2433 2434 2435 2436 2437 2438 2439 2440 2441 2442 2443 2444 2445 2446 2447 2448 2449 2450 2451 2452 2453 2454 2455 2456 2457 2458 2459 2460 2461 2462 2463 2464 2465 2466 2467 2468 2469 2470 2471 2472 2473 2474 2475 2476 2477 2478 2479 2480 2481 2482 2483 2484 2485 2486 2487 2488 2489 2490 2491 2492 2493 2494 2495 2496 2497 2498 2499 2500 2501 2502 2503 2504 2505 2506 2507 2508 2509 2510 2511 2512 2513 2514 2515 2516 2517 2518 2519 2520 2521 2522 2523 2524 2525 2526 2527 2528 2529 2530 2531 2532 2533 2534 2535 2536 2537 2538 2539 2540 2541 2542 2543 2544 2545 2546 2547 2548 2549 2550 2551 2552 2553 2554 2555 2556 2557 2558 2559 2560 2561 2562 2563 2564 2565 2566 2567 2568 2569 2570 2571 2572 2573 2574 2575 2576 2577 2578 2579 2580 2581 2582 2583 2584 2585 2586 2587 2588 2589 2590 2591 2592 2593 2594 2595 2596 2597 2598 2599 2600 2601 2602 2603 2604 2605 2606 2607 2608 2609 2610 2611 2612 2613 2614 2615 2616 2617 2618 2619 2620 2621 2622 2623 2624 2625 2626 2627 2628 2629 2630 2631 2632 2633 2634 2635 2636 2637 2638 2639 2640 2641 2642 2643 2644 2645 2646 2647 2648 2649 2650 2651 2652 2653 2654 2655 2656 2657 2658 2659 2660 2661 2662 2663 2664 2665 2666 2667 2668 2669 2670 2671 2672 2673 2674 2675 2676 2677 2678 2679 2680 2681 2682 2683 2684 2685 2686 2687 2688 2689 2690 2691 2692 2693 2694 2695 2696 2697 2698 2699 2700 2701 2702 2703 2704 2705 2706 2707 2708 2709 2710 2711 2712 2713 2714 2715 2716 2717 2718 2719 2720 2721 2722 2723 2724 2725 2726 2727 2728 2729 2730 2731 2732 2733 2734 2735 2736 2737 2738 2739 2740 2741 2742 2743 2744 2745 2746 2747 2748 2749 2750 2751 2752 2753 2754 2755 2756 2757 2758 2759 2760 2761 2762 2763 2764 2765 2766 2767 2768 2769 2770 2771 2772 2773 2774 2775 2776 2777 2778 2779 2780 2781 2782 2783 2784 2785 2786 2787 2788 2789 2790 2791 2792 2793 2794 2795 2796 2797 2798 2799 2800 2801 2802 2803 2804 2805 2806 2807 2808 2809 2810 2811 2812 2813 2814 2815 2816 2817 2818

NAME	PHONE NUMBER	ASSIGNED JUDGE	Y/N
Bienvenidos	986-0318		
Capital City Lions Club	438-0256		
Cerrillos Lodge #19	982-4414		
Chamber of Commerce	988-3279		
City Council	955-6509		
Civitan	473-2267		
Elks Lodge	983-7711		
Fraternal Order of Eagles	983-7171		
Fraternal Order of Police	471-9060		
Jaycees	471-3150		
Kiwanis	984-8600		
League of Women Voters	471-7082		
Rotary	820-1359		
Santa Fe Community Foundation	988-9715		
Santa Fe Alliance	989-5362		
Shriners	988-5585		
State Bar Association	797-6000		
VFW	983-9045		
New Mexico Hotel/Motel Association	983-4554		
Santa Fe Association of Realtors	982-8385		
Homeowners Association Management Co.	954-4479		
Santa Fe Railyard	982-3373		
Santa Fe Gallery Association	982-1648		
El Dorado Community Improvement Association	466-4248		
Governor Bill Richardson	476-2200		
Representative Rhonda King	832-5050		
Representative Ben Lujan	455-3354		
Representative Debbie Rodella	665-0075		

Representative Kathy McCoy	281-9540		
Representative Nick Salazar	667-0362		
Representative Jim Trujillo	470-0143		
Representative Luciano "Lucky" Varela	982-1292		
Representative Jeanette Wallace	661-2575		
Representative Peter Wirth	988-1668		
Senator Sue Wilson Beffort	292-7116		
Senator Carlos Cisneros	670-5610		
Senator Pete Campos	454-5700		
Senator John Grubescic	820-1825		
Senator Richard Martinez	753-8027		
Senator Leonard Tsosie			
Senator Phil Griego	988-2233		
Senator Nancy Rodriguez	983-8913		
Other: Article for Newspapers News Stations Community Meeting/Open House Notice in Bar Bulletin			



First Judicial District Court
State of New Mexico

CHAMBERS OF
JAMES A. HALL
CHIEF JUDGE
DIVISION II

POST OFFICE BOX 2268
SANTA FE, NM 87504
PHONE: (505) 827-5044
FAX: (505) 827-5055
E-MAIL: SFEDJAH@NMCOURTS.COM

AILEEN GONZALES
TRIAL COURT ADMINISTRATIVE ASSISTANT

September 18, 2006

Attorneys and Judges of Santa Fe County:

The First Judicial District Court needs your help. The Judges of the District Court are requesting that all attorneys and judges from Santa Fe County attend a meeting at **5:30 pm, Monday, September 25, 2006, in the Large Courtroom of the Steve Herrera Judicial Complex**. This meeting will provide information regarding the construction of a new District Courthouse in Santa Fe and the upcoming \$25 million general obligation bond question that will appear on the ballot for the November 7, 2006 general election. We recognize that your time is valuable and we will limit the meeting to no more than 45 minutes.

The need for a new Courthouse has reached the critical stage. The upcoming bond election is highly significant for the future of the courts in Santa Fe. We look forward to your attendance at the meeting on September 25, 2006.

Sincerely,

Chief Judge Jim Hall
Judge Barbara Vigil
Judge Ray Ortiz
Judge Michael Vigil
Judge Tim Garcia
Judge Stephen Pfeffer
Judge Daniel Sanchez

COPY



CHAMBERS OF
STEPHEN PFEFFER
CHIEF JUDGE
DIVISION VI

State of New Mexico
First Judicial District Court

LOS ALAMOS COUNTY
RIO ARriba COUNTY
SANTA FE COUNTY

POST OFFICE BOX 2268
SANTA FE, NM 87504
TELEPHONE: (505) 827-5047
FAX: (505) 827-5055

June 18, 2008

Joseph Gutierrez
Director of Community Services Dept.
Santa Fe County
P.O. Box 276
Santa Fe, NM 87504-0276

Dear Mr. Gutierrez:

This is to confirm my conversation with you on June 10, 2008. I called to state the position of all of the judges of the First Judicial District Court in response to estimates which show a potential budget shortfall for the courthouse project.

Reacting to this possibility, the architect has provided various options where savings may be had. It appears that the County representatives view the most likely alternative to be the deletion of the lower level of parking.

✓ In May of 2007 then Chief Judge Jim Hall, on behalf of all of the judges, approved general court plans which called for 150 non-secured parking spaces and 40 secure parking spaces. In seeking voter approval of the courthouse bond, it was presented to the public that there would be an increase in parking with the planned court.

✓ With necessary changes to the plans, as I understand it to reduce building height, the planned upper level parking will provide 60 non-secured spaces and 24 secured spaces. The lower level will now provide 70 spaces. This results in a total of 154 spaces.

✓ To remove the lower parking level would result in a total of 84 spaces. This is less than the 91 spaces the Court currently has (80 spaces for employees, 6 for the public, 2 each for the District Attorney and Public Defender and 1 for Child Support Enforcement).

While the County has shown a willingness to seek offsite parking, you have of course reminded us that the present governing body cannot commit future County Commissions to offsite parking for the Court. While I sense some optimism on County staff's part to obtain offsite parking for the present, even if obtained it will be subject to the decisions of future County Commissions.

SEC. CLERK RECORDED 6/18/2008

Mr. Joseph Gutierrez
June 18, 2008
Page two


Any such offsite parking will also be subject to the periodic decisions of other governing bodies which have parking facilities. Such decisions will necessarily be based upon the needs of those entities in meeting their responsibilities.

Additionally, sharing 84 spaces with the District Attorney will be problematic. If anything, given these factors, we would ask the County to supplement the currently planned 154 spaces with offsite parking.

Based upon these realities, the judges of the First Judicial District Court are in agreement that we cannot concur with a modification of the courthouse plans which would reduce parking. Nor can we agree to alternative bidding arrangements anticipating such a possibility which might be construed to be an acceptance on our part of the possibility of modifying the building plans to further reduce parking. To do otherwise, we strongly believe, would be a disservice to the public, the County, and the Court.

This said, we want to unhesitatingly reiterate our appreciation for the County Commissioners' and staffs' strong support and commitment shown for construction of a much needed new courthouse. We are not unmindful of the tremendous undertaking which this project entails.

Sincerely,



Stephen Pfeffer
Chief Judge

SP:ss

REC'D CLERK RECORDED
JUN 18 2008

Public Works

We Make It Happen

Solid Waste Task Force Report and Short-Term Recommendations

Feb 12, 2013



Walter Wait
Solid Waste Task Force Chair



Agenda

- **Introduction and Background**
- **Goals Established by the SWTF**
- **Description of Solid Waste Operation**
- **Options/Scenarios**
- **Recommendations**



Intro

-
- SWTF created by Resolution 2012-52 (approved April 10, 2012)
 - Met 6 times between July 2012 and January 2013
 - Toured all transfer stations
 - Numerous guest speakers and members of the public

From the resolution:

“The Task Force shall study the Ordinance, including its **current fee structure, current services, recycling efforts, and such other areas** identified by the Task Force as appropriate for the purpose of presenting to the BCC various alternatives regarding the following issues, and such others as the Task Force finds appropriate:

1. Is the permit and **fee structure** for the program **adequate** to meet its funding needs?
2. What opportunities exist for the program to be **self-sufficient** and less susceptible to unexpected cost increases?
3. Review and evaluate the existing solid waste program and make recommendations on how to **improve services**.”

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Background

COMPREHENSIVE SOLID WASTE MANAGEMENT PLAN



prepared for

**City of Santa Fe, Santa Fe County, and
Santa Fe Solid Waste Management Agency**

December 10, 2010

submitted by



J R Miller & Associates

and the Recycled Revival

THE BOARD OF COUNTY COMMISSIONERS OF
SANTA FE COUNTY

ORDINANCE NO. 2010-5

AN ORDINANCE REPEALING AND REPLACING ORDINANCE NOS. 2009-13 AND
2005-5 AND INCREASING
SOLID WASTE PERMIT FEES

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE,
NEW MEXICO:

Section 1. Short Title

This Ordinance may be cited as the "Solid Waste Management Ordinance."

Section 2. Purpose

The purpose of this Ordinance is to:

- establish a system of storage, collection, and disposal of all refuse generated in the County;
- establish a schedule of fees for the use of the storage, collection, and disposal system as well as penalties for the violation of this Ordinance; and
- to provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of the County and its inhabitants.

Section 3. Authority

This Ordinance is enacted pursuant to the authority granted to counties in (i): NMSA 1978, Section 4-37-1 to, among other things, provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of the County or its inhabitants; and (ii) NMSA 1978, Sections 4-56-1 through 4-56-3 to establish, maintain, manage, and supervise a system of storage, collection and disposal of refuse.

Section 4. Definitions

The following words shall have the following meanings in this Ordinance, unless the context clearly indicates or requires a different meaning.

The words "shall" or "must" are mandatory and not discretionary; the words "may" or "should" are permissive.

"Administrator" means the Santa Fe County Manager or such other office or employee of Santa Fe County who he designates to be responsible for the management of Santa Fe County's solid waste system and programs.

SPC CLERK RECORDED 10/16/2010



Goals Established by the SWTF

Primary

- Increase recycling
- Address solid waste program affordability
- Develop alternative funding options to make the solid waste operation more financially self-supporting
- Consider managing solid waste County-wide, including those areas served by private haulers

Secondary

- Minimize illegal dumping
- Improve handling of cash

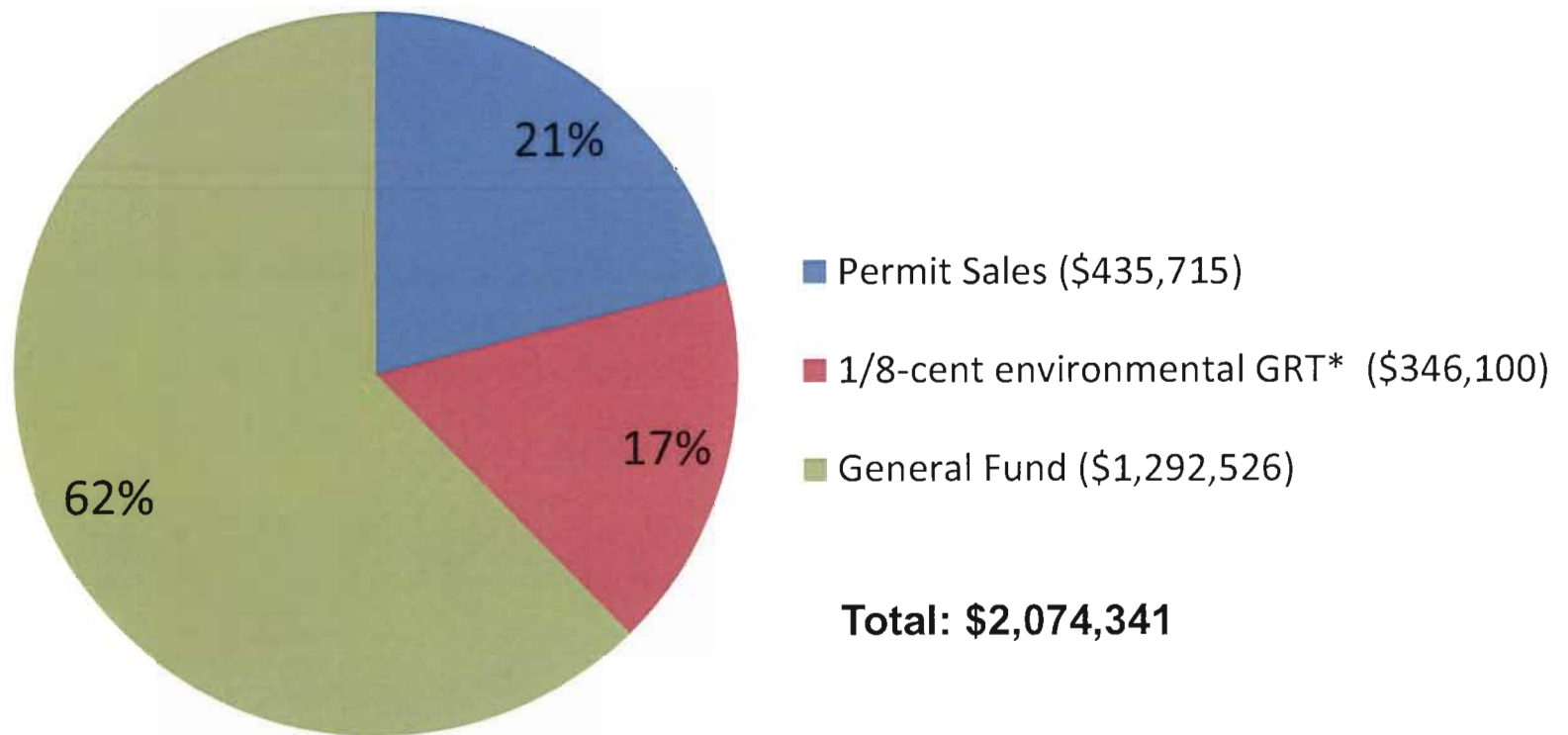


Address revenues and expenditures

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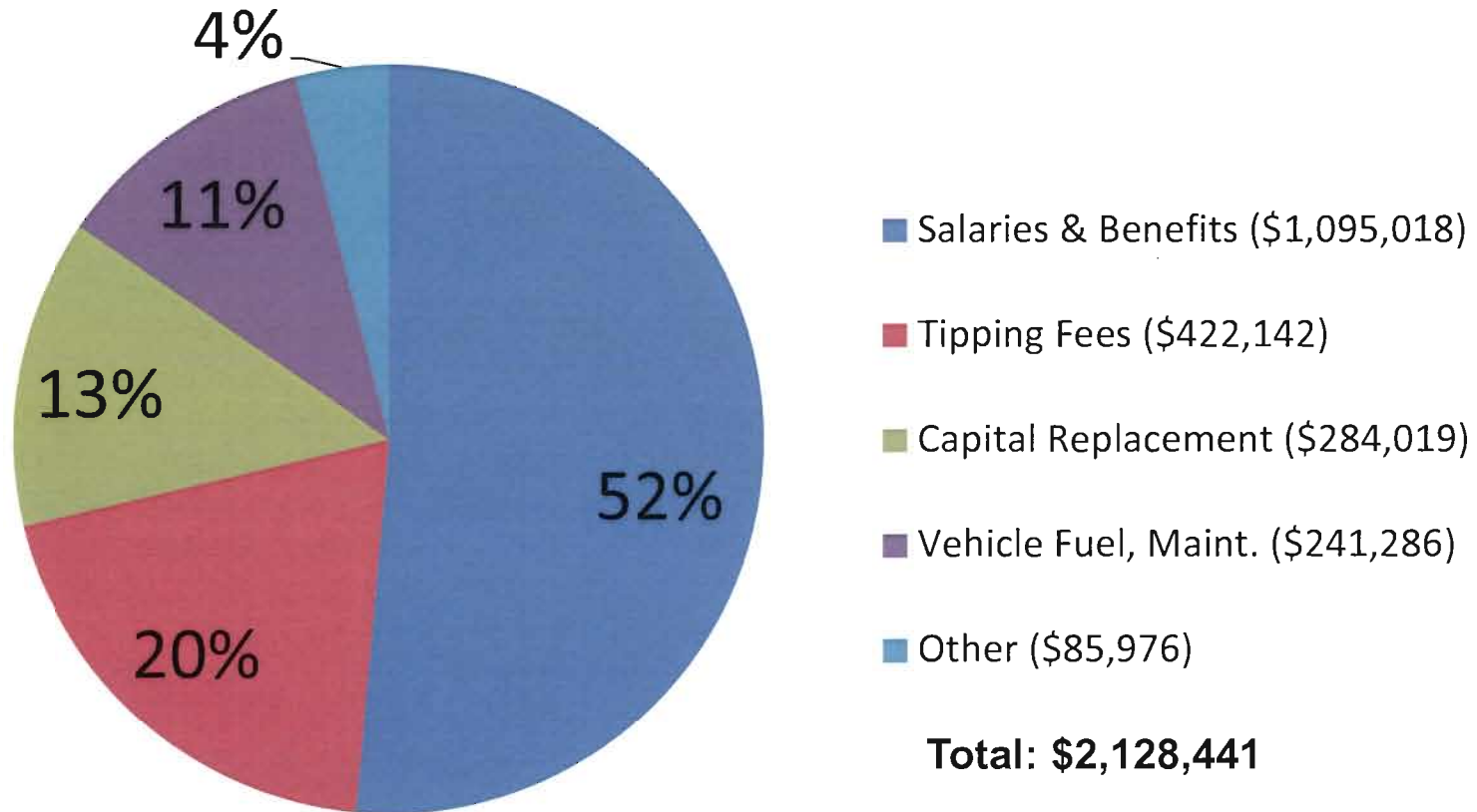


Revenue Sources- FY 12





Expenditures



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Transfer Stations

Station	Operating days	Annual waste (tons)	# of customer visits/year	# of pulls/year	Annual operating cost (\$)	Annual operating cost/ton (\$)	Annual recycled (tons)	Annual green waste (tons)
Jacona	TWTFSS	3507	16548	523	392,109	111.81	520	1076
Eldorado	TWTFSS	3506	28332	127	312,042	89.00	900	692
La Cienega	TWTFSS	2373	9676	328	285,352	120.25	133	NA
San Marcos	WFSS	888	7672	150	188,839	212.66	152	NA
Nambe	WFSS	671	3744	94	78,054	116.32	46	NA
Stanley	TWTFSS	636	4228	101	146,116	229.74	81	NA
Tesuque	WFSS	484	5480	179	147,677	305.12	111	NA
Rancho Viejo (recycling only)	FS	NA	NA	89	NA	NA	104	NA

CY12

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FY12 Permit Sales

Permit Type	Cost (\$)	# Sold	Total Revenue (\$)
24 Trip	75	4403	330,225
1 Trip	15	1173	17,595
Senior	70	984	68,880
Low Income	65	119	7,735
Bag Tags	5	1984	9,920
Small Commercial-5 trip	80	8	640
Small Commercial-10 trip	120	6	720

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County-wide Solid Waste Study

- **Solid Waste Generation Breakdown Estimate for the Unincorporated County:**
 - 20% delivered to County transfer stations
 - 80% handled by private hauler
- **Lack data to adequately evaluate alternative management options**
- **Partner with SFSWMA and City on comprehensive solid waste study**
- **Primary County tasks:**
 - Detailed assessment of solid waste NOT managed by County
 - Examine options for managing solid waste County-wide
 - Options to increase recycling
 - Increase cost-effectiveness of transfer station operations
 - Evaluate rate structures/revenue generation options



Options: Revenue Generation

- **Maintain Current Permit Structure**
- **Pay-As-You-Throw**
- **Pay by Individual Visits**
- **County-wide Property-based Assessment**

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Maintain Current Permit Structure

Description

- **24-punch Permits, Stay at \$75**
- **24-Punch Permits, Planned Escalation**
- **12-Punch (or Fewer) Permits, \$75 or Escalating**
- **12-Punch Permit, Use Up and Replace**
- **Unlimited Visits \$75 or Escalating**



Pay-As-You-Throw

Description

- Weigh at Transfer Station
- Individual Bag Tags
- Renewable Debit Card

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Individual Visits

Description

- No Permit, Pay per Visit



County-wide Property-based Assessment

Description

- All households/properties in the County pay an annual fee
- Reduced assessment for property owners receiving curbside refuse service.

County	Assessment
Colfax	\$115/year
Lincoln	\$62.84/quarter
Mora	\$48/six months
San Miguel	\$141.07/year
Socorro	\$80/year
Taos	\$100/year
Torrance	\$42/quarter

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Options: Reduce Expenditures

- **Operational Changes to Reduce Expenditures**
- **Mandatory Curbside Refuse Service in Areas with Sufficient Housing Density**
- **Increase Recycling**
- **Outsource**



Change Operations

Description:

- **Reduce staffing**
 - **Reduce, stagger hours/staff**
 - **Reduce staffing to 1 at each station**
 - **Close transfer stations**
- **Reduce hauling**
 - **Compaction**
 - **Larger loads (i.e. Eldorado)**
- **Reduce volumes**
 - **Divert to other waste streams**

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Mandatory Curbside

Description

- **Areas of High Density required to have curbside pickup**
 - **Private hauler**
 - **County-wide exclusive franchise**
 - **Service areas**
 - **In-house**
 - **Franchise fee**
- **Draft SLDC says SDA-1 will have mandatory curbside pickup**



Increase Recycling

Description

- Operational changes at transfer stations to influence behavior
- Amend ordinance to require recycling of all recyclable materials, not just paper and cardboard.
- More enforcement

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Outsource

Description

- Third-party manages transfer station operations
 - Private sector
 - SFSWMA
 - City of Santa Fe



Options: Other

- **Solid Waste Compliance Officer**
- **Accepting out-of-county waste at SFSWMA**
- **Rebudgeting Environmental GRT**



Compliance Officer

Description

- **Create 2nd Solid Waste Compliance Officer position**
 - **Additional code compliance and reduce illegal dumping**



Out-of-County Waste

Description

- **SFSWMA accepts out-of-county waste**
 - **Potential to appreciably reduce tipping fee.**

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Environmental GRT

Description

- Budget full proceeds of EGRT to solid waste program → would reduce use of General Fund by \$350-400K/year



Short-term Recommendations

- **Proceed with and fund the County-wide solid waste study.**
 - **Commit to adopting a true County-wide approach to solid waste management.**
 - **Suspend the SWTF until the results of the study are received (estimated July/August)**
 - **Continue with the current permit structure at the current price until the study results are received.**
 - **Update the current solid waste ordinance (Ordinance 2010-5) to include all recyclable material in the list of required recycling.**
 - **Adopt a “lead-by-example” resolution to decrease waste production and increase recycling in County operations. (Resolution 2013-07)**
-

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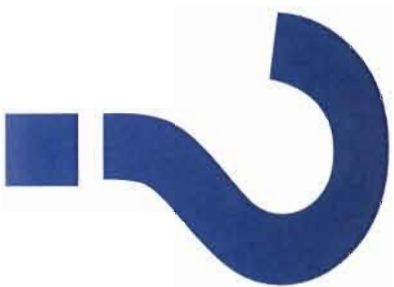


Short-term Recommendations

- Signage and other inexpensive improvements at the transfer stations to encourage recycling, following Eldorado 285 Recycles' recommendations.
- Create, as appropriate and funds allow, a second solid waste compliance officer.
- Advocate for SFSWMA to accept out-of-County waste.
- Budget the full EGRT to solid waste when appropriate.
- Increase education and outreach efforts.
- Begin process to build new transfer station to replace current transfer station at Jacona.
- Consider an annual "Amnesty Day" or "Spring Cleaning Day."



Questions



We Make It Happen

Daniel "Danny" Mayfield
Commissioner, District 1

Miguel M. Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

MEMORANDUM

DATE: February 12, 2013

TO: Board of County Commissioners

FROM: Bill Taylor, Procurement Manager

VIA: Adam Leigland, Public Works Director
Mark A. Hogan, Projects & Facilities Director
Marla Doyle, Senior Engineer

RE: *Request approval to award contract #2013-0179-PW/PL to Molzen Corbin Engineers for the Engineering Services for the Old Santa Fe Trail Multimodal Transit Road Improvements and Design of Waterline TL2N, Old Santa Fe Trail and El Gancho Way in amount of \$391,614.49 exclusive of GRT*

BACKGROUND

The subject project will complete the design of a multimodal trail and a waterline extension along the Old Santa Fe Trail from the Santa Fe City limits to El Gancho Way and in El Gancho Way from the Old Santa Fe Trail to the Old Las Vegas Highway.

The proposed multimodal trail is included in the Santa Fe Metropolitan Planning Organization (MPO) area. Old Santa Fe Trail is a popular scenic route for bicyclists, and completion of this project will provide a dedicated paved lane for bicyclists and pedestrians. The design will be ADA accessible as well as context sensitive and will minimize disturbance of the existing ground features, vegetation and drainage facilities.

The waterline extension will provide improved fire protection as well as stub-outs at all cross streets for future expansion of the system.

The Public Works Department and the Purchasing Division issued Request for Proposals (RFP) #2013-0179-PW/PL on December 10, 2012. This solicitation was advertised in the Santa Fe New Mexican and the Albuquerque Journal and posted on the County's Website. Fourteen (14) firms attended the mandatory pre-proposal conference and seven proposals were received in response to the RFP.

All proposals were reviewed by the Purchasing staff to ensure responsiveness. An evaluation committee consisting of four members reviewed, scored and ranked the proposals as follows:

1. Molzen Corbin Engineers
2. Gannett Fleming West, Inc.
3. Sullivan Design Group
4. Santa Fe Engineering
5. Wilson & Company
6. AIO, LLC
7. Occam Consulting

The evaluation committee selected Molzen Corbin Engineers as the most qualified to perform the engineering services for this project.

ACTION REQUESTED

The Purchasing Division requests authorization to enter into Agreement #2013-0179 with Molzen Corbin for the Engineering Services for the Old Santa Fe Trail Multimodal Transit Road Improvements and Design of Waterline TL2N, Old Santa Fe Trail and El Gancho Way in the amount of \$391,614.49 exclusive of GRT.

Synopsis of Proposed Legislation

- legislation attempts to provide a solution to the perceived “tax lightning” problem as well as creating an equitable, transparent and understandable application to all residential property tax valuations.
- Four components that result in maintaining the original intent and spirit of the “value cap law” implemented in 2001 by Speaker Lujan.

Statistical Data

52,333 Residential Properties

* 47,089 or 90% of 52,233 are assessed at 90% of their market value. Assessed at an average of 95% of their market value.

* 5,144 or 10% are assessed below 90% of their market value. Assessed at an average of 66% of their market value.

EXAMPLE A-property currently under 90% of Market Value

**BRING ALL RESIDENTIAL PROPERTIES CURRENTLY UNDER 90%
OF CURRENT AND CORRECT UP TO 90% OF CURRENT AND CORRECT VALUE**

True Market Value/ Current & Correct Value \$200,000

2013 Assessed Value (full value) **\$160,000**
(80% of Market Value
Or 20% undervalued)

1ST Year of Implementation 2014

2014 Assessed Value (full value) \$180,000
(90% of Current Market Value)

END RESULT IN ASSESSOR'S VALUATION

12.50%
Increase in Full Value

EXAMPLE A-1**RESIDENTIAL PROPERTIES CURRENTLY OVER 90%
OF CURRENT AND CORRECT (MARKET) VALUE
LEAVE AS IS**

True Market Value/ Current & Correct Value \$200,000

2013 Assessed Value (full value) **\$190,000**
(95% of Market Value)

1ST Year of Implementation 2014

2014 Assessed Value (full value) \$190,000
(95% of Current Market Value)

END RESULT IN ASSESSOR'S VALUATION

0.00%
Increase in Full Value

Implementing component # 1

Impact of raising 5,144 residential properties to 90% of market value

True market value (potential full value)	= \$16,562,518,960 (full value)
2012 total (capped) value of residential properties	= \$15,760,487,412 (full value)
Total full value at 90% of market value	= \$16,192,032,076 (full value)

Results in a net gain to residential tax base	= \$ 431,544,664 (full value)
& tax rates should decrease.	\$ 143,848,221 (taxable val.)

EXAMPLE B - property currently under 90% of Market Value**APPLY A 5% LIMITATION ON VALUE
FOR 10 YEARS OR MORE OWNERSHIP OF SINGLE FAMILY RESIDENCE
FOR A NM RESIDENT , NO AGE REQUIREMENT**

True Market Value/ Current & Correct Value \$200,000

2013 Assessed Value (full value) \$160,000
(80% of Market Value
Or 20% undervalued)

1ST Year of Implementation 2014

2014 Assessed Value (full value) \$180,000
(90% of Current Market Value)

QUALIFIED FOR ADDITIONAL 5% LIMITATION OF VALUE

Limitation of Value for 10 Year Ownership \$171,000
(5 % reduction/ limitation in full value) (\$ 180,000 x .95)

END RESULT IN ASSESSOR'S VALUATION

6.80%

Increase in Full Value

EXAMPLE B-1 - property currently over 90% of Market Value**APPLY A 5% LIMITATION ON VALUE
FOR 10 YEARS OR MORE OWNERSHIP OF SINGLE FAMILY RESIDENCE
FOR A NM RESIDENT , NO AGE REQUIREMENT**

True Market Value/ Current & Correct Value	\$200,000
--	-----------

2013 Assessed Value (full value)	\$190,000
	(95% of Market Value)

1ST Year of Implementation 2014

2014 Assessed Value (full value)	\$190,000
----------------------------------	-----------

QUALIFIED FOR ADDITIONAL 5% LIMITATION OF VALUE

Limitation of Value for 10 Year Ownership	\$180,500
(5% reduction/ limitation in full value)	(\$ 190,000 x .95)

END RESULT IN ASSESSOR'S VALUATION**5.00%****Decrease in Full Value**

Implementing component # 2

**Impact of applying a 5% valuation limitation (reduction) to full value
for 10 years homeownership.**

Total # of properties who are eligible	=	15,013
Total valuation loss due to 5% limitation	=	\$ <284,777,574> (full value)

**Results in a net gain to residential tax base = \$ 146,767,090 (full value)
& tax rates should decrease. \$ 48,922,363 (taxable val.)**

EXAMPLE C-property currently under 90% of Market Value**APPLY A 10% LIMITATION ON VALUE**

**FOR 20 YEARS OR MORE OWNERSHIP OF SINGLE FAMILY RESIDENCE
FOR A NM RESIDENT WHO IS AT LEAST 65 YEARS OR OLDER**

True Market Value/ Current & Correct Value \$200,000

2013 Assessed Value (full value) \$160,000
(80% of Market Value
Or 20% undervalued)

1ST Year of Implementation 2014

2014 Assessed Value (full value) \$180,000
(90% of Current Market Value)

QUALIFIED FOR ADDITIONAL 10% LIMITATION OF VALUE

Limitation of Value for 20 Year Ownership \$162,000
(10% reduction/ limitation in full value) (\$ 180,000 x .90)

END RESULT IN ASSESSOR'S VALUATION

1%

Increase in Full Value

EXAMPLE C-1 - property currently under 90% of Market Value**APPLY A 10% LIMITATION ON VALUE****FOR 20 YEARS OR MORE OWNERSHIP OF SINGLE FAMILY RESIDENCE****FOR A NM RESIDENT WHO IS AT LEAST 65 YEARS OR OLDER**

True Market Value/ Current & Correct Value	\$200,000
--	-----------

2013 Assessed Value (full value)	\$190,000
	(95% of Market Value)

1ST Year of Implementation 2014

2014 Assessed Value (full value)	\$190,000
----------------------------------	-----------

QUALIFIED FOR ADDITIONAL 10% LIMITATION OF VALUE

Limitation of Value for 20 Year Ownership	\$171,000
(10% reduction/ limitation in full value)	(\$ 190,000 x .90)

END RESULT IN ASSESSOR'S VALUATION**10%****Decrease in Full Value**

Implementing component # 3

Impact of applying a 10% valuation limitation (reduction) to full value for 20 years homeownership, & owners 65 years of age or older.

Total # of properties who are eligible	=	7,676
Total valuation loss due to 10% limitation	=	\$ <368,310,090> (full value)

Results in a net gain to residential tax base = \$	63,234,574	(full value)
& tax rates should decrease	\$	21,078,191 (taxable val.)

CONCLUSION

- After the first three components are implemented, operational tax rates should decrease for all residential properties due to yield control.
- The increase in taxes would be minimized for those residential property owners who received an increase in value (those below 90% of M.V.) due to the operational tax rate decreasing.
- Taxes would decrease for all other residential property owners, and those receiving a 5% or 10% additional limitation on their value would see a larger reduction in taxes.

- The disparity between the lowest assessed properties and the highest assessed properties would be reduced, thus creating more equitable valuations for residential property owners.
- Under the current cap law, NMSA 7-36-21.2, property owners may be assessed at 100% of their market value due to the "cap value" catching up to the market value as is the case in the present market.
- The proposed legislation will "lock" in a lower value for those homeowners who retain their houses for 10 years or more. This legislation reinforces the original intent of the "cap value" law instituted by Speaker Ben Lujan and provides for more equitable valuations amongst residential property owners.
- "Tax lightning" is minimized or eliminated.

HOUSE BILL 521

51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

INTRODUCED BY

Edward C. Sandoval

AN ACT

RELATING TO TAXATION; LIMITING INCREASES IN VALUE OF
RESIDENTIAL PROPERTY FOR PROPERTY TAXATION PURPOSES; PROVIDING
FOR ADDITIONAL LIMITS ON INCREASES IN VALUE OF CERTAIN OWNER-
OCCUPIED RESIDENTIAL PROPERTY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 7-36-21.2 NMSA 1978 (being Laws 2000,
Chapter 10, Section 2, as amended) is amended to read:

"7-36-21.2. LIMITATION ON INCREASES IN VALUATION OF
RESIDENTIAL PROPERTY.--

A. Residential property shall be valued at its
current and correct value in accordance with the provisions of
the Property Tax Code; provided that for the [2001] 2014 and
subsequent tax years, the value of a property in any tax year
shall not exceed ~~[the higher of]~~ whichever value is the highest
.192189.2

underscored material = new
[bracketed material] = delete

1 of the following:

2 (1) one hundred [~~three~~ five percent of the
3 value in the tax year prior to the tax year in which the
4 property is being valued; [~~or~~]

5 (2) one hundred [~~six and one-tenth~~ ten and
6 twenty-five hundredths percent of the value in the tax year two
7 years prior to the tax year in which the property is being
8 valued; [~~This~~] or

9 (3) ninety percent of the current and correct
10 value of the property determined for property taxation
11 purposes.

12 B. The limitation on increases in value provided by
13 Subsection A of this section shall be the highest value and
14 shall not exceed the current and correct value of the property
15 determined for property taxation purposes in accordance with
16 the provisions of the Property Tax Code.

17 C. In addition to the limitation on increases in
18 value provided by Subsection A of this section, the valuation
19 for property taxation purposes of a single-family dwelling that
20 is the primary residence and has been owned by the same New
21 Mexico resident for:

22 (1) ten or more years shall not exceed ninety-
23 five percent of the value of the property determined after the
24 application of the limitation provided pursuant to Subsection A
25 of this section; and

.192189.2

1 ~~be its current and correct value as determined pursuant to the~~
2 ~~general valuation provisions of the Property Tax Code.~~

3 ~~G. To assure that the values of residential~~
4 ~~property for property taxation purposes are at current and~~
5 ~~correct values in all counties prior to application of the~~
6 ~~limitation in Subsection A of this section, the department~~
7 ~~shall determine for the 2000 tax year the sales ratio pursuant~~
8 ~~to Section 7-36-18 NMSA 1978 or, if a sales ratio cannot be~~
9 ~~determined pursuant to that section, conduct a sales ratio~~
10 ~~analysis using both independent appraisals by the department~~
11 ~~and sales. If the sales ratio for a county for the 2000 tax~~
12 ~~year is less than eighty-five, as measured by the median ratio~~
13 ~~of value for property taxation purposes to sales price or~~
14 ~~independent appraisal by the department, the county shall not~~
15 ~~be subject to the limitations of Subsection A of this section~~
16 ~~and shall conduct a reassessment of residential property in the~~
17 ~~county so that by the 2003 tax year, the sales ratio is at~~
18 ~~least eighty-five. After such reassessment, the limitation on~~
19 ~~increases in valuation in this section shall apply in those~~
20 ~~counties in the earlier of the 2004 tax year or the first tax~~
21 ~~year following the tax year that the county has a sales ratio~~
22 ~~of eighty-five or higher, as measured by the median ratio of~~
23 ~~value for property taxation purposes to sales value or~~
24 ~~independent appraisal by the department. Thereafter, the~~
25 ~~limitation on increases in valuation of residential property~~

.192189.2

underscored material = new
[bracketed material] = delete

1 ~~for property taxation purposes in this section shall apply to~~
2 ~~subsequent tax years in all counties.~~

3 ~~D.]~~ E. The provisions of this section do not apply
4 to residential property for any tax year in which the property
5 is subject to the valuation limitation in Section 7-36-21.3
6 NMSA 1978.

7 ~~[E. As used in this section, "change of ownership"~~
8 ~~means a transfer to a transferee by a transferor of all or any~~
9 ~~part of the transferor's legal or equitable ownership interest~~
10 ~~in residential property except for a transfer:~~

11 ~~(1) to a trustee for the beneficial use of the~~
12 ~~spouse of the transferor or the surviving spouse of a deceased~~
13 ~~transferor;~~

14 ~~(2) to the spouse of the transferor that takes~~
15 ~~effect upon the death of the transferor;~~

16 ~~(3) that creates, transfers or terminates,~~
17 ~~solely between spouses, any co-owner's interest;~~

18 ~~(4) to a child of the transferor, who occupies~~
19 ~~the property as that person's principal residence at the time~~
20 ~~of transfer; provided that the first subsequent tax year in~~
21 ~~which that person does not qualify for the head of household~~
22 ~~exemption on that property, a change of ownership shall be~~
23 ~~deemed to have occurred;~~

24 ~~(5) that confirms or corrects a previous~~
25 ~~transfer made by a document that was recorded in the real~~

1 ~~estate records of the county in which the real property is~~
2 ~~located;~~

3 ~~(6) for the purpose of quieting the title to~~
4 ~~real property or resolving a disputed location of a real~~
5 ~~property boundary;~~

6 ~~(7) to a revocable trust by the transferor~~
7 ~~with the transferor, the transferor's spouse or a child of the~~
8 ~~transferor as beneficiary; or~~

9 ~~(8) from a revocable trust described in~~
10 ~~Paragraph (7) of this subsection back to the settlor or trustor~~
11 ~~or to the beneficiaries of the trust.]~~

12 F. As used in this section:

13 (1) "primary residence" means the domicile
14 where a person resides for more than six months of the year;
15 and

16 (2) "solar energy system installation" means
17 an installation that is used to provide space heat, hot water
18 or electricity to the property in which it is installed and is:

19 ~~[+1+]~~ (a) an installation that uses
20 solar panels that are not also windows;

21 ~~[+2+]~~ (b) a dark-colored water tank
22 exposed to sunlight; or

23 ~~[+3+]~~ (c) a non-vented trombe wall."

24 SECTION 2. APPLICABILITY.--The provisions of this act
25 apply to taxable years beginning on or after January 1, 2014.

.192189.2

1 SECTION 3. EFFECTIVE DATE.--The effective date of the
2 provisions of this act is January 1, 2014.

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underscored material = new
[bracketed material] = delete

.192189.2

Board of Commissioners
Santa Fe County
Feb. 12, 2013

We live in the La Entrada section of Rancho Viejo in Santa Fe County. Rancho Viejo was presented to us as a planned community designed on the village model of dense residential centers with small retail areas surrounded by open land that is traversed by trails to allow optimum recreational enjoyment by all residents. This is a concept that ensures the maximum preservation of the natural environment, is the model used to develop the first two phases of Rancho Viejo, and is the reason we elected to purchase our home here

Univest-Rancho Viejo LLC, owner/developer of Rancho Viejo, has made public their plans build out sections of our development in ways that not only do not comply with this model, but would be detrimental to Rancho Viejo and the larger area around us.

Specifically the developer is proposing a commercial/retail/residential area designated as College Park. This development would consist of 2 areas:

1. 12 lots over 90+ acres, one of which is the Bicycle Technologies Building already under construction. If this plan is approved, and regardless of the nature of the buildings built, there will be an additional impact on traffic. Depending on the size and nature of the businesses that additional traffic will almost certainly include large tractor-trailer trucks which cannot be easily accommodated on the existing roads.
2. Lot 11 (20+ acres) designated for residential development behind the Amy Biehl Community School is in direct contradiction of the terms we agreed to as purchasers. When we purchased our home overlooking the Conservation area we, along with all the other residents along Via Orilla Dorado, were charged a significant premium with the assurance that the land would be preserved as open land and used only for recreation. In addition our home abuts the trailhead leading to the open area for which we were charged an additional premium. The promises regarding open space and trails were made to everyone who has purchased a home in LaEntrada. If the residential lot behind Amy Biehl School is approved it will not only negate the larger contract with all of the residents, but it will be necessary to extend the proposed road to connect with our street replacing the trailhead, negating another contract with the homeowners whose homes abut the trailhead. Attached to this statement is a map that we initialed as part of our purchase contract that supports these terms.

Santa Fe Community College has unexpectedly grown approximately 25% over their projections in the last few years so there is already considerable traffic congestion in this area. At times the traffic backs up from the entrance to the college almost to Rodeo Road to the north on Richards Avenue and for a considerable distance on the south side as well including Avenida del Sur and Rancho Viejo Blvd. The opening of a secondary entrance to the college off College Road has done little to alleviate the problem as the traffic still has to travel on Richards to reach the road.

The developer is also proposing construction of a large apartment complex consisting of 400+ apartments and 50+ single family homes at the eastern end of College Avenue in College Heights and behind the Santa Fe Community College. At the present time College Avenue is the only road in or out of this area. The construction of this complex would put, conservatively, 1000 more cars onto both College and Richards Avenues which are narrow roads (one lane in each direction).

Each of these areas is being designed by a different design firm. Each firm has apparently done traffic use studies, but it is unclear whether either of them is aware of the other development or if the county has looked at their cumulative impact. Richards Ave. is the sole or primary road of ingress and egress to the majority of homes in Rancho Viejo and to the Community College.

Aside from the traffic congestion there is also the conservation issue. Currently coyotes and other wildlife traverse through this area as they travel between the Sangre de Cristo foothills to the Petchesky Conservation area. The construction of these buildings and homes will sever the southern portion of this route

cutting them off from the Conservation Area and perhaps lead to starvation of some of that population as well as destroying the natural flora.

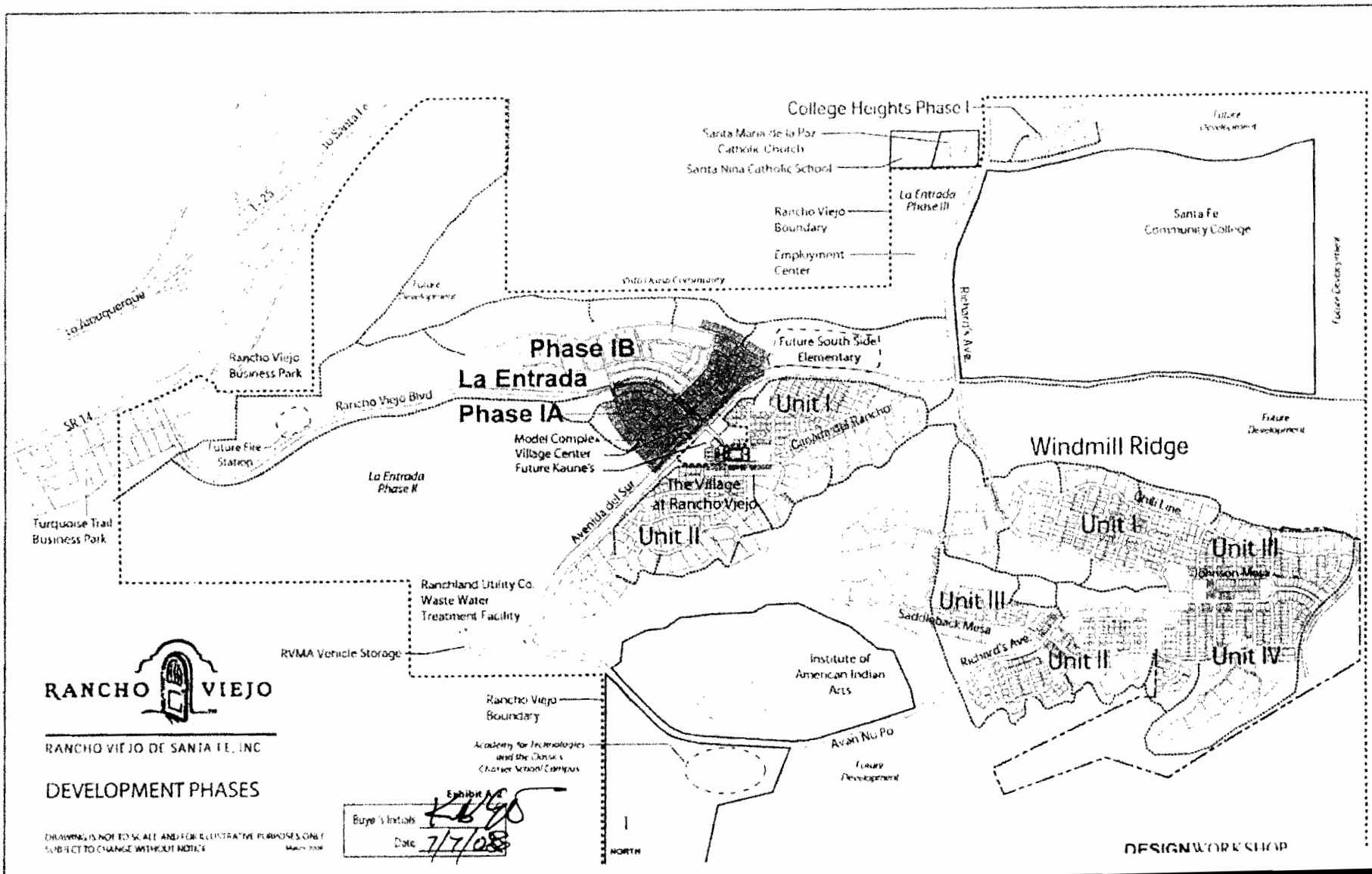
We are not opposed to development, and the residents have asked for an ongoing dialogue with the developer to which they have agreed. There are other areas within Rancho Viejo that are partially developed or that would be easily developed to accommodate the expansion being requested without the drawbacks enumerated here.

We respectfully request that you delay any action on this proposal until an independent traffic study has been completed and we have had a chance to meet with the developer to discuss alternate plans. We are dependent on you to act as our representatives and to protect our interests as well as those of the county.

Sincerely,

Handwritten signatures of Ken and Eunice Vellon. The signature for Ken is on top, and Eunice's is below it. Both are in cursive script.

Ken and Eunice Vellon
95 Via Orilla Dorado, Santa Fe, NM 87508



February 12, 2013

Santa Fe County Commissioners

RE: TABLE item: BCC CASE #MIS 12-5420 College Park Master Plat Authorization Request

Commissioners and Staff:

I am a homeowner in LaEntrada at Rancho Viejo who purchased my home with certain written and verbal contracts. I paid premium dollars as consideration for some of these.

The Siebert design that is before you contradicts a number of these contracts.

We homeowners need time to meet with our developers before anything as concrete as a design of designated residential, road easements, 13 mixed use lots make their way into your files.

You will, no doubt, hear of the over development proposed for our main roadways, our residential environments, our wildlife corridors, our open view corridors to mention only a few. The myriad of issues need to be addressed BEFORE this goes any further.

As a resident of Santa Fe County, we depend on you, our elected officials to help us when the process moves too quickly for us to properly respond. We as a community have begun a process with the developers to ensure the feedback, input and consideration we need. Please ensure that we get the time that is required to accomplish this.

Thank you so much for your assistance by TABLING this request for now.

BJ Irwin

99 Via Orilla Dorado

SF, NM 87508

Bjirwin1@gmail.com

SEC
CLERK
RECORDED
\$3.44
FEB 13

February 12, 2013

Santa Fe County Commissioners:

**RE: Request to TABLE Agenda Item:
OBJECTIONS TO BCC CASE # MIS 12-5420 COLLEGE PARK MASTER PLAT
AUTHORIZATION REQUEST**

The agenda item before you tonight, while administrative in nature, is extremely controversial. As a homeowner in the La Entrada section of Rancho Viejo, I object to the concept design as illustrated in the Siebert plan. There are a number of proposed items that directly contradict the development as represented to us at the time of purchase of our property.

A representative group of homeowners from each of the sections of Rancho Viejo met with and attempted to have the developer request tabling this item. In addition, the developer agreed to go forward with a process to have us meet to provide in-put and discuss future development.

The developer did not table this item, so we ask you commissioners to do so. We think that this process should precede any submitted designs into the county files.

I will mention just three contested areas:

1. Amy Biehl School was not originally planned for the location it is occupying. It may also need to expand and the proposed development on the corner of Avenida del Sur and Richards is inappropriate for the proposed uses laid out in the Siebert Design.
2. Subsequent to the Master Plan, Santa Fe Community College, our anchor institution, has experienced a reported 25% increase overall. Today's reality envisions even more growth in the near term.
3. Subsequent to the Master Plan, the Petchesky family put 258 (or so) acres into the NM Land Conservancy. This impacted the original area as zoned and imagined at that time.

Without going into the many details of just these three items, and the very important verbal contracts made at the time of our purchases, we MUST have a chance to negotiate with the developer as a community.

Please grant our request and TABLE this item while we work with our developer.

Thank you very much,

Vicki Schneider

99 Via Orilla Dorado

SF, NM 87508

vickischneider@gmail.com

SEC
CLERK
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SERIAL
2013

**OBJECTIONS TO BCC CASE # MIS 12-5420 COLLEGE PARK MASTER PLAT
AUTHORIZATION REQUEST**

- ⚡ Development plans are in direct conflict with original Rancho Viejo planning principles:

Retaining the natural landscape of the land

Preservation of arroyos and tree cover allowing for retention of 50% of open space

Limiting street lighting in accordance with Santa Fe County ordinances to preserve the night sky

- ⚡ Development would cause a significant increase in traffic on Richards Ave, Avenida Del Sur and Rancho Viejo Blvd

Roads in this area are not designed to handle the traffic and if constructed to do so would increase traffic and noise levels of a promised quiet community

Submitted by:

Rebecca Switzer

100 Via Orilla Dorado

Santa Fe, NM 87508

Rancho Viejo Homeowner

WRITTEN COMMENTS OF SALLY A. SIMMONS
PROPOSED CHANGES TO MASTER PLAT BY UNIVEST
SANTA FE COUNTY COMMISSIONERS' HEARING
FEBRUARY 12, 2013

These comments are partially in opposition and partially in support of Univest's proposed changes to the master plat for Rancho Viejo.

1. The undersigned is opposed to the future road easement at the western edge of Lot 11. This opposition is two-fold. First, the future road easement is inconsistent with oral and written representations made by the previous developer, SunCor, that the entire area behind the lots on the north side of Via Orilla Dorado would be kept as open space. Accordingly and moreover, homeowners paid premiums for these lots. Second, the future road easement seemingly would be of no benefit to the future residents in Lot 11 and the existing La Entrada homeowners. Access to Lot 11 could be provided via a cul-de-sac or loop road from Velocity Way and would be viewed as more advantageous by future residents in Lot 11 as such an arrangement would eliminate the possibility of through traffic in their neighborhood.
2. The undersigned is partially in support of the planned development in the vicinity of Richards Ave., Lots 1-10. This area is the most centrally located section of Rancho Viejo and would be well-suited for businesses that rely on residential traffic to be financially viable. In addition, this area would be well-suited to businesses that plan on employing significant numbers of Santa Fe Community College students. To help ensure minimal disruption to current sight lines, all buildings on Lots 1-10 should be subject to height restrictions, which should have the practical effect of limiting elevations to be no higher than the current BTI structure.
3. The undersigned believes that businesses that do not meet the description in No. 2 above (i.e., wholesale businesses not reliant on student employment) would not be financially disadvantaged by a less central location and would be more appropriately located towards the western end of Rancho Viejo Boulevard, between the new fire house and Route 14. This area is at a lower elevation, which might allow for less stringent height restrictions that might better accommodate certain businesses.

Respectfully submitted on February 12, 2013, by:



Sally A. Simmons
101 Via Orilla Dorado
Santa Fe, NM 87508

B.A. Economics (With Distinction), Virginia Tech, 1973
M.A. Economics, Virginia Tech, 1974

REC
CLERK
RECORDED
3/14/2013

TO: The County Commissioners – Santa Fe County

FROM: Bruce Blair, 1 Paseo Luna Blanca, Santa Fe (Rancho Viejo)

February 9, 2013

I am a resident of Rancho Viejo (The La Entrada portion) and have now lived here in my own home for three-and-a-half years. Since my work will prevent me from attending the hearing on February 12, 2013 at which Rancho Viejo/Univest will propose changes to the Plat in the area which they are calling "College Park", I have asked that this statement either be read during the hearing, or at least be presented to you all for your serious consideration.

During the time that I have lived in Rancho Viejo, I have traveled in and out of it 3-4 times per day, each week, on Richards Avenue, Rabbit Road and Rancho Viejo Blvd. It has become painfully clear that this portion of Richards Avenue is already carrying more traffic than it was ever meant to handle safely, and Rancho Viejo Blvd. is a narrow and twisting road with no margin for error.

I'm sure that any of you who have ever driven on this portion of Richards Avenue must understand that it will never be more than a two lane road (one north/one south) because of the two northbound/southbound I-25 bridges and the Railrunner bridge which cross it; permanently limiting the width of the road.

Now, to add insult to injury, all of us who live in Rancho Viejo have been blessed with three new traffic circles that exist within less than one mile on Richards Avenue. These are three of the smallest traffic circles that I have ever seen. The very misguided and faulty thinking behind these circles said that they would create a much smoother traffic flow than the previous intersections that they replaced. The reality is that these miniscule traffic circles have created the most unbelievable traffic log-jams at least 3-4 times each day, as traffic from the hundreds of Rancho Viejo families, the Community College, the Amy Beihl Community School, and the Santo Nino Regional Catholic School attempt to feed into these circles from 4 different directions at the same time.

Now we are told by the owners of Rancho Viejo/Univest that they propose to build 400(+) apartments, 12 new commercial properties, and additional residences that will (in addition to all of the land that they will destroy) also empty into two of these three traffic circles, and the dangerously narrow Rancho Viejo Blvd.

Part of this proposed easement in the 90 acre plat ("College Park") calls for a new road, to be called Velocity Way. This road will empty from the 12 proposed commercial properties onto the existing Avenida Del Sur at the narrowest point on the entire road,

on a blind curve, and directly across from Canada Del Rancho (road) which is one of the main entrance/exits from the "Village" portion of Rancho Viejo. Less than 100 feet from this dangerous proposed intersection, Avenida Del Sur becomes a narrow two lane road with absolutely no shoulder on either side. Additionally, the south side of that portion of the road drops off sharply 20-25 feet. One of Rancho Viejo's walking/hiking trails also crosses at this same intersection. I believe that this proposed new addition to the roadway be extremely hazardous for all who are forced to travel through it, and that we could definitely expect to see numerous vehicle and pedestrian accidents there over time.

Funding for an additional new access road, passing behind the Community College and connecting to Rabbit Road was approved in the last public election, and is to be created at the intersection of Richards Avenue and Avenida Del Sur at some undetermined time in the future. The beginning of this proposed road will totally destroy the Trailhead of a long existing county hiking trail, as well as some of the beautiful, rapidly dwindling, open land that made Rancho Viejo the special living area that it has been up until now.

To believe that the owner's of Rancho Viejo/Univest can propose to build 400(+) apartments, as well as additional residential and commercial properties, into the future without end, which will feed countless hundreds more cars and trucks onto Richards Avenue and (to a lesser extent) the narrow and twisting Rancho Viejo Blvd., is simply to be in denial about the permanent traffic and air pollution nightmare that this will create for all who live or work here.

To believe that this entire proposal, which will destroy so much beautiful open land and wildlife habitat, and create unimaginable traffic congestion and pollution, is a benefit to anyone who lives in this area, truly represents the most reckless and shortsighted forms of community planning. We don't need to create another Cerrillos-Road-type nightmare in Rancho Viejo. I urge you to reject this irresponsible proposal until such time as more responsible forms of building and planning can prevail.

Respectfully submitted,

Bruce Blair

Feb 12, 2013 Santa Fe County Commissioners Public Meeting

Talking Points from:

Paul and Sally Dillon,

85 Via Orilla Dorado

La Entrada at Rancho Viejo

1. Rancho Viejo is a planned community with a focus on open space and preservation of the natural landscape and picturesque views.
2. We purchase our home solely because of these factors and paid a significant lot premium to border the open space. At the time we purchased we were told that the land behind our homes would be for trails with a trailhead opening onto our street.
3. The new plans include a significant increase in apartments and homes to be built north and west of Santa Fe Community College, increase of commercial/office park land along Richards and Avenida Del Sur near the elementary school, and a proposed road coming through the back of our yards and replacing the existing trailhead.
4. **We severely object to the addition of the road replacing the trailhead.** We feel this road would seriously impact the traffic and safety in our neighborhood, reduce open space, impact the ecosystems in the area, and potentially reduce our property values, as well as those of future homes. We feel this road will be used as a "short cut" to Rancho Viejo Blvd by avoiding traffic on Richards Rd. and bringing it onto our quiet street.
5. We feel the developer/builder is not acting in good faith regarding the promise of open space and trails and feel the value our expensive lot premiums will be negated.
6. The plan of additional construction of apartments, homes and commercial buildings would ultimately increase traffic on Richards Rd.
7. There is also a safety concern by having commercial businesses so close to the new elementary school.
8. We feel there are many other areas in the Rancho Viejo complex to incorporate commercial use land. There are already the beginnings of commercial development at Avenida Del Sur and Rancho Viejo Blvd that have space to be further developed
9. We would like the developer/builder to focus on continued selling and building of homes in our phase of the La Entrada neighborhood rather than planned building in an area that impacts open spaces, existing homes, creating additional traffic/congestion in the area. We especially do not want the trailhead replaced with a busy road.

To: The Santa Fe Board of Commissioners:

My husband and I are unable to attend this evening's meeting but I felt it was important to write and "voice" our feelings regarding the recent proposed changes in our neighborhood. We were told by our Ranch Viejo salesman when we purchased our lot , that beyond our backyard would be open space , trails and wildlife conservation. It is with great disappointment that we learn Univest now intends to commercialize a large part of the area, thereby destroying our views and increasing the traffic and noise in our direct neighborhood. Both the North and South communities have large open spaces but it seems Univest does not want the same high standards of development for LaEntrada. Richards Ave, Rancho Viejo Blvd and Avenida del Sur have already felt the increase of homeowners, students and commercial traffic causing major delays in getting out of Rancho Viejo in the mornings. What will happen if eleven or twelve " mixed use/commercial lots "are open to these roads? We are convinced that Univest will rush this proposal through bureaucratic channels, unwilling to meet with community leaders and listen to alternative choices. Please table this Univest plan until the community can be heard.

Thank you .

**Robert and Gail Bavis
87 Via Orilla Dorado
Santa Fe, New Mexico 87508
2/12/13**

REC'D
CLERK
RECORDED
63/11/2013
11:27:11

February 11, 2013

RE: La Entrada and College Heights

Ms. Vellon:

Neither I, Dr. Martin Katz, nor my wife, Judy L. Katz, will be able to attend the meeting Tuesday regarding the property at the corner of Richards and Avenida del Sur turning into commercial property. We are the owners of a home on Arroyo Ridge Cul De Sac and we both want to go on record via this email as strongly objecting to this action as well as the development of apartments in College Heights. Clearly this action will cause a drastic reduction in the desirability of our properties resulting in a loss of value in the entire Rancho Viejo Neighborhood.

This action is also cause of great concern for the safety of the students at Amy Biehl Elementary School. The developers of Rancho Viejo want to develop the property at the corner of Richards and Avenida del Sur into commercial property. This literally surrounds Amy Biehl Elementary School. Richards does not connect to the Interstate so all the business traffic will need to go down Avenida del Sur past the school. This is going to make for a very dangerous situation for the Elementary School students and well as the residents.

A major feature of our community is the natural landscape and wildlife environment. The commercial property development and apartments will destroy this forever. Commercial development (as well as apartments) should logically be placed in the area of Highway 14 – not along Richards, Avenida del Sur, or in the area of IAIA. This community should be kept single family residential for the quality of our community, the preservation of our natural environment, as well as the safety of all.

The County Commissioners should also be aware that we are registered/active voters and these issues are of immense concern to us.

Sincerely,

Dr. Martin and Judy L. Katz
30 Arroyo Ridge Road.

Areas of concern regarding proposed commercial/residential development in
Rancho Viejo

Emily Peak
Rancho Viejo Blvd.
La Entrada

1. Losing open space and trails we were promised
2. Increased traffic
3. increased "light pollution"

I do really enjoy the darkness here, so that you can see the sky at night. Not sure if this would impact me since I live on Rancho viejo.

I hope this helps a little.

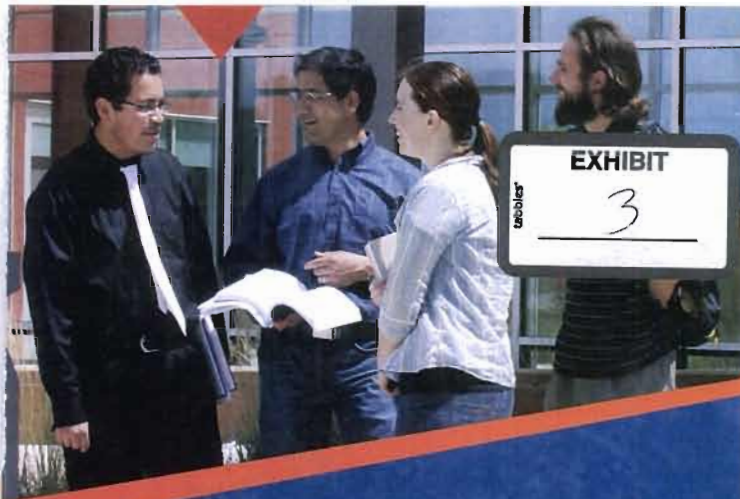
Thanks again, I hope the meeting goes well....Emily Peak

Santa Fe County Board of Commissioners:

We own a house in the Rancho Viejo South community and have lived here for over 8 years. We have watched the neighborhood grow with increased traffic, additional SFCC buildings, a catholic church, two additional schools, three roundabouts, and now a major commercial company, BTI with the same two lane Richards Ave. in and out of Rancho Viejo. With over 1100 residents in Rancho Viejo, my concerns are: 1) The traffic studies done in the 1990's could not have predicted what is happening today, Has the County done due diligence in requesting an updated/current traffic study during peak times? 2) Water usage by the commercial businesses, is there enough? What are the irrigation plans? 3) Parking and the traffic design at the intersection of Avenida Del Sur/Richards Ave. We suspect another roundabout in the works within 1/10th of a mile? Is the County really trying to slow down our traffic to a halt? 4) Has the County asked if the commercial development in The Village that is within a half mile from this plat is successful? Fully occupied? 4) Does the County really want this neighborhood to become another high density community?

We respectfully request that the Santa Fe County Board of Commissioners please table this item until more questions are answered, due diligence is done by the County, and allow the Rancho Viejo and La Entrada community do more research on how this commercial development will impact the neighborhood.

Thank you,
Steven and Susan Mayes
16 Mesa Pino
Santa Fe, NM 87508-2197



Northern New Mexico College **ECONOMIC IMPACT STUDY FACTBOOK**



► **Student Perspective**

Students enjoy a 21.5% rate of return on their Northern educational investment, recovering all costs (including tuition, fees, and forgone wages) in 7.1 years. The average student's discounted lifetime income increases by \$6.80 for every dollar invested in Northern.

► **Regional Economic Effect**

Increased Productivity: The current north central New Mexico economy embodies an estimated 988,700 credit hours that have accumulated over the past 30-year period, as thousands of former Northern students (completers and non-completers) enter the workforce year after year.

Skills learned at Northern translate to higher earnings for students, graduates, and increased output of business. The added income attributable to the accumulation of Northern credit hours in the workforce amounts to around \$165.8 million each year.

Sum Total: The average annual added income due to the activities of Northern and its graduates equals \$177.7 million, approximately 7.5% of the regional economy.

Data Analysis: EMSI, based on FY 2010-2011 data

Economic Impact Study Factbook

NORTHERN New Mexico College plays a significant role in the local economy, and is a sound investment when viewed from many perspectives. **Students and graduates benefit** from improved lifestyles and increased earnings. **Taxpayers benefit** from a larger economy and lower costs.

Finally, **the community benefits as a whole** from increased job and investment opportunities, higher business revenues, and greater availability of public funds.

► Economic Growth Analysis

Northern New Mexico College operations generate about **\$11.7 million** annually for the north central New Mexico economy. This is a conservative figure adjusted to account for the monies that leave the economy or are withdrawn from the economy in support of the college.

Student and visitor spending: Non-local students attending Northern spend money for room and board, transportation, and other personal expenses.

The off-campus expenditures of these students generate approximately **\$119,500** annually in added income in north central New Mexico each year.

Visitors to the college from outside the region also spend money for lodging, food, and other personal expenses. This creates an estimated **\$118,400** in added income each year.

NORTHERN's Economic Impact Analysis at a Glance

Added Income

College Operations	\$11,664,800
Student Spending	\$119,500
Visitor Spending	\$118,400
Total Spending	\$11,902,700
Student Productivity	\$165,807,400
GRAND TOTAL	\$177,710,100

Total Added Income in north central New Mexico due to NORTHERN (in \$ millions)



► Taxpayer Perspective

State government allocated approximately \$10.2 million in support for Northern in FY 2010-11. **For every dollar of this support, taxpayers see a cumulative return of \$3.80** over the course of students' working careers (in the form of higher tax receipts and avoided costs). **State and local governments see a rate of return of 13.2%** on their support for Northern.

► Social Perspective

Higher earnings of Northern students and associated increases in state income expand the tax base by about **\$21.1 million** per year. New Mexico will also see avoided social costs amounting to **\$1.7 million** per year, including savings associated with improved health, reduced crime, and reduced welfare and unemployment.

www.nnmc.edu



P.O. Box 160, El Rito, NM 87539
575 581.4100

921 Paseo de Oñate, Española, NM 87532
505 747.2100

NORTHERN

Judge Steve Herrera Judicial Complex Parking Options

	Staffing Required	Recurring Cost Impact	Recurring Revenue or Savings Potential	Gate Required at Top Of Ramp?	Roll Down Door Required at Bottom of Ramp?	Roll Down Door Required Between Levels?	Booth Required at Top of Ramp?	Level of Security	Capital Cost for Gates, Doors, Booth
Parking	None	\$ -	\$ 28,800	Yes	Yes	No	No	Most	\$ (160,000)
ing A - \$2.00 / hr Fee	2 Deputies	\$ (107,000)	\$ 144,000	Yes	Yes	Yes	Yes	Mid	\$ (241,000)
ing B - Free	2 Attendants	\$ (78,000)	\$ -	Yes	Yes	Yes	Yes	Least	\$ (241,000)

of ramp is card activated to allow authorized entry only. Savings from offset of 40 space lease from City at \$720 each / year									
with court business allowed - 2 Pay and Display kiosks or similar approach - Deputy I Salary at ~\$18.37 / hour x 2080 hours / year with 40% benefit calculation									
provide parking information and guidance and enforcement / parking lot patrol duties									
Calculation - 40 Spaces x \$2.00 / hour parking rate x 8 Hours/day x 245 days / year (weekdays - holidays) x ~ 90% utilization assumed									
With Court Business Allowed - Maintenance Technician Salary at ~\$13.50 / hour x 2080 hours / year x 1.4 for parking guidance and availability assistance									

Availability of Public Parking Nearby 225 Montezuma

Available Public Parking	Distance from Herrera	Cost
City of Santa Fe Sandoval Lot	4 Blocks	\$2.00 / hr
City of Santa Fe Railyard Lot	5 Blocks	\$2.00 / hr
New Mexico LCS Lot	4 Blocks	No Cost

Parking at NM District II Court in Albuquerque

and County director park underground.									
es pay for their own parking at Bank of America lot (across street) at \$264 / year.									
ding law enforcement) must find street parking or park at one of two public lots. (2 blocks and 4 blocks away.) Parking is \$5.00 flat fee each day (1-8 hours.)									
alidated parking by Court. Jurors must park at Metro Court Parking.									

Parking at Some Other NM District Courts

armington, Aztec, Gallup - No underground parking, all parking free in adjacent lots.									
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Under 90%

The total number of parcels in SF County valued below 90% of market is 5109.

District 1 = 401 (8%)
District 2 = 1001 (20%)
District 3 = 702 (15%)
District 4 = 1230 (25%)
District 5 = 1644 (32%)

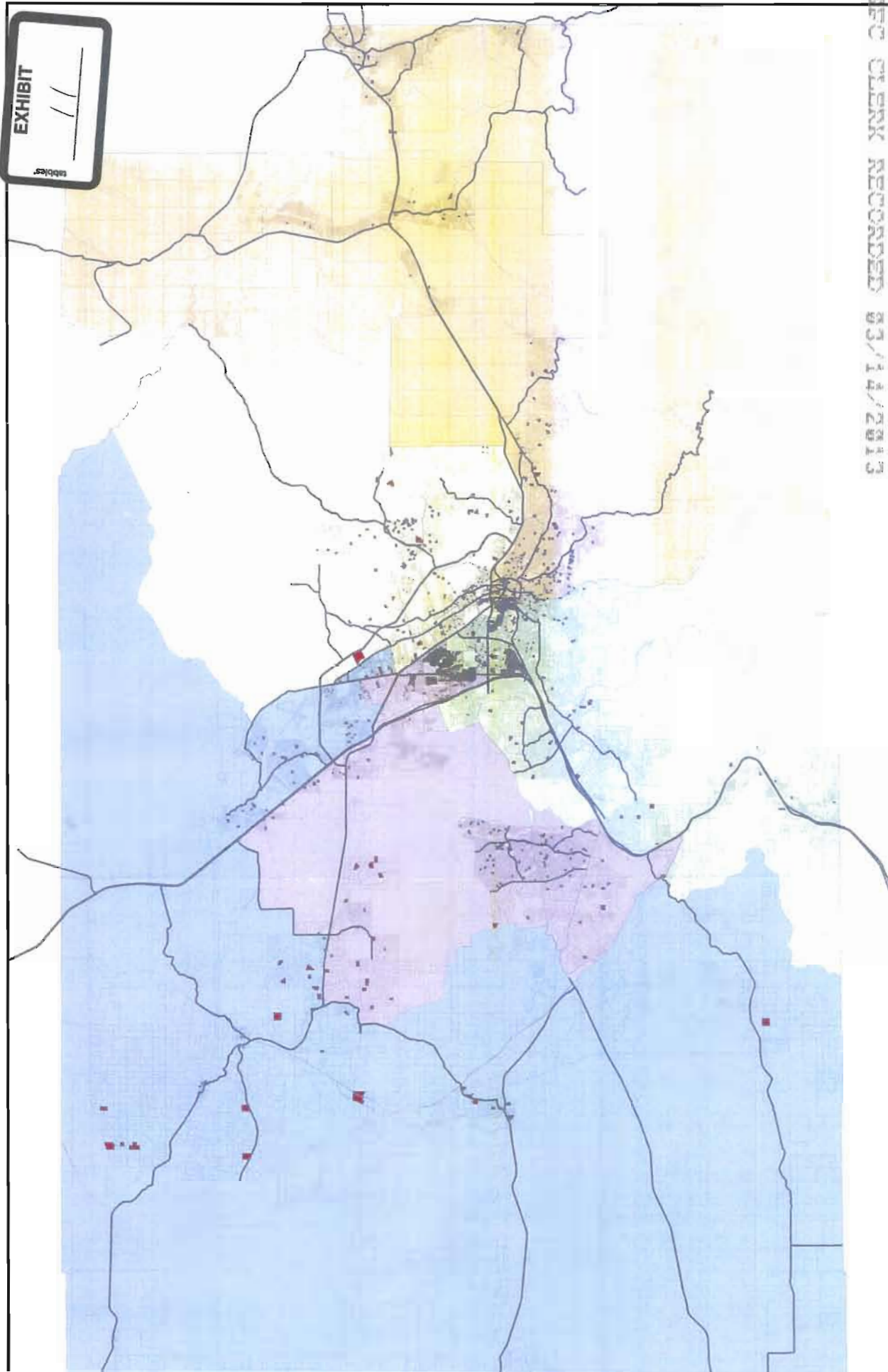
Legend

Values below 90%
Parcels

COMMDIST



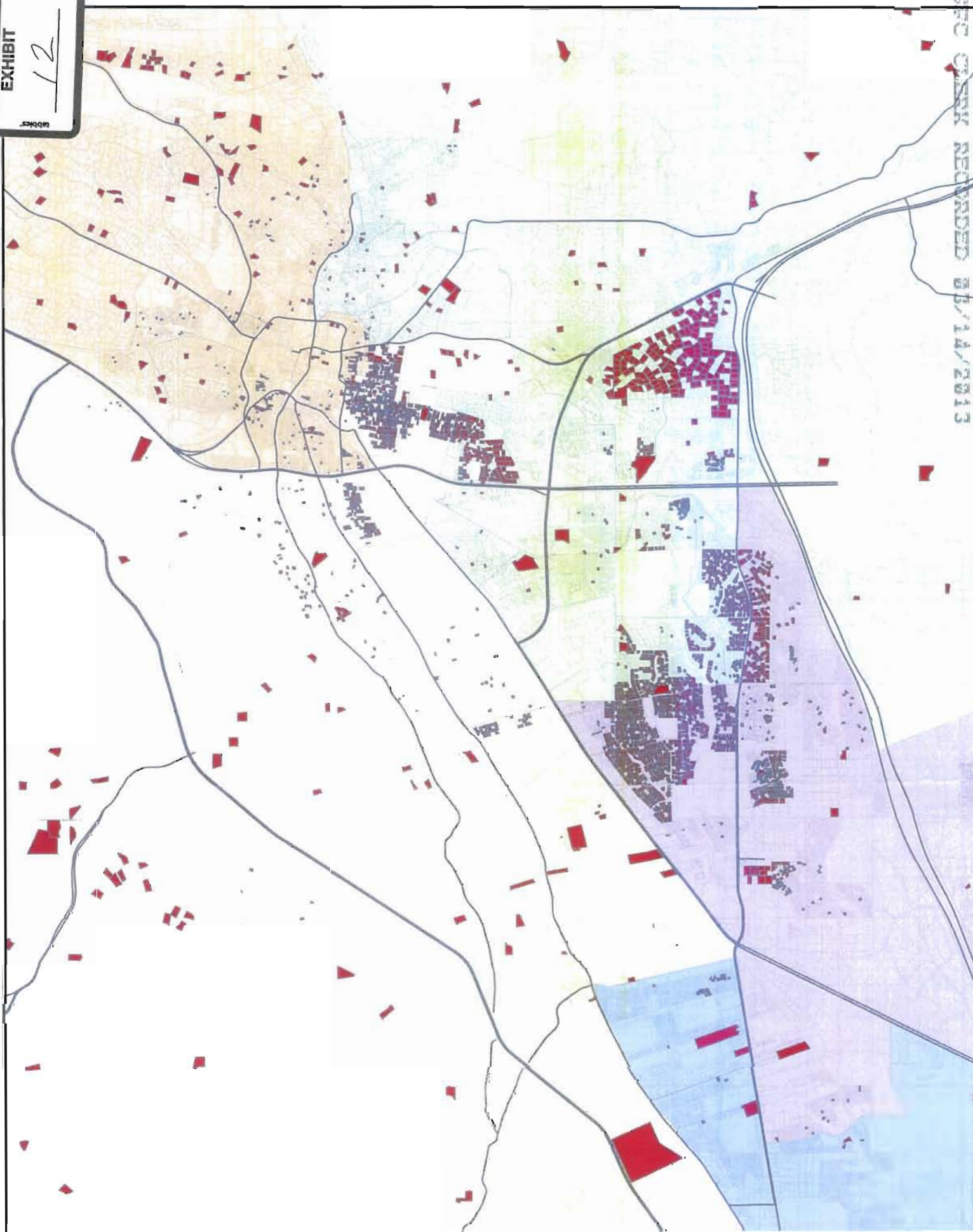
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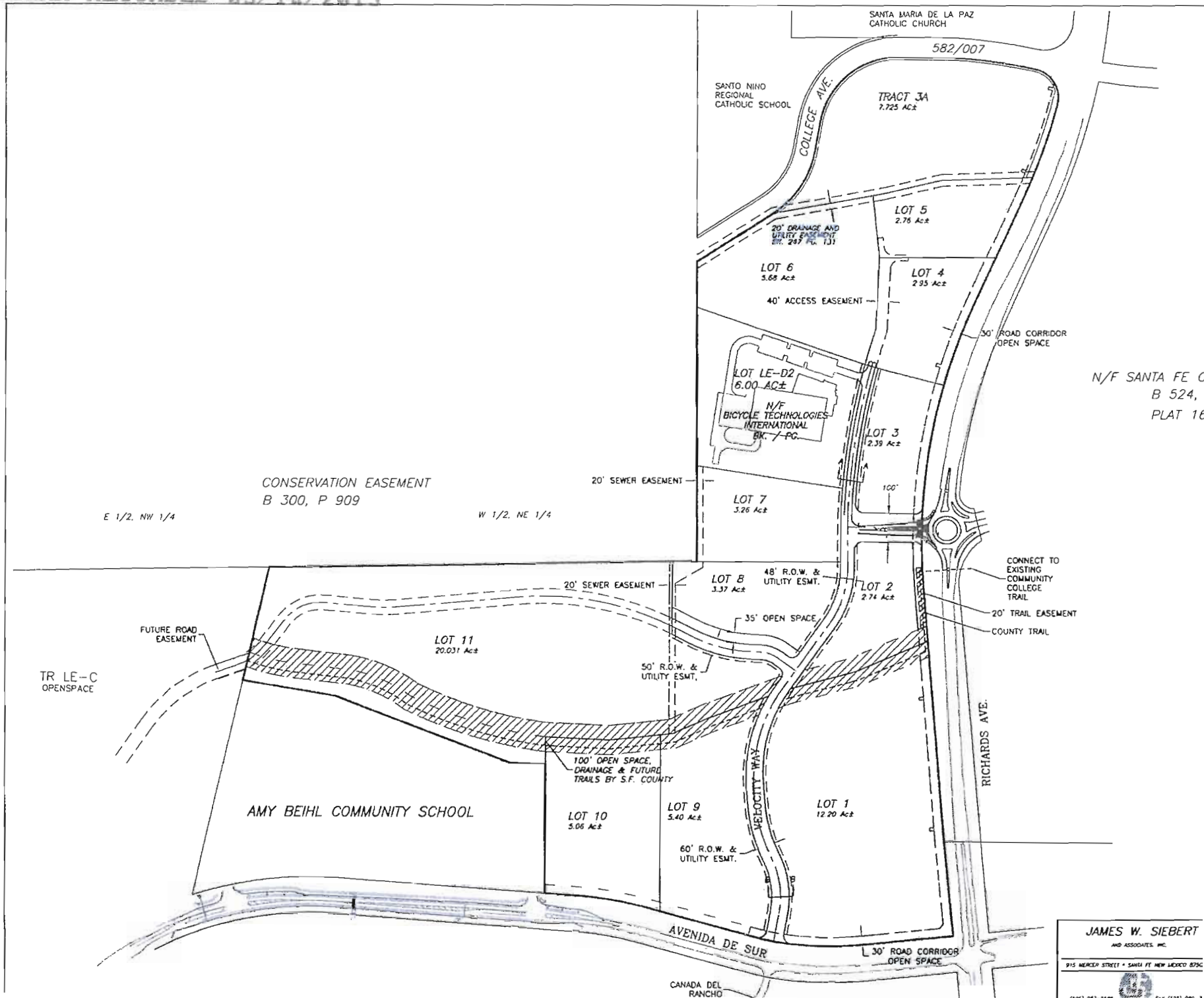
EXHIBIT

12

books



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N/F SANTA FE C
B 524,
PLAT 16

JAMES W. SIEBERT
AND ASSOCIATES, INC.

915 MENARD STREET • SANTA FE, NEW MEXICO 87506



PLAT 16



RANCHO VIEJO VILLAGE WEST MASTER PLAN

RANCHO VIEJO DE SANTA FE, P.C. SANTA FE, NEW MEXICO

MASTER PLAN MAP L4-01

QUANTITIES

VILLAGE WEST MASTER PLAN DEVELOPED AREA UNIT COUNTS

ZONE	ACRES	ALLOWED DWELLING UNITS	EXPECTED DWELLING UNITS
TOTAL VILLAGE AREA	190.59	667 (maximum)	1051
Residential Area	184.63	645	1008
Community Center	5.96	21	43
FRINGE AREA	160.58	161 (maximum)	99
FRINGE REINVOYMENT	28.13	N/A	12
EMPLOYMENT CENTER	25.17	00	88
TOTAL ACRES	405.02	678	1250

VILLAGE WEST MASTER PLAN AREA OPEN SPACE

AREAS TO CORRIDOR	743.72 acres
OPEN SPACE (public and private)	78.77 acres
DEVELOPED PARKS	12.01 acres
TOTAL OPEN SPACE	334.45 acres

*Total open space is 10% of 668.35 acres. Final location and quantities of public parks and public and private open space will be designated at preliminary plan submission.

VILLAGE WEST MASTER PLAN NEW COMMUNITY CENTER

IDMAY CENTER SQ. FT.	POTENTIAL BUILDABLE SQ. FT.	EXPECTED COMMERCIAL SQ. FT.	EXPECTED RESIDENTIAL SQ. FT.
260,000	155,000	119,000	64,500

EXPECTED FAR	MINIMUM FAR PER CCDO	MAXIMUM FAR PER CCDO
0.21	0.33	3.0

*Potential buildable sq. ft. is calculated by subtracting the open space and right-of-way areas from the Total Center sq. ft.

VILLAGE WEST MASTER PLAN EMPLOYMENT CENTER

The Employment Center will be designed not to exceed the maximum FAR of 3.0 per the Community College District Ordinance.

LEGEND

NEW COMMUNITY CENTER	VILLAGE WEST MASTER PLAN AREA BOUNDARY
VILLAGE ZONE	EXISTING ROADS
FRINGE ZONE	PROPOSED ROADS
SPRINKLE IRRIGATION/CLUSTERS	FUTURE DISTRICT TRAIL/PROPOSED ALIGNMENT
EMPLOYMENT CENTERS	EXISTING VILLAGE TRAILS
AUTOMOBILE CORRIDOR/OPEN SPACE	PROPOSED VILLAGE TRAILS
MASTER PLAN PARK SPACE	EXISTING 10' CONTOURS
PREVIOUSLY DEVELOPED PARK SPACE	SEMINARY SCHOOL
	WALKABLE WALKING TRAIL



DESIGNWORKSHOP

DESIGNWORKSHOP, 10000 N. MEXICO AVE., SUITE 100, DALLAS, TEXAS 75243
 AUSTIN, TEXAS 78701; DALLAS, TEXAS 75243; HOUSTON, TEXAS 77060
 SAN ANTONIO, TEXAS 78201; SAN JOSE, CALIFORNIA 95128
 10101 VIA FRIA, SUITE 100, SAN ANTONIO, TEXAS 78201
 10101 VIA FRIA, SUITE 100, SAN ANTONIO, TEXAS 78201