

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC MINUTES
PAGES: 211

I Hereby Certify That This Instrument Was Filed for
Record On The 3RD Day Of June, 2013 at 09:49:56 AM
And Was Duly Recorded as Instrument # 1707562
Of The Records Of Santa Fe County

Deputy Marcella Salazar Witness My Hand And Seal Of Office
Geraldine Salazar
County Clerk, Santa Fe, NM

SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING

April 30, 2013

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

REC'D
BCC
2013
JUN
30
AM
9:56

SANTA FE COUNTY
REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

April 30, 2013

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 1:10 p.m. by Chair Kathy Holian, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

Employees of the IT Department, Robert Martinez and Bertram Keppel led the Pledge of Allegiance and State Pledge, following roll call by County Clerk Geraldine Salazar and 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 Michelle Mascarenas-Jackson of IT.

VI. APPROVAL OF THE AGENDA

- A. Amendments**
- B. Tabled or Withdrawn Items**

CHAIR HOLIAN: Any suggested changes, Katherine?

KATHERINE MILLER (County Manager): Madam Chair, there are no changes – oh, there is one change from the County Attorney, item XV. A. 1.d, that case was added.

CHAIR HOLIAN: Any changes from the Commissioners?

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, item IX. F, Recognition of the Santa Fe County Undersheriff Ron Madrid and Major Ken Johnson, I'd like to table recognition of Undersheriff Ron Madrid until the next meeting. We'll acknowledge Major Johnson.

CHAIR HOLIAN: Okay. Thank you. Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. Under item XI.D,

2013/05/03 09:51:13
SANTA FE COUNTY RECORDS
CLERK'S OFFICE

I'm asking – I was on jury duty this morning and I didn't know if I could make it to this afternoon's meeting, but I did. I let some individuals know I would be asking to move XI. D to the latter part of the meeting seeing that there was some changes to the agenda. So I would ask that we move XI. D – let me just find it, Madam Chair. To the public hearing to begin earlier than 5 pm under resolutions. So I would ask that we move that to either before A. 1 or after A. 1.

CHAIR HOLIAN: Okay. And I would also like to note that of the resolutions that are scheduled to be heard at 5 pm, there's a number of members of the public who were coming to comment on those, and so I will go to those items as close to 5 pm as is practicably possible to do so. Is there a motion for approval of the agenda as amended?

COMMISSIONER ANAYA: So moved, Madam Chair.

CHAIR HOLIAN: Is there a second?

COMMISSIONER MAYFIELD: Second.

CHAIR HOLIAN: Okay, we have a motion and a second for approval of the amended agenda.

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

COMMISSIONER STEFANICS: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Stefanics.

COMMISSIONER STEFANICS: I have a question of process.

CHAIR HOLIAN: Yes.

COMMISSIONER STEFANICS: Madam Chair, Mr. Ross, I asked this question at I believe the last meeting or the meeting before. I still have some concern about introduction of resolution and the second hearing on resolution, whether or not it was intended that we're going to take public comment on both items at both meetings. Because it seems to me know that what we've done is doubled the amount of time. And I certainly want to hear the public. I certainly want to have discussion, but what we have done is we have discussion is we have discussion on both. Was there any specific intent when we passed that resolution to do an introduction?

STEVE ROSS (County Attorney): Madam Chair, Commissioner Stefanics, it was Commissioner Chavez' resolution. Maybe we can find out what he had in mind. There was no attempt to harmonize the two resolutions and perhaps we need to do so. My off-hand, off the cuff view of the situation is that the public comment on resolutions was enacted about a year and a half ago. At the time we were only having one opportunity for public comment because we were only having one – the resolution only came before the Board once. So now that we have this resolution requiring the dual process, my off the cuff interpretation is that that wouldn't necessarily change the earlier resolution to require that two public opportunities to comment would be created. So you can rely on that or we can change the resolution to state however it is you want it done. But right now, from where I sit I think that there should only be an opportunity for public comment when it comes up for final adoption like I said last time.

COMMISSIONER STEFANICS: Madam Chair, perhaps you'd allow Commissioner Chavez to comment on his original intent.

CHAIR HOLIAN: Yes. Commissioner Chavez.

COMMISSIONER CHAVEZ: Well, it was my intent to have the public comment at the meeting where we would take action. My intent for the two-step process was to give us, the public, and staff more time to vet the resolution, to make changes if necessary, amendments, whatever amendments would be appropriate. So it was just to allow us more time to be informed about that resolution and to allow the public time to be informed on that resolution, ordinance, or amendments to either. So that was my reasoning at the time. I think that the chair has some discretion as to whether we allow public comment at both junctures – when it's introduced and then when we take action. So I think that to be more efficient to time I think that if – for me, the public hearing would be noticed at the meeting that we're going to take formal action on that item.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Stefanics.

COMMISSIONER STEFANICS: I appreciate Commissioner Chavez' comments and whatever we decide I'm fine with. I just want us to be consistent. Because I don't want us to comment on some items both times and not other items if in fact that's going to be our process. So I would like for us to clarify our process. Thank you.

CHAIR HOLIAN: Commissioner Stefanics, I think it would be a good idea for us to possibly write another resolution that sort of clarifies this so that we really do know what our process is and I would like to ask your indulgence at this particular meeting because the resolution that I'm sponsoring that will be heard at 5:00, this is the first hearing but a number of people have said that they would like to come and they will be here to comment. And so I would just as soon, in this one instance at least, allow them to comment.

COMMISSIONER CHAVEZ: Further comment.

CHAIR HOLIAN: Yes, Commissioner Chavez.

COMMISSIONER CHAVEZ: The other reason for the resolution that I introduced was to have the fiscal impact component part of the introduction and have that be part of the first step so that we know early on if there's going to be a fiscal impact or not. And that was one of the main reasons why I thought it was necessary, so that we could keep tracking the fiscal impact as we move forward.

CHAIR HOLIAN: Okay. Thank you, Commissioner Chavez. First Commissioner Mayfield and then Commissioner Anaya.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. Madam Chair, I think it's important to allow the public process. If we're going to have a resolution or such in front of us it's important to allow the public process at both of these meetings. We just figure out how to afford that time. If we are going to limit it to one of the meetings I would think it would be important to have it at the first meeting. That way the public can give us their input at that first meeting and we can incorporate that comment at the first meeting and make those adjustments that we hear from the public and have those comments incorporated in that and then we could bring that forward and have that again, those adjustments made, if this Commission feels that there's merit to that comment and include that for the action that would take place at the second meeting. Thank you, Madam Chair.

CHAIR HOLIAN: Thank you, Commissioner. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, this goes to my colleagues as

well as the public and staff. I think we need to figure out a way that we can put in our agendas information about items and note that the items that go in sequence and we can't project the exact time that they're going to come about. I went back and reflected on the last meeting in particular and felt like there were some items that we were trying to rush through because there's a perception of an item coming up at an exact time. I just want the public to know that we do our best, item by item, but we shouldn't rush our business on the County Commission. I think if we find ourselves going longer then so be it. I think we need to go longer.

But I went back and reflected on the meeting and there were some times when we were rushing ourselves through items and we shouldn't do that. It doesn't do justice to the public and it doesn't do justice to the item, staff, or anybody else involved. So I think, Mr. Ross, Ms. Miller, if there's a way we can notice on the agenda itself that we don't have a timeline for each item. Some items go longer, so let's figure out some language so we can communicate to the public so that they're aware that it may be happening at 5:00 but it could be at 10:00. It just depends on what happens with the course of the regular business that the Commission does. It's no disrespect to the public, but we have no way of gauging the exact timelines of each item.

CHAIR HOLIAN: Commissioner Anaya, I do agree with you on that but I think it's also appropriate, if there is an item that we know that a lot of people are going to want to comment on, to be able to actually notice it for a specific time and hear that item at that time. And we can adjust the other items in our schedule around that then.

COMMISSIONER ANAYA: Madam Chair, if I could respond, I think if there are specific items that we could try and do that, we can try and do that but what I found in the last meeting was I found that we were rushing ourselves. And I don't think that does a service to ourselves or the public, and I think that they need to be aware of that. So I think it's a balance, Madam Chair, and I know as chair you have a difficult task of making sure that the meeting moves along, but I think in that interest we need to be cognizant that we meet twice a month and it's the two times out of the month where we need to be here for as long as we have to do our business. So those are my thoughts. I do respect what you're saying and if at all possible on big items where we can accommodate large items we should do that, but there's no exact science, I guess.

CHAIR HOLIAN: Yes. I agree with that. But let me ask you this, Commissioner Anaya. Do you have any objection if we do hear those two resolutions right around 5:00 and then put off, if we haven't gotten to that point yet, we can hear the other items that we've skipped over afterwards.

COMMISSIONER ANAYA: Madam Chair, I think that's your prerogative as chair and I'm okay with that. I just think we need to be – treat all items with the same amount of professional courtesy as the others.

CHAIR HOLIAN: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. Furthering this conversation, at one of our last land use meetings we had people stand up and say, We were put on this agenda at the last on purpose. Well, I think that the public needs to understand that we give everyone the opportunity to speak, etc. and that no one is purposely planned to be last. And I think we should be cognizant – and I don't agree with saying at 5:00 we'll stop

2013 APR 30 PM 3:53
SANTA FE COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
APRIL 30, 2013
PAGE 4

our business and do things. I think that perhaps what we could think about and maybe you could debate this with our attorney and our manager, but maybe an evening session. And the things we want the public to participate in is just called evening session. And it might start at 6:00 or 6:30 or 7:00, but it's evening.

And in fact I was just talking to our of our employees today who would like to have a wrestling team recognized with their parents, and I said, Oh, that seems like it would be appropriate after the work day so that parents could actually come. So I'm just suggesting that all our business is important and to move one up above the other does give some members of the public the idea that they're being pushed to the last. And in fact on some land use cases we even had people testify to that. So it's difficult, but let's maybe think about it. Thank you.

CHAIR HOLIAN: Yes. I think it's a good thing too. Because I think it's also important to respect the public as well and their time insofar as we can. If we can work out a procedure where we are able to accommodate the public at certain times I think that that is something worth exploring. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, thank you, and on this point, I'll bring it up. I had some business this weekend that took me away from all communications, and I know Ms. Miller and staff do a great job but our packets weren't ready come Thursday. So that being said, I did a lot of cramming late Sunday and Monday for this material. But just specifically to the agenda, and I was fortunate enough with what happened with myself and my jury duty service this morning, to see the agenda how it was arranged today. But this is the first time I've ever seen an agenda that had a special item for a resolution under XVI. A. today. So I just had an opportunity that kind of fell in my lap to be able to move one of my items that I was going to take full advantage of, and I did call Commissioner Anaya this morning and I said, Commissioner, can you please move a resolution for me, and I also emailed the Manager on that this morning.

So I guess what I'm getting at is this is something that was new to me, and hearing what my colleague Stefanics just said, how do we pick and choose. No resolution is above any other resolution. All of us have a constituency and a public that we serve, and everything is important to them. I did notice – I was fortunate enough to go to a City meeting the other day and maybe I don't stay in tune because I don't live in the City of Santa Fe, with their agendas as regularly. And there's an agenda item we're going to get to a little later today. But the City of Santa Fe has a 5:00 meeting, from what I saw, and they also have a 7:00 meeting. So maybe that's something we can kind of take note of of what they do.

And again, I just was going to bring this up, and I was going to – and I asked our County Attorney about this, of how we had a resolution just noticed for a special resolution noticed for no earlier than 5:00, of how I saw this agenda. So, Steve, how did this come about on our agenda of a special resolution? And it actually doesn't do them.

CHAIR HOLIAN: Could I ask actually Katherine to comment on that? Because we actually did put in two different times right at the very beginning of the year for resolutions. For Matters from the Commission.

MS. MILLER: Madam Chair, Commissioners, the agenda maybe over a year ago used to have all Matters from the Commission at the end of the meeting, which was when all the resolutions were done, and those were the last things done. But then there was a request by some of the Commissioners to put them at the beginning because some people

2013 APR 30 PM 03:00:00

could come at a specific – like at the beginning of our meeting. So then we moved it all to the beginning of the meeting, and I don't know if Commissioner Stefanics remembers this because she was the chair at the time, but then about four or five months into the year when we changed the agenda all around we had requests to have things after 5:00. So we started doing both.

So we had a couple of circumstances over the past two years. We have had resolutions introduced at the beginning of the meeting under Matters from the Commission, and we've had a second one after 5:00 and it was to accommodate people who could not be here before 5:00. I can even remember we did some award recognitions and a graduation recognition after 5:00 at the request of Commissioner Anaya. So when we have a request – and that's what was happening is we had certain requests where people just couldn't be here at the beginning of the meeting when we had moved Matters from the Commission up. But we had moved Matters from the Commission up at the request of the majority of the Commission at that time.

So we have had occasion where we had them in both places based upon requests by the Commissioners relative to having a group of people say they would like to be able to come and comment but they can't get there until after 5:00. So whenever that has been requested we have added it to the end of the meeting. That's it. We don't have real strict rules about where things are on the agenda. What we have is a resolution that says that these items will be included on the agenda, and those are the things that we have but it doesn't say where they will be on the agenda. And we just tried to be flexible based on whatever comes up in each meeting, with some general format with all things Matters from the Commission coming at one time, all things from departments coming at one time, and to kind of add to this discussion as well is when we used to have our first meeting on the second Tuesday it used to just all be public hearings for land use cases and we didn't do a lot of administrative stuff, but when we didn't have a lot of land use stuff going on we started to add things to that meeting.

We could go back and divide the type of meetings we have again, and we also previously have had meetings just for presentations because of an agenda. If you look at this particular agenda it's quite full and it will take a long time for us even to get to the administrative items. So we can move it around and we can make adjustments as requested. Pretty much as once we post it though we try to stay with what was posted.

CHAIR HOLIAN: Just one second, Commissioner Anaya. Commissioner Mayfield still has the floor.

COMMISSIONER MAYFIELD: Just real quick, Madam Chair and Manager Miller, Steve Ross, as far as the new state law that passed with 72 hours notice, this has no impact with us kind of bouncing around on the agenda? All we have to do is notice an agenda and we can kind of move around on the agenda however we want?

MR. ROSS: Madam Chair, Commissioner Mayfield, the Open Meetings Act of course requires us to post a final agenda. Soon it will require that we post it 72 hours before the meeting. That doesn't mean that when we undertake the agenda now, under the item called Approval of the Agenda, you can't move things around and balance things at that time. It just means for purposes of the public, they need to see what we think is the final agenda for 72 hours without changes being made.

COMMISSIONER MAYFIELD: Okay. Thank you. That's all I have for now,

2013 APR 30 PM 4:58:11

Madam Chair.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I don't think we should revamp the whole meeting process. I think we maybe have some opportunity to adjust timelines associated with comments that Commissioner Stefanics and Commissioner Mayfield and even Commissioner Holian have made but I don't think we would want to start over and I am not in favor of adding another meeting just for the sake of another meeting. So those are my comments. Thanks.

CHAIR HOLIAN: With no further discussion on the agenda –

COMMISSIONER STEFANICS: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Stefanics.

COMMISSIONER STEFANICS: This could be brief and it's just another thought. Some of my – we used to do some resolutions for people. And then with the resolution to have two hearings on resolutions we now either do a proclamation or we just do certificates. And I've chosen to do many of mine as certificates that are just in comments from the Commissioner, which hopefully cuts down on time. I know it doesn't bring people to the meeting for pictures but maybe that's another avenue. Thank you very much.

CHAIR HOLIAN: Thank you.

VII. APPROVAL OF CONSENT CALENDAR

A. Consent Calendar Withdrawals

CHAIR HOLIAN: There are resolutions under Consent. Is there anyone here that would like to speak on those resolutions? Seeing none, are there any withdrawals?

COMMISSIONER STEFANICS: Madam Chair, I'll move for –

CHAIR HOLIAN: Commissioner Stefanics, just one moment. I would like to withdraw item XII. A. 2. So is there a motion on the rest of the Consent Calendar.

COMMISSIONER MAYFIELD: Madam Chair.

COMMISSIONER STEFANICS: I would object.

COMMISSIONER MAYFIELD: I've got a question on that too, Madam Chair.

COMMISSIONER STEFANICS: Mr. Ross, I don't know how a member could remove something who abstained from that meeting.

COMMISSIONER MAYFIELD: Yes, I had the same question.

CHAIR HOLIAN: The reason that I am removing it, I guess I will have to abstain from the vote for the entire Consent Agenda. Because the reason I removed it is I wanted to abstain on the vote for that.

COMMISSIONER STEFANICS: We've never done that, Madam Chair, Mr. Ross.

CHAIR HOLIAN: Point of order, Mr. Ross. Would I have to abstain on the vote for the entire Consent Calendar if I wanted to abstain on the vote for item XII. A. 2?

MR. ROSS: Madam Chair, it's not really a point of order. My take on it is if you didn't participate in Spirit Wind you shouldn't vote on the order. I think that's correct.

REC'D DEPT. RECORDS 4/30/13

Now the question is is everyone comfortable isolating that for discussion so that it's clear that you're not abstaining from the entire Consent Agenda.

COMMISSIONER STEFANICS: Also point of order, Mr. Ross. Could somebody make a motion to approve the Consent Calendar, and then when I was voting on it I could say that I'm voting aye on everything except for that agenda item? Is that a possibility?

MR. ROSS: Another option would be to explain your vote. That's always permissible under most parliamentary systems.

COMMISSIONER STEFANICS: Okay. Then I will not withdraw it.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Ross, I know I've asked this in the past, and I believe and I'll pull minutes, that you have advised me in the past when I've asked similar questions, when it comes to the Consent Calendar, on votes where I voted in opposition with the majority of this Commission and you've entertained – you can still vote. There's a vote on this case that's indicating it was approved 4-0. We're just voting on a Consent Calendar. And I know how you've advised this Commission in the past on how votes have been. I most likely abstained on one case in the past that's come in Consent. So I'm going to ask them that this Commission – and I'll ask that this be noticed – and I'll make the request now that we pull every past minute of this Commission for every past vote where I have abstained or where I have voted, and I'm going to ask that all Consent Calendars be reconsidered for votes. That's all I'm going to say, Madam Chair. Thank you.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, actually – I actually understand why you want to move it off because you don't want to vote against everything on the Consent, so being a member that voted in favor I would remove item XII. A. 2.

COMMISSIONER STEFANICS: Thank you, Commissioner Anaya. Do I have a motion?

COMMISSIONER ANAYA: Move for approval, Madam Chair.

CHAIR HOLIAN: Is there a second? We're voting on the rest of the Consent Calendar right now. Is there no second for approving the rest of the Consent Calendar?

COMMISSIONER STEFANICS: You're not voting on, Madam Chair, I believe you're voting on whether or not to withdraw an item from the Consent Calendar.

CHAIR HOLIAN: No. People can withdraw – remember we always withdraw items –

COMMISSIONER STEFANICS: But I objected.

CHAIR HOLIAN: Okay. You don't want it removed from the Consent Calendar.

COMMISSIONER STEFANICS: I objected and we haven't taken any action on my objection.

CHAIR HOLIAN: Okay.

COMMISSIONER ANAYA: If I could – if I could.

CHAIR HOLIAN: All right. Commissioner Stefanics, I withdrawn my attempt to withdraw that item from the Consent Calendar. Is there any other Commissioner that would like to withdraw an item from the Consent Calendar?

2013 APR 30 PM 5:03
SANTA FE COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
APRIL 30, 2013
PAGE 8

COMMISSIONER ANAYA: That's what I'm asking, Madam Chair. I would like to withdraw item XII. A. 2, CDRC Case # Z/S 08-5430.

COMMISSIONER MAYFIELD: Second.

CHAIR HOLIAN: We don't normally vote on withdrawing. Okay. There is a motion to withdraw item XII. A. 2 from the Consent Calendar and a second. All those in favor signify by saying aye.

COMMISSIONER ANAYA: Madam Chair, point of order. Just a point of order. We don't do motions with seconds on withdrawals.

CHAIR HOLIAN: That's what I was trying to say.

COMMISSIONER ANAYA: So I'm just withdrawing it because when I get to it I'm just going to say we're just going to take a vote on the final order.

CHAIR HOLIAN: Okay. Let's try to clear this up. Item XII. A. 2 is withdrawn. Is there a motion for the rest of the Consent Calendar?

COMMISSIONER ANAYA: So moved, Madam Chair.

CHAIR HOLIAN: Okay. There's a motion. Is there a second?

COMMISSIONER MAYFIELD: Second.

CHAIR HOLIAN: Okay. There's a motion and second for approval of the Consent Calendar

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

COMMISSIONER ANAYA: So Madam Chair, on item A –

CHAIR HOLIAN: We're not at that point.

VIII. APPROVAL OF MINUTES

A. Approval of March 26, 2013 BCC Meeting Minutes

CHAIR HOLIAN: Are there any suggested changes?

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

CHAIR HOLIAN: Is there a second?

COMMISSIONER CHAVEZ: Second.

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

IX. PROCLAMATIONS AND PRESENTATIONS

A. Introduction of New Santa Fe County Employees

MS. MILLER: Madam Chair, we had several new employees. At the first part of April, end of March I introduced new employees from March. I'll just read through them quickly. We had from April 1st to April 19th, we had four detention officers. It's Judd Apodaca, Michael Batista, Isaiah Martinez, and Carlos Martinez. We also had in the Public Safety Department, a therapist, Crystal Ibarra, and in the Clerk's Office, Robert Parker as chief deputy, Bureau of Elections.

2013 APR 30 PM 4:53
BCC RECORDS
CLERK'S OFFICE

Also we have a new custodian, Leo Leyba, a new maintenance technician, Daniel Romero, another new custodian, Oscar Sabado, and then a road maintenance worker, Robert Gallegos, and a utilities maintenance worker, Justine Francisco. We also have in the Community Services Department a new secretary and I believe she is here and that is Trudy Archuleta. There she is in the back. So those are our new employees for this month.

CHAIR HOLIAN: Okay. Thank you. And I would like to say welcome to all of our new employees and especially to Ms. Archuleta who is actually here witnessing her first meeting I think.

IX. B. Proclamation in Honor of Hillside Market Community Day

CHAIR HOLIAN: Commissioner Chavez, would you like to take this?

COMMISSIONER CHAVEZ: Well, sure. And I will say that I am sharing this with Commissioner Holian. Commissioner Holian and I did attend an event on the 21st where he proclamation was read to those that were attending the event on that day and we wanted to read the proclamation again today. And I would defer to Commissioner Holian if you don't mind reading the proclamation. Do we have that?

CHAIR HOLIAN: Commissioner Chavez, I'm afraid we don't actually have the proclamation, but hopefully we can get it to our recorder to put it in our minutes as part of the record.

COMMISSIONER CHAVEZ: So the proclamation was signed by all the County Commissioners, so it will be formally adopted today. And so having said that, the Hillside Market, situated in Santa Fe County provides an eclectic array of handcrafted goods, fosters sustainability through promotion of local resources and community partnership. So we're recognizing the Hillside Market for hosting their community day on the 21st. In addition to the product that they're promoting at the Hillside Market, aside from it being just a business venture it's a good membership model for local artists and craftsmen who pay a nominal fee to show their work there with the understanding that their commission will be reduced substantially compared to some of the other venues or opportunities that local artists and craftsmen have.

So it makes it affordable for the artists and craftsmen and it keeps the prices reasonable for the customer. So I think that's the beauty of that space and so we just want to support them and encourage them in their efforts.

CHAIR HOLIAN: Thank you, Commissioner Chavez. And I will say that it was really a delight to be part of community day and to be asked to read the proclamation that day, although I have to admit it was kind of tough going after storytellers like Gerald Hayes on that day because probably their stories were a little more interesting than reading the proclamation. But I also want to say thank you to all the volunteers that were there that day, especially the volunteers from the Hondo volunteer fire department. They brought their fire engine there for the kids to see and be able to climb on, and also they talked a lot about – gave the community fire safety tips which I think was greatly appreciated by the community. I'll just say that I think that the Hillside Market is a wonderful business model for promoting local artists and artisans in our community. So I'm very supportive of it. Of course it is in my

2013 APR 30 PM 3:53

backyard, but I would still think it was a good model even if it was far away from where I live. So thank you very much for bringing this forward.

[For text of proclamation see page 20.]

COMMISSIONER STEFANICS: Madam Chair.

CHAIR HOLIAN: Commissioner Stefanics.

COMMISSIONER STEFANICS: I'm sorry. Am I asleep or did we vote?
Doesn't a proclamation require a vote?

COMMISSIONER CHAVEZ: It should, but we don't have it.

CHAIR HOLIAN: We don't actually have the proclamation.

COMMISSIONER CHAVEZ: I am remiss. I thought that we were going to have a proclamation to read in front of us and to read into the minutes, but we've already signed it so could we just take a motion to approve the proclamation after the fact? So then I'll make a motion to approve the proclamation in honor of Hillside Market Community Day.

CHAIR HOLIAN: I'll second that.

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

IX. C. Recognition of Andrew Quintana Upon His Retirement 10 years of Dedicated Service to Santa Fe County and Recognition of Ben Chavez Upon His Retirement 11 Years of Dedicated Service to Santa Fe County

ROBERT GARCIA (Sheriff): Madam Chair, members of the Commission, Detective Andrew Quintana is not here today but Deputy Chavez who worked in court security is here, and on behalf of the Commission I did recognize him upon the retirement but on behalf of the Commission and all Commissioners signed and so approved the order of recognition, this 30th day of April, 2013, recognizing Deputy Chavez for his service to Santa Fe County Sheriff's Office and the citizens of Santa Fe County. In the 11 years that he was with the Sheriff's Office he worked strictly in court services and transports. It's going to be hard filling his shoes in there because he did bring a lot of experience when he moved to the Sheriff's Office from Corrections, so he will be greatly missed and I wish him well in his retirement. Thank you. You're welcome to say a few words if you'd like.

CHAIR HOLIAN: Thank you. And Deputy Chavez, would you like to say a few words?

BEN CHAVEZ (Deputy): Yes, ma'am. I would just like to thank the Santa Fe County Commissioners, Santa Fe Sheriff's Department. It's been a great honor working with you. God bless all of you and congratulations.

COMMISSIONER STEFANICS: Madam Chair

CHAIR HOLIAN: First Commissioner Anaya, then Commissioner Stefanics, and Commissioner Mayfield.

COMMISSIONER ANAYA: Madam Chair, Sheriff, thank you for being here presenting this award to duly earned work and service to Santa Fe County. Deputy Chavez, thank you for your service to Santa Fe County and to the citizens of Santa Fe County. You're appreciated and you'll be missed and I'd like us to take a picture afterward.

CHAIR HOLIAN: Yes, we will. We'll definitely do that. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. I'd like to congratulate you but also thank you. One of the highest priorities of the citizens of Santa Fe County is public safety. And so when we lose someone with a lot of experience we really want to thank you for your time, your service, and probably the public doesn't know how many ways that you have assisted them in the past. So thank you very much.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Sheriff Garcia, thank you for bringing this recognition forward. Deputy Chavez, thank you for your service to our community. Be safe and God bless you.

CHAIR HOLIAN: Commissioner Chavez.

COMMISSIONER CHAVEZ: To the Sheriff, to all of your department and especially to Deputy Chavez, I just want to thank you for your commitment and your years of service to the County and I only hope that in your future endeavors, life after retirement, that you stay healthy and that you'll be there for your family and for the community. I know that you'll be part of the community because this is where you've invested your time and I know you're committed to that. So again, thank you for your service and good luck in your new endeavors.

CHAIR HOLIAN: I too would like to thank you, Deputy, for your years of service. I'll tell you that when I go out into the community and talk to my constituents and other people who live in Santa Fe County I hear nothing but good things about our Sheriff's Department. They are so highly respected, and it's people like you who have brought that respect to our Sheriff's Department. So thank you very much and I hope that whatever you do in the next chapter of your life it is fun and rewarding and you get to spend more time with your family maybe. And thank you, Sheriff, for bringing this forward.

SHERIFF GARCIA: And if I could add, Madam Chair, members of the Board, is that Andrew Quintana wasn't able to be here today but he did spend ten years of the service, also worked in Corrections I believe, and the Fire Marshal's Office. Also worked with Ben Chavez here in court services and he retired as an excellent detective with our office. Thank you.

[Photographs were taken.]

IX. D. Recognition of Chief David Sperling for Completion of the Executive Fire Officer Program of the US Fire Administration's National Fire Academy

MS. MILLER: Actually, it was kind of a surprise to me because this was something that had started prior to my being here and I got this presentation in the mail or a certificate in the mail about his accomplishments on completing the executive fire officer

program. And I wanted to make sure that the Commission had an opportunity to recognize Chief Sperling for that accomplishment. It's a four-year program encompassing quite a bit of course work and put out by the US Fire Administration's National Fire Academy. So with that, I just wanted to make sure that we had an opportunity to recognize him for this accomplishment. I'm really proud that he's finished it and I think it's a great attribute to have here at the County on his behalf.

CHAIR HOLIAN: Thank you, Katherine. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, it's a privilege and a pleasure, Chief Sperling, to honor you for your work and efforts, not only at Santa Fe County but at the City and around the state of New Mexico. This is an opportunity to acknowledge your work at a national level and your contributions to the fire service is well appreciated and I would just like to extend those congratulations to you. It just capitalizes and shows what Santa Fe County, what type of individuals we have. It's all in leadership and it starts with who those leaders are and how they work under that leadership. So thank you very much for your efforts and congratulations. What's next? The World Fire Academy? I guess we better check into that, Chief.

DAVE SPERLING (Fire Chief): Thank you, Commissioner.

CHAIR HOLIAN: Commissioner Chavez.

COMMISSIONER CHAVEZ: Chief, just want to thank you for your committed service to the area, to the region, because your experience and your dedication doesn't really recognize boundaries so much but it's that regional approach and I think this reinforces that. So I want to congratulate you on that. I think with employees like yourself and the assets, the fact that you bring such a broad scope of service and background to the organization. I think that makes us shine; it makes us look good, and on that note, I'm wondering if we could also send information to the Association of Counties so we can place this, highlight this in their newsletter because it's information that we should share and we should let people know about our accomplishments and encourage others to pursue the same path that you've pursued. Thank you.

CHIEF SPERLING: Thank you, Commissioner.

CHAIR HOLIAN: Thank you, and good suggestion. Commissioner Stefanics and then Commissioner Mayfield.

COMMISSIONER STEFANICS: Thank you, Madam Chair. First of all, Chief, I'm very pleased that you proceeded with this chief executive fire officer program and not only does it show your leadership and your dedication to your position, but hopefully will also model for the rest of your staff that education never ends, and that we all can stand to learn something new in our lives. I appreciate your setting forward as a model and hopefully you will encourage others in your department to do so as well. But thank you again.

CHIEF SPERLING: Thank you, Commissioner.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Chief Sperling, this is a great accomplishment. It shows leadership and I know you're an exemplary example of that so thank you again and hopefully many in your directorship can follow. So thank you again, Chief.

CHIEF SPERLING: Thank you, Commissioner.

2013 APR 30 11:00 AM
SANTA FE COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING

CHAIR HOLIAN: So excellent work, Chief, and I just have to ask you a question. When I was reading through the packet here it says that you did an applied research project, and I wondered if you would say a few words about what your applied research was.

CHIEF SPERLING: Thank you, Madam Chair, members of the Commission, for all those kind words and actually, I think no one's more happy that this program is done than my wife and kids who kept on having to push me to complete it. But Commissioner, to answer your question, I actually completed one applied research project for each of the four classes that I took, and one project had to do with the impact of casino resort development on our Pojoaque Fire District. Another had to do with developing an off-duty DUI policy for volunteer and career firefighters. Another research project had to do with using the sim table for fire prevention purposes as it was developed for training purposes primarily. And then my final project, ironically enough, was completed in researching the possibilities of co-locating separate fire and EMS response agencies in a common facility. And so I completed that project back in late November and that completed the work I had to do for this program.

CHAIR HOLIAN: Thank you, Chief, and it sounds very relevant to our department. Now, I will read your diploma, I think it is, and then we will all come down for a picture. The United States Fire Administration National Fire Academy, in recognition of successful completion of the requisite courses of study and applied research projects, the National Fire Academy, under the authority granted by the 111th Congress of the United States of America, and on recommendation of the faculty, confers the title of executive fire officer upon David Sperling, with all honors, privileges and responsibilities thereunto appertaining. Awarded this 21st day of December 2012. Thank you.

CHIEF SPERLING: Thank you, Commissioner.

[Photographs were taken.]

CHAIR HOLIAN: Katherine.

MS. MILLER: I was glad you asked what his research projects were because we've had a great deal of discussion about co-location relative to the Agua Fria Fire Station. He said I actually did a research study on that. Like I said this was really great to get this in the mail from the National Fire Academy. I was really proud of Dave. He has done an excellent job. He's really good at working with our career staff and our volunteer staff and integrating them and looking out for our entire fire department and the entire Santa Fe County community relative to public safety. So this is a great accomplishment on his part and I'm really proud of him and I'm proud to have him part of our team. Thank you.

CHAIR HOLIAN: Thank you.

IX. E. Presentation on Celebrate Santa Fe Tourism Week May 4-12, 2013

CHAIR HOLIAN: I believe that the presentation will be by John Berkenfield, President of Santa Fe County Lodgers Tax Advisory Board and I think Cynthia Delgado is here, the Marketing Director for Santa Fe Convention and Visitors Bureau. Commissioner Chavez, would you like to introduce this?

COMMISSIONER CHAVEZ: No, no. Just a minor correction. You did

REC
ORDER
RECORD
SERIES
43

introduce John Berkenfield who is actually the chair of the Santa Fe County Lodgers Tax Advisory Board, so I just wanted to make that clarification and ask him to do a presentation on behalf of the County because this is in conjunction with the County of Santa Fe and the City of Santa Fe to focus on Tourism Week. But John, if you want to go ahead and share your information with us.

JOHN BERKENFIELD: Thank you, Commissioner Chavez, Madam Chair, members of the Board. I certainly don't have to say anything to you about the importance of tourism as a vibrant and vital part of our county. It's important as we know. There are many activities that the Lodgers Tax Advisory Board, which is charged in part with the promotion of tourism in the county. There are many activities that we undertake that involve cooperation between the City and the County and I am very much in favor of all of those. One that I think and members of our board think is extremely important is the one coming up on the 4th of May lasting for eight days and it is a week devoted to the celebration of Santa Fe and again, reinforcing the positive impact of tourism on our economy and employment.

The purpose of today's presentation to the Board is not really to ask for your action it is really an informational one. And I am going to yield the floor because I know we're limited in time. I would like to yield the floor. As you heard earlier the director of marketing for the Convention and Visitors Bureau, Ms. Delgado, Cynthia Delgado, and she is accompanied by her partner in this event which is the Chamber of Commerce of the City of Santa Fe, Simon Brackley who is the president and CEO of the Chamber. So let me give the floor to them, again with the understanding that this is something that is supported by the Lodgers Tax Board and I hope all of you – I said there wasn't any action needed – but I hope all of you will find time in your schedules to come, and they'll ask you that as well I'm sure. So thank you very much. Let me give the floor to Cynthia and Simon. Simon first.

CHAIR HOLIAN: Mr. Brackley, welcome.

SIMON BRACKLEY: Thank you, John. Madam Chair, members of the Commission, on behalf of the members and the board of directors of the Santa Fe Chamber of Commerce thank you for this opportunity to come before you and speak about Tourism Week. What we are doing in Santa Fe is really on the heels of a nationwide celebration of Tourism Week. May 4th through 9th is a nationwide Tourism Week and locally what we are doing is celebrating the importance of tourism to our local economy. It is very much a collaborative partnership between, as John mentioned, between Santa Fe County Santa Fe City, and the members of the Chamber of Commerce. We have over 70 local businesses from the city and county participating in Tourism Day which will take place on May 9th and Cynthia will tell you a little more about that.

I just have a couple of numbers about tourism, what it means to our community. Tourism generates over \$600 million in revenue for our community. \$600 million in revenue. Over 7,400 jobs are directly related to tourism in the community. Directly related. That doesn't mention the trickle down effect or multiplier of those jobs and employment opportunities in our community. And of course tourism is the biggest employer outside of government in our community. Tourism is by far our biggest employer. And I think this is an interesting number: Without tourism our individual taxes would increase by over \$740 each. Tourists help to underwrite our tax bill individually. Tourists bring money to our community. The money that they spend generates lodgers tax and of course it generates gross receipts tax

2013 APR 30 PM 3:37

and other taxes that go and allow us to provide and all you to provide the services that we enjoy as citizens of our community.

So this is really a collaborative effort and on behalf of the Chamber I'm very pleased to be a part of this partnership. As I mentioned, the City of Santa Fe, the CVB, is a major partner, and I also wanted to mention the Santa Fe *New Mexican*. You may have seen some full-page ads celebrating this event that have been appearing lately. So I wanted to mention the Santa Fe *New Mexican* as well. And with that I'd like to introduce Cynthia Delgado from the Convention and Visitors Bureau.

CHAIR HOLIAN: Welcome, Cynthia.

CYNTHIA DELGADO: Thank you, Madam Chair. Thank you, Commissioners. Thank you, County Manager for giving us time to really come and share our excitement about celebrate Santa Fe tourism. It's focused on Thursday, May 9th. We will be having an expo. Simon mentioned that we have over 70 tourism-related businesses coming to the Santa Fe Convention Center, which the City is providing at no cost to these businesses to highlight all the activities, all the services, all the wonderful experiences you can have here in Santa Fe. And as you know, Santa Fe is one of the top destinations in the nation, not by just Cynthia Delgado, although I do think we are number one, but by publications like Conde Nast and Travel & Leisure.

So the expo, which is really an event designed to do a couple things. One, to share amongst tourism-related businesses an opportunity to network and find out what each other are doing, for them to have an opportunity to train their staff – front desk staff, waiters, people who work in retail – about all the things that are going on in Santa Fe. And then last but not least an opportunity for the community, because the community will be invited free of charge to come, and really allow the community to learn about the riches of Santa Fe and all the activities that go on here.

A couple things that really drove us in regards to this event is the number one reason people tell us that they came to Santa Fe was – does anyone want to venture a guess? Well, I won't keep you in suspense. Culture is part of it but really it was my friends told me I had to be there. So it's really word of mouth and so what we're really focused on doing with kicking off the season with this event is to help people get knowledgeable, to become that great Santa Fe ambassador and to really share what's so special about Santa Fe.

So what we have is an invitation for each one of you and every County employee to come to several different events. [*Exhibit 1*] On Wednesday which is May 8th we're going to be doing a presentation to the City Council. We'd like each of you to come attend. We're inviting the whole hospitality community to wear red and we're going to be doing a presentation and a proclamation on the value of tourism in Santa Fe. Then starting on Thursday, May 9th with a ribbon-cutting, and again, we'd love each one of you to be there. Our cabinet secretary from the New Mexico Tourism Department is going to be there. Our Mayor is going to be there. We hope each one of you will be there. Representative Egoff has said he is coming, so we're really wanting to kick this off and to show our tourism businesses that we know how important tourism is. So that's the ribbon-cutting.

Then the expo will go on from 10:00 to 7:00. During that period we'll be having a variety of seminars. One seminar will be about being a Santa Fe ambassador. Victoria Bernelli, who is the general manager of Inn of Santa Fe and her partner are going to be

providing a seminar on what it means to be an ambassador for Santa Fe. And it's a quick seminar. Lots of fun, lots of interesting facts. We are also going to be doing behind the doors or curtains tours of the Santa Fe Community Convention Center, and then last but not least, our partner, the *New Mexican*, will be doing a presentation on marketing opportunities in their special publications.

And then at 5:00 that same day, the Santa Fe Chamber of Commerce will be having one of their business mixers which we would love you to attend, where we will be once again celebrating the importance of tourism in Santa Fe. All through the day we're going to have lots of music, lots of little tidbits to taste. We have tons of give-aways that we're going to be doing. As you become a Santa Fe ambassador you'll get to register yourself for these give-aways. So we hope to see you all there and we would love the opportunity to electronically send an invitation to all the Santa Fe County employees to come during their lunch hour, after work, but we'd really love for them to be there as well. Because each one of us does make a difference in terms of our success here in tourism. Thank you very much. Any comments or questions?

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

COMMISSIONER MAYFIELD: Thank you and thank you all for bringing this forward. But one question. Our Santa Fe County Lodgers Tax Board is in partnership with this isn't it? Or is it not?

MR. BERKENFIELD: Yes. It's a cooperative activity. Yes.

COMMISSIONER MAYFIELD: So have we provided any funding for this?

MR. BERKENFIELD: No.

COMMISSIONER MAYFIELD: Why not?

MS. DELGADO: So a significant amount – none of the partners are providing any funding. All the partners are providing in-kind services, Commissioner Mayfield. So the Chamber helped us with in-kind support. Even the businesses who participated, we didn't charge them, but they're bringing in-kind services so we can give out as prizes. So this first event, we really said let's get everyone together. Let's figure out how to make this work, and then as it moves into the next year, increasing success, increasing size and scale, then we'll talk about bringing in money.

COMMISSIONER MAYFIELD: Okay. I was just hoping to see maybe Santa Fe County's logo maybe somewhere around here also.

MS. DELGADO: I understand. The way they've been partnering with us is through the Santa Fe County businesses.

COMMISSIONER MAYFIELD: Thank you.

CHAIR HOLIAN: Any other comments, questions? Well, I just want to say thank you, Ms. Delgado and Mr. Berkenfield and Mr. Brackley for all you do to support our tourism industry. It is such an important part of the economy in this area but it also makes us a really interesting place to live, as you point out. It makes us a special place.

MS. DELGADO: Absolutely. Well, again, thank you, and we hope we'll see you there on May 9th.

CHAIR HOLIAN: Thank you.

COMMISSIONER MAYFIELD: Madam Chair.

2013 APR 30 PM 3:13
SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Question for Mr. Berkenfield with our Lodgers Tax Board. Can we get our Lodgers Tax Board maybe to come to us and do a presentation about who we're helping out with our funding, with our money, of how it's going back and how it's coming back to Santa Fe County? Because you all disperse dollars, right? People come and make requests of you, you all provide funding out with the tax dollars that come in with Lodgers Tax. Have you given the County presentations on that, of how that money gets dispersed back?

MR. BERKENFIELD: We come to the Board every year as you know to do a presentation on the marketing plan for the coming year. May I offer the thought that we will include as a component of that – I think we do that normally June or July depending on your schedule. We include it as a component of that. It's not a huge amount of money that we give away at the end of the year, but certainly, we'll cover that.

COMMISSIONER MAYFIELD: I know I can't make that formal request right now; it wasn't noticed but I'll talk with Manager Miller about that for some more detail on that later. I'll just put that out there. Thank you.

MR. BERKENFIELD: We'd love to do that. Absolutely. Thank you.

CHAIR HOLIAN: Thank you. Mr. Brackley.

MR. BRACKLEY: Thank you for the opportunity. Just as a quick invitation, tomorrow we are welcoming United Airlines and Great Lakes Airlines who are starting their direct daily flights from Santa Fe Airport to Denver and Phoenix respectively, and the Chamber will be holding a celebration. I think you all should have had an invitation to attend that. But I would invite the whole community to come out and celebrate these new travel partners to the Santa Fe Airport. So tomorrow at 12:30. Thank you very much.

CHAIR HOLIAN: Thank you.

IX. F. Recognition of Santa Fe County Undersheriff Ron Madrid and Sheriff Major Ken Johnson for Graduation from the Prestigious FBI National Academy at Quantico, Virginia [The recognition for Undersheriff Madrid will be held at a later date.]

COMMISSIONER MAYFIELD: Commissioner Anaya and I are bringing this forward, and I know – I just want to thank the Major for this travel that he did out to Virginia it was, and I'm just going to read something that I took some notes on here that came in front of me that I'm going to ask Commissioner Anaya for his comments and ask him if he doesn't mind to read in the resolution as we're going to present it. But really quick, again, Major, thank you for your service to Santa Fe County. It's an honor to have you in front of us today. And Sheriff – I think the Sheriff is either back there or he's out in the audience somewhere and I know we have the Major back there. Sheriff, come on up too, please. All the Sheriff's officers we have. We have Captain Mendoza back there as well. Thank you, Sheriff, Captain Mendoza.

So the FBI Academy is extremely selective in accepting law enforcement applicants from all 50 states and counties all over the world. The academy trains law enforcement executives in leadership and investigative tactics, and also in how to handle tragedies such as

2013 APR 30 11:58 AM

the Newtown, Connecticut school shooting and the recent Boston marathon bombings. Less than one percent of law enforcement officers in the country have the opportunity to attend the academy. In Johnson's class of 268 which graduated May 22nd, 49 states were represented by officers and members of all five branches of the United States armed forces.

The academy was created in 1935 after a 1930 study recommended the standardization of law enforcement departments across the country throughout centralized testing. The average waiting list for applicants is about two years. Johnson said he attended management classes in forensic science investigations and survived a rigorous fitness routine. A Santa Fe native and graduate of Santa Fe High School, Johnson graduated from New Mexico Law Enforcement Academy when he was 21. He then joined the Santa Fe County Sheriff's Office where he has worked for 21 years. Again, Major, thank you for your service. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, thank you, Commissioner Mayfield, for bringing this forward and allowing me to co-sponsor it with you. I would like to ask, before I make a few comments if it's okay, Commissioner Mayfield, for the Sheriff to make a few comments about his program and allowing him and the Undersheriff allow him and his people to get trained. Sheriff, what remarks would you like to add relative to your fine professionals behind you?

SHERIFF GARCIA: Madam Chair, members of the Commission, Commissioner Anaya, Kenny had mentioned some time back when I was Undersheriff a few years ago that he's always had an interest in going to the academy. The opportunity arose where I was able to nominate him. Not every often do smaller agencies get that opportunity as larger agencies do, such as Albuquerque. In this case the FBI agent, now he's referred to as Special Agent Johnson – an FBI agent will come in, actually give me somewhat of a background on the individual, make sure that he can handle the three months of training at the academy. I knew that Kenny is capable of doing that having worked with him and known him for several years so I did go ahead and nominate him. He was picked along with the Undersheriff, I believe, of Colfax County, so there were two from New Mexico that attended and actually there's an average of two from New Mexico every time they hold a class.

So Kenny is the third that has attended that academy from the Sheriff's Office. Major – now Undersheriff Madrid attended back I believe in 1992. He wasn't here today; it was his birthday so he decided that he'd take off. And retired Captain Dennis Salgado was another member of the Sheriff's Office that did attend. So we've had three individuals that I proudly serve with and will continue to along with Major Johnson. Thank you.

CHAIR HOLIAN: Thank you.

COMMISSIONER ANAYA: Thank you, Sheriff, and we're going to save the roast for Undersheriff Madrid for another day. Just a few additional comments. It's an honor, Major Johnson to be part of presenting something to you. Just a little history. Major Johnson's father and my father worked together for many years at the New Mexico Department of Transportation and we're good friends. I've had the privilege and honor of being your friend for a long time. Coming from Santa Fe High School and then watching you here at Santa Fe County, work your way through the department in helping people in your services as a deputy and the citizens of Santa Fe County and watching you progress through the DWI program and your leadership there and just continuing to improve up the ranks.

SEC. CLERK RECORD 05/03/2013

So it's an honor and a privilege and I'd like to read in the proclamation and give you, Major, an opportunity to make some comments.

Certificate of Recognition: The Board of Santa Fe County Commissioners hereby acknowledges Major Ken Johnson, Santa Fe County Sheriff's Department. The Board of Santa Fe County Commissioners extends our congratulations to Major Ken Johnson for his recent graduation from the Federal Bureau of Investigation National Academy for law enforcement executives. Major Johnson successfully completed the FBI's ten-week academy in Quantico, Virginia, which only allows one percent of all law enforcement officers in the United States to attend. His commitment to public safety on behalf of the residents of Santa Fe County and his exceptional achievement is hereby acknowledged by the Board of Santa Fe County Commissioners. Therefore the Board of County Commissioners, Chair, Commissioner Kathy Holian, Vice Chair, Commissioner Daniel Mayfield, Commissioner Miguel Chavez, Commissioner Liz Stefanics and myself as well as the Manager, therefore present this certificate on April 30, 2013.

Let's give Major Johnson a round of applause.

CHAIR HOLIAN: Major Johnson.

MAJOR KEN JOHNSON: Good afternoon. Thank you, Madam Chair, members of the Commission. It was a great opportunity and I'd like to thank the Sheriff for allowing me to attend this great academy. I learned so much and I'm just looking forward to bringing back what I learned and implementing it here at the Sheriff's Department. Our continued efforts to professionalize the Sheriff's Department is an ongoing thing and the Sheriff has demonstrated that and we look forward to sending more people to the academy to continue to professionalize our agency. So thank you very much for the recognition.

CHAIR HOLIAN: Thank you, Major Johnson, and I'll say that just getting accepted into the academy is a major achievement and then of course graduating is an even bigger achievement. So congratulations and thank you. I think we will come down now for a photograph.

[Photographs were taken.]

CHAIR HOLIAN: Commissioner Chavez.

COMMISSIONER CHAVEZ: Madam Chair, thank you. I want to ask the indulgence of the Commission. I do have the Santa Fe County proclamation for the Hillside Market. It wasn't in the packet and if I could I'd like to go ahead and read that into the minutes and also for the public [Continued from page 11.]

Whereas, Santa Fe County recognizes our local artist community as one of Santa Fe's greatest economic assets;

Whereas, the Arts and Culture Industry including cultural tourism, contributes an estimated 40% of all dollars that enter Santa Fe's economy;

Whereas, the Hillside Market is a retail sales business located in Santa Fe County, whose goal is to provide a unique combination of quality products to the community while embracing the concept of sustainability through the promotion of local artists;

Whereas, the Hillside Market provides an eclectic array of retail goods and services to the Santa Fe community through a membership model of community partnerships, designed

REC'D
CLERK
RECORDS
MAY 13 2013
3:13 PM

to foster sustainable living through collaboration with crafts persons, artists, producers, tradespersons, dealers and others to carry locally-produced goods;

Whereas, the Hillside Market offers community supported agriculture, interior and exterior décor, pottery, furniture, art, antiques, jewelry and functional art;

Whereas, in conjunction with Sustainable Happiness Week, the Hillside Market will join many organizations to host a Community Day as part of the "Sustainable Happiness Initiative" for a day-long community celebration to enjoy music, storytelling, art-making, and receive helpful tips and information from Santa Fe County Fire Department, "green" businesses, wellness providers, educators and community groups.

Now, therefore, the Board of Santa Fe County Commissioners does hereby acknowledge and commend the Hillside Market for organizing a Community Day on April 21, 2013, for a gathering of family, friends and neighbors in commemoration of Sustainable Happiness Week. Approved, adopted and passed, on this 30th day of April, 2013. Signed by Chair Holian, myself, Commissioner Liz Stefanics, Commissioner Danny Mayfield, Commissioner Robert Anaya, County Manager Katherine Miller, and the County Clerk. So again, I want to thank all of you for allowing me the opportunity to read this into the minutes and for your support for Hillside Market. Thank you, Madam Chair.

CHAIR HOLIAN: Thank you. Thank you, Commissioner Chavez.

X. MATTERS OF PUBLIC CONCERN – Non-Action Items

CHAIR HOLIAN: We are now at that item, Matters of Public Concern. This has to do with non-action items. Is there anyone here from the public who would like to address the Board about an item that is not on our agenda for action? Okay. Seeing none, I am now going to call a short recess of ten minutes before we start on the Matters from the Commission, so we will recess until 2:40.

[The Commission recessed from 2:30 to 2:47.]

XI. MATTERS FROM THE COMMISSION

A. Resolution No. 2013-___, a Resolution Establishing a Water Policy Advisory Committee

CHAIR HOLIAN: I'd like to call the meeting back to order. It is 2:47. We are now on Matters from the Commission. I first would like to make a few introductory comments about this resolution, and then I will ask Commissioner Anaya for his introductory comments. Then I will ask for public comment on the resolution and then request a motion, and after that we can go on to discussion by the Board as to debate and comments and so on.

This resolution is very timely. I read not too long ago that we have had the driest 27 months on record in this region. Now, this is driest on record. We know that there have been extremely dry periods in the past and in fact I've read that at times our area was like the Sahara Desert. But as far as we know, this is as dry as it's ever been. We have been calling this a drought but I really question whether that is accurate anymore. When we call something a drought what we're really doing is implying that it's something unusual, which

REC'D
CLERK
RECORDED
2013/05/03

also implies that it's something that will end. This may not be the case now. This in fact may be our new normal, or close to our new normal. And if this is the case, or even if we continue with the historical trend of having periodic droughts, planning is more important than ever.

The way that we have gotten water in the past may not, in fact I would say will not be reliable in the future. Wells are going to go dry. I know this because they're going dry now. Wells in areas where I never thought they would go dry. For one thing, we have a lot more people living in this area than we ever had which means that the wells are being used much more extensively. I remember reading that in the 1950s we had 500 wells in all of Santa Fe County; now we have well over 7,000 groundwater wells. The aquifers are overused because of the population in this area, and at the very same time there's less recharge to the aquifers because we're having less snowpack in the mountains.

I have also just learned that even the BDD may not be a reliable source of water 12 months out of the year. I have heard that there are indications that it may be curtailed this summer because of the water levels in the Rio Grande. Even the San Juan/Chama water may be curtailed, and it won't be curtailed because of the sediment in the water due to the fires that occurred. It will be curtailed because there is just not enough water flowing in the river. So we are going to have to plan. We are going to be forced into this. And I think that we need to plan ways to have maximum diversification of our sources of water, maximum backup for our water, maximum reuse of our water – and that is actually the good news about water. Water can be used over and over and over again, unlike, say, fossil fuel for example. But water can be reused again and this is a possible source of water for us. Also we have to make the absolute most of rainwater capture in our area.

So I would just like to say that this committee, the way it is configured, can really help us here in the county – actually help us in the region, to devise strategies to get the best use out of our water that we can, and another really important thing that it can help us out with is community outreach. And I would say that everybody in Santa Fe really gets it, that we are water-challenged and that we have to be careful at how we use water, and I think that they want to know what's going on and what we're going to do, and I really see an important role for this committee in going out into the community and having those conversations. So I think that instituting this committee is very timely and much needed. Commissioner Anaya, would you like to add anything?

COMMISSIONER ANAYA: Madam Chair, I appreciate very much your comments and working on this advisory committee and allowing me to co-sponsor with you. I would echo your sentiment. I have received feedback associated with our last public hearing. I am going to propose an amendment to the committee that I think enhances the committee and assures that we have representatives from the appropriate parties. So I will just offer that amendment.

Under #2, Madam Chair, The committee shall be comprised of – and I'm going to propose two additional members, nine voting members appointed by the BCC, and those members shall include – and the reason, and I'd like to have some discussion about it, make sure your okay with it, Madam Chair, and have discussion about it as a Commission. But I want to make sure that we have those individuals that are dealing with water constantly, every day, represented on the committee. So what I'm asking that we include is a member – there shall be a member from a mutual domestic water association, a soil & water

REC'D BY RECORDS SECTION
4/27/13 10:00 AM

conservation district board member, an acequia association board member, a member from the southern Santa Fe County planning group, the Estancia Basin Planning Group, a member from the central water planning area, and a member from the northern water planning area.

And then three members – and I think we have two in the current resolution – three at-large members that could be representative of other groups. So I would offer that, Madam Chair, as an amendment to enhance and make sure that we have the key players that are from these groups sitting around the water policy discussion.

CHAIR HOLIAN: So Commissioner Anaya, let me just clarify this. So you're proposing a total of how many members?

COMMISSIONER ANAYA: Nine voting members.

CHAIR HOLIAN: Nine voting members. And I wonder if you would just sort of write that out for me so I would have a copy of that as we go forward in the discussion. So Commissioner Chavez, do you have a question?

COMMISSIONER CHAVEZ: I do. Thank you, Madam Chair. Commissioner Anaya, one of your constituency groups is the Estancia – how did you reference it?

COMMISSIONER ANAYA: The Estancia Basin Water Planning Committee. We actually – Santa Fe County actually funds the Estancia Basin Water Planning Group. We actually provide capital dollars to them for water testing and water planning in Santa Fe County.

COMMISSIONER CHAVEZ: So is that different from the Estancia Basin Resource Association? They're referenced in the material that's provided to us. So I'm trying to understand if there are two separate groups or if they're one and the same.

COMMISSIONER ANAYA: I think that they – I'm not sure. I don't know the answer to that question. Is there somebody here from the Utilities Department? Adam? I think one is the Estancia Basin Water Planning Group and one is the –

COMMISSIONER CHAVEZ: Resource Association.

COMMISSIONER ANAYA: I don't know if they're one and the same. My interest is that there be a representative – I would say the water planning group because we fund that particular group in Santa Fe County.

ADAM LEIGLAND (Public Works Director): Madam Chair, Commissioner Chavez, Commissioner Anaya, actually, the name that's in the resolution is intended to capture the group that you want and I was the one that put that name in there and so I got that name from Art Hagerman I believe. So I think that's the right name and it's the group that you're talking about.

COMMISSIONER ANAYA: Okay. It's the one we fund that Karen Torres actually staffs for Santa Fe County.

MR. LEIGLAND: Yes, I believe so.

COMMISSIONER ANAYA: Thank you.

COMMISSIONER CHAVEZ: Okay, and then Commissioner Anaya, does your list of associations include either the Santa Fe County Basin Water Association or the Santa Fe Watershed Association? I don't think it needs to be both but I think it should be one of those associations.

Santa Fe County Board of County Commissioners
Regular Meeting of April 30, 2013
Page 23

COMMISSIONER ANAYA: Yes, it would, Madam Chair, Commissioner Chavez. It would include at least one member from that, one of those or another association in the central region.

COMMISSIONER CHAVEZ: So I guess I just need to be sure we include either both or one of those associations for consideration so we'd be sure that we have representation in there as well. So I don't know if you'd be willing to add to your list.

COMMISSIONER ANAYA: Yes. Madam Chair, my intent is that we have a member from the southern portion, the central portion and the northern portion planning groups so, yes, it would be inclusive of one member from either of those two entities you just referenced. Or if there's another planning committee, one member that would cover that region, the central region.

COMMISSIONER CHAVEZ: Okay. That covers that concern. And then – but you have not excluded a member that would be nominated by the Buckman Direct Diversion Board. Right? All of that would stay in place.

COMMISSIONER ANAYA: What I'm trying to do with the resolution and whatever the Commission wants to add. My intent was to be explicit with certain members, so if it's the desire of the Commission to have a Buckman Direct Diversion member then let's make sure that they're on the committee, not that they may be appointed. So if that's the desire of the full Commission, then I'm fine with that. That if we want to make sure that a Buckman member's on there then let's be explicit and put it in the resolution. Then I would add it to my amendment that would include a member from the Buckman Direct Diversion project.

COMMISSIONER CHAVEZ: I would ask you to add to that list. Those would be my comments. So there is language change in here in our packet that says a seventh member may be nominated by the Buckman Direct Diversion Board. But I guess I wanted to be more explicit in that and say that a member would be nominated by the Buckman Direct Diversion Board and then ratified by the BCC.

COMMISSIONER ANAYA: Madam Chair, Commissioner Chavez, I don't know how the chair feels but I'm perfectly fine with that because I think the more key players that we're explicit about then the stronger the group is going to become.

CHAIR HOLIAN: Okay. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. I know we're not on discussion but since there is an amendment around membership I'd like to comment on the membership. I had – I support a variety of people on this and it was written so that we all were going to have a representative from our districts, but I actually believe I need at least two representatives from my district because every district – and I think it's exclusive of some of the organizations you're talking about. Because every district is quite unique. I have a water & sanitation district I'd like to be involved, but I also have several neighborhoods that are totally dry in terms of drinking water. And I think they represent two very distinct perspectives on water.

And so as we go forward, I am totally supportive of this but it's the membership that I would like to make sure – and this might be a group that's not seven or nine. This might be a group that's 15. I don't know. This is an important topic. Thank you, Madam Chair.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, thank you. Madam Chair, Commissioner Anaya, and I spoke to you on this, but Commissioner Anaya, potentially – and I want to make sure I'm careful on this – could folks be serving a dual capacity of, let's say there's somebody serving from the northern region and we could – I want to make sure we have equal representation. We only have so many positions. But if it's an acequia person, they could say, well, you have a northern representative and they may have the acequia experience so that person could fill both roles, thereby maybe we don't have that equal representation.

COMMISSIONER ANAYA: Madam Chair, Commissioner Mayfield, I think there could be a board member that serves in different capacities but I don't think that one individual should represent two seats. So my intent in the amendment is that there always will be somebody from the acequias at the table. There always would be a mutual domestic representative. There always would be those – a person from a planning group. So that's the intent. But yes, you're absolutely going to end up with people – you have Mr. Taylor and others that have served in different capacities. I think that's an enhancement, not a detriment. But I think the intent is that they're always at the table.

COMMISSIONER MAYFIELD: Thank you. And then on 7, talking about the composition of the board, and I did speak with Mr. Taylor about this, and I think, and maybe it accommodated some of my questions when this was developed. But as far as the – maybe the fourth sentence in, the seventh member may be nominated by the BDD or the City Council. My intent on that, because I know both City and County serve as representatives of that board but it was more of the at-large member that would serve maybe on this board, because that's kind of the independent member on the BDD. So it wasn't that either the City membership would serve or the County membership would serve. It would be the independent person of the City and the County BDD member that would be appointed. That's kind of where I was going with that membership.

CHAIR HOLIAN: Can I clarify this, Commissioner?

COMMISSIONER MAYFIELD: Sure.

CHAIR HOLIAN: You mean it would be the community member on the BDD?

COMMISSIONER MAYFIELD: Thank you, Madam Chair. The community member. That's where I was going and I don't know if it got in here like that. And/or it shouldn't be City staff, because I know in talking with Mr. Taylor he said, well, he kind of maybe wanted somebody from the City to be in that role just so that collaboration could happen, but that was kind of my intent and I don't know if it came out right. And that's all I have at this time, Madam Chair.

CHAIR HOLIAN: Okay. Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I would concur with all the comments made by the Commissioners. Commissioner Stefanics brought up a point about membership. I don't see expanding that even today being a problem. I think you're right. I think the more we hit the key areas and then have other perspectives then that's a good thing, not a bad thing. So would 11- I think 11 members is still a manageable group. Would 11 members help us get to where you're headed?

2013 APR 30 10:58 AM

CHAIR HOLIAN: Commissioner Anaya, could we save this discussion for when we start to debate this?

COMMISSIONER ANAYA: Well, I was going to move the amendment.

CHAIR HOLIAN: Well, we actually haven't even moved the resolution yet.

COMMISSIONER ANAYA: Well, I wanted to add to the resolution an amendment. So I think we would have to vote on a proposed amendment, and then consider the amendment rather it's acceptable or not, and then move on the overall ordinance, or resolution.

CHAIR HOLIAN: Okay. I would just say from my point of view I would like to have some more discussion first. I do have – I'll just have to tell you honestly, I have reservations about making a committee too large. I have had a lot of experience being on a lot of committees in my life, having worked at the lab, and I can tell you the larger a committee gets the less effective it becomes. So I see a better solution to this is to have a core committee which would create subcommittees, which would bring in people depending on what the subject is. So I would like to have a little more discussion on that before we actually move forward on an amendment.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Stefanics.

COMMISSIONER STEFANICS: On membership, it's always been my position so this is nothing different from other groups. We all have constituents in districts that want to be involved, and when we establish committees, task forces, etc. this is an opportunity for them to be involved. And that is not – and I am not negating the fact that there might be some specialized members that need to be invited to the table. But I wanted to make sure that we don't become exclusive when we start setting up groups on different topics. Thank you.

CHAIR HOLIAN: Okay. Thank you.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: And just so I understand as far as our – this is more of a general question, how our resolutions are moved, because this was moved last – a month ago. This is a five-week month. But this has already been moved, hasn't it? And Commissioner Anaya can add an amendment. This two-step process, how is it kind of working now?

CHAIR HOLIAN: Commissioner, it was just put into the record last time. It was not really discussed as to how we might amend it at that time.

COMMISSIONER MAYFIELD: So then it's still Commissioner Anaya's resolution.

CHAIR HOLIAN: Well, it's also my resolution, remember?

COMMISSIONER MAYFIELD: I'm just asking. So Commissioner Anaya could add to it, also you can add to it without it even having to be an amendment then, because it's in the record. I almost look like it can still be – Steve, I'm going to ask Steve that. It's still a work in progress because it doesn't even need an amendment to it. Because it hasn't been moved. That's all I'm getting at. This is our two-step process that we have opened up, Mr. Ross.

CHAIR HOLIAN: Would you care to comment on that, Steve?

MR. ROSS: Madam Chair, not really.

COMMISSIONER MAYFIELD: Mr. Ross, Madam Chair, we opened up this two-step process. If it hasn't been moved it doesn't even need an amendment. It's Commissioner Anaya and Commissioner Holian's resolution, Commissioner Anaya can add this to his resolution right now, is all I'm saying.

COMMISSIONER ANAYA: If I could, Madam Chair, just on this point.

CHAIR HOLIAN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I think – Commissioner Mayfield, I think that the resolution has been published and noticed and the purpose of the multiple process, which is good. It's providing an opportunity for feedback, is have an open discussion and then get feedback. The feedback I'm receiving is we don't want to be left out, right? Mutual domestics, community members, the soil & water conservation districts, the acequias, the ones I'm mentioning. So I think it's okay based on the fact that we published it to say based on that feedback I'm now suggesting X. So whatever form, Steve – what's the form. I'm using a formal form to say I'm proposing a change to a resolution.

MR. ROSS: Right.

COMMISSIONER ANAYA: Is that the appropriate way based on your experience is?

MR. ROSS: Madam Chair, Commissioner Anaya, we have this thing in the packet. We were drafting the packet. So you're proposing a change from what's in the packet, which is fine, but we need to figure out how to get those in the record. I think since it's yours and Commissioner Holian's resolution you can propose changes. You could even make a motion to approve the resolution with changes that you suggest, and then that would be – since it's your resolution there's no consent. Like if it was Commissioner Mayfield's resolution and he moved that the resolution be adopted, and then you had some suggested changes as a friendly amendment you'd have to get his consent for it but we haven't had any motion or anything at this point.

COMMISSIONER ANAYA: So, Madam Chair, on that point, do you see any downfall to having these members be a core part of the committee?

CHAIR HOLIAN: Commissioner Anaya, first of all, I would like to hear from the public to get some – to see what kind of feedback we get from the people that are here. After all, we're talking about listening to the public. And then I have a problem with having 20 members on this or a huge number of members. I would rather see a core group that would then create subcommittees, but I could live with a couple more members. So could we just sort of hear from the public a little bit first and discuss this further?

COMMISSIONER ANAYA: Sure, Madam Chair.

CHAIR HOLIAN: Okay. So at this point, this is a resolution. Is there any member of the public who would like to speak on this resolution? Please come forward and when you come to the podium please identify yourself for the record.

ROGER TAYLOR: Good afternoon. Roger Taylor from Galisteo, New Mexico. Madam Chair, Commissioners, I'm very gratified to hear this discussion. It sounds like everybody has a strong interest in this committee being appointed. It just sounds like some of the details need to be worked out. As I'm listening to some of the suggestions I think

2013 APR 30 PM 05:00:00

they're all very valid. Commissioner Anaya, I think all of those would be excellent representation and great sources of knowledge about water. Originally, when I was working on this on one draft with Adam Leigland we put in the Estancia Basin because I find them to be a real source of expertise in that knowledge, and not only just on water, but also from the viewpoint of agriculture, which is a very important component for them. So it's got several different viewpoints.

My biggest concern, if I wear a different hat, for many years as a senior executive in large corporations is where a lot of work gets done in project task forces. When you have more than eight or ten or even twelve people they start to get a little difficult to manage. So I would have a little concern about the size. Does it need to be seven? Could it be nine or ten? Yes. The difficulties you run into are sometimes coordinating schedules. The more people you've got to come to a meeting the more difficult that can be to try to get everybody coordinated to get the work done.

I also – part of the intent of this was to leave some flexibility to each of the Commissioners who know people of water expertise in each of your districts, which do have some unique characteristics in each of your districts to be able to say who they would think would be good on this.

So I think if I would look at it, listening to this I think I hear all good things, nothing I really disagree with, but maybe what I would suggest is think about who might be the core constituents, either by subject matter or by area, and then think about some subcommittees that you would have people either permanently or temporarily assigned to, so that you can manage the group and have all this expertise in there, but not have too unwieldy a large group doing everything.

I think when I was originally drafting this what I was thinking of with the number of activities, that the Commissioners, once you got your board together would identify the priorities to start with with that group, and then smaller sections of that committee would each take a component, and they may need to form a subcommittee for that expertise area. So just a few thoughts, and maybe that helps resolve what you're trying to wrestle with here.

CHAIR HOLIAN: Thank you, Roger. Is there anyone else who would like to speak on this resolution? Okay, seeing none, I will now open this up to – well, perhaps it would be a good time to make a motion.

COMMISSIONER ANAYA: Madam Chair, I'd move for approval of the resolution and then I'm going to offer – if I get second I'm going to offer a friendly amendment.

CHAIR HOLIAN: I will second that.

COMMISSIONER ANAYA: So Madam Chair, for discussion – Madam Chair, under discussion, just based on what we heard and taking into consideration all the comments – let me get to my page with the notes. I'm sorry, Madam Chair. I had the notes – here it is. Madam Chair, taking into consideration all the comments and even the size of our other committees – Katherine, or Adam, the Road Advisory is probably one of our most effective committees in the County. What did we end up with on our Road Advisory?

MR. LEIGLAND: Madam Chair, Commissioner Anaya, that has 13 members. Actually, if I may, I will mention that we've had trouble getting a quorum on that group in the past.

REC'D
CLERK
RECORD
MAY 1 2013

COMMISSIONER ANAYA: So Madam Chair, taking into consideration our existing committees, and based on Commissioner Stefanics' comments, and everyone's comments, I'm going to recommend on #2 that the committee shall be comprised of 11 members, and that one member shall be from a mutual domestic water association, one from a soil & water conservation district –

CHAIR HOLIAN: Commissioner Anaya, can I just clarify that. You mean from one member from a mutual domestic and another member from a water association. Is that correct?

COMMISSIONER ANAYA: No. One member – there's several.

CHAIR HOLIAN: Okay. But I'm just wondering if it's one from each of those or one from that whole category.

COMMISSIONER ANAYA: One from each of those entities.

CHAIR HOLIAN: Okay.

COMMISSIONER ANAYA: So one member from a mutual domestic water association, one board member from a soil & water conservation district, one member from an acequia association board, one member from the Estancia Basin Planning Group, one member from the central area, from a water planning group, one member from the northern area for a water planning group, and a member from the Buckman Direct Diversion project, and Commissioner Mayfield, did I hear you correct that the community member specifically? The community member specifically and Commissioner Chavez from the Buckman Direct Diversion project.

So I would offer that as a friendly amendment.

CHAIR HOLIAN: So are you putting this amendment under item #7 where these are enumerated?

COMMISSIONER ANAYA: Under item #2.

CHAIR HOLIAN: Because it's #7 where we already have an enumeration of where the committee members will be – what kind of expertise we'll have. Are you looking at #7? Because here it talks about what kind of expertise the individuals should have and where they should be from.

COMMISSIONER ANAYA: The reason I'm leaving it at #2 – we could put it in #7 but I want to be explicit in my amendment on those members.

CHAIR HOLIAN: Well, then #2 will conflict with #7, so we should rewrite #7 in my opinion. Or strike #7 and rewrite #2.

COMMISSIONER ANAYA: Commissioner Chavez, you had a suggestion?

COMMISSIONER CHAVEZ: Commissioner Anaya, I think it would be better to identify the number in paragraph #2, which is eleven, but then expand on that in paragraph #7 with the entities that you've listed, and then attach their specific background, because we want that to correlate. So I think if we cleaned up paragraph #7 with your amendment that would read better.

COMMISSIONER ANAYA: So Madam Chair and Commissioner Chavez, we can do that in #7 as long as we outline that those are – and Steve, you can help clarify that, that those are explicit members in seven and that the balance will be chosen as desired by the Commission.

MR. ROSS: Madam Chair, I think that that's clear on the previous page. Take a look at #3 on the previous page. You have to insert the right numbers there, obviously. No, that doesn't address that very well, does it.

CHAIR HOLIAN: Commissioner Anaya, let me ask you this. Should we possibly have discussion now and then put off voting on this until the next meeting when we actually clearly rewrite this resolution, so that we actually know what we're voting on?

COMMISSIONER ANAYA: Madam Chair, I think we're okay. I think the thing I'm trying to get across is pretty straightforward, that we want to target specific groups that have specific expertise and then have a balance of members, now that we're at 11, that helps us have broader representation. If the chair would like to defer it I think we can but I don't think we need to. I think we have the intent. Steve, do you understand the intent? The intent is to have specific members to go from 7 to 11, and I think the balance can be cleaned up now.

CHAIR HOLIAN: Well, Commissioner Anaya, I would be more comfortable if I knew exactly how it was reading and what we were actually voting on. Steve.

MR. ROSS: Madam Chair, if you want me to go work this out and bring a suggestion back.

CHAIR HOLIAN: Yes.

MR. ROSS: So let me understand the numbers. There are going to be seven unrestricted members and then an additional four that have specific – that have to be from specific groups? Did I get the math right?

COMMISSIONER ANAYA: My recommendation has there will be seven that are restricted – is that what you said?

MR. ROSS: I said unrestricted, but I think there's seven restricted.

COMMISSIONER ANAYA: Seven restricted and four unrestricted.

MR. ROSS: And the seven who are restricted represent – one, I understood the community member –

COMMISSIONER ANAYA: Mutual domestic water association.

MR. ROSS: Mutual domestics.

COMMISSIONER ANAYA: Soil & water conservation district.

MR. ROSS: Soil & water conservation.

COMMISSIONER ANAYA: Acequia associations, number three. Number four, the Estancia Basin Water Planning, the central water planning area, the northern water planning area, and the community member from the Buckman Direct Diversion project. Is that correct, Commissioner Mayfield, Chavez?

COMMISSIONER CHAVEZ: Yes. And then that would leave four, five that would be appointed by the County Commission? One for each district? Does that come to the 11?

COMMISSIONER ANAYA: There's four at-large, but the intent here is, like we've done with other boards and committees, we'll still be able to appoint a member as a Commission but like for example, my member is probably going to be from a mutual domestic, for example.

CHAIR HOLIAN: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. My concern would be erased if that number became 12. You identified your seven that you want to see, and then one person from every district.

COMMISSIONER ANAYA: [inaudible]

COMMISSIONER STEFANICS: But then that means the remaining five would be one person from every district.

CHAIR HOLIAN: Commissioner Stefanics, what if we just specify that out of that whole list that each district had to be represented in some way.

COMMISSIONER STEFANICS: That may or may not happen.

CHAIR HOLIAN: But we could specify that in the resolution.

COMMISSIONER STEFANICS: We've had many groups we've tried to set up. Like for example, Madam Chair, I've already received about – just from the introduction of this resolution, I've had eight individuals send me emails saying that they want to be on this. And I would say that out of those eight, seven of them don't fit one of these groups. So there is a high interest in the public, and I don't think that that's just from my district. Thank you.

CHAIR HOLIAN: No. As a matter of fact my district is so far kind of left out of this but hopefully I will get at least one person on there. I just am concerned a little bit about having something too unwieldy, that it doesn't actually accomplish anything, and it's just for show and not for actually accomplishing things. So 12 would really be the maximum I could live with and even then I'm uncomfortable about that. I think that it will be actually less effective if for political reasons people feel that they need that many people.

COMMISSIONER ANAYA: I'm okay with 12. If you're okay with 12 I'm fine with 12. So it would be the seven restricted areas and five, one from each district.

CHAIR HOLIAN: So, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, I just have some general questions with the whole resolution. So with that being said, with what Commissioner Anaya is introducing, some of #7 would have to be modified.

CHAIR HOLIAN: Yes.

COMMISSIONER MAYFIELD: I think we would know that as far as some of the City appointments, so that would have to be gone. Knowing also that staff – I don't think it was said in here but staff suggests serve as ex officio members. We've got that too? Okay. Just going to D. on the last page, and just so I can understand. I think this might have been a charge of the last water committee group, and I'm not saying I oppose this by any means but there was one clarification for me please. Explore the concept of an independent regional water authority or authorities. We kind of have that now with the BDD, don't we? Adam? Steve Ross? Can you give me some more clarification on that please. What's the intent of the – are we going to take something over? Is this group going to – it says explore the concept. So what does explore the concept of an independent regional water authority or authorities – I know – I'm just going to say this. There's potentially Aamodt. There's the BDD. So these guys – I don't think the authority can take over the Aamodt.

MR. LEIGLAND: Madam Chair, I think the intent was to look at something like you see in Bernalillo County or down south. Those are the two other regional water authorities in the state. So it's a joint – it's not just a matter – the City and the County are

2013/05/01 09:58:13 AM RECORDS

sharing a source of supply right now with the BDD and the Aamodt will be going north. So the intent of that paragraph is to have one entity that provides a full spectrum of service from diversion at the BDD all the way to bill collecting. So there won't be a City utility and a County utility. It will be a unified Santa Fe County regional water utility, which is what –

COMMISSIONER MAYFIELD: So how would this come into play with the Aamodt settlement, with our agreement with the pueblos that Chair Holian and this Commission signed or executed a while back?

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, I think that's a very complicated issue and –

COMMISSIONER MAYFIELD: I know it is and we have it in this agreement right now and I wanted an explanation please, before I ink my signature on this.

MR. LEIGLAND: Well, I think that's exactly why is just says explore the nature of it, because you'd have to – the range of issues would be – besides Aamodt you'd also have to look at, for instance, the way the Town of Edgewood gets their water. So I think the intent was to say this is a complicated issue. It is working in parts of the state. Does it make sense for this county and if it does, what are the issues we'd have to face, and one of the big ones would of course be Aamodt. The other one would have to be things like, for instance, the northwest well and other complicated issues.

So the intent was not to force one thing or the other, the intent was to say, hey, let's look at this and see what kind of questions are raised.

COMMISSIONER MAYFIELD: Okay, then are you – so I'll just leave that alone for now. And then let's go to F. Such other water-related topics. I don't mind that it's in there because we're going to have a lot of topics. One topic that I've brought up – it's no secret that I've brought it up. I've brought up the northwest well. And I'm going to be bringing it up a lot more and a lot often. This group, I'd like to maybe look at this group, and I don't know if there's a silent agreement with our City brethren or whoever – other operating authorities, but when people are filing applications with the State Engineer doing big water grabs, I'd like this group to maybe consider looking at these because if people don't get notifications and don't read what's printed in the newspaper and we miss an opportunity to file something, because either staff is busy doing something else. I'd like that to be one of the charges of this water group. So I'd like to see that included in here.

If there's big applications filed with the State Engineer's Office for some big water grabs, I'd like to see that as a charge for this water group, and I'd like to see some suggested language in here for that.

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, we wanted to do exactly what you're suggesting so one of the things the committee has is a specific work program.

COMMISSIONER MAYFIELD: Mr. Leigland, I don't want to see such as other water-related topics. I want to ask this as a straight out directive of this water task force, like included now. And I guess, Steve, I'm going to ask for some language that we put here. I hope this Commission will take this as a friendly amendment to this, but that's one charge I'm going to ask that this water group look at. So however you guys want to help me with this language, just please help me with this language. I talked with Steve about it. Look, I'm not

asking for if Adam Leigland wants to move ten acres from southern Santa Fe County to northern Santa Fe County or vice versa, that's not what I'm looking at.

But when somebody's trying to look at pumping a well for 1,400 acre-feet when we're limiting people to .25 in our Santa Fe County rules, that's what I want us to look at. I'm going to be straight when I say that. That's what I want this group to be looking at if the County misses it for whatever reason. Just to put us on notice. Hey, County, this application is out there with the OSE. Maybe you guys want to put this under your radar. And I need that to come to us timely so that we know about it. So however we can incorporate that, I'm just going to ask this Commission, please consider that as a friendly amendment to this task force. Thank you. That's all I have, Madam Chair.

CHAIR HOLIAN: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. So I'm a little confused by Commissioner Mayfield's request and I want to just clarify it. So it could be an item before F that says actions – I don't know. Steve, did you work up some language for the Commissioner? Or, Commissioner Mayfield, I just want to be clear of what you're looking at. Are you looking at actions that may affect – actions about water rights that may affect others?

COMMISSIONER MAYFIELD: Madam Chair, I guess what I was looking at is if somebody's filing an application with the Office of the State Engineer for big water grabs, and I guess that's their prerogative to do it. Anybody can file an application with the State Engineer. But if we miss the deadline of even filing a protest for that I think, Steve, what was the language that you indicated to me? That there's a – we can also file a letter of intervention but we can also file a follow-up letter of –

MR. ROSS: Madam Chair, Commissioner Mayfield, what I would suggest – this is another – what Commissioner Mayfield is suggesting is that the committee review new applications for appropriations within the county. Basically they keep an eye on the newspaper, go over to the State Engineer's Office and see what's going on, and make recommendations concerning that. So what I would propose to address Commissioner Mayfield's concern is you add another duty to the committee, which would be something like review and make recommendations pursuant to – pertaining to pending or new applications for appropriations within Santa Fe County. And then the committee can assist Karen and myself and Pego and John Utton to keep an eye on what's going on in our area.

COMMISSIONER MAYFIELD: But Madam Chair, Mr. Ross, I want to make it very clear. If an individual is trying to move a couple acre-feet from here to there, that's by no means what I'm trying to get at. If they're trying to move some surface water because they have a pre-56 well that's three acre-feet, that's not by any means what I'm trying to get after with this committee. So if this committee gets offended by me saying that, that's not what I'm after.

If somebody's trying to ask for 500 acre-feet in some area of Santa Fe County, City of Santa Fe, that's what I'm after. So a big water grab is what I'm asking that we look at, that we don't miss. If we have an opportunity that we have to intervene, that's what I'm looking at. So if Adam Leigland, Pego, Mr. Ross, if you know what that threshold amount of water is that we have to be cognizant of, that's what I'm asking for. Tell me that threshold of what's reasonable and what's not reasonable.

MR. ROSS: Madam Chair, Commissioner Mayfield, I don't know that there's any fixed number. For example, the Santa Fe Basin rights are more significant than some of the other basins, so if there's going to be a request to appropriate five acre-feet in the Santa Fe Basin, one might think that's a bigger deal than some place else. And maybe – the reason I wrote the language that I did is to leave it up to the committee to kind of weigh those things and give us recommendations. We could throw a number in there if you wanted.

COMMISSIONER CHAVEZ: If I could, Commissioner Mayfield. Maybe instead of getting caught up in those numbers I think that maybe, if I'm understanding what you're looking for, I think you want the committee to review any transfers for water rights or any applications that might go before the Office of the State Engineer that would impact Santa Fe or Santa Fe County's groundwater. Right? Is that in general terms?

COMMISSIONER MAYFIELD: Right. And what's – Commissioner Chavez, Madam Chair, I've recently been invited to communicate with some membership groups up in an area I represent, and they're concerned with the northwest well, of the application that was recently filed of how that northwest – and I'm going to bring in the northwest well to this because it's just the example. I'm sorry, Madam Chair, but I need to, of how that northwest well came on line. It came on line because there was a request that it be a temporary well to be used while the BDD was put into operation. And then lo and behold, I don't know and I don't have the number, the dates in front of me, I guess a year ago the City filed for a whole – not even an extension. They filed for a new permit for the well. And for perpetuity to go on. And I don't know if the County was aware of it or if the County wasn't aware of it. But it didn't come to the attention of this Board. At least it didn't come to the attention of me, and I'm wondering why.

And maybe if we had this group that looked at it, and they let us know about it I wouldn't be up here today asking these questions, but I'm up here today asking these questions and I'm going to be asking questions in a couple meetings from now.

But that's what I'm looking at. If the County's busy, I understand we are. But if this group could look at somebody putting a permit – I don't know – of 100 acre-feet or more – so I'll put that threshold in right now. A hundred acre-feet or more, if this committee comes back and makes a recommendation, look, we need to look at something of more significance or less significance, then we'll do it. So Steve, I'm going to ask right now that we put in 100 acre-feet or more.

CHAIR HOLIAN: Actually, Commissioner Mayfield, I would like to point out something. What we're doing by putting in something like that is we're making this committee responsible for reporting to us on these things, and I think – and what happens if they don't? What happens if something slips through the cracks and they don't? We're not going to discipline them. I think actually the recommendation for what they should be considering should come from the Board. And so putting a responsibility for a task like that on them is sort of inappropriate of keeping track of something that our staff should be keeping track of.

Now if our staff brings an issue like that to us, and then we –

COMMISSIONER MAYFIELD: Madam Chair, no, that's fine. Madam Chair, I'm just going to put that in as a friendly amendment. If people don't want to accept it they can vote it down. I'm not putting this responsibility on this committee by any means, and I'm

2013/05/03 09:00 AM REC'D

not passing any judgment on the County staff, but it seems like we missed that filing or missed that application on the northwest well. So if we have this group that looks at it I think that's okay. If they miss it, that's okay too. It's just one extra set of eyes that looks at it. If it's missed and it's a recommendation – all I'm asking is a recommendation. We have recommendation throughout this whole resolution. So I'm just going to put it as a recommendation that they try to look at it. If they see it, they let us know. If they miss it, so be it, they miss it, but it's just one other set of eyes that might be able to look at these applications of great potential water requests to the Office of the State Engineer of over 100 acre-feet.

If they are aware of it, they let us know about it, if they miss it, so be it, they missed it. And I'm not going to pass any judgment on them if they missed it, but hopefully they have the opportunity to look at it. That's what I'm saying.

CHAIR HOLIAN: Are you through with the floor now?

COMMISSIONER MAYFIELD: Yes, I am Madam Chair. Thank you.

CHAIR HOLIAN: Okay. Commissioner Chavez, then Commissioner Stefanics.

COMMISSIONER CHAVEZ: Well, Commissioner Mayfield, I have been following the northwest well also. I've been contacted by members of the public that were hoping that I would testify at that hearing before the Office of the State Engineer. I think that it's been on the County's radar but the County was not comfortable protesting because we have an agreement that said that – I think Steve can correct me if I'm wrong, but we have a standing agreement between the City that we would not protest these applications. Maybe that wasn't the best position to take at the time but that's where we are. So we were very cautious. I individually and the County collectively was very cautious in how we engaged in that conversation. Okay? So it's not been totally ignored. I think that the committee should look at those applications. I agree with you in part with you on that. But I don't know that we want to give them a specific number to target, just that they would be aware of those applications that go before the State Engineer, they should be scrutinized and we should get some feedback from them on what our position would be. So I'm there with you on part of it, but I'm – you're losing me on the other part. So I think we need to balance that just a bit. So that's all I had, Madam Chair.

CHAIR HOLIAN: Commissioner Stefanics.

COMMISSIONER STEFANICS: Madam Chair, thank you. One of the things I was going to suggest is some language for the committee that might be something like identify and flag water applications that might affect the County.

COMMISSIONER MAYFIELD: If that's a motion I'll second that, Madam Chair.

COMMISSIONER STEFANICS: That it might just be a generic other recommendation for what the committee could look at.

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: I would accept that. Would you accept that as a friendly amendment? To let them look at applications as Commissioner Mayfield, Commissioner Chavez, and Commissioner Stefanics brought up just now?

SEC OF BRN RECORD 55/03/2013
11:48:08 AM

CHAIR HOLIAN: To a certain extent. I think that we just shouldn't put the responsibility on the committee for identifying these kinds of issues. I think that the request for them to consider and make recommendations on these sorts of things should come from the Board.

COMMISSIONER ANAYA: And I would agree with that and I think what Commissioner Stefanics suggested in summary to Commissioner Chavez' remarks and Commissioner Mayfield's remarks captures that, that it's not a directive or a requirement or obligation but a desire of us for them to help us.

CHAIR HOLIAN: Correct.

COMMISSIONER ANAYA: So we're okay with that?

CHAIR HOLIAN: Well, the direction should come from the Board. Well, I would like to see the entire resolution before we vote on it.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: I believe that one of our attorneys is working on redrafting it, so we can go on with discussion or we could talk about the next resolution and then come back and vote on this later. Commissioner Mayfield.

COMMISSIONER MAYFIELD: And just on that point. And I'm going to really want some more clarification on F. Such other water-related topics and issues as directed by the BCC. That's really broad then. Are we going to give them direction? Are we not going to give them direction? We have left F so broad. Are we going to come back every other meeting and give them some direction of what to do? What direction to do? Because that's really broad.

COMMISSIONER ANAYA: Madam Chair, on that point, if I could.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Commissioner Mayfield, maybe we could retool it a little but I actually like the fact that it's broad for this one reason. I think it was Mr. Bacon at the last meeting, David Bacon brought up something that the Forestry Service was doing associated with watershed planning, and they were seeking some feedback and input. That's something that we don't necessarily know is coming down the pipeline. But under F we could come in and say at a Commission meeting, we could say, you know, it was brought to our attention by the committee or by somebody in the public that this item is coming up and we'd like you guys to take a look at it. So on that, I actually see that as an opportunity for us as things arise that might be short in time or need some attention. So that's my take on that one.

CHAIR HOLIAN: Commissioner Stefanics, did you have –

COMMISSIONER STEFANICS: No, I was just trying to suggest language. And I also was looking at #10. I think that #10 actually identifies how often the group is going to come to us. It talks about creating a plan within so many months, that they come back and talk with us and I'm sure that we could make that twice a year if we really wanted to, but it seems that the people who get involved with this committee is going to be – the interest is there. They're going to get involved and they're going to tell us what they want us to pay attention to.

CHAIR HOLIAN: Thank you. I fully agree with that. So at this point I think that we've had plenty of discussion on this. I think our attorney is still working on drafting

OFFICE OF THE COUNTY CLERK
SANTA FE COUNTY, NEW MEXICO
4/30/2013 11:13 AM

the wording for this. So what I suggest is that we move on to the next resolution and then we can come back to this with the clean resolution which we can inspect and vote on. Is that okay with everybody? Okay. So we are temporarily setting this item aside and we are moving on to item XI. B.

[Continued on page 55.]

XI. B. Resolution No. 2013-40, a Resolution Creating an Asset Management System for County Facilities

COMMISSIONER CHAVEZ: Thank you, Madam Chair, and I'm going to defer to staff on this one for most of the presentation, but I will read just the title into the minutes. It's a resolution creating an asset management system for County facilities. Adam, would you walk us through it? I know you have a presentation and information that you want to share with us, so if you could do that first.

MR. LEIGLAND: Madam Chair, Commissioner Chavez, yes. The best analog for this is the road management system that we use, which if you recall for instance from annexation discussions is called PASER, and that is a way of numerically identifying the condition of roads, and then we use that system to prioritize and inform investment decisions. So the intent of this – so that has allowed us to have a road asset management system and this Board saw a presentation of our road network back in November 2011 with a list of all the roads and their condition. As I said, we've used that – actually another item on this agenda is a grant we received from the government on the basis of that asset management system.

So the intent with this policy is to create a similar system for our facilities. The County has almost a million square feet of facilities in a wide range of uses and conditions and so we wanted to create some sort of numerical method that we could compare apples to oranges so that the Commission could make some good, informed investment decisions when it comes time to invest in our facilities. So what this process does is one, create such an index, and it includes a whole list of categories.

The Facility Condition Index is something that is standard in the facility management industry. In fact we borrowed from the International Facility Management Association when we looked at this. But one thing, the County facility portfolio is so diverse that we expanded the criteria to go into it, as opposed to, say, what a large, like a GM for instance who uses it, their plant tends to be similar in nature so they didn't have to have such a diverse number of criteria. So we put criteria, its use, its location, its age, those sorts of things to produce a number, and then that number will be reported to the Board on a regular basis so you can say, okay, this is what the condition of our facility inventory is and then you can make investment decisions. And then it also describes a process where that FCI, the Facility Condition Index is used and it talks about capital investment in those, and it talks about how often the Board will see the results of that and it ties explicitly with the asset inventory that was created under Resolution 2013-1. That created an asset inventory of everything the County owns. This resolution explicitly ties to that so that not only will we have the attributes of every County facility but we also now have the description of its condition.

CHAIR HOLIAN: Thank you, Adam. Questions?

SFC CLERK RECORD 05/03/2013

COMMISSIONER CHAVEZ: Follow-up, yes. Thank you, Madam Chair. So Adam, the background summary mentions that the County has over 84 facilities comprising over 850,000 square feet, spanning a wide range of function, age and condition. You mentioned a few of the facilities like the new completed, state of the art courthouse, over 30 fire stations, the adult detention facility – but I don't see the youth detention facilities specific in here, but it's one of the facilities that we're responsible for.

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

COMMISSIONER CHAVEZ: So this then will inventory the 84 facilities that we have, and it would be current, which I think up until now we really didn't have that current list. So we'll be working on that. And what's important to me is that the condition of our County facilities is important for several reasons, including the health and safety of our employees, the productivity of our employees, utility expenditures, and constituent or customer satisfaction. So those are some of the reasons we want to do this, why it's needed? So I just wanted to touch on that a little bit and touch on the fiscal impact, because we do know that we're going to have to spend or invest initially \$100,000. We'll do this through a contractual basis to develop the Facility Condition Index, and it will be done for I believe about 20 of our County facilities? Adam, is that –

MR. LEIGLAND: Madam Chair, Commissioner Chavez, yes. We've identified talking across the County, we've identified those 84 facilities, we've identified what we think are sort of the – either the top 20 or the representative 20, and so we're planning a contract effort that will assess those 20 and then of course the assessment, the FCI will be developed and also staff will be trained to know how to assess the facility, because assessment is a bit of an art. You don't want it to be so in-depth that it takes you days and days for one facility, but on the other hand you want it to be done somewhat thorough so that it's actually useful. So we think there'll be a training component as well. And you mentioned the number 20, we have a list of 20 facilities.

COMMISSIONER CHAVEZ: So then would the first – with the initial contract, once we've developed that then you're saying that we would be able to train staff in-house to keep that Facility Condition Index updated. Correct?

MR. LEIGLAND: That is correct.

COMMISSIONER CHAVEZ: Okay. So then in addition to the money that we'll be investing for the initial Facility Condition Index, I did talk with you about utilizing staff expertise in developing that first scope of work, because we have a lot of experience in our staff and in each of these facilities where they work, they know what works and what doesn't, so we have that asset that we can tap into that should help move that work along. And so you'll work – you'll be sure to work that component into the contract as we move forward with this.

MR. LEIGLAND: That is correct. As you mentioned, Commissioner Chavez, we have experts. The Fire Department does a very good job doing capital planning. The Corrections, who as you know are in that facility day in and day out, and also have a very good idea of how it's used. So you're exactly right; we can tap into existing staff and their expertise and experience.

COMMISSIONER CHAVEZ: So I just wanted to touch on a couple of those details and I'll yield the floor. Thank you, Madam Chair.

CHAIR HOLIAN: Any questions? Commissioner Stefanics, then Commissioner Mayfield.

COMMISSIONER STEFANICS: Madam Chair, on page 2 [inaudible] I think staff will create [inaudible] That's it.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, thank you. Madam Chair, either for staff or Commissioner Chavez, just a couple questions. Something that I brought forth, Resolution 2013-1, Adam – because I think they go hand-in-hand and I know you made a couple references to my resolution in this. Where are you in that? Because you're only identifying the 84 facilities. So that's all we have?

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, yes. The 84 was the best data I had when I wrote the resolution, but the 2013-1 resolution, we're in the middle of that right now. A lot of it – in that particular process a lot of it is just determining the best way to store the data. Your resolution makes reference to GIS being the repository so we're working with that and determining what attributes –

COMMISSIONER MAYFIELD: And Madam Chair, Mr. Leigland, so we don't go any further with that, but could we have more than 84 facilities? Or your comfortable that we only have 84 facilities?

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, we could have more than 84. The 84 facilities – actually, I'll tell you there are more facilities but some of those facilities are things like sheds. Actually one of the things we're doing in the course of preparing your resolution is determining the nomenclature, determining what exactly constitutes a facility. So this resolution is really a building that people inhabit and use. It's not going to be – for instance we have out near Agua Fria we have a small shed that our open space maintenance stores their equipment. That's not really intended – that's something that would be on a County asset inventory because it's something we own, but it's not something that meets health and safety of constituents, health and safety of employees. So that's not what would be included in this 84. So this 84 is things like this building, the senior centers, buildings where people are actually in and working. So there might be a nomenclature issue. So I think that depending on what you call a facility there would be more than 84 but to meet Commissioner Chavez' intent of health and safety, customer service, that number 84 is a good number I think at this point.

COMMISSIONER MAYFIELD: And I wholeheartedly support Commissioner Chavez in protecting the public safety, health and welfare of all our employees and out constituency that walk in the door, but even a facility that supports [inaudible] If we don't maintain those facilities in the long run we're going to be paying a lot of dollars. I know we had a facility that had some water leaks and we sustained a lot of damage, incurred a lot of cost and staff time. So I'm going to get to that and I'm going to get to the FIR, because I think your FIR is grossly estimated in cost dollars and I'm glad we're doing FIRs now because we should really understand our cost implications.

But let's look at the resolution. As in the resolution, on 3, under what the Commission is resolving, as an average of 60 percent of total County capital funds being used – so that's what you're proposing that from here on out we're going to identify 60 percent of our capital funds to be used for facility maintenance? That's forever now?

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, that's correct. So of our capital, when we come to you for capital planning, a rough number of 60 percent will be allocated toward –

COMMISSIONER MAYFIELD: So what are our capital funds? Give me just kind of a visual spreadsheet right here. What are all our capital funds used for right now, today?

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, well, turning to the road bond, we have \$19 million of road, and almost all of that, except for \$5 million for the southeast connector, all of that is the investment in existing facilities. So you could say there that that's about a 25 percent. 75 percent is investment in existing assets and 25 percent is in new.

COMMISSIONER MAYFIELD: But the Commission made that determination though of how we wanted those capital funds to be divvied up. Right now in this resolution we're taking 60 percent off the top and putting it all for facility maintenance, forever. Based on what we passed today.

MR. LEIGLAND: Commissioner Mayfield, I think it says is not facilities. I think it says investment in existing assets.

COMMISSIONER MAYFIELD: Okay, then help me and really clarify this for me, because I'm totally not understanding it.

MR. LEIGLAND: Well, the County owns a whole portfolio, so we have almost a million square feet of facilities. We have 576 miles of roadway for instance. So the intent of that is not that it will be just for facilities but it will be in existing assets.

COMMISSIONER MAYFIELD: Okay. So even on 3 then, and looking at your FIR, Adam, you're identifying just general fund. We have facilities that have either been purchased with other dollars. We have our Corrections building. Those are self-generating revenues. So I mean are we looking at breaking out special revenue funds, just different bonding fund money. We have different revenue sources. I'm glad we have Teresa there in the back. Maybe she wants to come up to answer this question. Are all these 60 percent just coming out of general fund? Because that's how your FIR is stating it. Or at least how I'm reading the FIR. Maybe I'm reading the FIR wrong. So we can get to the FIR now in a second.

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, do you want me to address the FIR or do you want me to address the 60/40?

COMMISSIONER MAYFIELD: That 60 split, yes. Is it just coming out of general fund?

MR. LEIGLAND: It's meant to be any kind of capital funding. So that could be the bond, that could be the GRT, that could be general fund. I guess those are the three primary sources of capital funds. A grant would be specific to what the grant says, so that would probably have to be exempted. But it's going to be bond, GRT and general fund are the three primary sources of capital funding.

COMMISSIONER MAYFIELD: I would definitely like more clarification. For me, I don't know if that has to be a friendly amendment or how be it, but just for that to be a little more deliberately spelled out. And now I'm going to go –

COMMISSIONER ANAYA: Madam Chair, on that point.

CHAIR HOLIAN: Actually, only if Commissioner Mayfield – would you like to yield the floor?

COMMISSIONER MAYFIELD: I'll yield the floor as long as it comes back to me after I've yielded, Madam Chair.

CHAIR HOLIAN: Okay. Then how long do you want to yield the floor for?

COMMISSIONER MAYFIELD: For as long as Commissioner Anaya needs it.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I think the specific question you asked about the percentage, you made a comment about the percentage of dollars. We've had numerous discussions on this Commission. I know Commissioner Stefanics has brought it up time and time again about having resolutions that pre-empt the budget process and our desire not to do that. Are we doing that here after we said we're not going to do that? Why? If that's okay. I know we had discussions about priority, but I think we've said time and time again that we didn't want to pre-empt the budget process. And that's the only question. Because we've had this – we've been down this road before and it seems like within the resolution we said that set priorities, that set directions we want to go but we didn't want to apply dollar amounts. So on that point, why are we doing that if that's something that we said we weren't going to do? I'm not asking the Commissioner; I'm asking staff who knows – who knew that we had had that process. Did you give Commissioner Chavez that advice? Or – I'm confused. On that point, on Commissioner Mayfield's point or question.

MR. LEIGLAND: Madam Chair, Commissioner Anaya, I was asked to just put in some guiding principles on the allocation of resources so the number was put forward before you.

CHAIR HOLIAN: Okay. Commissioner Mayfield, you still have the floor.

COMMISSIONER MAYFIELD: Okay. Madam Chair, just by recommendation, I'm just going to ask that after "extent possible" we put in a period and strike the rest of that language. So that will be a recommendation that I make. And then, as far as the FIR, Mr. Leigland, on the FIR, and I do appreciate that we have the FIRs in our packets now, so on the fiscal impact report – and there's nothing filled out on the first page. So on the second page, we're looking, I guess, at hiring a contract to perform this analysis for us, and we're identifying \$100,000.

MR. LEIGLAND: That is correct.

COMMISSIONER MAYFIELD: Okay. Now, if I go into the additional narrative, so this FIR is not even telling us, even coming close to what this cost is going to be for the County. So truly – and I guess maybe this is a question for our Manager, and this goes back to our FIR process. So this is not a true reflection of even this policy that's coming to us. And Adam, this is no reflection on you doing this FIR. Maybe it's a question for Teresa on this FIR process. So we're only identifying a sum for a contractor in this FIR. But this FIR is having no impact of the true meaning of this policy. It's not projecting what this policy is going – is identifying any cost of what this policy is going to be for this Commission.

We've anticipated that we might want to spend 60 percent, but we haven't said how much staff time this is going to take, how much resources it's going to take, so honestly, I think we're putting a policy in place that we haven't even identified what this is going to be

recurring for the County from here on out. My thoughts on this is maybe we look at doing a contract, if that's what we need to do, for the \$100,000. Get that information back from the contractor, and then that's where we would get the meaningful FIR.

Again, I wholeheartedly support Commissioner Chavez saying we need to do some facility maintenance with all our buildings. But we haven't even come close to identify how much that's going to cost us year in and year out. I guess I would go to Adam right now, what does it cost – we're in the County courthouse. Let's look around this building. What's it costing us for maintenance right now? And I think a true FIR would tell us. Right now this downtown County courthouse is costing us x to maintain. Right now. That's not even with going through this building. I think, and I applaud Commissioner Chavez for doing it. He moved some of his money into another building that needed some dire improvements. How much money did that building need and how much does it still need to improve? But why isn't that FIR identifying that?

So we're asking to support a policy piece of legislation again that's not getting us to identifying the true numbers. So why is that? And Adam, maybe you can't answer this. But we have just been given an FIR that says give us \$100,000 for a contractor. So I'd really like an answer to that.

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, the FIR is the fiscal impact of adopting the policy. The policy – the cost of adopting the Facility Condition Index is we estimate \$100,000 for a contract. That's what the FIR is for. The FIR will definitely, if we adopt this process, it will highlight the further investment decisions down the road, but the FIR is just for the decision that the Board has before it which is to adopt a policy. And in the course of the policy it will identify needs.

Now the other side of the equation is that the fiscal impact of this in a way is going to be neutral because the Commission is not going to be spending more or less money overall; it will just be re-allocating its investment decision. So it has a finite pot of capital funding to allocate. This process is to help the Commission to decide how to spend that money. You have \$35 million of bond money. That number had a ceiling, and this Commission decided to allocate it across a certain way, and you did that with the help of, for instance, the PASER thing. So this is just to help you prioritize your decisions. It's not going to necessarily – which is why we didn't put that in the FIR – it's not going to necessarily cause you to spend more or less money.

As far as staff time, in a way we're doing that already, but we're doing it in an ad hoc fashion. We go out there and we say we need this and this. This is just formalizing the process of staff time inspections that we already have. So that's why we did not include x staff time. We didn't actually see if we get the training that we need, we won't necessarily see a big drain on staff and actually we saw that it might actually be a decrease in staff time because that way we don't necessarily need to be doing a lot of breakdown repair because we will have identified it, and breakdown repair as you know is more intensive both in cost and in time. So we're thought that we could get ahead of that and would actually free up staff time because preventive maintenance is more efficient.

So I'm just trying to address your question why there isn't more of an FIR. Maybe it's more of a philosophical discussion. But I just wanted to let you know what was input in that FIR.

REC'D CLERK RECORDS 4/30/13 11:33 AM

COMMISSIONER MAYFIELD: No, I appreciate that, Mr. Leigland, but even with what I just heard you say there. We have \$35 million in bond money. We went out to the public and sold the bonds how we sold the bonds, but now I'm kind of hearing, now we're going to kind of move your bond money around a lot from maybe how we sold them to you to approve them. That's what I'm kind of hearing right now too. I see Teresa shaking her head back there, so Teresa, you can say it different if you want so come on up and tell me different.

TERESA MARTINEZ (Finance Director): Madam Chair, Commissioner, I'm nodding my head because very clearly we went to the voters with a distinct number of questions and dollar values, and very clearly we will stick to that. So I'm nodding my head saying there will be no rearrangement. We need to stick to what we –

COMMISSIONER MAYFIELD: So then Adam – I'm not asking you to contradict what Adam said, but Adam just said on the \$35 million we can kind of –

MS. MARTINEZ: Madam Chair, Commissioner Mayfield, that's not what I'm talking about.

CHAIR HOLIAN: Katherine, would you like to chime in here?

MS. MILLER: Madam Chair, I think if you look at point 3 in the resolution it says at the point of doing the Facility Condition Index, number one, it just ranks our facilities so we know which ones are worse, and then it says to the extent possible with an average of 60 percent of total capital funds being used to upgrade the existing capital assets. So if we're doing upgrades, which is not the bond money except for what those questions are, but that we put in that we look at that list and as we make recommendations. So we would have all the facilities on there anyway, and you're going to make budget decisions each year. Every Board will make budget decisions, and we're saying that you would consider when that list comes out that 60 percent of the amount of capital funds that you're using to upgrade existing facilities, whatever that amount is. If you want to do a million dollars in a particular year for upgrading capital facilities, for upgrading facilities, then you would try to take \$600,000 of that or 60 percent of it and allocate it towards the ones at the top of the needs list instead of one that's at the bottom and might not need it as much as the ones that need it. That's what it says.

So that dollar amount, what Adam is trying to say is you're not allocating any future dollars. If you allocate nothing to upgrading existing facilities then this doesn't really apply. But it's a budget – what the purpose of it is to help guide budgeting in the future by being able to see which ones are at the top of the list in the most needed of maintenance upgrades, and that Facility Condition Index will tell you that, versus just picking one of our facilities off the list without knowing what the actual deficiencies of the facility are relative to all the others.

So that's what the purpose of creating the Facility Condition Index is. Another entity in the state that uses this really effectively is the public school capital outlay committee and facilities authority. They rank all 800 schools in the state. It's probably more than 800 now, on a ranking that says these are the ones in the worst need. And then they'll set a policy that says, okay, we'll accept applications from the worst 100 for the year, because we don't have enough funds to do everything. So it's just a guide. But it doesn't mean all 100 of those or it doesn't force any particular decision other than we know the ones in the worst condition and

REC'D CLERK RECORD 05/03/2013 11:27:28 AM

that's where we should allocate the majority of our funds. That was the intent of how this Facility Condition Index would work, but it doesn't bind you to any other future budget decision, other than you would try, when you do upgrade facilities, to put a majority of it to the ones needing the most upgrades. If that helps.

CHAIR HOLIAN: So, Commissioner Mayfield, do you have any other questions on any other points?

COMMISSIONER MAYFIELD: One last follow-up. So Katherine, thanks. And again, I just saw the total amount. It just said an average of total County capital funds, so maybe just how the language is written and how I interpret it. Nobody spoke to me about this and I didn't call anybody about it. And then I guess the last question, Adam or Katherine, Madam Chair, of the \$100,000 for the contractor, going out for RFP, where is this money coming from, this \$100,000? It's coming out of your Public Works money? You already have it? It's coming out of special funds? Where's it coming from?

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, I think we're going to pull it out of some unallocated or unspent capital funds from FY 13. So in FY 13, for this budget cycle you had allocated a certain amount for capital and all of it wasn't expended, so we had some left over.

COMMISSIONER MAYFIELD: You're going to get me on another – start me off on another question now as to why they weren't spent and how much we haven't spent down, but that will be for our next meeting. Just so you know everybody will be safe on this one. So get ready for that question. But on that, Adam, so do you – does our Public Works even done any of this facility studies? Do we know what shape any of our buildings in right now? Do we need a contractor to do this for us?

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, we have a pretty – we know bits and pieces, for instance the facilities that you brought up, and I totally agree with you. I think this building needs a lot of work. And we know sort of on an unintegrated fashion we need to do a little bit in the IT room for instance. We know we had a couple water leaks in this building. But we don't really have a good idea of what the overall plumbing system looks like. When we have a focus on a building, the County Health Building on Letrado for instance, we know that needs a little bit of work just because we've been spending a lot of time fixing it. We know that some of the senior centers have, as you well know because we're spending time. But we haven't sat down and definitively assessed all of them, but not only that, but compared them across to each other, because I think that's the hard work, finding the resources. As Katherine mentioned, resources are limited so you have to have some sort of [inaudible] the most urgent need to the top. And that's the intent of this.

So really, it's not so much knowing what work needs to get down, because we know that. Because we're out there every single day fixing things. This is really creating a process to take that and boiling it down so where you can compare apples to apples and putting it in a framework to inform decision making. So the purpose of the contractor was to – another thing is we wanted to come up with what we perceived would be a neutral condition index so it wouldn't be perceived as some sort of bias, and then also we felt that we wanted there to be some benefit to have someone teach us to quickly assess a building in an effective but not too time consuming way.

COMMISSIONER MAYFIELD: So, Adam, just a suggestion, and again, just a suggestion. So instead of hiring a contractor on a one-time shot, why don't we hire a permanent FTE? I'm assuming there's some expansion in your shop that's needed. Let's give somebody a job that they didn't have to be another high-salaried individual, it could just be somebody that could do this job and then somebody that could stay with it indefinitely. Somebody that we hire, we bring in who already knows what you have laid out, this map work, and somebody that could just stay with it. We do the management of what this building needs, what every other building needs, and then they're here within the County always to stay with it. That's just my suggestion. Maybe look at a permanent FTE that we give a job to in this County. And that's all I have, Madam Chair. Thank you.

MR. LEIGLAND: And Madam Chair, may I respond to that? I just want to mention, Commissioner Mayfield, we've done that. This Commission created a position –

COMMISSIONER MAYFIELD: Then why do we need a contractor?

MR. LEIGLAND: The position manages it once it's created.

CHAIR HOLIAN: Okay. We will go on now to other questions.

Commissioner Stefanics, I believe you had some, and then Commissioner Chavez.

COMMISSIONER STEFANICS: Madam Chair, I had – when I made my first comment, I did have the same issue with the 60 percent, and I would feel much better if we just took out that “with an average of 60 percent” and leave it to the budget process. So that was my only other comment. Thank you.

CHAIR HOLIAN: Thank you. Commissioner Chavez.

COMMISSIONER CHAVEZ: I didn't think that acknowledging that 60 percent of our total capital outlay funds are being used to upgrade existing capital assets. I think that we should be aware of that. We're not saying that we're committing 60 percent of the budget specifically for that but we're acknowledging that an average of 60 percent of the capital funds is being used now to upgrade existing capital assets. That's not going to go away. The fact that we have not identified operation and maintenance money for our facilities is part of why I brought this forward. Commissioner Mayfield, you asked why I brought this forward, how much we spent on the Human Resource Building, so I'm going to tell you why.

I agreed, myself and Rita Maes, my assistant, agreed to move out of the administrative building that we're in now. We got bounced between the Women's Health Service Building and HR. One we're renting and one we own. Right, Adam? We're renting the Women's Health Service Building?

MR. LEIGLAND: Madam Chair, Commissioner Chavez, actually we own it and then Women's Health leases it from us.

COMMISSIONER CHAVEZ: Okay. Then we also own the Human Resource Building where my County Commission office will be in. I had a very rude awakening when I walked into that Human Resource Building because I will say that on the record, and it's no reflection on staff. It's just how things are. That building was infested with mice. That building was not on the list of inventory for liability. I agreed to take \$100,000 out of the money that we have set aside for our districts to invest in that building so that our employees have a safe and a healthy environment to work in. So one thing led to another and it got me thinking about the rest of our facilities, the condition we have our staff working in and the

SFC CLERK RECORD CENTER

fact that some of our facilities also interface with the public. So that's the gist of why I'm working on this resolution.

We can get caught up on the specifics of the dollar amount on the fiscal impact and yes, it is \$100,000. And by no means was that meant to indicate that that \$100,000 would fix all of the problems for all of the 84 facilities that we own. No. That's not it. The \$100,000 for the contract will help train staff or help further staff's training so that we can bring this in-house in the future and be experts at doing it. We don't have the staff training or the expertise to do the Facility Condition Index that we're looking for. So with all due respect, this was my best attempt to try to get this on our radar so that we can deal with not only the conditions of this building that we're in now but all of the facilities Countywide.

So I guess if you want to take out the language acknowledging that we're spending 60 percent of the capital outlay for upgrading existing facilities. That can go away, but we're still going to have to deal with that in our budget process. So I just wanted to explain my reasons for bringing this resolution forward and for working with staff to at least have this in our packet. Thank you, Madam Chair.

CHAIR HOLIAN: Thank you. So I think at this point, before we go into further discussion and debate and so on, I'd like to turn to the public. This is a resolution. Is there anyone here who would like to speak on this resolution from the public? Okay, seeing none, what I would like to have at this point is a motion. This has been presented to the Board before, so we will vote on this today, and so I would like to start with a motion. Commissioner Chavez.

COMMISSIONER CHAVEZ: I would like to make a motion to approve a Resolution 2013-40, a resolution creating an asset management system for County facilities.

CHAIR HOLIAN: I will second that, and now I will open this up for more discussion and debate. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair, and I actually do support this resolution. I would feel better about it if we just put a period after the "to the extent possible" without any reference to an average of. This sentence doesn't say we are currently using 60 percent. This sentence says shall adopt. And that's what concerns me about budget process. So if we just put a period, excluding the average of 60 percent I would feel perfectly comfortable and I hope that the maker of the resolution would accept that.

CHAIR HOLIAN: Thank you, Commissioner. Commissioner Chavez, as the seconder of the motion, would you be amenable putting that information into the whereas statements?

COMMISSIONER CHAVEZ: Actually, that's not a bad idea because it's not going to go away. I think we need to acknowledge that, so, yes. That would be perfect.

CHAIR HOLIAN: Okay. It was a friendly amendment. We get to decide whether we want to accept it or not.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR HOLIAN: So, Commissioner Stefanics, would you be amenable to putting that information into the whereas part of the resolution?

COMMISSIONER STEFANICS: I'm fine with that. The "shall adopt" including 60 percent is what's my stickler. So that would be just fine

SFC OF COV RECORD 05/03/2013

CHAIR HOLIAN: Okay. So does the maker of the motion accept that? And I accept that as well. So we'll put that information into the whereas statement and we will strike in item 3 "with an average of 60 percent of total County capital funds being used to upgrade existing capital assets and in one, we will strike the word fee, as well, if that's okay with the maker of the motion.

COMMISSIONER CHAVEZ: Right. Yes.

CHAIR HOLIAN: Okay. So we have a motion and a second on the floor. Any further discussion or debate?

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Not debate. I think it's a follow-up to discussion. I think that there was a healthy dialogue that occurred with the Commission associated with the resolution. I think the intent of the resolution is to make sure we don't lose sight of what our responsibilities and obligations are with our facilities and that we have a commitment to work on those over time. So I think the discussion was healthy. I appreciate Commissioner Chavez, and I would add the investments that are made by any Commissioner, whether they be on the facility where Human Resources is at or a fire station or any facility, any investments that the Commissioners make is a good investment and so I think it's a good, healthy discussion and a good debate and I think it's a good tool that we'll be able to utilize as a Commission and for staff and for the community. Thank you.

CHAIR HOLIAN: Thank you. Any further comments? I would like to make a comment. I think that it is very good policy for the operation and management of existing buildings to be recognized officially in our budget and it's also a good policy to track the maintenance that is required for those buildings, and that's what we're talking about here is coming up with a system for tracking the maintenance that is required. I think it's also very important that we keep our existing buildings in good condition. Of course it's always more fun to build new facilities. It feels like a real accomplishment when we build something new for the County, but our top priority, our top priority in my opinion, for me, is always it should be taking care of what we already have first and making sure that it's in good working condition.

So I have a motion that has been amended on the table. The motion is to pass Resolution No. 2013-40 with the stated amendments which I think have now been read into the record.

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

XI. C. Resolution No. 2013-41, a Resolution to Support the Use of Water Catchment Systems Throughout Santa Fe County and to Direct Staff to "Lead by Example" by Considering the Use of Water Catchment Systems at Santa Fe County Facilities

CHAIR HOLIAN: Who's going to present this?

COMMISSIONER ANAYA: Madam Chair, I'll just make a few brief comments. I made comments at the last meeting. This resolution is straightforward. It deals

SFC CLERK RECORD 5/1/2013 11:23:13

with water catchment systems and a target to try and improve our facilities. It's a mechanism that we're already using within many of our facilities. We're actually working closely with the Soil & Water Conservation District at our Edgewood Senior Center to do water catchment there as well. We've done water catchment at many other facilities in Santa Fe County. This helps continue that effort. Also follows up with Commissioner Mayfield's Lead by Example resolution. So I would defer to Commissioner Mayfield for additional comments.

COMMISSIONER MAYFIELD: Commissioner Anaya, thank you, and staff, thank you. Commissioner Anaya I appreciate that you brought me in on this resolution that you championed. I just think it's important that the County does lead by example in all our facilities. We do have this in our Growth Management Plan that we ask our county residents to look at in construction. It's important that Santa Fe County establishes this procedure on all our new construction and also on any of our retrofittings on our buildings. As you know, Commissioner Chavez just brought up our existing maintenance in our building as I brought up in a past resolution. We need to identify what buildings we currently own before we can do any of this. So that's why I championed the resolution prior to this because Santa Fe County had no plan of what we even own. So with that, Commissioner Anaya, I just find it really important what you did.

One thing that caught my attention on this, on some of my buildings in the northern part of Santa Fe County, and in speaking with Mr. Hogan, our architect for Santa Fe County, on some of our redesigns, the Nambe Community Center, I asked Mark, I said, Mark, we did a redesign on the Nambe Community Center. Why did we not include some of the water catchment in that redesign. And he said, well, we're going to include it in phase 2. And I said, okay, well, I'm appreciative that you did catch that in the phase 2 of the redesign that's going forward now, but again, I just thought it wasn't included in phase 1. So I think that's what I'm going to try to work on now, working with the Soil & Conservation District up there and all aspects of what I'm doing with any modifications to any buildings I do in northern Santa Fe County and hopefully this can be incorporated throughout Santa Fe County.

And with that, Commissioner Anaya, I have a resolution that's coming forward a little later today, and I was going to ask for your indulgence, if it would be permissible on our water catchment policy right now to add a quick amendment to it, and I think it would be okay. And I just thought I'd kind of get the language to be applicable to this one. So I'm going to look at the one that's here as far as therefore be it resolved, but as long as it fits – I see that our County Attorney is out so I would hopefully ask that we could get a County Attorney in here. But each County-funded project – let me pull this other resolution, Steve. One second.

What I'm looking for, and Paul and everybody here, is that anything that we're doing for water conservation or water catchment, if the County shall ensure that the analysis and development of the resources of conservation shall be included in all County facilities before the project is approved, whether regardless of whether or such features are to be implemented on this project or proposed project.

I guess what I'm getting at, Commissioner Anaya, is that if the County is going any work as far as an RFP or solicitation for modification, that the contractor, when we go out for bid, that at least there's that opportunity that they're including the water catchment in all of our facility designs. Because sometimes they don't do it because it's not cost-effective, but at

least if we put it out for bid on the redesign or on the improvement of that facility that that is scoped out in the project for bit.

Steve, we did that in my energy, on the new solar design project that's coming a little later, and I'd just like to include that on any work that we do on water catchment improvements to our County facilities. And Commissioner Anaya, if that's acceptable with you I'd just like to include that in our scope on this water catchment.

COMMISSIONER ANAYA: Madam Chair, Commissioner, I don't have a problem with it. I guess what I'm hearing is you just want us to have the ability to analyze within our project design and the ability to analyze the costs as part of it, so the design and the costs.

COMMISSIONER MAYFIELD: The design and the costs. If for whatever reason the design doesn't make it cost-effective, okay, but I just don't see how it can't be, because that's kind of a mandate that we put on people right now to do it outside of the county, and that goes back to lead by example. Here the County mandates this on everybody else, so why aren't we doing it to ourselves on our own projects.

COMMISSIONER ANAYA: I'm fine with that, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Steve, do you see what I'm kind of getting at at what I'd like to include in this?

MR. ROSS: Madam Chair, Commissioner Mayfield, yes. I'm just trying to find the other resolution but I remember us working –

COMMISSIONER MAYFIELD: I have it right here. I'll just take it down to you. Commissioner Stefanics, I'll defer to you now.

COMMISSIONER STEFANICS: Thank you, Madam Chair. The fiscal impact report says nothing and it costs something. So to have this fiscal impact report that's just blank, that says NA is not really appropriate, whether we're talking about water barrels, whether we're talking about buried catchment systems, whether we're talking about grates. We're talking about something. We're talking about gutters coming down from the roofs. We're talking about something, so to have an NA on a fiscal impact statement doesn't cut it. Thank you.

COMMISSIONER MAYFIELD: Madam Chair, I have the floor.

CHAIR HOLIAN: Are there any further comments, questions?

COMMISSIONER STEFANICS: Well, my comment was that there's no cost; the fiscal impact report says NA, and that's not correct.

CHAIR HOLIAN: Well, as a matter of fact, Commissioner Stefanics, I noticed the exact same thing and I was going to bring that up myself. This is going to cost money. There have been no amounts of money associated with it, nor have there been any sources for the funding for that associated with it. So I do have concerns about this that are related to the concerns we had with the last resolution, that the cost is just not identified at all. So in any event –

COMMISSIONER ANAYA: I have a comment on that.

CHAIR HOLIAN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Since I'm the one that carried it I could easily comment on the resolution. I didn't do the FIR. The FIR process was something we established through staff and it's staff's responsibility to provide a review. What I can say

relative to the FIR is I'm committing dollars – my dollars – directly out of revenue that we receive within Commission priorities or otherwise through a budgetary process to a project. I could list that in here I suppose, but I don't think the intent is there. But I don't contend that we're going to allocate specific dollar amounts in this resolution. I'm going to let Ms. Miller comment if she'd like and then I'll follow up with some additional comments.

MS. MILLER: Madam Chair, Commissioner Anaya, you are correct. If you read the actual resolution, Now, therefore be it resolved, it just states that the Commission supports the use of these type of systems, and we currently already in new construction try to include that into our bid process so that it's either something that's within the budget and can be added to it or it's an added alternative in it. So it's actually, as we move forward, when each project comes forward or the consideration of what might be added is when – because we can't predict what water catchment would be on every single thing right now, so that's why it says NA, because this doesn't make us go out and put it on every facility we have. It just says you as a Board support that concept and a policy that we consider that every time that we are looking at something and we would bring that for your consideration.

So that's why it says NA because there's no way to give a definite thing. It's not a definite thing. You will go put it on this building. So that's why it doesn't have a dollar figure.

COMMISSIONER ANAYA: Madam Chair, on that point, and I appreciate that clarification, Madam Chair and Commissioners. Whether or not the resolution passes today I'm going to continue to support water catchment on County fire stations and County community centers and I'm going to continue to put the resources that I have available to me to that end. Whatever each Commissioner determines is their priority I respect. This is going to be one of my priorities. Commissioner Mayfield has said it's going to be one of his, so I think what we're asking for is ratification that we all support water catchment with no specific dollar amount but whether or not it passes I'm going to still push for water catchment. I'm going to put money in water catchment, and I'm going to try and coordinate with entities like Soil & Water Conservation and anyone else I can find to help get that done.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Yes, well, I'd like to make a comment first. I will comment also that we actually have a County ordinance, so any building that is built over 2,500 square feet is required to do it anyway, and that would include County buildings as well as even private residences or businesses or anything else. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Madam Chair and even on your statement, and this is even for me looking at retrofitting some of our existing buildings even under that square footage as far as me, and even if I look at looking at some of our capital funding, but going to the FIR, and as far as the FIR, my FIR question on the earlier resolution and this current resolution, and not to drum up any bad water, but that was the intent of my question a little earlier. Maybe I should have just explained that a little more. I just want to make sure that we're equitable across the board when we bring up any other resolution from here on out of how detailed that resolution is as far as any impact, because again, I'm supportive of the past resolution and of this resolution, and of probably many more resolutions. But if we're going to cherry-pick which resolution needs more detail on the FIR, because that's how maybe we want to support or not support a resolution, that's where I think

we need to be very careful where we're treading. And we don't have a definitive policy of the guidelines of what detail is in our resolutions. And that's why I brought up that point a month back of where we are going with our FIR process. And Katherine I think just explained it very well, and I appreciate her explanation.

Until we get to that specific building that we're doing and staff's time or the dollar costs that are going into that one building, a building we're going to approve, we're not going to know those dollars. It's a pretty good guestimate. And that goes to that passed resolution we just passed in this current resolution. Until I bring a project forward and saying, look, I'm going to do this improvement to this building and I maybe use some County dollars and I use my dollars, we're not going to know that detail. So that's where these resolutions and policy, either we're going to be detailed or we're not but let's just be equitable across the board. That's all I have to say, Madam Chair.

CHAIR HOLIAN: Yes. Exactly. So this is a resolution. Is there anyone here from the public who would like to comment on this resolution? Please come forward. And please identify yourself for the record.

MR. TAYLOR: Roger Taylor, president, Santa Fe Basin Water Association. We are certainly in favor of any type of resolution which begins to focus and lead the way by example, and this group of course is an excellent group to do that, the water catchment. I think the important things that I hear and that I read earlier when I saw the resolution, it's not mandated; it's heavily suggested. It is in there to capture it, and I think they way you deal with the fiscal is just say make sure you get a specific recommendation on cost so you can make the decision about does it add or is it too much.

The other component you might look at, and I don't remember if this wording was in there but I think Katherine Miller had the right example. You can't cherry-pick which – just pick one and say this is the best catchment system. So you look at it and say what's the most efficient, what's the most effective, as it relates to capture of water. And you may have some language in there and you may actually get, but if you don't, it might be something to add. And that helps you with the decision making along with the cost. But absolutely, this is great.

And then just as a second comment, if we go back to the earlier discussion about the water committee, this is a perfect example of something the Commission could say, here's an example of the kind of things we want in our policy or in our code. How does this match up? Does it exist? If we do something like this separate does it strengthen the existing code? Etc. So just another cross-parallel to how you could be using the water advisory policy. Thank you.

CHAIR HOLIAN: Thank you, Roger. Anybody else who would like to speak? Do I have a motion?

COMMISSIONER ANAYA: Yes, Madam Chair. Do we have the language that Commissioner Mayfield requested, Mr. Ross, that we could include?

MR. ROSS: Madam Chair, Commissioner Anaya, I do. It's the last sentence of a section of Commissioner Mayfield's resolution on another topic that's on the agenda later. So basically what you would do is tack on the following words at the end of what's written there. So you put a comma and then you'd say, before the project is approved, regardless of whether or not such features are to be implemented on the proposed project. Commissioner Mayfield, is that what you were hoping we would include?

2013 APR 30 PM 5:13
SANTA FE COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING

COMMISSIONER MAYFIELD: Madam Chair, Mr. Ross, let me say this. Yes, and if it's going out for bid, if Commissioner Anaya or myself or any Commissioner for that matter wants to add some water catchment to or retrofit an existing building, and it's well under a threshold, they're not going to need that. But let's say it's a new construction, and I just want them to know that we are putting that in the design standards of that RFP, that water catchment will be in the design standards of that RFP. Because I don't think we already have that in our design standards. And if they contractor comes back and says – well, let me just – you indicated, Madam Chair, that that's already a requirement, right?

CHAIR HOLIAN: If the building is over 2,500 square feet. Even 2,500 or under they have to come up with a plan for collecting water. Now, that might just be rain barrels or it might be swales. But actually, every building that's built has to have a plan.

COMMISSIONER MAYFIELD: Okay. Has to have a plan. But can they stop it in the design?

CHAIR HOLIAN: No. No, it's part of our standards.

COMMISSIONER MAYFIELD: Okay. Then maybe, Steve, it's not needed then if it's part of the standards. So let's just scratch it. It's not needed then. We're good. We don't need it.

CHAIR HOLIAN: Okay, so do I have a motion?

COMMISSIONER ANAYA: Madam Chair, I move that Resolution 2013-41 be approved. I'll just read the last section. Now, therefore be it resolved that the Santa Fe Board of County Commissioners supports this resolution to support the use of water catchment systems throughout Santa Fe County and to direct staff to lead by example by considering the use of water catchment systems at Santa Fe County facilities and by collaborating with the Santa Fe County Extension Office and the Soil & Water Conservation Districts in and contiguous to Santa Fe County. I'll move for approval and hope for a second by Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair and Commissioner, I'm going to second, but I do want to – I hate to say this, but I'm going to change my mind. It is needed because the Nambe Community Center – nobody put in water catchment to it on the redesign. So it is needed.

CHAIR HOLIAN: That would be redesign.

COMMISSIONER MAYFIELD: Right: On the redesign. So Steve, I want to include that in there. I don't know if the Commissioner will be amenable that we do include redesign, it will be drafted in and redesigned water catchment on any redesign of a building that Santa Fe County owns, or re-improvements to a building.

COMMISSIONER ANAYA: So design or redesign of Santa Fe County facilities shall include provisions for water catchment systems to be considered.

COMMISSIONER MAYFIELD: Is that acceptable, Commissioner Anaya?

COMMISSIONER ANAYA: That's fine.

COMMISSIONER MAYFIELD: Thank you. And with that I'll second, Madam Chair.

CHAIR HOLIAN: Okay. So now we will go to discussion. I just want to make a comment too, that especially on redesigns and retrofitting buildings, I think we have to not only consider whether we can collect water in a technical sense but we also have to consider

REC'D CLERK RECORDS 4/30/2013

what that water is going to be used for. If it's a building that is completely surrounded by asphalt and there's nothing to water, then it seems like it would be a waste of money to design an expensive water collection system on that kind of a building. So I'm not quite sure how to have that as a friendly amendment but just to put in something also to consider in the design what the water will be used for.

COMMISSIONER ANAYA: I would agree, Madam Chair, if I could respond, that that is an appropriate addition. The Galisteo Fire Department is a classic example of a system that is not designed for landscaping but designed for alternative drafting for filling a tanker up. So I think use, design and use is a careful and necessary addition. So to include landscaping, fire suppression or some other potential use, or it might be a determination that it doesn't make sense for various reasons.

CHAIR HOLIAN: Yes. So somehow in planning, making the decision about whether to do this it should also be dependent upon what the water would be used for.

COMMISSIONER ANAYA: I would accept that if the seconder would accept it and the co-sponsor would accept it. Commissioner Mayfield?

CHAIR HOLIAN: Commissioner Stefanics.

COMMISSIONER STEFANICS: Madam Chair, I think that we shouldn't be making – putting that on. We are mandating this for every land use case that comes in front of us. We just did that with the Dollar Store. So to say we're exempt is totally inappropriate. And I have been downtown with City facilities, and I always wish we could up the ante on them, but I was walking past a new City facility a year or two ago and I heard running water, and I went, where is this water coming from? It was coming off the roof and going down into the ground and being piped to where the trees and the plants were. And you couldn't see it because it was all cement and pavement, but it was going to something useful. So when we require this of our land use applications we should be standing right up there with them.

CHAIR HOLIAN: Well, I totally agree, Commissioner. It's just that if the water is going to be collected and not used, then why put in an expensive collection system. If it's actually going to be used to water plants, or if it's going to be used to reflush toilets or something like that, yes. But it doesn't make any sense if you're just going to collect it and then drain it out.

COMMISSIONER STEFANICS: Well, Madam Chair, let's say that's exactly why I brought up the issue about the NA on the fiscal impact report. We could be putting rain barrels there, that could be used rain barrels or not, and the senior center might have cement all around it, but they might use that water in that rain barrel to water little flower pots.

CHAIR HOLIAN: Well, then that is a use for it. But that should be part of the planning process. What are we going to do with the water that's actually going to make a difference?

COMMISSIONER ANAYA: So, Madam Chair, if I could offer a suggestion. I think use is a careful consideration. We should make it. But to say that we're not going to consider it is I think what Commissioner Stefanics is talking about. We're just saying we're not exempting ourselves; we're saying we're going to consider catchment and use. Is that fair?

CHAIR HOLIAN: And I agree. Consider catchment and use. Yes. I'm okay with that.

2013 APR 30 PM 4:53

COMMISSIONER ANAYA: Commissioner Mayfield as co-sponsor?

COMMISSIONER MAYFIELD: Yes. And I'm just going to echo what Commissioner Stefanics just said. We mandate this on cases that come in front of us. That's why I championed let's lead by example. I don't think this County Commission is above any rule that we push out on the people that come in front of this Commission asking for something. And if we're going to push these rules on everybody else out there we need to follow them ourselves, and that's why I would like this in there. With that, if that's the motion, Commissioner, I second it, and I don't think we should have any restrictions on ourselves as a County Commission.

CHAIR HOLIAN: I'm just saying, the one thing I agree with Commissioner Anaya is just to consider the use, so that it's used wisely. Otherwise, what's the point?

COMMISSIONER MAYFIELD: What's the point on pushing on every other resident out there?

CHAIR HOLIAN: We are subject to all the ordinances that anybody else is in the county anyway. So we're not doing anything new then by adopting this resolution.

COMMISSIONER MAYFIELD: So call for the question, Madam Chair.

CHAIR HOLIAN: Okay, we have –

COMMISSIONER ANAYA: A friendly amendment if I could just to make sure I'm clear on the vote before I vote. I think she retracted that we would be exempted or any comment like that. I think it was just that we are careful to consider catchment and use.

COMMISSIONER MAYFIELD: And that's what it says. I think that's how the resolution was stated by Mr. Ross. Mr. Ross, would you repeat that amendment please?

MR. ROSS: Madam Chair, Commissioner Mayfield, yes. I haven't been completely following it, but let me read what I have and see if that's actually what you're thinking. Now, therefore be it resolved that the Santa Fe Board of County Commissioners supports this resolution to support use of water catchment systems throughout Santa Fe County and to direct staff to lead by example by considering catchment, design and use of water catchment systems in Santa Fe County facilities on any design or redesign, and by collaborating with the Santa Fe County Extension Office, etc., etc., etc. Is that –

COMMISSIONER MAYFIELD: For consideration.

COMMISSIONER STEFANICS: But Mr. Ross, Madam Chair.

CHAIR HOLIAN: Yes.

COMMISSIONER STEFANICS: You're deleting the words by considering the use, and that is one of the issues that Madam Chair is bringing up.

MR. ROSS: I didn't intend to. I must have just not read it.

COMMISSIONER STEFANICS: It's in there. It's in the last –

MR. ROSS: By considering the catchment, design and use of water catchment systems.

CHAIR HOLIAN: Okay. Can we all live with that amendment? Okay. Any further discussion. We have a motion to approve Resolution No. 2013-41 with amendments.

COMMISSIONER ANAYA: Madam Chair, I did have one comment.

CHAIR HOLIAN: Yes.

COMMISSIONER ANAYA: I want to comment for the record that there was discussion at the last meeting and Commissioner Chavez, we had a discussion about co-

sponsoring and he recused his co-sponsorship but supported, as I think the whole Commission did, but he did make those statements and I wanted to restate that on the record for the meeting. Thank you.

CHAIR HOLIAN: Okay, a motion to accept Resolution No. 2013-41 with amendments.

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

XI. A. Resolution No. 2013-42, a Resolution Establishing a Water Policy Advisory Committee [Continued from page 37.]

CHAIR HOLIAN: Steve, perhaps you could read where the changes have been made to this resolution as compared to our packet.

MR. ROSS: Madam Chair, there are two principal changes. *[Exhibit 2]* Paragraph #2 says the committee shall now be comprised of 12 voting members appointed by the BCC, and then on the second page, #7, here's the composition of the committee. One committee member from a mutual domestic water consumers association, one member from a Soil & Water Conservation District, one member shall be a member of an acequia association, one member shall be from the Estancia Basin Water Planning Committee, one member shall be from the central water planning area, one committee member shall be from the northern water planning area and one shall be the public member of the BDD board. The balance, which is five, are chosen by Commissioners from their districts.

The following paragraph was edited because it had some references to specific committee members, so those edits were made so that that paragraph just states some desirable characteristics, qualifications of members.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you for working on those changes, Mr. Ross, but under Now, therefore be it resolved, number 3, the numbers have to be changed of the board members. It has three members appointed and four members, so that just has to be the new number of board members has to be reflected there.

MR. ROSS: What paragraph?

COMMISSIONER STEFANICS: Number 3. It had three members appointed for –

MR. ROSS: Oh, yes. There we go.

COMMISSIONER STEFANICS: So that's the only other change I see.

CHAIR HOLIAN: So, actually, yes. Point of order. So Steve, would – if we did six and six, would that work?

MR. ROSS: Yes.

CHAIR HOLIAN: Okay. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I would second a motion if you would –

CHAIR HOLIAN: Yes. I would like to make a motion to approve Resolution No. 2013-42 as it is in the draft which was passed out by our County Attorney with two

changes. In paragraph 3 it is changed to six members of the committee will be appointed for an initial term of two years and six members shall be appointed for an initial term of three years. And then in item 7. D, Conservation District shall be changed to Water Conservation District.

COMMISSIONER ANAYA: Soil & Water, right?

CHAIR HOLIAN: Yes. Soil & Water Conservation District.

COMMISSIONER ANAYA: Second.

CHAIR HOLIAN: Okay. I have a motion and a second. Any further discussion?

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: I guess I should have brought this up a little earlier but let me just ask. On item #7, as far as the selection for A through H and just knowing that in the event if more than one individual seeks appointment, as Commissioner Stefanics stated, I've received a lot of applications seeking appointment, so the Public Works Department will be asked to rank the applicants I guess A through H if that's it, and knowing that we can each appoint a board member, but is the Commission then going to select the A through H, or who's going to do that selection of A through H?

CHAIR HOLIAN: Commissioner Mayfield, my understanding is that we actually select. We actually vote. Staff will look at applications and make recommendations but we select. Is that correct, Steve?

MR. ROSS: Madam Chair, if you look at paragraph 2 it makes that very clear.

COMMISSIONER MAYFIELD: Sorry, Steve. The committee shall be comprised appointed by the BCC.

CHAIR HOLIAN: Okay. We have a motion, an amended motion on an amended version of Resolution 2013-42, and a second.

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

CHAIR HOLIAN: I think this would be a good time for a five-minute break. We will reconvene at 5:00 and then at that time as promised we will go on to the resolution that introduces – the introduction of the resolution regarding community solar. So we will reconvene at 5:00.

[The Commission recessed from 4:53 to 5:10.]

XIII. F. Finance Department

- 1. Resolution No. 2013-43, Approval of a Resolution Authorizing the Issuance and Sale of Santa Fe County, New Mexico General Obligation Improvement Bonds, Series 2013, in the Amount of \$19,000,000**

CHAIR HOLIAN: I'd like to apologize to all of you who are here. I said that we would consider the resolution on community solar next, but we actually have an

SFC CLERK RECORD 56/03/2013

emergency situation. We have to consider an item that is regarding the sale of general obligation bonds and we have to approve this and get information back to the east coast by midnight tonight and this is going to take time, so I believe that we absolutely must consider this particular issue next. This is item – it's under Staff and Elected Officials' Items, item XIII. F under the Finance Department. Resolution No. 2013-43. Teresa

MS. MARTINEZ: Madam Chair, Commissioners, if you recall, we had first come to this Board with a list of questions and amounts for very specific projects that were voted and approved by the voters at the general election. In one of the last couple of meetings we brought you a resolution for notice to sell, and what we have before you here today is the actual issuance of bonds and the sale of the bonds. So I have a summarized handout that was just passed out to you that identifies that we sold today \$19 million in general obligation bonds with a maturity date of 2028. That's an average life of about 10.7 years. I'm proud to say that we maintained our S&P rating of AA+, so that was good, and in the history that I've been here attained the best interest rate at 2.348 percent. So we did really, really well. 2.34.

So the bonds were purchased by FTM Financial Markets and the second or third page of the handout is basically a historical for you so you can see how each bond sale has gone and how you can now see at the very end under 2013, that is the best interest rate we've attained in quite some time. So that bond sale has occurred. What we need from you today is approval of the resolution so that we can let the underwriters know that we are good and we can secure this deal before midnight, or 10:00 our time.

CHAIR HOLIAN: Okay. Thank you. Are there any questions? Okay. This is a resolution. Is there anybody in the audience who would like to speak about this resolution regarding the bond sale? Okay, seeing none, is there a motion?

COMMISSIONER STEFANICS: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Stefanics.

COMMISSIONER STEFANICS: I would move approval of Resolution No. 2013-43, approval of a resolution authorizing the issuance and sale of Santa Fe County, New Mexico General Obligation Improvement Bonds, Series 2013, in the amount of \$19,000,000 in order to complete the projects that the voters of Santa Fe County voted on.

COMMISSIONER CHAVEZ: Second.

CHAIR HOLIAN: I'll second that too. So we have a motion and three seconds. Is there any further discussion?

The motion passed by unanimous [4-0] voice vote. [Commissioner Anaya was not present for this action but later in the meeting voiced his approval.]

2013 APR 30 10:00 AM

XVI. PUBLIC HEARINGS

A. Resolutions

1. Introduction of a Resolution Supporting Community Solar and Directing Staff to Work with the City of Santa Fe, Public Service Company of New Mexico, and the New Mexico Public Regulation Commission to Implement a Community Solar Program in Santa Fe County (DISCUSSION ONLY, FIRST HEARING)

CHAIR HOLIAN: I will just make a few words of introduction, that community solar is a way that people, homeowners and businesses, can invest in solar if they cannot actually put solar projects on their own roof, on their own homes. It is a way that we can create larger solar projects out in the community that consist of multiple panels and people can buy into it. And they can decide how much they want to buy into it. And I would like – there are a number of ways that this can be organized, so is Craig O’Hare here in the audience? Okay. Can somebody bring him in? I would like for Craig to describe how these projects work.

In the meantime, I think that there actually are a lot of people in the audience who do know quite a bit about community solar. Here’s Craig. Okay, Craig, I have committed you to describing what community solar means.

CRAIG O’HARE (Energy Specialist): Madam Chair, Commissioners, my apologies. I thought your previous agenda item was going to take a little while and I was squeezing in a radio interview with KSFR that I believe is now tuning in live. I want to just mention what is community solar. It’s basically an option for citizens and businesses to directly buy into solar in situations where an on-site solar system, a roof-top solar system, isn’t feasible for them, financially, in a historic district, they’re a renter, things like that.

Before I explain that a little bit more I just want to emphasize that for those citizens and homeowners and businesses that own their own facility, they own their own home or they own their own building where their business is, rooftop solar, customer scale roof-top solar is extremely cost-effective. And I think a lot of people still don’t realize that. In fact I was at the Solar Fiesta at the Community College both days over the weekend. That was the main thing I heard was, oh, that’s too expensive. I’d really like to do that. It’s the right thing to do but it’s just too expensive. And the reality is roof-top solar is very, very cost-effective.

So I just want to mention that for those who can put it on their roof, please contact me and I can help walk you through why it’s so cost-effective.

Now, specifically, what is community solar? It’s kind of in the eyes of the beholder. In other words, a lot of people have different impressions about what community solar is, but it’s basically a way to build a larger-scale solar photovoltaic facility that makes electricity. It can be 100 kilowatts, 500 kilowatts, a couple of megawatts, and then have citizens and businesses directly buy into that project. They can buy into it either on a month-by-month basis or they can buy panels up front and then get that benefit.

But the real key, the thing we’re talking about here in community solar is to make sure that it has the same financial benefit to one’s electric bill as if you were to build the solar facility on your roof. And we basically call that in the business virtual net metering. So you get the same benefit, the same reduction to your electric bill as you would if you were able to

2013 APR 30 PM 4:58
SANTA FE COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING

put the system on your roof, but instead you buy into it collectively in a communal project that's somewhere here right within our community.

That's what at least most of the citizens that have gotten excited about community solar in the Santa Fe area are talking about when they talk about community solar. I just want to mention a couple of actions that have happened so far. The City of Santa Fe a few months ago, earlier this year, adopted a similar resolution and is before you today. I've already been engaged with the City of Santa Fe and with PNM and with the Public Regulation Commission on how we can make community solar work in our region. They City has a citizens body called the Sustainable Santa Fe Commission. I believe you'll be hearing from members this evening that are on that commission that are in support of and are working hard to really make community solar happen.

And the key will be to work out a structure that's acceptable to PNM, and that will make it through the New Mexico Public Regulation Commission process. And those are two big challenges if you will. But PNM's here today and I did want to mention that we've already done quite a bit of work in that area and this resolution continues to support those efforts.

I will mention that Kit Carson Electric Co-op in Taos got a community solar project going last fall. It's 100 kilowatts. It's going well. And Boulder, the City of Boulder, Colorado just got their 500 kilowatt community solar program going just on Friday. It just went on line on Friday. So community solar is sort of the next wave, if you will, of local-scale solar after this first wave of roof-top solar has gotten underway in the last few years. Thank you.

CHAIR HOLIAN: Thank you, Craig. So are there any questions first for staff? Commissioner Chavez.

COMMISSIONER CHAVEZ: Thank you, Madam Chair. So, Craig, I know that we -- there's been a lot of discussion about referencing lead by example, and so with that in mind, I just want to ask how this policy or this concept would fit into our County facilities, either existing facilities, retrofitting existing facilities or obviously, if we're going to design new buildings that this be part of that design component. So can you touch on that for a minute?

MR. O'HARE: Absolutely. Madam Chair and Commissioner Chavez, the lead by example, and in fact I believe the resolution that Commissioner Mayfield and Commissioner Anaya have that will come up in a couple of weeks for a vote focuses on lead by example in respect to both doing renewable energy and energy efficiency measures at County facilities. Community solar, if a community solar project were to go forward in this region certainly it would be an option for the City and the County to buy into and be a part of that project. And that may be a very viable option. The issues around that are what size of a project ultimately are we able to sort of get approved and supported, both by PNM and the New Mexico Public Regulation Commission, and how much do we want to accommodate commercial subscribers, citizen, residential subscribers, and my only concern would be that we might not want to crowd out, if you will, the private sector, the commercial and residential sector with the County buying up a huge portion of the allotment if you will, or the City.

However, I think it's something that's worth considering. There's also other models for the County to look at when it comes to lead by example. These are third party

arrangements where actually a third party continues to own the system on the roof and can take advantage of the income tax credits that a County government cannot. There's what are called power purchase agreements, and we'll look into those different options as we proceed. But certainly this could be a viable option with some of the caveats I just mentioned.

COMMISSIONER CHAVEZ: Thank you, Madam Chair.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, thank you. And I don't know if we have any representatives from the PRC or not, but what are the PRC rules on allowing this, Craig? I know you're pretty knowledgeable on PRC rules.

MR. O'HARE: Madam Chair and Commissioner Mayfield, this – as I understand it, and it's a complicated issue actually because this has been approved and has gone forward with Kit Carson Electric, but as you're well aware, the PRC oversight of a rural electric cooperative isn't nearly as pervasive, if you will, as it is with an investor owned utility like PNM that serves our region. We do believe that legally, that this is allowable under current statutes and under current rules by the PRC, but it gets down to the PRC would need to basically get a filing in front of them and look at what sort of impacts might this have on the other ratepayers. In other words, the entire ratepayer base as far as are they going to be in a position of having to financially assist or subsidize the creation of this and those are some of the challenges that we all face collectively is we think it's permissible under law, under regs and statutes but where there are issues around actually getting it past the governing body because there might be some ratepayers subsidizing other ratepayers and that sort of thing, remains to be seen.

COMMISSIONER MAYFIELD: And Madam Chair, Craig, as far as the distribution site, I don't know where the siting would be. It might be in this resolution, but would we be able to use the distribution lines coming out to help these homeowners out or how would that work, if it's within PNM's infrastructure, if it's with a local cooperative's infrastructure.

MR. O'HARE: Madam Chair and Commissioner Mayfield, essentially, the facility could go a variety of different places. In discussions with PNM – and they can address it more thoroughly than I can – they like to have these facilities on their distribution lines, not on their transmission lines. But essentially, if we're talking a relatively small scale facility, anywhere from 500 kilowatt up to 3 or 4 megawatts, there's a lot of different locations that I think would work for their system.

As you may be aware, in addition to their big wind farm they bought into years ago to satisfy their requirement under the Renewable Portfolio Standard, has been building these solar farms as part of that state requirement to have renewables in their mix around their service territory, anywhere from I believe 2 to 5 or 8 megawatts, and they're able to put those into their distribution system. But electrons, the actual renewable energy electrons, they go where they like. There's not a direct connection between the electrons that are generated from a solar farm and those actually physically, if you will, going to the subscribers. It's all about an accounting sort of thing.

COMMISSIONER MAYFIELD: And Madam Chair and Craig, and I'm looking through the resolution, are we just staying with PV? There's other solar options out there right now. I know that PV's kind of very proven, but as far as efficiency and everything

2013/05/08 09:53:33 RECORDS

else. I know I did a tour. I guess I'm not going to promote any specific company or any solar system but there's some other options. There's hydro and everything else out there for solar. So is PV the only option that we're looking at or considering?

MR. O'HARE: Madam Chair and Commissioner Mayfield, generally when we do talk about community solar we're talking about trying to pursue the least expensive, most cost-effective solar option out there. And at least right now that is primarily large-scale – could be tracking. Could be single axis tracking that actually tracks the sun. But I believe for the most part – now, it doesn't preclude us looking at all sorts of things, but it seems like the most cost-effective game in town these days is fixed, ground-mounted solar photovoltaic panels. I will say that I got some numbers from the Kit Carson project and theirs is pretty small. It's 100 kilowatts, but they were able to basically get that installed at about \$3,600 per kilowatt. In fact that's about what they're charging for the panels. So \$3,600 per kilowatt. Generally, for roof-top, we're looking still in the neighborhood of about \$5,000 a kilowatt.

So you can see that when you go into an economies-of-scale model there are some financial advantages of being able to build a large facility and have a solar contractor build a megawatt or two megawatts all at one time, rather than building two or three kilowatts on three or four hundred roofs or whatever.

COMMISSIONER MAYFIELD: Madam Chair, Craig, we have our own data with the BDD. We're doing another couple of megs right now through contract. So we have our proven data right now. So that's all I had right now, Madam Chair. Thank you, Craig, for moving this forward.

CHAIR HOLIAN: Okay. Any further questions of staff? Okay. I see that there are a number of people here and this is a resolution. Can I have a show of hands of those of you who would like to speak on this resolution? Okay. There are quite a number of you, do I'm going to ask you to come up one at a time to the podium, to the microphone here to speak and please identify yourself for the record. And since – I'm afraid we have a really long meeting and we're probably only about a third of the way through it, I'm going to impose a two-minute time limit on each person who is speaking to try to encourage people to be efficient in what they say, but you can cede your time to someone else if you would like. So please start coming forward, all of those of you who would like to speak about this community solar resolution. So please identify yourself.

PAMELA GILCHREST: I'm Pamela Gilchrest, Madam Chair and Commissioners. The first statement I'll read is from New Mexico Interfaith Power and Light, Sister Joan Brown could not be here today and in part, this is what she says. Thank you for your good working acting for the community in and around Santa Fe and looking after the sacred heritage of our land, air and water for future generations. New Mexico Interfaith Power and Light works with faith communities all over the state. Our mission is to educate about creation stewardship and climate change.

In light of this mission we are very encouraged by the resolution before the Commission establishing community solar as a way for citizens and businesses to buy into a larger, collective solar project. New Mexico Interfaith Power and Light, which is working with faith communities to install solar energy is very excited about increasing the use of our gift of the sun. In addition to the environmental and financial value of placing solar panels on buildings and making this technology more accessible to citizens and houses of worship,

REC'D
CLERK
RECORDS
5/1/13 10:21 AM

there is a witness value. St. Francis of Assisi, the patron saint of Santa Fe once wrote a letter to public leaders calling them to really take care of the community that they have been given the honor to serve. Moving forward with solar panels and energy efficiency would probably be high on St. Francis' list of how to be responsible leaders in 2013. Thank you for acting as stewards of creation and community and the future.

I have a second – I'm wearing two hats. May I?

CHAIR HOLIAN: Yes, you may have another two minutes.

MS. GILCHREST: All right. Wearing the hat as PV to EV, just one, two, three sentences. We're located here in Santa Fe. We're an LLC that was formed as a limited liability corporation owning shared electric vehicles, so obviously, we support community solar. Thank you.

CHAIR HOLIAN: Thank you, Ms. Gilchrest. Next. Who would like to speak next?

REGINA WHEELER: Hello, Commissioners. My name is Regina Wheeler. I'm with Positive Energy Solar Company, and we're based here in Santa Fe, New Mexico. We're a local company that has been growing over the past number of years since 1997 with the adoption of roof-top solar and solar for institutions and businesses as you know. We're at 50 employees now. As I said, we're headquartered in Santa Fe. We're very excited about the possibility of community solar really expanding access to solar for more people in the community. As Craig said, as your document says, non-profit organizations, people that don't have tax liability, people with shade, people that don't own their buildings really don't have access to solar right now, so this is a really great way to really broaden the adoption of solar in our community, and it also creates jobs.

Every time we have more people getting solar we get to establish jobs, and as you know, it's been a bright spot in the construction industry over the last few years. We've continued to grow in our company and other solar companies in this area as well. The great thing about solar is that it's a local job. It's not out-sourceable. It's construction that happens here in Santa Fe. We hire people in Santa Fe. Our employees live here and work on these jobs so we really appreciate the Commission's work towards community solar. Thank you.

CHAIR HOLIAN: Thank you, Ms. Wheeler. Next.

AMANDA HERGIS: Madam Chair, Commissioners, my name is Amanda Hergis. I rent in Santa Fe, and I'm also part of a group called Gotsol.org. We were working to put solar panels on the state buildings downtown, which got vetoed. We completely – I completely support community solar and I think it's a wonderful idea. It addresses multiple factors that we're dealing with in the world today. It addresses the issues that we're having with our environment. It addresses finances. The cost of solar has become much and much less. The payoff timeframe is much and much shorter now that it used to be. Once the materials and installation are paid for, which is just a few to several years then after that you have a positive effect on your budget. You don't have to put out further dollars to pay for your energy use. You've already paid for that.

It also increases the security of our grid, our electric grid. For example, if we have a large power outage in let's say Albuquerque. It could potentially affect us up here. But if our grid is much more local and much more [inaudible] we have the potential to preserve our electric system here locally. It also creates local jobs and those local jobs will keep our local

students in the area. We have local community colleges that are teaching people how to install and maintain solar systems, and that will keep them here. Those are the kinds of technical jobs and hiring paying jobs that we need to keep in our community. I thank you very much for your time and I hope you approve this resolution.

CHAIR HOLIAN: Thank you, Amanda. Next.

GLENN SCHIFFBAUER: Thank you, Commissioner Holian, Commissioners. My name is Glenn Schiffbauer. I'm the executive director for the Santa Fe Green Chamber of Commerce, and I'd also like to thank you for holding this up for just a couple of minutes so that people who are wanting to speak can get here.

The New Mexico Green Chamber of Commerce is the largest business organization in the state and I know that there are 1,100+ members around the state that are watching what we're doing here. But I'm speaking specifically on behalf of my nearly 100 members here in the Santa Fe area. As Craig mentioned, this resolution will allow people who lease their business space or are in historic areas to have access to renewable energy. One of the things that that does is level the playing field for people looking for renewable energy all the way from Airport Road all the way out to Eldorado. And the thing that my members are looking for most of the time is a green business advantage and in this case the aspect of being able to hedge their energy charges for a long term, freezing the rate of electricity is something that's very, very important to them.

Santa Fe's tourism is obviously very vital and we have an initiative going on here called the Santa Fe Green Lodging Initiative that I'm working with. This allows them to have the renewable energy aspect to their certification. The green travel industry is growing, is one of the most robust sectors in the travel industry. 51 percent of all travel planners look for a green venue when they're selecting it, and also Expedia, Travelocity trip advisors have all started dedicating their webs to that presence, that market, and also a green rating system. So this allows our tourism to keep pace with the growing and competitive market around the country and I hope you pass this resolution. Thank you.

CHAIR HOLIAN: Thank you, Mr. Schiffbauer. Next.

JEROME LUJAN: Good afternoon, Commissioners. My name is Jerome Lujan and I am from the Seneca Nation and Taos Pueblo and a student of Santa Fe New School, and working with Youth Allies. Through my involvement with that program I am also a part of the Sustainable Santa Fe Commission. I am here speaking on behalf of Youth Allies and the people in my community in Santa Fe, New Mexico.

As you all are aware, Santa Fe is engaged in creating a sustainable environment for the community and making a constant effort to reduce our carbon footprint. The City of Santa Fe is a beautiful place and as I'm sure you do, I want to keep it beautiful. To be truly beautiful, Santa Fe needs to be in the forefront of renewable energy, alternative transportation, and green building. We need to find ways to live without compromising the health of the planet and other communities.

I am an advocate for sustainability and an advocate for solar energy and so I am here to express my support for the community solar resolution and the resolution to put solar on County buildings. Why do I think these would be good for Santa Fe? Well, for one, solar energy is renewable energy. Also, solar energy projects create more jobs. It's a low-cost

2013/05/01 10:00 AM
SANTA FE COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
APRIL 30, 2013
PAGE 63

energy and it's for the future of Santa Fe and for the future of the world and its coming generations of youth.

Like most of you, I am not a fan of coal and its dramatic effect on native communities in the Four Corners area as well as the planet's climate. When these resolutions pass, which I expect they will, I will be excited to see their effect on the community creating clean energy, providing low-cost energy to the public, creating numerous jobs, taking our toxic energy and making use of the land and providing youth with the knowledge of how solar energy works.

Solar energy is always a great resource for community and if every community here utilizes this clean resource, New Mexico could help the whole country make the shift to clean renewable energy future and a green economy. So in conclusion, I hope that the Commissioners take this resolution and make it possible for the City of Santa Fe and its people to once again know what renewable resources can do for the environment. Thank you.

CHAIR HOLIAN: Thank you, Jerome. And I really want to commend you for participating in the political process. I really appreciate that.

MR. LUJAN: Thank you.

CHAIR HOLIAN: Next.

KIM KELLY: Hello. My name is Kim Kelly and my husband and I have owned an art gallery in Santa Fe for the last 12 years. Most of the art galleries are in the historic district on the east side so we are restricted by historic covenants and also a lot of trees for our roof-tops in the area. Our gallery has made a considerable amount of effort to become more sustainable and we have reduced our carbon footprint by changing to LED bulbs and reducing our electric bills from \$800 to \$160 a month, thanks to the rebate program from PNM.

We really thought being a smart business is a sustainable business because being sustainable reduces the baseline cost for a business. We did sign up for the PNM Sky Blue, so we are getting 90 percent of wind energy. But when we heard about the community solar it's a lot more appealing because it is something that it localized here, and so there's a certain amount of ownership that you have having the panels here rather than in southern New Mexico. And we would prefer supporting the local community and reducing our carbon footprint here.

I know that PNM is actively working to do some positive things for the community, and I really feel like this is a very creative opportunity and positive opportunity for PNM and the City of Santa Fe and the County of Santa Fe to work together and find a solution. I know that our business would definitely sign up for community solar if it was offered. Thank you very much.

CHAIR HOLIAN: Thank you, Ms. Kelly. Next.

TERESA SEAMSTER: Hi. My name is Teresa Seamster and I'm a co-chair of the Northern New Mexico group of Sierra Club, and I do have some flyers for all of you from our Solar Fiesta [*Exhibit 3*] These are from Kit Carson and they've done a wonderful kind of pilot program for the rest of us to learn from up in Taos and Taos of course is now calling itself the solar capital of New Mexico, and we can't let that go unchallenged. We want to be that solar capital.

So I have to tell all of you that this is a very hot button issue for everyone I've talked to. We have people from our community who tabled at the Solar Fiesta and probably – they

REC'D - CIVIL RIGHTS RECORDS
4/30/13 10:53 AM

kept track of how many people they talked to. It was about 100 people, and if you take about 40 of those people and say, okay, well, they're solar contractors, so they're obviously for it. But look at the 60 of that hundred that came up and said we really want to see community solar. This would be so wonderful. It would allow everyone to have a shot at getting ownership of solar, having the reduced rates and having a stable cost. And for people who own businesses, who run schools, who run different services here in the county, knowing that you have a stable rate out into the future is extremely important in terms of making a decision to stay here and to operate here.

So also in terms of members of the Sierra Club, I have to tell you when the possible rewriting of the Public Utility Act came up in front of the Senate we sent out a letter to people saying do you support community solar? This would be something that could be added to the Public Utility Act. Within two hours the head of the committee, Peter Wirth, Senator Peter Wirth from our district here in Santa Fe received 191 votes of support, saying yes, we definitely want community solar. So Commissioners, please do approve this resolution. We strongly, strongly support it. Thank you.

CHAIR HOLIAN: Thank you, Ms. Seemster. Next.

JOHN WATTS: I'm John Watts. I just heard about this at the Solar Fair at the Community College and I knew right away it was wonderful. I really support it. I can't see that I would like to have an installation on top of my roof but I really would like to invest in something that I could participate in and get a credit on my bill and I just think it's the way that we need to go and I think setting an example for other people would be really good. Even setting an example for myself. I would like to be part of this. I read an article about three years ago in Scientific American about solar power, and New Mexico, we've got all this gift of sunlight here we could be ultimately one of the biggest contributors to energy in the United States.

That article said that we could produce 20 or 30 percent of the energy use in the United States. And I would like to get us really started. I would like to get started. I would like to participate. And I'm just one citizen here and I think this would be great. I think every dollar that we invest in community solar pays us many, many dollars down the way. It's a very short list. It's an ease of investment. I don't want to – it would be easier for me to repair my roof if I don't have to lift up solar panels and that sort of thing, so it's much easier that way. And I'd like somebody else to maintain the equipment. So I think this community project would be very helpful for that s well.

Local jobs – New Mexico can use good quality jobs in this area. I think that would be great. And you've got the college here that trains people. That would be super. Less greenhouse gases, and down the road, the more greenhouse gas problems we have, those are going to be huge, big money problems for the whole of us. Anything that we can do to help with that is a huge savings to us. Tremendous. Thank you very much for your support of this. I look forward to participating in it more. Thank you.

CHAIR HOLIAN: Thank you, John. Who would like to speak next?

LOUISE PAPE: Madam Chair, Commissioners, I'm Louise Pape. I've been doing a news service for years and years and other things in the issue of climate. And so it's climatetoday.org. I'm also a commissioner on the Sustainable Santa Fe Commission. And I wish to say today that the biggest social justice issue in the world is climate change, because

the price of everything is going to go skyrocketing if we continue with drought and floods and all of that.

So we are now at a level of almost 400 parts per billion of CO₂ in the atmosphere, which is more than we've ever had in the last million years. So we are on the verge of real, very, very serious problems. So we need as much solar as we can get and community solar has been successful not only in Taos but in communities all over the United States for several years now and it's quite exciting. So I am in complete support of community solar and I hope that you all will be supportive of it too. Thank you very much.

CHAIR HOLIAN: Thank you, Ms. Pape. Next. Who would like to speak next?

KAITLIN JENNINGS: Good evening. My name is Kaitlin Jennings and I am a renter in Santa Fe County. And I'm very nervous about public speaking but I really have a strong stake in this cause and I wanted to come speak. I feel very blessed to live in Santa Fe because it's such a beautiful city but that wasn't always the case for me. I grew up actually on the Gulf Coast in Texas and our landscape there was a bunch of petrochemical plants and refineries. There was very little green space for us to grow up. The neighboring city, the one that I grew up in we called Stinkadina because it smelled so bad from all of the chemicals.

So I know that you know all of the arguments for the cost-effectiveness for community solar and how increasingly it is becoming the most viable energy source, especially here in New Mexico where we have this wonderful sun at our advantage, but I want to be able to know that the energy that comes to my home doesn't create injustice in other communities and something like a community solar farm would allow me to do that. So I very much support this resolution and I hope that you will do the right thing. Thank you.

CHAIR HOLIAN: Thank you, Ms. Jennings. Who would like to speak next?

MARTIN SOTO: Greetings Commissioners. My name is Martin Soto and I'm a local youth here in Santa Fe. I'm here with Youth Allies and I'd like to support the resolution for the implementation of community solar project for Santa Fe. I believe that access to renewable clean energy is vital for the future. Santa Fe is known as an eco-friendly city and we must continue to be leaders in the struggle to gain independence from oil. Community solar would not only create green jobs it would set a standard that other cities could follow.

As a young person in Santa Fe it is important to me that my community is environmentally friendly so we can create a future that we can look forward to. The initial investment in solar panels will save money over time, create an energy source that saves people money, stimulate the economy and add to our community's standing as a leader in eco-friendly, renewable energy. This would allow many communities to have access to solar power, especially for individuals who can't otherwise afford residential solar power. This would increase the overall awareness of the need to switch to solar which creating jobs.

I urge you to support this resolution and thank you very much for your time.

CHAIR HOLIAN: Thank you, Martin.

JANET MCVICKAR: My name is Janet McVickar, Madam Chair and other Commissioners. I just want to say first of all, I'm a member of the Got Sol group that was represented a little bit earlier and I want to raise one more point about why it's a good idea to have a solar community solar entity which is that most of our downtown area is in the historic

SFC CLERK RECORD 05/03/2013

district. I'm an archeologist and I've worked with the City for many years among other entities and possibly one of the only ways we can really get solar powering the historic downtown district is to have a community solar facility and I really support this resolution. Thank you.

CHAIR HOLIAN: Thank you, Ms. McVickar. Next.

GERARDO PINEDA: Hello, everyone. My name is Gerardo Pineda. I am a junior at Capitol High School. I am here to urge you to make the right decision about energy for our community. We need to use solar. The cost of solar energy is going down while the cost of coal is going up. Community solar will create a renewable energy with a reasonable prices for the public. Community solar will make the benefits for a nice environment and save some dollars. I want it clear to be an example of this new solar age and not to be a stone age community.

Being a student at Capitol High School, I've had the opportunity to learn about global warming, the problems with the [inaudible] renewable energy. [inaudible] While some of the [inaudible] Global warming results in more intensive heat waste, lots of sea level increase, [inaudible] more wildfires, longer periods of drought and increase in number and intensity of tropical storms. PV stands can be connected to [inaudible] These are some of the things I learned at Capitol High and we're aware that solar energy could be beneficial to the community. Thank you for the doing the right thing for your community. Thank you.

CHAIR HOLIAN: Thank you, Gerardo. Would anybody else like to come forward to speak?

ANGEL RAMIREZ: My name is Angel Ramirez. I'm a junior at Santa Fe High School and one of the organizers for Youth Allies. I joined Youth Allies for the same reason that I'm here which is to support this resolution. We use oil and coal for everything. We use them for transportation, for the energy of our homes. We all spend 30 percent of our hard-earned money on oil. We even go to war for it. It is polluting our beautify planet and changing the climate causing natural disasters which are destroying countries around the world and destroying people's lives.

This is why solar energy needs to be a feature of New Mexico and the country. It will say a lot more money and the lives of animals on this planet. Thank you.

CHAIR HOLIAN: Thank you. Who would like to speak next?

STEVE RUDNIK: Madam Chair, Commissioners, I'm Steve Rudnik. I'm an environmental scientist. A lot of people have alluded to the issues of why coal is a problem. Let me put some numbers on it. Approximately 40 percent of our greenhouse gases here in New Mexico are being generated by PNM. About 60 to 70 percent of our electricity is being generated by coal. This is a moral issues. First of all, we can do the economics but we generally don't include externalities in those economics, and if we fail to do that we will not come to the right conclusions. We are creating greenhouse gases. We are creating pollution. We are creating illness in the Four Corners area generally. We don't count those economics in.

This is purely a moral issue. We need to get rid of coal for any number of reasons. Economics, health, and a lot of other things. This isn't a question of doing the numbers per se. This is a question of figuring out what those externalities are and how they figure into the

cost, and it is very clear that solar, wind, any alternative energy is an answer to that problem. Thank you.

CHAIR HOLIAN: Thank you, Mr. Rudnik. Is there anyone else who would like to speak? I do notice that there are several representatives of PNM here. Would any of you like to say a few words, since you're involved in this possible project.

MATTHEW JARAMILLO: Thank you, Chair Holian and members of the County Commission. My name is Matthew Jaramillo. I'm with local government affairs for PNM and with me today I have Sayuri Yamada, director of government affairs and well as Amy Miller, our environmental stakeholder engagement manager. Thank you for allowing us a few moments to speak.

We wanted to basically first show our support for this resolution and thank you, Chairwoman for bringing it forward. Community solar is an idea that we've been communicating with the City for a number of months, since November and we're actually very encouraged now that the County is starting to take part in those discussions. We especially want to thank Craig O'Hare for allowing us a lot of the County insight as well as his own personal knowledge on this endeavor.

Currently, on top of this initiative we have a lot of other renewable projects that we have, such as utility-scale photovoltaic, distributed generation, which is panels on top of homes, as well as Sky Blue which has been mentioned before, which now actually adds a wind component so you can pay a little bit more a month and not only get solar you can add wind to your own personal renewable portfolio. I just wanted to give the rest of my time so Amy can give you an update of where we currently stand on this endeavor.

CHAIR HOLIAN: Okay. Thank you, Mr. Jaramillo.

AMY MILLER: Thank you, Madam Chair and Commissioners. My name is Amy Miller. I work in the public policy group at PNM and I'll just give you a brief update about our work on this concept. PNM started to look into the community solar concept last fall as well as some other customer products that could meet solar needs at both residences and businesses. Community solar was one of those concepts. We have an internal team that's been working very hard at looking at the regulatory aspects, different financial models around community solar including trying to address some of those subsidization challenges that Craig mentioned earlier, and looking at different customer options.

So would customers want to make an upfront investment in a facility or make it more affordable and do it over a period of months if not years at a lower cost? We've also talked to many other utilities around the country that are looking at this concept and have met with county officials, city officials, the green chambers and others here in Santa Fe. The three things that have come out as priorities around community solar is that clearly we site a large-scale project here in Santa Fe, that there is some kind of financial hedge for those customers who choose to participate in this, that it's a product that would appeal to both residential and business customers and especially those that cannot put solar on their rooftops or on their property.

So this has led to a recent meeting where Nick Schiavo from the City of Santa Fe and Craig O'Hare from the County are working closely with our team. On Friday we will be launching a formal survey through research and polling a random sample of PNM customers in Santa Fe County, asking them to give us input on the concept of community solar and

several different customer models. This weekend we were also at Solar Fiesta, had a booth, talking about renewables and energy efficiency and did a smaller version of this survey as well.

So we're really – we know this is a priority and of important to your community and we are looking at many different options to make something happen here. Thank you very much.

CHAIR HOLIAN: Thank you, Ms. Miller. Is there anyone else here who would like to speak. Okay, seeing none, I just want to let you know that this is the first hearing of this resolution so it is for discussion only. We will not actually vote on it until the next meeting. This is the way that our rules of order go now, with regard to resolutions. But I just want to tell you all that I just so appreciate that you came out to participate in the public process and to show your support for this very important concept, and I would especially like to thank the young people who have come here today because I think it's a great precedent that they are getting involved early in their careers and they realize that they can make a difference if they come and speak to the Commission. So thank you all for coming. And now I would like to open it up to the other Commissioners for comments and questions.
Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Amy, I have a question for you, and I'm looking at the brochure that was provided by a previous speaker on how it works. Talk about those three things you talked about. The first thing you said was what?

MS. A. MILLER: The three priorities for Santa Fe would be clearly siting a large-scale solar facility here in Santa Fe. The second would be having some kind of program that could provide a financial hedge for customers who participate in a community solar.

COMMISSIONER ANAYA: Talk about what you're talking about when you say financial hedge. Tell me and tell the listeners that are listening on the radio and that are here what you mean by that and what responsibilities the participants would have to become part of that community.

MS. A. MILLER: Sure. There are a variety of different ways that this is being piloted around the nation. Kit Carson has been mentioned this evening. Kit Carson's model is that Kit Carson hired a company out of Colorado called CEC. They've built a little bit over a one megawatt project in Taos. Customers had the option of buying a panel, and I think it's for around \$840 a panel, and then depending on the number of panels they purchase they receive a credit on their monthly bill for their ownership in that facility.

COMMISSIONER ANAYA: If I could, I just want to make sure I understand and I want to make sure people listening on the radio or watching will understand. They purchase a panel but the purchase of that panel, if we engage in that program is a voluntary option? So if you have a sector that you identify of individuals or potential users of panels, they have an option to either not buy a panel and continue with their current rate structure, or they have an option of purchasing a panel and utilizing solar energy and garnering some efficiencies.

MS. A. MILLER: That is correct. It is a completely voluntary program. Kit Carson has marketed it to their entire customer base. The last time I spoke to them it was appealing more to residential customers than business customers. We think there's probably a good potential for the business customer market here in Santa Fe, but we'll see what our

SEC. CLERK RECORD 50/03/2013
1:02:00/00/00 CROCHER 00000 030

market research says. There are other utilities that do it a little differently where they might enter into a long-term contract with a customer and the customer pays a little bit instead of a large upfront fee for participation in the facility. So in essence they're really investing in a certain amount of energy within that facility, and then they either receive some kind of hedge that's a protection from like, fuel increases, or some kind of credit on their bill.

So there are a few different ways from the customer side of things that this could look like.

COMMISSIONER ANAYA: So it gives the consumer the opportunity for leveraged purchase of panels with other individuals, that will – the more we get, the more interested parties will reduce the cost, potentially, of what you're trying to achieve and they'll have control of their own destiny through credits that they would get back for utilizing solar panels on a reduction in their direct bill?

MS. A. MILLER: It would reduce their own bill costs or risk against future price increases.

COMMISSIONER ANAYA: Okay. Thank you, Madam Chair. Thank you, Amy.

MS. A. MILLER: Thank you.

CHAIR HOLIAN: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. I know a project like this might take a period of time to develop and implement but I do believe that in the interests of our community members who, for a variety of reasons cannot utilize solar panels on their own that this would be a step forward. So I look forward to seeing how it plays out.

CHAIR HOLIAN: Thank you, Commissioner. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, thank you for bringing this resolution forward. I just have a couple of suggestions as far as the therefore and then a couple of questions for staff or either PNM. Just one, if you're going to notice the PRC I would just provide a cc to also their general counsel and their chief of staff, and then maybe also we could send this to the Mayor of Santa Fe just for that.

But Madam Chair – thank you, Madam Chair – but for either PNM or even Mr. O'Hare. I guess the question first for PNM. Do you – and I don't think you do – but do you have any of such community systems with any of your service area?

MS. A. MILLER: Thank you, Commissioner Mayfield. No, we do not have a community solar project in place. As Matt mentioned, we have five large-scale solar plants throughout the state. We are adding two more this year and are expanding two of those existing plants. And those feed – they are on our distribution system and feed renewable energy to all of our customers.

COMMISSIONER MAYFIELD: Okay. I might be out of touch with PRC rules but I have a little bit of insight with PRC rules, so as I would understand this, and anybody can correct me, it would be PNM that would have to move this forward with the Public Regulation Commission. I don't believe the community could or the County could. So would PNM, are we kind of hearing that PNM is in support of this, that you all are going to be filing a document with the PRC on such a community solar system?

MS. A. MILLER: Yes, if we make a final decision to place a community solar project here in Santa Fe that would involve a regulatory process. Any time we build a large-

2013 APR 30 10:58 AM

scale facility we have to have permission for that. We would also have to file some kind of customer tariff that would go through the Commission as well, so that is correct. It would go through a regulatory process.

COMMISSIONER MAYFIELD: Sure. And I know this can be drawn out and Commissioner Holian is pushing this resolution but I think this community behind you is kind of – I would like to know when would we anticipate this filing happening?

MS. A. MILLER: I think a decision will be made at PNM based on its customer research, and then moving forward on things like siting, which we have asked the City and County to provide some sites that would be available within the community, move down a regulatory path, and then there were just other internal details around getting billing systems and IT systems in place so billing and things are correct.

COMMISSIONER MAYFIELD: And then under PRC rules and what's going on with your renewable standard requirements, of what's happened and what's happened recently, this could meet threshold under your renewable performance standards? Craig? PNM? Would that be your criteria? What are you at? 20 percent by 2020?

MS. A. MILLER: That's correct. The next milestone is 15 percent by 2015 and then it goes to 20 percent by 2020. We will be filing a plan with the Commission on July 1st of this year to add more renewables to our system for the 15 percent threshold. This is being modeled in a few different ways. We are actually looking at doing this outside of the RPS.

COMMISSIONER MAYFIELD: That's great but this could help meet that current RPS requirement. Correct?

MS. A. MILLER: Yes, it would, but we feel that we can meet that with other means and we would like to do – we hope to do this outside of the renewable portfolio standard so it would be above and beyond.

COMMISSIONER MAYFIELD: Okay. Madam Chair, again, thank you. I don't know, Craig, if you want to add anything on that.

MS. A. MILLER: Thank you, Commissioner Mayfield, Madam Chair.

MR. O'HARE: Madam Chair and Commissioner Mayfield, just to sort of reiterate what Amy was saying, that this is definitely in the hands of PNM to introduce before the PRC governing body and I think they're looking at when your question is around making a part of the renewable portfolio standard, things like that, it's trying to make it so it's not such a complex case that it has difficulty getting through the PRC process. So we've enjoyed, both Nick Schiavo and myself and City Councilors and Commissioner Holian have enjoyed working with PNM and hopefully we can work something out.

There are some challenges here with respect to making sure it works for PNM because if this is the beginning of a whole bunch of these projects around PNM service territory, obviously they have concerns about what that means for their operation and their business model. But hopefully we can put something together that works and is creative and there are models out there as Amy mentioned that are working around the country and hopefully we can emulate one of those and make something happen some time by next year.

COMMISSIONER MAYFIELD: Great. Thank you, Madam Chair. Thank you, Craig. Thank you, PNM.

REC'D
CLERK
RECORD
SERIES
2013
APR
30
11:31

CHAIR HOLIAN: Thank you. Any further. Yes, again, I really want to thank all of you from the community for being here in support of this. I'm cautiously optimistic that this will pass at our next meeting and you are invited to come again if you would like to comment again at our next meeting. So anyway, thank you all and I guess we will move on to our next item seeing as how we can't vote on this yet. Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, just one final comment. I appreciate the participation of the youth and every individual that came forward to speak, but I also think it's important to acknowledge that it's a partnership between the community and PNM working together collectively if this is passed. So I appreciate all parties, including PNM coming to the table.

CHAIR HOLIAN: Commissioner Chavez.

COMMISSIONER CHAVEZ: I would ditto what Commissioner Anaya said, because I do see a partnership building here. I do see the support from the Public Service Company and I think with that kind of an effort, broad community support, I hope that we can move this forward. So thank all of you for being here.

CHAIR HOLIAN: Thank you.

XI. D. Introduction of a Resolution Supporting Clean and Renewable Energy Projects to Deploy and Install Energy Efficient and Renewable Energy Technology Systems on Santa Fe County-Owned Facilities, Which Will Result in Decreased Utility Costs for Taxpayers, Reduce Negative Environmental Impacts from Fossil Fuel Use and Contribute to Cleaner Air Quality and Healthier Communities (DISCUSSION ONLY, FIRST HEARING)

COMMISSIONER MAYFIELD: Madam Chair, thank you. Madam Chair, I think you all have a summary memo in your packets so I won't go in to read that, but I would like to read in the resolution as I typically do that. Okay. So Santa Fe County Resolution No. 2013 – no number yet? Okay.

Whereas, the Board of Santa Fe County Commissioners approved and adopted its Resolution No. 2013-7 on January 29, 2013, a resolution that requires that County Government to lead by example and implement sustainable resource management principles and cost-effective waste reduction, recycling and clean energy strategies in County operations;

Whereas, the Board adopted the Sustainable Growth Management Plan in 2010, which established by policy, clean energy directives generally that includes the use of solar renewable energy in new development;

Whereas, consistent with these policy directives, Santa Fe County has already constructed various buildings that incorporated energy-efficient and renewable energy including United States Green Building Council Leadership in Energy and Environmental Design Standards, LEED;

Whereas, the Board recognizes that buildings consume a large proportion of energy used in the United States and that it is in the best public interest and the best interest of Santa Fe County to address the County's existing facilities to achieve the goal of conserving natural

2013/04/30 09:00 AM

resources as well as to reduce the operational and maintenance costs at each County facility;

Whereas, Santa Fe County has the ability to lead by example and make Santa Fe County a clean energy leader by taking further affirmative public policy action on environmental projects to deploy and install energy efficient and renewable energy technology systems on County-owned facilities;

Whereas, Santa Fe County holds tremendous solar power potential that could reduce negative local impacts from fossil fuel use, create new jobs, and bring brighter possibilities for health, prosperity and sustainability to county communities;

Whereas, according to rankings developed by the Solar Energy Industries Association, SEIA, the State of New Mexico is already in its top ten list twice: fifth in Installed Solar Electric Watts Per Capita, and tenth in Cumulative Solar Electric Capacity;

Whereas, solar power systems mitigate climate disruption and reduce our collective dependence of fossil fuels, which lead to protection of air quality and conservation of water;

Whereas, solar energy does not produce any toxic fumes or air pollution, compared to fossil fuels, which release carcinogens, carbon pollution and other harmful air pollutants, that cause diseases such as asthma and cancer;

Whereas, as the world's demand for energy continues to rise, solar power is one of the most abundant resources providing clean, cost effective energy around the world harnessing the power of the sun which is a critical path in global efforts to create a sustainable future and New Mexico and Santa Fe County are ideally suited to take advantage of these benefits;

Whereas, the Board recognizes the benefits of solar power, including:

1. Economic: Once installed, solar systems provide a low-cost means of receiving high quality electricity that will realize a return on investment for Santa Fe County for excess electric production including receiving Renewable Energy Certificate payments from the utility company;
2. Environmental Stewardship: Use of solar electric systems decreases the amount of local air pollution and photovoltaic systems produce electric power with no carbon dioxide CO₂ emissions;
3. Health: Air pollution will be reduced compared to fossil fuels, which release greenhouse gases, carcinogens and carbon dioxide and solar cells do not release any pollutants into the air; and
4. Education: Because the solar system will be publicly visible, Santa Fe County will once again lead by example for our community. Enticing community members to ask questions seek information and engage in discussions about how to transition to a clean and local energy economy. Generating community support for future like-kind projects that will move forward a Community Solar Program in Santa Fe County;

Whereas, the Board wishes to continue to lead by example and further take action through affirmative, progressive public policy at the local government level to address climate disruption, reduce carbon pollution and create jobs in clean energy and energy efficiency for Santa Fe County's families and businesses;

Whereas, this resolution will once again lead by example in the area of solar power and result in decreased utility costs for the taxpayers, reducing environmental impacts from fossil fuels and contribute to cleaner air quality and health communities;

Whereas, the Board wishes to solarize the Tesuque Fire Department as a pilot project

2013 APR 30 PM 03:03:03

along with New Energy Economy, a non-profit corporation who has raised funds to assist with the project, and this pilot project can serve as a model to be pursued for existing County facilities generally, which will meet the energy saving objectives described herein and also employ locally trained installers, grow community capacity and provide valuable opportunities to work with not-for-profit entities. Once solarized, it is expected that the Tesuque Fire Station will definitely decrease its electricity costs resulting in returned utility money savings.

Now, therefore, be it resolved by the Board of Santa Fe County Commissioners that:

1. A pilot project with New Energy Economy to solarize the Tesuque Fire Department shall be and hereby is approved.
2. The pilot project will provide a benchmark and a model for Santa Fe County to pursue future additional energy efficiency and renewable energy projects on existing Santa Fe County public buildings.
3. Each County-funded project must consider energy saving features such as solar energy as well as features to conserve water and other natural resources and the County shall ensure that analysis of viable energy development and resource conservation shall be included on all County facilities before the project is approved regardless of whether or not such features are to be implemented on the proposed project.

And it proposed for approval on – well, it's not this day so we'll leave that alone. So with that, Commissioners, just listening to this conversation a few minutes ahead of us I kind of drafted my own little quick amendment, that's not an amendment, but I'm going to incorporate this, and I'm just going to read it in. On page 2 under the economics, which I just read under #1, after certificate payments from the utility company, there's a semi-colon, I would also like to add, Additionally, since an educational component offered at the Santa Fe Community College prepares local youth for jobs in the field of solar and renewable energy, every new project that occurs in Santa Fe County creates jobs for these graduates as they enter the workforce in Santa Fe County. These opportunities foster economic vitality and create ongoing employment opportunity for families.

With that, Madam Chair, I will pass to Commissioner Anaya for his comments.

CHAIR HOLIAN: Commissioner Anaya,

COMMISSIONER ANAYA: Just a few brief comments, Madam Chair.

Thank you, Commissioner Mayfield, for allowing me to sign on to this with you. We had a discussion about water catchment because of the work we're doing at the senior center. It seems like a very logical complement to do water catchment as well as solar power on County facilities. I'm going to engage and utilize some of the resources that I have available to me through the Commission to begin the same process that you're beginning in Tesuque with solar panels on County buildings in District 3 and look forward to coordination with other partners as you mentioned to try and help offset those costs as we analyze those needs throughout the county and upgrade our buildings and leading by example.

So thanks again. I agree with your amendment on the economics and stand in support of the resolution, obviously.

COMMISSIONER MAYFIELD: Thank you.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Stefanics and then Commissioner

Chavez.

COMMISSIONER STEFANICS: Thank you, Madam Chair. I have a question or two. New Energy Economy, being a non-profit, are they planning on donating this entire project?

COMMISSIONER MAYFIELD: Madam Chair, and I just want to thank you if I may – I just want to acknowledge Mariel Nanasi and I'll answer your question. Yes, Madam Chair, I was invited to a meeting at Tesuque Fire Station so on that I spoke with Mr. Ross and I'll ask Mr. Ross to go into this. New Energy Economy has raised funds. New Energy Economy asked if Santa Fe County could contribute any funds to this project. They also asked if the fire station could contribute any funds. So in consultation with Mr. Ross, and I'm going to ask Steve to pipe in here because he understands how that dynamic can work with a non-profit giving money over to the County.

So the answer to that is yes, they're raising funds. They're not going to be able to raise all of the funds, so with – Steve, do you want to finish off my sentence for me please?

MR. ROSS: Madam Chair, Commissioner Mayfield, are you speaking of – I couldn't hear all of that.

COMMISSIONER STEFANICS: I was asking, Madam Chair, Mr. Ross, about New Energy Economy, whether they were going to pay for this entire project or how they fit into this.

MR. ROSS: They're going to pay for half of it, I understand, and so the County would have to raise the remaining funds.

COMMISSIONER STEFANICS: So, Madam Chair, are they the actual company that does the work, or are they a non-profit that solely raises funds for projects?

MR. ROSS: The latter. Yes. They've raised money and that's what they generally do. So the project would be performed by a local contractor.

COMMISSIONER STEFANICS: So the project would still go through all of our procurement processes?

MR. ROSS: Yes.

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

CHAIR HOLIAN: Commissioner Chavez.

COMMISSIONER CHAVEZ: Thank you, Madam Chair. Commissioner Stefanics asked some of my questions because the question I had is is the non-profit going to pay for the entire project and the answer is no, they're going to pay for 50 percent, so the next question is 50 percent of what? Do we have an estimated cost for this kind of project?

MR. O'HARE: Yes, Madam Chair and Commissioner Chavez. We estimate – we're talking about a 5.5 kilowatt to 6 kilowatt system on the roof of the Tesuque Fire Station, which we believe, we estimate will supply 100 percent of the electric demand at that fire station. And we estimate roughly it will cost between \$30,000 and \$35,000 to construct such a facility and New Energy Economy has committed to raising \$15,000 of that. I believe they've already had about three fundraisers. They've got another one coming up at Tesuque Village Market on the 9th I think it is. And this is just FYI. This is actually modeled after an arrangement that New Energy Economy had with the City last year when they built a solar project at Fire Station #3 on Cerrillos Road. So when you drive by that, that's exactly the same model that Mariel's organization with New Energy Economy is using.

2013/05/03/09:23:00 AM RECEIVED

This is our project from a procurement standpoint. Bill Taylor, our procurement director, is working on an invitation to bid to send the project out. I'm working with the Finance Director and the County Attorney's Office on the mechanics of how do we actually handle the contribution from New Energy Economy, but we feel we can work that out. I will also say that our estimate is that the project in its initial years will save in the neighborhood of \$1,700 a year in electric bills and that of course will go up over time. To the extent that PNM raises its rates the savings increases over time as that happens.

COMMISSIONER CHAVEZ: Okay, so then moving forward, obviously we will need a fiscal impact report that will identify the money, the additional money or the balance of project. So I think that can be addressed. And then also I think that we need to be aware of the ongoing operation and maintenance of even this system. So I think, hopefully, that's factored in.

MR. O'HARE: Madam Chair, Commissioner Chavez, excellent point, and I made sure – I wrote the specifications and Bill Taylor is now using to write the invitation for bid that we have a minimum ten-year fully service warranty. Meaning we don't pay a thing for the first ten years. And that's very standard with solar installations. My little tiny system on my roof has a ten-year full system warranty. So obviously we don't need to be concerned about O&M costs for that period of time.

COMMISSIONER CHAVEZ: And then I don't want to take anything away from the debate because we always have to start somewhere, but it's already been predetermined that the Tesuque Fire Department will be the pilot project, and I don't know if there were other facilities that would have been better. I don't know that but – and so we really didn't have a discussion about priorities and which might be first and second and third, but I'll put that aside for right now and focus more on the fiscal impact and where we might identify the money for our part of the project.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Well, Madam Chair, I can let you know where the remainder of the money is coming from right now. But first I do want to acknowledge Senator Worth and Representative Trujillo, because they did kick in some \$15,000 for capital in this past legislative session. Unfortunately it was vetoed. So that's that. Also, speaking with the volunteer chief Damron and David Sperling, right now, and I'm glad Ms. Martinez is in the audience and Ms. Nanasi and Craig O'Hare who did analysis of how our utility bills are paid. They're paid out of our fire fund, correct? And Teresa you can correct me if I'm wrong. Our utility/electric bills are paid out of the fire funds. So those fire funds are paying all of our fees for the utility bills in the stations.

So, one, we could look at that as maybe a potential funding stream. Two, I have capital dollars within my district that other Commissioners have chose to spend how they've wanted to spend theirs on capital projects within their districts. That's my option to spend that also as this Commission has afforded others that opportunity. So there's the other funding source right there. If it's a match of \$15,000, if it's a match of \$20,000, we've respected each other's projects, so there's a funding source right there, and in turn we are saving the County's operational fund, if it's coming out of the fire fund to never have to pay a utility bill there.

2013/05/03 09:53 AM

There might be some ongoing maintenance. We could look at the FIRs. Again, Commissioner Chavez, we can debate how an FIR is put out there and how we are going to look at looking at an FIR as far as the mechanics of an FIR. I won't belabor that point again because we did that earlier for a good amount of time. But, so Commissioner, I don't have a worry about the funding, because the funding is going to be coming out of my district capital funds, the remainder. And Madam Chair, as far as how this project was selected, that's New Energy Economy's choice. If they want to bring their money and their fundraising for the Tesuque fundraising, and they want to approach any Commissioner and say, hey, do you have an interest in support this? I'm just grateful they approached me and thank you so much for approaching me and asking for this project to be up in Tesuque, and I look forward to putting any such project in any part of northern Santa Fe County on all our fire stations to get them off of these electric bills they're paying.

CHAIR HOLIAN: So Commissioner Chavez, you still have the floor.

COMMISSIONER CHAVEZ: Thank you. So, Commissioner Mayfield, I don't want to belabor or belittle the fiscal impact report. It is what it is and it's very simple. In this case I just wanted to know, and I hope that when this comes forward for a vote that we have the fiscal impact in the form that we're using, and that the money for this project be identified – the source of funding for this project be identified. If it's going to be your discretionary funds, fine. It just needs to say that in the fiscal impact report. That's all I was asking for.

CHAIR HOLIAN: Commissioner Chavez, are you finished? Okay.
Commissioner Mayfield.

COMMISSIONER MAYFIELD: And I appreciate and look forward to the support, and I do want to acknowledge some folks. But I have to ask this FIR process to Manager Miller. So Manager Miller, when we draw up a resolution, how is your staff going to prepare the FIR? Is it in the initial resolution that comes forward to this Commission? Or is it going to be in the second approval? Because the way the packets are designed, again, the staff have the time to get the FIR from the Tuesday meeting to the Thursday meeting when the packets are due. So staff has that time. I think that's putting a big burden on staff to have that initial FIR in our Thursday packet. If they can do it, that's great. If they can't do it, I think it's going to be pretty cumbersome for staff to have that initial FIR from a Tuesday meeting, from your Tuesday staff meeting, to the Thursday deadline for packet. As a matter of fact I think the packet is even due that Tuesday evening. So just help me out with how that FIR needs to be in our initial packet. Or would it have to be in the second?

CHAIR HOLIAN: Katherine, do you have an answer?

MS. MILLER: Madam Chair, on all staff materials and resolutions and that, we actually – all staff submits their stuff two weeks before. So I have been trying to make sure that when they're doing that they also include their FIR. If it's a resolution by a Commissioner, you have actually till the day that we start to print. So sometimes it won't be in there. But what I have also asked of the liaisons is if they have it in advance and if they know, to go ahead and include a draft with it. As you know, even today, almost every resolution we've had changed. So while you're voting on them that whole fiscal impact could change because you add words, take out words that could change the entire intent of the resolution. So in that regard, we're never going to have – if you vote on it at that exact time,

2013 APR 30 10:00 AM

we're not going to have a revised FIR, much in the way the legislature doesn't get them when they amend on they fly.

But by the second one we will have time to put something in but once again, if you change the language, that FIR might not be relevant. So like on this one in particular, if this just didn't have a specific project that you were approving, and it had language that just said support solar panels, much the same way that Commissioner Anaya's on water catchment said, it would have no fiscal impact because it wouldn't have a specific project, so you could easily see that, just by the sheer fact that you support an initiative and effort to look at these things as we go forward, and then if you wanted to put that specific project in, then we'd need to know what that specific project costs to do and add a quick FIR, and we could do that pretty quickly, because like Craig said, he's kind of already identified that and we could add that to the packet.

So you could go either way, based on the language, and based on how quickly it's submitted. In this particular one, I think we did have it on Tuesday so we had already gone into print so we didn't put one but we actually put a note that we would need one by the next meeting, based on what we've been trying to do in accommodating the form of resolution.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. And again, it's just kind of the FIR process, I just think that needs a little more thought process on it and I thought that when we passed that resolution. But that being said, Madam Chair, I just really want to acknowledge Mariel Nanasi. I look forward to working on continued projects at least in northern Santa Fe County. I know Commissioner Anaya looks forward, I'm not speaking for him. He can speak for his own but I think he looks forward to working on some southern project. If we can save our County dollars by installing these photovoltaic solar systems and I think it's proven there will be a definite return on our dollars, thereby saving the general fund or special funds, I think that will be proven. I'm going to work on this FIR. I'm going to work with staff on this FIR to show that there will be a meaning savings for each of these departments over the long term and I will include what our maintenance return is. I think we have a pretty good example with the new courthouse that we built of what ongoing maintenance is going to cost us on those photovoltaics. And I also want to acknowledge her interns, Ariana Maestas and Delaney Covelli. I know she's not with us tonight because she had some bronchitis virus, I think it's going around tonight. And if you all care to – all let Madam Chair do that, but thank you all for being here and thank you for working on this project with me.

CHAIR HOLIAN: Thank you, Commissioner, and I will just note as with the previous resolution, this is the first hearing so we will not be voting on this tonight. But I do want to thank Commissioner Mayfield and Commissioner Anaya for bringing this forward. I think that just in general it's a good principle for us to look at putting solar panels on our own facilities. This is one kind of investment where we actually get a payback on it.

And I saw a very interesting statistic the other day that I thought I would just throw out there. In 1977 solar cells cost \$70 per watt capacity. Now they cost 74 cents per watt. That means they are a hundred times less in price per watt than they were in 1977. And I'm sure that that trend is going to continue for a while longer. So it really makes sense to, in my mind, to invest in solar and actually save money on utility bills. So, anyway, and also, Mariel, I just want to say that the Hondo 2 Fire Station has a great roof too.

Public comment. Is there anyone in the audience who would like to comment on this resolution? Please step forward. And I will not even hold you to the two-minute time limit. And please identify yourself for the record.

ARIANA MAESTAS: Madam Chair and County Commissioners, I'm Ariana Maestas and Delaney Covelli wanted to be here but she's very sick and so I will be speaking for both of us. For three years we have worked locally with New Energy Economy on our campaign called Sol Not Coal. This campaign encompasses a lot but one thing this campaign stand to do is answer PNM's believe that solar energy is too expensive. We've seen first hand that this is not true in the fact that we have successfully as high school students completed large-scale solar installations on for instance, fire station #3 in Santa Fe.

From speaking at public events, tabling and fundraising in our community we know first hand that the community of Santa Fe could not be more supportive. We've addressed dozens of people in speeches, spoken with hundreds one-on-one while fundraising for solar power systems and everyone we've ever come across is wanting to do whatever they can to see more solar in Santa Fe, being donating a few quarters to thousands of dollars or with tears of joy flowing down their faces thanking us for our work, from students to firefighters to business owners to nurses, solar in Santa Fe County honors the needs, long-standing values and desires of our community. Solar projects are real-life examples of government responsiveness to the economic health and environmental needs of our people.

CHAIR HOLIAN: Thank you. Mariel.

MARIEL NANASI: May I approach? *[Exhibit 4]* My name is Mariel Nanasi and I'm the executive director of New Energy Economy, and what I just handed out to you are actual pictures of different solar installations that we have done and different partnerships that we have created, whether it's with the Crown Point Chapter House on Navajo Nation, or the City of Santa Fe that we installed with Santa Fe City and the Fire Department, two trackers that follow the trajectory of the sun like a sunflower, and also roof-top solar there. And that is addressing at least 30 percent of the electricity used at the largest fire station in the city.

And we've also partnered with the Pueblo of Tesuque and put in at the Intergenerational Center there a solar tracker. And so, Commissioner Chavez, I would love to partner with you and do something in your district, as well as each and every one of you. I feel like one of the most important reasons to do this is, yes, cost effectiveness, and yes, addressing climate as we have to mitigate it here in Santa Fe and really become a solar capital of not only New Mexico but hopefully the United States. But as such, that it has educational value. That it's a public education and awareness campaign, really. And so when we put solar in these very visible locations we do address the cost issue, we address health issues, we address the environmental issues.

And unfortunately, PNM only has one percent – one percent solar in New Mexico on their system. And when I look at my children in their eyes. I don't look at them and say, oh, you have so much potential. Because that's what we have here; we have so much potential. But I want them to actualize it and I want us to actualize and to really redirect money that we were spending on utility bills and coal-fired electricity that's causing not only the single greatest cause of climate but also having enormous health impacts. One out of every four high school students has asthma in New Mexico.

So we have a lot to do and I think that we are poised, we are poised to take advantage of the abundant solar resources that we have. So thank you so much. I really appreciate it. I look forward to working with each one of you to create solar in your districts. Thank you.

CHAIR HOLIAN: Thank you, Mariel. Is there anyone else who would like to speak? Mr. Jaramillo.

MR. JARAMILLO: Thank you, Chairwoman Holian, the Santa Fe County Commission. We also want to stand in support of Commissioner Mayfield and Commissioner Anaya's resolution, really because it really stands in line with a lot of our clean and renewable initiatives that the company is really moving forward with especially this year, 2013. PNM expects to make about \$8.6 million in REC payments this year alone. We're looking at making solar and solar systems more affordable to our customers, as well as really trying to support the local solar industry.

I have a little pamphlet here, some of our renewable energy plan for 2013 [Exhibit 5] but one thing I did want to mention is PNM looks to construct 20 megawatts of additional company-owned solar PV, bringing our total capacity to 42.5 megawatts, capable of generating enough power to supply approximately 13,400 homes, average homes here in the state.

CHAIR HOLIAN: Thank you, Mr. Jaramillo. Is there anyone else who would like to speak? Okay, seeing none, are there any other comments by the Commissioners? Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I stand ready to second the motion from the carrier of the resolution and then I have a few comments.

CHAIR HOLIAN: It's for discussion only.

COMMISSIONER ANAYA: So my comment is this. One roof at a time. Our roofs first. Solar in our districts. I think this resolution is something that is functional and there's a few tweaks that I think the Commissioner and I will work through but the bottom line is we want to do something and we want to do something now, and we want to lead by example in Santa Fe County and continue to put solar on our roofs as well as water catchment and other energy renewable apparatus so that we can show the public through our actions how they will directly save people money as we look at other potential changes to land use functions. But I'm excited about it and look forward to it and once again, Commissioner, we'll have to come up with a catchy slogan to perpetuate this. We will probably to engage the youth and other people in the community to do that that are maybe a little more creative than me anyway. But I thank you for the resolution and look forward to seeing us work together with the whole Commission to refine it and make it reality.

COMMISSIONER MAYFIELD: Thank you.

CHAIR HOLIAN: Thank you. Commissioner Mayfield.

COMMISSIONER MAYFIELD: No, just on Commissioner Anaya's note, maybe we could have some campaign, contest campaign for some catchy slogan out there. That would be –

CHAIR HOLIAN: Well, I think maybe we should have a contest among the Commissioners to see who can have the most watts installed in their districts. We'll have to figure out an appropriate present, like not having to be chair, for example.

2013/05/03 09:53:13
REC'D BY RECORDS
CLOCKWORK

XI. E. Introduction of a Resolution Determining Reasonable Notice for Public Meetings of the Board of County Commissioners of Santa Fe County and for Boards and Committees Appointed by or Acting Under the Authority of the Board of County Commissioners; Rescinding Resolution No. 2013-03 (DISCUSSION ONLY, FIRST HEARING)

COMMISSIONER MAYFIELD: Madam Chair.

COMMISSIONER ANAYA: Madam Chair, I'm sorry. If I could, Commissioner Mayfield. The Manager just brought to my attention that we have some pricing issues associated with our bond sale and it might be in our best interested to go to the bond sale –

CHAIR HOLIAN: We already approved the bond sale. We approved it.

COMMISSIONER ANAYA: I thought there were more.

CHAIR HOLIAN: We did it right after the recess.

COMMISSIONER ANAYA: Let the record reflect I approved the vote on that, Steve. Could you do that? Sorry, Madam Chair.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, thank you. With the 72 hours notice, and before that, and I'll defer to Manager Ross, there were just some typos – not typos but some errata that we needed to correct, such as starting our meetings at 11:00, and then our website address. I know Ms. Mihelcic indicated that we're changing over to a new website. And Steve, that was just more of some clerical stuff we needed to catch up with. Steve, do you want to add anything to that?

MR. ROSS: Madam Chair, members of the Commission, if you take a look at the interlineated version of the draft, which is the fourth page, I've shown all the changes from our current resolution on there, some of which are necessitated by changes in the law, which is here in the packet also. House Bill 21. One of the principal changes we have to make no later than June 14th is we need to give 72 hours – or we have to post our final agenda 72 hours prior to the meeting, which is Thursday, every Thursday. So that necessitates another thing.

If we take a look at subsection 4 of the resolution you'll see that previously we gave 24 hours notice of meetings and we posted a preliminary agenda three calendar days prior to the meeting, which turns out to be the same day we have to now, according to House Bill 21, we have to publish a final agenda. So you'll see in the resolution we're proposing to move the posting of the preliminary agenda back to one week, seven days, calendar days, prior to the meeting, and then do a final posting no later than the Thursday immediately preceding the meeting.

There's also a new proviso in House Bill 21 requiring that we report to the Attorney General's office any actions taken on an emergency basis during a meeting, so we've added that language at the end of that. We have to do that within ten days of taking emergency action. Presumably that also applies to emergency meetings, in other words meetings that take place to deal with some sort of emergency. The act doesn't require us to take this action if there's a declared state or federal emergency. So if there's more of a wide-spread issue and

we have to either have an emergency meeting or take emergency action on particular items, for example like the emergency fire restrictions, then we wouldn't be subject to that.

As Commissioner Mayfield said, there are a number of typos and other issues in the current resolution; we've cleaned up everything we've seen, and hopefully if you see anything in the next two weeks before this comes back, please alert me. But those are the primary changes and with that I'll stand for questions.

CHAIR HOLIAN: Commissioner Stefanics and then Commissioner Chavez.

COMMISSIONER STEFANICS: Madam Chair, this is not a question but it is a statement. I would prefer that we eliminate Section 7, and that's participation by conference telephone. And I will tell you why. When individuals are on the telephone, and there might be opportunities for short meetings, like an hour or two, but when individuals are on the telephone it's very hard to hear and to have that person participate fully, and offer them that opportunity. And one of the sections of the law indicates that it has to be clearly identified. I'm just concerned that this section allows more than one of us to be absent and participating by phone.

Now I do think that there are times when it might be justified and one of those might be the canvassing board. When we do two meetings for the canvassing board before or after the elections we come in for less than five minutes to open the canvassing board or close the canvassing board with the election results. But I would ask us to think about that section for the next meeting. Thank you very much.

CHAIR HOLIAN: Thank you. Commissioner Chavez.

COMMISSIONER CHAVEZ: I had those same concerns and for me, I had a hard time hearing the phone conversation and I know that members of the public had an even harder time. And I don't know if it's the equipment that we have or the acoustics that we have or equipment on the other end but for me it just didn't seem to work. So Steve, can I ask you to point to language in the act – what is this? Senate Bill? House Bill? Is this a House Bill or a Senate Bill, Steve?

MR. ROSS: It's a House Bill.

COMMISSIONER CHAVEZ: Okay. So in this House Bill can you point to the section that talks about participation by conference telephone?

MR. ROSS: It's on page 2 C.

COMMISSIONER CHAVEZ: Page 2 of the packet?

CHAIR HOLIAN: Page 2 of the bill.

MR. ROSS: Page 2 of the bill, yes.

COMMISSIONER CHAVEZ: Okay. Got it. Section C?

MR. ROSS: Yes.

COMMISSIONER CHAVEZ: So it says that a member of a public body may participate in a meeting of the public body by means of conference telephone or other similar communications equipment when it is otherwise difficult or impossible for the member to attend the meeting in person, provided that each member participating by conference call can be identified when speaking, all participants are able to hear each other at the same time and members of the public attending the meeting are able to hear any member of the public body who speaks during the meeting.

And I don't see that happening. I haven't seen that happen so far, and so that's why I have a concern about continuing that, and so I'll just state that for the record.

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Commissioner Mayfield is next. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, I'll bring up one matter. I think state statute affords it. I guess people's opinions will be people's opinions but I can say this for the last meeting. I know people were listening to our meeting via computer, everybody could hear everything clear over the computer because I was told everything could be heard over the computer over the computer very clear. So I think it's our audio system internally. Now, if we want to make modifications, that's fine. People have to be out of town for reasons. I'm not going to give reasons why I'm out of town or in town, but if you want a doctor's excuses so I don't think we need to violate any HIPAA's rights if people have to be out of state for medical reasons, maybe that's a reason that we need a rule, if we've got to supply this Board with doctor's excuses of why people have to be out of state, maybe that's something permissible.

But again, I just hope that this Commission sees fit that if we're calling in for a two-minute meeting for a canvassing board, so be it. We're calling in for a two-minute meeting for canvassing board. Either we allow something or we don't allow something. Let's not be selective on it. That's all I have to say, Madam Chair.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I think that it's not a question of – I think it's a question of the times and technology and being able to access a meeting and I think we should be able to address – if we can't hear I think we should be able to address it through our technology. We shouldn't run away from technology for the sake of one meeting and one discussion. I think we need to upgrade it. I just heard you mention something about Skype or some other potential opportunity, so on this I disagree with my two colleagues and I would just say I don't think we should avoid technology and the opportunity to participate. If it's difficult and we're unable to attend the meeting but that our participation be had and that we afford the right technology to make sure that it's well heard and understood by people on TV, on the radio, in the meeting and for us on the bench. In this day and age of technology I just don't think it's wise for us to move away from it. Thank you, Madam Chair.

CHAIR HOLIAN: Thank you. I just want to weigh in on this myself. I too have concerns. I think that Board members should actually be physically present at the meetings. There is something to be said for interacting with each other when we're sitting up here and I can just imagine a situation where all five of us phoned in or something. An important part of the Open Meetings Act is for the public to understand what is actually happening. The way that things are now with the current system that we have it can be difficult. I looked at the minutes for the last land use meeting that were included in our packet and there were an awful lot of notes of either words or comments being inaudible even to our recorder. So I am concerned about it myself and I really am supportive for Commissioners being present for our meetings. So are there any other comments?

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Ross, interaction is great, and I appreciate what you're saying, so Madam Chair, Mr. Ross, is it, under the Open Meetings Act is it permissible passing notes back and forth on the bench, text messages back and forth on the bench? Is that permissible between Commissioners?

MR. ROSS: Notes and –

COMMISSIONER MAYFIELD: Text messages, if that happens? Just so I know.

MR. ROSS: I don't know. I'd have to think about that.

COMMISSIONER MAYFIELD: Okay, we'll let me know for the next time this resolution comes up. If not, that's what I want to add to this Open Meetings Act Resolution too. I think that should be a statement that that is not allowed either.

CHAIR HOLIAN: Okay. So I think that the discussion is completed for this particular resolution. It's for discussion only.

XI. F. Introduction of a Resolution Opposing the North Central Regional Transit District's Dedication of Fourteen Percent of Regional Transportation Gross Receipts Tax Revenues to the City of Santa Fe (DISCUSSION ONLY, FIRST HEARING)

CHAIR HOLIAN: Commissioner Anaya, and again, I will note that this is for discussion only; it is the first hearing. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Katherine, would you provide a summary of the discussion that we had, provide a summary for those listening in relative to what happened and how it adversely impacts the County based on the policy decision made by the County. Then I'm going to address the comments that the chair just made about this is the first hearing, because this is an item that I had noticed in the last meeting and based on outside discussions moved into here. But go ahead, Ms. Miller and then we'll address that later.

MS. MILLER: Madam Chair, Commissioners, actually there's a lot of history relative to this particular issue. When Santa Fe County was considering imposing the gross receipts tax for the Rail Runner and the NCRTD, and at that particular time, I believe the County even passed a resolution to withdraw from the NCRTD and not participate in putting the tax in place and giving it to the NCRTD and the Rail Runner but actually have its own entity. Over time, that resolved itself with cooperation with the City of Santa Fe and the City and County joined together in proposing a way that the funds that are raised in Santa Fe County would be allocated through the NCRTD budget.

So I think where Commissioner Anaya was going with this is that then the board on the NCRTD passed their budget resolution or their budget carving out an amount for the City of 14 percent of their revenues for the City and a certain amount for Los Alamos. Los Alamos actually contributes funds into the NCRTD budget but the City does not. It's actually the County that imposes the tax and then has half of that tax go to the Rail Runner and then passes the other half of the tax onto the NCRTD. The City did not have to pose that question to the voters but the County did and part of that whole basis for doing so was jointly working with the City on that allocation.

REC. STAFF RECORDS 04/30/2013 1:12:58 PM

This particular item I think that Commissioner Anaya, not speaking for him, but where this issue has kind of come to a head is then the NCRTD did a carve out for the City of Santa Fe and it wasn't something that went through the RPA like we had previously done in the past when we made arrangements with the NCRTD that the City and County went forward together on those issues.

But as a result of that – so that, I think kind of sums up what the issue is with having some consternation with how that was done. That said, Commissioner Anaya and I did speak to the chair of the NCRTD and said, we'd just like to sit down with the director and really have you bring out all of the pieces of how this impacts all the entities within the NCRTD, whether it's negative or positive, and make sure that all that's on the table, because some of them maintain it's to our benefit, but we're not really seeing that just based upon the carve-out.

So the chair and the director agreed to sit down and go through their whole perspective of it of when revenues – of how that carve-out would affect any possible scenario of increased revenue, decreased revenues and that type of thing and get a better understanding of what's going on and also let us have an opportunity to speak specifically to the issue of going around the county on this particular issue. I think that that sums up the three conversations I had relative to that.

COMMISSIONER ANAYA: Madam Chair, I had a brief conversation with Commissioner Mayfield, also a brief conversation with Commissioner Stefanics. All the talk on the resolutions and the resolution resolution, I guess I'm going to have to be more strategic because my intent was to discuss a tabling motion but based on the chair's comment earlier about this is the first reading although this was posted at the last meeting, I'm just going to leave your comments as enough information and give us an opportunity to have a discussion with Chair Barrone. I think at the end of the day the interest of this Commission as I see it with transit dollars is to assure that there's effective transit and that we, the County, control the destiny associated with the tax dollars that we created and that we not defer that responsibility elsewhere. But thank you for the read-in and I'll just leave it at that. Thank you.

CHAIR HOLIAN: Okay. Thank you, Commissioner Anaya. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. I did share with Commissioner Anaya some of my concern about a formula that had been established by the NCRTD and I have said, and I sound like a broken record when I bring this up, I said that we were going to run out of money and that we were always going to have more routes that people needed and could the RTD start considering a small fee or pass card of some kind? And I do not believe that having a division like this in the formula really helps the entire NCRTD District work together on getting their routes done. So I see some problems with the formula. Thank you very much.

CHAIR HOLIAN: Thank you. Any further comments. Commissioner Anaya, I'll say that you're right. This was on our last agenda and but unfortunately it's noticed the way it's written in here for discussion only, first hearing. So I think that procedurally speaking we will need to consider it at our next meeting.

COMMISSIONER ANAYA: I wasn't going to move on it today. The reason I deferred it last time was so we could have a dialogue and I was doing that again. So if we're

2013 APR 30 PM 4:53:23

going to utilize the resolutions ordinances something to pick on ourselves with, especially when we're talking about County dollars that are being taken away from our responsibility then I think we're losing the intent of what the resolution was for. So let's leave it at that.

CHAIR HOLIAN: Okay. Thank you. So at this point, if people have no further comments I will note that this is the point of the meeting where we normally take Matters from the Commissioners but I sort of want to poll you and see whether you want to go through that section yet or whether you want to go forward in the agenda and have Matters from the Commissioners later. Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: [inaudible]

CHAIR HOLIAN: Yes, we will. Is there anyone here from the public who would like to comment about the North Central Regional Transit District? Seeing none, Matters from the Commission, or do we go on with the agenda?

COMMISSIONER STEFANICS: Madam Chair, I have a few announcements that if they're done at midnight people will not hear.

CHAIR HOLIAN: Okay. The other thing I would like to point out is with regard to the report from the Treasurer's Office, we do have contractors here who are from out of state so hopefully we can move up on that fairly soon.

COMMISSIONER ANAYA: Madam Chair, on that point.

CHAIR HOLIAN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Is our Treasurer here?

CHAIR HOLIAN: He was here a minute ago.

MS. MILLER: Madam Chair, to answer that, he actually has been patiently waiting for this with Public Trust. He just came and asked me was here anyway we could give an estimate of time because they have been here and they drove up from Albuquerque and one flew in from Denver. So I was hoping we would be able to move up at some point.

COMMISSIONER ANAYA: Madam Chair, on that point, at a previous meeting – I'll go pull the minutes and bring it back to the Board, I requested that elected officials don't come to the meeting that often. I requested that we do everything we can to put those elected officials that don't come to the meeting at any capacity at the beginning of the meetings. So I'm going to apologize publicly to the Treasurer because I told him that we were going to work on that and get those items up front because they're typically administrative in nature and don't take long, and even if they do take long, we should engage and allow our other elected officials that courtesy. So maybe that's something we can discuss as part of the layout of the agendas. Madam Chair, I would ask you as chair until we formalize some of that if you duly consider that because they're elected like us and like I said they don't always come to the Commission on a regular basis. Thank you.

CHAIR HOLIAN: Thank you, Commissioner Anaya. I think that's fine. I don't think that any of us expected that the agenda was going to take this long. Perhaps we can even put them before the proclamations and presentations.

COMMISSIONER ANAYA: I would be okay with that.

CHAIR HOLIAN: Okay. So would anybody object to our moving forward with our report from the Treasurer?

COMMISSIONER MAYFIELD: Is he here?

CHAIR HOLIAN: Can we call him?

2013 APR 30 11:43 AM

MS. MILLER: Madam Chair, he just went down to get his stuff.

CHAIR HOLIAN: Here he is.

XIII. B. Treasurer's Office
1. Call Meeting to Order

Following a motion to adjourn made by Commissioner Stefanics and a second by Commissioner Chavez, the regular session of the Commission meeting was adjourned by unanimous voice vote. The Commission convened as the Board of Finance at 7:11.

2. Roll Call

All five Commission members were present.

- 3. Presentation of the County's Investment Portfolio for the Three Months Ending March 31, 2013**
4. Presentation of the County Treasurer's Investment Plan

PATRICK VARELA (County Treasurer): Good evening, Chair Holian, Commissioners, Madam Manager. Thank you for having me here tonight and thank you for bumping us up. We have a couple of guests here from out of town. I took office in January so I wasn't really too sure how the Treasurer took action on this quarterly report. But when I came in the Finance Director, Teresa Martinez approached me and said that we had audit findings, and basically it was that the [inaudible] couldn't view the financial portfolio during the last administration so one of my first action was I was able to get her viewability on the website. So she is able to view it now so hopefully that will clear the audit finding for the future.

Next of all there were several archives missing for the past transactions, so I started inviting the Finance Department to go to the monthly bank meetings, so we got the archives from LANB who is our fiscal agent and now we have every single CD that has all the archives for future use or for historical viewing.

Next item, we have several requests – I was here for three months during the past administration so I was here for the tax rush. We had several customers that wanted the extension of tax hours for them to come in after the work hours so we abided and we obliged them this time and we got some positive feedback on that.

The next item on the screen in our investment portfolio. This is through March 31st of this year. In our main operational account, our 2601 operational account we have a total of \$104,516, 562.62 in the operations. Next, in our 2011 GOB portfolio, which is account 0920 we have \$13,007,211.66. In our 2008 GRT portfolio, our 1921 account, we have \$5,490,787.82. Our 2007 GOB portfolio, our 3823 account we have \$1,460,001.18. In our 2010 GRT account, 9220, we have \$534,225.48, for a total of \$125,008,718.76. These are all kept in our custodial account at Charles Schwab through LANB.

2013 APR 30 PM 7:11
SANTA FE COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
APRIL 30, 2013
PAGE 87

In our other accounts that we have, our local banks, in CDs we have \$22,670,568.86. Our LANB account we have \$21,611,851.06. Our First National Bank of Santa Fe we have \$3,003,659.01. Out of local – the other banks, over the \$22 million, \$5 million of that is also in a CD we have at First National Bank that's maturing actually this year. And we still have presence in the LGIP where we have a grand total of \$640.86 for a total of \$47,233,719.79.

So for a total in March we had \$172,242,438.51 in our investment and bank balances.

We have several maturing CDs now in the 2013. Our brokered certificate of deposits, we had \$1,583,000 mature between March 1st and April 30th. In May, we're going to have \$250,000; in June \$990,000; September, \$248,000; and November we'll have \$500,000 for a total of \$3,821,000 maturing in our brokered certificates of deposits.

From our local banks, that our Guadalupe Credit Union – I forgot some of the other ones we have, we have two of them that are maturing. Now in May, we have a \$500,000 one that's maturing. In October the First National Bank of Santa Fe one is \$5,248,000 for a total of \$5,748,000 maturing, for a total of both: \$9,569,000.

As our Investment Committee meets we'll come to consensus on how to invest these balances back into either certificates or other investments that will give us a good yield.

Our portfolio – this is what our current portfolio looks like right now. This is a percentage of investment to maturity. A little over 30 percent of it is five years or more, so that averages about \$38 million. So if you notice, the one to three years, it's pretty – well, that's our cash flow and it's only one percent so we don't have too much in there. As you'll notice it's kind of staggered. It's not a baseline. So our goal is to make it more baseline where we have a steady amount of cash flow coming in. So I have – what I'm planning to do, this is my plan is to only invest in vessels for one to five years only. And after that, you can see from the five to seven, anything after that will drop into the five year and forward category so we have more of an even flow throughout the years instead of having a stagnant amount of cash flow.

From our Finance Department, monies received from our property taxes, November/December we received – these are approximate amounts. We received \$7.4 million. In April/May we received \$13 million. Gross revenue tax, monthly collections, we received \$3.7 million. Charges for services, monthly charges, \$1.2 million. Grants, \$737,000. JPA and subsidies monthly reimbursements, \$311,000. Other revenues, Miscellaneous is \$239,000; fines and forfeitures, \$38,000 and \$49,000 for licenses and permits.

What we've used, approximately \$39.67 million.

Disbursements and operation, again, we disbursed the money that comes in from taxes, schools and other projects, \$20.4 million in November/December; \$13 million in April/May. Salaries and benefits, \$4.6 million, contractual services, \$1.4 million; fleet maintenance, the monthly totaled \$240,000; insurance and deductibles, \$225,000; supplies, monthly supplies, \$139,000; \$17,000 on travel, monthly; other operational costs, \$1.1 million in monthly; and other miscellaneous costs, \$346,000, for an approximate total of operational disbursements of \$41.47 million.

Financial capital disbursements: capital purchases, \$3.5 million; debt service payments in July, \$10.9 million; December through February, \$1.3 million, for an approximate total of \$15.7 million. Those are figures that came out of Finance Department.

We've been approaching different ways to collect more revenue for the County through my office. So we have three people working on delinquent taxes on properties. For this quarter we had two full-time working on it and one part-time – she was working half-window and half collections. And they worked 866 total accounts, delinquencies, and they were able to collect \$2,140,261 that wasn't able to be found before, so this is kind of new money.

I've also started a new project. I call it the red tagging project where we go look for delinquent mobile homes where they haven't paid their taxes. I understand that this hasn't been done in about ten years or more, just from staff telling me. So we started going to the mobile home parks. In Santa Fe County there's 34 mobile home parks, 24 of which we have worked. And this is only from March 1st that we started doing this collection. We found 275 mobile homes in delinquent status. 165 of those have already been collected. 110 we were unable to locate. The mobile home park managers do not know where they've gone. We've searched and we have Marianne Martinez who is able to look through the DMV website and look for these mobile homes and she's been unable to locate them. That's probably because we haven't done this process is a long time or never, so we're streamlining that project to find how we could refine it better. Right now they're not collecting because I have them collecting taxes so the two that are doing this process they're not doing anything this month until next month that we complete the tax season.

So we brought in \$56,988.43 in additional revenue just on the mobile home red tagging process that started March 4th. \$44,000 of that was base tax and \$12,700 was P and I. Although we had \$118,000 projected in the loss on 110 accounts that were unlocatable. So hopefully, if we keep on doing this process the number of unlocatable accounts will be smaller and smaller each year that we do it. Of those mobile homes that we were unable to locate we're going to have to be – they're going to be moved off the tax rolls pursuant to New Mexico Statute 7-38-77 Section C.

So the total delinquent collections that we have collected year-to-date between both projects has been \$2,197,250.11. That's in this quarter alone.

I have some short-term goals in my office. I've been talking with our IT Department and I've been wanting to use more of the Internet service to see if we can use it to purchase refuse permits online. I'm looking at doing a monthly credit card payment program. We do a monthly program already but this one would be deducted through the credit card on a monthly basis instead of having them send in their monthly payment.

I'm looking at how to get e-signatures to do checks online and ACH payments as well. In November I want to start doing tax collections on sites, different places all over the county. I want to visit a site each day, every day of the week. Places like Chimayo, El Rancho, Eldorado, Glorieta, Edgewood, and do this every day once a week. We don't need too much equipment. We can do with a laptop so we're going to try to attack that and see the results we get about that and we'd like to talk to each one of you Commissioners and see where in your area – maybe you can announce it to your constituents in that area.

SFC CLERK RECORD 05/03/2013

Another plan that I have to do is I hired a contractual service called Public Trust. Right now there's not really an even flow of our investments so I contracted this group of individuals to help put a benchmark for the County of Santa Fe so we know exactly what has been bought, what needs to be bought and what areas to put it in. You just approved the GOB bond for this year so that \$19 million isn't going to be used right away so the duration before each project is coming to light we can invest that money to get additional revenue. So I have put a good group together. I have the City Manager, our Finance Department and some of the people, the project managers all on the same team, along with our Investment Committee. We're going to have a good solid time for the County. At that point I'm going to introduce two individuals from Public Trust. Here's Sheila Duffy.

CHAIR HOLIAN: Thank you, Treasurer. Ms. Duffy.

5. Presentation From Public Trust (Action Item)

SHEILA DUFFY: Thank you, Mr. Treasurer, Madam Commissioner and other Commissioners. I'm Sheila Duffy. I am a director with Public Trust Advisors. We're a firm that is SEC investment advisor. The only thing we do is advise on the investment of public funds. We have no other lines of business, so this is our niche, this is all we do, and we pride ourselves on our expertise in this area.

I'm just going to go through my qualifications. I consider myself local. I'm in the state. I live in Albuquerque. I've been in the state for 20 years. Most recently, before this job I was the chief investment officer for State Treasurer Lewis. So I spent 2 ½ years there starting in 2009 and worked with him to revise the investment policy and managed the money in that office for 2 ½ years before taking a job with Public Trust Advisors. The State Treasurer's Office, I also – one person who reported to me was the State Collateral Manager, Arsenio Garduno, and he – so I have a lot of experience with not only investment but bank deposits, collateral policies and so forth, and as I said, I've been in New Mexico for 20 years. I moved here from the east coast.

With that, we have contracted with the County Treasurer's Office to do a report to assess the current status of the office and the investments and strategize about the future and I'll have my colleague, Chris Debow go over that, introduce himself and go over the scope of work for that contract. Thank you.

CHAIR HOLIAN: Thank you, Ms. Duffy. Mr. Debow.

CHRIS DEBOW: Yes, thank you, Madam Chair and Commissioners and staff. My name is Chris Debow. Much like Sheila had mentioned, Public Trust Advisors, we are specialists in helping clients invest public funds, so we are going to be assisting the Treasurer's Office in providing a comprehensive review of the current status of the Treasurer's Office, looking at the underlying investments and ultimately publishing a report. We do anticipate the report will be available to the Commissioners some time in mid-June.

A little bit about my background: I joined Public Trust Advisors in February of this year. Prior to that I spent the previous five years working for RBC. I was in charge of RBC's public funds business nationwide. With those responsibilities I spent a lot of time here in

New Mexico. We had other boots on the ground and are very familiar with New Mexico statutes as well as the public funds investing. So I think what we're able to bring to the County is national expertise with sort of a local flavor, certainly with Sheila's experience here in the state. So we're looking forward to beginning our project.

I was hoping to provide just a brief summary of some of the things I'll be working on in our review and in our report. As part of the scope of work – I'm just going to set all of these up here and then I'll actually talk through them. There's really four main areas of our scope of work. The first thing that we're going to concentrate on is looking at the County's investment policy. And the investment policy is a critical document because it's the blueprint, it's the governing document that really sets you up for success. Within the investment policy we're going to look at what are the eligible investments. We're going to cross-reference what's eligible in the statutes and just because it's eligible in the statutes doesn't mean that the County either wants to do it or should do it, because the County may have its own risk tolerances. So we'll work with the Treasurer's staff and others to develop what are the appropriate eligible investments to be considered in the policy.

The second thing that we'll do is we'll look at the brokered dealer list within the investment policy. What brokered dealers are, those are the professionals that the Treasurer is executing transactions with. So if the County is going to go buy a security they would buy it from a brokered dealer. Typically a process that you want to have in place, which brokered dealers are we utilizing? What are the criteria that we look at to put them on an approved list? How is that list monitored? So that will be within the investment policy.

We'll also look at some of the custodial relationships. Currently you work with Charles Schwab. We'll review that relationship. It will be clearly defined in the investment policy. So we'll spend a lot of time looking at the policy, and the policy is going to be very specific to you, again, because no two policies are the same, even though this County is governed under similar statutes as other counties, your risk tolerances may differ and vary from other entities.

The second area that we're going to be spending time on is looking at the cash flows. As the Treasurer walked through your fund types, you have a number of different fund types and each of the different fund types, quite frankly, should have their own investment strategy. Your general funds should be thought of a little differently than your capital project funds. So we're going to be reviewing all the different buckets of money and making recommendations as to where should they be in the particular maturity structure. And we'll walk through that with the Treasurer.

The third step that we're going to do is review the current holdings. There's a large quantity of holdings that the County actually owns right now. We're going to assure, number one, that they're eligible within the current policy as well as state statute. We're going to look at how do these securities fit in with your cash flow. There are certain securities that are in excess of ten years, so let's figure out how that fits in the whole program.

The other thing we're going to do is we're going to look at what are the risks to the portfolio. When we talk about risks you can think about credit risks – what happens if a security goes away? Is there interest rate risk? So we're going to do what we call shock analysis or sensitivity analysis. Sort of what if? What if rates go up five percent? It's unlikely,

SFC OF ENV RECORD 05/03/2013 10:41:13

but it could happen. If that happens, how does that affect the County? How would that affect the County on a budgetary basis? So we're going to be doing a lot of the review of the current holdings.

And lastly, once we review those three components – the policy, the cash flows and the holdings – we're going to review what your current reporting requirements are, because as the Treasurer continues to enhance the investment program, the Treasurer should be able to tell a great story not only to the community but to the Commissioners here.

So these are the four main areas that our report will encompass. I'd be happy to take any questions at this point in time.

CHAIR HOLIAN: Thank you, Mr. Debow. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair and thank you all for your presentations. My comment really doesn't have to do with our current Treasurer, but we've been burned, our County, by the Local Government Pool. And we don't really want to lose any more money. So do you have any comments to make about whether or not they've made any changes at the state?

MS. DUFFY: I came into the Treasurer's Office in 2009, after all of that happened. So that was – Treasurer Lewis, when I was hired, really wanted to look at resolving that whole issue, looking at their investment policy and making sure that we put in safeguards and so forth to address those kinds of issues. I can tell you that we put a lot of work into disallowing certain investment types. For instance, the reserve primary fund was a prime money market fund. We disallowed prime money market funds. Now, there are also government money market funds and those stayed in the policy, because there's less credit risk with those. So I know they took a lot of steps in that office.

I'm obviously no longer in that office so I can't really speak for them at this point but we did put a lot of – reviewed policies and tried to learn the lessons from that and go forward. So as far as how they're managing – I also did a lot – I hired a lot of staff with a lot of experience. When I arrived I hired two new portfolio managers, both who had extensive investment experience and they are running that pool now, so I think they have a lot of knowledge and a lot of history. There are no guarantees. It is not 100 percent collateralized; it never will be because of the nature of the investments. The only things that are collateralized are deposits in Repo's and they invest outside of that, but in very safe and liquid investments such as US Treasuries.

COMMISSIONER STEFANICS: Well, the reason, Madam Chair, that I'm bringing this up is that we really don't want our money to go anywhere that's going to be lost. And so we have had this experience in the past few years and we just hope that we don't ever go through that experience again. Thank you very much, Madam Chair.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, thanks to both of you. I would just like to comment on the Treasurer's entire presentation. The things I pulled, you're going to be reaching out to the community, Mr. Treasurer and trying to provide some direct services out in the community beyond the courthouse. I think that's excellent. Your pursuit of delinquent accounts and bringing those receipts into the County and additional revenue I

2013 APR 30 10:00 AM
SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
APRIL 30, 2013
PAGE 92

think is an excellent thing as well. Attaining and receiving investment advice from professionals to complement the work of the Commission and the work of the Manager and staff in that pursuit as well in the Investment Committee is an excellent endeavor and excellent work, and I think to wrap it up, the desire to review the investment strategy in its entirety and provide some recommendations from the advisors to the Investment Committee, Commissioners and the Manager and the Finance Director as well. I think all of those collective efforts are important to a good, sound financial operation. So I want to commend you for those efforts. I look forward to working with you on your efforts to get out into the community and looking and reviewing the investment strategy that was presented and the areas we need to work on. So I think all in all it's progress and a path forward, so thank you very much for your presentation.

MR. VARELA: Thank you, Commissioner Anaya.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, thank you, and Treasurer, thank you for your presentation. It's really a privilege to hear it. I'm new to the Investment Committee and the short time I've been on it this year along with the chairwoman here I've just been impressed. You've opened up, you've relieved an audit finding that we've had. You've met with our Finance Director Ms. Martinez, you've allowed them to have full access to the Schwab accounts. You've invited her staff in. That's something that hadn't happened in the past, so we'll be addressing that audit finding, again, that's something we that we needed to do that wasn't permitted in the past. So I applaud you with doing that and working with our Finance Division. I don't know if Teresa will comment on that in a second. I'll ask her to. Just now, what you've indicating as far as inviting Finance to your monthly meetings you as a Treasurer have taken that on in your own elected capacity; that's something that hasn't been done in the past, so I can see that cooperation working with the Commission, with our Finance Division, so I applaud you on that effort. With Public Trust, hearing from my colleagues' comments, an independent organization coming to give us some advice, you can take it or not. The Investment Committee, we can appreciate that advice they're giving us. It's an independent organization; they have no – correct me if I'm wrong – they have no financial interest in any of these entities whatsoever, so I hope it's sound advice. So again, I just appreciate what you're doing, what you staff's doing and I just think that some sound principles. I know that we're working right now as a group, that you're going to establish some principles and some footprints that will carry on forward, any new elected officer that comes in can change those but I know you're going to have some investment strategies and principles that will have continued – I would also ask Ms. Martinez if she wouldn't mind, Treasurer, and after you want to make some comments, I'd just ask Ms. Martinez if she'd like to comment right now of her relationship with the Treasurer's Office.

MR. VARELA: I'd like to comment on the Finance Department. I've worked in different finance department and I have to say this department is probably the best one I've ever worked for. They go over everything with a fine-tooth comb and it's really a pleasure working with them. So thank you. I'll turn it over to Teresa here.

CHAIR HOLIAN: Teresa.

MS. MARTINEZ: Madam Chair, Commissioners, I just wanted to add that the relief of an audit finding is a huge thing for us so giving staff access and it's inquiry only, to the Schwab accounts has been a huge difference in our monthly reconciliation, and then he's also invited us to the monthly bank meeting, so that's very helpful for our connection, communication and transparency. So recognition to the Treasurer for that.

COMMISSIONER MAYFIELD: Thank you, Ms. Martinez. Thank you, Treasurer. That's all I had, Madam Chair. Thank you.

CHAIR HOLIAN: Commissioner Chavez.

COMMISSIONER CHAVEZ: Yes, I just want to thank the Treasurer and staff and your consultants for bringing this information to us because even though you serve in your official capacity you were elected by the voters to do the job that you're doing, but the interaction and the interface between the Commission, between our Finance Department and even the County Manager will go a long way in helping us to do our job to help you to do your job by building that team, and the component that Commissioner Anaya touched on, which is the public outreach, you actually going out to the public instead of the public coming to us, I think is going to go a long way also in insuring that information with the public, being open and transparent and accessible to the public, making it easy for them to do their part. And so I think on all of those points I just want to commend you for that and encourage you to continue that in the future and to be sure that that's ongoing. And I don't know if the quarterly reports are enough but that's a start and maybe the fact that there's dialogue between the departments, there's dialogue between you and the Commissioners, I think that's one way where we can share information, and so that's good. So I thank you for that.

MR. VARELA: Thank you, Commissioner Chavez.

CHAIR HOLIAN: Thank you, Mr. Treasurer, for the presentation. Of course being on the Investment Committee I've heard some of this but I'm really glad that you put this forward and that it is now in the public domain. This is very interesting information and very timely. Also I would like to thank Ms. Duffy and Mr. Debow because I am really looking forward to an analysis and the report that you're going to write about our investment policy. Thank you very much. Does anybody have any further questions or comments?

COMMISSIONER CHAVEZ: The presentation from Public Trust indicates this is an action item, but there's no action needed on this. Is that correct?

MS. MILLER: Madam Chair, Commissioners, actually, what you typically would approve is the investment plan. I think they're in the preliminary stages of presenting that. They were telling you what they're going to do. You could just say you approve of what they propose as far as the things that they'll be bringing back but we don't have the actual new proposed investment plan at this point.

CHAIR HOLIAN: Okay. So as the Board of Finance do I have a motion to move forward.

COMMISSIONER MAYFIELD: Madam Chair, if I could ask this question. Madam Chair, Treasurer Varela, did you have a contract that you've already proposed? Have you executed that contract individually?

2013 APR 30 PM 5:03:13

MS. MILLER: Madam Chair, Commissioners, what we did during the – since the Treasurer has been in we've looked for some vacancy savings within their budget and some of their contractual money. We put together some funds too and went out with an RFI and selected Public Trust and I have signed that contract with them. So they are on contract. It's a small dollar contract.

COMMISSIONER MAYFIELD: Okay. Fair enough. So I don't know – the motion?

CHAIR HOLIAN: So point of order. Steve, do we need a motion to approve the work that Public Trust is going to do?

MR. ROSS: Madam Chair, no, but I think that as the Manager said, a vote to approve the investment plan that the Treasurer just proposed, understanding it's very preliminary, is probably in order.

CHAIR HOLIAN: So as the Board of Finance, do I have a motion to approve the investment plan?

COMMISSIONER CHAVEZ: So I would make a motion to approve the County Treasurer's draft investment plan, because it has not been finalized. Would that be a good motion?

MR. VARELA: Preliminary.

COMMISSIONER CHAVEZ: Preliminary? Okay.

CHAIR HOLIAN: Okay. I will second that. So I have a motion and a second.

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

6. Adjourn

Commissioner Mayfield moved to adjourn as the Board of Finance. Commissioner Chavez seconded the motion, which passed unanimously. [5-0] The Commission then reconvened as the BCC at 7:48.

2013/05/01 09:00 AM
SANTA FE COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
APRIL 30, 2013
PAGE 95

XI. G. Other Matters from the Commission

CHAIR HOLIAN: Now, we are back to being the Board of County Commissioners and we will go on to Matters from the Commission. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. A couple of items. First of all, I'd like to thank the water and sewer operators of Santa Fe County. I had the opportunity with Commissioner Holian to see some of their work. It certainly not the most glamorous to the public but it's absolutely necessary and it also pointed out some of the improvements that are needed here at Santa Fe County. But I'd like to thank all of those employees who work hidden from the public.

I'd like to congratulate Mary Lou Cooke on her 95th birthday. There was a nice article about her in the newspaper. Many people here in Santa Fe know her. She's been in this community for years and years and years.

The homeless shelter that was down at Pete's Pets is closing or has closed, and we need to remember that it's still cold in the evenings. So Santa Fe Needs and Deeds, which works out of Christ Church Santa Fe, and St. Elizabeth Shelter, are both collecting several items that are necessary for people who are sleeping outside and sleeping bags of course are helpful. If you have any backpacks, any hygiene items, socks, etc. that would be helpful because the frost is not over with yet.

I'd like to announce that we are sending a certificate of recognition to Charles Hanniford. He is receiving the Heritage Preservation Award in the category of archeological heritage from the Cultural Properties Review Committee of the State Cultural Affairs Department.

We also prepared, after discussion this morning, we prepared a certificate of appreciation for Alex Valdez, the retiring CEO of Christus St. Vincent, and that was presented to him this evening at a dinner at the hospital.

I'd like to announce that I have a couple of emergency management meetings coming up. One was held in Rancho Viejo and about 75 individuals attended. There will be one for the Eldorado/285 Corridor that Commissioner Holian and I are sponsoring on Wednesday, May 29th from 6:00 to 8:30 pm, and we will send out information. And then there will be one for the Highway 14 area that Commissioner Anaya and I are sponsoring, hopefully on Saturday morning, June 1st, 10:00 to 12:00, and the reason we're pushing to get all of these done is because Martin Vigil, our County Emergency Manager will be going over the equipment and the procedures in place, but we have already had some brush fires here in the county, so he's trying to get to as many people as possible before the 1st of June. That's all. Thank you very much.

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

COMMISSIONER MAYFIELD: Madam Chair, I'm always used to you calling on me last and now you're calling on me second, but I'll go ahead and go. Thank you.

2013/05/01 09:00 AM

I just want to acknowledge I had an emergency management meeting last night in Tesuque at the elementary school and I want to acknowledge Chief Martin Vigil. He does a great job. Also volunteer chief Damron was there along with – I hope I'm not getting rank wrong, but Captain Hicks was there, Captain – a few other captains were there and gentlemen, I apologize, I don't know everybody that was there, but Captain Yardman and a couple other captains were there, just talking about the fire issues in the community and evacuation plans and just kind of keeping people aware, and I'm sure the chief has that evacuation plan on line, Chief Vigil has that on line for community awareness. I'm going to have a few more out in my community also, in my district, and I'll let the public know about those.

Madam Chair, Commissioners, also I'll be rolling out what my plans are for other solarization projects. The Pojoaque station, it's a career station, but I believe we will be having an official ceremony coming up in June, just to let the public know that. We have the ladder truck we're still working on putting some equipment on that ladder truck, to move forward with that.

And Madam Chair, I'm just going to bring this up. As far as our rules of order I was given a document a little earlier. [Exhibit 6] I don't know if that's going to come up but I just wanted to bring it up now, if we need to notice that for the next meeting, because I don't know if I'll be able to comment if somebody else brings that up under their matters, but I want to talk about that so I would officially ask that this Commission bring that to the next meeting so we can discuss that because it was handed to me. I see that it was handed to other Commissioners. There were some comments that we might be allowed to only speak for three minutes. I think that warrants some debate. So I would like that addressed. I don't know if this is a document to be considered what our opinions are and what our opinions aren't. I know that we asked that we look at adopting a formal process of Robert's Rules of Order. I don't know if that's a wise thing or not because that could prevent the chair from only being a tie vote. I don't think that's maybe for the best thing to do for this Commission. So I don't know if that's the right thing to do but I definitely want to look at our rules of order of how this organization runs.

So with that Madam Chair, I just again want to thank staff for their hard work. I know they do a great job out there. There's a lot of work in this county. The County's kind of a moving entity and there's always something that kind of gets kicked up always to the next rung, so staff, thank you for your patience and just your persistence in getting things done for this county. Thank you, Madam Chair. That's all I have.

CHAIR HOLIAN: Thank you. Commissioner Chavez.

COMMISSIONER CHAVEZ: Nothing.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I would just ask for a brief moment of silence. Last week former County employee, long-time resident of Cerrillos, Oliver Perea, passed away. So I'd ask for a moment of silence for him.

Thank you, Madam Chair. On a more happy note, I want to wish Undersheriff Ron Madrid a happy birthday today. He's been with the County since the County was created. I'm sure everybody's going to pass that on to him. The Undersheriff knows a lot

2013 APR 30 PM 4:58:13

about the County. He does a lot of good work so I just wanted to wish him a happy birthday.

CHAIR HOLIAN: Thank you. So I will address – I put rules of order on that handout that I gave but I really meant procedure. And I didn't mean for it to be an action item. I just meant for it to be an idea of how I would like to conduct the meetings as chair. And I will – we'll bring the rules of order forward, possibly at the next meeting or soon and we can have that conversation, but I think that the chair also does have some latitude in how those rules of order are actually administered and what the procedure is for the rules of order. So anyway, I think this is a conversation that will continue.

I want to again acknowledge the Drug Take-Back Day that we had this last Saturday. I think it was quite successful, and I really want to thank our staff who organized it – Rachel O'Connor and Peter Olson and other staff from our Health and Human Services Department, and I would also like to recognize that also participating were other organizations, like the Santa Fe County Sheriff's Department, the Edgewood Police, the New Mexico State Police, the Drug Enforcement Administration, and even the Santa Fe County Fire Department. I think that it's worth recognizing that there were new location and there was really good PR this time. I think that this is a really important way for us to be able to get drugs out of people's medicine cabinets that are not being used and may be leading to more drug addiction in our county. So again, I just really want to thank our staff for following through on this.

And finally, happy May Day. Tomorrow. It's actually an important holiday but we don't seem to really recognize it in this country so I thought I would.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: You can probably recognize that because we'll be here long enough tonight.

CHAIR HOLIAN: That's true. We may actually be here for May Day.
Commissioner Anaya.

COMMISSIONER ANAYA: I also want to pass on sadly that another former employee, Jimmy Vigil, they used to know him as Snake Eyes, passed away last week so I wanted to acknowledge that as well.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Stefanics.

COMMISSIONER STEFANICS: I'd like to acknowledge that Julia Valdez, one of our employees, her older brother passed away a week ago. And so we send her our thoughts.

CHAIR HOLIAN: Commissioner Mayfield, has anybody died that you know?

COMMISSIONER MAYFIELD: On condolences, yes. Councilor Carmichael Dominguez' mother passed away, so our condolences to Councilor Carmichael Dominguez. And seeing our HR Director, Ms. Salazar there, just a friendly reminder to all employees – Bernadette, do you want to comment on that? Our HR forms are due to you by – some day like today? Tomorrow? If you could make an

announcement on that unless you were going to do that under your announcements but we have a captive mike right now, so you may as well announce it.

BERNADETTE SALAZAR (HR Director): Madam Chair, Commissioner Mayfield, thank you. Yes, our forms – we are asking employees to get all their insurance forms in by this Friday, May 3rd. Our deadline to turn them into State Risk Management Division is the following Friday. I believe that's May 10th. So we're trying to collect them so we can meet our deadline. We are going out to different departments and assisting employees if they need help filling out the paperwork, typing it if they don't have computers and all those kinds of things, because there are a lot of changes.

But we are there. We'll go out to the jail at 6:00 am, midnight, whatever we need to do to help meet that deadline.

COMMISSIONER MAYFIELD: Madam Chair, Ms. Salazar, even if an employee is not taking insurance it is very important that they state the reason why, correct?

MS. SALAZAR: Madam Chair, Commissioner Mayfield, you're absolutely right. The state has required that even if there's no changes we need to resubmit that form, and if there's not a form that's resubmitted they're in jeopardy of possibly losing their insurance coverage. So you're correct. Thank you.

COMMISSIONER MAYFIELD: Thank you, Madam Chair.

CHAIR HOLIAN: Thank you, Bernadette.

XII. CONSENT CALENDAR (Public Comment for Resolutions)

A. Final Orders

1. **CDRC CASE # V/Z/PDP 12-5340 Family Dollar Store.**
Glenwood Development Company, Applicant, Requested Master Plan Zoning and Preliminary Development Plan Approval for an 8,320 Square Foot Structure to Be Utilized as a Family Dollar Store on 0.87 Acres. The Request Included Final Development Plan be Approved Administratively. The Applicant Also Requested a Variance of Article III, § 4.4.3c (Parking Lot Location) to Allow the Parking Lot to Be Located in Front of the Proposed Building and a Variance of Article VIII, §'S 7.3, 7.8 and 7.14 (Design Standards for Permanent Signs) to Allow a Sign to Exceed the Height and Set Back Requirements and to Allow a Wall Mounted Sign to Exceed 70 Square Feet in Sign Area. The Property is Located at 18094 US 84/285, within the Pojoaque Valley Traditional Community, within Sections 6 & 7, Township 19 North, Range 9 East, (Commission District 1) Approved 4-1, Jose E. Larrañaga, Case Manager
2. **CDRC Case # Z/S 08-5430 Spirit Wind West Subdivision.** Joseph Miller, Applicant, Danny Martinez, Agent, Requests Master Plan Zoning Approval for a 39-Lot Residential Subdivision on 133.73+

Acres and Preliminary and Final Plat and Development Plan Approval for Phase 1, Which Will Consist of 16 Lots. The Property is Located South of Eldorado, on the East Side of US 285, Off Old Lamy Trail (CR 33), within Section 5, Township 14 North, Range 10 East and Section 32, Township 15 North, Range 10 East (Commission District 4) Approved 4-0, Vicki Lucero, Case Manager **ISOLATED FOR DISCUSSION**

B. Resolutions

- 1. Resolution No. 2013-35, a Resolution Requesting a Budget Increase to the Fire Operations Fund (244) to Budget a Donation Received From Mr. Thomas Pollard in the Amount of \$100 (Finance/Teresa Martinez)**
- 2. Resolution No. 2013-36, a Resolution Requesting a Budget Increase to the Fire Impact Fees Fund (216) to Budget Impact Fees Received for the Eldorado Fire District to Be Used for the Purchase of a Type 6 Wildland Engine (\$100,000) (Public Safety/Fire)**
- 3. Resolution No. 2013-37, a Resolution Increasing the State Special Appropriations Fund (318) to Budget Grant Funds for Agreement 12-L-G-1476 From the Department of Finance and Administration to Make Improvements to the Oscar Huber Memorial Ball Park and Grandstands in Madrid in Santa Fe County in the Amount of \$332,000 (Public Works/Adam Leigland)**
- 4. Resolution No. 2013-38, a Resolution Requesting a Budget Increase to the General Fund to Budget a Grant From the North Central New Mexico Economic Development Department to Purchase Kitchen Equipment in the Amount of \$1,500.00. (Senior Services/Teresa Casados)**
- 5. Resolution No. 2013-39, a Resolution Requesting a Budget Increase to the Law Enforcement Operations Fund (246) to Budget (1) Grant Awarded Through the Department of Public Safety – NMSP / \$18,334 (Finance/Teresa Martinez)**

2013/05/01 09:00 AM

C. Appointments/Reappointments/Resignations

1. **Re-Appointment of Elisabeth Salinas as County Department Member to Serve on the Santa Fe City and County Advisory Council of Food Policy (County Manager Miller)**
2. **Re-Appointment of Steve Warshawer as a County Community Member to Serve on the Santa Fe City and County Advisory Council of Food Policy (County Manager Miller)**

WITHDRAWN ITEM

- XII. A. 2. **CDRC Case # Z/S 08-5430 Spirit Wind West Subdivision.**
Joseph Miller, Applicant, Danny Martinez, Agent, Requests Master Plan Zoning Approval for a 39-Lot Residential Subdivision on 133.73+ Acres and Preliminary and Final Plat and Development Plan Approval for Phase 1, Which Will Consist of 16 Lots. The Property is Located South of Eldorado, on the East Side of US 285, Off Old Lamy Trail (CR 33), within Section 5, Township 14 North, Range 10 East and Section 32, Township 15 North, Range 10 East (Commission District 4) Approved 4-0, Vicki Lucero, Case Manager

CHAIR HOLIAN: As I mentioned before I am going to abstain on this vote. But do I have a motion?

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

CHAIR HOLIAN: Is there a second?

COMMISSIONER CHAVEZ: Second.

CHAIR HOLIAN: Okay, I have a motion and a second on CDRC Case 08-5430, Spirit Wind West Subdivision.

The motion passed by unanimous [4-0] voice vote with Commissioner Holian abstaining from the vote.

XIII. STAFF AND ELECTED OFFICIALS' ITEMS

A. Growth Management

1. **Introduction of a Resolution to Submit Santa Fe County's Recommended Service Plan to the North Central Regional Transit District (DISCUSSION ONLY, FIRST HEARING)**
[The discussion requirement was waived and this was approved as Resolution No. 2013-44.]

ERICK AUNE (Transportation Planner): Good evening, Madam Chair, Commissioners, staff, public. Before you we're going to be discussing public transit and in the light of all the solar activity it may not be as exciting but I know that I am definitely passionate about what we're going to speak to this evening. Before you is a

SEC 0185 RECORD 05/03/2013 10:48:23 AM

resolution for discussion only that offers up and submits a regional transit plan for the RTD to consider for fiscal year 14/15. To keep this brief I have a few key points I'd like to highlight for you.

The first one is that please understand this year, 2013, the RTD is embarking on its five-year service plan update. I was offered to sit in on the selection committee of the consultants for that plan and what I do know is they are focusing on two major things for this update that may inform you as to future service plans. Number one is a robust public process, multiple public input meetings focusing not only on who's riding, who isn't riding, why they're not riding, and what, perhaps, barriers could be removed in the future for future ridership.

Number two, a real focus on demographics, planned use, in terms of what is out there, what are the trends in terms of growth that are occurring. With that said, number two I'd like to inform you that as per evidence from the last submitted plan to the RTD as well as from previous plans going back as far as 2008 that I'm aware of, that there's a desire for Santa Fe County to see a route along New Mexico 14 down to the Madrid area. My understanding as presented for the agenda this coming Friday is a discussion and a proposal just for that. I have some details but they will be further vetted Friday morning at the RTD meeting. What I understand is that there is a proposal to expand the current 599 route that will then go down to the detention center and the state penitentiary area. Staff, myself and RTD staff have been working closely with the director and deputy director from Public Safety to try and advance transit options for employees that may come to fruition as a result of this, and secondly citizens and business owners of Madrid as of recently. So that may inform both this resolution as it goes into its final approval, and I believe based on your desires from the past.

So based on those two points that inform this I will just provide a basic – what you're looking at is a request for the RTD to uphold the four routes internally with the City transit system and the 11 routes operated and funded by the RTD. With that I will stand for questions. Thank you.

CHAIR HOLIAN: Thank you, Erick. Any questions, comments?

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, my perpetual comment that I will continue to make on a regular basis. First of all, Erick, I appreciate your work thus far. I know you're getting engaged in the RPO and MPO planning process as well and there's much work to be done but I appreciate your presence and your efforts in that area. We need support, continued support from the whole Commission on a route from Golden to Santa Fe that includes that extended area around La Cienega. It's the last segment that we have in the entire county to fulfill commuter service into Santa Fe. I'll continue to be an avid supporter of that route until we get that route, and I think we need to carefully evaluate all expenditures that we're doing always to make sure we're investing our money where people are riding the buses and not just having a bus go empty back and forth anywhere. So that's my perpetual comment. I would continually ask the Commission, especially Commissioner Stefanics on the 14 route because it benefits and

serves many of her constituents as well to continue to support me in this effort. But I thank you very much for your work.

CHAIR HOLIAN: Commissioner Chavez.

COMMISSIONER CHAVEZ: Yes, so Erick, in Exhibit A in the proposed route, the routes that are funded and operated currently, we have language that suggests that routes would be expanded and you touched on that a little bit. The restructuring of 599-Rail Runner to New Mexico 14 including the Public Safety Department area, the communities of Madrid, Cerrillos and Golden. That's a proposal that is being entertained by the North Central RTD and I guess my question to you and to the Board is, because I don't know this right off. Is this going to increase the budget at all? Or is it done within the current budget and the service plan that we have already?

MR. AUNE: Madam Chair, Commissioner Chavez, currently the route 599 is \$131,000 annually. The proposed change bumps it up to about \$158,000.

COMMISSIONER CHAVEZ: \$158,000?

MR. AUNE: Approximately. Yes, sir. The difference, about \$27,000 there is being made up by other changes that are actually reducing the cost overall for the transit district in northern portions. So the result is that \$27,000 is absorbed and there's no net increase at this time.

COMMISSIONER CHAVEZ: So, Commissioner Anaya, on that point, so the restructuring of 599-Rail Runner to New Mexico 14, the Public Safety, the communities of Madrid, Cerrillos and Golden, that gets to a part of your concern about routes in that area but it seems to leave out La Cienega and La Cieneguilla. I think that's the only piece that I see missing.

COMMISSIONER ANAYA: Madam Chair, Commissioner Chavez, I guess we have to go back again to the minutes of meetings every single time I've talked about NCRTD to reflect – we even had a vote on a resolution at one point. That we wanted to cover exactly what Commissioner Chavez is talking about. The area in and around La Cienega and La Cieneguilla to bring transit in as well as coverage to Golden to Santa Fe. So how did it get left out?

COMMISSIONER CHAVEZ: It didn't, because the question I asked earlier, Commissioner Anaya, if you look at Exhibit A in our packet, Exhibit A has a request, routes requested by Santa Fe County and that request is restructuring of 599-Rail Runner for New Mexico 14 south, including the Public Safety Department area, the communities of Madrid, Cerrillos and Golden. Staff, in my question to that, staff indicated that there is no additional cost in increasing the service in those areas.

MR. AUNE: Let me clarify. My understanding of the proposal that will be discussed Friday is specifically for Route 14 down to Madrid, excluding – you're talking specifically about La Cienega? It does include Cerrillos and right now, not Golden. I intend to bring this up as a point of order for consideration and perhaps the Commissioners will as well to consider Golden at this point. Cerrillos, there is a leg that touches Cerrillos, goes into Cerrillos, as proposed with this change.

COMMISSIONER CHAVEZ: Okay.

CHAIR HOLIAN: I think Commissioner Chavez still has the floor.

2013/05/03 09:53:23 AM

COMMISSIONER CHAVEZ: Well, I'm just trying to clarify this because I asked Erick if this restructuring would affect the budget and the service plan and I think you said no, but there was a dollar amount in providing this service and that was \$158,000?

MR. AUNE: That's correct. As proposed, the proposed change would bump it up to \$158,000. The difference though would be made up from other changes that would reduce costs in other routes leading to no net increase.

COMMISSIONER CHAVEZ: Okay. But the proposal then does not include Golden?

MR. AUNE: At this time that is my understanding. Yes, sir.

COMMISSIONER CHAVEZ: Okay. And then Commissioner Anaya, I think, wanted to include La Cienega and La Cieneguilla. So I think those are – that's the discussion that we could have with the RTD in updating the service plan and making sure that we have the budget in place to provide service for those areas.

COMMISSIONER ANAYA: Madam Chair, if I could.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Commissioner Chavez, I appreciate your review of the items and for clarity, I would want us to include Golden in the discussions absolutely as I've said, as well as La Cienega and La Cieneguilla from the Board from our desire as we have in the past. So that would be – I appreciate the catch that Commissioner Chavez brings up and I would ask us to include those in there right now, and that we make that a part of the vote.

MR. AUNE: Yes, sir.

CHAIR HOLIAN: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. The comment I wanted to make is oftentimes ridership is small when a new route starts, but as you can see from the stats that are here they quickly grow. And the reports that are here show that the routes that we've asked for in the past have grown and I believe that the routes that we're asking for now would grow. So oftentimes when it comes time to budget agencies either sand to pick up a new route or they have to look for a new source of money, so I just think we need to be prepared in the event that RTD comes back and says we're not sure we have enough money, how we want to respond to that. Thank you.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, thank you, and I just saw this as far as a stop on the route. But on the New Mexico 599 route that is the Rail Runner station and stopping at the Santa Fe County Adult Detention Center, was that stop always in there or is that an added stop on the adult detention center?

MR. AUNE: Currently, the current 599 route was intended to provide service from the Rail Runner station to the detention center. The idea now is to expand it to – if you can picture not just specifically for those employees who are getting off the train, but now for employees who may be moving via other means to central Santa Fe and then getting on the blue bus to work. That's one of the desired outcomes of that change, if that makes sense.

COMMISSIONER MAYFIELD: Yes, but – Madam Chair, excuse me. But I thought it was also some issues with our EM program, and that’s why we had that route or that stop out there also. EM, electronic monitoring program?

MR. AUNE: Yes, and I can provide some insight for you –

COMMISSIONER MAYFIELD: That’s okay. If you want to that’s fine, but I thought that’s why we had that stop out there also.

MR. AUNE: Yes. There were several meetings with staff about that discussion and as a result, it was the desire of staff and RTD staff to look at it from the perspective of not just serving one particular client but looking at what are the opportunities for employees, the public, and potential for those potential client to utilize that service. As a result, a survey was put together on behalf of Growth Management that asked employees of the County and the State what potential ridership. That survey then informed what is being proposed Friday, which is what I would argue is a successful proposal to get transit out there. The survey was put together as not only looking at a particular client for a program, but employees and the public in that particular region. So the result of the survey informing the RTD that it’s probably a reasonable investment to go and expand the 599 route.

COMMISSIONER MAYFIELD: Okay. And I think that’s what I’m hearing Commissioner Anaya asking. And I’ve been hearing Commissioner Anaya asking for this as long as I’ve been sitting on this Board pretty much. So Friday you’re going in front of the NCRTD, based on the action this Commission takes today. Right?

MR. AUNE: I will be present to support that. The deputy director of the Public Safety Division will be in attendance as well as the public from Madrid.

COMMISSIONER MAYFIELD: Okay. And Madam Chair, Commissioners, Mr. Ross isn’t here so I will ask him a question when he gets back so it will just come back to me when Steve gets here.

CHAIR HOLIAN: Commissioner Chavez.

COMMISSIONER CHAVEZ: Thank you, Madam Chair. Commissioner Mayfield, I’m the alternate for the North Central Regional Transportation District and this is something that I’ve been following from its inception. As a City Councilor I introduced the resolution to establish the district, and a follow-up resolution to become a member of the district. And so public transportation is very important to our community. There are a lot of people as you know that have been depending on Santa Fe Trails, the blue route, the RTD, and the Rail Runner to get to and from work. And so initially it was really set up to help commuters to get to and from work, but now the RTD has expanded that and we’re getting people to their doctors appointments and to come shopping into Santa Fe and just a wide range of reasons.

And so I think that the RTD has been very creative in trying to meet the needs. They’ve been very creative in developing a service plan and coming up with a budget to be able to provide those services. In this case the restructuring of the 599-Rail Runner route is not establishing a new route it’s restructuring a route that is already in place.

MR. AUNE: Correct.

2013 APR 30 PM 5:37:13
SANTA FE COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING OF APRIL 30, 2013
PAGE 105

COMMISSIONER CHAVEZ: So that's where we can be more cost effective. And in this case the director has done that by restructuring that route, adding the Public Safety Department area, the communities of Madrid and Cerrillos, that's not adding a lot of cost. It's not like it's creating a totally new route. So when we can do that I think we need to be open to that and allow for that flexibility so that we can be cost effective. I'm hoping that if in adding Golden, La Cieneguilla and La Cienega it would be a matter of just restructuring a route that's already in place to try to accommodate that so that we're not again creating a new route, needing a new bus and a new driver just to make that happen.

So I wanted to just touch on that a little bit. And then Erick, I'm sure that between now and Friday you would be able to come up with a cost estimate on what it might take to restructure the 599 route to include Golden, and then restructure -- I'm not sure what route it would be -- restructure -- I guess you'd have to pick another route that you could restructure to pick up La Cienega and La Cieneguilla. Just as a suggestion.

MR. AUNE: Commissioner Chavez, in my discussion with the RTD, as to La Cienega and that area, and it's articulated in the resolution under the last whereas, that the 2008-2013 update of the five-year service plan will focus on that community with in-depth analysis being cost benefits. I don't know if I could specifically come up with a very accurate cost analysis for you in short order. What the service plan we'll look into as I referred to earlier is public input. What perhaps is the energy in terms of a desired ridership in that particular area through public input, and then looking at restructuring from a fiscal point of view. And that service plan will hopefully deliver and inform as to what may be reasonable for future restructuring, the closest route I believe is the 599 route, which may have to be then restructured again, or, alternatively, a new route would be required.

Again, I would submit to you that that would be a much more complex analysis at hand, hence the desire and a commitment at least from the RTD at this time to really focus on that community per your input. Thank you.

COMMISSIONER CHAVEZ: Okay. And then I'll just leave it at that and I guess the discussion needs to continue at the RTD, and I'm the alternate for the RTD. I had a conversation with Commissioner Anaya. He will not be able to attend Friday so I will attend as the alternate and express the County's interest in expanding the service plan, and then we'll have to deal with the budget to meet that plan.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Well, that was going to be my question for Mr. Ross, because I received an email from your assistant, Commissioner Chavez, that you weren't going to make it on Friday so they asked me as a second alternate to attend. So if you're going to attend, that's great, but if you're not, they asked me to attend and I would attend because I have no problem with filling up to my obligations on this Commission. So you will be in attendance on Friday? Because, again, I had an email that you were not going to attend.

COMMISSIONER CHAVEZ: Well, I just had the conversation with Commissioner Anaya now, so I didn't know until today that he was not going to be able

2013 APR 30 PM 05:00:00

to attend. So I guess that got lost somewhere in the communication, but I'm saying now that, based on my conversation with Commissioner Anaya, being that he will not be able to attend I will be there on Friday.

COMMISSIONER MAYFIELD: Okay. Again, just the email I received that you were not going to make it. But, Steve, on that note, I'm just going to ask for clarification because this happened on the SWMA board, I know your position as far as the second alternate on RTD, but if you can just get that cleared up, Steve, with Mr. Mortillaro, as far as the directorship, because if for whatever reasons, and I know individuals have their obligations. We all sit on different board meetings. I know Commissioner Anaya has a conflict because he sits on boards with the Association of Counties, and that's why he's conflicted out and he can't attend. Otherwise he would be there. But he has another obligation with the New Mexico Association of Counties. So if we can just find out and if Commissioner Chavez ever has a conflict and he can't attend I definitely will attend for our County. But if we get there and they say our rules don't allow it, I don't want to experience what we experienced on SWMA, Steve. So if you can clarify that I would really appreciate that. Thank you, Madam Chair.

CHAIR HOLIAN: Okay. This is a resolution. Is there anyone here from the public who would like to comment on the resolution? Seeing none, I will note that this is noticed for discussion only and this is the first hearing so there is no need for a motion. Thank you very much, Erick, for your –

COMMISSIONER MAYFIELD: But Madam Chair, on that point.

COMMISSIONER ANAYA: We've got to let our perspective be known.

CHAIR HOLIAN: We do?

COMMISSIONER ANAYA: Absolutely.

CHAIR HOLIAN: Why was it noticed – I have a question for staff, I guess. Why was it noticed this way?

MS. MILLER: Madam Chair, it wasn't one of the exceptions to the resolution that said they have to be introduced and then heard. The only two exceptions in that resolutions were for grant agreements and for budget adjustments. So you can waive that if you want.

COMMISSIONER ANAYA: This is a resolution, Mr. Ross, not an ordinance so we could –

CHAIR HOLIAN: So, Mr. Ross, point of order. Can we vote to waive that requirement for this resolution?

MR. ROSS: Madam Chair, yes. That's what the resolution provides.

COMMISSIONER ANAYA: So move to waive the requirement on a second public hearing, Madam Chair.

CHAIR HOLIAN: Okay. I have a motion and do I have a second?

COMMISSIONER CHAVEZ: Second.

The motion to waive two hearings passed by unanimous [4-0] voice vote.
[Commissioner Stefanics was not present for this action.]

CHAIR HOLIAN: We have no waived that requirement for the resolution. Do I have a motion on this resolution?

COMMISSIONER CHAVEZ: I would move for approval on this resolution with the amendments that we discussed earlier and the amendments would be to the service plan, and we would ask that the RTD consider expanding their service to include Golden and then the areas of La Cienega and La Cieneguilla.

CHAIR HOLIAN: I will second that. Is there any –

COMMISSIONER CHAVEZ: Actually, the motion would also support the RTD's restructuring of 599 route to New Mexico 14 including the Public Safety Department area, the communities of Madrid and Cerrillos.

CHAIR HOLIAN: Okay. I have a motion with amendments to the resolution and a second. Is there any discussion?

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: So Madam Chair, Commissioner Chavez or Anaya, so as far as they consider, and I appreciate we're asking them to consider, but we're putting that as our request, as our proposal to them, right?

COMMISSIONER CHAVEZ: Yes.

COMMISSIONER MAYFIELD: That's our request.

COMMISSIONER CHAVEZ: Yes.

COMMISSIONER MAYFIELD: Okay. Thank you.

CHAIR HOLIAN: Commissioner Anaya, do you have a comment?

COMMISSIONER ANAYA: No.

CHAIR HOLIAN: Okay. We have a motion and a second.

The motion passed by unanimous [4-0] voice vote. [Commissioner Stefanics was not present for this action]

XII. C. Public Works Department

1. Request Authorization to Renew Right of Way Use Permit Application By Mid-America Pipeline Company to Maintain Existing Liquid Gas Pipeline Facilities Located in Southern Santa Fe County

ROBERT MARTINEZ (Public Works): Madam Chair, Commissioners, Mid-America Pipeline Company owns and maintains natural gas liquid transmission facilities in southern Santa Fe County, which they're at this time requesting renewal of their license. Public Works requests authorization to renew the right-of-way use application by Mid-America Pipeline Company. I stand for questions.

CHAIR HOLIAN: Any questions? Commissioner Mayfield, and then Commissioner Chavez and Commissioner Anaya.

SEE CITY RECORDS SECTION 333/334/335

COMMISSIONER MAYFIELD: Madam Chair and Mr. Martinez, have you asked the Public Regulation Commission the last time they've done an inspection on this pipeline?

MR. MARTINEZ: Madam Chair, Commissioner Mayfield, no.

COMMISSIONER MAYFIELD: Can you? And ask if they're run a pig through it so we can make sure that it's safe pipeline going through our County property?

MR. MARTINEZ: Madam Chair, Commissioner Mayfield, we will do that.

COMMISSIONER MAYFIELD: Okay. And are we impressed to approve this maintenance agreement right now until we get that report from the Public Regulation Commission?

MR. MARTINEZ: Madam Chair, the current license sunset in May of 2012, so it's been almost a year since they had these facilities without a license. I can't answer that but I think if it's been a year, another month or two – I don't know how long it would take PRC to conduct that.

COMMISSIONER MAYFIELD: They may have already conducted it. I just want to know if they have or not. They're obligated to conduct these pipeline inspections but I'd like to see the report on it. If it's sunsetted, I was going to ask you guys, why are we just catching up with it now?

MR. MARTINEZ: Madam Chair, Commissioner Mayfield, Mid-America just submitted their application renewal back in March. So it went through our legal process and their process and it's taken the last couple months, but I don't know why they waited till March of this year to submit their application.

COMMISSIONER MAYFIELD: So, Madam Chair and Mr. Ross, is there any fines involved for Mid-America for submitting it late to us?

MR. ROSS: Madam Chair, Commissioner Mayfield, none that I know about.

COMMISSIONER MAYFIELD: Well, aren't they obligated to have a current – okay, then Madam Chair, that's fine. That's just what I needed to know.

CHAIR HOLIAN: Okay. You're done.

COMMISSIONER MAYFIELD: I'm done.

COMMISSIONER CHAVEZ: Okay. Commissioner Chavez.

COMMISSIONER CHAVEZ: So, Mr. Martinez, this is little new to me and my question is is there a fee for the use of this right-of-way?

MR. MARTINEZ: Madam Chair, Commissioner Chavez, the fee would occur if Mid-America needed to work on their facility within our right-of-way. At that time we would assess them a fee that's to our utility cut restoration ordinance.

COMMISSIONER CHAVEZ: So that would be in the event that they would have to – you would issue a permit to cut the street or to cut into the roadway?

MR. MARTINEZ: Madam Chair, Commissioner Chavez, that is correct.

COMMISSIONER CHAVEZ: Okay. Thank you, Madam Chair.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, this is – as I understand it they've been mobilizing a lot of new pipe in for the line, so Commissioner Mayfield, I think they're working in an existing right-of-way and preparing to lay down a new pipeline in that area. But I think the question about conformance with PRC is a good one, but with that, Madam Chair, I'd move for approval.

CHAIR HOLIAN: And is there a second?

COMMISSIONER CHAVEZ: Second.

CHAIR HOLIAN: Okay, we have a motion to authorize renewal of the right-of-way use permit application by Mid-America Pipeline Company and a second.

The motion passed by unanimous [4-0] voice vote. [Commissioner Stefanics was not present for this action.]

XII. C. 2. Resolution No. 2013-45, a Resolution of Support for County Participation in the New Mexico Department of Transportation's Statewide Transportation Improvement Program, Project Control No. S1002200, for Transportation Community and System Preservation Funds for Chip Seal and Fog Seal Pavement Preservation on 56.59 Miles of Santa Fe County Roads, of Which 44.61 Miles Are Located within the Metropolitan Planning Organization Boundaries

MR. MARTINEZ: Madam Chair, approximately a year ago Diego Gomez from the Public Works Road Maintenance Department submitted a grant application to the FHWA for a pavement preservation program, and there was I believe about \$20 million awarded throughout the nation and Santa Fe County was awarded approximately \$657,000 with a match requirement of the County of \$164,372. Our match requirement is going to be fulfilled through in-kind services. What this grant will do is it will provide fog seal and chip seal applications on existing paved roads to preserve the life expectancies of these roads for an additional seven to ten years.

A couple years ago we brought to the Commission a report on the condition of our paved roads, explained to the Commission our PASER rating and based on our PASER rating and the evaluation of our paved roads we came up with a pavement preservation program. So in conjunction with this TSCP grant, the LGRF grant we received this year from the NMDOT, and additional general fund funding we received through our general maintenance budget last year we are going to be doing close to about 40 miles of road this summer of either fog seal or chip seal improvements. We are becoming really pro-active on preserving the facilities that we do have. You heard earlier about spending more money on maintaining as opposed to building new facilities, well this is the step that we're taking as far as roads.

CHAIR HOLIAN: Thank you, Robert. It seems like a very cost effective thing to do. First of all, how did you decide which roads to include in this?

MR. MARTINEZ: Madam Chair, through our pavement preservation evaluation the scoring system determined what roads needed what type of preventative maintenance. So that is how we determined what roads throughout the county would get these treatments.

CHAIR HOLIAN: Okay Thank you. Any questions? Commissioner Chavez, then Commissioner Anaya.

COMMISSIONER CHAVEZ: Let me see. So, Robert, this was also discussed at the MPO, right? Because there are all within the Metropolitan Planning Organization boundaries. So this was on their list of eligible projects.

MR. MARTINEZ: Madam Chair, Commissioner Chavez, it is on the list but it was submitted on the list prior to us being notified that we would be receiving this grant, because in order to get this grant funneled through the NMDOT to the county it had to be on the TIP, through the MPO.

COMMISSIONER CHAVEZ: Okay. So that's the requirement. That lays out the requirement for match, and so the County's match, is it in-kind and dollars or only dollars?

MR. MARTINEZ: Madam Chair, Commissioner Chavez, for this particular grant, our match is going to be completely in-kind services, equivalent to \$164,372.

COMMISSIONER CHAVEZ: So you'll track staff time and equipment, time on the equipment.

MR. MARTINEZ: Madam Chair, Commissioner Chavez, that is correct. We will be tracking our labor and equipment hours.

COMMISSIONER CHAVEZ: Okay. Thank you, Madam Chair.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, this follows through with what's good professional practice to maintain the existing investment, a high investment of capital dollars that we've made as a County, so I'd move for approval, Madam Chair.

COMMISSIONER CHAVEZ: Second.

CHAIR HOLIAN: Okay, I have a motion and a second for approval of Resolution No. 2013-45. Any further discussion? Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Martinez, do any of these roads fall in the proposed annexation area?

MR. MARTINEZ: Madam Chair, Commissioner Mayfield, no, they do not.

COMMISSIONER MAYFIELD: Okay. Thank you, Madam Chair.

CHAIR HOLIAN: Okay. We have a motion and a second.

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

2013 APR 30 PM 4:58:11
SANTA FE COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
APRIL 30, 2013
PAGE 111

COMMISSIONER CHAVEZ: I just want to make a final comment. Maintenance is important but when we talk about maintenance of roads and public safety, you can't have one without the other. So our public safety crew and our residents need well maintained roads. So thank you for your work.

MR. MARTINEZ: You're welcome. And we will be bringing the agreements at the May 14th BCC meeting for ratification by the Board. Thank you.

CHAIR HOLIAN: Thank you, Robert. And I did forget to ask for public comment but I don't think anybody in the audience would fit in that category. Is there anybody here who would like to comment on this resolution?

XII. C. 3. Resolution No. 2013-46, a Resolution Authorizing the Execution and Delivery of a Water Project Fund Loan/Grant Agreement By and Among the New Mexico Water Trust Board ("Water Trust Board") and the New Mexico Finance Authority ("Finance Authority", and Collectively with the Water Trust Board, the "Lenders/Grantors") and the Santa Fe County (the "Borrower/Grantee"), in the Total Amount of \$135,000, Evidencing an Obligation of the Borrower/Grantee to Utilize the Loan/Grant Amount Solely for the Purpose of Financing the Costs the Project Which Will Include the Engineering and Construction of a Watershed Restoration and Management Project Which Will Include the Purchase and Installation of Groundwater and Surface Water Monitoring and Recording Equipment at Locations Along La Cienega Creek, Santa Fe River, Arroyo Hondo, Guicu Creek and Alamo Creek, and Solely in the Manner Described in the Loan/Grant Agreement; Providing for Payment of the Loan Amount and Administrative Fee Solely from Pledged Revenues; Certifying That the Loan/Grant Amount, Together with Other Funds Available to the Borrower/Grant Agreement; Ratifying Actions Heretofore Taken; Repealing All Action Inconsistent with This Resolution; and Authorizing the Taking of Other Actions in Connection with the Execution and Delivery of the Loan/Grant Agreement

KAREN TORRES (County Hydrologist): Madam Chair, Commission, the reason for this resolution is to accept a loan/grant that we received through the Water Trust Board. They require this type of resolution with a very long title to go along with that. If you're not familiar with the project I'm happy to go over it very quickly if you'd like me to.

CHAIR HOLIAN: Would the Commissioners like to hear about the project?

SBC OF NEW MEXICO RECORDS SECTION
4/30/13 2:43:58 PM

COMMISSIONER MAYFIELD: I would

CHAIR HOLIAN: Okay, Karen. Would you proceed?

MS. TORRES: Absolutely. The reason we applied for these funds is to purchase monitoring equipment to monitor groundwater levels and also the flow of spring discharge in the La Cienega area and La Cieneguilla area. These are traditional areas that have used the spring discharge for irrigation purposes for several hundred years. Regionally, when you look at where it's located at it's at the bottom end of this watershed and we call that the discharge area. And we always like to monitor those because those are the sensitive areas. If you have less water there that means there's less water that's happening up above that. So there has been spotty monitoring in the past but with this equipment we'll be able to get a little bit better data on a consistent basis and that's what that's about.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I appreciate staff's efforts in this endeavor and working closely with the community. This fulfills our commitment to the region to monitor the water – how much we have, what we're utilizing, and then create that database that you suggested that we could use as a tool as we evaluate our Buckman Direct Diversion water that's going to reduce groundwater use and hopefully be able to have a barometer to see how effective we're doing at increasing the aquifer. So I know the people in La Cienega and the region are very pleased with this so I thank you for your efforts and just wanted to highlight that.

CHAIR HOLIAN: Are there any other comments?

COMMISSIONER CHAVEZ: I just have a question. So, Karen, will this help monitor the treated effluent that we're releasing at the sewage treatment plant? Because that's part of the streamflow, right?

MS. TORRES: It is part of the streamflow on the Santa Fe River. There is a spring in Cieneguilla that actually still discharges water and you don't see a particular point you can measure it but the stream gained water. There's more water at a certain point and so that's what we try to measure. So there is a possibility that we can continue to measure whether or not the river gained water at that same rate or not. So it's not what I would consider to be a direct measurement. So we indirectly understand that there's more water here and the reason for that is that spring. So as a long protracted answer, yes.

COMMISSIONER CHAVEZ: Okay. Thank you, Madam Chair.

CHAIR HOLIAN: Okay. This is a resolution. Is there anyone here from the public that would like to comment? Seeing none, is there a motion or further discussion?

COMMISSIONER STEFANICS: I'll move for approval.

COMMISSIONER ANAYA: Second.

CHAIR HOLIAN: Okay. I have a motion and a second for approval of Resolution No. 2013-46.

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

- XII. C. 4. Resolution No. 2013-47, a Resolution Authorizing the Execution and Delivery of a Water Project Fund Loan/Grant Agreement By and Among the New Mexico Water Trust Board (“Water Trust Board”) and the New Mexico Finance Authority (“Finance Authority”, and Collectively with the Water Trust Board, the “Lenders/Grantor”) and the Santa Fe County (the “Borrower/Grantee”), in the Total Amount of \$358,000, Evidencing an Obligation of the Borrower/Grantee to Utilize the Loan/Grant Amount Solely for the Purpose of Financing the Costs of the Project Consisting of the Design and Construction of a Water Storage, Conveyance and Delivery Project Which Will Include the Extension of an Existing Santa Fe County Utility Water Line on Paseo C de Baca to Serve the Residents of the Area, and Solely in the Manner Described in the Loan/Grant Agreement; Providing for Payment of the Loan Amount and Administrative Fee Solely From Pledged Revenues; Certifying That the Loan/Grant Amount, Together with Other Funds Available to the Borrower/Grantee, is Sufficient to Complete the Project; Approving the Form of and Other Details Concerning the Loan/Grant Agreement; Ratifying Actions Heretofore Taken; Repealing All Action Inconsistent with This Resolution; and Authorizing the Taking of Other Actions in connection with the Execution and Delivery of the Loan/Grant Agreement**

MS. TORRES: Thank you, again, Madam Chair, Commission. This is another one of the loan/grant combinations. What this project does is it extends an existing waterline at the end of Paseo C de Baca. This waterline – just a tiny bit of history, it was installed in the late 90s I believe and funds were sought, the line was extended to serve folks in this area. The line didn’t serve the entire area they wanted to at the time. They had to stop the construction at a certain point due to funding, and the streets that are going to be served now is part of that original project that didn’t have sufficient funding. So the folks that live in this area have sought out funding to try to get this accomplished and it has not happened to date and through this application we were able to fund that.

This will serve approximately 25 existing homes. And it will serve also to loop the waterline so you don’t have a water line that stops at a dead-end so the water stays fresh at the end. Or fresher.

CHAIR HOLIAN: Thank you, Karen. Any questions? Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, this continues a commitment that was made by Santa Fe County to expand utility service into this area, to remove people off of wells and put them on a County public utility. So I would just say that and

this is just an ongoing effort to continue the commitments the County has made over time. Thank you, Madam Chair.

CHAIR HOLIAN: Okay. Any further questions? Okay. This is a resolution. Is there anyone here from the public who would like to comment on this resolution? Seeing none, is there a motion?

COMMISSIONER ANAYA: Move for approval, Madam Chair.

COMMISSIONER MAYFIELD: Second, Madam Chair.

CHAIR HOLIAN: Okay, I have a motion and a second for approval of Resolution No. 2013-47.

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

XII. C. 5. Request Approval of Termination of Cooperative Project Agreement, Contract Number D13724, Control Number S100060 New Mexico Central Rail Trail

MARK HOGAN (Public Works: Good evening, Commissioners, Madam Chair. This is a formality. This is a grant for the New Mexico Central Trail that was worked out with New Mexico DOT and because of coordination with the northeast-southeast connector as well as uncertainly as to whether or not this was going to be redundant we have moved those funds to the Rail Trail project and with the approval of DOT who is providing the grant. This went through the TIP an STIP for approval and so just to make this official we need the approval of this Board.

CHAIR HOLIAN: Any questions?

COMMISSIONER STEFANICS: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Stefanics.

COMMISSIONER STEFANICS: I'm going to oppose this. My constituency in Eldorado and along that route expected this to be done. And we don't know when the southeast connector is going to be done. I recognize that this is a formality because it's already happened. The money has already been transferred. But I am going to oppose it.

CHAIR HOLIAN: Are there any other questions? Is there a motion?

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: What happens if we don't do it? Does this jeopardize other funding mechanisms?

MR. HOGAN: Madam Chair, Commissioner, this doesn't. It was done in cooperation with the DOT. We're still pursuing other grants and working cooperatively with them and it doesn't put us in jeopardy. We still preserve the option of developing that trail at a later time.

COMMISSIONER ANAYA: But if we voted to not accept the termination, what happens?

MR. HOGAN: That's a good question. I'd have to get back with you on that. I'm not sure of the answer of that.

COMMISSIONER ANAYA: Well, respecting Commissioner Stefanics' frustration, I wouldn't want to jeopardize the relationship we have with the DOT on other projects and grant agreements. Is this the DOT that we're talking about?

MR. HOGAN: Yes.

COMMISSIONER ANAYA: The cooperative agreements with the DOT.

MR. HOGAN: This does not jeopardize any agreements we have with DOT.

COMMISSIONER ANAYA: Right. But this is a cooperative agreement with the DOT and us?

MR. HOGAN: Yes.

COMMISSIONER ANAYA: I'd vote for approval, Madam Chair.

CHAIR HOLIAN: Is there a second?

COMMISSIONER CHAVEZ: Second.

CHAIR HOLIAN: Okay. There's a motion and a second. Any further discussion?

COMMISSIONER STEFANICS: Madam Chair, I move to table.

CHAIR HOLIAN: Okay. I have a motion to table. I think that takes precedence then. Do I have a second?

COMMISSIONER MAYFIELD: I just have a quick question.

CHAIR HOLIAN: All right. The tabling ceases since there was not a question. Commissioner Mayfield.

COMMISSIONER MAYFIELD: On the reprogramming of the \$100,000. I have a question. Mark, on the reprogramming of the \$100,000, where's this money going to go?

MR. HOGAN: Madam Chair, Commissioner, to segments 2, 3, and 4 of the Rail Trail.

CHAIR HOLIAN: Point of procedure. I want to ask Steve. If there is a motion to table, do we need a second?

MR. ROSS: Yes.

CHAIR HOLIAN: Okay. We did not get a second so that motion died. So now we have a motion on the floor and a second to approve the termination of the cooperative project agreement. Is there any further discussion?

COMMISSIONER MAYFIELD: I want discussion. You acknowledged me.

CHAIR HOLIAN: Okay. You have the floor. Would you like to ask anything else?

COMMISSIONER MAYFIELD: I've been asking it but you guys were having a side conversation over there.

COMMISSIONER CHAVEZ: Well, yes, because we needed some clarification.

2013 APR 30 11:13 AM

COMMISSIONER MAYFIELD: You manage the meeting how you want, Madam Chair. If I have the floor I'd like to ask staff questions.

CHAIR HOLIAN: You have the floor. Ask staff questions. I was asking for a point of procedure. Points of procedure are allowed to be asked at any point and members can be interrupted at that point. So you now have the floor.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Hogan, where is this reprogramming of the \$100,000 going?

MR. HOGAN: Madam Chair, Commissioner, to the Santa Fe Rail Trail, sections 2, 3, and 4, which will essentially extend the Rail Trail from where it drops off now at the Spur Trail to Eldorado.

COMMISSIONER MAYFIELD: Two, three and four, and the intent of this money was to go where again?

MR. HOGAN: This is a rails to trails initiative that involved the old trail bed for the New Mexico Central that runs through Rancho Viejo. So this was seed money to get the planning underway for development of that rail trail.

COMMISSIONER MAYFIELD: Okay. I'll ask the question I was asking earlier. This would not compromise our relationship with any TIP money, correct? If we oppose it?

MR. HOGAN: It should not jeopardize any funding or working relationships that we have with DOT.

COMMISSIONER MAYFIELD: Madam Chair, with that I'll move to table.

COMMISSIONER STEFANICS: I'll second.

CHAIR HOLIAN: Okay. We have a motion and a second to table.

The motion to table failed by a 2-3 voice vote with Commissioners Mayfield and Stefanics voting with the motion and Commissioners Anaya, Chavez and Holian voting against.

CHAIR HOLIAN: The motion to table dies. Now we have a motion to approve the termination of the cooperative project agreement and a second.

The motion to approve passed by majority 3-2 voice vote with Commissioners Anaya, Chavez and Holian voting in favor and Commissioners Mayfield and Stefanics voting against.

XIII. D. Administrative Services Department

- 1. Request Approval of Six (6) Professional Service Contracts No. 2013-0170- LG/PL for General Legal Services, Each in the Amount of \$95,000, as Requested by the County Attorney for a Total of \$570,000**

BILL TAYLOR (Purchasing Director): Thank you, Madam Chair, members of the Commission. The Santa Fe County Attorney required legal services for specialists and experienced attorneys. Purchasing issued the RFP, request for proposals on January 6th. There were nine responses to that RFP. The selection committee selected six of the firms and then the memo, the names of those firms are listed for your information, but I'll stand for any questions. So the action requested, Madam Chair, is the Commission approves the multiple award with each contract totaling \$95,000 each, maximum compensation. With that I'll stand for questions.

CHAIR HOLIAN: Okay. Any questions? Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Taylor, Mr. Ross, have all these firms who have submitted on this page, how many are currently doing work with the County in other capacities?

MR. TAYLOR: Madam Chair, Commissioner Mayfield, all six of these listed here are currently doing – have been under contract with the County in the past.

COMMISSIONER MAYFIELD: Currently, not past.

MR. TAYLOR: Currently. I've researched back to 2011, I believe, Commissioner, Madam Chair, and so currently they have been under contract, some of which have reached their termination and it's the reason we went out for RFP, Madam Chair, Commissioner.

COMMISSIONER MAYFIELD: And Madam Chair, [inaudible] so again, all of these are currently doing some work and this is just to afford them to do some more work. I'm just going to ask a couple questions. And I'm familiar with some of the law firms; some of them I'm not. So what type of work is Serra & Garrity doing for us?

MR. TAYLOR: All of the scope of work, Commissioner, is to provide specialized – I'm sorry, I'm just getting this together for your question. I apologize. But they will be updating litigation matters that specialize with – I apologize, Madam Chair. Includes without limitation matters of labor, labor law. I'm sorry. Go ahead.

MR. ROSS: Madam Chair, I think I can help. She primarily does investigations, both for our office and for the Ethics Board.

COMMISSIONER MAYFIELD: Okay. And then Sheehan & Sheehan?

MR. ROSS: Madam Chair, Commissioner Mayfield, water law and construction law.

COMMISSIONER MAYFIELD: I'm going to ask them all, to be equitable. Montgomery & Andrews?

MR. ROSS: Montgomery & Andrews, primarily environmental law and some condemnation.

COMMISSIONER MAYFIELD: Okay. Long, Pound & Komer?

MR. ROSS: Litigation and some employment law.

COMMISSIONER MAYFIELD: Brown Law Firm?

MR. ROSS: All employment law.

COMMISSIONER MAYFIELD: And Basham & Basham?

2013 APR 30 PM 5:03
SANTA FE COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING OF APRIL 30, 2013
PAGE 118

MR. ROSS: Litigation and appellate work.

COMMISSIONER MAYFIELD: Okay, and then nine firms or solo practitioners all submitted and out of the nine three weren't selected?

MR. TAYLOR: That's correct, Madam Chair and Commissioner.

COMMISSIONER MAYFIELD: The three that weren't selected, are they in here somewhere?

MR. TAYLOR: I did not list that on the caption.

COMMISSIONER MAYFIELD: Can you let me know who the three were that weren't selected?

MR. TAYLOR: I don't have that information but I can get it to you, Commissioner.

COMMISSIONER MAYFIELD: I would like to know that the three that weren't submitted, and the reasons where their pricing? Just how they vetted out through the whole –

MR. TAYLOR: Madam Chair, Commissioner, this was all qualification-based. It was based on criteria and their response to that criteria. And so they didn't meet those points.

COMMISSIONER MAYFIELD: Did any of those three provide legal services to the County in the past?

MR. TAYLOR: I believe there was one other firm. I can't remember. If you can –

COMMISSIONER MAYFIELD: And were they currently providing service for us or would their contract terminate?

MR. TAYLOR: I believe they were up until their contract terminated.

COMMISSIONER MAYFIELD: Okay. That's fine.

MR. TAYLOR: I can get you the information.

COMMISSIONER MAYFIELD: We'll talk later. That's fine. I don't think I even need any more questions answered. Thank you, Madam Chair.

CHAIR HOLIAN: Okay. Any further questions? Do I have a motion?

COMMISSIONER STEFANICS: I'll move for approval.

COMMISSIONER CHAVEZ: Second.

CHAIR HOLIAN: Okay. I have a motion and a second for approval of the six professional service contracts for general legal services.

The motion passed by unanimous [4-0] voice vote. [Commissioner Anaya was not present for this action.]

XIII. D. 2. Request Amendment No. 1 to Agreement Between Owner and Engineer for Professional Services for the Project Generally

REC'D BY RECORDS
4/30/13 10:00 AM

**Known as Water Transmission Line TL6S, in the Amount of
\$240,368.92 Exclusive of GRT**

MR. TAYLOR: Thank you, Madam Chair, Commissioners. This is amendment #1 between Santa Fe County and Molsen Corbin for the TL6 line which will include provisions work that will involve the preliminary study. The preliminary study was in the original contract. This amendment will require the crossings of Santa Fe railroad crossings, one booster pump station, 50,000-gallon pump and control tank. There's an additional 4.5 miles added to the transmission line as well, and the scope will also involve a project representative, Madam Chair.

CHAIR HOLIAN: Okay. Thank you. I have a question I think for Pego. I know there's going to be – I think it's a 250,000-gallon tank on Ellis Ranch Road. Will there still be a tank at the Hondo 2 Fire Station?

PATRICIO GUERRERORTIZ (Utilities Director): Madam Chair, the tank at the fire station is necessary to balance the pumping between the pump station that we would need and the filling of the Ellis Ranch tank. So, yes. A 50,000-gallon tank will still be necessary.

CHAIR HOLIAN: Okay. Thank you. Any further questions?

COMMISSIONER CHAVEZ: Move for approval.

CHAIR HOLIAN: Okay. I have a motion.

COMMISSIONER STEFANICS: Second.

CHAIR HOLIAN: And a second for approval of the amendment #1 to the agreement for designing the TL6S water transmission line.

The motion passed by unanimous [4-0] voice vote. [Commissioner Anaya was not present for this action.]

XIII. D. 3. Request Approval of Amendment No. 3 to Contract 2011-0059-PW/MS for Project Representative, Inspection and Quality Assurance Services for Road Widening of County Road 98 (Juan Medina Road) in the Amount of \$147,233.08

MR. TAYLOR: Thank you, Madam Chair. County Road 98 was due to limited funding was divided into construction on the western side. Now that has been completed. Design work is completed for the eastern portion and what this amendment does is allow us to amend their contract for a project representative for the construction phase of the eastern side of County Road 98.

CHAIR HOLIAN: Any questions? Do I have a motion?

COMMISSIONER MAYFIELD: Move for approval, Madam Chair.

COMMISSIONER STEFANICS: Second.

CHAIR HOLIAN: Okay. I have a motion and a second.

The motion passed by unanimous [4-0] voice vote. [Commissioner Anaya was not present for this action.]

XIII. E. Health and Human Service Department

1. Introduction of a Resolution Establishing Community Center Trustees, and Repealing and Replacing Policies for County Owned or Leased Community Centers (DISCUSSION ONLY, FIRST HEARING)

TERESA CASADOS (Senior Services): Good evening, Madam Chair, Commissioners. I'm here before you today to present a resolution establishing community center trustees and repealing and replacing policies for County-owned community centers. Over the past year we've received numerous requests from community members to amend the resolution to address the costs. In October we established an umbrella committee with representation from each community center to address the concerns and provide you with an amended resolution for consideration.

Before I get into the content of that resolution I'd like to thank the members of that committee. They included Jennifer Manzanares, representing El Rancho, Paul White, representing Rio en Medio, Francisco Quintana representing Nambe, Joe Sullivan representing Cundiyo, Kelly C de Baca representing La Cienega, Lois Mee representing Nancy Rodriguez, and Lorraine Vigil representing Chimayo. Also, I'd like to thank the County staff involved – Rachel Brown, Rachel O'Connor, Lisa Roybal and Teresa Martinez.

So when we look at the resolution there are basically three areas that have been changed in the proposed policies. These include the designation of members as trustees as opposed to board members, a change in the fee structure, and a change in the receipt of funds. I'll address each of these items and then stand for questions.

The designation from board member to trustee was done for several reasons. First, in order to form a board there must be a minimum of three members. In some of the smaller communities we've been unable to recruit more than one member to serve. The designation of trustee allows one or more resident to serve as a trustee to assist in the operation of the center. Second, it alleviates the members of some of the more stringent requirements necessary for a board. A board must notice all meetings and maintain minutes of said meetings. There are no notice requirements for trustees. The designation of trustee does not in any way alter the individual's ability to schedule, process and calendar events, or take on other responsibilities associated with running the centers.

The next significant change that you'll see in the proposed resolution is the change to the fee schedule. There have been numerous concerns regarding this fee schedule and the cost of insurance for each event. In the previous fee schedule, there was an activity fee of \$100, a cleaning and damage deposit of \$150, and an insurance fee of \$103. So the initial cost to get into a community center for any type of event was \$353. This has been reduced and the activity fee now in the proposed resolution is \$50. This is a one-time use for the facility. In addition, the cleaning deposit has been reduced from

2013 APR 30 PM 5:03:13

\$150 to \$50. This is a cleaning deposit only and will be returned upon inspection of the facility. The \$150 that was previously charged was a cleaning and damage deposit. The damage deposit was removed because damage to the facility will be covered under the mandatory property damage insurance.

The insurance coverage has changed to make property damage mandatory, and liability insurance optional. Therefore the liability insurance premium of \$75 has been removed and is offered as an optional addition to each individual inquiring about the facility. There's been a clause added that states that the applicant will be responsible for any claim against the policy. So that will cover any damage and the individual will be responsible for meeting any deductible.

The property damage insurance ranges from \$25 to \$35, and is dependent on the type of function. A copy of this fee structure provided by the insurance company will be provided to the trustees so they can advise potential community members of the estimated fee. In addition to the \$50 rental fee, we have structured the fees to include one-time fees for standing meetings taking place once per month, and also for activities which are repetitive in nature and include more than once a month.

So these fees include \$150 for events taking place one time per month. The insurance fee would also be applicable. The way the insurance is structured is they pay a fee one time per calendar year, so they don't have to continue to pay the fee every month. So to rent it for one time per month would be equal to \$14.58 per month which includes the insurance premium. For those activities taking place more than once a month on a regular basis, a fee of \$250 has been established. This monthly fee would be approximately \$23 which also includes the insurance premium.

Requests for this type of use would require a letter of request submitted with the application. That letter would detail the purpose or the activity of the events, the dates and the times the event will take place, who is eligible to attend the event – so it would be whether it's open to the public or just restricted to certain individuals. It would also provide information on any fees associated with the event, such if there's a tuition or dues that are being collected from the people that are participating, and then it would also have to detail the community benefit. So the County Manager or the designee would have discretion to approve or reject these types of requests.

Lastly, the changes in the receipt of how the funds are received. Currently the board member is responsible for the entire process. This includes accepting the application, ensuring the insurance is in place, opening and closing the center, receipt of all funds, return of damage and cleaning deposits, and depositing of funds. In order to make this less burdensome on the trustees the County has designated a staff person to assist with the process. Master calendars are now maintained on the County website for all facilities. The trustee still meets with the individual interested in utilizing the facility, determines if the date is available, and ensures that a trustee is available to open and close the facility on the date requested.

If so, the trustee signs off on the application and the application, along with all necessary payments is then delivered to Santa Fe County's designated individual. This can take place by hand delivery or through the mail. The County will immediately add

2013/04/30 10:02 AM TROTTER WARD 2013

the event to the master calendar, log receipt of funds, acquire insurance for the event, and deposit the funds with the Treasurer's Office. The funds received will continue to be used exclusively for the benefit of the center, generating the funds as determined by the County.

So we believe that these changes to the resolution and the fee structure will enable members of each community to utilize the facility. So with that I stand for questions.

CHAIR HOLIAN: Thank you, Teresa. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, believe it or not, that's an improvement to what we were doing before. I know that staff and Teresa and Rachel and Legal and Katherine and I think probably all the Commissioners have had dialogue with you. I know I have on several occasions and I know we have to have some requirements to maintain the integrity of the buildings. I know it's been a long process. It's almost done for now. We can see how things work but I'm appreciative of your efforts and the reductions in the fees – I know Commissioner Mayfield and I, this was an item we brought up very early on when we started on the Commission and it's something that I know we'll continue to want to see reduced fees and access. You've done a lot of work and I appreciate it. And thank you.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, thank you, Ms. Casados. Thank you very much. As Commissioner Anaya stated, this is long overdue. But as far as some of the particulars, and I just want to disclose and I have forwarded them to Mr. Ross, but I received a few emails as of last night and today from even some of the people who were sitting on this committee that they wanted our Commission to table this matter. And I'm just going to say that but I know we have a couple of rounds of it and I would hope that they had this dialogue with you and I'm going to get back to that in a few minutes.

But on page 5, Teresa, and I'm going to be asking a few questions so Commissioner, if you want to let people pipe in on me that's fine, but if I can just have the floor back. On page 4, as far as the fees that the County is looking at collecting, and Ms. Martinez is in the back, I just want to know that if these fees are collected by our community centers, and let's just go, fees must be paid by check, blah blah blah. All such funds received by the County Finance Director or designee shall be credited to the budget for operations and maintenance of each center. Just help me out through that. I don't know if you're the right person to help me out with that or if Ms. Martinez is. Are those funds directly going back to our centers?

MS. CASADOS: I think I can answer your question, and she's available to correct me if I'm wrong. But Madam Chair, Commissioner Mayfield, there are separate accounts set up for each of the community centers, along with separate budgets. So the fees that are collected do get credited to the budget of each of those accounts. Those fees are then used to help defray costs such as utilities for each of the facilities. And if you look at your FIR you will see that last fiscal year we collected I believe it was roughly \$5,000 for the facilities, \$5,350. That was all of the facilities combined. And so that

amount that we are collecting right now does not go anywhere near paying for the costs to run those facilities.

COMMISSIONER MAYFIELD: And we weren't generating that many fees because you weren't collecting money from a lot of these entities, correct?

MS. CASADOS: Madam Chair, Commissioner Mayfield, that is correct. The prior resolution had an exemption for non-profits.

COMMISSIONER MAYFIELD: Okay, and let's just go over that, because that's what a lot of the emails that came to me were on, non-profits. But Steve, and maybe this is for Mr. Ross, can non-profits be excluded from non-payment on this?

MR. ROSS: Madam Chair, Commissioner Mayfield, not consistent with the anti-donation clause.

COMMISSIONER MAYFIELD: I'm sorry. And just the audio, Steve. It's just echoing or something. I guess our audio – I'll just get on audio. Our audio is not the best in this County facility, so when people have trouble hearing, even when they're present in this Commission, even when they're calling in telephonically, is not the best audio in our County facility. Just so I can get that established. Thank you.

MR. ROSS: So, Madam Chair, Commissioner Mayfield, a non-profit corporation couldn't be excused from fees that are charged to persons because of the anti-donation clause.

COMMISSIONER MAYFIELD: So we've been waiving that though for some time.

MR. ROSS: We shouldn't have been.

COMMISSIONER MAYFIELD: Okay. Well, I don't want to be a spoiler here but even in this proposed resolution it says the County Manager at her discretion can waive the fees. But it wouldn't be anti-donation if it's for another government entity, and maybe that's where they've been waived for non-profits, such as acequia associations.

MS. CASADOS: Correct.

COMMISSIONER MAYFIELD: [inaudible] let me know. So that's where they've been waived, for other governmental entities. Correct?

MS. CASADOS: Madam Chair, Commissioner Mayfield, that still applies. Government to government would not fall under the anti-donation. So there are specific entities, such as acequias that would still continue to utilize the facility without paying the activity fee. They would, however, still be required to purchase the insurance policy.

COMMISSIONER MAYFIELD: They would need that waiver from our County Manager, correct? Based on how this is currently written.

MS. CASADOS: Yes. That is true. It says that the rental fee may be waived for government entities by the County Manager or designee.

COMMISSIONER MAYFIELD: It could be you.

MS. CASADOS: It would be Ms. O'Connor.

COMMISSIONER MAYFIELD: Okay. So on that, that's fine. So then the \$50 rental fee would just be for if I wanted to rent out the facility for a birthday party, I would pay you \$50.

MS. CASADOS: Madam Chair, Commissioner Mayfield, that is correct.

2013 APR 30 PM 4:53:00

COMMISSIONER MAYFIELD: Plus I would buy the insurance.

MS. CASADOS: Correct.

COMMISSIONER MAYFIELD: Plus I would buy – what else again?

MS. CASADOS: The cleaning deposit.

COMMISSIONER MAYFIELD: The cleaning deposit, and that's refundable as long as I clean the building.

MS. CASADOS: Exactly.

COMMISSIONER MAYFIELD: And I can pay that – one question that came though is do I have to run all the way down here to pay it? Could I pay it at a satellite office up north, because I do have a lot of the facilities up north? Can I pay it by credit card? How can all that work?

MS. CASADOS: Madam Chair, Commissioner Mayfield, right now, the way we have that set up is you can pay it by check or money order, and that can be brought into the facility on Galisteo Avenue, or you could mail it in. I do have some community board members that have indicated that they're still willing to collect that fee and bring it to the office on the same day it's collected, and that would be acceptable as well as long as those fees are brought in the same day.

COMMISSIONER MAYFIELD: I would have a suggestion that you would put in here that no cash payments will be accepted by anybody. And then two, \$150 annual rental fee that's just a standing meeting. So give me an example of a \$150 standing meeting.

MS. CASADOS: Madam Chair, Commissioner Mayfield, for example if a homeowners association in a certain community had monthly meetings that were held at the center, that would be a standing monthly meeting.

COMMISSIONER MAYFIELD: Okay, and how would you prioritize if there's many homeowner meetings and everybody wants Monday night. First come, first served? How are you guys going to figure that one out?

MS. CASADOS: Madam Chair, Commissioner Mayfield, yes, it is. And it's based on once the application is filled out and the fee has been paid, then those dates are reserved and no longer available for other entities to use.

COMMISSIONER MAYFIELD: Can they do that, run that out a whole year, and say, hey, we have to let maybe this next HOA get maybe the next month?

MS. CASADOS: mc, Commissioner Mayfield, if they're paying the annual fee to secure dates for 12 dates then we would be able to run them out for one year.

COMMISSIONER MAYFIELD: Okay. Maybe we could look at like if we got there, maybe a lottery draw, if everybody wanted the same night.

MS. CASADOS: Madam Chair, Commissioner Mayfield, if in fact one homeowners association booked their dates in January and another one came in February that we had already secured a lottery would not suffice.

COMMISSIONER MAYFIELD: I know but just because I could see maybe that happening with other people – why do these guys always have the Monday

2013 APR 30 11:58 AM

night tied up? But if they paid up front, they paid up front. Okay, now a \$250 annual fee. Just give me an example of a \$250 annual fee.

MS. CASADOS: Madam Chair, Commissioner Mayfield, that came to light – we had some inquiries to one of our centers to maybe provide use of a satellite facility for instruction. So instruction might be provided more than once a month. It might be once a week. If somebody wanted to come in and do a nutrition training in the evenings and that was going to run consecutively for five or six weeks that would fall under a different type of use.

COMMISSIONER MAYFIELD: What if one of my constituents sent us both an email asking for a center to be used as an educational facility, maybe with the local community college, maybe a four-year institution such as UNM, so how would that fall into this?

MS. CASADOS: Madam Chair, Commissioner Mayfield, that is a specific example that we utilized when we put this \$250 fee into place.

COMMISSIONER MAYFIELD: So you would charge a school \$250 to provide educational training?

MS. CASADOS: Madam Chair, Commissioner Mayfield, it wasn't determined at that time that we would charge the school that fee, it was just that it brought to light the opportunity that maybe there might be other entities that would be interested in utilizing it for such type of events, so we addressed it as a whole. But it was based on that specific example. But that does not mean that we've determined that we would have to charge a school.

COMMISSIONER MAYFIELD: And I'm going to ask whoever's the expert on this. So what if our Santa Fe Community College, if we could get them to provide some training up north or down south, anywhere, how would they fall into – I don't know, are they non-profit status? Are they – they're not a governmental entity.

MS. CASADOS: Madam Chair, Commissioner Mayfield, they would not fall into a non-profit status, and that is why they would have to fill out the letter detailing so that we would get specifics such as are they charging a tuition for the students to come and participate in their class? So those would all be weighed in when the designee or the County Manager was making a determination on whether to waive those fees. So there would be a specific structure so that every single entity would be treated the same.

COMMISSIONER MAYFIELD: Okay, but for Mr. Ross, not for anti-donation, if we're providing a free educational benefit and we're doing that training, would that be something we could waive, Mr. Ross? Or we still couldn't do it if they're providing a free educational benefit to the community?

MR. ROSS: Madam Chair, Commissioner Mayfield, are you speaking of the situation where a non-profit –

COMMISSIONER MAYFIELD: Let's say Santa Fe Community College, if we could get them to do a class training for free to the community on computers 101?

MR. ROSS: It's waivable because it's a governmental entity.

COMMISSIONER MAYFIELD: Okay. So that would be waivable. Great. And then just – let's see. Purpose activities. So that alleviates our insurance policy

2013 APR 30 10:58 AM

options. Steve, you're comfortable with that? Because I know we had to have people piggybacking off our –

MR. ROSS: Madam Chair, Commissioner Mayfield, we've obtained a TULIP policy which is a policy that affords insurance to people who are using our facility who aren't insured under our policy. And it's charged on a sliding scale depending on how many people show up or plan to show up at the event. We've got that all worked out. So like say for example, the best example is if somebody leaves the water on. Water can do tremendous damage in no time at all and \$20,000 to \$30,000 in damage is not unexpected and they're responsible because they rented the place. They would have insurance to cover it, so they wouldn't be personally liable.

COMMISSIONER MAYFIELD: Okay. And then donations, community centers, and then prohibited activities, it's in there. That's all I had, Madam Chair. Thank you, Ms. Casados.

CHAIR HOLIAN: Thank you. Are there any other questions? This is a resolution. Is there anyone here from the public who would like to speak on this resolution? Okay, seeing none, I note that this is a first hearing and it's for discussion only, so thank you very much, Teresa.

MS. CASADOS: Madam Chair, Commissioners, thank you.

COMMISSIONER MAYFIELD: I do have one follow-up if there's no public comment. Just as far as emails we received, and I'm not naming any names. Steve, these individuals all have the opportunity to participate. Did they bring those comments forward to the emails? And I think all Commissioners received them.

MS. CASADOS: Madam Chair, Commissioner Mayfield, there were concerns brought forward during these discussions. Legal counsel was present for all of the meetings and we repeatedly went over the anti-donation clause and explained why we could not continue to have the non-profits or community organizations continue in the facilities for no charge. So the issues were brought up. We thought they had been resolved and that everybody was on board. The only issue that they were not aware of was the \$250 fee which was brought in later based on the circumstances that we talked about. But we did not feel that being that it was going to lower the cost for people to come in and do repetitive that they would be uncomfortable with that, and it was emailed to them prior to us finalizing the resolution.

COMMISSIONER MAYFIELD: Okay. Thank you. Thank you, Madam Chair.

XIII. G. Human Resources Department

1. Request Approval of Amendment No. 3 to the Collective Bargaining Agreement Between Santa Fe County and the Santa Fe County Deputy Sheriff's Association, a Subsidiary of the New Mexico Coalition of Public Safety Officers

MS. SALAZAR: Madam Chair, members of the Commission, pursuant to the collective bargaining agreement with our Sheriff's Deputy Association it called for a

REC'D
CLERK
RECORDED
SERIALIZED
MAY 1 2013

financial reopener, and so we went through that process in March, and because we haven't completely finalized our budget we also talked about some other issues that are pending with the Sheriff's Office. One of those issues is that the surrounding agencies have increased the pay for cadet officers significantly. For example, the City of Santa Fe raised their starting pay to \$19.11. Bernalillo County is at \$17.78 and I believe Rio Rancho is around that same amount.

Currently, our cadets are making \$15.60 an hour. So I worked with the Sheriff and we are going to increase the pay for our deputy cadets who are non-union for their first year of employment to \$17.50 an hour. Now that results in some compaction issues and can cause some morale issues with employees who have been there one-plus years with the Sheriff's Office. So in the midst of trying to finalize the budget and figure out what we're going to do on a more permanent basis to ensure that we're keeping these employees that have at least one year of service and who are certified law enforcement officers, we came up with a temporary salary adjustment as a retention incentive, so that's what we came up with in the interim until we come up with a more long-term solution.

Also, within the discussion, although it's not actually part of the wage reopener, we talked about the problem we're having recruiting detectives. So we're also proposing with this amendment to increase the incentive pay for detectives by 75 cents an hour. And so we negotiated this with the union. They agreed. And that's amendment #3 as a result of our agreement.

CHAIR HOLIAN: Thank you, Bern. Any questions?

COMMISSIONER STEFANICS: Madam Chair, I would move for approval.

CHAIR HOLIAN: Okay.

COMMISSIONER CHAVEZ: Second.

CHAIR HOLIAN: I have a motion and a second to approve the amendment to the collective bargaining agreement.

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

XIII. H. Public Safety Department

1. Request Approval of Ordinance No. 2013-1, an Emergency Ordinance Declaring Hazardous Fire Conditions and Imposing Restrictions on Open Fires, Smoking, and Other Ignition Sources (FINAL PUBLIC HEARING)

CHIEF SPERLING: Thank you, Madam Chair, members of the Commission. The Fire Department this evening is requesting your approval of an emergency ordinance declaring hazardous fire conditions in Santa Fe County, and imposing restrictions on open fires, smoking and other ignition sources. The emergency ordinance shall take effect immediately upon approval and expire in 90 days unless renewed at a subsequent Board meeting.

SEC. CLERK RECORDS SECTION

I passed out a little earlier this evening a one-page color information chart on some of what we're encountering this wildland season, and looking at the significant fire potential outlook for this fire season, which was updated earlier this month. [Exhibit 7] We can see that from April to mid-July the fire potential is above normal as indicated on the map. And the current fire danger, which I printed off from yesterday's classification, you can look down and see that we're in a high to very high in Santa Fe County, and that's been consistent over the last several weeks with a few modifications. And of course these daily forecasts are subject to change rapidly with temperature, moisture and wind, but overall, the outlook for the next three months is a general deterioration in wildland conditions.

These conditions, as you know are a reflection of the ongoing drought in our state. The US drought monitor map on page 2 indicates that all areas of Santa Fe County and most of the state of New Mexico are in a severe or extreme drought, and that's been a condition that also has persisted for several months.

And then finally I included a chart on the Haines Index. The Haines Index is a commonly used tool in the wildland fire community which measures the potential for dry and unstable air and low-level atmosphere of moisture that contribute to the development of large wildland fires. A high Haines Index, as indicated on this map for most of New Mexico is indicative of favorable fire conditions and has been associated in the past with large fires such as the Pacheco Fire and the Las Conchas Fire in 2011. For your information a Haines Index of 6 means a high potential, 5 medium potential, and 4 lower potential. Right now we sit at about a 6.

And finally, the condition of our drought-stricken wildland fuels and yesterday I looked at the ten-hour fuels, which are the ¼" to 1" fuels found in litter on a forest floor, are only measuring at 3 to 4 percent moisture content, making them highly volatile. And this measurement is interesting because it affects the probability of ignition, the heat generated during a wildland fire, and the spread component.

That being said, approval of these emergency restrictions we feel is necessitated by the conditions I just presented and they look like they're going to persist for the next 90 days. With out significant moisture we feel like this is a wise move to take to protect the public, public property, private property, throughout Santa Fe County for this 90-day period. I feel like it will reduce the likelihood of an accidental wildland fire and improve firefighter and public safety and preserve property. I'm asking for your approval of this emergency ordinance and with that I stand for any questions you may have.

CHAIR HOLIAN: Thank you, Chief. Any questions? Yes, Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. Chief Sperling, what advice do you have for the public if a neighbor is not aware – doesn't read the newspaper, doesn't listen to this meeting – is not aware that there's not be burning of trash, burning brush, etc. What do you recommend to a neighbor how to handle the situation?

2013 APR 30 10:00 AM

CHIEF SPERLING: Madam Chair, Commissioner Stefanics, we will post this information on our website and you can refer your neighbor to that site, which will recite the ordinance.

COMMISSIONER STEFANICS: Well, what I'm asking is do you want the neighbor to talk to the person themselves, do you want them to call the fire department, do you want them to call the Sheriff's Department? How would you want that person to handle the situation with open burning of trash in their neighborhood?

CHIEF SPERLING: Madam Chair, Commissioner Stefanics, I would recommend that if you have a good relationship with your neighbor that you can talk to them personally. If not, you certainly can call the Fire Department at our non-emergency number, or if you feel like it's an emergency situation call 911, and we will send individuals out there to enforce the ordinance. We do that on a regular basis. But I really have to leave it up to individuals and their comfort level with their neighbors.

COMMISSIONER STEFANICS: Thank you very much, Madam Chair.

CHAIR HOLIAN: Yes. Chief Sperling, what if someone observes somebody throwing a cigarette that is still lit out of a car window? What should they do in that case?

CHIEF SPERLING: Madam Chair, Commissioners, like any violation that you might witness in a driving capacity, you can call law enforcement and report that individual and we will work with law enforcement to try to enforce this ordinance. We do receive several calls of that nature every year when we put our no-burn restrictions in place and we follow up to the best of our ability in conjunction with law enforcement.

CHAIR HOLIAN: Thank you, Chief. Any further questions?
Commissioner Mayfield, then Commissioner Anaya.

COMMISSIONER MAYFIELD: Madam Chair, Chief Sperling, you know I think this is well warranted and needed with what's going on right now, but let me ask this. In northern Santa Fe County, they're getting ready for their irrigation season and some have started, but there's still some field and crop maintenance that's going on, and I do know we have an ordinance where everybody needs their burn permit. I still think that our radio stations or however you do it, a PSA campaign is still warranted to get that messaging out. If it needs a paid campaign, because not every station is going to run the PSAs if we don't have paid advertisement with them. Maybe they'll do it. But that's just a suggestion, working with our five pueblos up north, I think last year when we did this we had – not a joint effort. Maybe it was a joint effort, but I think some of the northern pueblos put this out to the sovereign governments because we'll respond to the fires if they're on their lands. So we also did a campaign with them to let them know that. I don't know. Have you initiated that outreach to the pueblos?

CHIEF SPERLING: Madam Chair, Commissioner, not yet, but we will send this ordinance, once it's signed, to the pueblos as we did last year.

COMMISSIONER MAYFIELD: We responded to a fire at the San Ildefonso bosque last year, didn't we?

CHIEF SPERLING: Correct. We did.

2013/05/06 09:00 AM

COMMISSIONER MAYFIELD: How was that fire started? Do you recall?

CHIEF SPERLING: Commissioner, I don't really remember.

COMMISSIONER MAYFIELD: It doesn't matter. But I just think if we do that outreach with our local pueblo governments up north. And again, people need to get burn permits, if they do or they don't, but I still think an aggressive PSA campaign announcing it or paid advertisement on some of our northern stations would be good. Thank you, Madam Chair.

CHIEF SPERLING: Thank you, Commissioner.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Move for approval.

COMMISSIONER CHAVEZ: Second.

CHAIR HOLIAN: Just a second. This is a public hearing. Is there anyone here from the public who would like to comment on this ordinance? Okay. I have a motion and a second.

The motion passed upon unanimous roll call vote with Commissioners Anaya, Chavez, Mayfield, Stefanics and Holian all voting in the affirmative.

XIV. MATTERS FROM THE COUNTY MANAGER

A. Miscellaneous Updates

MS. MILLER: Wake up, Directors. Actually, I would like – they're here to give their reports. I would like to hand out the legislative reports and give you a couple of highlights on that as well as just have the Directors give their monthly reports, just the highlights of those just quickly, because there's a couple of significant points I think would be good for them to point out to you. And then to go into the annexation agreement.

XIV. B. Legislative Update

MS. MILLER: Right now Rudy's handing out to you kind of the highlights of what happened during the legislative session. [Exhibit 8] We didn't have a chance to go over that with you at the last meeting. That was something that we had put off, so that's the list of bills that passed as well as on the second page, the list of capital appropriations that we had, just to let you know. The capital outlay just is done with severance tax bonds. DFA sends out a questionnaire on all of the projects to us so they basically have several questions about our readiness to proceed on those and readiness to spend. We did answer all those that we are ready to move forward on them. Hopefully, they will get included in their first bond issue. The Board of Finance does severance tax bonds in June and in December, so it might be that we do not get all of our projects and grant agreements in the first round of funding, but we did respond that we were ready. So hopefully we will.

2013 APR 30 10:51 AM

The reason I say that because we had a lot of people from the community go, okay, you have an appropriation so we're ready. But what's hard for us on that is we don't actually have an ability to spend those funds until we receive a grant agreement. And as you know, we're just receiving some from last year's appropriations. So that's one of the things I've told individuals who have come to me, trying to explain the process that we have requested that those funds be in this first round, that we are ready to spend them starting immediately, probably upon execution of a grant agreement with the state, but it is kind of up to them as to what they put into each bond issue. They have to size them based on the type of bonds, whether they're sponge bonds or long-term bonds, and the type of projects they have ready to proceed.

Another point that I'd like to make is that on the PERA changes, we did call PERA and ask will they be providing more detailed information to current employees and how that affects them, and they said that they will be providing in the future presentations on how those changes will be implemented through there, any rules that they have to change and they will provide opportunities for that information for employees to go hear presentations on that, as well as giving us more detail on how that actually will roll out.

There was one other bill that I thought we should just point out because it wasn't one on our watch list initially, or one that we had discussed, and that was Senate Bill 406, and that is a bill that may affect some residents in Santa Fe County if they were to go forward with a – if they want to do a lot split, they do need to pay their divided or combined real property tax must be paid in full before a plat on a property can be divided or combined with other real property. We did send out a press release stating that so that the public is informed of that but that was a law that we really weren't all that involved in but it passed. So I just wanted you to be aware of that because you may have constituents that ask you about that. It may come up.

CHAIR HOLIAN: Okay. Questions on the legislative update?
Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, Manager Miller, on 406 you just talked about, what about a lot line adjustment? Is that applicable to that?

MS. MILLER: Madam Chair, Commissioner Mayfield, I was just checking with Penny. She does believe that it is.

COMMISSIONER MAYFIELD: Okay

CHAIR HOLIAN: Any other questions on legislative? Commissioner Chavez.

COMMISSIONER CHAVEZ: Yes. Katherine, could you explain to the public the specifics behind the automatic application of property valuation limitation? Is that the tax freeze for those that are over 65?

MS. MILLER: Which bill number?

COMMISSIONER CHAVEZ: Senate Bill 289.

MS. MILLER: Yes. That makes changes to Section 736-21.3 and it's about the property value limits for those low-income property owners that are 65 or older or disabled. The quick summary is that if a property owner who meets the qualifications for a value limitation and has already satisfied the conditions for three specific years,

2011, 2012 and 2013, that owner does not have to reapply for the value limitation and will not ever have to reapply for this limitation, unless their income situation changes.

COMMISSIONER CHAVEZ: So that means they're going to have to wait for this bill to be enacted. They can go back to 2011, if they've met the requirements three years in a row then they've met the requirements and will not have to reapply.

MS. MILLER: Madam Chair, that's how I understand it. Is that correct, Hvtce?

COMMISSIONER CHAVEZ: So that's good information and I wanted – I needed that clarification but I think for those that are eligible, how are we getting the message out? How are we getting the word out to these citizens that they're eligible for this?

HVTCE MILLER (Constituent Liaison): Madam Chair, Commissioner Chavez, we can work with the Treasurer's Office and also the Assessor's Office to make sure that information is known, that property owners who fall into those qualifications are aware that they are automatically approved for those property value limitations so that they don't come in and reapplying.

COMMISSIONER CHAVEZ: Or lose out on the opportunity to get the assessed valuation.

MR. MILLER: Madam Chair, Commissioner Chavez, yes, correct. We will work with those two elected official offices to make sure that information does go out to the public as was with Senate Bill 406 and those changes in the law.

COMMISSIONER CHAVEZ: Okay. Thank you, Madam Chair. Thank you.

CHAIR HOLIAN: Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, Hvtce, has that already – that one provision that Commissioner Chavez spoke about, has that already been on the books for three years?

MR. MILLER: Madam Chair, Commissioner Mayfield, no. That was the recent change.

COMMISSIONER MAYFIELD: I understand it was a recent – but have they already been affording that to some eligible and age eligible individuals for three years?

MR. MILLER: Madam Chair, Commissioner Mayfield, what the change in the law was was the automatic re-up for the qualifications. So before the legislation that was made you would have to reapply for every year.

COMMISSIONER MAYFIELD: Katherine.

MS. MILLER: Yes, Madam Chair, Commissioner Mayfield. Hvtce is right. It used to be that each year you had to and now, once you meet that three years in a row you don't have to keep reapplying unless you have some income change that would force you to reapply.

COMMISSIONER MAYFIELD: And I guess my question is how long has that been afforded to individuals?

MS. MILLER: You mean the individual year?

2013 APR 30 PM 4:53:00

COMMISSIONER MAYFIELD: Yes.

MS. MILLER: I don't know when that initially –

COMMISSIONER MAYFIELD: It's been longer than three years?

MS. MILLER: Probably. We'll have to go look and see when the original legislation was enacted.

COMMISSIONER MAYFIELD: Just do it this year to be on the safe side.

CHAIR HOLIAN: Okay. Any further questions on the legislative update?

XIV. C. Corrections Monthly Report

MS. MILLER: Madam Chair, Pablo Sedillo will give you the Corrections report and he just have a few highlights and an introduction, I believe.

PABLO SEDILLO (Public Safety Director): Madam Chair, members of the Commission, I'm going to make this very brief. You all have the power point presentation in regards to what we've done. I have our programs manager here, Renee Fernandez, who is going to highlight some bullet points of what we've done that she's pretty excited about programmatically. So I'm going to turn the podium to her.

CHAIR HOLIAN: Welcome, Ms. Fernandez.

RENEE FERNANDEZ (Programs/Public Safety): Madam Chair, Commissioners, good evening. Nice to meet you. I want to highlight some of the programs that we're bringing into the jail. The first highlight point would be the New Mexico Workforce Connections. They're going to be volunteering their services into the jail, volunteering their time in giving the inmates life skills and job training classes and upon their release they will go into Workforce Connection and try to help them find a job. They will also be teaching them on how to do the role-play of interviewing skills, working for the job, applying for the job, filling out résumés, applications.

The second highlight that I'm really excited about is the pet project. We're going to be starting that on June 1st at the jail. We're going to start with the federal inmates. We're looking at maybe having two dogs come in and start the pilot project.

CHAIR HOLIAN: May I ask on that? Is that a matter of inmates training the dogs to be service dogs?

MS. FERNANDEZ: No. It's a matter of training the dogs to be adopted out to the community.

CHAIR HOLIAN: Okay. Thank you.

MS. FERNANDEZ: So we're looking at starting with two dogs. The training's going to start, like I said, June 1st and it's going to take approximately six to eight weeks to get these dogs trained. The director from the Humane Society is going to come in and train the inmates as well as the employees on how to work with the animals. They're also going to provide the food and the grooming and the care for the animals. This will also provide for the inmates rehabilitative and therapeutic programs, develop communication and reintegration skills, improve their self-esteem and develop empathy for others by training and caring for shelter dogs and preparing the dog for adoption.

2013 APR 30 11:53 AM

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: They also provide them a trade skill.

MS. FERNANDEZ: It also does provide them a trade skill and they will receive a training certificate also. They also want to teach them how to groom the dogs.

So the next highlight is going to be with the Human Services Department. I've been working real closely with the Division Director and the County Director of the Human Services Department, so through case management we're going to offer assistance upon the release for the inmates. In jail, they'll be applying for the services of TANF, which is Temporary Assistance for Needy Families, the food stamp benefits and the medical benefits. Working closely with the director we'll be able to process these applications quicker and the benefits will also be available upon approval to the inmates the day after they're released. So we'll let the Human Services Department know the projected release date of the inmate. It may take just a little longer for the medical benefits to kick in but the paperwork will be in process.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair and Ms. Fernandez when I saw this I just have a quick question. When you have an individual who comes into your system and I know you work with other entities, but even CSED, do you work with CSED so if these absentee parents maybe need some sort of counseling, if they're behind on something and maybe now's an opportunity to get in there and talk to them and say, look, let's get your act together. I don't know. It might be an opportunity. You have a captive audience right there.

MR. SEDILLO: Madam Chair, Commissioner Mayfield, I think that's an excellent idea and we have not worked with them at this point but we can.

COMMISSIONER MAYFIELD: Just a suggestion.

MR. SEDILLO: It's a very good suggestion. Thank you.

MS. FERNANDEZ: And also, I'm currently also actively advocating for volunteers. What I am specifically looking for at this time is somebody in the Catholic Church. We do have a lot of our inmates who are Catholic, but I'm unable to get anybody in the community to come in and provide the Bible studies for our inmates. So I'm contacting the churches and so far it's been a little bit difficult but I'm continuing trying. So if anybody out there could give me some help or know of anybody that would definitely like to volunteer you'd be greatly appreciated. Any questions?

CHAIR HOLIAN: Thank you. Any questions for Ms. Fernandez.

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I know that we've all asked for continued programs and updates and I myself have asked for them and I appreciate that you're doing them and that we're progressing to bring as many things as we can to help in the transition when people are released. I did notice that we're going to do a

2013 APR 30 PM 4:58:00
SANTA FE COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING OF APRIL 30, 2013
PAGE 135

survey with the inmates regarding other programs that they might want, and I'm going to predict that they're going to want some early release programs evaluated.

Madam Chair, it's late but I really – it's all good. I did have one question for you, Mr. Sedillo. On one of the slides we have an item, agencies billed. Santa Fe County, \$753,015. Is Santa Fe County paying its bills and doing what it needs to do associated with that line item?

MR. SEDILLO: Madam Chair, Commissioner Anaya, I can tell you what that response is is that all the entities – we're collecting between 85 percent and 95 percent collection on all our revenue at this point.

COMMISSIONER ANAYA: Thank you, Director Sedillo. I know it's late but I appreciate you guys being patient and I do appreciate Ms. Fernandez and the warden and your work over there. I also see that there's a lot of capital stuff that you guys have continued to knock off and that there's always more things to do. So kudos to the staff and team. Thank you. I did have a request from a teacher at the youth facility on some of the equipment and coordination in getting that, and I know you helped make that happen, so I appreciate that that was smoothly done and they have the equipment they need for the classrooms. So thanks again.

MR. SEDILLO: Madam Chair, Commissioner, thank you very much.

CHAIR HOLIAN: Before you go, first of all, thank you, Ms. Fernandez for your report. It's getting late. Very late. In fact I'm going to apply for the early release program for the next meeting. So Director Sedillo, in looking through the packet material here, it looked like the electronic monitoring, the number of people on it has been trending down rather significantly. Is there a reason for that?

MR. SEDILLO: Madam Chair, I don't know the reason for that. In Corrections you have peaks and valleys at times, but we, as you see on the graphs, we are collecting more money than we ever have in regards to our electronic monitoring program. And also, just kudos for our medical department as well. We have drastically decreased our agency nurses from about \$35,000 to about \$16,000 a month.

CHAIR HOLIAN: Thank you.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, Director Sedillo, I know I spoke with you and even Manager Miller about this, but have you had any other fruitful discussions with Bernalillo with helping them with their little issue going on?

MR. SEDILLO: Madam Chair, Commissioner Mayfield, we have been in correspondence with the Bernalillo, with the MDC. They may be going under Department of Justice review. They're holding off our discussions at this point until they meet with the Department of Justice.

COMMISSIONER MAYFIELD: Thank you.

CHAIR HOLIAN: Thank you.

2013 APR 30 PM 03:03:03

XIV. D. Public Works Report

MS. MILLER: Madam Chair, Adam Leigland will do the Public Works report and give some highlights of what we're going to be – upcoming attractions, I think.

MR. LEIGLAND: Madam Chair, Commissioners, I will be as brief as possible. Actually, what I'd like to highlight from the first page of the Public Works report, what you said earlier, the first priority should be taking care of the assets we already have, so as you know, actually as the resolution demonstrated we're trying to put the focus on [inaudible]. I just wanted to show you some of the work orders requests. You can see that for the last month we were in the upper 90 percent, 98 percent and over the course of the year we're doing very well. So, I'm proud of our maintenance teams and I expect to see these numbers increase over the year. So with that I'll stand for questions.

CHAIR HOLIAN: Thank you. Any questions on Mr. Leigland's report?

COMMISSIONER ANAYA: Just a comment, Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Mr. Leigland, I appreciate that there's been a shift. I'm seeing a shift in the progression on capital projects and some improvement. I know I have had some frustration over capital projects in particular and that there seems to be a shift and more movement that's occurring across the board with all districts and all projects, on regular capital projects and I appreciate that.

I do want to publicly express a concern, however, with the shift associated with road projects. Road projects in Santa Fe County have typically been one of the best things that we've been able to do, from cradle to grave, let's call it. From the beginning to the finish of the projects. And I know you're trying out new things but I really want to say that we had a good thing there. Let's make sure we don't start something new that detracts from what we've already accomplished in roads, with the Road Advisory Committee and capital projects and connections between maintenance, construction, completion, have been a very good thing. And I want to highlight that – I can say it ten times, but let's be careful not to fix things that aren't broken, but I know you're trying things. I did have a conversation with the Manager and I know you're trying to do some new things, to maybe build some coordinated support within the team and the structure. But like I said, with roads, we've been good about roads. We've been good about planning them, we've been good about coordinating with Road Advisory, we've been good about completely them. So I just want to say that publicly and that's to commend all people that have had that direct work and interaction from maintenance and planning and project implementation. But I just wanted to let you know that. Thank you.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. Madam Chair, Mr. Leigland, on capital projects, so as far as I guess our fiscal year, we're going to close out the fiscal year, what was our dollar amount on funding for capital projects for this fiscal year?

2013 APR 30 11:51 AM

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, let me make sure I understand your question. For the bonds, which were approved this fiscal year, and actually bonds were just sold today, those projects, we don't plan –

COMMISSIONER MAYFIELD: No, no. Just [inaudible]

MR. LEIGLAND: Okay. The capital budget this year, taking out GRT and bonds was about \$25 million.

COMMISSIONER MAYFIELD: Okay, and so what percentage have we used for this year of that?

MR. LEIGLAND: Well, I think we'll be – I can't give you an exact number but I can tell you what we'll be recommending to carry over about \$17 million, but that's not all completely projects that haven't moved. It could be funds that we have an ongoing contract that hasn't actually paid out yet. So I would say that probably we've completed about 50 percent of the work and then the rest of it will be carried over.

COMMISSIONER MAYFIELD: Maybe in the next report, because it will be closer to the end of the fiscal year, can you get me some detail of how money was allocated? And I'd like to see a breakdown per district of that 50 percent and what was carried over, and how projects have been completed throughout districts and whether they've all been completed in District 1 – hey, great for District 1, and I can hear what I hear from my four colleagues up here. But if they haven't, I want to see that they haven't been completed and I'm going to ask why. So I'd like to see how that capital allocation has went, how much we've expended, how much was approved for this past fiscal year, and I just want to see the breakdown and I'm going to ask why it hasn't been done.

And Adam, you and I had long-standing discussions over this year if something hasn't moved and I guess I'll leave it at that, but I would ask for that to be in the next report. Thank you.

CHAIR HOLIAN: Any further questions?

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

CHAIR HOLIAN: Thank you, Adam.

XIV. E. Human Resources Report

MS. SALAZAR: Madam Chair, members of the Commission, some of the major highlights for the month of March is that we've got our numbers in for the New Mexico EDGE courses that were the courses that were held in March, and those were the courses that were held actually in Albuquerque. And when I compare those numbers to the time we offered employees the opportunity to go to EDGE courses last year we had an increase in the number of employees who attended by about 61 percent. So we're continually seeing a growth in that. Employees are really interested in attending those courses and obtaining their certification.

In addition, I did an analysis on our tuition assistance and compared to last fiscal year for the entire year, we're already 32 percent more as far as providing tuition

assistance to employees year to date as of March of this year, compared to the entire fiscal year last year. So we're going really good being able to provide employees with tuition assistance as well.

In your monthly report I've also bulleted the major changes with our insurance benefits, kind of a summary of everything that has changed, because there are many changes that were imposed by the State Risk Management Division. So one of the major things I'd like to let you know is the voluntary plans to include All State, Globe Life, and ARAG legal insurance will no longer be available to state or county employees or any local public body under the state's plan.

So what we're planning on doing with that is looking at other options to be able to provide those services to County employees and one of the ideas is to possibly have a survey of employees of what they would like to see as far as voluntary benefits. So we will continue with that to ensure that employees are offered the voluntary benefits.

Also in your packet you'll see a breakdown of the percentage of employees who participate in voluntary benefits as well, for your information. And our County Manager, Katherine Miller, mentioned the changes to PERA. As soon as we get more information about training sessions we will inform employees, get those scheduled, and I will be posting on our Countywide email a link to the summary of changes that PERA has put out, and that's been effective since April 26th. So they just put out a revised summary of the changes but I know employees will have a lot of questions and we'll continue to provide education as we get it. And I stand for any questions.

CHAIR HOLIAN: Thank you, Bernadette, and I just want to say, first of all, I'm really glad to see that the tuition assistance has increased. I'm really glad to see people taking advantage of that. Any questions? Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, thank you. Bernadette, thank you for going over what I asked a little earlier about informing the employees about their deadlines. But as far as like, say, the supplement life and stuff, Bernadette, it's not an option for employees to pick up anymore? Can you just explain that? I know there's been the training and the webinars and every else. Could you just talk about that real quick?

MS. SALAZAR: Yes, Madam Chair, Commissioner Mayfield, the state has offered not to provide any voluntary benefits to any state employees or any local public body employees that fall under the state's plan, so basically, we're going to just have insurance, dental, vision, life insurance. So All State, accident, cancer, ARAG legal, even the flexible spending accounts will no longer be provided under the state's plan.

COMMISSIONER MAYFIELD: So again, on supplement life, if employees currently have it they can keep it and you all will deduct that from their paychecks or you won't do that anymore?

MS. SALAZAR: Madam Chair, Commissioner Mayfield, we will not do a payroll deduction, because we would need to have our contract with that vendor, with the County and the vendor specifically. So our plan is to get a sense what employees would like to see as far as voluntary benefits, and then if we decide, yes, we want to offer these,

we would go out to the formal RFP process and allow vendors to put in their requests, then we'd go through the formal, competitive process. And then have a contract directly with the vendor, since the state will no longer offer that voluntary benefit.

COMMISSIONER MAYFIELD: Okay. And then I apologize, Madam Chair, but I need to ask this question. So the insurance company can just totally drop everybody right now, so they're giving people cancellation notices? I haven't received – I'll just talk specifically about me. I have not received a cancellation notice on my supplement life policy.

MS. SALAZAR: Madam Chair, Commissioner Mayfield, the supplemental life is not included. It's the All State, ARAG legal, flexible spending and the Globe life insurance, which is the whole life. What these vendors are doing is – and I know you probably haven't had time to look at the video.

COMMISSIONER MAYFIELD: I did look it. I thought it was under standard life that it was being dropped for supplemental.

MS. SALAZAR: No.

COMMISSIONER MAYFIELD: Okay.

MS. SALAZAR: The standard life is not being dropped, but if someone has Globe life insurance, what all these vendors are doing is sending – they're required to send employees notices that they will continue their services. It will just not be a payroll deduction.

COMMISSIONER MAYFIELD: They'll have to pay them direct.

MS. SALAZAR: Directly. Correct.

COMMISSIONER MAYFIELD: And on that note, could you all arrange for our County to be the third party for our employees and make the payment to them? Couldn't we do that really quick for our employees?

MS. SALAZAR: Madam Chair, Commissioner Mayfield, the problem with that is I think we would again have to go through the official competitive process and to be the third party administrator, I don't know how that would work legally, but if we are to engage in that kind of process I think we would need to go out to the official process to have a valid contract.

COMMISSIONER MAYFIELD: My suggestion, Madam Chair and Bernadette, is that we would also just send our employees, anybody who's going to lose this, just send them a letter, again, you guys are going to lose it. Make contact with Globe Life or whoever it is and make your own payment arrangements, just so they get that one extra notification. Just a suggestion. Thank you, Madam Chair.

CHAIR HOLIAN: Any further questions? Thank you, Bernadette.

2013 APR 30 PM 3:58
SANTA FE COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING OF APRIL 30, 2013
PAGE 140

XIV. F. Financial Quarterly Report for the Month Ending March 31, 2013

CHAIR HOLIAN: Now, let me ask the Commissioners, we are going to be having a budget study session on Thursday. Would you like for Teresa Martinez to present the financial report? Or can you read it in the packet?

COMMISSIONER MAYFIELD: Could we also get our annual report? When are we going to be getting our annual report for last year?

CHAIR HOLIAN: Well, I think we're going to be talking about that at the budget session, correct?

MS. MILLER: Madam Chair, I think the annual report that Commissioner Mayfield is referring to is I think getting all put together right now as far as our data's in, it's just getting layouts completed for a review for you.

CHAIR HOLIAN: So do you have any questions on the financial report?

COMMISSIONER STEFANICS: I'd just like to make a comment, Madam Chair.

CHAIR HOLIAN: Commissioner Stefanics.

COMMISSIONER STEFANICS: The collections are higher than last year, and that's a good thing.

CHAIR HOLIAN: We're all happy about that. Thank you, Teresa, for staying here for so long.

XIV. G. Annexation

- 1. Consideration and Approval of the Roadway Improvements Memorandum of Understanding Between the County of Santa Fe and the City of Santa Fe**
- 2. Consideration and Approval of the Memorandum of Understanding for Fire Protection and EMS Service**
- 3. Consideration and Approval of the Mutual Aid Agreement for Law Enforcement Services**
- 4. Consideration and Approval of the Agreement Regarding Water, Wastewater and Solid Waste Required by the Settlement Agreement and Mutual Release of Claims**
- 5. Consideration and Approval of Amendment No. 1 to the Annexation Phasing Agreement Between the City of Santa Fe and Santa Fe County.**
- 6. Consideration and Approval of Amendment No. 1 to the Water Resources Agreement**

CHAIR HOLIAN: We're on to that most major of topics, the City and County annexation. First I would like to ask a point of order to Steve. Is it possible for us to make a single motion to pass all the items, 1 through 6, all the memoranda of

agreement as well as the memoranda of understanding as well as the agreements at one time, or do we need to make motions for each one individually?

MR. ROSS: Madam Chair, you could do 1 through 6 on one motion. You'd probably want a separate motion for 7.

CHAIR HOLIAN: Yes. That's how it seemed to me. So who is going to present this?

MS. MILLER: Madam Chair, I'll go ahead and start, because I want to put some context out there for you, plus I have some additional handouts in addition to Steve's. *[Exhibits 9 through 14]*

COMMISSIONER MAYFIELD: Madam Chair, could I ask a quick question?

CHAIR HOLIAN: Yes.

COMMISSIONER MAYFIELD: Madam Chair, are there any changes from what we've talked about or from what the City – I went to a City meeting the other night along with Commissioner Anaya. I saw what they approved. They approved everything we had under their conceptual plan and now I'm hearing there's change that have come back to us. I have to go and excuse myself for one minute to the east side of this building, but that being said I hope there's not a vote in that one minute I excuse myself, but if there's changes I just want to know about them right now.

MS. MILLER: Madam Chair, Commissioner Mayfield, there's some changes that they have proposed, because they approved the agreements conceptually, but I was going to present those to you and kind of give you the context of this entire agreement, because I think there's some misunderstanding of the last place we were when you took – the last time you actually took action on these. Quite a bit has changed since then.

CHAIR HOLIAN: Okay. I will call for a ten-minute break and we will reconvene at 10:20.

[The Commission recessed from 10:10 to 10:39.]

CHAIR HOLIAN: I'd like to call the Board of County Commissioners back to order on April 30th back to order. It is 10:39. We are now on the topic of annexation, and I'm just going to put something out there. We all have talked about this quite a bit. We have six agreements and memoranda of understanding in our packet, and one possibility is to make a motion to just accept those.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Stefanics.

COMMISSIONER STEFANICS: I will make that motion, to consider what is in our packet, nothing else, G. 1 through 6.

COMMISSIONER CHAVEZ: Second.

CHAIR HOLIAN: Okay. Is there any further discussion?

COMMISSIONER ANAYA: Yes. Yes, I have some discussion and I think you're already aware of it and I think that's part of why the motion came so fast. I have some concerns relative to Phase 3 discussions that have come about and I just want to get

some clarify from you, Ms. Miller. We as a Board never provided – let me get the mike over here to make sure I get it on the record – we as a Board or as a joint committee never took any action or considerations associated with even some of what we do have in front of us – the map that has Phase 3 on it. There's some improvements on West Alameda, deleting Area 18 and moving Section 12. I'm taking some of the language that you and I had a discussion about several times throughout the course of the day. Can you just elaborate on that piece and my question? And then I'm going to go to the roads, which is one of the things I would like consideration of.

MS. MILLER: Madam Chair, Commissioner Anaya, Commissioners, the last time the City and County jointly met and approved agreements and discussed issues we were predominantly working on Phase 2. We were working on the original Phase 2, so if you look at this map, which is in front of you that was those sections, Area 2, 4, 5 and 7, we were working on the separate agreements with the City on how to phase in and out law enforcement services, utilities, fire protection services, EMS, and a way to turn the roads over to the City. At that time, the last meeting, you approved the law enforcement agreement and the road agreement, however, the actual schedule of roads was not in there, and that was going to be ratified at the joint meeting that got canceled.

Also, we were going to discuss at that meeting what to do with utilities and fire and we were going to discuss what to do with Phase 3. Phase 3 in the original annexation settlement agreement is Section 1, Section 12 and 18. When that meeting was canceled we went back and started to negotiate with the City staff on the rest of those agreements. It was canceled because the City at the last minute completely changed the water utility agreement and it was completely different than what we had been sending back and forth. So it was canceled in an attempt to get that clarified.

Meanwhile, the City made proposal to just throw out Phase 3 all together. And you as a body have never voted on that.

COMMISSIONER ANAYA: Thank you, Madam Chair, Ms. Miller. So there has been several discussions that have taken place between Commissioners, both in – some in a meeting discussion and some individually associated with preferences or desires associated with the annexation issues that have been – or staff, or perspectives that staff has used as part of the negotiations. Correct?

MS. MILLER: Madam Chair, Commissioners, and I do believe also in one of the meetings I stated what we were trying to negotiate relative to Phase 3. In one of our meetings in an update I gave you the concept of what we were trying to negotiate but I didn't go into the specific details of individual roads and that type of thing.

COMMISSIONER ANAYA: Okay. So Madam Chair, I'd like to have Mr. Martinez from Public Works come forward, because I'm going to ask a question about the schedule of roads and the specific addition that I want to include in the discussion. And we had – based on the discussion and the meeting of PASER – is it PASER or FASER?

MR. MARTINEZ: Madam Chair, Commissioner Anaya, it's PASER with
a P.

2013 APR 30 PM 3:43
SANTA FE COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING OF APRIL 30, 2013
PAGE 143

COMMISSIONER ANAYA: PASER. At the initial joint meeting that we had there was a long discussion about the PASER rating and the analysis of roads and that's discussions that too place subsequent to the initial meeting and the second meeting there was more discussions associated with how that rating would be implemented within roads. There was some discussion that the roads in the second hearing – and I wasn't present for the second phase of discussions associated with the roads so I'm saying for the record in that joint meeting.

Based on the PASER rating and the schedule of roads that we have in front of us there are – all of the roads with the exception of roads based on our discussion – was it yesterday or the day before? I think it was one of the two days. Was that there are only two roads that had basecourse improvements – or two areas. One road and then a smaller area near Mutt Nelson Road that weren't going to have a hard surface in the schedule of roads. Correct? Could you just talk a little about our conversation and the questions I raised and the fact that it's only that road, Mutt Nelson Road and I think it's Remuda Ridge, part of the Remuda Ridge subdivision?

MR. MARTINEZ: Madam Chair, Commissioner Anaya, the discussion that we had yesterday was relative to improvements that the County would perform on some roads being turned over to the City of Santa Fe. And the topic was discussed about Mutt Nelson, the last mile of that Mutt Nelson, which is currently unpaved, and the Rancho de la Luna Subdivision that's towards the beginning of Mutt Nelson off of the paved section that is also unpaved. Those two – Mutt Nelson and that little subdivision were not proposed to be hard-surfaced improved as all the other roads were in the proposed improvements for the annexation areas.

COMMISSIONER ANAYA: So Madam Chair, based on that conversation and the fact that over the course of the last 2 ½, almost 2 ½ years now, I've been in constant dialogue with those residents in Remuda Ridge and specifically on Mutt Nelson and their frustration associated with the potential improvements that are coming to those areas and one of the highest levels of concern that has always been expressed to make sure that those roads are brought to hard-surface standard, not necessarily pavement but at least chip seal.

And so based on that discussion, and even discussions with Councilor Dominguez, I didn't have a chance to have a conversation with Councilor Rivera on this specific issue but Councilor Dominguez and I have definitely had conversations associated with that improvement. So I went to the meeting with Commissioner Mayfield Wednesday, Commissioner? Last Wednesday? I think we have an opportunity to bring some closure, but I do want to add the improvements on those two roads to meet what's happening in that complete area and make them all to the level of hard surface.

If my colleagues are prepared, and I'm hopeful that they will be, I had a brief discussion with Commissioner Chavez in relation to other improvements that were added, I believe on West Alameda in a 50-50 agreement. Could you elaborate on what that is? That wasn't part of the overall dialogue. It's something that I think makes sense but it wasn't part of the overall or initial discussions. That was something that came later. Could you talk a little about what that is?

MR. MARTINEZ: Madam Chair, Commissioner Anaya, during our meetings with the City of Santa Fe in trying to come up with a joint agreement on what these levels of improvements should be made to these roads we were pretty much able to come up and agree with all of the road improvements with the exception of West Alameda between Camino Abajo and Calle Nopal. That particular area has significant drainage issues that need to be addressed and the City did not feel comfortable taking over that section of West Alameda unless those drainage issues were resolved.

One of the discussions that we had with the City was that the City had approved some subdivisions in that portion of West Alameda that contributed to these drainage issues, so we agreed that we would recommend to the Board that West Alameda would be treated as a separate project and the City and the County would work cooperatively on that section of West Alameda separate from these other roads that are being proposed to be improved at a later time, but the City and the County would contribute 50-50 to address the drainage issue and other road improvements on that section of West Alameda.

COMMISSIONER ANAYA: And those were discussions that staff had in negotiations with – we didn't have any ratification of those yet. We're going to try to do that tonight. Right?

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

COMMISSIONER ANAYA: So thank you, Mr. Martinez. The other question I had would be for you, Ms. Miller. I know there's been some ongoing discussions back and forth related to the fire station. It came up at the meeting, and my take, and I'll let Commissioner Mayfield speak for himself, but my take on their questions associated with the fire station was that whether or not we would be willing to consider possibly them utilizing that facility. And I told Commissioner Mayfield it was my recollection that we were the ones initially that had proposed that as a possibility. We didn't provide that as an outright give-away if you will, but in my recollection we actually proposed it in some of the early discussions.

I didn't think that that was a sticking point, because several Councilors brought it up as to whether or not we would be willing to consider that option. So could you just kind of roll that up, because I think it's kind of important to be put on the public record and for the people watching and for our record as to what actually happened and what we did as part of the discussions with that fire station.

MS. MILLER: Madam Chair, Commissioner Anaya, the hard part about this is we keep negotiating away from our original settlement agreement. So if you go back once again to our original settlement agreement it stated that the City, when they annexed the presumptive area of Phase 2, they would immediately take over fire service and EMS services. They subsequently said that's too expensive. We also can't build a fire station because we don't have the money to build fire station, so I think at that particular time when we were thinking we would not – because they would be serving the whole area there was an offer of, well, you could take over this fire station. But that's not how it is actually worded now or in the agreements that they have asked for, which is that they phase in their service area, southern Area 5, Area 4 and Area 2 and the south part of Area 1, and that we continue to do the north part of Area 1 and Agua Fria Village. As long as

REC. OF SERV. RECORDS
06/27/2013
1:42:48 PM

we're having to still provide service from that station we have to have the station and we have to have our volunteer fire department in a station if we're going to be required to do service there.

So when they had that discussion they were then going -- they were trying to refer back to something that was no longer relevant because we're going to be serving in that area at a minimum of the next five years and we still never -- they've still never said that they would serve Agua Fria Village.

So when they brought this back up to me I said, well, I don't think that we can give you that station unless we have a separate agreement that says you are going to service all of that area. And they said, well, we're not ready to say something like that; we can't do that. So that's where this discussion has been since their meeting last week. So we did put some language in front of you to try to address that issue. And that was that we'll provide an opportunity to the City to jointly occupy the Agua Fria station as the City expands its fire and emergency medical services pursuant to this agreement, so long as a mutual aid agreement is executed that obligates the City to serve the area now served by the station.

And then we go on to some other things. It could be donation, lease, sale, or whatever to the extent that's permissible by law. But we really have to keep in mind we have constituents in both incorporated and unincorporated areas and we can't just go, oh, sure, we'll give you the station when you ask for it because we still have to be able to respond to those areas that that fire department responds to currently, the County fire department responds to currently, unless we had a separate agreement that says they're willing to respond to all of that area.

So this was language we came up with today and why we put it in front of you because we think that that would show the County's good faith effort to still stick with what we had offered to begin with, in the context of the new agreement which they asked for, the new phasing to not take over fire immediately upon annexation. That's what the original settlement agreement says, so that's where I think the context of that conversation was, was if we don't have to serve that area then maybe we can move our folks elsewhere, as long as we still have to serve all that area on the north part of the City. We need to be somewhere close by; we can't move to La Cienega.

COMMISSIONER ANAYA: So, Madam Chair, Ms. Miller, is it safe to say in summation of what we have thus far we have an open door associated with consideration of using that station or a shared use, but that's got to be evaluated together with them to make sure that adequate public safety and fire service is provided to not only those that would be in the incorporated but those that would be in the unincorporated. So the agreement in summary that you have encapsulates that general concept?

MS. MILLER: Madam Chair, Commissioner Anaya, that is what we were attempting to show them, that we weren't trying to throw the northern section of Area 1 back into the discussion and not work with them, but they were the ones who asked us to continue to provide fire service in the northern section of Area 1, whether they incorporated it or not, and we said, well, we can only do that if we have a station to do it

from. So that was like – this is our attempt to say, Hey, no matter what, we will work with you. Our fire departments will work together to make sure everyone is adequately served in this area, and we'll negotiate a separate agreement and a separate agreement on the facility at the time that that is necessary.

COMMISSIONER ANAYA: So, Madam Chair, Ms. Miller, just based on the conversation we had the other day – all right, this is at the City Council, not us. That the northern section of Area 1, was that proposed to be in the Phase 2 ever in the discussions? Because it seemed like what Robert brought up in the meeting was that we were proposing, not as Phase 3 but actually Phase 2 is what I recall from the meeting last Wednesday. Am I – did I miss something?

MS. MILLER: Madam Chair, Commissioner Anaya, what happened is initially, as I said, we were just looking at Phase 2, and we hadn't decided to do with Areas 1, 18 and 12. When we went back after the last joint meeting was canceled they said, well – they said well, let's just throw out all of Phase 3. And I said I don't think that that is what the County Commission wants to do. Number 1, they want to make sure Area 12 gets done. I said I think there would be agreement to maybe leave out 18, but I don't think there's full agreement on leaving our Area 1. So that was where that proposal –

COMMISSIONER ANAYA: So on this, just so I can follow it, 18 – is 18 north of Agua Fria?

MS. MILLER: See this one? This is the original settlement agreement.

COMMISSIONER ANAYA: I got you. Oh, 18 is Hyde Park. I got you.

MS. MILLER: When I gave you that map that you had just held up, this one, reflects what not the agreements in front of you reflect, and that is that 18 drops off completely. Area 12 is now in yellow, that's part of Phase 2, and the northern part of Phase 3 would be done in five years. And the City has been doing the land use, zoning and permitting, and code up in that area already. And so we just said, well, it doesn't make any sense to leave that out so we'll do that at some future date. That was how that came about. Because they were going to give us a piece of it, but they didn't really have a reason why not to do all of it.

So that was why we came up with that. Now, neither body had ever formally approved that idea of a portion of an Area 1 or the whole Area 1, leaving it in, leaving it out. You guys have never taken formal action on that. Neither has the City. I think they just had a discussion in executive session where they said leave out the northern and I said I didn't know where my Commission stood as a whole from voting on it, because we had not taken that vote. But I said I would propose both options.

CHAIR HOLIAN: So, Commissioner Anaya, can Commissioner Chavez –

COMMISSIONER ANAYA: Yes, Madam Chair, but I might have a few other comments. Thanks.

CHAIR HOLIAN: Okay. Commissioner Chavez.

COMMISSIONER CHAVEZ: Thank you, Madam Chair. So back on Area 1, from what I understand the reason the City is concerned about Area 1 had to do with fire safety and the fact that in Area 1 there are no hydrants. Area 18 has hydrants. They're covered for fire protection. Area 1 does not have fire protection and the County is now

REC'D BY RECORDS MGR 4/30/13 10:53

serving that area and will continue to serve that area if we can agree to the annexation that's reasonable for both governing bodies, for both local governments. So it makes sense for the City to question accepting this now, knowing that they cannot provide fire safety.

But if upon agreeing to this we know that we're going to provide this service, fire safety, in that area up to five years, then I don't see what the concern is. That issue then is a moot point. If we've committed to continue the fire service in that area for that five-year period.

MS. MILLER: Madam Chair, Commissioner Chavez, yes. We agreed and we even said even if after they annex, if it's needed that we have a mutual aid agreement because there still isn't fire hydrants, we would still do that by a mutual aid because there aren't that many fire calls there. We probably would not want them going out and buying different types of equipment than they normally would use to respond in an area. They don't have areas without hydrants is the way I understand it. They may have some, but the main thing in that area with it, they didn't feel that they had proper equipment to respond there like we do.

COMMISSIONER CHAVEZ: And do you have, County Manager, do you have the call volume on just fire? Calls for fire?

MS. MILLER: I do. Yes, Madam Chair, Commissioner Chavez, for 2012, for fire and medical, there were a total of 49 calls in 2012 in Area 1. 48 were dispatched; one was self-initiated.

COMMISSIONER CHAVEZ: So I wanted to talk about the reasons why this was not feasible for the City to do it now and the fact that we've tried to provide a way for the City to accommodate that by us, the County continuing to provided the service in that area. That's one piece. The other piece are the roads that are in that Phase 3 that will be done later. So my question and my concern on those roads are the same concern that Commissioner Anaya would have for the roads in that part of the county that have sort of fallen through the cracks in this discussion about whether we should annex or not, or when we should annex or not. Many of the people in this area and West Alameda area, for practical purposes already thought that we annexed. Some of them are assuming that because we've annexed that they should follow the City's leash law. So there's even confusion about animal control in this area.

So those are the services, Commissioner Anaya, that whether we annex or not, the citizens in these areas need the level of service that they deserve. And so I think that the fire protection and the condition of roads is not the best in that area either. Thank you, Madam Chair.

CHAIR HOLIAN: Okay. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. I wanted to explain my motion. My motion was to approve what's in our books and nothing new, because if there is something new that has been proposed, that is not something that has been proposed when we've been in joint sessions. And so I felt that if we approved what had been given to us prior in our books, and that is not what they wanted, we would have to go back to the table. And so I am leery about accepting anything new that might have

2013 APR 30 10:43 AM

just become a byproduct since last Wednesday. So I just wanted to make that comment. Thank you, Madam Chair.

CHAIR HOLIAN: Thank you. Are there any further discussions?

COMMISSIONER MAYFIELD: I have discussion.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: I was just trying to access the City's website. Along the lines of Commissioner Stefanics' questions, and I did make the City Council meeting the other night and I'm just trying to get into their website. I was hoping staff could do it too. But the proposal that went in front of the City Council and hopefully our Manager and the Attorney can hear what I'm saying. They had the plan that went in front of them, and I was there for the whole discussion as it was presented to them by Marcos – and I apologize; I don't know his last name.

COMMISSIONER CHAVEZ: Martinez.

COMMISSIONER MAYFIELD: Martinez. Thank you, Commissioner.

And knowing City Attorney Zamora also spoke and City Manager Romero spoke, they brought the proposal forth, and I'm trying to access it, and I guess if I had a little more time I could find it. But the proposal spoke, what Commissioner Anaya just talked about, and anybody can look at the record, but a couple questions were asked and one was asked by Councilor Calvert saying, look, there was a summary memo that came across, and then Councilor Calvert just asked about Phase 2, and saying there were some additions to Phase 2 now. And it talked about the West Alameda site. Moving – okay, we've kind of got off Phase 3, thinking we were going to put Phase 3 on a stay right now, and then Phase 2, but there were some additions.

So they asked kind of the same questions that are being asked right here at this bench right now. And again, I stand to be corrected by anybody and by the minutes from the City Council. And they said, well, how did all this stuff in now Phase 2 kind of morph into a little more? And County Manager Romero said these are what the County asked us for. So the questions that came out from the City Council as I recall, and Commissioner Anaya, please correct me if I'm wrong, were a few more comments regarding public safety, more so towards the law enforcement by Councilor Dimas, and that was pretty much just general questions. And then Councilor Ives brought up some of the water issues that were address by Marcos, and I think those were addressed, and then some of the fire issues came up about the Agua Fria fire station and the possibility of – and I brought this question up also to Mr. Ross and Ms. Miller before I even went to that meeting of the recommendation memo that we were potentially going to give it to them or sell it to them and other stuff.

So that question was even brought up by the City Council. And Commissioner Anaya articulated very well what was said so I won't go over that.

So anyhow, all that was said and done on the night the City Council voted on it was that we're going to vote the plan that's in front of us under conceptual approval. However, we will have a joint meeting with the County Commission again. We just ask that it not be next week, meaning that it's this week, because Councilor Ives couldn't make that meeting, but they would like to have that joint City-Council meeting again.

Santa Fe County Board of County Commissioners
Regular Meeting of April 30, 2013
Page 149

And then – and I appreciate what Commissioner Stefanics is saying, lo and behold, we had a package given to us tonight with all kinds of additional changes from the City. The City Council never voted on them, because they voted on that plan that was given to them conceptually. That's what I saw from the vote. I don't think they've had a special meeting since, unless they had some meeting that I wasn't aware of since Wednesday. So that's what they voted on conceptually of what was given to them. And they were well aware of everything, including the changes that happened up in that Phase 2 area. But that question was asked of the changes along the West Alameda side.

So that's what I know. I just want to make sure also what Commissioner Stefanics just said is that what we're voting on, although Commissioner Stefanics just brought up a point, Katherine and Steve. We as a Board with the City never had discussions of the West Alameda area, jointly, in Phase 2. Now, that may have happened with one or two Commissioners. I don't know, but as a joint board that discussion never happened. And if it did, let me know when it happened because maybe I wasn't around. So when did that discussion happen as a board, and is that in this plan that we're approving tonight?

COMMISSIONER STEFANICS: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Stefanics.

COMMISSIONER STEFANICS: My recollection is that when Commissioner Vigil was still here she indicated that the #1 area needed to be put in because of all the surrounding areas. Now, whether or not we came to any joint agreement, I can't speak to that but I do remember the discussion.

CHAIR HOLIAN: So Katherine – well, maybe Katherine can answer first.

MS. MILLER: Madam Chair, there were – I think Commissioner Stefanics' recollection is correct is there was talk amongst the governing bodies about just dropping Phase 3 out all together, but that was something that Commissioner Vigil had said she did not agree with that. So always in discussion Manager to Manager, I was trying to advocate for some way to continue to keep Area 1 in. Neither of you jointly, when you guys came to joint meetings, ever even discussed or agreed upon what to do with the original Phase 3, which was 12, 1 and 18.

When they canceled that meeting it was the City that came in and said, Hey, we want to toss out – we want to just do away with Phase 3 all together and I said, no, no, no. That's not going to be agreeable for my Board. They may agree to Area 18 being out. So then they kind of in discussions – that idea of splitting it came up because they were okay with the southern part of that Area 1, and then they said, And we want to resolve the issue of the drainage on West Alameda. So we proposed, okay, so we would split that 50-50. But it is true that neither body jointly or independently voted on what to do with Phase 3.

COMMISSIONER MAYFIELD: And again – I have the floor, Madam Chair – Area 1 was in Phase 3. Just I want to get that clear. It was never in Phase 2. There's this little addendum between City and County. So I was going to go, Commissioner Anaya, he's just asking for two roads to be looked at. That's all I'm going to say on that. Area 1 was in Phase 3 so there was somewhere, somehow, we're looking at Phase 1 now in Area 2 and maybe it was conceptually discussed in a joint meeting.

And I'll say here I heard that from Commissioner Vigil, so I'll say that. I just want to say, it was part of Phase 3. It was never officially agreed upon. But I also will say this though, and I am going to say this. The City Council voted that night on conceptually to allow that to happen. But they didn't allow all these other changes that you've brought forth tonight, Katherine. And I'm not saying you brought them; you're just the messenger from the City Council of all these other proposed changes. They never voted on any of that. So I am not in support of any of these new changes that the City brought forth tonight. I will just, at a minimum, look at – a maximum, I guess – just look at what they approved that night, conceptually. That's all I have, Madam Chair.

CHAIR HOLIAN: Okay. Any other comments or questions?

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: If the individual Commissioner is able to have a dialogue without the discussion with the Board, and then that's placed in here as a final document that Madam Chair, Commissioner Stefanics, you're ready to move on, why can't I as a Commissioner representing the district with the largest area of impact in this annexation bring that up in an open meeting, not in a separate discussion. I'm doing this in an open session asking my colleagues to consider two roads for a hard surface to be considered in the same vein as everything else, and it sounds to me based on the summation that's happened, that that's been a practice. So I'm ready to vote on that balance, but I'm asking in the same way other things were brought forward to have consideration on those two roads in Phase 2. Not Phase 3, five years down the line; in Phase 2. That's always been in Phase 2. That's never exited Phase 2. That's what I'm asking for consideration of my colleagues.

CHAIR HOLIAN: Commissioner Chavez.

COMMISSIONER CHAVEZ: County Manager, can you tell us, and I know that we've gotten so far away from the deadline, because there have been deadlines that have been ignored in the settlement agreement. So if memory serves me correctly, if we had followed, if we had honored the settlement agreement we probably wouldn't be having this discussion and the details of the discussion would be different. So in Phase 3 – when was Phase 3 supposed to have been done? Last year, the year before? How far are we behind on this?

MS. MILLER: Madam Chair, in your packet, in the beginning of the section it basically says that the Phase 2, which was Area 2, 4, 5 and 7, was to be done by December 2011, and that Phase 3, Area 12, 1 and 18 was to be annexed by December 2012. So if the City had honored the dates in the settlement agreement the entire area would have been annexed by now. However, it did say that there would be phasing or separate agreements and that's what we have been unable to make progress on.

COMMISSIONER CHAVEZ: Thank you, Madam Chair.

CHAIR HOLIAN: Any further questions? Commissioner Stefanics, and then Commissioner Anaya.

COMMISSIONER STEFANICS: Madam Chair, I'm withdrawing my motion.

CHAIR HOLIAN: Okay. Then I guess the seconder will too.

COMMISSIONER ANAYA: Madam Chair, I'm going to ask for amendment to the road list to include hard surface on Mutt Nelson, which is listed as basecourse on our – what do you call it? Our itemized list? It was referred to as something else earlier. And what's the name of the other area? Because they're small, little segments that are adjacent to Mutt Nelson.

MS. MILLER: Madam Chair, Commissioner Anaya, they're on the top of page 3.

MR. MARTINEZ: Madam Chair, Commissioner Anaya, they are listed as I think three individual roads in the Rancho de la Luna Subdivision.

COMMISSIONER ANAYA: The Rancho de la Luna Subdivision, that they be added to continue improvement but to be hard surface for chip seal, was what you had suggested, based on my request.

MR. MARTINEZ: Madam Chair, Commissioner Anaya, that is correct.
Chip seal.

COMMISSIONER ANAYA: So I would ask for that amendment. And do I have to make that in the form of a motion? I'd hope for a second for discussion.

CHAIR HOLIAN: Commissioner Anaya, are you making the motion to accept the road agreement with that amendment or the whole package?

COMMISSIONER ANAYA: I'm making a motion to accept the whole package with the amendment to the road agreement being those two items. So for the whole package with the amendment of those two items.

COMMISSIONER MAYFIELD: Second.

COMMISSIONER STEFANICS: What are those roads again? I'm sorry.

COMMISSIONER ANAYA: If you look at the first page you'll see Mutt Nelson on the bottom, basecourse? That would change to chip seal. And then on the top of the next page – you said the three roads? The three roads that are reflected – is it at the top? Robert, help me.

MR. MARTINEZ: Madam Chair, Commissioner Anaya, yes. It says Rancho de la Luna Subdivision. It's on the top of page 2, I believe.

MS. MILLER: Madam Chair, Commissioners, it's at the top of page 3, the second, third and fourth lines, it's Rancho de la Luna Subdivision – Florence Road, Barton Road and I think that's Prince Road.

MR. MARTINEZ: That's correct. Prince.

COMMISSIONER ANAYA: So I move the whole package with those roads being chip seal. And I think I have a second.

CHAIR HOLIAN: Yes, you have a second.

COMMISSIONER ANAYA: And my comment relative to the annexation, and relative to my time sitting here on this Commission, which is working on the third year is that Areas 2, 4, 5 and 7 have been the areas of constituents that for working on three years now I've been directly dealing with, and concerns about timelines on solid waste, timelines on roads, whether or not they have deal with land use with the City or the County – many, many frustrated constituents. It's only been since January that

2013/05/01 09:00 AM

Commissioner Chavez now has the responsibilities for the majority of that area north of Airport Road.

So I'm here advocating on us, on these changes, not just for what is now my district below Airport Road but all those areas above in Areas 2 and 4 that I represented on this Commission and time and time again, came back time and time again, and asked for us to work on solid waste agreements, and asked for us to work on the water agreements and on the roads based on the frustrations of the constituency that's now my colleague to my right. So I am a little impassioned about this item and it is because I have heard and felt the frustration of many of those constituents that have waited years upon years for us to get to this point. So that's my comment.

CHAIR HOLIAN: Commissioner Chavez.

COMMISSIONER CHAVEZ: As I said earlier, Commissioner Anaya, I appreciate that but I see no difference between your concerns in Areas 2, 4, 5 and 7. They are the same concerns in Area 1. I am hearing the same concerns and the same questions from those people as you're hearing in the areas you're speaking to. So I think that if we're going to add to it then we should consider all of Area 1 and not only part of Area 1.

CHAIR HOLIAN: So, Commissioner Chavez, are you asking that as a friendly amendment?

COMMISSIONER CHAVEZ: Well, I'll wait until we get – because each of these memorandums there's one that deals with –

CHAIR HOLIAN: Commissioner Chavez, we're dealing with all six at once.

COMMISSIONER CHAVEZ: Are they all still in the same – did you move for all six?

COMMISSIONER ANAYA: I moved for all six with the two additions.

COMMISSIONER CHAVEZ: Okay then I will add in –

COMMISSIONER MAYFIELD: Madam Chair, point of order.

CHAIR HOLIAN: Point of order.

COMMISSIONER MAYFIELD: Commissioner Anaya made a motion. I seconded the motion and there's a motion on the floor.

CHAIR HOLIAN: Yes, but Commissioner Chavez is trying to make a friendly amendment.

COMMISSIONER MAYFIELD: Okay.

COMMISSIONER CHAVEZ: So I think my amendment would be in Area 5. I'm going to ask the County Attorney and the County Manager, because this has to do with the phasing of Area 1 and the phasing agreement. So if I'm reading paragraph 5, it says amendment #1 to the annexation phasing agreement between the City of Santa Fe and Santa Fe County, this agreement is necessary to set new guidelines for the annexation of phases 2 and 3. Not only 2. Phases 2 and 3 of the annexation process pursuant to the original annexing phasing agreement.

CHAIR HOLIAN: So does the maker of the motion accept that amendment?

COMMISSIONER ANAYA: Madam Chair, I'm sorry. Say it again.

2013 APR 30 PM 4:43
SANTA FE COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
APRIL 30, 2013
PAGE 153

CHAIR HOLIAN: Commissioner Chavez, would you repeat?

COMMISSIONER CHAVEZ: My amendment would be in paragraph 5 and it would state that under the terms of amendment #1 Area 18 will not be annexed and Area 1, all of Area 1 will be annexed during Phase 2 instead of doing it piecemeal.

COMMISSIONER ANAYA: Madam Chair, Commissioner Chavez, based on the discussions that staff has had and that we have had with the Council, I don't know that that's a friendly amendment because I don't know that they would pass it. And I think that that potentially would jeopardize the entire annexation if we throw entire Area 1 in there, because there's been concerns expressed not just by one Councilor but by other councilors including the Mayor associated with the whole Area 1 being put into Phase 2. So I'm going to say that no, I don't think that that, as it stands in front of us, this still leaves it on the table for annexation within five years. But if we press and try and push that to Phase 2, then I think it does jeopardize the work that we've done to this point. I absolutely don't see that as a friendly amendment.

CHAIR HOLIAN: So you are not accepting that as a friendly amendment. Correct?

COMMISSIONER ANAYA: No.

CHAIR HOLIAN: Okay.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR HOLIAN: Commissioner Stefanics.

COMMISSIONER STEFANICS: Madam Chair, just a comment on that conversation, I think the fact that we're changing anything allows the – I mean adding these extra roads. I think it allows them to discard it, so in my point, I think adding that section in doesn't hurt, but that's just my position.

CHAIR HOLIAN: And I agree with that as well. We either add in all the changes, as far as I'm concerned, or none. We just go with the one through six. That's how I feel. But I will take a vote on this if you'd like.

COMMISSIONER ANAYA: Yes, I would. In the interest of Mutt Nelson, and maybe we'll be split on the vote. After all this work and all this effort and all this work that we got to in the interest of those citizens that have been waiting in Phase 2 – not in Phase 3, and in the interest of those citizens in that other subdivision area, I'm ready to go ahead and take that vote to get it on the record of support of improving those roads and helping in their interest. So I am prepared to go ahead and take the vote on it.

CHAIR HOLIAN: Okay we have a motion for –

COMMISSIONER STEFANICS: Question.

CHAIR HOLIAN: Yes. Commissioner Stefanics.

COMMISSIONER STEFANICS: I want to clarify what we're voting on. So we're voting on one through six in the book, not what's been handed out – in the book, with the addition of the four roads. Is that what we're voting on?

CHAIR HOLIAN: Yes.

COMMISSIONER STEFANICS: Okay. We're not voting on anything that's been passed on. One through six in the book, plus the four roads. And Ms. Miller, keeps raising her hand, so I want to make it clear.

REC'D
CLERK
RECORD
5/1/13
5:41:13

CHAIR HOLIAN: Okay, Katherine. Would you like to make a comment?

MS. MILLER: Well, I just want to comment, the other two things that we handed out were mutually beneficial clarifications in the agreements that are in the book. That item that I mentioned on the fire agreement clarified what's in the current fire agreement where it just basically says we negotiate a sale/lease or other arrangement that the City requests to provide use of Agua Fria Station #1, where this is a little more specific that we'd have to have some kind of mutual aid to cover that. And they were okay with that because they thought it actually showed thinking it out a little bit further, according to the City Manager and their attorney.

So we thought that was a mutually beneficial clarification of the issue on the fire station, and then I think what was in the water agreement that Steve handed out was something that they had asked for. So I just point those out. And by the way, this change to the road agreement is something that I think they would like. It improves the roads before we hand them over.

COMMISSIONER ANAYA: I would accept that as a friendly amendment if the seconder would accept it.

COMMISSIONER MAYFIELD: Well, let me ask this question really quick, because Katherine, as far as the use of our fire facilities. They can use it? Are they going to pay for improvements to it too?

MS. MILLER: Madam Chair, Commissioner Mayfield, that was the point that it would be done through a separate agreement. They couldn't say what they wanted with the facility, so I can't put those details in right now. That was the whole point of trying to be a little more specific of what we're willing to do, but because they don't know if they want to occupy it, share it, leave it – they can't say. So we were trying to say, we're open to a negotiation separate from annexation on that station, and service in that area relative to who's actually – if they're providing it all we don't need to be in the station. I don't think we'd need to have this big an issue. But if we're providing half the service we need a station. So that was why it was to try to clarify that because it wasn't contemplated that we'd be phasing. When this whole thing started we weren't going to phase in all of the service, but now we are. So it was to make a better clarification in the agreement, and that was something that went back and forth with their attorneys and they said, yes, they think that that clarifies it better than what's in here.

CHAIR HOLIAN: Okay. Thank you.

COMMISSIONER MAYFIELD: Madam Chair and you indicated Mr. Ross, how is – just help me out with more clarification of how that water agreement changes or benefits both parties.

MR. ROSS: Madam Chair, Commissioner Mayfield, it just clarifies something that at least I assumed was correct, which was that things like the MRC and other City facilities that are out in the county are not going to suddenly be hooked up to County water.

COMMISSIONER MAYFIELD: That's another conversation I recall they had on the bench. Yes. And then Katherine, you said the third things was what again?

MS. MILLER: I think that that was – then that was the roads. That would be adding – it would be changing this table because this table has never been approved by both bodies. And it would include West Alameda and four other roads.

COMMISSIONER ANAYA: It's not adding a road, it's adding the level of improvement.

MS. MILLER: Correct. It's just that this – when you guys did approve the road agreement you did not have this.

CHAIR HOLIAN: Okay, Commissioner Mayfield, are you done?

COMMISSIONER MAYFIELD: Just one question. It's procedural though. So we're going to vote on Commissioner Stefanics' motion.

COMMISSIONER STEFANICS: No, I had withdrawn my motion.

COMMISSIONER MAYFIELD: Oh, I'm sorry. She withdrew, so we're going to have a new motion eventually.

COMMISSIONER ANAYA: I made a new motion.

COMMISSIONER MAYFIELD: And then also Commissioner, there was an amendment that we seconded.

CHAIR HOLIAN: We didn't second it.

COMMISSIONER MAYFIELD: I seconded an amendment. I did.

CHAIR HOLIAN: No, he made it with the amendment and you seconded the whole thing.

COMMISSIONER MAYFIELD: Okay.

CHAIR HOLIAN: He made a motion to accept the agreements one through six with the amendment, and then you seconded it.

COMMISSIONER MAYFIELD: Okay. Thanks for clarifying it for me. So we have to take a vote on that. If that doesn't pass then we have to –

CHAIR HOLIAN: Well, no, now, actually, I believe Commissioner Anaya was saying that he would accept as a friendly amendment to have these two other agreements added. Correct?

COMMISSIONER ANAYA: Yes.

CHAIR HOLIAN: Water, wastewater, as well as the fire protection clarification. And I think he asked whether you as a seconded accepted that.

COMMISSIONER MAYFIELD: Yes, as staff's explained them, yes.

CHAIR HOLIAN: Okay. Commissioner Chavez, and then Commissioner Stefanics.

COMMISSIONER CHAVEZ: Okay. I want to ask a question then about this group of water customers because there was also an issue about this group of water customers on the other side of 599. Which agreement is that captured in?

MR. ROSS: Madam Chair, Commissioner Chavez, that's in the water/wastewater agreement.

COMMISSIONER CHAVEZ: Okay. I just wanted to be sure. And then again, I don't mean to belabor the point but I will say it one more time. The residents, the citizens in Area 1 have been anticipating and hoping for the annexation to be completed just like the people in Areas 2, 4,5 and 7. So I'm going to have to speak – I should be able

2013/05/03 09:33:33 AM

to speak to that, just like Commissioner Anaya is advocating for these two roads to be added in. But it's been suggested to us that because the City Council conceptually approve something that we don't have the flexibility of having too many changes. We can add a couple roads, but we cannot suggest that we do all of Area 1, even though we the County will continue to provide the fire service in that area. Forget the roads for right now because those roads need to be improved as well.

And so if we're going to change things, let's change things. If we're not then let's not, but I don't see any reason to add the two roads and not do all of Area 1.

CHAIR HOLIAN: Commissioner Stefanics.

COMMISSIONER STEFANICS: Madam Chair, I have a procedural question, Mr. Ross. Since we are noticed for annexation, and once we take the vote on the motion on the floor, we can then take other votes related to annexation?

MR. ROSS: Madam Chair, Commissioner Stefanics, I suppose that's true. There's really nothing under that item except for the agreement to take action on.

COMMISSIONER STEFANICS: But if we wanted to go back and take any kind of action on anything related to annexation that's here on this piece of paper we could do that.

MR. ROSS: I think so.

COMMISSIONER STEFANICS: Okay. Thank you very much.

CHAIR HOLIAN: Okay. Commissioner Chavez.

COMMISSIONER CHAVEZ: So before we take a vote I'm going to ask again if my amendment is friendly or not. And my amendment, I would support adding the roads, okay, because I can see that it's needed, but I want to ask again for a friendly amendment to consider all of Area 1.

COMMISSIONER ANAYA: Madam Chair, Commissioner Chavez, I don't think it's a friendly amendment because I don't think it would pass and I think it would continue to perpetuate the overall discussion for who knows how many more months or years. So I don't consider it friendly.

CHAIR HOLIAN: Okay. We have a motion with amendments on the floor. I will now take a vote.

The motion passed by majority [4-1] voice vote with Commissioner Chavez casting the nay vote.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR HOLIAN: Yes

COMMISSIONER STEFANICS: I have another motion.

CHAIR HOLIAN: Commissioner Stefanics.

COMMISSIONER STEFANICS: My motion is to include Area 1 in Phase

2.

CHAIR HOLIAN: And I will second that. Is there any further discussion?

COMMISSIONER ANAYA: So, Madam Chair, question.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: And this is Legal. If we took the vote excluding and it gets added back in, what gives?

CHAIR HOLIAN: Okay. Is there an answer to the question?

MR. ROSS: Well, Madam Chair, it's a characterization problem because part and parcel of what we did was act on that very question so we're trying to – Katherine and I are debating whether to treat it as a motion to reconsider or a motion for an amendment to a previous action. I'm not sure it would make a lot of difference on how you characterize it. That's the problem Because you already acted on that.

CHAIR HOLIAN: Katherine.

MS. MILLER: I don't know if this would work but maybe this is a proposal to take to the City, is that we take the agreements as you approved them, but also take an amendment requesting them to approve the amendment to include the rest of Area 1 into Phase 2, with all the details that would be required, dealing with any roads or anything like that. So what they've approved and what you've approve would stand but we would still try to go back to them and add that northern section of Area 1 into Phase 2 as an amendment.

CHAIR HOLIAN: Katherine, let me ask exactly how we would phrase that then, as a motion.

MS. MILLER: That you – I'm thinking that maybe you would approve a standalone amendment that we would take back as a separate amendment to the phasing agreement. Because it's the phasing agreement where we say the northern section of Area 1 is in Phase 3. So if we came back and said would you consider a separate, standalone amendment to that to bring it into Phase 2. I'm just trying to – I don't know how we would procedurally do it, because it may end the whole thing. But those are your two options, I think. I think that what Commissioner Anaya brought up is potentially true, but if we try to bring in that northern section of Area 1 into Phase 2 they may just say, Fine. Take us to court. I don't know but at the staff level that's where it ended up. But if you brought forward to them an amendment to that phasing agreement that you approved and we went and asked them, Okay, now you've approved this, now would you approve an amendment to it and add in that section. That might be a way of doing it in what I would call a diplomatic way.

CHAIR HOLIAN: And could we vote on that at this meeting or would we have to write up that amendment and consider it in a future meeting?

COMMISSIONER STEFANICS: Madam Chair, I asked Mr. Ross if, since annexation was on the agenda, if other actions could be taken on annexation, and he indicated it could.

CHAIR HOLIAN: Okay.

COMMISSIONER STEFANICS: So I am calling the question.

CHAIR HOLIAN: Okay, we have a call for the question. Is there a second on that?

COMMISSIONER CHAVEZ: Second.

CHAIR HOLIAN: Okay, we have a second on the call so we will vote on that immediately.

COMMISSIONER MAYFIELD: I'd like to ask a question.

CHAIR HOLIAN: We have a call for the question and a second.

COMMISSIONER STEFANICS: He has a question.

COMMISSIONER MAYFIELD: I was going to ask for a friendly amendment. I'd like to ask that we include 12 into that.

COMMISSIONER STEFANICS: I'll accept that.

COMMISSIONER CHAVEZ: Twelve is in.

COMMISSIONER MAYFIELD: Twelve is? Okay. I'll rescind. We have one. That's what we're doing right now.

CHAIR HOLIAN: Okay. We have a motion to – please restate the motion for me.

COMMISSIONER STEFANICS: The motion was to include all of Area 1 in Phase 2 of annexation.

CHAIR HOLIAN: And that is not an amendment.

COMMISSIONER STEFANICS: That was a motion.

CHAIR HOLIAN: Okay, and you seconded that. First we need to vote on calling the question.

The motion to call for the question passed by unanimous [5-0] voice vote.

CHAIR HOLIAN: Okay. We have a motion on the floor to include Area 1.

COMMISSIONER MAYFIELD: I need a clarifying point from the attorney before I vote.

CHAIR HOLIAN: Point of order. Steve, can you answer that.

MR. ROSS: Madam Chair, what was the question?

COMMISSIONER MAYFIELD: Mr. Ross, just so I'm clear. We voted a little earlier on the whole annexation package, the County Commission. That was one single vote that we took. Now Commissioner Stefanics asked for a second amendment – it wasn't an amendment. She asked for a second motion to add the rest of 1. So that's a whole second standalone action. It's not an amendment to the first action we just took. Correct. So now there will be two motions this County Commission has taken that will go back to the City Council. I just want to be clear on this.

MR. ROSS: Madam Chair, Commissioner Mayfield, something has to go back to them so –

COMMISSIONER MAYFIELD: But will two actions go back to them or will one with an amendment go back to them. I just want to be clear on this.

MR. ROSS: No, I don't agree. What just happened was a motion to reconsider. That's the only way you can –

COMMISSIONER MAYFIELD: But we take a motion to reconsider.

MR. ROSS: Yes, but something's got to go back to them so we have to write something up, so we'll have to write it up as the phasing agreement, a change to the phasing agreement because Katherine was very clear. She made a suggestion we have

2013 APR 30 PM 5:30:00
SANTA FE COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
APRIL 30, 2013
PAGE 159

two actions, one amending – having a standalone action which would be essentially an amendment to the phasing agreement, amendment #2 to the phasing agreement. The only way to characterize what just happened would be as a motion to reconsider the previous motion. Because something has to go back.

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Which Commissioner Stefanics has every right to do a motion to reconsider because she voted in favor of the first motion, right?

COMMISSIONER MAYFIELD: Madam Chair, we never asked for a motion to reconsider. Commissioner Stefanics clearly made a second – a motion on a whole different action. And that's what she did. We never asked for a motion to reconsider our first action. I just want to be very clear on that and I'll go to our stenographer to repeat what we just did. Because I want to be very clear, she never asked for a motion to reconsider.

COMMISSIONER STEFANICS: On that point.

CHAIR HOLIAN: Yes, Commissioner Stefanics.

COMMISSIONER STEFANICS: I know you don't want to do it on this point, but Mr. Ross, the reason I made a second motion and not an amendment is so that there could be two actions taken to the City, and that the first action could be accepted and then if the second action is acceptable they can accept it or not.

MR. ROSS: Madam Chair, Commissioner Stefanics, well, then that wouldn't be a motion to reconsider. That would be what Katherine was suggesting which is an amendment, #2, to the phasing agreement that says Area 1 is done all at once as a part of Phase 2. And they would be able to react to that. They would have two separate documents to accept or reject independently. And that's something they could deal with.

CHAIR HOLIAN: Okay. I have a question. Katherine, what is your opinion on if this second motion were to pass, how much difficulty it would cause in the negotiations with the City?

MS. MILLER: Madam Chair, what you've already passed I don't think would cause any problems and we can go forward with Phase 2, not including the northern part of Area 1, which is what the second, the motion you're discussing would be an amendment to do that. So in other words they could – that's why I'm saying you need to take two things back. We need to say we've agreed to everything here but we also want to add amendment #2 to the phasing agreement which puts all of Area 1 into Phase 2. That way they would have – vote on what you previously approved and then a second vote on pulling the northern part of Area 1 into that.

CHAIR HOLIAN: So Commissioner Stefanics' action would have that effect, correct?

MS. MILLER: If we do it as a separate amendment to the phasing agreement. Yes it would. To include the northern part of Area 1 in Phase 2.

CHAIR HOLIAN: Okay. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, and I appreciate what everybody's saying, but I have a County Attorney who's sitting right there in front of me

SFC
CLERK
RECORD
55/43/2413

and I'm going to defer to my County Attorney, and I respect what you're saying, Manager Miller, but that's the man who gets paid the money. He gets paid to be our County Attorney and I heard what he just said. And I'm just going to leave it at that. And I'm going to defer to my County Attorney. And that's not what I heard him say. He said we just did an amendment, Manager Miller. And Steve, reclarify, because I just heard you that we just did an amendment to our first action. That's what I thought I heard.

MR. ROSS: Madam Chair, Commissioner Mayfield, then Commissioner Stefanics clarified her intention, which I think –

COMMISSIONER MAYFIELD: Restate the vote of what was taken.
Okay. Fair enough.

CHAIR HOLIAN: Are you ceding the floor to Commissioner Anaya?
Okay, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I understood, and this is what Commissioner Mayfield is clarifying and what Commissioner Stefanics is helping clarify for me. I understood when the motion was made that it would replace that piece in my motion, my original motion, and it would replace – place it and put it back, Area 1 back in Phase 2. But as I'm hearing it now it would be two separate motions, the one that passed of mine and this is a second amendment that doesn't replace the first motion. Is that correct?

MR. ROSS: Madam Chair, Commissioner Anaya, I was actually in sync with you, what you just described when the motion occurred, that's what I thought happened, but Commissioner Stefanics clarified that she believes it to be separate, independent actions.

COMMISSIONER ANAYA: Based upon what Commissioner Mayfield is asking, do you concur that they could be separate?

MR. ROSS: Yes.

COMMISSIONER ANAYA: Then I would vote yes, not no.

CHAIR HOLIAN: Okay. We now have a motion on the floor, and let's just take the vote again since not everybody voted the first time around.

COMMISSIONER MAYFIELD: It's a separate motion. I want that clear, clear, clear.

MR. ROSS: Madam Chair, Commissioner Mayfield, I believe what we're doing is essentially creating an amendment #2 to the annexation phasing agreement.

CHAIR HOLIAN: Are you voting yes or no?

COMMISSIONER MAYFIELD: I'm voting no.

The motion passed by majority [4-1] voice vote with Commissioner Mayfield voting against.

2013/05/01 09:00 AM

XIV. G. 7. Request Authorization to Publish Title and General Summary Amending the Solid Waste Ordinance 2010-5 for the Purpose of Creating Mandatory Curbside and Roadside Solid Waste Collection Districts and Establishing the Procedures for Curbside and Roadside Solid Waste Collection

MR. LEIGLAND: Madam Chair, Commissioners, this ordinance – or actually this is a modification to our current solid waste ordinance, and what it does is create mandatory curbside districts in the annexation areas and then it gives to the County Manager the power to set for instance fees and what not but the intent is that once these mandatory areas are created that the County will designate the City as the service provider. The structure of the ordinance, in order to make it easier for the City to do actually follows the structure of the City's ordinance with solid waste, and then the actual areas in question are included in the maps and all the individual streets that will be affected. And just note that many of the streets are – they're private roads so the streets that are included in this ordinance will not match up with the streets on the other one because they'll be private roads that will still have solid waste collection on them.

CHAIR HOLIAN: Okay. Thank you. Any questions? Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, going back to some of my previous comments relative to those areas that are no longer in District 3 but that are areas that have long been frustrated with solid waste, regardless of the action that we just took previously, is this going to elevate or expediate solid waste services even before the final, final, final votes take place? Because ever since I got here on the Commission I've been told, oh, the solid waste agreements, we're going to work it out. People in Vista Verde Subdivision and all around that area are going to get solid waste, and here we are in our third year. Is this going to get us to where they're going to get service, regardless of what we're going to do jointly with the City and the County on annexation?

MR. LEIGLAND: Madam Chair, Commissioner Anaya, I believe the answer is yes. So there's publish title and general summary. One month from now we'll do the first hearing for the ordinance and what not, and the City has already indicated they're willing, they have the equipment and what not. So this will happen. This process is happening.

COMMISSIONER ANAYA: Thank you.

CHAIR HOLIAN: Yes, Katherine.

MS. MILLER: Madam Chair, Commissioner Anaya, though, I wanted to make a clarification on that because we would need then a separate agreement if the annexation agreement doesn't go through, with somebody to do that curbside. This is to coincide with what is in the annexation agreement that says on July 1, in the presumptive areas in the maps that are in this ordinance, the City will then provide it. But if annexation does not go through, if these agreements do not get approved we'd have to come up with some other mechanism because Santa Fe County on its own has no ability to do the curbside pickup; so we'd have to do a separate agreement with them if that were

SFC OF 2013 RECORD 04/30/2013 09:43:10 AM

the case. So I did want to make that clarification because it's true that this can stand alone, but we don't have a mechanism to make it happen right away if we don't do it with the City.

COMMISSIONER ANAYA: So Madam Chair, Ms. Miller and Mr. Leigland, I think that we should be responsible and responsive to some of those concerns in that area and I think one of the main areas was dealing with private contractors that were charging a lot more for solid waste pickup and that's been one of the frustrations with a lot of those people that are now in District 2. Are we any closer to talking about areas in the urban area for our own solid waste pickup or contracting with providers? Are we getting closer to that? I know we have our task force that had recommendations, but where are we at associated with that? I know Commissioner Holian has areas that are in a position to possibly do that as well.

MR. LEIGLAND: Madam Chair, Commissioner Anaya, I'll say that we're closer but I won't say that we're close. As you recall there was a solid waste assessment contract that was between the City, the County and the SWMA. This Board allocated funds for that. The kickoff – that contract has been awarded and we just had the kickoff about two weeks ago. The County and the contractor and SWMA have agreed to make the County's tasks first and at the kickoff meeting, the schedule that was presented to us showed that all the County tasks will be presented to us in August and so the Solid Waste Task Force will reconvene in September to continue to consider those recommendations. So at this point I think that the first time that this Board will see new recommendations will be October or November.

So I think in the absence of what's presented to you today we won't be in a position to do mandatory curbside till maybe December or January at the soonest.

COMMISSIONER ANAYA: Thank you, Mr. Leigland.

CHAIR HOLIAN: Any other questions? Commissioner Chavez.

COMMISSIONER CHAVEZ: No. Commissioner Anaya asked my questions about the private contractors that are providing us recycling and curbside solid waste. It's not the best but that's what it is.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you. Madam Chair, Mr. Leigland, but again, this is in the annexation area and it would phase in when this annexation agreement phases in. Correct?

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, the way the agreements that you just voted on are written the solid waste will start on the first of July. So it will actually be six months in advance of when the annexation happens. So it will be earlier than all the other stuff.

COMMISSIONER MAYFIELD: Okay. And only in the annexation areas.

MR. LEIGLAND: Only in the annexation areas.

COMMISSIONER MAYFIELD: It's not applying to District 1 right now.

MR. LEIGLAND: That's correct.

COMMISSIONER MAYFIELD: But didn't this Board also talk about if maybe there was, say, a pilot area – I don't want to call it a pilot area but an area that was

more centralized if we wanted to try to implement it out there for the County operations?
Is that a plan or a different plan?

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, you're correct that we'd talked about piloting our own curbside collection, but that's not included in what's in front of you now.

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

CHAIR HOLIAN: Okay, is there a motion?

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

CHAIR HOLIAN: Is there a second?

COMMISSIONER STEFANICS: I'll second.

CHAIR HOLIAN: Okay, I have a motion and a second for authorization to publish title and general summary amending the Solid Waste Ordinance 2010-5 for the purpose of creating mandatory curbside and roadside solid waste collection districts.

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

XV. MATTERS FROM THE COUNTY ATTORNEY

A. Executive Session

1. Discussion of Pending or Threatened Litigation

- a. *Wilkes v. Blueline Construction et al* (No. D-101-CV-2011-02834).
- b. *Centro Beneficiente União do Vegetal v. Board of County Commissioners* (No. 12-CV-00105)
- c. *New Mexico Gas Company et al. v. Board of County Commissioners* (No.D101-CV-2009-02050)
- d. *Ambrose Baros et al v. Board of County Commissioners et al* (No.D-101-CV-2013-001149)

2. Limited Personnel Issues

3. Discussion of the Purchase, Acquisition or Disposal of Real Property or Water Rights

4. Discussions Preliminary to Collective Bargaining Negotiations

5. Contract Negotiations Under the Procurement Code

CHAIR HOLIAN: Steve, do we need an executive session?

MR. ROSS: Madam Chair, that's up to you, given the hour. There's quite a bit of stuff.

COMMISSIONER MAYFIELD: Can it wait?

CHAIR HOLIAN: Steve, could you comment on that?

MR. ROSS: Katherine, how critical is that?

COMMISSIONER MAYFIELD: Oh, let's just do it. We're here. And then we can say Happy May Day, Madam Chair.

MR. ROSS: Madam Chair, we've got an hour or more of stuff on here. Nothing is really time-sensitive.

CHAIR HOLIAN: Okay. So we will then skip the executive session and put off discussion of these items until the meetings that will be two weeks from today.

XV. B. Consideration of Authorization to Publish Title and General Summary of an Ordinance Creating Definitions, Rules of Interpretation, General Rules of Construction, Adopting the 2013 Codification of Ordinances by and for the County of Santa Fe, New Mexico

MR. ROSS: Madam Chair, we've been working in my office for about eight years on a codification of all our County ordinances, which means that all of our County ordinances have been stripped down to their subject matter, indexed and placed in a system that is consistent with the system used by all municipalities in this country and probably 50 percent of the counties. It will be easier to use than the current system, which is basically looking up individual ordinances on the website without being able to understand the context and subject matter of the various ordinances, and is not word-searchable. So we've employed a contractor, thanks to the Board appropriating the money last year. The contractor has put all our ordinances in the format which you can see there's some samples of the new format in the back of the materials. As you can see if you look at that it's got history information, amendment information, right on the text of the various things. You can see there's a Title XIII, general offenses and it contains various ordinances that created criminal penalties in the county and they're organized in that fashion.

The one thing that our various ordinances lack is rules of interpretation and the contractor has recommended that we take care of that so that the find is complete when it's adopted. So that's what this ordinance does is adopts some simple definitions, some rules of interpretation, some rules of time rules, which are fairly standard, and general information about how you adopt and repeal ordinances. This is standard language, like I said earlier, that's used by most municipalities and counties in this country. It's a technical thing that's needed to finish up this work.

Once this is done we'll have a book of ordinances that organized in an easy to use fashion, plus we'll have the website. The book of ordinances will be hosted on an offsite website in Texas which will be a link from our website. You can search for words, you can search for phrases or you can just look down the table of contents and just drill down to what you want. It will be transparent and be easy to use, and anyone can have it on their desktop. So that's what this all does.

CHAIR HOLIAN: Any questions? Commissioner Anaya and then Commissioner Stefanics.

COMMISSIONER ANAYA: Madam Chair, I remember years back, I think it was Rebecca Bustamante, the Clerk, underwent a scrub-down of all the ordinances and we ended up with a bunch that I know you were working with. We have a lot of ordinances that are probably obsolete and probably don't have relevance any more. I think my recommendation, and this is something I brought up early on when I came on

SEC OF SWR RECORDS 05/03/13 10:43:43 AM

the Commission is that we begin the process of going through those that are outdated and obsolete and bring them back to the Commission with staff recommending ordinances to be published for title and general summary that are obsolete and no longer have any useful function, and we take those ordinances off the books.

MR. ROSS: Madam Chair, Commissioner Anaya, this is a vehicle to start that process, because the stuff just leaps out at you when you look through the book. I'll give you a copy later tonight. Just looking through it you'll see, oh, man, why do we have that on the books? And there are lots of examples of that.

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

CHAIR HOLIAN: Commissioner Stefanics had a question first.

COMMISSIONER STEFANICS: I'll second, and then I'll ask my question. Mr. Ross, this of course will affect – once we pass this this will affect our new code?

MR. ROSS: Madam Chair, not that much, because we've left a place for the code in the codification. Of course we have the existing code which is in there now, and we'll just pull that out and replace it with the new one.

COMMISSIONER STEFANICS: But won't there be some specific formatting and definitions that will need to be followed?

MR. ROSS: Madam Chair, the contractor does all the formatting for this format. We just send it to them and they take care of the formatting.

COMMISSIONER STEFANICS: So Madam Chair, Mr. Ross, there aren't any changes now that we would need to make before we would consider and pass a new code?

MR. ROSS: Changes to –

COMMISSIONER STEFANICS: To the way it's been developed?

MR. ROSS: No. Madam Chair, Commissioner Stefanics, no. We've kept in mind where we're going through the development of the code and the chapter arrangement is consistent with what's used by the codifier. So that shouldn't be a problem. Another issue we have to pay attention to is how we format the document and we've been very careful to use only manual formatting so it can be stripped out easily by the computer program. So I think the new code is ready to be codified in this form.

COMMISSIONER STEFANICS: Thank you very much.

CHAIR HOLIAN: Any further questions. Okay we have a motion and a second for authorization to publish title and general summary of the ordinance under consideration.

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

SFC BOARD RECORD 05/03/2013

XVII. ADJOURNMENT

Having completed the agenda and with no further business to come before this body, Chair Holian declared this meeting adjourned at 12:05 a.m.


Approved by:


Board of County Commissioners
Kathy Holian, Chair




GERALDINE SALAZAR
SANTA FE COUNTY CLERK

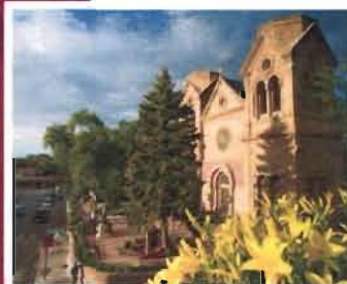
Respectfully submitted:


Karen Farrell, Wordswork
453 Cerrillos Road
Santa Fe, NM 87501

2013/05/03 09:00 AM REC'D 05/03/2013

DID YOU KNOW?

- The tourism industry represents over \$620 million in economic activity in Santa Fe. It is Santa Fe's largest industry and one of the largest employers. More than 7,400 Santa Feans' jobs depend on travel
- Santa Fe, the capital of New Mexico, is the oldest capital city in the United States
- More than 65,000 people live and work in Santa Fe and 1 in 6 jobs is directly related to tourism
- Condé Nast Traveler magazine consistently rates Santa Fe in the top three tourist destinations in the United States
- Santa Fe has 4,600 rooms in hotels, motels, spas and bed and breakfast inns
- Santa Fe has more than 300 restaurants, 250 art galleries, 70 jewelry shops, 13 museums and one world-famous opera



CELEBRATE TOURISM Santa Fe

May 9, 2013
10 am to 7 pm
Santa Fe Community
Convention Center

Please join us in celebrating
Tourism in Santa Fe.

Wednesday, May 8th, 2013

City Council Presentation-5:00pm

Thursday, May 9th 2013

Ribbon Cutting-10:00am

Expo-10:00am-7:00pm

Santa Fe Ambassador Seminars
New Mexican Marketing Seminars
Convention Center Tours

Chamber of Commerce Mixer-5:00pm-7:00pm



Photos © Chris Corrie

FOR MORE INFORMATION

[f.com/events/227976497340284/](https://www.facebook.com/events/227976497340284/)

SANTA FE
NEW MEXICAN
You turn to us.

SANTA FE
CHAMBER OF COMMERCE

Santa Fe
A COLORFUL JOURNEY
—SantaFe.org—

DRAFT

EXHIBIT

2

THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY

RESOLUTION NO. 2013-____

A RESOLUTION ESTABLISHING A WATER POLICY ADVISORY COMMITTEE

WHEREAS, the Board of County Commissioners seeks to create and maintain a coherent water policy that encompasses the full spectrum of water use and meets, to the extent possible, the needs of all water users;

WHEREAS, the County's Sustainable Growth Management Plan identifies water as an important County matter and in particular lists seven key water issues and eight keys to sustainability that will require a full community effort to address or implement;

WHEREAS, the County has numerous existing water policy documents that require occasional updating and cross-referencing;

WHEREAS, Resolution 2011-88 requires that a water focus group be convened to discuss aquifer storage and recharge (ASR) when the County begins to address this issue;

WHEREAS, it is in the interest of all residents of Santa Fe County to address water issues in a regional manner, including utility water service, source of supply, irrigation, and water reuse;

NOW, THEREFORE BE IT RESOLVED by the Board of the County Commissioners (BCC) that:

1. A Water Policy Advisory Committee (the Committee) is hereby created for the express purpose of providing factual information to the BCC regarding water, wastewater, and water management within the County and regionally.
2. The Committee shall be comprised of 12 voting members appointed by the BCC.
3. Three members of the Committee will be appointed for an initial term of two years and four members shall be appointed for an initial term of three years. Thereafter Committee members shall serve terms of three years. In the event of a vacancy, the BCC shall appoint a member to serve out the remainder of the departing member's term, taking into consideration any recommendation from the Committee and Public Works staff to fill that vacancy. There shall be no limitation on the number of consecutive terms that a member may serve. Members may be removed by the BCC with or without cause.

4. Committee members shall annually elect a chair and a vice-chair by majority vote of the quorum.
-
5. The Committee shall meet as often as necessary to carry out its work, but no less than quarterly. The meetings of the Committee shall be held in the County Public Works facility and such other locations as may be conducive to visible and publicly accessible meetings. Meetings shall be held in accordance with all relevant County policies with regard to public notice, open meetings, and rules of order.
6. All matters coming before the Committee shall be resolved by majority vote of the quorum.
7. All Committee members shall reside within the exterior boundaries of Santa Fe County.
- a. One committee member shall be from a mutual domestic water consumers' association;
 - b. One committee member shall be from a soil and conservation district;
 - c. One committee member shall be a member of an acequia association;
 - d. One committee member shall be from the Estancia Basin Water Planning Committee;
 - e. One committee member shall be from the central water planning area;
 - f. One committee member shall be from the northern water planning area;
 - g. One committee member shall be the public member of the Buckman Direct Diversion Board;
 - h. The balance of the committee members shall be chosen by commissioners from their respective districts.

Membership should span a wide range of expertise and experience not limited to water. Expertise may be demonstrated by membership in an established community water group; by professional practice in the field of water, wastewater, hydrology, agriculture, or similar; or by other documented relevant professional or volunteer experience. Individuals with expertise in the water policies and practices of other governmental entities in the region are also qualified to serve on the Committee. Interested residents must submit a letter of interest and documented qualifications. In the event more than one individual seeks appointment to a position on the Committee, the Public Works Department will be asked to rank the competing applicants.

8. The County Manager shall appoint a member of the County Staff to serve as liaison to the Committee.
9. The scope of duties of the Committee shall include the following:
- a. To make recommendations related to water policies in the County land development code, with focus on making recommendations in areas such as: land restoration practices and techniques that lead to water collection, restoration, and conservation;

2025 FEB 10 10:43 AM

implementation of grey water and closed re-circulating systems; agricultural land restoration; protection of waterways such as the Santa Cruz River, within existing water resource allocations; etc.

- b. To make recommendations related to County water and wastewater utility growth;
 - c. To assist the County in addressing proposed aquifer storage and recharge activities, design plans, and projects;
 - d. Explore the concept of an independent regional water authority or authorities, including interfacing with the City of Santa Fe, the City of Espanola, the Town of Edgewood, mutual domestic water consumer associations, and other regional water users regarding a regional water authority or authorities;
 - e. Recommend updates to the current 40-year Water Plan, the Conjunctive Management Plan, or other plans;
 - f. Such other water related topics and issues as directed by the BCC.
 - g. Identify and flag applications for appropriations that affect the County.
10. Within two months of the creation of the Committee and at the second BCC meeting in January of each year thereafter, the chair of the Committee shall present to the BCC for approval a draft work plan for the upcoming calendar year or portion thereof. The work plan shall include a list of tasks or topics to be addressed by the Committee over the year along with a delivery schedule of updates, reports, and other deliverables. The chair may from time to time amend this work plan with approval from the BCC. The BCC can amend this work plan at any time. The chair shall update the BCC in accordance with this work plan.
11. The Committee may be incorporated into other County standing committees or otherwise dissolved at any time.

PASSED, APPROVED AND ADOPTED this 30th day of April, 2013.
THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY

By: _____
Kathy Holian, Chair

Attest:

Geraldine Salazar, Santa Fe County Clerk

Approved to form:

Stephen C. Ross, Santa Fe County Attorney

STAY CONNECTED

MyCleanEnergy is a secure, feature rich account management website provided for free to members through Clean Energy Collective's state-of-the-art RemoteMeter® system. You can view your clean energy production in real time at www.KCECsolar.com or through your phone with our mobile version. You can compare your production to your consumption, track savings and environmental impacts, and chart the performance of your clean energy system. RemoteMeter® makes it all possible, crediting your utility bill each month.



COMMUNITY SOLAR ADVANTAGES

SUNNY, SUNNY, SUNNY SITES

Better than a shady, leaky roof and no need to cut those beautiful trees or shovel snow.

50 YEAR MAINTENANCE WARRANTY

Offsite panels maintained by CEC. No worries for you!

NOTHING ON YOUR ROOF

No construction worries or damage to your home. Preserve your home's beauty with community solar.

ENVIRONMENTAL STEWARDSHIP

Reduce your carbon footprint using clean energy.

HEDGE AGAINST RISING ENERGY PRICES

Help protect yourself from future utility bill inflation.

Get stated today!

575.751.8135 or 800.530.9631

www.KCECsolar.com

Printed on recycled paper. Please recycle.

Sun for All - All for Sun!

IT'S EASY. GET STARTED TODAY!



STEP 1

Decide to save the planet and your wallet with community solar.



STEP 2

Call us or get started online at www.KCECsolar.com



STEP 3

Start **SAVING** money by using your own clean energy as soon as your next electric bill.



Kit Carson Cooperative Community Solar

Sun for All - All for Sun!

A Touchstone Energy® Cooperative

For more information, contact:

KCEC Community Solar

Local: 575.751.8135

Toll-free: 800.530.9631

www.KCECsolar.com

info@KCECsolar.com

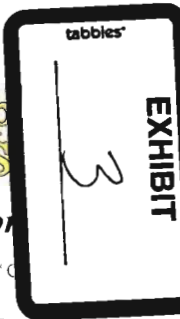
powered by  Clean Energy COLLECTIVE



Kit Carson Cooperative Community Solar

Sun for All - All for Sun!

A Touchstone Energy® Cooperative



KCEC COMMUNITY SOLAR

Kit Carson Electric Cooperative (KCEC) has partnered with the Clean Energy Collective (CEC) to provide community solar as an affordable opportunity for KCEC members to own solar. Community-owned solar saves you money on electricity by allowing you to purchase panels within offsite community solar arrays that KCEC Solar operates and maintains. Now individuals and businesses, owners and tenants, can use clean solar power to easily eliminate monthly electricity costs

REDUCE your electricity expenses and your carbon footprint today!



www.KCECsolar.com

HOW IT WORKS

It's smart. In cooperation with Kit Carson Electric Cooperative, CEC builds, operates and maintains KCEC's Community Solar projects, collectively owned by you and your neighbors.

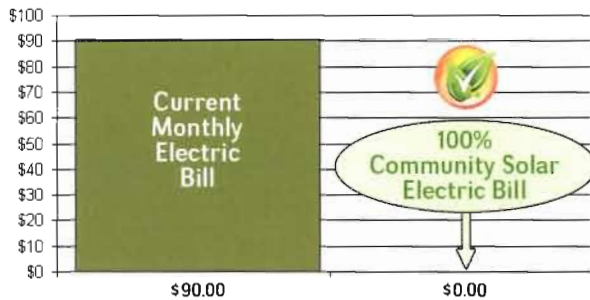
It's affordable. KCEC Community Solar members leverage their collective purchasing power and buy as many or as few solar panels as they choose at greatly reduced prices.

It will save you money. Members earn the same tax incentives as people who install solar systems on their homes, as well as monthly power credits directly from KCEC.

KCEC's Community Solar **MAXIMIZES** the benefits of community solar:

- ✓ Bulk purchasing to minimize your price
- ✓ 50-year performance and maintenance warranty (twice the expected life of a traditional rooftop system)
- ✓ Optimally-sited locations (perfect angle, no shade, less snow, lots of sun!)

REDUCE SOME OR ALL OF YOUR ELECTRIC BILL!



** Example only, actual savings will vary based on number of panels owned.*

IT'S SMART

- Save money on electricity immediately
- Sizing to fit any energy usage or budget
- Optimal performance and efficiency
- If you move within KCEC territory, it moves with you

Save Money with Community Solar



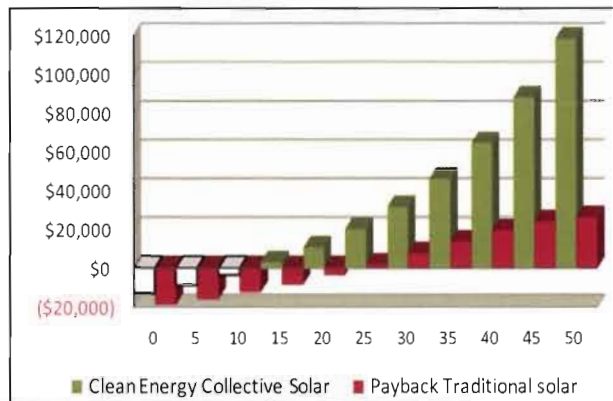
Smart. Affordable. Easy.

PEAKSAVINGS™ MAKES IT POSSIBLE

- ✓ Up to 45% less expensive than traditional rooftop solar
- ✓ Up to 15% better performance than traditional rooftop solar
- ✓ All tax credits included in a single price, saving you thousands
- ✓ Bill credits increase each year to help offset rising energy prices

Why Lease When You Can Own?

LIFETIME SAVINGS



** Example only, actual savings will vary.*

IT'S AFFORDABLE

- Lock in low energy costs - less than you're paying now
- Savings credited directly on your electric bill
- Your savings increase as energy prices rise
- Own solar for \$1/day or less with easy financing options

FINANCING - SOLAR FOR \$1/DAY OR LESS

Sooper Credit Union has partnered with CEC to offer the nation's first loan

Sooper
credit union

program for community solar. The Clean Energy Loan Program is the first solar financing program that does not require you to own your home or office, so now everyone can own solar, even renters.

- ✓ Low Interest Rates - as low as 2.25%
- ✓ Flexible Loan Terms
- ✓ No Fees - no application fees, documentation fees, closing fees, or prepayment fees
- ✓ Fixed Rates - no worries of rising rates, interest rates are fixed for the term of the loan
- ✓ Low Down Payment Options

**Go 100% Solar for \$1/Day
with Nothing on Your Roof!**

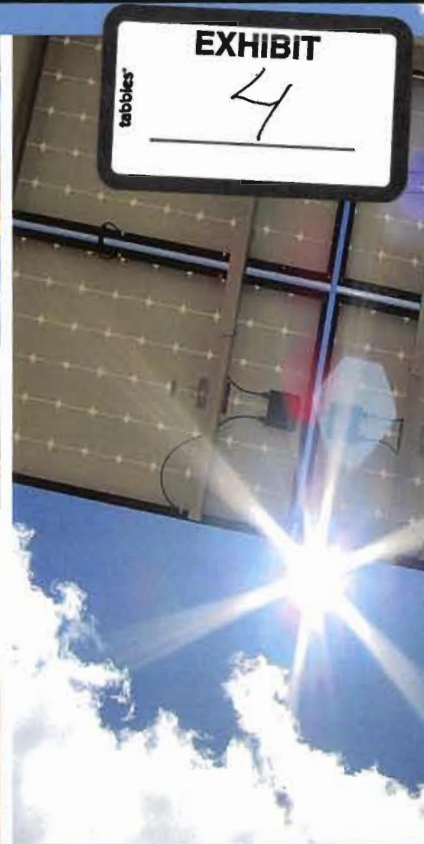
Get started today:

www.KCECsolar.com

IT'S EASY

- One-time system price - no additional expenses
- All tax credits included in the price
- No construction, nothing on your home or office
- 50-year maintenance and service warranty





<http://newenergyeconomy.org>



new energy economy

Opportunity for New Mexico
Energy Independence for America

<http://www.psr.org/chapters/new-mexico>



PSR

PHYSICIANS FOR SOCIAL RESPONSIBILITY

U.S. Affiliate of International Physicians for the Prevention of Nuclear War

If Not You, Then Who?

Take These Five Clean Energy Steps Today

1 Help Make New Mexico a Clean Energy Leader

Together, we can make New Mexico #1 in taking action on climate change. Sign our petition to the Public Regulation Commission urging implementation of the Clean Energy Standard.

2 Support Legislative Action

Urge New Mexico's Senators and Representatives to support legislation addressing climate disruption. Leaders who strongly support the transition from fossil fuels to clean energy are protecting public health, ensuring public safety, and promoting economic security for generations.

3 Support Local Clean Energy Initiatives

We've solarized a Navajo Nation community center, Santa Fe Fire Station #3, and the Taysugeh Oweengeh Intergenerational Center at the Pueblo of Tesuque. Together we can create powerful, local solutions to the climate challenge. **Make a donation today!**

4 End the Coal Addiction

Currently 60% of our electricity comes from PNM's coal-burning power plants, with adverse affects to our economy, environment and health. Mention this postcard when purchasing your own solar energy system and Positive Energy will donate \$500 in your name to New Energy Economy's SOL Not Coal initiative. **Call Positive Energy Solar at (505) 428-0069**



5 Face Climate Devastation

The past two years have brought record-breaking wildfires to New Mexico, destroying hundreds of thousands of acres of pristine forest. Instead of turning away, choose to witness the devastation. Take your friends and family and walk among the skeleton trees. Talk about the destroyed habitats, the ruined eco-systems. Discover how first-hand experience can inspire you to engage more fully with the climate crisis and create meaningful change.

Visit www.NewEnergyEconomy.org/sol-not-coal to learn more.

PNM Update: Renewable Energy 2013 Plan

New Mexico requires us to preserve our natural resources, promote energy self-sufficiency and protect the environment by gradually replacing some fossil fuels with renewable energy. We are committed to adding renewable energy while managing costs. In 2013 we will double our company-owned solar capacity, expand our program for customers who install their own solar systems, and add a new geothermal energy facility to our resource portfolio.

PNM Solar Centers

PNM will construct 20 megawatts of additional company-owned solar PV, bringing our total solar capacity to 42.5 megawatts capable of generating enough power to supply approximately 13,400 average homes.

We will build two new solar centers, the Manzano Solar Energy Center in Valencia County and the Tularosa Solar Energy Center in Otero County, and expand our 5-megawatt solar centers in Los Lunas and Deming. Our other solar centers are located in Alamogordo (5 megawatts), Las Vegas (5 megawatts) and Albuquerque (2 megawatts). Our 500-kilowatt PNM Prosperity Energy Storage Project is located south of Albuquerque.

Construction will cost approximately \$45 million, create jobs and generate tax revenue for local communities.

Customer-installed Solar Systems

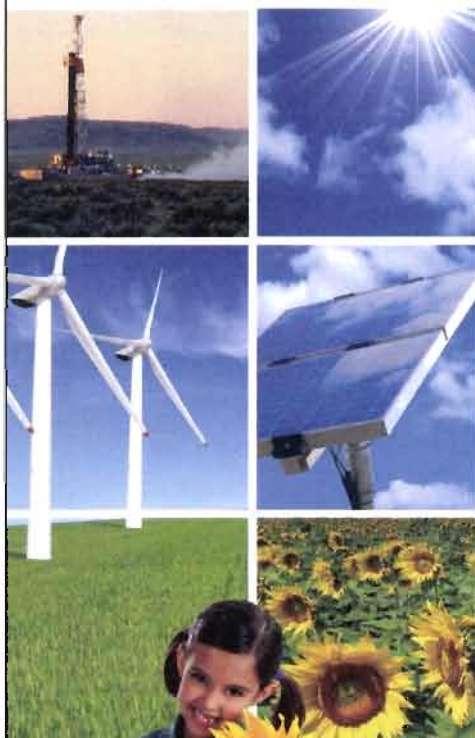
Since 2006, PNM has offered a program for customers who install their own grid-connected solar systems where the customer uses the energy produced by their system and PNM pays the customer for the renewable energy credit (REC) associated with that solar energy. A REC is a document certifying that energy was created from a renewable resource. Utilities use RECs to demonstrate compliance with the state's renewable portfolio standard.

Geothermal Energy

By 2014, PNM customers will get their first electricity generated from heat deep inside the earth. Heat will be used to create steam to turn a turbine that will produce enough electricity to power 10,900 average homes.

PNM will purchase the energy produced by a new 10-megawatt geothermal facility being developed 20 miles southwest of Lordsburg, N.M., by Lightning Dock Geothermal, a subsidiary of Cyrg Energy, Inc.

Construction will provide work for many people. The project will provide new tax revenue for the state and Hidalgo County. Pending future testing, the facility may be expanded to provide an additional 5 megawatts of capacity.



1/24/13

The power to make life better. **Together.**



NM Renewable Portfolio Standard (RPS)

Quantity

2011-2014:	10%
2015:	15%
2020:	20%

Percent of retail energy sales before large, non-government customer adjustment.

Diversity

Wind:	30%
Solar:	20%
Other:	5%
DG:	1.5% (until 2015, then 3%)

Reasonable Cost Threshold

3 percent of total revenue in any plan year

PNM expects to meet the state's 10 percent quantity requirement in 2013 and 2014 and fully meet the diversity requirement in 2014 after the geothermal plant comes online. In late 2012, PNM initiated a competitive bid process to identify renewable resources available to help us meet future RPS requirements cost-effectively.

The PNM Prosperity Energy Storage Project

New Mexico has an abundance of sun and wind, but these resources are not always available. Imagine if we could capture this energy and store it for use when it is needed the most!

Energy storage is the greatest barrier to fully realizing the potential of solar and wind energy. The PNM Prosperity Energy Storage Project is a 500-kilowatt facility located south of Albuquerque near Mesa del Sol that is helping PNM, its partners and the utility industry address this challenge.

To learn more about the project and view energy output in real time visit PNM.com/solarstorage.

PNM expects to make \$8.67 million in REC payments to customers in 2013, making solar systems more affordable for customers and also supporting the local solar industry. We will add 9 megawatts of capacity through 2016 for systems under 100 kilowatts, allocated in six-month capacity allotments, and an additional 2 megawatts for larger systems in both 2013 and 2014.

REC payments for systems up to and including 10 kW_{AC}: The REC price starts at 4 cents per kilowatt-hour and drops every six months by 0.5 cents. The subscription level is limited to 1,000 kilowatts of capacity for each six-month period in 2013 and 2014 and 500 kilowatts for each six-month period in 2015 and 2016.

REC payments for systems above 10 kW_{AC} up to and including 100 kW_{AC}: The REC price starts at 5 cents per kilowatt-hour and drops by 0.5 cents every six months. The subscription level is limited to 500 kilowatts of capacity for each six month period in 2013 and 2014 and 250 kilowatts for each six-month period in 2015 and 2016.

REC payments for systems above 100 kW_{AC} up to and including 1,000 kW_{AC}: 2 cents per kilowatt-hour.

Visit PNM.com/solar to learn more.

Energy from the Wind

The New Mexico Wind Energy Center located in House, N.M., was built in 2003 to serve PNM customers. It is owned and operated by FPL, a subsidiary of NextEra Energy Resources. PNM and PNM Sky Blue customers purchase the entire output from this facility.

Sun, Wind and Hydroelectric RECs

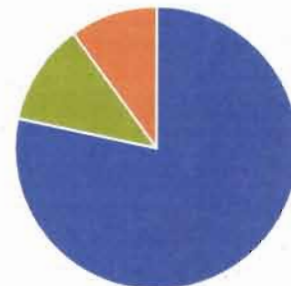
We will purchase additional wind and solar RECs associated with energy generated in New Mexico to help us meet the state renewable energy requirement in 2013 while the new solar and geothermal facilities are being constructed. These purchases include 104,500 megawatt-hours of wind RECs from Southwestern Public Service Co. and 15,000 megawatt-hours of RECs generated by the Tri-State Generation solar facility in Cimarron. Additionally, PNM purchases approximately 400 megawatt-hours of RECs annually from the Santa Fe Canyon Road Water Treatment Plant.

PNM Sky Blue® - Now Solar and Wind

For a few extra dollars a month, customers can drive additional renewable energy onto the PNM grid by participating in PNM Sky Blue, our voluntary renewable energy program. Starting in May 2013, PNM Sky Blue customers will purchase a blend of energy from the New Mexico Wind Energy Center and energy generated from a PNM solar energy center. PNM will also construct additional solar PV for PNM Sky Blue customers. *To learn more, visit PNM.com/pnmskyblue.*

2013 Renewable Resource Mix

Wind	78.5%
DG	11.5%
Solar	10.0%
Other	0.0%



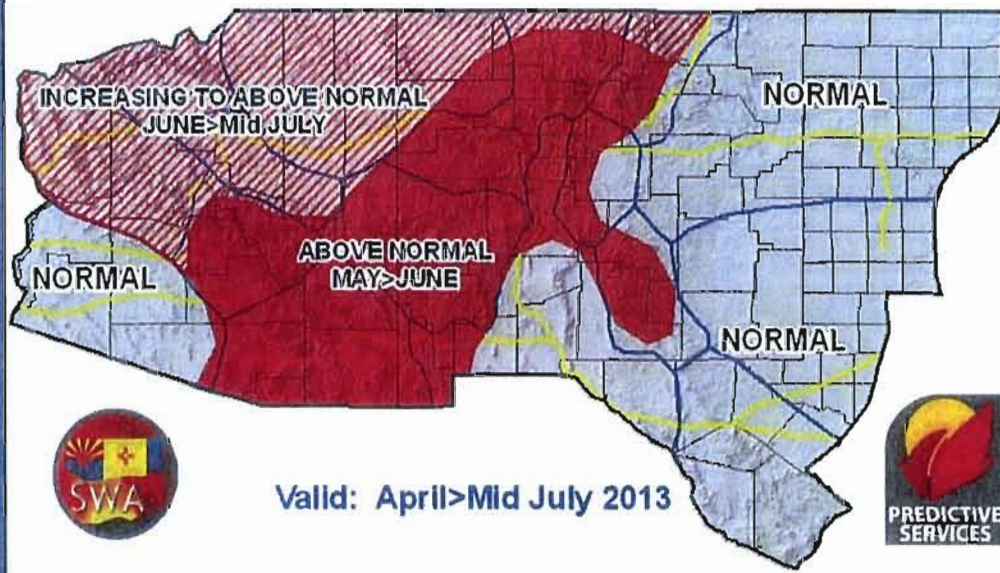
Rules of Order

Procedure for Action Items and Resolutions

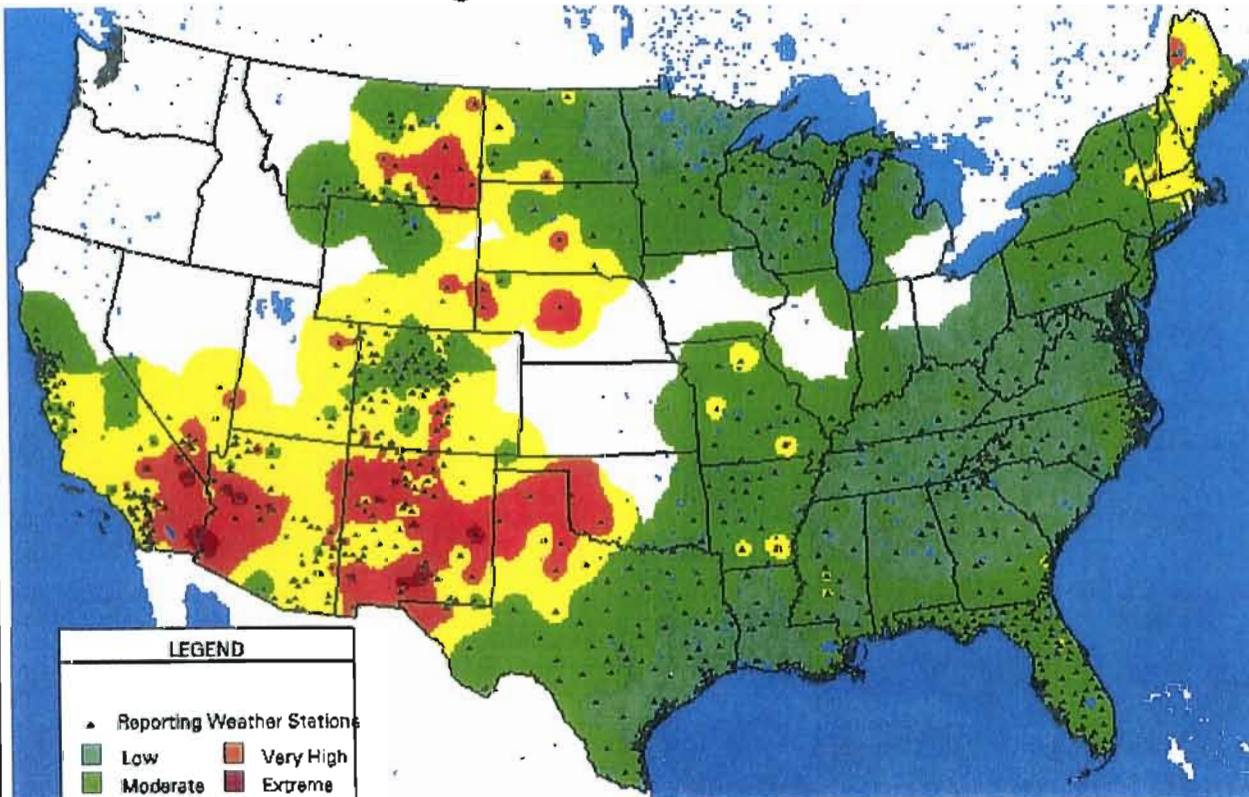
- Chair reads caption for item as it appears on the agenda.
- Staff presents the agenda item, or a Commissioner presents the resolution he or she has sponsored (preferably just a summary; no need to read resolution verbatim since full resolution will appear in packet).
- Board members ask questions directly related to agenda item, which may be a resolution for consideration.
- Chair asks for motion on agenda item (or resolution if not first time it is being presented).
- If motion is seconded, discussion proceeds.
- If the agenda item is a resolution, Chair asks for public comment.
- After public comment, debate among Board members proceeds.
- Each member has 3 minutes for first round of comments, discussion and debate.
Note: When a Board member is talking, no other member is allowed to interrupt except for a procedural Point of Order. However, the member with the floor can cede all or part of his or her time to another member.
- Then there is a second round of comments and discussion (3 minutes for each Board member), at which time rebuttals to previous comments can be made, or an amendment to the original motion can be offered. The maker and seconder of the motion decide whether to accept the amendment(s).
- After discussion and debate, Chair calls for a vote on the motion (with amendments if accepted).

Significant Fire Potential Outlook - Fire Season 2013

Updated: April 5, 2013



Forecast Fire Danger Class: 29-APR-13



LEGEND	
▲	Reporting Weather Stations
■ (Light Green)	Low
■ (Dark Green)	Moderate
■ (Yellow)	High
■ (Red-Orange)	Very High
■ (Red)	Extreme
■ (Blue)	Water

(Inv. Dist.² Interp.)

WFAS-MAPS Graphics FIRE BEHAVIOR RESEARCH MISSOULA, MT



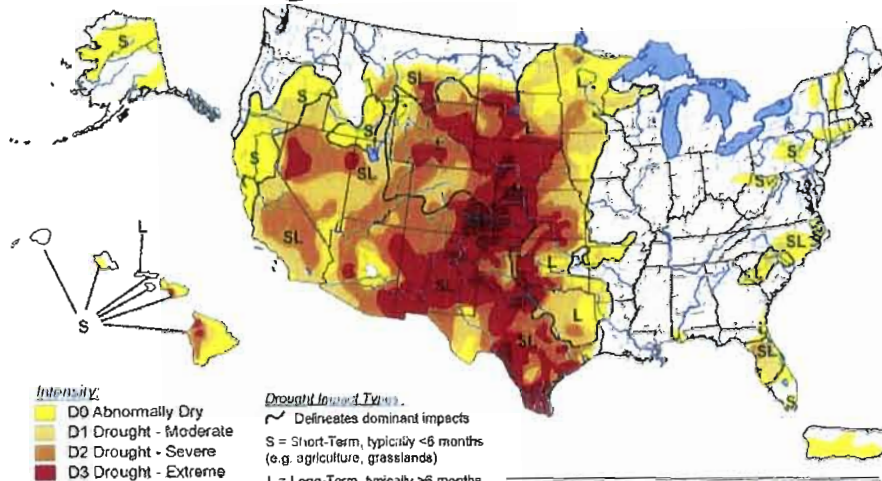
CLERK RECORD 05/03/2013

The data cutoff for Drought Monitor maps is Tuesday at 7 a.m. Eastern Standard Time. The maps, which are based on analysis of the data, are released each Thursday at 8:30 a.m. Eastern Time.

NOTE: To view regional drought conditions, click on map below. State maps can be accessed from regional maps.

U.S. Drought Monitor

April 23, 2013
Valid 7 a.m. EDT



Intensity:
 D0 Abnormally Dry
 D1 Drought - Moderate
 D2 Drought - Severe
 D3 Drought - Extreme
 D4 Drought - Exceptional

Drought Impact Types:
 ~ Delineates dominant impacts
 S = Short-Term, typically <6 months (e.g. agriculture, grasslands)
 L = Long-Term, typically >6 months (e.g. hydrology, ecology)

The Drought Monitor focuses on broad-scale conditions. Local conditions may vary. See accompanying text summary for forecast statements.

<http://droughtmonitor.unl.edu/>

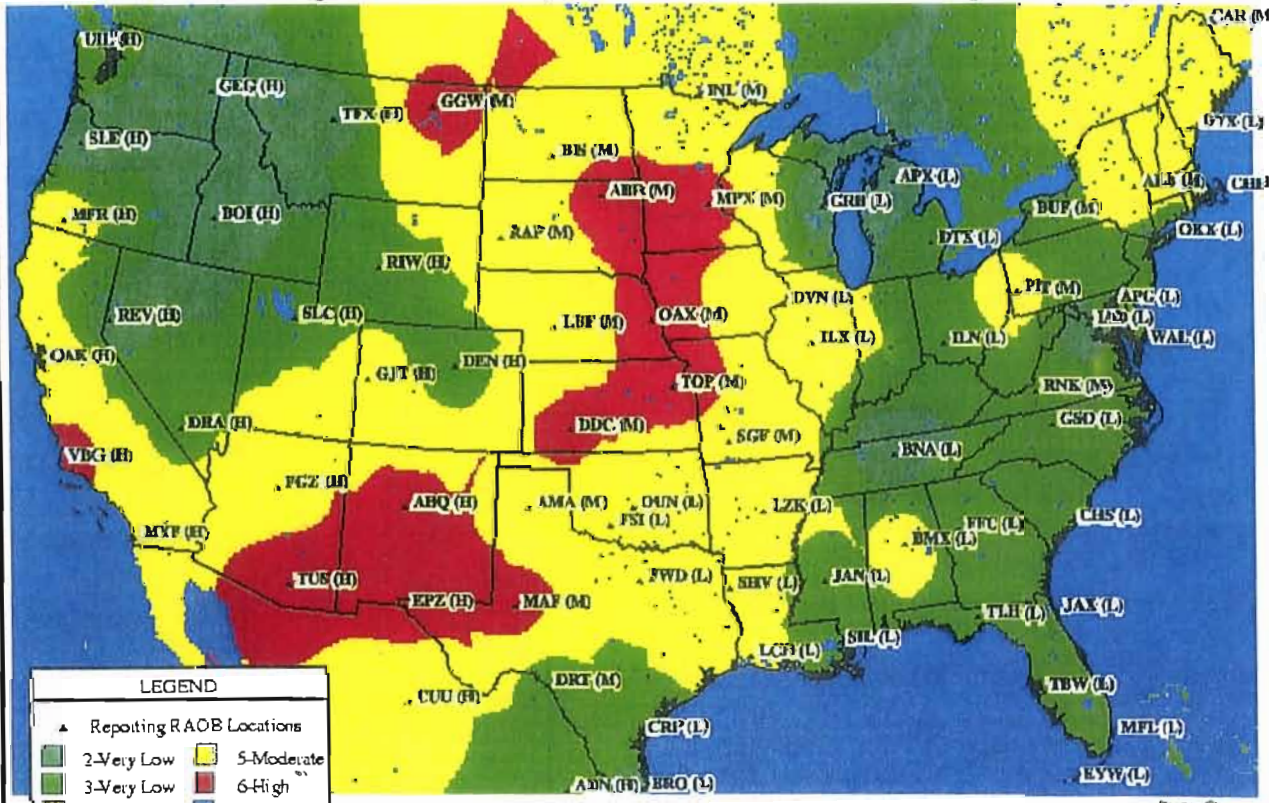


Released Thursday, April 25, 2013

Author: Eric Luebehusen, U.S. Department of Agriculture

The U.S. Drought Monitor is produced in partnership between the National Drought Mitigation Center at the University of Nebraska-Lincoln, the United States Department of Agriculture, and the National Oceanic and Atmospheric Administration.

Lower Atmosphere Stability (Haines) Index: 29-Apr-13 -12Z



LEGEND

- ▲ Reporting RAOB Locations
- 2-Very Low
- 3-Very Low
- 4-Low
- 5-Moderate
- 6-High
- Water

(Inv. Dist. Interp.)

WFAS-MAPS Graphics FIRE BEHAVIOR RESEARCH MISSOULA, MT





Acts carrying an emergency clause become effective immediately upon signature by the governor.
 All other acts passed during a session and approved by the governor become effective 90 days after adjournment of the legislature or at a date specified in the act.

Final Action	Chamber	Type	Number	Title	Effective Date
Signed and Chaptered	Senate	Bill	14	EXTEND SUSTAINABLE BUILDING TAX CREDIT	January 1, 2014
Signed and Chaptered	Senate	Bill	24	LOCAL GOV'T INVESTMENT POOL	June 14, 2013
Signed and Chaptered	Senate	Bill	27	PUBLIC EMPLOYEE RETIREMENT CHANGES	July 1, 2013
Signed and Chaptered	Senate	Bill	40	NO ELECTRONIC COMMUNICATIONS IN JAILS	July 1, 2013
Signed and Chaptered	Senate	Bill	60	SEVERANCE TAX BOND PROJECTS	April 5, 2013
Signed and Chaptered	Senate	Bill	101	ENERGY CONSERVATION BONDS	June 14, 2013
Signed and Chaptered	Senate	Bill	176	SUBDIVISION ACT DEFINITIONS	June 14, 2013
Signed and Chaptered	Senate	Bill	182	PROCUREMENT CODE CHANGES	June 14, 2013
Signed and Chaptered	Senate	Bill	221&589	NM HEALTH INSURANCE EXCHANGE ACT	March 28, 2013
Signed and Chaptered	Senate	Bill	289	5-YEAR SENIOR PROPERTY TAX FREEZE	June 14, 2013
Signed and Chaptered	Senate	Bill	299	MARRIAGE LICENSE CLEANUP	June 14, 2013
Signed and Chaptered	Senate	Bill	307	PUBLIC RECORDS CHANGES	June 14, 2013
Signed and Chaptered	Senate	Bill	353	LOCAL GOV'T RECORD INDEXING & PROTECTION	April 2, 2013
Signed and Chaptered	Senate	Bill	406	DIVIDED & COMBINED PROPERTY TAX COLLECTION	April 2, 2013
Signed and Chaptered	Senate	Bill	431	COUNTY FIREFIGHTING CONTRACTS	June 14, 2013
Signed and Chaptered	Senate	Bill	443	GOVERNMENT PROCUREMENT REQUIREMENTS	July 1, 2013
Signed and Chaptered	Senate	Bill	479	ADEQUATE SUBDIVISION WATER SUPPLIES	April 4, 2013
Signed and Chaptered	Senate	Bill	480	SUBDIVISION WATER PERMITS	June 14, 2013
Signed and Chaptered	Senate	Bill	510	AGRICULTURAL PROPERTY VALUATION TIMES	June 14, 2013
Signed and Chaptered	House	Bill	21	PUBLIC MEETING AGENDAS 72 HOURS IN ADVANCE	June 14, 2013
Signed and Chaptered	House	Bill	37	ANNUAL DELINQUENT PROPERTY TAX SALES	January 1, 2014
Signed and Chaptered	House	Bill	225	ELECTRONIC VOTER REGISTRATION UPDATES	July 1, 2013
Signed and Chaptered	House	Bill	275	VOLUNTEER FIREFIGHTER RETIREMENT BENEFITS	July 1, 2013
Signed and Chaptered	House	Bill	334	COUNTY CLASSES & OFFICER SALARIES	January 1, 2014 & July 1, 2013
Signed and Chaptered	House	Bill	352	LOCAL CAPITAL OUTLAY PROJECT CONTRIBUTION	July 1, 2013
Signed and Chaptered	House	Bill	497	ELECTRONIC VOTER REGISTRATION UPDATES	July 1, 2014
Signed and Chaptered	House	Bill	615	VOLUNTEER FIREFIGHTER STIPENDS	June 14, 2013
Signed and Chaptered	House	Bill	641	FILM PRODUCTION TAX CREDIT CHANGES	July 1, 2013 & January 1, 2014

Bill: SB14

Sponsors: Wirth (D25); Trujillo, C. (D46)

Title: EXTEND SUSTAINABLE BUILDING TAX CREDIT

Relation to SFC activities: passage of this legislation promotes development throughout the state. Tax credit is provided through the state via corporate and personal state income tax returns.

Bill: SB24

Sponsors: Munoz (D4)

Title: STATE TREASURER INVESTMENT AUTHORITY & LOCAL GOVERNMENT INVESTMENT POOL

Relation to SFC activities: this legislation clarifies permitted investments (state, county and municipal treasurers) as those securities issued and backed by the full faith and credit of the United States of America and its agencies or instrumentalities

Bill: SB27

Sponsors: Munoz (D4); Varela (D48)

Title: PUBLIC EMPLOYEE RETIREMENT CHANGES

Relation to SFC activities: Changes to PERA requirements will take effect July 1 and will have different effects for various PERA contributors.

Bill: SB40

Sponsors: Rue (R23)

Title: ELECTRONIC COMMUNICATIONS DEVICES PROHIBITED IN JAILS AND PRISONS

Relation to SFC activities: disallows those banned electronic communication devices specified in the bill at SFC detention facilities

Bill: SB60

Sponsors: Cisneros (D6)

Title: SEVERANCE TAX BOND PROJECTS

Relation to SFC activities:

BENNY CHAVEZ SENIOR CTR SANTA FE CO-IMPROVE CODE	\$45,000
EDGEWOOD SENIOR CENTER-IMPROVE CODE	\$100,000
ELDORADO ROADS IMPROVE SANTA FE CO	\$151,000
GALISTEO CREEK RESTORATION	\$82,000
LA CIENEGA COMMUNITY CENTER	\$142,500
RIO EN MEDIO SENIOR CENTER-IMPROVE CODE	\$25,000
SANTA FE AFFORDABLE HOUSING FOR VETERANS	\$50,000
SANTA FE CO DISABILITIES INFO TECH	\$33,333
SANTA FE CO FAIRGROUNDS IMPROVE	\$450,500
SANTA FE CO POJOAQUE VALLEY REC FIELDS	\$225,000
SANTA FE CO WOMEN'S HEALTH SERVICES EQUIP	\$230,000

Bill: SB101

Sponsors: Wirth (D25)

Title: ENERGY CONSERVATION BONDS

Relation to SFC activities: this bill authorizes the State Board of Finance to establish administrative directives by which local governments will then be able to utilize the federally funded bonds. SFC staff is working with State Board of Finance to utilize funding available for Santa Fe County.

Bill: SB176

Sponsors: Beffort (R19)

Title: SUBDIVISION ACT EXCEPTION

Relation to SFC activities: this bill makes a change to the NM subdivision act and more specifically the exclusions to the definition of subdivision. This change is needed to be known by SFC Growth management staff addressing such issues.

Bill: SB182

Sponsors: Rue (R23); Varela (D48)

Title: PROCUREMENT CODE; SOLE SOURCE, PROTESTS, PENALTIES

Relation to SFC activities: this bill amends the Procurement Code and adds procedures for sole source and emergency procurements, who may make emergency procurements, expands who may protest a sole source procurement award, and increases penalties for willful violations. Adjustments made by the bill are being taken by SFC procurement office.

Bill: SB289

Sponsors: Shendo (D22)

Title: AUTOMATIC APPLICATION OF A PROPERTY VALUATION LIMITATION

Relation to SFC activities: property values of certain low income, disability eligible, and certain age level persons do not have to continually reapply to receive limitation(property value) if requirements within the legislation are met.

Bill: SB299

Sponsors: Ivey-Soto (D15); Cook (R56)

Title: CHANGES AND UPDATES IN MARRIAGE LICENSING AND RELATED MATTERS

Relation to SFC activities: a NMAC clerk's affiliate sponsored legislation that clarifies language to marriage licenses

Bill: SB307

Sponsors: Ivey-Soto (D15)

Title: CHANGES PUBLIC RECORDS REQUIREMENTS

Relation to SFC activities: clarifies recording specifications for county clerk offices

Bill: SB353

Sponsors: Morales (D28)

Title: CHANGES PUBLIC RECORDS REQUIREMENTS

Relation to SFC activities: SJC substitute for SB353 truncates the original bill by omitting six sections, leaving only that portion necessary to cite a section of present law that allows counties and municipalities to charge reasonable fees for the use of their computer and network system to retrieve their records, geographic information system and computer databases.

Bill: SB406

Sponsors: Sapien (D9)

Title: COLLECTING PROPERTY TAX ON DIVIDED OR COMBINED PROPERTY

Relation to SFC activities: this bill clarifies that those properties being divided or combined will be assessed the tax rate available at the time of the combination or division of the property. That is, if the past rate is only available that rate is used. If a new rate has been established and adopted the new rate will be used.

Bill: SB431

Sponsors: Smith (D35)

Title: FIREFIGHTING SERVICES CONTRACTS

Relation to SFC activities: this legislation provides authority for counties to contract with individuals as well as municipalities for firefighting services in the county.

Bill: SB443

Sponsors: Rue (R23)

Title: PROCUREMENT CODE ACT

Relation to SFC activities: amends the Procurement Code (Code) and establishes certification and training requirements for chief procurement officers

Bill: SB479

Sponsors: Wirth (D25)

Title: REQUIRES SUBDIVIDERS TO PROVE ADEQUATE WATER SUPPLIES

Relation to SFC activities: a change to the NM Subdivision Act requiring proof of water for certain developments severing irrigation water rights.

Bill: SB480

Sponsors: Wirth (D25)

Title: SUFFICIENT WATER NEEDED FOR PLAT APPROVAL

Relation to SFC activities: a change to the NM Subdivision Act requiring proof of State Engineer authorization for available water be provided to county commissions by developers

Bill: SB510

Sponsors: Rodriguez (D24)

Title: APPLICATION DEADLINE FOR AGRICULTURAL LAND VALUATION

Relation to SFC activities: change the time for an application to use the valuation method for land used primarily for agricultural purposes from being due by the last day of February of the tax year, to being due thirty days after the date of mailing by the assessor of the notice of valuation.

Bill: SB589

Sponsors: Shendo (D22)

Title: STILL ANOTHER HEALTH INSURANCE EXCHANGE BILL

Relation to SFC activities: this bill creates a board that has a focus to implement the requirements of the federal Affordable Care Act. The actions of the board consequently will have an effect of the health care needs of Santa Fe County citizens.

Bill: HB21

Sponsors: Smith (R22); Ivey-Soto (D15)

Title: PUBLIC MEETING AGENDAS 72 HOURS IN ADVANCE

Relation to SFC activities: this bill changes final agenda noticing from 24 hours to 72 hours in advance of meetings. Applies to any applicable Santa Fe County meetings.

Bill: HB37

Sponsors: Martinez, Rudolpho (D39)

Title: ANNUAL DELINQUENT PROPERTY TAX SALES

Relation to SFC activities: This legislation calls for county treasurers and the state taxation and revenue department to coordinate annual delinquent property tax sales to occur in each county where delinquent properties are held as needed. Sales to begin in 2014.

Bill: HB225

Sponsors: Smith (R22); Keller (D17)

Title: ELECTIONS: VOTER REGISTRATION ONLINE UPDATES

Relation to SFC activities: states processes by which motor vehicle departments coordinate with county clerk offices to accept and process voter registration applications

Bill: HB275

Sponsors: Roch (R67)

Title: VOLUNTEER FIREFIGHTER PENSION INCREASE

Relation to SFC activities: amends Section 10-11A-5 to increase annuity payments so that a Volunteer Firefighters Retirement Plan member who has attained the age of 55 years and has accrued 25 or more years of service credit would be eligible for a monthly retirement annuity of \$250 (as opposed to \$200 under current law). A member who has attained the age of 55 years and has accrued 10 or more years, but less than 25 years, of service credit would be eligible for a monthly retirement annuity of \$125 (as opposed to \$100 under current law). HB 275 does not amend age or service credit requirements.

Bill: HB334

Sponsors: Wooley (R66)

Title: COUNTY OFFICIALS: SALARY LIMIT INCREASES

Relation to SFC activities: Class A counties (Bernalillo, Doña Ana, Sandoval, Santa Fe and San Juan) as follows: commissioners, from \$29,569 to \$34,500; treasurer, assessor and clerk, from \$65,501 to \$75,327; sheriff, from \$68,308 to \$78,555, and probate judge from \$28,820 to \$33,143.

Bill: HB352

Sponsors: Harper (R57); Keller (D17)

Title: REQUIRES SECURITY FOR STATE CONTRIBUTIONS TO ECONOMIC DEVELOPMENT PROJECTS

Relation to SFC activities: requires substantive contributions from qualifying entities receiving public support, requires security be given to all public bodies providing support, and requires local or regional governments to recover public support if the qualifying entity fails to provide the substantive contributions.

Bill: HB497

Sponsors: Smith (R22)

Title: ELECTIONS: ELECTRONIC ONLINE VOTER REGISTRATION UPDATES

Relation to SFC activities: allows individuals to update an existing certificate of registration electronically by completing a certificate of registration form on the website of the Secretary of State (SOS). The SOS will, in turn, transmit the certificate to the county clerk in which the resident resides, and the county clerk will print the updated certificate, file it in the county's register of voters

Bill: HB615

Sponsors: Martinez, Rudolpho (D39)

Title: VOLUNTEER FIREFIGHTERS STIPEND PAYMENTS

Relation to SFC activities: enacts a new section of law that enables volunteer firefighters to be paid a stipend by a public agency to the extent consistent with the federal Fair Labor Standards Act (FLSA) in order to maintain volunteer status. The bill requires the stipend to represent only actual expenses, reasonable benefits, or a nominal fee. Additionally, the services for which the stipend is paid must not be the same type of services that the volunteer is employed to perform for the same public agency paying the stipend.

Bill: HB641

Sponsors: Maestas (D16)

Title: BROAD TAX PACKAGE: FILM TAX CREDIT, LOCAL GRT, CORPORATE TAX CUT, UNITARY TAX & MANUFACTURERS' SALES FACTOR ONLY BASIS

Relation to SFC activities: this bill contains the phase out of the whole harmless provisions now reimbursed by the state. Phase out starts in 2015.

**COUNTY OF SANTA FE AND THE CITY OF SANTA FE
MEMORANDUM OF UNDERSTANDING FOR
FIRE PROTECTION AND EMS SERVICE**

The City of Santa Fe (City) and Santa Fe County (County) enter into this Memorandum of Understanding (MOU) for fire protection and EMS service within the Presumptive City Limits, Phase II Annexation (Phase II). This Agreement is effective as of the date of the last signature.

Recitals

1. The City, the County entered into a Settlement and Mutual Release of Claims (Settlement Agreement) on May 19, 2008;
2. The Settlement Agreement provides that the "County shall provide law enforcement and fire protection services to all areas outside of the Presumptive City Limits and to all Areas to be Annexed until annexation;" *Settlement Agreement, 2(r)*.
3. The Settlement Agreement does not "preclude interagency coordination of fire protection and law enforcement as set forth in other agreements or through informal means and the County shall continue to provide fire protection and law enforcement services at levels required by such agreements currently in force." *Settlement Agreement, 2(s)*.
4. The Settlement Agreement also provides that "Supplemental joint service agreements may be negotiated from time to time between the City and County whereby City services may be provided in advance of annexation, on terms agreeable to the parties." *Settlement Agreement, 2(v)*.
5. NMSA 1978, § 5-1-1 permits a municipality or county to contract with other political subdivisions or for the operation of its ambulance service.
6. NMSA 1978, §§ 3-18-6 and 3-18-11 permit a municipality to establish fire zones and adopt regulations for the prevention of fire.

Agreement

1. The County agrees to the following:
 - A. Maintain the current level of fire and EMS service in Phase II of Annexation, areas 2 and 4 for a period of five (5) years following annexation Phase II.

B. Maintain Agua Fria Fire Station 1 as the primary response hub for County Fire career and volunteer response and activities during the transition period.

The County will provide the opportunity to the City to jointly or fully occupy the Agua Fria Fire Station as the City expands its fire and emergency medical services pursuant to this Agreement, so long as a mutual aid agreement provides for fire and emergency medical services in the area now served by that Station. The mutual aid agreement shall provide for disposition of the Agua Fria Station by donation, lease or sale, to the extent permissible by law. Notwithstanding the previous sentences, the City and County agree to work collaboratively and jointly to provide adequate fire facilities for both the incorporated and unincorporated territory to ensure that fire and emergency medical services are adequate, which will be memorialized in a separate mutual aid agreement to be approved by both the County and the City.

C. Continue to perform under the current JPA regarding fire and EMS response during and after the transition period unless a subsequent agreement is negotiated and approved.

D. Have the ability to decrease daily staffing at Agua Fria Station 1 during the transition period as the City incorporates new fire department resources into the area provided that the decrease does not diminish the current level of service.

E. Retain the option to relocate all County career staff following the transition period.

F. Maintain the current level of fire and EMS service in Phase III until such time as the annexation of Phase III is complete.

G. Continue to provide fire and EMS service in Area 1 North of Alameda even after annexation through implementation of a mutual aid agreement.

2. The City Agrees to:

A. Assume Fire Protection service in Phase II of Annexation Areas 5 and 7.

B. Maintain the current level of fire and EMS service in Area 18 for five (5) years following annexation Phase II.

C. Provide plan and development review, fire code enforcement, and fire investigation services in all areas of Phase II and Phase III of Annexation for the 5 years following phase II of annexation.

D. Work cooperatively with the County to integrate new City fire department resources into the area.

E. Share training resources as requested and available and participate in joint fire department trainings with Santa Fe County during the transition period.

F. Continue to abide by the current JPA regarding fire and EMS response during and after the transition period unless a subsequent agreement is negotiated and approved.

3. Appropriations

This Agreement is contingent upon sufficient appropriations and authorization being made by the parties. If sufficient appropriations are not granted, this Agreement shall terminate upon written notice.

4. Amendment

The parties may amend this Agreement by mutual written agreement.

5. New Mexico Tort Claims Act

By entering into this Agreement, neither party shall be responsible for liability incurred as a result of the other party's acts or omissions in connection with this Agreement. Neither the City nor the County waive any defense or limitation of liability under New Mexico law or the New Mexico Tort Claims Act.

6. Dispute Resolution

In the event of any dispute between the parties regarding the enforcement or interpretation of this Agreement, the parties agree to first mediate before a neutral mediator mutually agreed to and paid for equally by the parties.

7. Scope of the Agreement

This Agreement supersedes all of the agreements and understandings between the parties concerning law enforcement services following Phase II of Annexation.

8. Applicable Law.

This Agreement shall be governed by the laws of the State of New Mexico.

9. Liability.

Each party to this Agreement shall be solely liable for the defense and satisfaction of any claim, including costs and attorney's fees, against that party's officer, government, or employees and agents that arises from conduct of the officer when acting pursuant to this Agreement.

2025 RELEASE UNDER E.O. 14176

10. Insurance.

Each party agrees to provide law enforcement liability insurance (or a policy of self-insurance) with policy limits adequate to protect the party from and against any and all claims, demands, suits, defense costs, judgments, liability or consequential damages of any kind or nature, caused by any act, omission, fault, mistake or negligence of the an officer employed by the party, the party, and its employees, officials, and agents in connection with the law enforcement activities that are the subject of this Agreement, or in connection with the performance or failure to perform under the terms and conditions of this Agreement. Neither party will be obligated to insure the other party or to provide a defense or indemnity in the event of a claim, suit or demand related in any way to the activities specified in this Agreement.

11. Signatures.

This Agreement shall be effective as of the date of the final signature.

For the City:

David Coss, Mayor
City of Santa Fe

Date

Attest:

Yolanda Y. Vigil, City Clerk

Date

Approved as to Form:

Geno Zamora, City Attorney

Date

Marcos Tapia, Finance Director

Date

REC'D CLERK RECORD 06/03/2013

For the County:

Kathy Holian, Chair, Board of Santa Fe
County Commissioners

Date

Approved as to Form:

Stephen C. Ross, Santa Fe County Attorney

Date

Attest:

Geraldine Salazar, Santa Fe County Clerk

Date

Teresa Martinez, County Finance Director

Date

**AGREEMENT REGARDING WATER, WASTEWATER
AND SOLID WASTE REQUIRED BY
THE SETTLEMENT AGREEMENT AND MUTUAL RELEASE OF CLAIMS**

THIS AGREEMENT is made and entered into as of this ___ day of _____, 2013, by and between **the Board of County Commissioners of Santa Fe County**, a political subdivision of the State of New Mexico (hereinafter referred to as "the County") and the **City of Santa Fe**, a municipal corporation organized and existing under the laws of the State of New Mexico (hereinafter referred to as "the City").

WHEREAS, the City and the County entered into a Settlement Agreement and Mutual Release of Claims (hereinafter referred to as "the Settlement Agreement") dated May 19, 2008 to resolve ongoing lawsuits concerning the proposed annexation of Las Soleras and annexation generally;

WHEREAS, the Settlement Agreement established the presumptive city limits for a twenty-year period ("Presumptive City Limits") and the coincident service areas of the City and County utilities;

WHEREAS, the Settlement Agreement at paragraph 2(o) specifies that "City water and wastewater customers outside the Presumptive City Limits will be transferred to the County when the County is able to provide service unless prohibited by a current contract with a customer, decrees of a court, or applicable rulings of the Public Regulation Commission";

WHEREAS, the Settlement Agreement at paragraph 2(o) also provides that "County water customers within the Presumptive City Limits shall be transferred to the City when the City is able to provide service unless prohibited by a current contract with a customer, decrees of a court, or applicable rulings of the Public Regulation Commission";

WHEREAS, paragraph 2(o) also provides that the City and County managers shall meet and confer and develop a plan to accomplish these transfers;

WHEREAS, the plan specified in Paragraph 2(o) was to include "provisions for reimbursement of the City and County for the actual value of the infrastructure transferred as established by an appraisal prepared by an appraiser chosen by mutual agreement of the parties";

WHEREAS, paragraph 2(o) also provides that "[i]f either party assumes a water delivery obligation for which the customer transferred water rights to the City or County, the City or County shall transfer those water rights along with the customers, to the other party";

WHEREAS, the parties desire to enter into a written agreement that sets forth how the duties described in paragraph 2(o) of the Settlement Agreement will be accomplished and describes a process of water and wastewater transfers of customers and infrastructure between the City and the County based on the Presumptive City Limits;

WHEREAS, the Settlement Agreement at paragraph 2(q) provides that “the City shall provide municipal services within areas annexed pursuant to this Agreement, including but not limited to solid waste disposal . . .”;

WHEREAS, paragraph 2(v) of the Settlement Agreement provides that “[s]upplemental joint service agreements may be negotiated from time to time between the City and County whereby City services may be provided in advance of annexation, on terms agreeable to the parties;”

WHEREAS, the Annexation Phasing Agreement Between the City of Santa Fe and Santa Fe County (hereinafter referred to as “the Phasing Agreement”), dated February 10, 2009, has been partially satisfied to the extent that Areas 3, 6, 8, 9 and portions of 10, 11, 13, 15, 16, 17 and the I-25 right-of-way from NM 599 to Old Pecos Trail and that portion of NM 14 from I-25 to the current city limits have been annexed;

WHEREAS, plans for staffing and equipment sufficient to provide solid waste services in the areas designated for annexation must be implemented on July 1, 2013 to ensure a seamless transition; and

WHEREAS, the City desires to provide solid waste services within the Presumptive City July 1, 2013 and the County is presently revising its solid waste ordinance to provide for curbside collection and is willing to facilitate such an arrangement for the benefit of the City; and

WHEREAS, and the parties desire to address the solid waste issue herein, and realign the respective water and sewer infrastructure of the parties to be consistent with the Settlement Agreement and otherwise to set forth herein the respective agreements on these and other points in general furtherance of the goals expressed in the Settlement Agreement.

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

I. SOLID WASTE AND REFUSE SERVICE

A. The County shall enact an ordinance that establishes a mandatory system of solid waste collection within the Presumptive City Limits that includes curbside pickup of residential and commercial refuse, curbside pickup of recyclable materials. The ordinance shall prohibit refuse collection and collection of recyclable materials within the Presumptive City Limits (and other areas) by any hauler except from those designated specifically in the ordinance.

B. The ordinance referred to in the previous paragraph shall contain substantially similar conditions of service and provisions concerning penalties and enforcement as those found in the Santa Fe City Code.

C. Once the ordinance referred to in the previous paragraphs is enacted, the County shall delegate to the City responsibility for refuse collection within the Presumptive City Limits. The ordinance and the delegation shall be completed on or about July 1, 2013. The City shall be delegated responsibility to impose its usual and customary charges on solid waste customers within the Presumptive City Limits.

II. WATER AND WASTEWATER SERVICE

A. Pursuant to the Settlement Agreement, water and wastewater services shall be provided by the entity in whose jurisdiction the services are provided. Water and wastewater services within the Presumptive City Limits shall be provided by the City. Water and wastewater services outside of the City and outside of the Presumptive City Limits shall be provided by the County.

B. Water and wastewater services that are not consistent with the previous paragraph shall be made consistent by transferring the system and customers to the other party as specified in this Agreement.

C. The City and the County shall provide detailed information on those portions of their respective systems that are to be transferred to the other party pursuant to this Agreement, including, if available, as-built drawings, GIS-mapped lines, valve and meter locations, meter numbers, location of manholes, water quality data, water compliance documents, and other pertinent information.

D. The City and County managers shall appoint members to a technical transition team comprised of water and wastewater staff of the City and County, who will inventory all of the water and wastewater resources subject to this Agreement, determine the technical issues to be confronted in connection with this Agreement, develop schedules for transfer of assets and responsibilities, and deal with technical issues as they arise. Any issues which cannot be resolved by the technical transition team shall be resolved by the city and county managers and, as appropriate, by the City Council and the Board of County Commissioners.

E. Any infrastructure that is malfunctioning or in disrepair, which has routinely failed water quality compliance testing, or that has suffered from deferred maintenance, shall be repaired and brought into compliance before that infrastructure is transferred to the other party.

F. City water and wastewater customers outside the Presumptive City Limits will be transferred to the County when the County is able to provide service unless prohibited by a current contract with a customer, decrees of a court, or applicable rulings of the Public Regulation Commission. Accordingly, upon consent or assignment, water

SFO CITY RECORD 05/23/2013

and wastewater customers not in the City and outside of the Presumptive City Limits, such as those in the Aldea development, IAIA, and the Santa Fe Community College shall become County customers when the County is able to provide water and wastewater service. County water customers within the Presumptive City Limits shall be transferred to the City when the City is able to provide service unless prohibited by a current contract with a customer, decrees of a court, or applicable rulings of the Public Regulation Commission. Accordingly, upon consent or assignment, water customers within Area 7 shall become City customers when the City is able to provide service.

G. Annually, the County and the City will review billing information for the transferred area to verify meter accuracy and the extent to which unaccounted-for water passes each master meter.

H. Each party shall share data, information or reports that would be helpful, useful or necessary to achieve the goals and objectives of this Agreement upon request of the other party.

I. Any improvements made by a party to water or wastewater infrastructure originally provided by a real estate developer in connection with a real estate development, and that is not required for continuation of service, may be removed at the party's own expense prior to transfer of the infrastructure to the other party, but the removing party shall give the other party prior notice of the proposed removal through the technical transition team.

J. If, after technical analysis, it is determined by the utility directors of each party that it is technically impossible to serve a customer or group of customers who should be transferred to the other party under the terms of this Agreement without economic hardship, that customer or customers may continue to be served by the other notwithstanding the fact that the customer is outside of the jurisdiction of the party. In such cases, the parties shall document the facts leading to the finding of technical impossibility. In the event that it later becomes technically feasible to serve the customer or customers, the customers shall be transferred to the other party at that time.

K. City Water Infrastructure Transfers to County.

1. City Water customers outside of the Presumptive City Limits shall become County customers when the County is able to provide water and wastewater service. Appendix A to this MOU lists the infrastructure related to specific developments that the City shall be transferring to the County. Each development requires a master-meter between the City and the County, which the City agrees to add to the existing master-meters serving the county under the 2006 Water Resources Agreement.

2. The developments contemplated as part of the City transfers to the County are: 1) Campo Conejo; 2) Turquoise Trail; 3) Aldea; 4) Las Campanas; 5) La Mariposa; 6) La Tierra; 7) La Mirada; 8) Tessera. The City recognizes that more than one meter may be required to serve some of these developments.

3. Billing responsibility for City and County customers transferred to the other party pursuant to this section shall be transferred effective July 1, 2013 and necessary changes to the physical infrastructure (meters, valves, piping) shall be completed expeditiously thereafter.

L. County Water Infrastructure Transfers to City. County water customers within the Presumptive City Limits shall be transferred to the City when the City is able to provide service unless prohibited by a current contract with a customer, decrees of a court, or applicable rulings of the Public Regulation Commission. Appendix B to this MOU lists the infrastructure related to specific developments that the County shall be transferring to the City.

M. City Waste-Water Infrastructure Transfer to the County City Wastewater customers outside of the Presumptive City Limits shall become County customers when the County is able to provide waste-water service.

N. Any easements or rights-of-way supporting water or wastewater infrastructure shall be transferred to the other party along with the infrastructure; if an easement is needed along a City street or County road, the easement shall be granted by the other party, as appropriate, or a blanket approval may be granted. Should any survey work be needed to identify or locate any infrastructure, real property, infrastructure, necessary easements, access, or other matters, the cost of that survey shall be borne by the party receiving the real property, infrastructure, easement, or access.

II. CUSTOMER INFORMATION, NOTICE

A. The City and the County shall exchange account information about water and wastewater customers being transferred between the parties. Account information shall include the name, address, telephone number, twelve months of account activity (e.g. notes, history, etc.), water meter size, bill item tables, sewer rate calculation, solid waste refuse and recycling rates and level of service, and any other information determined by either party to be relevant. The account information shall include any balances owed by customers and the basis for those balances. An unpaid balance shall not be transferred to the other party, but the parties may cooperate to ensure payment of the unpaid balance through techniques such as withdrawal of service to compel payment.

B. Account information shall be provided to the other party's utility director ninety (90) days prior to date of transfer of each area identified in this agreement to provide a seamless transition of billing and customer service to the customers.

C. Customers whose service will be transferred from one party to another shall receive a notice of the transfer in a utility bill stuffer for two (2) consecutive months prior to the transition. Utility bill stuffers shall provide links to City and County websites for additional information; the City and County websites shall provide detailed information

about the transition, the transfer of customers, this Agreement, changes in the rules of service, and any changes in billing structure.

III. AS-BUILT DRAWINGS AND MAINTENANCE RECORDS

A. Each party shall provide to the other party as-built drawings and maintenance records of all infrastructure transferred as a result of this Agreement ninety (90) days prior to date of transfer of the infrastructure. If a transferring party has digital data regarding the infrastructure, that data shall also be provided. Data to be transferred shall include, but not be limited to, as-built drawings, valve maps detailing location of valves based on known features, GIS shape files and scanned as-built drawings and valve maps in pdf format.

B. Each party shall provide the other party with maintenance records as well as video imaging, televised inspection tapes and DVDs of infrastructure transferred as a result of this Agreement. Maintenance records shall be provided ninety (90) days prior to date of transfer.

V. WATER RIGHTS

A. If either party assumes a water delivery obligation for which the customer transferred water rights to the City or County, the City or County shall transfer those water rights, along with the customers, to the other party.

B. If either party assumes a water delivery obligation that the party has met with water rights owned by the party as opposed to water rights supplied by a customer or developer, no water rights shall be transferred to the other party and the party making deliveries subsequent to transfer shall be responsible for providing water rights to support the subsequent deliveries.

C. If water rights that should be transferred to the other party pursuant to paragraph A of this Article VI cannot be transferred, are impractical to transfer, or carry a point of diversion that if transferred to a point of diversion chosen by the other party would result in a loss of the value of the water right, suitable equivalent water rights may be selected and transferred in lieu of water rights that would be transferred pursuant to Paragraph A of this Article V.

D. The technical transition team shall address all technical issues concerning the transfer of water rights, including technical issues about the transfer, the amount to be transferred, the method of transfer, the timeline of transfer, any issues related to the Buckman Direct Diversion project, and any issues arising from paragraph C of this section. Any issues which cannot be resolved by the technical transition team shall be resolved by the city and county managers and, as appropriate, by the City Council and the Board of County Commissioners. This paragraph shall not prevent the parties from choosing to mediate a dispute through a neutral mediator chosen by both the City and County.

SBC CLEAR RECORD 06/03/2012 11:02:08 AM 00000000000000000000

VI. SERVICE CONNECTIONS

A. Water Service Connections

1. Each party shall provide the other party with reasonable access to water from the Buckman Direct Diversion through the party's water service infrastructure, utilizing master meters to meter the flow for purposes of billing and accountability. Each party may charge the other party a reasonable fee for wheeling water across its water infrastructure, as established through a cost of service study.

2. The party desiring a service connection shall be fully responsible for design and construction of any facilities necessary to take delivery of water at the delivery point, and such facilities shall be constructed in accordance with standards established by the other party.

3. The party requesting a service connection shall define a water budget and provide a demand scenario for a ten year period for each service connection and master meter. The water budgets and demand scenarios will provide information to the party to permit efficient water system operations. .

4. The technical transition team shall address all technical issues concerning service connections and master meters, including those referred to in section II, paragraphs k and l. Any issues which cannot be resolved by the technical transition team shall be resolved by the city and county managers and, as appropriate, by the City Council and the Board of County Commissioners.

B. Wastewater Service Connections

1. The City may provide the County with access to its wastewater collection and treatment system to ensure that customers are served through a wastewater treatment plant rather than being served by septic systems or small wastewater treatment facilities.

2. Each party shall pay a collection and treatment charge for use of the other party's wastewater collection and treatment system in accordance with the usual and customary rates established through a cost of service study.

3. Each party requesting access to the other party's wastewater collection and treatment system shall pay all costs of connecting to the wastewater collection system and shall make all connections in accordance with the standards established by the party.

4. All wastewater service connections must comply with all relevant rules, regulations and practices of the party into whose system a wastewater service connection is being established. The party establishing a wastewater service connection

shall be responsible for all engineering, design, and construction costs related to such connection.

C. Records. Each party shall maintain records of all water and/or wastewater collection system customers who receive service from the party as a result of this Agreement, and shall provide the other party with copies of such those records when requested, during reasonable business hours and with reasonable notice. The records shall at a minimum contain customer location, customer class, connection size, industrial pretreatment compliance records and water meter readings.

D. Metered Water Use. Individual water consumption of each customer discharging wastewater through the system of the other party to this Agreement shall be metered to facilitate a determination of the usage of the wastewater system and to facilitate billing and system management.

VII. CONSISTENCY WITH SETTLEMENT AGREEMENT, INTERPRETATION, AND ADDITIONAL PROVISIONS

A. All questions concerning interpretation of this Agreement shall be consistent with the goals, objectives, and express language of the Settlement Agreement and Mutual Release of Claims, dated May 19, 2008.

B. Term. This Agreement shall terminate upon the transfer of all of the infrastructure described in the Exhibits, unless terminated earlier pursuant to Article 5. This Agreement may be extended by the mutual written agreement of the parties.

C. Third Party Beneficiaries. This Agreement does not create any third party beneficiaries.

D. Appropriations. This Agreement is contingent upon sufficient appropriations and authorization being made by the parties. If sufficient appropriations are not granted, this Agreement shall terminate upon written notice.

E. Amendment. The parties may amend this Agreement by mutual written amendment.

F. Conflict of Interest. No elected official, officer, employee or agent of the City or County shall have any personal financial interest in this Agreement unless such financial interest is disclosed in advance to the City and County and neither party objects to that person's involvement in the Agreement. Neither party shall employ, in the performance of this Agreement, a person having a conflict of interest. This paragraph shall not unreasonably impede the parties desire to provide maximum opportunity for employment of local residents.

G. New Mexico Tort Claims Act. By entering into this Agreement, neither party shall be responsible for liability incurred as a result of the other party's acts or

**THE BOARD OF COUNTY COMMISSIONERS OF
SANTA FE COUNTY**

By _____
Kathleen S. Holian, Chair

Date

ATTEST:

Geraldine Salazar, Santa Fe County Clerk

Date

APPROVED AS TO FORM:

Stephen C. Ross
Santa Fe County Attorney

Date

CITY OF SANTA FE:

David Coss, Mayor
City Manager

Date

Attest:

Yolanda Y. Vigil, City Clerk

Date

APPROVED AS TO FORM:

Geno Zamora,
Santa Fe City Attorney

Date

APPROVED:

City of Santa Fe Finance Director

Date

REC'D - CIVIL RIGHTS DIVISION
2/12/2013 10:00 AM

SANTA FE COUNTY ROADS
MAINTENANCE DISTRICT II

PROPOSED CITY ANNEXATIONS PHASE II

Schedule for Summer 2014

MAINTENANCE DISTRICT II ROUTE NAME	ROUTE NUMBER	FROM:	TO:	MILEAGE LENGTH OF MAINTAINED SECTION	TOTAL ROADWAY WIDTH	SURFACE type	Drainage Rating	Paser Pavement Rating	Visible Distress	General Condition/PASER Treatment Measures	Road Maintenance Manager Recommended Treatment Measures	Contractor Cost of Maintenance Treatment	City of Santa Fe Recommendation	Contractor Cost of Santa Fe Recommendation
		BEGINNING TERMINI	ENDING TERMINI	miles	feet									
<i>Country Club Estates</i>														
Fairly Road		Airport Road SR 284	Dead End	0.28	35	asphalt	Fair	3-Poor	Severe raveling, alligator cracking, block cracking over 50% of surface	Needs patching and repair prior to major overlay. Milling and removal of deterioration extends the life of the overlay	2" HMA Overlay	\$78,133.44	Process Place and Compact with 2" New HMA	\$96,646.29
Calle de Vencejo		Fairly Road	Dead End	0.31	35	asphalt	Fair	3-Poor	Moderate raveling, alligator cracking, block cracking over 50% of surface	Needs patching and repair prior to major overlay. Milling and removal of deterioration extends the life of the overlay	2" HMA Overlay	\$86,504.88	Process Place and Compact with 2" New HMA	\$107,001.25
Calle Zanate		Country Club Rd CR 61	Dead End	0.26	35	asphalt	Fair	3-Poor	Moderate raveling, alligator cracking, block cracking over 50% of surface	Needs patching and repair prior to major overlay. Milling and removal of deterioration extends the life of the overlay	2" HMA Overlay	\$72,552.48	Process Place and Compact with 2" New HMA	\$89,742.99
Calle Chupa Rosa		Calle Zanate	Calle de Vencejo	0.14	35	asphalt	Fair	3-Poor	Moderate raveling, alligator cracking, block cracking over 50% of surface	Needs patching and repair prior to major overlay. Milling and removal of deterioration extends the life of the overlay	2" HMA Overlay	\$39,066.72	Process Place and Compact with 2" New HMA	\$48,323.15
Calle Tangara		Calle Zanate	Calle de Vencejo	0.16	35	asphalt	Fair	3-Poor	Moderate raveling, alligator cracking, block cracking over 50% of surface	Needs patching and repair prior to major overlay. Milling and removal of deterioration extends the life of the overlay	2" HMA Overlay	\$44,647.68	Process Place and Compact with 2" New HMA	\$55,226.45
<i>Jimenez Subdivision</i>														
Morning Drive		Agua Fria	Dead End	0.61	20	asphalt	Fair	2-Very Poor	Severe raveling, patches in bad condition, block cracking over 50% of surface	Severe deterioration, needs reconstruction with extensive base repair. Pulverization of old pavement is effective	Reconstruction with 3" HMA and 6" Basecourse	\$488,273.28	Process Place and Compact with 2" New HMA	\$120,314.77
Morning Street		Morning Drive	Dead End	0.03	20	asphalt	Good	6-Good	Slight raveling, longitudinal and transverse cracking less than 1/2" wide some cracks sealed	Shows signs of aging, sound structural condition, could extend life with a seal coat	Fog Seal	\$316.80	2" Mill and Inlay	\$5,769.28
Morning Lane		Morning Drive	Dead End	0.03	20	asphalt	Good	6-Good	Slight raveling, longitudinal and transverse cracking less than 1/2" wide some cracks sealed	Shows signs of aging, sound structural condition, could extend life with a seal coat	Fog Seal	\$316.80	2" Mill and Inlay	\$5,769.28
Mutt Nelson Road	48G	W Frontage Road	Calle Unidad	0.92	22	asphalt	Fair	5-Fair	Raveling, transverse and longitudinal cracks, block cracking in areas, alligator cracking in some areas	Surface aging, sound structural condition, needs seal coat or thin non-structural overlay	Chip Seal	\$55,570.94	Process Place and Compact with 2" New HMA	\$199,604.18
Mutt Nelson Road	46G	End of Asphalt	Calle Unidad	1.05	22.00	basecourse							4" New Basecourse	\$58,544.64
												\$865,383.02		\$786,942.29

SANTA FE COUNTY ROADS
MAINTENANCE DISTRICT II

MAINTENANCE DISTRICT II ROUTE NAME	ROUTE NUMBER	FROM: BEGINNING TERMINI	TO: ENDING TERMINI	MILEAGE LENGTH OF MAINTAINED SECTION miles	TOTAL ROADWAY WIDTH feet	SURFACE type	Drainage Rating	Paser Pavement Rating	Visible Distress	General Condition/PASER Treatment Measures	Road Maintenance Manager Recommended Treatment Measures	Contractor Cost of Maintenance Treatment	City of Santa Fe Recommendation	Contractor Cost of Santa Fe Recommendation
Schedule for Summer 2015														
<i>Town and Country Subdivision</i>														
Camino Jalisco		Richards Avenue	End of Cold Millings	0.25	20	cold millings	Good	6-Good	Slight raveling, longitudinal and transverse cracking less than 1/2" wide some cracks sealed	Shows signs of aging, sound structural condition, could extend life with a seal coat	Fog Seal	\$2,640.00	Process Place and Compact with New Double Penetration Chip Seal	\$40,597.33
Calle VeraCruz		Camino Jalisco	Durango Drive	0.43	20	cold millings	Good	6-Good	Slight raveling, longitudinal and transverse cracking less than 1/2" wide some cracks sealed	Shows signs of aging, sound structural condition, could extend life with a seal coat	Fog Seal	\$4,540.80	Process Place and Compact with New Double Penetration Chip Seal	\$69,827.41
Durango Drive		Camino Jalisco	Richards Ave	0.33	22	asphalt	Good	7-Good	Longitudinal and transverse cracks less than 1/4"	First Signs of Aging, Maintain with routine Crack Filling	Crack Seal	\$2,640.00	Crack Seal, Fog Seal, repair drop off areas	\$10,000.00
Other Roads														
Country Club Road	61	SR 284 Airport Rd	Private Road	0.34	34	asphalt	Good	8-Very Good	Transverse Crack	Recent sealcoat or new mix. Little or no Maintenance required	Little or No Maintenance Required	\$0.00	Do Nothing	
Geo	61A	SR 284 Airport Rd	Dead End	0.28		asphalt	Fair							
Jemez Road	61B	CR 66 Agua Fria Rd	SR 284 Airport Rd	0.80	22	asphalt	Fair	5-Fair	Longitudinal and transverse cracks open 1/2" some patching in fair condition	Surface aging, sound structural condition, needs seal coat or thin non-structural overlay	Chip Seal	\$48,322.56	Address Sub Grade Failed Areas	\$50,000.00
Calle Del Dno Grant Road	62	CR 66 Agua Fria	NM 599	0.17	28	asphalt	Poor	5-Fair	Block Cracking less than 50%	Surface aging, sound structural condition, needs seal coat or thin non-structural overlay	Chip Seal	\$13,069.06	Address Sub Grade Failed Areas, Crack Seal, Fog Seal	\$35,000.00
Agua Fria	66	City Limits	Airport Rd	1.58	40	asphalt		5-Fair	Longitudinal and transverse cracks open 1/2" some patching in fair condition	Surface aging, sound structural condition, needs seal coat or thin non-structural overlay	Chip Seal	\$173,521.92	Process Place and Compact with 3" New HMA	\$875,395.84
San Felipe	66	Agua Fria	Airport Rd	0.38	40	asphalt		2-Very Poor	Longitudinal edge cracking, alligator cracking more than 25%, Block Cracking, Severe rutting	Severe deterioration, needs reconstruction with extensive base repair	Reconstruction 3" HMA with 6" Basecourse	\$401,280.00	Process Place and Compact with 3" New HMA	\$210,538.24
											\$646,014.34		\$1,291,358.81	

SANTA FE COUNTY ROADS
MAINTENANCE DISTRICT II

MAINTENANCE DISTRICT II	ROUTE NUMBER	FROM: BEGINNING TERMINI	TO: ENDING TERMINI	MILEAGE LENGTH OF MAINTAINED SECTION	TOTAL ROADWAY WIDTH	SURFACE	Drainage Rating	Paser Pavement Rating	Visible Distress	General Condition/PASER Treatment Measures	Road Maintenance Manager Recommended Treatment Measures	Contractor Cost of Maintenance Treatment	City of Santa Fe Recommendation	Contractor Cost of Santa Fe Recommendation
				miles	feet	type								
Schedule for Summer 2016														
Agua Fria	66	San Felipe	Camino Juliana	0.50	40	dirt							Place 4" Basecourse	\$50,688.00
 Rancho de la Luna Subdivision														
Florencia Road		Mutt Nelson Road	Prince Road	0.19	18.5	dirt							Place 4" Basecourse	\$8,908.42
Barton		Mutt Nelson Road	Prince Road	0.19	18.5	dirt							Place 4" Basecourse	\$8,908.42
Prince Road		Dead End	Dead End	0.47	18.5	dirt							Place 4" Basecourse	\$22,036.61
 Remuda Ridge Subdivision														
North Chaparral		Calle Prado	Dead End	0.10	22	cold millings	Poor	3-Poor	Many Patches, edge loss, block cracking	Needs patching and repair prior to major overlay. Milling and removal of deterioration extends the life of the overlay	Fog Seal	\$1,161.60	Process Place and Compact with New Double Penetration Chip Seal	\$17,862.83
Reata Road		W. Frontage Road	Dead End	0.64	22	cold millings	Fair	2-Very Poor	Extensive loss of surface, severe edge distortion, severe potholes and rutting	Severe Deterioration	Fog Seal	\$7,434.24	Process Place and Compact with 3" New HMA	\$195,024.90
Chalan Road		Reata Road	Dead End	0.32	22	cold millings	Poor	3-Poor	Many raveled cracks, severe block cracking, patches and edge deterioration	Needs patching and repair prior to major overlay. Milling and removal of deterioration extends the life of the overlay	Fog Seal	\$3,717.12	Process Place and Compact with New Double Penetration Chip Seal	\$57,161.05
Camino Charro		Reata Road	Dead End	0.22	22	cold millings	Poor	4-Fair	Severe Raveling, alligator cracking, many patches edge loss	Significant aging and first signs of need on strengthening. Would benefit from a structural overlay 2" or more	Fog Seal	\$2,555.52	Process Place and Compact with 3" New HMA	\$67,039.81
Calle Prado		Camino Charro	Chalan Road	0.36	22	cold millings	Poor	3-Poor	Many Patches, edge loss, block cracking	Needs patching and repair prior to major overlay. Milling and removal of deterioration extends the life of the overlay	Fog Seal	\$4,181.76	Process Place and Compact with New Double Penetration Chip Seal	\$64,306.18
South Chaparral		Calle Prado	Dead End	0.10	22	cold millings	Poor	3-Poor	Many Patches, edge loss, block cracking	Needs patching and repair prior to major overlay. Milling and removal of deterioration extends the life of the overlay	Fog Seal	\$1,161.60	Process Place and Compact with New Double Penetration Chip Seal	\$17,862.83
Chalan Way		Chalan Road	Cotontail	0.05	20	dirt							Place 4" Basecourse	\$2,534.40
 Other Roads														
South Meadows Road		Agua Fria St	NM 599 Frontage Rd	0.92	22	asphalt	Good	10-Excellent	New Construction	Excellent Condition	No Maintenance Required	\$0.00		\$0.00
Mimbres Lane	64A	Rodeo Rd	Private Road	0.10	20.00	Dirt							Place 4" Basecourse	\$5,068.80
Rodeo Lane	64B	Rodeo Rd	Dead End	0.20	22.00	asphalt	Good	6-Good	Slight raveling, longitudinal and transverse cracking less than 1/2" wide some cracks sealed	Shows signs of aging, sound structural condition, could extend life with a seal coat	Fog Seal	\$2,323.20		
West Alameda Street	70	City Limits	Via Abajo	2.27	22	asphalt	Poor	7-Good	Slight Raveling, transverse cracks 1/2", small potholes beginning	This will be a separate project to correct significant drainage problems which the County and City will each pay 50% of the Project Cost				
												22,535.04	\$517,402.22	
				total miles	12.41									
				TOTAL ROADS	12.41									
				total asphalt	7.21									
				total basecourse	1.05									
				total chipseal	0.00									
				total gravel	0.00									
				total dirt	1.40									
				total cold millings	2.75									
												County Cost of Maintenance Treatments	\$1,533,932.40	
												City Cost of Maintenance Treatments	\$2,790,703.33	
												Difference	\$1,256,770.93	



CITY OF SANTA FE ANNEXATION

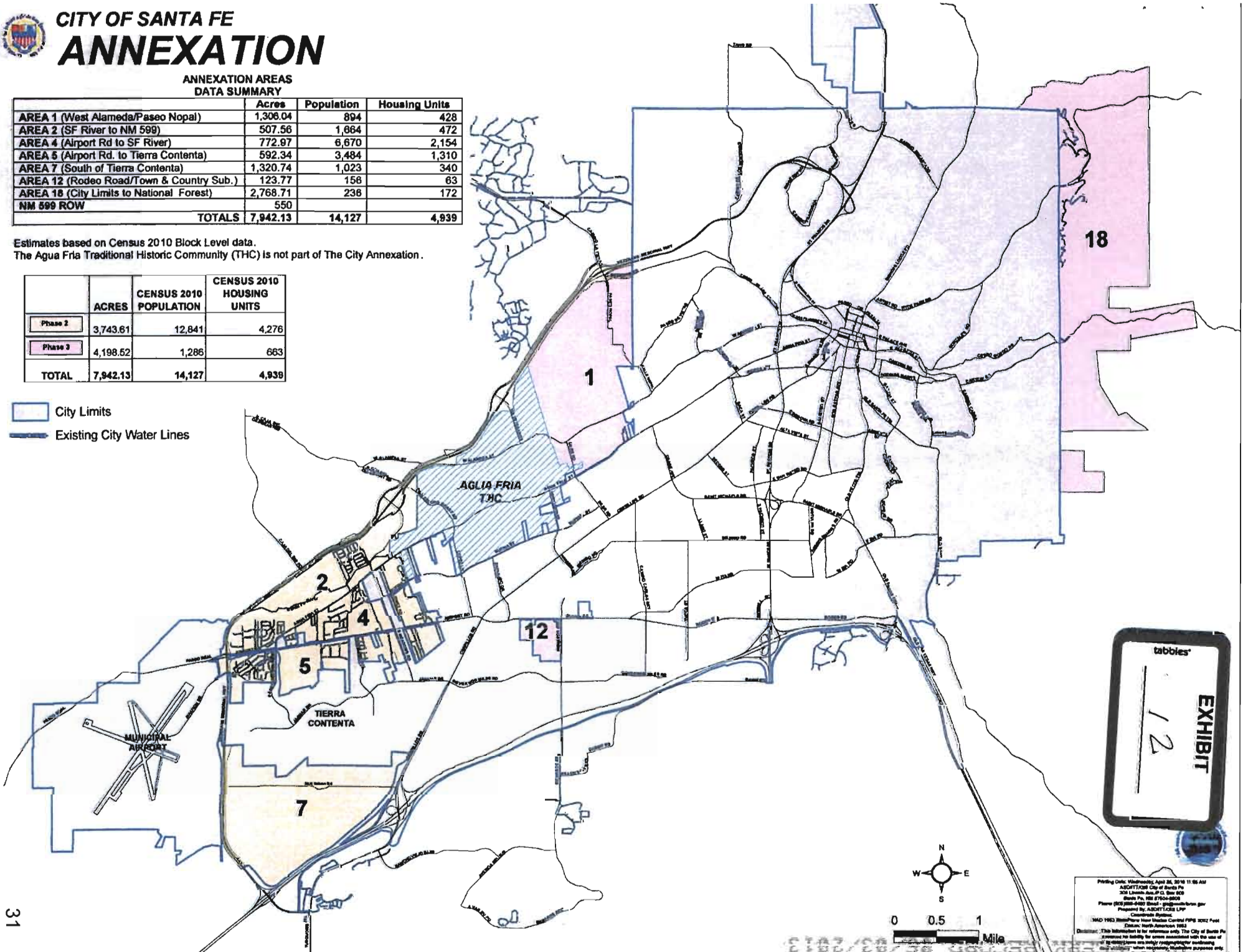
ANNEXATION AREAS DATA SUMMARY

	Acres	Population	Housing Units
AREA 1 (West Alameda/Paseo Nopal)	1,306.04	894	428
AREA 2 (SF River to NM 599)	507.56	1,864	472
AREA 4 (Airport Rd to SF River)	772.97	6,670	2,154
AREA 5 (Airport Rd. to Tierra Contenta)	592.34	3,484	1,310
AREA 7 (South of Tierra Contenta)	1,320.74	1,023	340
AREA 12 (Rodeo Road/Town & Country Sub.)	123.77	158	63
AREA 18 (City Limits to National Forest)	2,768.71	238	172
NM 599 ROW	550		
TOTALS	7,942.13	14,127	4,939

Estimates based on Census 2010 Block Level data.
The Agua Fria Traditional Historic Community (THC) is not part of The City Annexation.

	ACRES	CENSUS 2010 POPULATION	CENSUS 2010 HOUSING UNITS
Phase 2	3,743.61	12,841	4,276
Phase 3	4,198.52	1,286	663
TOTAL	7,942.13	14,127	4,939

- City Limits
- Existing City Water Lines



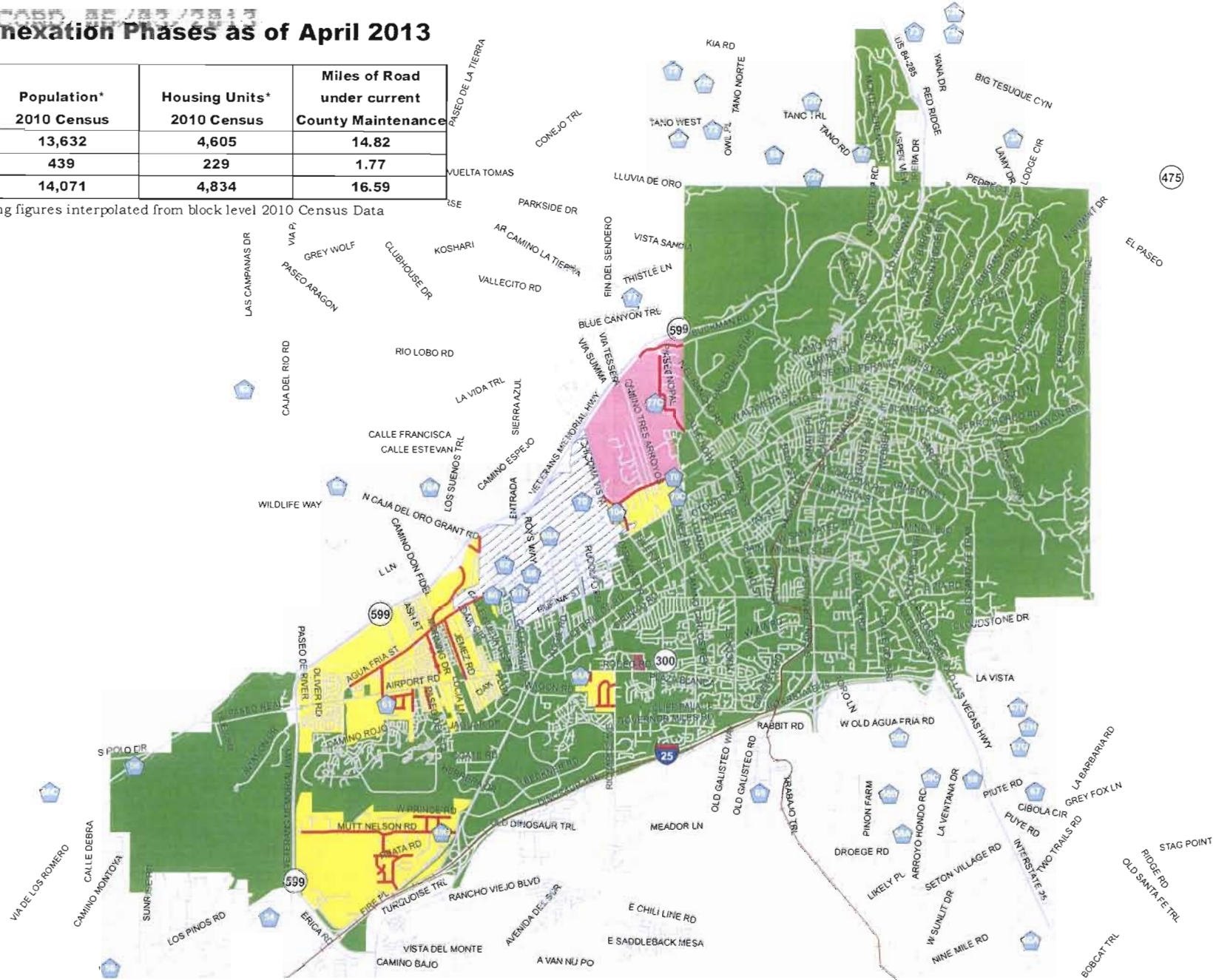
Printing Date: Wednesday, April 26, 2018 11:05 AM
 ASB/CIT/CAR City of Santa Fe
 300 Lincoln Ave., P.O. Box 603
 Santa Fe, NM 87504-0603
 Phone (505) 426-6000 Email: info@cityofsantafe.gov
 Prepared by: ASB/CIT/CAR LUP

Coordinate System:
 Datum: North American 1983
 Distance: This information is for reference only. The City of Santa Fe
 assumes no liability for errors associated with the use of
 this information, which may vary slightly from actual conditions
 on the ground when necessary, intended purposes only.

City of Santa Fe Annexation Phases as of April 2013

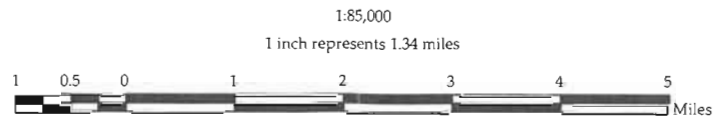
	Acres	Population* 2010 Census	Housing Units* 2010 Census	Miles of Road under current County Maintenance
Phase 2	3,532	13,632	4,605	14.82
Phase 3	1,075	439	229	1.77
Totals	4,607	14,071	4,834	16.59

* - Population and Housing figures interpolated from block level 2010 Census Data



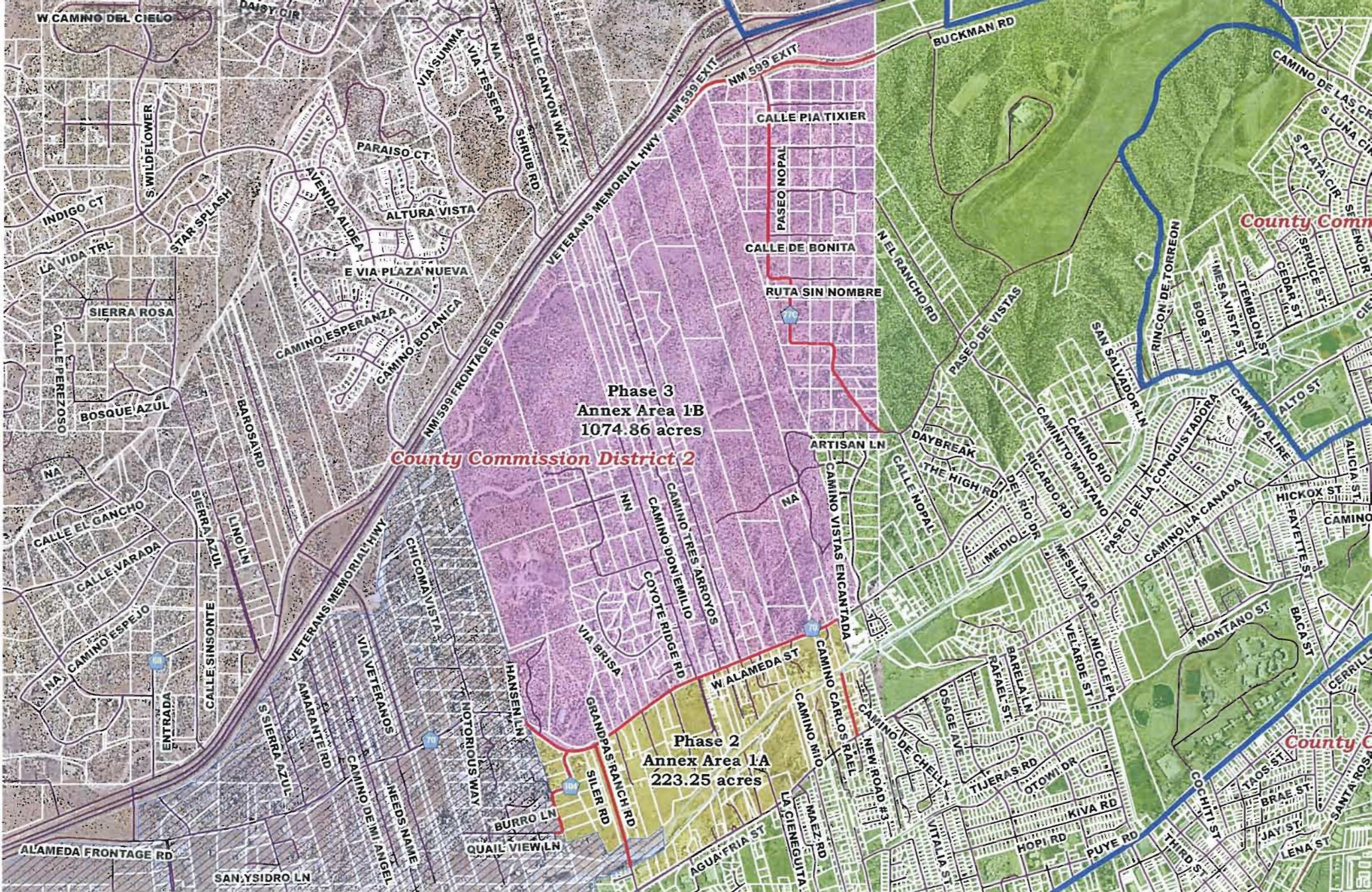
Legend

- City of Santa Fe - Current
- Annexation Phase
- Phase 2 - January 2014
- Phase 3 - TBD
- County Fairgrounds
- Agua Fria Village - THC
- County Maintained Roads - To Be Annexed
- Railroads
- Major Streams
- Roads



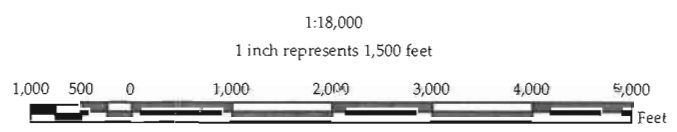
North American Vertical Datum

This information is for reference only. Santa Fe County assumes no liability for errors associated with the use of this information. Users are solely responsible for confirming data accuracy.



Legend

- City of Santa Fe - Current
- Annexation Phases & Areas as per April 2013 Proposal
- Phase 2 - January 2014
- Phase 3 Area - TBD
- Agua Fria Village - THC
- County Commission District Boundaries
- County Maintained Roads - To Be Annexed
- Roads
- Railroads
- Major Streams



Aerial Photography from North American Vertical Data

This information is for reference only. Santa Fe County assumes no liability for errors associated with the use of this information. Users are solely responsible for confirming data accuracy.