

COUNTY OF SANTA FE       )  
STATE OF NEW MEXICO    ) ss

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## SANTA FE COUNTY

### BOARD OF COUNTY COMMISSIONERS

### REGULAR MEETING

**April 8, 2014**

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

**SANTA FE COUNTY**  
**REGULAR MEETING**  
**BOARD OF COUNTY COMMISSIONERS**

**April 8, 2014**

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:04 p.m. by Vice Chair Robert Anaya, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

Following the Pledge of Allegiance and State Pledge led by Marlene Garcia and Ted Roybal from the IT Department, roll was called by County Clerk Geraldine Salazar and indicated the presence of a quorum as follows:

**Members Present:**

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

**Members Excused:**

[None]

**I. E. Moment of Reflection**

The Moment of Reflection was given by Michelle Mascarenas-Jackson from the IT Department.

Commissioner Anaya read an obituary of Ishmael Lovato, an 18-year employee of the County.

**I. F. Approval of the Agenda**

- 1. Amendments**
- 2. Tabled or Withdrawn Items**

COMMISSIONER ANAYA: Ms. Miller, are there any changes or amendments to the agenda?

KATHERINE MILLER (County Manager): Mr. Chair, yes there is. First of all, on item II. Action Items, A. 3, there was a change to the caption, just clarifying that caption. That's why that item is in red. But it was noticed. Also, item IV. Discussions, Information Items, Presentations, item 4 under IV. A was added. I'd also like to request at this time, however, that under that item, Presentations, items 1 and 2, Recognition of Senator Rodriguez and Representative Jim Trujillo be moved up on the agenda to after approval of

the minutes, since they are both here and the other items might be lengthy discussion.

Then also one other item under Matters from the County Attorney, item V. A. 1. a, discussion of pending or threatened litigation, discussion of the New Mexico Public Regulation Case #13-00390-UT was added, as well as a potential action item under Matters from the County Attorney, V. B.1. And those are the changes or amendments to the agenda.

COMMISSIONER ANAYA: Is there a motion to approve the amendments and also move up items IV. A. 1 and 2, to the agenda, after approval of the minutes?

COMMISSIONER HOLIAN: Mr. Chair, I move for approval of the agenda as amended.

COMMISSIONER CHAVEZ: Second.

COMMISSIONER ANAYA: There's a motion by Commissioner Holian, a second by Commissioner Chavez. I also note that Commissioner Stefanics has joined us. Welcome Commissioner.

COMMISSIONER STEFANICS: Thank you very much.

COMMISSIONER ANAYA: Is there any other discussion related to the agenda?

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

**I. G. Approval of Minutes**  
**1. March 11, 2014**

COMMISSIONER ANAYA: Is there a motion?

COMMISSIONER CHAVEZ: Move for approval.

COMMISSIONER ANAYA: There's a motion is there a second?

COMMISSIONER STEFANICS: Second.

COMMISSIONER ANAYA: Is there any changes to the minutes or any questions related to the March 11 2014 BCC minutes?

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

**IV. A. Presentations**

- 1. Recognition and Expression of Appreciation to Senator Nancy Rodriguez for the Passage of the Sole Community Provider – Federal Compliance Legislation (SB268) During the 2014 Legislative Session**
- 2. Recognition and Expression of Appreciation to Representative Jim R. Trujillo for the Passage of the Sole Community Provider – Federal Compliance Legislation (SB268) During the 2014 Legislative Session**

MS. MILLER: Mr. Chair, Commissioner Stefanics will be doing the presentation but I did want to note that as you know, going into any legislative session we're often faced with difficult decisions and positions on issues that the legislature of the state has to deal with and those things that perhaps maybe counties want to approach differently. I think in Santa Fe County we are very fortunate to have two legislators who are truly representative of the community and the term compromise. On the sole community provider and what now is the safety net care pool, that has been a transition for counties and we were faced with some really difficult positions. And like I say, both of our legislators were really instrumental in helping bring that together. So with that I'd like to turn it over to Commissioner Stefanics.

COMMISSIONER ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair and members of the Board. It's good to be back. I had a total knee replacement so it took a little while to get moving again, get off the walker, get out of bed and get on to a cane. So it's good to be back with spring weather.

It's definitely my pleasure to present this to Senator Nancy Rodriguez and Representative Jim Trujillo, and we're going to do it together so that I only have to come down once for our photographs, but we will provide both of you the opportunity to speak as well. Mr. Chair and Commissioners, as we have been reporting, the State of New Mexico, working through the Department of Human Services proposed changes to the operations and funding of the county indigent fund programs. Specifically, the State took the position that counties should dedicate at least 1/8 of its gross receipt taxes for direct payment to the State to fund the newly titled Safety Net Care Pool.

Now, while the County might think it's important to have a Safety Net Care Pool, we also know that taking funds away from our County indigent funds would hurt all of our other healthcare services that we provide, whether it was our clinics, whether it was our ambulance, whether it was for healthcare for the prisoners that we have. So during the development of a counterproposal, Senator Nancy Rodriguez worked very closely with the New Mexico Association of Counties and introduced Senate Bill 268 which set the amount dedicated for the Safety Net Care Pool from counties at 1/12, saving us the loss of either further funds to the State. Although the bill was amended three times, Senator Rodriguez provided her compassionate and tireless commitment to ensure the passage of the bill. Ultimately, with the assistance of Representative Jim Trujillo, Senate Bill 268 received approval in both houses and was signed into law.

Both of the legislators understood that this was not the easiest thing for the counties to work on, to negotiate, to accept. They took into account our comments, worked with us very closely, not only with Santa Fe County but also with the Association of Counties and while the Association of Counties ranged from providing 1/8 to all the way to providing only 1/16 the bill did pass at 1/12. We would like to thank these two legislators for recognizing the importance of county local government authority, and also for providing enough funds to continue to provide services to the citizens of Santa Fe County.

And I'd like to offer each of them the opportunity to speak and I don't know if you want us to speak first or them, but whichever.

COMMISSIONER ANAYA: Thank you, Commissioner. I'd go to Commissioners for additional comments. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I just really want to thank you, Senator Rodriguez, and you, Representative Trujillo, from the bottom of my heart. You really worked tirelessly to represent the best interests of the County and also to protect our healthcare services. And so I do recognize it was not an easy session and yet I think we came out as well as could be expected and it was thanks to your efforts. So I want to thank you on my behalf and on behalf of the people of Santa Fe County.

COMMISSIONER ANAYA: Thank you, Commissioner Holian. Commissioner Chavez.

COMMISSIONER CHAVEZ: Thank you, Mr. Chair. To Senator Nancy Rodriguez and to Representative Jim Trujillo, I don't think I have the words to express my gratitude and thanks for what you've done, but I can only hope that the work that's been done on this session, as uncomfortable as it has been will only strengthen our community and lay the groundwork so that we are able to continue to meet our responsibilities and provide the healthcare that we need, that our residents need. So it's really helping us do our job, I think, as Commissioner Holian pointed out. Or maybe it was Commissioner Stefanics. You understood that we had a duty and responsibility to provide those services to those that cannot provide – to those that do not have the means to provide for themselves – the uninsured, the underinsured. And so that's being fixed. It's a hard battle. It's going to be a long road still, but without your efforts we would be at a larger loss and who knows what we would do to provide those services. So thank you for your efforts and thank you for helping us do our job.

COMMISSIONER ANAYA: Thank you, Commissioner Chavez. Commissioner Mayfield.

CHAIR MAYFIELD: Commissioner Anaya, thank you, Vice Chair Anaya. I appreciate what was done and all the work that was done on behalf of all of our constituencies and I echo everything that was said, Commissioner. Thank you, and thank you, Senator and Representative.

COMMISSIONER ANAYA: Commissioners, I appreciate all the comments. Representative Trujillo, Senator Rodriguez, I'll start with Representative Trujillo and say that Representative Trujillo, since being appointed and then re-elected many times to the New Mexico State Legislature has always been amicable to working with us at the County and supporting our initiatives and listening to the people and their voices. Both of you have had open doors and open and sharp minds and I am very much appreciative of that, Representative Trujillo.

Senator Rodriguez, when you walk through the doors at Santa Fe County it's truly coming home for you. You spent many dedicated years throughout almost every single office that there is at Santa Fe County government, culminating as a Commissioner, but very much

dedicated to your career here to the County, so we welcome you back home to the County and thank you for your services, not only on this bill but on many other legislative initiatives that benefit Santa Fe County and counties in general.

Relative to the determination, I was very vocal when I heard that resources were going to be taken from County government because I fully and continually say that it's my perspective that the best place to utilize tax dollars is at the local level, understanding that you had a very difficult decision in front of you as well as Representative Trujillo, you helped to make it as palatable as it possibly can be. And I think Commissioner Chavez said it best. We still don't know what the ultimate outcome will be but we know that in the interests of the citizens of the indigent patients that you, both of you will be closely watching to make sure that things are done appropriately at the State level.

The other thing I would add is that we had a long-standing relationship with the hospital and we want to continue to have that relationship. It's going to be a little bit different now with the process going through the State but we want it to be strong. And we know that you'll continue to be advocates for all of us at the County level. So Senator and Representative, the floor is yours.

COMMISSIONER STEFANICS: And Mr. Chair, I'd ask that our Deputy County Manager, Tony Flores, bring the plaques over to the legislators and then ask each one of them to say a few words. And I guess we're bearing gifts along with the plaques.

SENATOR NANCY RODRIGUEZ: Thank you so much, and I'll be brief. Let me just say good afternoon to our County Commissioners, Mr. Chair and County Commissioners, staff and everyone here today, and my wonderful colleague here, Jim Trujillo. Let me just say that without your team effort and your support I wouldn't even be standing here today. You're right that I felt pretty much at home when I walked in, Commissioner. As a matter of fact I looked around and I thought, wow, this kind of looks the same except for maybe I don't remember if we had those murals up there. I can't remember when those were done but I remember the colors and so on. Everything looks really nice. Thank you very much.

Let me thank your staff also. There was Katherine that was at the capitol quite often working on these issues and Rudy Garcia was always there late at night, I remember, answering questions for us and so on. There were several others, Rachel and many others that were there helping us. And it was a very difficult situation as it started initially in the session.

First of all, let me just remind you that I will never forget what it feels like to be right here where you are as a County Commissioner with a huge responsibility to serve your constituents. And I recall the feeling of having the autonomy, and I felt so good to have that freedom and autonomy to be able to serve my constituents and I felt I needed to without State restrictions or State mandates, especially unfunded mandates by the State. So that's why I stand firm when the State tries to do something that I believe is going to hurt your constituents and my constituents. As a Senator I still represent all the district in fact and more that I represented when I was a County Commissioner. So my constituents are still very close to my heart. So we share that passion and that dedication.

Initially, briefly the State, through the Human Services Department as Commissioner Stefanics said, had made a decision that they were going to replace \$190 million that was needed for the hospitals to keep the hospitals statewide – there were 29 hospitals – afloat, because there was no more sole community provider fund now, because changes took place at the federal level and also here with Centennial Care with the Human Services Department. So that fund now is obliterated. With that in mind the Human Services Department decided, we need \$190 million. Where do we get that money? Oh, we can go to the counties, to the indigent funds, and we can take their whole 1/8 and we can just empty out the fund, basically, and leverage 3 to 1, or three-point-some to one, and give it all to the hospitals, and that would generate the \$190 million that was necessary.

When I heard about that I thought this is really nothing new. The first two weeks in the Senate when I got elected back in 1996, the first two weeks in that Senate floor I was already standing up arguing against the State taking indigent funds. It's been that long since the State has been yearning to take your indigent funds. Well, it didn't happen back then but the urge continued all the time. It seems like many times and a lot of time when there's a need for funds, when it comes in the millions, the State tends to look at indigent funds from the counties. So we have to keep our guard up all the time and fight for that, fight to keep it here at the local level.

This time around it all started with the State trying to take the funds. During the summer we talked about it. I told them that we were going to have problems. I serve on the Finance Committee and I was not going to support anything that was going to drain indigent funds. I needed some options by the Department to look to see what other options they could come up with to generate dollars. In other words, don't give me just one option; I need to see others. Well, they didn't. They didn't come up with other options. Instead, they proceeded to push to take the full fund.

So at that point, to make a long story short, the Association of Counties and I met. Steve Kopelman, who couldn't be here today, I don't think – very effective. We talked about it and we tried to get a consensus here because there was a determination that the full 1/8 was going to go and there were no other funds anywhere else to help the hospitals. And hospitals, through the Association of the Hospitals, were lobbying very hard to take these funds. And while it turned out to be a situation where it seemed like it was the counties against the hospitals, the State against the hospitals and vice versa, it truly wasn't that. We all understood that the funds needed to come from somewhere so that hospitals could get funded, but what I didn't agree with was that they were trying to get the funds all from the indigent funds at the county level.

And so I initially proposed a bill and the bill had – I initially said, well, maybe 1/16, and 1/16 is what the counties had been voluntarily giving to the State anyway. So the counties were willing to give that 1/16 mandated to the State and generate some funds, but that was not nearly enough, so the push was still to take the 1/8.

The last week, and I'm going to end here pretty quickly, the last week of the session in the Finance Committee there was a vote just before it went to the Senate floor, there was a

vote to change my bill to take – to amend it so that the State could take the full 1/8 and not just the 1/12 that we had agreed on. And from that Senate Finance Committee we went down to the Senate floor. I told them I would not accept that. I would do whatever needed to be done on the Senate floor to change it back to where it was. So we had to go against our own chairman of the Finance Committee and other members of the Finance Committee to get this overturned.

I went into the Senate floor, and this was the next day, and the hospitals were all over the Senate Chamber lobbying legislators to stay with that amendment to keep that bill to take the full fund from the counties. My point was that the State really has many questions to answer but a main question first is the counties are mandated by State law as we know to provide inmate care, to provide ambulance service. You help with your local clinics and the list goes on and on, and Katherine had given us a nice list before of all the things you do, are responsible for, and where were you going to come up with those monies if the State took the entire indigent fund.

So it was so fast at the end that the bill went to the Senate floor with the change that was made in the Finance Committee to take the whole amount nonetheless. So I worked extreme that day on the Senate floor and my colleagues in there were absolutely wonderful. I have to praise each and every one of them because one of them introduced the amendment to put it down back to my bill, to what I had it. We reversed every single amendment that was done in committees that we felt may not be favorable to the counties. We got the votes to do that, and it was not only getting the votes but it was very big. It passed 38 to 4. And the four that voted against it were not voting against the counties, by the way; they were for you. They just decided to vote that way, they came to me and told me because they didn't want any funds taken from the counties. But they understood that their hospitals would shut down also.

So it was a pretty comprehensive bill. As it turns out we passed it. The 1/12 is there. I put a three-year sunset clause on that bill so that it would only apply for three years because there's a lot to decipher here, a lot of changes that have been made with Centennial Care and the Medicaid expansion and just federal laws and so on that I felt we needed to analyze because maybe after three years the counties 'don't have to come up with that money. And so we put a three-year sunset. I expanded the provisions in there to allow the County Commissioners to pay for co-pays for your constituents if you decided to. It was all "may"; nothing was mandated, but I wanted you to have more authority with what was left in your indigent funds and with that we said, okay. The counties will be able to pay for co-pays. They'll be able to pay for premiums, and the hospitals will no longer be able to send people to collections, those that are under 200 percent of poverty level. And the hospitals have some reporting requirements now, because this is your money that would be going to the hospitals and nothing coming back directly to you, and yet no accountability to the counties.

So I required the hospitals to have several accountability requirements and even provide financial counseling and on and on. Well, the bill passed and we required the Human Services Department to look for the additional funds that were necessary. We were short \$9 million and leverage would have been about \$30 to \$32 million. We still are short. And we



required in the bill that the Human Services Department come up with that money and look for it somehow or another because they have reverted funds back at the end of the year and I didn't feel that was responsible, knowing that this in fact was a need and there was a shortfall here.

So the bill passed as it is. It was actually very, very nice to see the big support that we got, the counties, and that's a tribute to you, your staff, and everyone who does such a great job because they all stood up for you and said we're supporting the counties. You're not going to take everything from them. They have their responsibilities too.

Well, that didn't last long. As soon as we passed the bill and my colleague here, Representative Trujillo, I went to him, and thank you, Representative. You look good holding my roses there. But I was going to say that I went to him and I asked if there was a possibility when he went to the House Chamber that he could carry this bill on the House floor. And he was more than happy to do it. He said this is a reasonable approach. I think it's a good thing and we can work on it as time goes by, and so he carried it on the House floor and for that I'm appreciative and thankful. Thank you, Representative.

In the House it passed 55 to 10 and so it was pretty big voter mandate here to support the counties. Well, from there it went to the Governor and here's where the final ending comes and our work left to do. It went to the Governor's office and the hospitals obviously did their lobbying and I can understand their point. They want to stay afloat. They want to get all the funding they need because there's no more sole community provider fund. On the other hand there's also an importance to the relationships between the hospitals and the counties. And by the way, I want to tell you that the money left over in the indigent fund, the rest of the money that you have from the indigent fund can still be used for hospitals if you choose to do that. There's nothing to hold you back from continuing the relationship that you've always had. Nothing changes; you can continue to do that.

The Governor, however, vetoed several key provisions of the bill, and I have spent the last two weeks meeting with different legal counsels, trying to determine what our next step would be. And we will be making a decision here in the very – I'd say within the next couple of weeks to see if we're going to challenge the vetoes or not, but the main crux of the veto that gives me probably the largest heartburn here is that we intended it to be for three years, because I didn't believe that the State should be mandating the counties to contribute in perpetuity, for now, at least until we decide what the impacts are. There's not – the uncompensated care for hospitals is not going to be as high because there are more people being insured. And then with the Obamacare, the Affordable Care Act, there's more people being insured too.

So the uninsured numbers are going to go down inevitably. So I wanted to see those, those statistics in the next three years. Well, the Governor vetoed one of the three-year provisions. She left the provision in that the counties will be able to impose a tax, if you decided to, to replace the funds for the same amount of 1/12, but she actually took out the other three-year sunset and she is requiring the counties to contribute in perpetuity instead of three years.

So this is the final effect is that you would be mandated to contribute in perpetuity but you would only be able to collect and replace those funds for three years. And that is not at all the intent of the legislature. It was not the intent of the bill. As a matter of fact, that three-year sunset was probably the most important piece of the entire legislation to protect the counties. So we are evaluating now whether we can challenge the Governor on that provision, primarily because the Governor per the constitution has the authority to line-item veto language and numbers and so on if it's an appropriations bill, as long as she does not abrogate the face of the entire bill where it changes the purpose. One argument is that if it is not an appropriations bill the Governor has no authority whatsoever and we're looking at the possibility that it may be a revenue bill.

And when I brought this up I thought, well, all the time I was sponsoring this legislation I thought, this is really about revenue. It's about generating revenues. And if we can put something together in that respect then it is creating a fund to generate revenues for the hospitals then it truly was nothing new about appropriations. It was merely changing the name from a sole community provider fund to Safety Net Care Pool. So that's one option. So if that was the case then she had no authority to make the changes, so we should be able to get the bill back to where it was. However, if it's an appropriations bill then we don't believe she had the authority to take the sunset clause off from three years and make it to perpetuity. Because to me, that's appropriating money. That's adding many zeroes at the end of the amount that you were going to contribute for three years. And we are looking at the possibility of challenging that.

So that's where we are. We have several attorneys. It's a fine line but I think at this point we've come up with some very good things to analyze, provisions that we may want to pursue. We will make that decision in the near future. So the Governor also vetoed the hospitals' restrictions on the 200 percent poverty level. Now they can send people to collections. She vetoed the counties' ability to pay for co-pays and also for premiums. So she took all of the provisions pretty much that protected the counties off of the bill, scratched the language off, and left the provisions that clearly helped the hospitals. And that is very in a nutshell – you contribute to the hospitals in perpetuity but you can't replace the funds except for three years.

That to me is not acceptable. It's not palatable, and we need to look at it very seriously. So in a nutshell, I have spoken long enough and I am going to stop but I appreciate you doing this for us today, and just know that it never changes. We will always be here to help and to support your needs, and again, just to feel what you need here at the County level because I recall what it used to be like when mandates were done at the state level and I was a County Commissioner and I felt like sometimes there was not a whole lot I could do but accept what was done. And, you know what? There is something you can do. You come to us. Come to myself, to Representative Trujillo who is always eager to help, and to others. Representative Lucky Varela was there, very supportive, Peter Wirth, Egolf, Carl Trujillo. We were all there standing firm on this bill.

And before I go on, let me just say thanks. If someday you get an opportunity, please thank Senator Ivey-Soto, Daniel Ivey-Soto from Albuquerque. That man was truly very much responsible for a lot of the good amendments that took place to restore the bill back to its initial intent. He and Senator Jacob Candelaria, Senator Jerry Ortiz y Pino, very much in the forefront. And we owe a lot of gratitude to them. Thank you very much for having us here and giving us these beautiful flowers and recognizing us, but we recognize you, because you were so highly respected that the legislature saw it with a huge, huge number, percentage of the votes, and we're proud of you. Thank you.

COMMISSIONER STEFANICS: Thank you.

COMMISSIONER ANAYA: Thank you, Senator. Representative Trujillo.

REPRESENTATIVE JIM TRUJILLO: Thank you. Thank you for the recognition and thank you for the gift. It looks they are golf balls and I plan to use them this summer. I came into this a little different and I want to tell you that Senator Rodriguez is my Senator, so I can ask anything from her as a constituent as well as a colleague. I have a lot of respect for Senator Rodriguez. When she writes up a bill, when she pursues something, I know that it's going to be good. I never question her. She has a lot of experience. She's a leader. She's got – she's very well known in the legislature and well respected, which is very important, as well as you, the Commissioners and staff. When I see something coming from this Commission I know the experience that Commissioner Stefanics has, the experience that Commissioner Holian has, Anaya and Mayfield and Chavez. You've been around almost as long as I have. In fact Liz has probably been around more than I have.

But I know and I respect. I've had Katherine testify in the House for me. She's always been a great help, so what can you do but pursue things that people that look out for our constituents are supporting? And I have here with me, because it was – the bill that Senator Rodriguez, when it came over to the House of course, she was – it was referred to tax in the committee where I am vice chairman and hopefully I'll be chairman this coming session. As I remember, all I did was try to push to get the extra \$9 million by saying don't tell me that Human Services doesn't have \$9 million. Don't tell me that you can't get \$9 million from the general fund. We had \$190 million to spend. A bill this critical should have been funded fully by the State.

But I would have settled for the extra \$9 million. But anyway, after – I don't know, Senator Rodriguez, why I deserved it but she comes to me afterwards and she says, she asked me, will you carry this in the House and I said, Oh, my God. That's a hard bill to understand real quick. I kept up with it. As you know, I carry the big capital outlay bill which takes a lot of my time during the session in trying to negotiate with people that are making requests and dealing with the Governor and dealing with even in this case with the Senate. It's very time consuming for me so I keep up with bills like this as well as I can by talking to the hospitals, talking to Senator Rodriguez, talking to staff. I try to stay as much apprised.

But when Nancy asked me I said, what am I going to do? So this is the notes that I made. And I think, as it turned out, I don't think I even had to say them because when they called up the bill I got up and Nancy had offered to be there to answer questions because I

said to myself, I'm glad I'm going to have her here. She offered and if there's a question I can't answer she can answer it. So I was real happy, but I think before she sat down they voted on it and it – there was no questions asked; it just went real smooth.

But I have to present these notes to somebody. So I have here that, let's see, that the legislation – this allows Human Services to make payments and continue to pay for healthcare in our hospitals and it also helps those hospitals that are in jeopardy of being – of going out of business. If they didn't have this revenue they were going to be out of business, and that's the biggest thing that stuck in my mind is what happens if little rural hospitals can't afford to stay open, like Taos? Where are those people going to come? And you know they're going to come to St. Vincent's.

There was a lot of problems with it and then the thing that I was going to say to close up my remarks was that this was really a truly collaborative effort between the counties, between the legislature and between the hospitals. We didn't everybody get what we wanted but we got something and for that I want to thank all of you. I want to thank you again for the recognition and I especially want to thank Senator Rodriguez, my Senator. I think I'll vote for her again when she runs for re-election. Thank you very much.

COMMISSIONER STEFANICS: Thank you.

COMMISSIONER ANAYA: Thank you, Representative Trujillo. We'd like to go down and present the certificate if that's okay with the Senator and the Representative.

[The proclamations were presented and photographs taken.]

## II. ACTION ITEMS (Public Comment)

### A. Ordinances

#### 1. Request Authorization to Publish Title and General Summary of an Ordinance Establishing a 26-Ton Weight Limit on Old Lamy Trail – CR33

COMMISSIONER ANAYA: Thanks again to Representative Trujillo and Senator Rodriguez. Appreciate your efforts in working with us. I'll turn the floor over to Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I will keep this simple and short. First of all, I just want to note that on page 2 of the resolution, under section 4.b, I believe that there is a typo. It says the Public Works Department shall transmit a copy of this resolution to the New Mexico Department of Public Safety, etc., and I think it should be "of this ordinance."

In any event, I would like to make a motion to publish title and general summary of an ordinance establishing a 26-ton weight limit on Old Lamy Trail, otherwise known as County Road 33.

COMMISSIONER CHAVEZ: Second.

COMMISSIONER ANAYA: There's a motion by Commissioner Holian to publish title and general summary for a weight limit on County Road 33, a second by Commissioner Chavez. This is an ordinance. This is a public hearing, I believe. I guess we'll go -- if we could go to the public hearing. If we could not be redundant in remarks, and if you could cut to the chase on your remarks it would be greatly appreciated.

COMMISSIONER HOLIAN: Mr. Chair, just a point of order. I believe that this is not a public hearing but it is to your discretion to allow public comment.

COMMISSIONER ANAYA: We had a little discussion at the beginning of the meeting as to the noticing and typically we didn't notice publishing title and general summary for comment but we weren't going to but we did have the discussion, so we're going to have an opportunity based on that noticing for comment, which is a little different but I think it will be okay. Commissioner Stefanics.

COMMISSIONER STEFANICS: And Mr. Chair, I do have some legal questions once you finish with public comment. Thank you.

COMMISSIONER ANAYA: And if we could do the comments before we do any voting that would be okay with the Commission. So we'll go to the floor for any comments, anybody that would like to come forward please come forward. Ms. Pilnock.

KATHY PILNOCK: Thank you, Commissioner Anaya. I just briefly wanted to say that we've only just finally gotten that road repaved and in good shape and I think it's important to put these weight restrictions on the road. As somebody who's lived in Lamy, we want to keep that road lasting in such good condition as long as we can. So we appreciate this resolution. Thank you.

COMMISSIONER ANAYA: Thank you, Ms. Pilnock. Mr. McQueen.

MATTHEW MCQUEEN: Mr. Chair, Commissioners, my name is Matthew McQueen. I live in Galisteo. I am an attorney, and I just wanted to say I think this type of ordinance is a very typical exercise of the County's police power and is very appropriate. I think you could even make the argument that if you were expecting heavy truck traffic and knew the physical limitations of the road that you would be remiss if you did not address that situation. Thank you.

COMMISSIONER ANAYA: Thank you, sir. We had Ms. Pilnock who came forward. I know here and Mr. McQueen, but please come forward and state your name before you say your remarks. Thank you.

CINDY CLARK: Mr. Chair, Commissioners, my name is Cindy Clark. I'm a resident of Lamy and I would like to say that I hope you pass this ordinance, that you listen to the public sentiment. We have almost 1,000 signatures on petitions from people concerned about the Lamy road and surrounding situation and we will be presenting that to you in the near future as soon as we get to the 1,000 mark. We're very, very close to it. What I would like you all to consider is that in addition to maintaining the road and its condition that you also think about the public safety aspect. That road does not have any side berms. It does not have sidewalks. It's the only entrance and exit for Lamy and the school bus goes down that

road as well as our public residents use it basically as their sidewalk or as their place of exercise bicycling. So if we can keep the condition of the road up I know the bicyclists would appreciate it. It had a lot of potholes in the past and so if we can keep it I understand that it should be good for 20 years. If we could do everything possible to maintain it our citizens would appreciate that. So thank you very much.

COMMISSIONER ANAYA: Thank you, Ms. Clark.

JACK CLARK: Mr. Chair, Commissioners, my name is Jack Clark. I'm a property owner and resident in Lamy. I concur with the previous remarks and I just want to add the fact that core samples were taken along the road earlier this year and both the base and the asphalt layers were substandard based on County standards for the 20-year replacement cycle. The weight limit is very important to protect the road surface and as others have mentioned and to ensure public safety along that thoroughfare. So we appreciate your consideration.

COMMISSIONER ANAYA: Thank you, Mr. Clark.

PARKE DUTTENHOFER: Mr. Chair and Commissioners, my name is Parke Duttonhofer. I live in the Village of Lamy and my daughter and my wife drive that road daily and I'm very concerned about the safety issues that are currently there now with the amount of traffic that is on the road. So this weight limit is very important for us. Thank you very much.

COMMISSIONER ANAYA: Thank you, Mr. Duttonhofer. Ms. Lippard.

LUCY LIPPARD: Hi. My name is Lucy Lippard and I'm from Galisteo. I just want to quickly mention I certainly support everything everybody said so far, quickly mention that our water source is right there and any kind of spill would be disastrous. The history of spills in this kind of situation is getting worse by the day if you read the papers. So please keep that in mind. Thank you.

COMMISSIONER ANAYA: Thank you, Ms. Lippard. Are there others?

GLENN SNELL: I'm Glenn Snell. I reside in Galisteo. Thank you for your time, Mr. Chair, councilmen. I had the good luck of growing up in the oil industry for 35 years. I've seen every disaster you can possibly be. That would go from the plant blowing up ten miles from me and my house lifting off the ground, the Gulf of Mexico being totally polluted. I lived in Beaumont, the Port Arthur area. Safety is the biggest thing that you have here, but the human factor that comes into play where somebody doesn't get enough sleep, they've been on the road. At 17 I joined the Navy and part of the things we had to learn in boot camp was how to fight an oil fire. It's almost impossible. But the ship I was on was equipped to do that. New Mexico in the summer, from the air we look like we're burning up but if you do not have the safety in place and you're trying to fight an oil fire with all the dry vegetation around, the buildings, you'll see this place go up in smoke. So safety is the big factor. Thank you very much.

COMMISSIONER ANAYA: Thank you Mr. Snell for your comments. Mr. Taylor.

ROGER TAYLOR: Roger Taylor, resident of Galisteo, Mr. Chair, Commissioners, I think it's important to really focus. We've seen it in the press, you've gotten lots of messages. Some of the people here are focused on it with some of the dangers from tanker trafficking and oil and spills. But the major focus here is really looking at the road and what it will support. The 26-ton limit is certainly one that is very sufficient for every day needs of deliveries – propane deliveries, trucks with equipment for people working on houses, things like that. Looking at what the road will support, the limitation here is not just focused here on crude oil or tankers. It's really looking at heavy equipment that comes in on that road. So it's not just focusing on one particular industry or otherwise. It's partly the road, the weight that it will support, but it's also for people who are familiar with that road, the type of road that it is. It's very narrow. There are no shoulders. There are drop-offs to the sides. The road does curve. There are a couple of steep areas that you can come up to very quickly and then not see drop-offs and curves as you're going down into the village. So really, the major focus here is one of safety and security for the villagers that live there, for the people who live along the sides of the road, from potential traffic accidents should there be an increase in heavy traffic, as well as just for protection of the road itself. So thank you.

COMMISSIONER ANAYA: Thank you, Mr. Taylor. Are there any other questions or comments? Seeing none, this portion of the public hearing is closed, or public comment would be a better word. I'll now go to my Commissioners. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. I have a couple of different questions. First, I'm wondering if Mr. Martinez would come forward, and I'm assuming you might have some of this knowledge. Could you identify any types of vehicles over 26 tons that might be used in other types of businesses, i.e., a moving van?

ROBERT MARTINEZ (Public Works/Roads): Mr. Chair, Commissioner Stefanics, yes. There's several types of commercial trucks that would exceed 26 tons which would be a tractor-trailer delivering heavy equipment for construction purposes. Also possibly a large piece of fire department apparatus delivering water. By the way emergency services are exempt from the weight limit so I want to make it perfectly clear that emergency services would not be denied access based on their weight. Emergency services will be provided regardless of the weight. Other things might be a tractor-trailer delivering maybe large amounts of building materials, but it would be in excess of 26 tons, which is quite a bit of weight. So I don't think that people would be denied any goods or services to their home based on this weight limit.

And even if there are weight – commercial trucks delivering over the 26 ton, in this proposed ordinance it states that it is allowable, just so long as it's not on a continual basis.

COMMISSIONER STEFANICS: I'm sorry. I missed – okay, I see. Provided it is not of a continuous, repetitive, daily nature.

MR. MARTINEZ: That is correct.

COMMISSIONER STEFANICS: So if it was twice a week it could occur?

MR. MARTINEZ: That is correct.

COMMISSIONER STEFANICS: Okay. Thanks, Robert. My next question is for Rachel Brown, our attorney. Are there any potential legal ramifications for Santa Fe County in enacting an ordinance like this?

RACHEL BROWN (Deputy County Attorney): Mr. Chair, Commissioner Stefanics, there are concerns about an ordinance of this nature. Without going into a great deal of depth about the details of those concerns there is a federal act called the Interstate Commerce Commission Termination Act which could create problems of pre-emption for an ordinance such as this that would pose a risk of lawsuit against the County if we were to enact an ordinance that interferes with rail transport.

COMMISSIONER STEFANICS: So Ms. Brown, if we passed an ordinance such as this and it was challenged by an industry, any industry, what type of court would it end up in?

MS. BROWN: There are different routes that could be taken but the most likely route would be that we would be in federal court or that an administrative body in Washington would be delegated responsibility for resolving a dispute regarding pre-emption and whether a local body had authority to enact an ordinance of this nature that affected rail transport or had the potential to affect rail transport. And so it's possible that it would be a dispute resolved out of state. It's possible it would be resolved in the federal courts. I suppose there are theories that could take us into state court but federal court or this administrative body are the most likely forums.

COMMISSIONER STEFANICS: Well, the reason, Commissioners, I ask the question about the courts is that within the past five years, 4 ½ years, I have been a party here at the County to a case we've had in federal court, and it was not good for the County and it cost the County and its taxpayers quite a bit of money. So I just want us to go on record as noting that if we end up with a very large lawsuit that ends up costing the County a lot of money it turns right back into extra property taxes for the taxpayer.

The third question I have, Ms. Brown, and I think you might be able to answer this. If Santa Fe County believed – and we've done this for other purposes – but believed that it was necessary for the safety of a community to establish some bonding for an activity to protect the community or the resources, would we have the ability to do that, i.e., in our oil and gas drilling ordinance, I believe we have some bonding. In development of subdivisions we have some bonding.

MS. BROWN: Mr. Chair, Commissioner Stefanics, we certainly have elements of that within our Land Development Code. The question, which I don't have an immediate answer for you is whether anything in the Land Development Code or other ordinances we have would apply in this instance and if there's a question of pre-emption I'm not sure whether those ordinances would provide any relief, should we attempt to regulate something in this field. And so that's something I would need to look into.



COMMISSIONER STEFANICS: So I would suggest that we look into bonding for a generic hazardous activity within the county so that we could determine whether or not we would have some legal basis for that as well. Mr. Chair, I understand that there's a great deal of concern by this community and by any community that would be going through this. There are several national articles around the county of communities that have tried to do things or communities that have been heard, so I understand the purpose of this. I want to make sure that if we do something that it is sustainable. So I thank the Commissioner for bringing it forward. I think between today and our next hearing I think I still need to have some more answers, but I think that I totally understand the purpose. Thank you very much.

COMMISSIONER ANAYA: Thank you, Commissioner Stefanics. Commissioner Chavez, Commissioner Holian, any other comments? Commissioner Mayfield? Is he still with us?

CHAIR MAYFIELD: I'm with you, Commissioner. My only comments, Commissioner, would be that this is to publish title and general summary. I would just respectfully ask that we would conduct two public hearings on this issue, if it's in the district it concerns, I'm fine with always moving any public hearings to accommodate folks that have to travel to downtown Santa Fe. I just think it's important on all of our ordinances that we're publishing title and general summary for that we have a minimum of two public hearings. Thank you, Commissioner. Thank you for the comments that were made.

COMMISSIONER ANAYA: Thank you, Commissioners. I took a few notes here, of which we need to do some research, Ms. Brown and have some feedback for those individuals here but as well as the public at large. Interstate commerce considerations, legal liability and associated cost, bonding was suggested by Commissioner Stefanics, associated with I guess not just this potential project but any other area in the county, road concerns, safety issues and taxation. Those were some of the key things that were discussed that I'm hopeful that Ms. Miller and staff can do some research and then bring some information back. With that I'm appreciative of the feedback that we received and the work in bringing it forward for discussion.

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

COMMISSIONER ANAYA: Let the record reflect that the decision to publish title and general summary is unanimous and there's many things and work that we're going to look at between now and the public hearings and that there'll be two public hearings on this item. Thank you.

**II. A. 2. Request Authorization to Publish Title and General Summary of an Ordinance Amending Ordinance 2014-1 (an Ordinance Establishing a Living Wage within Santa Fe County; Specifying Employers Subject to the Living Wage; Making Findings as to the Necessity of a Living Wage; Establishing a Prohibition on Retaliation for Reporting Violations of the Living Wage; Providing for Remedies and Penalties; Specifying Enforcement Officers; Providing the Process to be Employed Upon Complaints of Violations; Establishing Severability; and Providing an Effective Date) to Modify the Base Wage for Tipped Employees**  
*[Exhibit 1: Letter from New Mexico Restaurant Association]*

COMMISSIONER ANAYA: This particular item is an item that I'm carrying. Ms. Brown, I'm going to summarize and then if you could elaborate if I don't articulate it appropriately. This proposed amendment to the living wage keeps in place that the base – that the minimum somebody would be paid as a tipped worker would be \$10.66 an hour. It maintains the integrity of the ordinance. Anybody who is not receiving tips under the federal rate, if they don't receive up to \$10.66 an hour, this amendment will make sure that they are paid the \$10.66 an hour, those employees, but the base rate would not change from the federal rate. Is that a good summary, Ms. Brown?

MS. BROWN: Mr. Chair, that was accurate.

COMMISSIONER ANAYA: So with that, I'll go ahead and make a motion if I could and then we'll go to discussion and then we'll have some comment. I know we have one individual at least that wants to make comment. But I'm going to go ahead and move to publish title and general summary of the ordinance.

COMMISSIONER HOLIAN: I'll second that.

COMMISSIONER ANAYA: There's a motion; I made it, and it's seconded by Commissioner Holian. Now, under discussion, Commissioners, are there any questions from Commissioners? Commissioner Chavez.

COMMISSIONER CHAVEZ: Thank you, Commissioner Anaya. I am most likely going to vote to publish this amendment but I will tell you that I am going to have a very hard time supporting it. I think it's fortunate that we're able to have this discussion about the federal minimum wage and this other class of employees, which are tipped employees that have a different base wage than the rest of the employees. And we have the opportunity to address both components of the federal minimum wage which we know is woefully low. It does not meet the needs of working individuals or families at this point in time.

So for me to discuss or amend or improve only part of one of the components of the discussion really doesn't do it for me. I think Albuquerque and Bernalillo also had the opportunity to compensate for what our federal government and Congress is not doing. So local governments across the nation have been trying to compensate for what Congress has

not been able to do. And so I think again it's fortunate that we're having this discussion. I think it's good that we're having the discussion about the two different groups of employees and that we're trying to address both of those components. And so I'm going to stay focused on that. I'm going to support the motion now, really only to have the discussion, to continue the discussion. Because if we don't have the discussion we don't have the opportunity to make any changes. If we have the opportunity and we don't make the changes, then we've squandered that opportunity and I hope in this case we don't squander the opportunity to make a difference and to send a message to our congressional delegation. We need their help on this issue, in a larger sense. Thank you, Mr. Chair.

COMMISSIONER ANAYA: Thank you, Commissioner Chavez.  
Commissioners, Commissioner Stefanics?

COMMISSIONER STEFANICS: No.

COMMISSIONER ANAYA: Commissioner Mayfield? I don't know if we lost Commissioner Mayfield.

CHAIR MAYFIELD: Commissioner, can you hear me?

COMMISSIONER ANAYA: Yes, I'm sorry. You have the floor.

CHAIR MAYFIELD: I apologize, Chairman Anaya. I appreciate the comments that were made, Commissioner. I've had the opportunity to meet with various constituents on this matter. There are concerns. Again, I don't – I want it to be known I'm a proponent of the living wage. I look at it as a working wage for individuals. But I have heard some of the community concerns from some of the businesses on this issue as it comes to a tipped wage ordinance. I want to hear what everybody has to say on this matter. I did ask the question when I have met with some of these businesses. Respectfully, I know some of them may be in the audience today. When this Commission published this living wage ordinance we did put it out timely for comment and some indicated we weren't totally aware of that until at the very end. So I want to give everybody the fair opportunity to comment on this. I think that's the right thing for us to do as local delegates of these individuals, and I would support this ordinance moving forward. Again, Commissioner, I would ask that we would have a minimum of two public hearings and if they could be brought throughout Santa Fe County or if it is in the chambers, just respecting everybody has to make themselves available to get downtown. Thank you.

COMMISSIONER ANAYA: Thank you, Commissioner Mayfield. Other matters of public comment. I know we have one young lady here with us to make some comments.

FLORENCE JARAMILLO: Mr. Chair, Commissioners, my name is Florence Jaramillo and I have Rancho de Chimayo. When I came across this about bringing your redefining the tipped wage to agree with the federal and also the City of Santa Fe agrees with it. One of the things you have to understand, that tipped people really make much more even than our kitchen people, but they deserve it. I'm not saying they don't deserve it, and also, when you have a good person who's been with you – I have three people, wait staff that have been with me 30 years – you don't give them whatever the wage says; you pay them more

because they deserve more. So that's how it goes. But I would appreciate if the County would go along with the federal bill and not the \$6.40 that you have proposed, because that really makes a change.

And I don't know if you realize when you pass this \$10.66 you increase the minimum wage 42 percent. We are working really hard with our staff and we have met with them. They're working with us. They're going to have to work harder than ever, but not only did we have the increase, we believe in increase, but the only thing is we also have a lot of increase in your food products and we can only increase our menus just so much. Most of our other employees are pretty good.

And the only thing I would like to ask if you would even consider a teenage wage for the summer kids. There's so many people in northern New Mexico, there is nothing for these teenagers to do and I have several 16-year olds that I am not going to be able to hire this summer. And I would like their grandmothers to call you, because it is so important. These students learn from all the different people that come to the restaurant. They learn social things and it's important for them to have to do. But I would like to be for the federal wage for the tipped people. I do agree with that. Thank you.

COMMISSIONER ANAYA: Thank you, Ms. Jaramillo. Are there others who would like to make a comment related to publishing title and general summary on this ordinance at this time? If there's none, we will close the public comment section and I'm sure there are going to be many, many more comments and much more discussion. Appreciate what Commissioner Chavez had to say. Did you have something else you wanted to add, Commissioner?

COMMISSIONER CHAVEZ: Only that the range in increase goes from 46 percent to 300 percent. So I think that it's hard to gauge that. I know that it's going to be an impact; it has been an impact to businesses in Albuquerque and Bernalillo and in the City of Santa Fe. So now we're turning into a new area. Although the issue is not new, but I think that we're going to hear different scenarios and obviously, the impact or the impression of the impact in this ordinance is not yet known. I think people could probably estimate what the impact would be and accommodate it in time. But we heard from one person that was here just a minute ago say that the increase was 46 percent but then we have a letter here from the New Mexico Association, located in Albuquerque that the increase is 300 percent in server wages, so it must be somewhere in the middle.

COMMISSIONER ANAYA: Thank you, Commissioner Chavez. Any other comments from Commissioners? Commissioner Mayfield, do you have anything else to add?

CHAIR MAYFIELD: I have nothing, Commissioner. Thank you.

**The motion passed by majority 4-1 voice vote with Commissioner Stefanics casting the nay vote.**

**II. A. 3. Request Authorization to Publish Title and General Summary of Economic Development Ordinance No. 2014-\_\_\_, an Ordinance Approving the 2014 Economic Development Plan; Repealing on a Limited Basis Ordinance No. 1996-07; Providing for Detailed Rules to be Applied to Assistance of Qualifying Economic Projects, Including the Qualifications of Applicants, Requiring an Application, Requiring a Project Participation Agreement and Specifying its Contents; Providing for Limitations on the Amount of Assistance Permitted Pursuant to the Local Economic Development Act; and Requiring a Special Fund for Monies Received or Held for an Economic Development Project**

DAVID GRISCOM (Growth Management/Economic Development): Thank you, Mr. Chair. Really quickly, I just want to clarify one thing up front. On the caption, on the agenda, it lists the Economic Development Ordinance as 1997; it's actually 1996-07. So what you have before you is a packet to request authorization to public title and general summary. We have presented the economic development plan to you. That was done on February 11<sup>th</sup>. We opened the plan up for public comment until February 28<sup>th</sup> for approximately 18 days. We have received a number of different comments, all of which are attached in your memo, as well as the suggested, recommended changes by staff.

Also included, the comments are included as Appendix 1 and Appendix 2 is the revised Economic Development Ordinance, 2014-XXX. So with that I stand for any questions.

COMMISSIONER ANAYA: Are there any questions for Mr. Griscom, Commissioners? Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I guess the question I have is I noted there are a number of comments by the public and then there's some staff recommendations. Are you looking for direction on those today?

MR. GRISCOM: No. Today, I'm only looking for authorization to publish title and general summary.

COMMISSIONER HOLIAN: Thank you, Mr. Griscom.

COMMISSIONER CHAVEZ: Mr. Chair.

COMMISSIONER ANAYA: Thank you, Commissioner Holian.  
Commissioner Chavez.

COMMISSIONER CHAVEZ: I'd like to go ahead and make a motion to publish title and general summary.

COMMISSIONER ANAYA: We have a motion from Commissioner Chavez.

CHAIR MAYFIELD: Second.

COMMISSIONER ANAYA: There's a motion and a second. Are there any other questions or comments? Commissioner Chavez.

COMMISSIONER CHAVEZ: Just a comment. I have been able to meet with Mr. Griscom a couple of times to go over the document, the economic development draft that's in our packet and I did provide some suggestions or ideas. They will be incorporated. I think that the suggestions that we got in our packet will also be incorporated into the document. So it's still a work in progress. We still have time to make some comments and minor changes and so I was willing to make the motion to move this forward. But then, David, what would the next step be? Because you still are looking for public comment, so give us a timeframe on when you're looking to have the final document in it's printed form and ready for approval?

MR. GRISCOM: Mr. Chair, Commissioners, if you authorize publishing title and general summary today we will publish this in a local newspaper or regional newspaper some time within the next two weeks. We have to have that open for I think 14 days. And then on May 13<sup>th</sup> we will bring this forward for adoption, and that will be a public hearing, if I'm not mistaken. That will be adoption of the ordinance, so there will be opportunities for public comment at that time.

COMMISSIONER CHAVEZ: Okay. Thank you, Mr. Chair.

COMMISSIONER ANAYA: Thank you, Commissioner Chavez.  
Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Just a real brief comment. I noticed in the draft ordinance that is in our packet there's a typo in Section 7.B, the third sentence. The project participation agreement shall specify that public support provided for an economic development project, and then it says "is be" but I think you mean be, in exchange...

MR. GRISCOM: Thank you.

COMMISSIONER ANAYA: Thank you, Commissioner Holian.  
Commissioner Stefanics? Commissioner Mayfield, do you have any questions or comments?

CHAIR MAYFIELD: No, sir. Commissioner, I just look forward to this moving forward. Thank you.

COMMISSIONER ANAYA: Thank you, Commissioners. Mr. Griscom, I know I had some comments at the BCC meeting the last time we had this presented. Did we incorporate the comments not only from myself but other Commissioners into this latest iteration of the document?

MR. GRISCOM: Mr. Chair, Commissioners, yes, we did. On page 2 of the memo that you have in front of you are all the comments that I received from the Commissioners at that meeting and I've included suggested language to be incorporated in the plan.

COMMISSIONER ANAYA: Thank you, Mr. Griscom. I appreciate that.  
Thank you, Commissioners. Seeing no other comments.

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

**II. A. 4. Request Authorization to Publish Title and General Summary of an Ordinance Dedicating, in Quarterly Installments, an Amount Equal to a Gross Receipts Tax of One-Twelfth (1/12) Percent Applied to the Taxable Gross Receipts Reported During the Prior Fiscal Year by Persons Engaged in Business in the County to the Newly Created Safety Net Care Pool Fund; and Providing an Effective Date of Transferring Funds**

PATRICIA BOIES (Community Services Department): Thank you, Mr. Chair, Commissioners. As discussed during the most recent Health Care Assistance Board meeting on March 25<sup>th</sup>, this ordinance is required by state law, and in fact the state law is the one for which Senator Rodriguez and Representative Trujillo were so rightly recognized earlier this afternoon. That legislation replaces the sole community provider program with the new Safety Net Care Pool fund and requires that counties enact an ordinance that dedicates 1/12 of their gross receipts tax to the fund. That's simply what this ordinance does and we are requesting that the Board grant authority to publish title and general summary. And I'll stand for any questions.

COMMISSIONER ANAYA: Are there any questions, Commissioners?  
Commissioner Holian.

COMMISSIONER HOLIAN: Mr. Chair, I just simply want to make a motion to approve title – to publish title and general summary of this ordinance.

COMMISSIONER ANAYA: Motion to publish title and general summary.

COMMISSIONER STEFANICS: Second.

COMMISSIONER ANAYA: A second by Commissioner Stefanics. Any other questions? Commissioner Chavez? Commissioner Stefanics? Commissioner Mayfield? I have a question. Just a comment, not a question. My comment, I think Commissioner Chavez said it in his remarks earlier that this entire process is a we'll wait and see what happens associated with the overall project and the safety net and the coordination between the state and the hospitals. This Commission and commissions throughout the State of New Mexico were the direct conduit to hospitals to ask critical questions about their care their services, and this project is going to shift that responsibility to the State Human Services Department and their oversight of hospitals and how this rolls out. I know we're going to be engaged – well, yourself, Ms. Boies as well as our Health Planning Commission but it is a shift in how things are done for the care of indigent patients, so we'll wait and see how things progress and continually learn how things work. So I don't have any other comments. Commissioner Mayfield I don't think is there right now.

CHAIR MAYFIELD: I'm here.

COMMISSIONER ANAYA: Commissioner, we had a motion to approve and a second. Were you in favor to publish title and general summary?

CHAIR MAYFIELD: On the bill, the presentation that was given for Senator Rodriguez and Representative Trujillo, yes. I'm in support of that. Commissioner, could you also show that I did vote yes for item II. A. 3, please. The economic development plan?

COMMISSIONER ANAYA: Absolutely. We did reflect that you voted aye on that and we'll reflect that you voted aye on item 4, to publish title and general summary.

CHAIR MAYFIELD: Thank you, sir.

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

### **III. MATTERS OF PUBLIC CONCERN**

COMMISSIONER ANAYA: Are there any individuals here today that have any matters of public concern they'd like to address before the Commission. Seeing none – I don't see any. I think we'll go ahead and take a ten-minute break and reconvene. Thank you.

[The Commission recessed from 3:32 to 3:52.]

### **IV. DISCUSSION/INFORMATION ITEMS/PRESENTATIONS**

#### **A. 3. A Proclamation to Distinguish the Members of Rancho Viejo as a Recognized Firewise Community**

COMMISSIONER ANAYA: Thank you, Commissioners. We'll go ahead and move on.

COMMISSIONER STEFANICS: Thank you very much, Mr. Chair and members of the Board of County Commissioners. The representative from Rancho Viejo was here but had to leave, but I still intend to present this proclamation. Chief Sperling has a few words to say, and then on April 26<sup>th</sup> we will be presenting the proclamation to the Rancho Viejo Firewise community. But in the meantime, I understand this is a significant accomplishment, so Chief Sperling, why don't you come forward first to talk a little bit about it and then I'll make a motion to pass the proclamation. Thank you.

DAVE SPERLING (Fire Chief): Thank you, Commissioner. Commissioners, Rancho Viejo is not commonly recognized, I think as a high-risk wildland fire area in Santa Fe County, but in fact we have had a number of wildland fires in that subdivision during the last several years and one fire in particular in 2011 that indeed put homes at risk. Becoming recognized as a Firewise community is truly a big step for Rancho Viejo and it is the culmination of hard work from organizers and like Pat Burns and Ann McGovern. They're not here today. They were here a little bit earlier as you mentioned, and it's also a collaboration with the remaining members of the community as well as Santa Fe County in particular, Chris Nystrom from our Wildland Division who worked with the community members to facilitate this recognition.



Firewise involves homeowners in taking individual responsibility for preparing their homes from the risk of wildfire. It truly encourages local solutions and teaches people to adapt to the reality of living with wildfire. It encourages homeowners to work together, and together to take action to prevent losses. Firewise recognizes that we all have a role to play in protecting ourselves and others, including firefighters from the risk of wildfire. And fortunately, Firewise community recognition opens the door for the community to additional sources of grant funding.

So we at the Santa Fe County Fire Department in Santa Fe County hope to use this Rancho Viejo example and model to encourage other at-risk communities to take similar action. So once again, I just wanted to thank the Rancho Viejo community for their hard work and diligence, in particular Ann McGovern, Pat Burns, and Chris Nystrom from our staff. I stand for any questions.

COMMISSIONER STEFANICS: Thank you, Chief Sperling. I would first move the proclamation and then hopefully get a second –

COMMISSIONER HOLIAN: Second.

COMMISSIONER STEFANICS: And take any questions or comments.

COMMISSIONER ANAYA: There's a motion from Commissioner Stefanics, second from Commissioner Holian. Commissioner Chavez.

COMMISSIONER CHAVEZ: Chief Sperling, maybe just in a kind of quick snapshot, tell us and the public what a Firewise community might due with more resources and a grant like this.

CHIEF SPERLING: Mr. Chair, Commissioner Chavez, so additional funds will allow them to further their fuel mitigation efforts community-wide, and that means hiring contractors and doing things that help the individual property owners to reduce the risk of additional fuel load on their property than may feed a wildland fire. So it's really important to be able to access funding to reduce the risk in that it's very costly, in some cases for individual homeowners, in particular if they have a large piece of property to effectively mitigate the risk. The grant funding is a great avenue to accomplish that task.

COMMISSIONER CHAVEZ: Well, and so that's good, Chief.

COMMISSIONER STEFANICS: Mr. Chair, could I add to that?

COMMISSIONER CHAVEZ: Sure.

COMMISSIONER STEFANICS: It also is helping to educate all the school children, at Amy Biehl, at the ATC Charter School, at AIAI, in terms of Firewise measures that they can take home and work with their parents. You know how children get about we need to recycle or we need to do this or, Mom, why don't we have solar? The same message comes through with Firewise prevention, so some of these funds and some of these efforts have gone to the schools in the area as well.

COMMISSIONER CHAVEZ: Great. Great. And I think that's good because I think education, especially in the schools where it's broad like this, where a student can understand that it's benefiting your personal property but there's a larger benefit. And then too, I would imagine that it would help you in your department do your job, because if things

are cleared and mitigated and a fire would still break out it would be easier for you to approach that fire and deal with it in a better way.

CHIEF SPERLING: Mr. Chair, Commissioner Chavez, that's absolutely correct, and raising the level of awareness throughout the community through education and then the activities associated with fuel mitigation and looking at your landscaping critically with wildfire in mind just helps all of us to do our jobs better and helps the community be better prepared.

COMMISSIONER CHAVEZ: Thank you. Thank you, Mr. Chair.

COMMISSIONER HOLIAN: Mr. Chair.

COMMISSIONER ANAYA: Thank you. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Chief Sperling, how many Firewise communities do you think we have in the county now?

CHIEF SPERLING: Mr. Chair, Commissioner Holian, we have one Firewise community in Santa Fe County. We used to have a second community off Hyde Park Road and they have since lost their community designation and are working at this time to kind of regain that recognition.

COMMISSIONER HOLIAN: And do we have any other communities that have signed up to try to be a Firewise community?

CHIEF SPERLING: Mr. Chair, Commissioner Holian, I'd have to defer that to Chris Nystrom and follow up. I'm not sure if there are other communities actively pursuing the designation at this time in Santa Fe County or not.

COMMISSIONER HOLIAN: Well, thank you anyway. I would like to commend the Rancho Viejo community, as well as our Fire Department staff, particularly Chris Nystrom. I know that it's quite an achievement to have that status, and I think it's also an excellent example of showing how if we do want to become less vulnerable to wildfire, especially in the face of the drought that we're facing and so on, that it's really crucial that everybody work together. It's the community, it's all the people in the community, it's our Fire Department, it's various funding agencies with grants and it's just so important to bring all the different entities together, if we really want to make a difference in this problem. Thank you.

COMMISSIONER CHAVEZ: Mr. Chair.

COMMISSIONER ANAYA: Commissioner Chavez.

COMMISSIONER CHAVEZ: Chief, I have a follow-up question. Would this in any way help that community with their ISO fire rating and their insurance rates?

CHIEF SPERLING: Mr. Chair, Commissioner Chavez, no, Firewise does not play into an ISO evaluation of the district, but in the reality it does reduce the risk associated with –

COMMISSIONER CHAVEZ: Sure. Well, I was just hoping that there would be another sort of connection there. Thank you. Thank you, Mr. Chair.

COMMISSIONER ANAYA: Commissioner Stefanics, anything else?

COMMISSIONER STEFANICS: Just that the Chief already indicated that currently, Rancho Viejo is the only Firewise community in Santa Fe County and there are 16 Firewise communities in New Mexico. So I would encourage other communities within Santa Fe County to look at this program very much. Thank you very much, Chief.

CHIEF SPERLING: Thank you, Commissioners, and Commissioner Holian, I do know that several communities are looking at Firewise, but I don't know if any are actively engaged in seeking community recognition.

COMMISSIONER HOLIAN: Thank you, Chief. Well, anyway, I'll start bullying some of the communities in my district.

CHIEF SPERLING: Thank you, Commissioner.

COMMISSIONER ANAYA: Commissioners, Chief, could you maybe bring Mr. Nystrom back and give a presentation on things that communities can do and maybe give them the process as to where they need to look to understand what Firewise is and how they might achieve the same end as Rancho Viejo has?

CHIEF SPERLING: Commissioner Anaya, I'd be happy to. I know Chris would enjoy coming in and presenting that material to you and to the public.

COMMISSIONER ANAYA: Thank you, Chief. Commissioner Stefanics, did you have a proclamation you wanted to read in?

COMMISSIONER STEFANICS: Yes, I can read it in, and then we will present it on April 26<sup>th</sup> at noon, at Rancho Viejo. Everyone is invited to attend.

The Santa Fe County Proclamation: A proclamation to distinguish the member of Rancho Viejo as a recognized Firewise community.

Whereas, the Firewise Communities/USA Recognition Program is a process that empowers neighbors to work together in reducing their wildfire risk;

Whereas, using a five-step process, communities develop an action plan that guides the residential risk reduction activities while engaging and encouraging their neighbors to become active participants in building a safer place to live;

Whereas, the purpose behind this nationwide effort is to educate communities about wildfire, develop a plan community-wide with community members for reducing risks to home, create a sense of community pride in achieving this status, make communities safer for firefighters and foster a sense of responsibility as the community members take the lead;

Whereas, steps involved are as follows: obtain a wildfire risk assessment, form a Firewise board of community members, conduct a Firewise day, Rancho Viejo's community-wide Earth Day Cleanup was held in April 2013. Their 2014 Cleanup Day will focus on Firewise concepts and involve kids from the local schools, 4) invest a minimum of \$2 per capita in local Firewise activities, and 5) submit the application.

Whereas, Rancho Viejo and the Santa Fe County will work with the Amy Biehl, IAIA and ATC schools to develop wildfire educational programs for children from grade schools through college to include them in volunteer activities that will benefit the entire community;

Whereas, with over 1,200 households Rancho Viejo began this Firewise process in April 2013 and was notified of the success in January 2014;

Whereas, Rancho Viejo is one of 16 Firewise communities in New Mexico;

Whereas, Rancho Viejo is the only Firewise community currently recognized in Santa Fe County;

Now, therefore be it resolved that the Santa Fe Board of County Commissioners does hereby proclaim and distinguish Rancho Viejo a Firewise Community, signed, sealed by all of the County Commissioners and dated this 8<sup>th</sup> day of April with the County Manager, the County Clerk and Attorney. Thank you. And I already moved it.

COMMISSIONER ANAYA: Thank you, Commissioner Stefanics. There's a motion by Commissioner Stefanics and a second by Commissioner Holian.

**The motion passed by unanimous [4-0] voice vote.** [Commissioner Mayfield was not present for this action.]

COMMISSIONER ANAYA: That's excellent. The pioneers in Santa Fe County. Commissioner Holian, I'm going to follow suit and bully and encourage other members in my district to the same. I'm sure you will as well, Commissioner Chavez.

COMMISSIONER CHAVEZ: Yes, yes.

**IV. A. 4. Recognition of National Telecommunicators Week, April 13-20, 2014 Honoring the Men and Women Who Serve Their Communities as 911 Operators**

KEN MARTINEZ (RECC Director): Mr. Chair, Commissioners, thank you. I wanted to take the time to thank you all letting us come up and enjoy the recognition. Every second full week in April each year, that time is dedicated to honoring the men and women who have dedicated their professional lives to serving as 911 public safety dispatchers and 911 operators. And we do no different here in Santa Fe County and try to honor and thank the dedication of our 911 operators each year during this week.

We do things like have lunches or barbecues or breakfasts, things of that nature and we work with the staff to try to let them know how much they're valued, even though 911 operators often tend to be forgotten about because they're behind the scenes and they're not the ones that are going out and seeing the people that are requesting the help but they're often and always are the very first people to be contacted when something goes wrong, over 911.

So today I brought with me Mr. Ignacio Dominguez. He's one of our team leaders. He's also a representative of the CWA or New Mexico Communications Workers and has been an operator within the RECC for a little more than four years. So I wanted to bring him, introduce you to him and have him stand for any questions that you may have regarding his view or perspective as an operator/team leader and a public safety telecommunicator.

COMMISSIONER ANAYA: Mr. Dominguez, thank you for being with us today.

IGNACIO DOMINGUEZ (Telecommunications Operator): Mr. Chair, Commissioners, first of all I would just like to tell you thank you very much for this recognition. Oftentimes, as the director had mentioned, telecommunicators are forgotten. They are overlooked. We're kind of just the person you talk to and wait until the officer got here, I forgot who I just talked to. So in doing this you have taken a huge step forward in making our job that much better. None of us do it for the recognition but it is always – we're very grateful from our hearts for this. So I would just like to, on behalf of the staff, on behalf of my team, day shift, graveyard, of all the operators that do work at the center and for all the operators that never get the recognition I would just like to tell you all thank you very much.

COMMISSIONER ANAYA: Thank you, Mr. Dominguez. Commissioners, Commissioner Chavez? Commissioner Holian?

COMMISSIONER CHAVEZ: Well, Mr. Dominguez, I think we should be thanking you. And so I want to thank you and your staff for the work that you do because in our modern society I don't think we would be very well off without 911 and without the service that you provide. It's the first point of contact. It wasn't too long ago that you would get calls and sometimes the first question that was asked was are you in the city or in the county. And I don't think that question is being asked anymore.

MR. DOMINGUEZ: No, sir.

COMMISSIONER CHAVEZ: So again, the service that you provide, I don't think we could put a price or a dollar amount on that and the service and the dedication that you and your staff provide I think is also hard to assess that and put a dollar amount on it. But anyway, thank you for your service, for your dedication and to all your staff, thank them as well.

MR. DOMINGUEZ: Thank you very much.

COMMISSIONER ANAYA: Thank you, Commissioner Chavez.  
Commissioner Holian.

COMMISSIONER STEFANICS: Thank you, Mr. Chair, Thank you, Mr. Dominguez and thank you to all the operators. I had a medical emergency of my own in this last year. Last September I think it was my mom called me up and she said I'm so sick to my stomach that I can't even get downstairs. I think I'm going to pass out. And then the phone went dead. And I called up 911, and I was a little panicky, to put it mildly, and I just want to say that the person whom I talked with calmed me down. Was very professional and emergency help got to my mom in a record amount of time and I'm just so appreciative of what everybody did to help me and my family.

COMMISSIONER ANAYA: Thank you, Commissioner Holian.  
Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. I'd like to thank you and your colleagues for the work that you do and I think that the goings on in Albuquerque dictate how important those 911 calls are. And I have no doubt in my mind that the people who are sitting there at the RECC listening and assisting people on the phone take everything

very seriously, and for that I thank you very much and I hope that you continue to save lives in the work that you do.

MR. DOMINGUEZ: Thank you very much.

COMMISSIONER ANAYA: Thank you, Commissioners, Commissioner Stefanics and all the Commissioners for your comments. I echo those comments. Day in and day out, behind the walls of the dispatch center, 24 hours a day, seven days a week, 365 days a year, you're there and your team is there working to provide the service and the public safety for the residents of this entire county. I think that's a very important note that Commissioner Chavez makes. There's no distinction between city and county, it's one end of the county to the other, crossing into our neighbors in the region, in the north, Rio Arriba, in the east, San Miguel, Los Alamos, Torrance County, Bernalillo, you guys coordinate and work together. I know, Mr. Martinez, you work with the affiliate. I think you're the chair or the vice chair of it. You're the chair now? Of the state affiliate. So the leadership is clear and the work is clear and your efforts are greatly appreciated.

I'd like ask that we take a picture of you, Mr. Dominguez, but I'd like to ask so Commissioner Stefanics don't have to go down those steps; she just had surgery. If you could come up here, Mr. Dominguez and Mr. Martinez, and Tony, if you can get that camera, let's take a picture. Ms. Miller and Clerk Salazar, if you'd join us as well. Mr. Sedillo and Chief Sperling, why don't you guys come up and join us.

[Photographs were taken.]

COMMISSIONER ANAYA: Thank you, Mr. Dominguez. We know you couldn't bring everybody because they're working and taking care of us but please pass on our appreciation for their efforts.

MR. DOMINGUEZ: I will, and I'd also like to extend the invitation that if at any point, any of you Commissioners would like to come in, sit with any one of us to kind of see what we do, hear some of the calls we go through, kind of get a feel for it, you're more than welcome to. The invitation will always stand. Thank you very much for this recognition and this opportunity, deeply, from the bottom of my heart and from everybody at the center, I would just like to extend a thank you.

COMMISSIONER ANAYA: No, no. Thank you.

**IV. B. Matters from the Commission**

**1. Commissioner Issues and Comments**

COMMISSIONER ANAYA: I'll go to Commissioner Chavez.

COMMISSIONER CHAVEZ: I have nothing, Mr. Chair. Thank you.

COMMISSIONER ANAYA: Thank you, Commissioner. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. I believe we're not coming back as a Commission before the Easter Passover holidays, so I would like to wish holiday greetings to everyone and if I've missed some other holidays in that segment of time I'm sorry. I know that there will be some time off, some family celebrations, maybe even some spring breaks and I wish everyone peace and joy during the season. Thank you.

COMMISSIONER ANAYA: Thank you, Commissioner Stefanics.  
Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I would like to first of all, recognize the passing of two important people in our community. First of all, Representative Max Coll passed away week before last. And I went to the service at the roundhouse yesterday. What really came through from all the people who spoke was what a remarkable person he was. He worked really, really hard for the people in his district and he really, truly was one of those people who wanted to make the world a better place. Also, he had a great sense of humor and he was really, really smart. So I have to also say that he was a personal inspiration to me when I first ran for office. I knew that I had to go door to door, and so I started off. I was a little bit tentative at first, but I can't tell you how many people said to me, especially in the rural areas, you know, the last time someone who was running for office or who is a politician came to my door it was Max Coll. And I appreciated it so much because he talked to me for however long I wanted to talk to him. And so that really taught me and made me realize how valuable it is to talk to people.

I want to send my sympathy especially to his wife Katherine and also to his other family members and his many, many friends and colleagues. We have really truly lost a legend and I would also like to let people know that I will be bringing a proclamation forward in recognition of his life at our next meeting.

I also want to personally recognize the passing of Ish Lovato. I know that – thank you, Commissioner Anaya, for reading the notice into the record. He was a former employee of Santa Fe County and I looked it up as to what he was, because I wasn't really sure what his title was, but he was the Building Services Section Supervisor. I always thought of him as the person who I should go to if something in my office broke, or I lost my key, or something like that. But I always – even though I was usually reporting something to him that was going wrong, I really enjoyed talking to him because he always had a smile on his face. He was fun to talk to. He always made my day when I had a conversation with him. So again, my sympathy goes out to his family and friends and especially his wife. He is a true loss.

On another more business note, I guess, I would like to give the Board here an update on the La Bajada Ranch Committee and where we are at this point. We've been making very, very good progress, I would like to emphasize. This is good news. Our last meeting was on March 27<sup>th</sup> and at that meeting we finalized the criteria for evaluating proposals about what to do with the ranch, and those criteria are in a number of different categories. For example: Is the development sustainable? Is it self-supporting? Then we look at different kinds of economic criteria such as how much might it contribute to the economic development in the community? Also, energy use – we'll be looking at whether they plan to do some energy

generation with renewable energy, for example. Also, does it provide a community function? Does it do something for the people who live in the La Cienega area as well as the rest of the people in Santa Fe County. And then we look at its use of water and the ecology. Does it protect the ecology and the environment? And then we are also looking at whether it has a tourism component that can support that part of our economy.

Anyway, now, at this point, we're putting together the final process for soliciting input of ideas and we are going to look at as much newspaper coverage as we can for this, perhaps even having another open house at the ranch to which we could invite people from the news media to let people know that we're soliciting ideas. We'll look at websites. We'll look at working with Kristine Milhelcic to see how we can bring the County in for publicizing this. But the idea is that we will solicit ideas from outside entities as to what could be done with the ranch. Then the committee will evaluate them on the different criteria, which I mentioned, and then the committee will bring forward a recommendation to the Board, but the final decision of course will be made by the Board of County Commissioners. Thank you, Mr. Chair.

COMMISSIONER ANAYA: Thank you, Commissioner Holian. Any other items? Just would add on Representative Max Coll. What pops into my mind before everything else was his voice and how he carried himself and how he spoke. But House Appropriations Committee, Legislative Finance, many, many things, but I think you hit the nail on the head. Very mindful of the citizen and the community. I think he was a legislator over 30 years if I'm not mistaken. But truly a treasure, truly will be missed. Look forward to hearing the proclamation you're going to bring forward in his honor. So thank you very much for that.

The only item I have is a reminder on the burn restrictions. We are under burn restrictions in Santa Fe County, restricting open burning. It's very dry and just want to emphasize that we have those restrictions in place for safety reasons and the community. So on that, Ms. Miller, did we do – have we done any outreach as we talked about that you are aware of? I know the Chief stepped out, but are we aware of any outreach with the other neighboring entities?

MS. MILLER: Mr. Chair, we haven't done it ourselves other than press releases but it's been all over the news and in the paper. It's been on the TV stations. We've had several clips of that. But I don't know what the Fire Department has done relative to it but I know that the actual ordinance got quite a bit of media coverage.

COMMISSIONER ANAYA: Thank you, Ms. Miller. I think the chairman was going to sign a letter. Maybe he hasn't had a chance to do that yet but we were going to send that to the neighboring jurisdictions, but I just wanted to note that. I don't have any other items. We'll go ahead and move on to Matters from the County Manager.



**IV. C. Matters from the County Manager**  
**1. Miscellaneous Updates**

MS. MILLER: Mr. Chair, Commissioners, the first thing I want to start with is just kind of a surprise for you and if Robert can pull down the screen. We are on Channel 28, the public access and our meetings are there and back a while ago we had – the PIO and staff had worked to do a kind of an ad about the County Commission, what we do in our meetings and it never got finished. So it finally is finished and I thought you would like to see it because it will air before meetings and throughout times during the day on the public access channel.

[The video was aired.]

So sorry it doesn't show on there better. It's actually meant for TV. But I wanted you to be able to see it. It will air on the public access channel before our meetings and when we take breaks and things like that. And as you can see it's been updated with projects that have recently been completed like the fire station and the Edgewood riding arena and the solar panels, so watch for it on the public access channel.

The other item I had, and Commissioner Stefanics brought it up is that Good Friday, not this Friday but the next Friday and the County offices do close at noon on that day and we have – and our transfer stations, things like that, so we have put out notice ahead of time but I just wanted to make sure, remind everybody that if you are doing business with the County on Good Friday that we're only open in the morning and we will be closed in the afternoon.

Then the other item I have – actually, this morning we had scheduled a budget study session but unfortunately, due to a lack of quorum, we had to cancel that but I did want Carole and Teresa, they had a presentation for you [Exhibit 2] for that meeting, and although it's not noticed as a discussion item here, I did want them to be able to give you that presentation which has revenue estimates from fiscal year 14, expenses estimated through the end of the year. It also has what we're estimating revenues for next year, priorities that have come about from discussions with the Commission, from our citizens survey, from prior years. Also, some of the requests from different departments relative to FTEs and some of our legislated mandates that we will have to deal with.

So I thought, even though we couldn't have the meeting this morning we would at least give you the presentation so you have that information and we can schedule another session.

TERESA MARTINEZ (Finance Director): The first thing we do is always a little bit of housekeeping. We give you the schedule that we're faced with so you understand the deadlines that we have to submit the budget submission to DFA. Again, the departments have turned in their budget requests. It's a little bit earlier this year for the budget study session. We're having actual budget hearings beginning next week and continuing for the next two weeks. So we'll meet with departments, work with departments to hear the requests and their justifications so that we can formulate a recommendation for the County Manager and the Board of County Commissioners' consideration.

We will be bringing before you for final approval the interim budget at the May administrative meeting as the deadline for DFA is May 31<sup>st</sup>, and then you'll recall that we'll be bringing the final budget to you for approval at the June administrative meeting, because we like to roll the budget and be ready to operate for the new fiscal year, July 1<sup>st</sup>.

Just a reminder that we're still in performance budgeting, so we're still completing our transition. If you recall, in 2011, we made the decision to move forward with performance based budgeting or results accountability. Several of the key staff had attended training on performance base. We began the process in fiscal year 2013. We have quarterly reporting sessions that we do with the departments on their measures and the current phase that we're in a continuation of the departments' refining their functions, so divisions, interdivision collaboration within the departments to come up with the defined measures and objectives for departments. The next goal will be to move towards a Countywide performance measures, established at a County level, not at a department level.

And again, we'll have our budget hearings beginning next week.

If we move to slide #4, this is our estimate of revenue for fiscal year 2014. As you can see –

COMMISSIONER ANAYA: Teresa, just real quick, on that prior slide, because we have an elected official here I want to understand. The Sheriff's Office, it says submitted budget request based on functional outcomes? Was there a reason? Was it just them?

MS. MARTINEZ: Yes, sir. It was optional. Moving towards the performance based budgeting was optional for the elected offices. The Sheriff's Office is the only office that chose to take that adventure on with us.

COMMISSIONER ANAYA: So is that something the other offices are going to look at later? I'm just trying to understand if we're going to utilize a system that we should figure out how to have parity across the County. Are we in active discussions with the Clerk and the Treasurer and the Assessor? Are we moving in that direction?

MS. MARTINEZ: We've had discussions, Mr. Chair. I know that the Assessor would like to get there but with the demands that they've been facing they haven't been able to do that. As we conduct our budget hearings I'll visit with them again and see where they're at in terms of all the elected officials maybe coming on board.

COMMISSIONER ANAYA: Okay. Thank you, Teresa.

MS. MARTINEZ: Okay. On page 4 we have our revenue estimate. Our total recurring, we went ahead and separated this for you based on a recurring versus non-recurring basis, recurring being those things that we can anticipate to occur on a regular basis, non-recurring being more of the one-time things. Of the recurring revenue we estimate a total of \$177.1 million. Of that \$46.1 million is operating transfers, so those could be double-counted if you understand that you count them in the fund that they're coming from and you also count them in the fund that they're being transferred to. So less those transfers, our recurring revenue estimates are \$131 million across all funds.

So if you look at that you can see that it's broken down by our major revenue sources. Our property tax revenue, we have a budget in fiscal year 14 of \$53.8 million and we estimate that we will bring in about \$55.3 million by the end of the year. I'll caution you in that these are estimates based on history that we've seen basically for this fiscal year. May and June are heavy months for us as it is for property tax collection, so we'll keep updating these monthly as we get to the fiscal year. The other main income source of gross receipts tax is budgeted at \$42.4 million. We're estimating that that will probably materialize at \$45.9 million. And then the others are made up of other taxes, revenues from other governments, our care of prisoner revenue, you can see was budgeted at \$5.9 million; we estimate we'll bring in \$6.6 million. So again, that can be attributed to existing contracts with entities and a huge amount of that can be attributed to our agreements with MDC and the US Marshals, and the recurring population we receive from those two entities.

Water and wastewater, we have that budgeted at just over \$4 million. We anticipate that we'll bring in about \$3.5 million. I think we can attribute some of that to staff turnover, as well as the annexation process and the bringing on of those customers. Again, we'll keep these estimates updated and see if they materialize at a level that's better than what we're predicting.

And other revenue is budgeted at \$5.8 million, will come in at about \$5.9 million, and our fund transfers are budgeted at \$48.3 million, and more than likely will materialize at a level of \$46.1 million. And again, that will change depending upon the actual transactions that occur between here and the end of the fiscal year.

Our one-time revenues on the non-recurring side, bottom left corner, are budgeted at \$9.8 million and are materializing at about \$7.2 million, and you'll have to understand that on the one-time revenues, some of the items included in there are grants, so those may materialize in the first quarter of the next fiscal year. So there's a timing issue there.

Fund transfers are budgeted at \$4.8 million, materializing at \$3.9 million, and budgeted cash is budgeted at \$19.9 million and right now we're forecasting the use of \$1.4 million.

If we go on to expenses on slide #5, you can see that we're forecasting our expenditures totaling \$117 million across all funds if we do not count transfers. And you can see that in some of those categories we have budgeted amounts that are actually higher than what's actually materializing, so it does look like we'll have some savings. We may have had areas where our estimates may have been off or our needs may have changed. But you can see that the biggest area for our us, salaries and benefits, is budgeted at \$69.6 million, and we're anticipating that it will materialize at about \$62.6 million. Travel and vehicle, \$3.2 million, actuals at about \$2.7 million. Contractual, a budget of \$12.2 million, actuals at about \$11.5 million. Maintenance and supplies is another category where we look like we'll have a savings if you will. A budget of \$6 million, actuals materializing at about \$4 million. Operating costs, another area of savings, \$21 million budget, actuals of \$18.6 million. Debt service is right on, and fund transfers again, \$48.3 million with actuals materializing at \$46.1 million.

Our non-recurring expenditures, our one-times, are budgeted at \$4.1 million, and right now we're forecasting that they'll come in at about \$2.3 million. Our asset renewal and replacement, budget of \$8.2 million, materializing at about \$8 million. And our transfers in and out for one-time expense is budgeted at \$4.8 million, materializing at \$3.9 million.

COMMISSIONER STEFANICS: Mr. Chair.

COMMISSIONER ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. Teresa, on the one time operating expenditures, would that include any, for example, court-ordered settlements?

MS. MARTINEZ: Mr. Chair and Commissioner Stefanics, it could, because those aren't planned for. So if we have a settlement it could be in that area.

COMMISSIONER STEFANICS: Because I was talking with the Manager, oh, a month ago and we – maybe it's longer; my mind slips now. But it really was about planning for all the expenses we have to take care of that we have no choice about, making sure that they are reflected somewhere, so that it's taken out of the sweep right away.

MS. MARTINEZ: Yes.

COMMISSIONER STEFANICS: Thank you.

MS. MARTINEZ: Okay, if we move onto slide #6, this is our estimate of where we think recurring revenue will be for the next fiscal year. You can see again, I'll focus on property tax and GRTs, those being our larger revenue sources. Property tax, we have an FY15 estimate of \$56.4 million. When you compare that to the FY14 budget of \$53.7 million it's an increase of \$2.7 million. If you look at the gross receipts tax, we had an FY15 budget of \$44.2 million and the FY14 budget was \$42 million. So you'll see that we're forecasting increases in those two areas, but we'll caution, knowing that we have mandates that we have to plan for in future years.

We have other taxes estimated at \$2.1 million, revenue from other governments estimated at \$8.6 million, care of prisoners at \$6.9 million, water and wastewater, we're forecasting at \$4.2 million, and other revenue at \$5.8 million for FY15.

If we move to slide #7 that will tell you where we were coming from with regard to our revenue assumptions and our expense requests. Property tax revenue has increased about \$1.3 million for the current year collections. GRTs have increased by approximately three percent for both countywide and unincorporated taxes, so we're seeing that that unincorporated area is finally bouncing back from the recessed economy. Our State shared taxes will remain flat. We're increasing our care of prisoner revenue based on actuals by a million dollars or about 17 percent. Water and wastewater charges are increasing by about \$200,000 or 3.5 percent, and again, that's based on additional customers. Our solid waste permit fees, we're being conservative here and we're decreasing by \$200,000 based on potential recommended permitting changes.

On the expense side, basically we asked the departments to continue their requests with regard to what does it take to do business but staying in line with where they're currently at right now. We know for a fact that our health insurance premiums will increase by ten percent. Our PERA contributions will increase by .4 percent. We have new FTEs that were

requested. I will caution that we haven't had a chance to do the budget hearings so I believe we presented you today at least with a list of what we've received, so we'll meet with the departments and the elected officials as we go through budget hearings for understanding of the requests. We know we have an asset renewal and replacement request right now of \$8.6 million. We're attempting to continue our increases to the contribution to health insurance for employees, depending on salary range and part of that plan intends to continue with the group of people – which is the lion's share of our employees – between the \$30,000 to \$50,000 annual threshold and increasing them from a 70 percent to a 75 percent coverage for employer contribution. And we also have to take into consideration our know negotiated compensation changes.

We can progress to the next page, slide #8, and that breaks down for you our known bargaining units and what is required for us. Right now, AFSCME is in a current agreement. We're looking that on January 1<sup>st</sup> we will give a two percent increase to those earning less than \$30,000 and anyone earning greater than \$30,000 will receive a one percent. Eligibility for the merit-based increases is at the discretion of the department director or elected official. If the employee meets specified performance criteria as outlined in policy and again, if budget exists for the proposed increase.

We have a new union, AFSCME Corrections Medical Unit. They have not yet negotiated but it's important to note that employees have received COLAs comparable to non-union employees in the past. And the Coalition of Public Safety Officers for Corrections, that contract is currently being negotiated.

For the RECC, we have a current pay scale, which is basically a one percent increase each year of the life of the contract. Current language states that the increases are effective only until June 28, 2014. The Sheriff's Office, continued with the current pay scale, again one percent on their anniversary, and the firefighters will continue with the current pay scale which basically includes the one percent increase for each year of the life of the contract.

As we move to slide #9, what we tried to do here is summarize for you the budget priorities. The budget priorities as we heard them previously from Commissioners, as we hear them from the citizens survey, and as we also know them from action that this Board has taken. We will continue to maintain existing County assets – our parks, our open space, our facilities, roads, etc. We will continue with our economic development initiatives, energy efficiency and renewable energy initiatives. We want to continue investing in our employees. Again, we'll reduce what the staff has to contribute towards health insurance for that group of people that fall between the \$30,000 to \$50,000 annual salary, continue with the provision of educational benefits, continue to, if you will, focus on recruiting and retention of public safety personnel, and always with a mindset of improving the work environment.

We want to expand the wildland urban interface program, develop a long-term emergency operations preparedness plan, continue funding of our senior programs, our youth programs, our library programs, continue funding of food policy and planning, the LANL communities, the Regional Coalition of LANL communities, and continue to grow the utility

into a self-sufficient utility service. Those are the priorities as we have them today. We'll also be open to further priorities by the Board.

We wanted to give you, on page 10, what do we know? What are the impacts or the concerns that we could be facing, either by legislative action at the state or at the federal level. Impact of legislation by the State of New Mexico: We know that we will begin with the phasing out of the hold-harmless GRT in July of 2015, so we have a year to plan. In fiscal year 2016 we will see a decrease in our gross receipts tax collections of six to seven percent for the next 15 years, just based on the action that was done by the legislature. For us, that represents a \$200,000 loss each year. So we'll have to plan for that.

You heard earlier comments as to the Safety Net Care Pool, so we know that we have to do the 1/12 percent of actual GRT collections from the prior year. This is estimated to cost the County about \$2.8 million in fiscal year 2015. Again, there's uncertainty in the indigent healthcare program under the new system and what unanticipated expenses that may occur for us. We also know that we will have an increase to salaries for newly or re-elected officials. This will begin in 2015 at cost of \$23,000, and an additional \$47,000 in 2016. At the federal level we know that there's a possibility that the payment in lieu of taxes bill may only be authorized for one more year, so again, that's a loss of revenue that could occur in 2016 at the tune of \$600,000. We know we have health insurance increases or premium increases, if you will, by ten percent. That will be at a cost of \$600,000 to the County, and we know we have an increase to our PERA contributions at a cost of \$100,000. So those are known mandates that we have to automatically apply to our budget planning process as we try to determine new revenue growth, as well as new expenditure growth.

We wanted to inform you that we are bringing before you a proposed reserve policy. Currently, there's a state mandate that we have reserve requirement for the general fund of 25 percent and a regulatory mandate of 8.33 percent for the road maintenance fund. And by BCC policy, outside of those two funds, we require a one-month reserve. So there's accounting recommendations, GFOA best practices out there, so what we'd like to do in the next couple of months is bring you a proposed policy for a reserve policy, and what we will do is make recommendations for a process for committing and assigning cash reserves, and how those same commitments may be cancelled, possibly establishing additional contingencies with reserves that could help us with uninsurable losses, infrastructure major repair and replacement, and things of that nature, establishing required level of reserves to be maintained in different fund types, and also complying with basically GASB, and trying to follow the GFOA's best practices. So that will be forthcoming.

If we move to page 12, this is our summary page. In 2015, we know that there's going to be a growth in revenue, but we also know that there's a corresponding growth in recurring expenses. It's a little premature right now to try to tell you what we think that new growth revenue will be. What we would like to do is go through the budget hearings, work with the departments and the elected officials. We know that we're facing certain things that are an automatic increase such as health insurance premiums, but if you remember in the earlier

slide, we also know that we have some categories where we've budgeted and we're not spending at the level that we budgeted. So we'll have some savings.

What we'd like to do is meet with the departments and the elected offices and try to maybe do an analysis to see what the base budget can sustain of that new expenditure growth. There are some areas where they can sustain the ten percent increase, and that would hopefully limit the amount of recurring revenue that's going to be needed to be directed at recurrent expenses and open the door for us to maybe have a first in a while area of growth.

New growth and recurring expenses that we are counting on, again, includes the health insurance premiums at \$600,000, PERA contribution increase of \$100,000. We have negotiated compensation changes that total about \$300,000, and again, the Corrections negotiations are currently being negotiated so we don't know those exact amounts yet. Other possible growth is the COLAs for non-union employees, which we usually do comparable to AFSCME, that's a \$200,000 amount, and increasing the employer contribution health insurance, which is another \$200,000. Just a reminder that we will be working with the departments and what we did is we attached a list for you so that you can have an idea of at least the new FTE requests that were made for this next budget cycle. And I'll stand for questions.

COMMISSIONER ANAYA: Thank you, Ms. Martinez. That was a mouthful. You did a good job.

MS. MARTINEZ: Thank you.

COMMISSIONER ANAYA: Questions from Commissioners. Commissioner Holian? Commissioner Stefanics, questions?

COMMISSIONER STEFANICS: Thank you very much. I think I'm going to reserve my time to meet with the staff individually. Thank you.

COMMISSIONER ANAYA: Thank you, Commissioner. Commissioner Chavez?

COMMISSIONER CHAVEZ: Not at this time.

COMMISSIONER ANAYA: Thank you, Ms. Martinez. I have a few questions or a few comments and then things that I would like to put forward on the record and still looking forward to a study session and more discussion with the whole Commission. I too will visit individually with you guys and have some comments as well. Some of the things to keep in mind: As it relates to FTEs in the County, I'd like to see a breakdown of prior year FTEs, where we've prioritized those FTEs, who's received the FTEs, and who's made requests in prior years. Basically, who's been getting those FTEs and who's been waiting for FTEs, to put it in a nutshell. And then some priority or staff recommendations from the Manager and yourself relative to need. But I would like to see a delineation of what's happened in the past and what might we do going forward.

I would also like to see, because I know there are entities within the County and the Treasurer's Office comes to mind with the project to get delinquent mobile homes on the tax rolls where we have good work that's been done throughout the County but actual revenues



that are being generated by the work of various departments and elected officials. So I'd like to see who's augmenting and offsetting revenue.

One of the priorities that I'm going to continually have and I've had it ever since I've been sitting on this bench is expanding the number of operators in Public Works Road Department and the necessary equipment to go along with that expansion, so I'll put that forward on the record. We've had many discussions over the years. We used to have a pretty rigorous and vibrant youth employment program at the County where we hired youth. Seasonal in nature but very important tool to provide mentorship and training opportunities to our youth in the community. That's something that I want us to take a look at again and I think I've heard my colleagues talk about that program that we used to talk about in the past.

Workforce development assistance – this one's a little bit different. We have a northern area workforce development board that I sit on that's a quasi-governmental entity that works directly with Workforce Solutions on trying to help all ages, youth and adult, get jobs and get back into the workforce. Those cycles of money have been cut over the last decade-plus but we still have many people that are out of work, so there's a proposal that the workforce board asked us to consider relative to trying to help people here in Santa Fe County get back to work, and I will send you the pertinent information so that that could be something that staff evaluates then ultimately discusses with the full Commission.

Two last things I would mention today that I think are very important is continued progress and expansion of educational programs and training for our staff, which our Manager has been very good at making sure we've increased that pot of money over the years and the Commission has supported that, but I want to see us continually support educational funding and training for our staff. And then maybe something a little different but access and time for our staff to be able to get more active and healthier. I know that we have partnership – I think we still have partnership with the City of Santa Fe, with their recreational facilities for our staff to get access to. There was a time in the County when employees were not only encouraged but within our policies and procedures we actually allocated time to let our employees get more healthy, go walking and exercise or do other activities that would help with that. So that's another thing I would like us to – I'd like to learn more about what we're doing and then hopefully expand those opportunities and continue to engage those relationships with the City and other partners that might help us do that.

So those are just a few items I wanted to note today that I was going to bring up this morning, but I appreciate the summary. Commissioner Chavez.

COMMISSIONER CHAVEZ: Thank you, Commissioner. I did think of a question that I wanted to ask. Because I know that we've spent, as a County, as a local government, has spent a lot of time doing outreach to the public trying to get their ideas and feedback from them on what their priorities are. And so if you could tell us a little bit about what you're hearing from the public and what their thoughts are, what's on their mind.

MS. MARTINEZ: I think I'm going to defer to Carole for that and we'll tell you what the results of the citizens survey were and we can kind of tell you kind of the focus of where we're at.



COMMISSIONER CHAVEZ: And part of why I'm asking is I'm kind of wondering if their priorities match our priorities, or if maybe they're not too far off, but see how close they are.

CAROLE JARAMILLO (Budget Director): Mr. Chair, Commissioner Chavez, when we did the citizen priority I think the thing that came across most plain and clear was that road maintenance and things like snow and mud removal were a very high priority for the citizens. Public safety also was a high priority – fire and fire prevention, crime prevention and law enforcement. However, they also did rate those as currently being done well. One of the things that we do well, so I think I wanted to note that too.

The other primary item of importance for the public was economic development in Santa Fe County. That was one of the things that the research firm called a key driver. It's one of the things that drives the citizens' quality of life, basically. So that was the key driver for the citizens. So I think economic development initiatives, and they were not specific as to what kind, but economic development was very important.

COMMISSIONER CHAVEZ: So that probably, I guess in that are they were probably concerned about job security and opportunities for youth employment and things like that, is what I would imagine.

MS. JARAMILLO: I would imagine it the same way. I think employment opportunities and also affordable housing was part of the survey too, if that could be tied to economic development.

COMMISSIONER CHAVEZ: So that's a lot of good information and I think for me, that's something that I would use as a guide, as a roadmap, to tell us where we need to go without trying to maybe impose what would be my individual priorities. But then the follow-up question I had to the survey, it goes to all county residents, it's not just the unincorporated parts of the county, it's pretty much countywide?

MS. JARAMILLO: Commissioner Chavez, no. It did only go to residents of the unincorporated areas in the county.

COMMISSIONER CHAVEZ: Okay. I wasn't clear on that. So that helps. But then, another follow-up question. What were the – was there a high level of responders?

MS. JARAMILLO: I'm having to go back to my memory banks to come up with a number but I want to say it was something like 33 percent that was the response rate, which was right within the normal range of response for this survey.

COMMISSIONER CHAVEZ: Well, that correlates to our election. I think this last election only generated about 29 percent of the eligible voters, so I guess you're right in there, if that means anything. So that's 30 percent of the total surveys that were sent out?

MS. JARAMILLO: That's correct.

COMMISSIONER CHAVEZ: Thank you, Mr. Chair.

COMMISSIONER ANAYA: Thank you, Commissioner Chavez.

Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. As you were talking about some of your ideas it sprang on me that I'd like to put in front of all of us to bring back

a very low-cost program that we used to have when I first started, and that was the summer internships for high school students. We have some employees of quarterly employee awards given to some individuals who started out as high school interns, who then applied to the County for jobs and then moved up and were appreciated. And I believe that when we looked at the cost of something like that it was only around \$40,000. Because it was a limited number of hours and it wasn't benefits and it really offered people the opportunity to come back in and learn about government.

While I was at NACo this year somebody stood up at one of the board meetings and said, does anybody here have a county internship program? And I said we used to, feeling like a schmuck. But I hope that we could consider something like that again.

COMMISSIONER ANAYA: Thank you, Commissioner Stefanics, and that's exactly what I was targeting in my remarks and leading off of comments that you've made and others have made on this bench. So I don't know that we'd get off that cheap but I think it's an investment that's definitely worthy of consideration, just given what it could do to mentor a young person to maybe come back to the County and work with us.

The other comment I wanted to make on capital projects is I know that there are several projects throughout the county in different districts but even countywide, I'm going to say on the record that I would like us to focus on those projects we're trying to complete that have been in the pipeline, under design and working through as we consider them for award or completion. So that would be another thing that I want to put on the record. Any other comments? Seeing none, thank you very much for your efforts and we look forward to getting more information and having that study session. Thank you.

Ms. Miller, you still have the floor.

MS. MILLER: Mr. Chair, I think that's all for now. There are some things under executive session that I have asked Rachel to bring forward.

COMMISSIONER ANAYA: Are there any other items related to the agenda that we've done thus far?

## **V. MATTERS FROM COUNTY ATTORNEY**

### **A. Executive Session**

#### **1. Discussion of Pending or Threatened Litigation**

##### **a. Discussion of New Mexico Public Regulation Case No. 13-00390-UT**

#### **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**

COMMISSIONER ANAYA: I'd entertain a motion to go into executive session.

COMMISSIONER CHAVEZ: Mr. Chair, I'll make a motion to move into executive session for discussion of pending or threatened litigation.

COMMISSIONER HOLIAN: And I will second that. Mr. Chair, I would like to recognize that there is a member of our audience who would like to comment on the case which we are discussing in executive.

MS. BROWN: Mr. Chair, if I could just clarify that executive session would be necessary for other items besides the litigation exception, including limited personnel issues, discussion of the purchase, acquisition or disposal of real property or water rights, and discussions preliminary to collective bargaining.

COMMISSIONER ANAYA: So if the maker would include that in the motion?

COMMISSIONER CHAVEZ: Yes, and there's also possible discussion on contract negotiations under the procurement code.

COMMISSIONER ANAYA: There's a motion. Is there a second?

COMMISSIONER HOLIAN: I seconded it.

COMMISSIONER ANAYA: So, before we take a vote I think it would be appropriate, because it was an item listed on our agenda to go ahead and use this time to take a brief comment from the public, related to their concern on the item.

MARIEL NANASI: Thank you so much, Mr. Chair and Commissioner. My name is Mariel Nanasi and I'm the executive director of New Energy Economy. I just wanted to address the case 13-90, it's a utility case and it was filed by PNM in December 2013, and it's pending in front of the PRC. New Energy Economy is an intervener as are many other parties, including the City of Santa Fe which just voted unanimously to intervene in this case.

The case involves, I'm sure that you know, that the EPA had required PNM specifically on one of its coal plants on the San Juan Coal Plant, to have pollution controls. In August of 2011 that regulatory decision came down. Last year the PNM, the State of New Mexico, and EPA came to a tentative agreement and that agreement was to close down units 2 and 3 of San Juan, to add pollution controls to units 1 and 4, and then to reduce sulfur dioxide and nitrogen oxide permit levels for the entire plant. That's the core of what this case is about.

So part of the case is about the abandonment of units 2 and 3, and then the other parts are two other things that I'm asking you to particularly concern yourselves with. The first thing is I would like to congratulate the Governor and EPA and PNM on the decision to close units 2 and 3 as opposed to putting on pollution controls called SCRs – selective catalytic reduction, which would have cost a lot of money but also would have extended the life of the entire plant.

But now to turn to the other two issues. Replacement power first. So units 2 and 3 were about 830 megawatts, and so PNM's portion of that, which supplies our electricity, most of our electricity comes from coal; 60 percent of our electricity currently comes from coal. So the replacement power is only 17 percent. We're only talking about 17 percent of the PNM's entire energy portfolio. And what they have chosen to do is more of the same and that

is buy 78 megawatts from another unit, California's completely leaving San Juan, and so all the California utilities are leaving and PNM is proposing to buy 78 megawatts of coal from the California units in unit 4. They're proposing to import nuclear, 134 megawatts of nuclear from Arizona, and that's from a place called Palo Verde 3. It's the largest nuclear power plant in the entire country and it's an aging power plant, some gas, 177 megawatts, and only 40 megawatts of solar.

And what I'm here to say is this is the most important energy decision that our state will face for probably 20 years, because whatever decision is made in this case will lock in the infrastructure that we rely on for our electricity. So I'm asking you on behalf of the County itself, because you're an enormous energy consumer, but also the county residents, to intervene in that case. And my position, New Energy Economy's position is to not have any purchases of coal or nuclear, but to replace that portion – that's less than 17 percent, because we are not opposing the gas, actually, but coal and nuclear further purchases, so reinvestment in those to be all renewables. That's wind and solar. They are cheaper. They will create better jobs. They are better for the health of our people and also the health of our environment.

Very importantly, as I believe Commissioner Holian mentioned, we are, as you know, facing fire season. We are in extreme drought. Coal and nuclear are the biggest consumers of water. The coal plant right now uses 6.5 billion gallons of clean water and it comes in clean and it goes out toxic. That is the same water source, it's the San Juan/Chama, that we get our water from. And so if we were not using it for coal we could be using it for drinking water and agriculture and all the other needs.

The other thing is the last thing that they're requesting is something called undepreciated assets. Return for undepreciated assets. So bear with me for one minute. PNM wants to collect the profit that they expected to get on units 2 and 3, because that has been on their balance sheet. They're asking for \$250 million, actually, it's \$205 plus profit, that they were expecting to receive for units 2 and 3. And even though they're going to close that they still want that from all of their customers. So obviously that includes Santa Fe County itself and the residents of Santa Fe County. The way I see that, that's a redistribution of wealth from the people of the State of New Mexico to PNM shareholders on Wall Street.

And so again, we are opposing that. The City of Santa Fe came out and opposed PNM's replacement plan and their request for \$250 million in what they're calling stranded assets. So I'm asking you to intervene on behalf of the County and the residents. I know that you're concerned about jobs. If we had that percentage, only 17 percent of their energy portfolio – we right now have two percent solar, five percent wind. Our proposal would increase that to about 25 percent renewables, which would be an enormous job stimulus in Santa Fe and also actually in all of New Mexico. But we were talking before about jobs for youth. There are people that are graduating right now from Santa Fe Community College, graduating with solar degrees and we would like to put them to work in a place that has the sun Zia on its flag and I think it has it on the flag for a reason, because it gives us the bounty that we love in Santa Fe and in New Mexico. And so we want to take advantage of those resources that have no negative health impacts and that have enormous upsides. So thank you

very much for listening and thank you very much for your consideration, and I am so proud of Santa Fe County for that beautiful movie, I just have to say. Thank you for voting for Tesuque and also for all of your solarization projects that are coming up, so I thank you. And I would stand for any questions too.

COMMISSIONER ANAYA: Does anybody have any questions? Thank you.

MS. NANASI: Thank you very much.

COMMISSIONER ANAYA: So we have a motion and a second on the floor to go into executive session.

**The motion to go into executive session pursuant to NMSA Section 10-15-1-H (7, 2, 8 and 5) to discuss the matters delineated above passed upon unanimous roll call vote with Commissioners Anaya, Chavez, Holian, and Stefanics all voting in the affirmative.**

CLERK SALAZAR: Mr. Chair, is Commissioner Mayfield still on the line?

MS. MILLER: Mr. Chair, he is not at the moment but he did request that we call him on this particular issue.

CLERK SALAZAR: So you would like to have it noted that he will be in the meeting. Thank you.

[The Commission met in closed session from 5:10 to 6:54.]

COMMISSIONER HOLIAN: I move that we come out of executive session where we discussed pending or threatened litigation, specifically, discussion of the New Mexico Public Regulation Case #13-00390-UT. We discussed limited personnel issues. We discussed the purchase, acquisition or disposal of real property or water rights. And I don't believe we discussed preliminary collective bargaining negotiations. Present were the five Commissioners – Commissioner Mayfield by phone. Also present was our County Manager and our Deputy County Attorney.

COMMISSIONER CHAVEZ: And I'll second the motion to come out of executive session.

COMMISSIONER ANAYA: There's a motion to come out of executive session with a second.

The motion passed by unanimous [4-0] voice vote. [Commissioner Stefanics was not present for this action.]

COMMISSIONER ANAYA: Let the record reflect there were four ayes. Commissioner Stefanics is excused for the balance of the meeting. Is there a subsequent motion?

V. B. **Action Items**

1. **Discussion and Possible Action Authorizing Intervention in New Mexico Public Regulation Case No. 13-00390-UT**

COMMISSIONER HOLIAN: Mr. Chair.

COMMISSIONER ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: I move that we authorize intervention in New Mexico Public Regulation Case #13-00390-UT.

COMMISSIONER CHAVEZ: Second.

COMMISSIONER ANAYA: There's a motion and a second for intervention in New Mexico Public Regulation Case #13-00390-UT. There's a motion and a second, under discussion – Ms. Brown, this motion gives us the latitude to intervene into the case. You're going to refer – go back and do some research as to other parties that are joining the case and then bring back some recommendations as to what that intervention would look like into the case. Is that an accurate statement, summary?

MS. BROWN: Mr. Chair, that's correct. I will actually file the intervention prior to your next meeting and we will go forward from there.

COMMISSIONER ANAYA: Thank you, Ms. Brown. Any other questions or comments. Commissioner Mayfield?

CHAIR MAYFIELD: No, I appreciate the discussion. Thank you.

**The motion passed by unanimous [4-0] voice vote.**

VI. **PUBLIC HEARING**

A. **Land Use Cases**

1. **BCC Case # MIS 09-5072 Santa Fe Opera Village Master Plan Extension. Santa Fe Opera, Applicant, Paul Horpedahl, Agent, Requests a Two-Year Time Extension of a Previously Approved Master Plan for the Santa Fe Opera Village. The Property is Located at 17053 US Highway 84/285, within Sections 25 & 26, Township 18 North, Range 9 East (Commission District 1) [Exhibit 3: Letter from Hank Crouse]**

JOSE E. LARRAÑAGA (Case Manager): Thank you, Mr. Chair. On January 10, 2012, the Board of County Commissioners granted a request made by the Santa Fe Opera for a two-year time extension of an existing Master Plan. On January 10, 2010, the Board of County Commissioners granted a request made by the Santa Fe Opera for a two-year time extension of an existing Master Plan.

On June 2, 2004, the Extraterritorial Zoning Authority granted a Master Plan Amendment to the previously approved Inn at the Opera to allow rehearsal and recital facilities,

meeting spaces, conference facilities and amenities, storage for the Opera, and housing for the Opera performers, staff, directors, benefactors, conference participants and guests consisting of a total of 135,600 square feet on 44.10 acres to be developed in five phases.

The Master Plan Amendment allowed the project to directly serve the needs and interests of the Opera rather than being open to the public as allowed in the previous approval. The site and building layout are the same as the prior approval. The project will be developed in five phases as follows: Phase I- Overflow parking area to accommodate 139 parking spaces as well as picnic areas; Phase II- A rehearsal and recital hall, storage building, spa and fitness building with a pool, wastewater treatment plant and 26 new parking spaces; Phase III- Opera Village Center, consisting of a plaza, conference area, rehearsal and recital areas, small theater, restaurant facilities, reception space, bar, lounge, storage space, pool with related facilities, and 134 parking spaces; Phase IV- 50 apartment style units, 64 co-housing units for the Opera staff and conference participants; Phase V- 20 Casita style housing units for Opera performers, directors, benefactors, conference participants and guests.

The Opera property was governed by the Extraterritorial Zoning Ordinance. Ordinance No. 2009-01 dissolved the EZO and the Opera property is now governed by the Land Development Code. The Applicant is requesting an extension of the current Zoning approval until such time that the Zoning Map is implemented by Santa Fe County. The proposed Zoning Map designates the Santa Fe Opera Village property as a Mixed Use Zoning District.

Growth Management staff has reviewed this project for compliance with pertinent Code requirements and finds the following facts to support this submittal: the Application meets code criteria to allow a two year extension of the Master Plan; the existing Master Plan meets the criteria set forth in Article V, Section 5.2.4; the Application meets the criteria set forth in Article V, Section 5.2.7 of the Land Development Code.

Staff recommendation: Staff recommends approval of a two year time extension for the existing Master Plan for the Santa Fe Opera Village. Mr. Chair, I stand for any questions.

COMMISSIONER ANAYA: Mr. Larrañaga, I have a quick question just to start. This submittal request is consistent with the various master plan extensions that we've been granted associated with other developments?

MR. LARRAÑAGA: Mr. Chair, yes. It's consistent with the master plan amendment granted by the Extraterritorial Zoning Authority.

COMMISSIONER ANAYA: Thank you. Commissioner Chavez.

COMMISSIONER CHAVEZ: Thank you, Mr. Chair. Mr. Larrañaga, we have a letter here. I guess – I'm sure you've probably read it already. It's addressed only to the County Land Use Administration. It's from a neighbor. They're concerned about the development. They're not opposing it but they're concerned I guess about the construction schedule and I think – it seems that they have a concern about their property values as well. Are you in receipt of this letter?

MR. LARRAÑAGA: Mr. Chair, Commissioner Chavez, yes.

COMMISSIONER CHAVEZ: And do you respond to these letters? That's one question. And then will the development be required to do an ENN, early notification meeting and notify the neighbors before they start?

MR. LARRAÑAGA: Mr. Chair, Commissioner Chavez, no, I have not responded to the letter. This development will probably come in under the SLDC, under the mixed use, so any studies or assessments or neighborhood meeting would have to be conducted at that time. As far as construction, I don't know what the timeline is for the construction of this.

COMMISSIONER CHAVEZ: I think all of that would be fleshed out in the early notification – the neighborhood meetings, right?

MR. LARRAÑAGA: Mr. Chair, Commissioner Chavez, yes, that's correct.

COMMISSIONER CHAVEZ: Okay. Thank you, Mr. Chair.

COMMISSIONER ANAYA: Commissioner Holian? Commissioner Mayfield? Mr. Larrañaga, does anybody else have any questions of Mr. Larrañaga? Is the applicant present?

COMMISSIONER HOLIAN:

[Duly sworn, Paul Horpedahl testified as follows:]

PAUL HORPEDAHL: Yes, sir. I'm Paul Horpedahl. I'm the production director of the Santa Fe Opera.

COMMISSIONER ANAYA: Yes, sir. Is there anything else you'd like to add?

MR. HORPEDAHL: No, sir. I think everything has been spelled out pretty clearly for all of us. We're just trying to really bridge the gap until the new zoning codes are in place then we can let this park a little longer.

COMMISSIONER ANAYA: Excellent. Is there any questions of the applicant?

CHAIR MAYFIELD: Mr. Chair, I have a question of staff, please.

COMMISSIONER ANAYA: Yes, sir. Commissioner Mayfield.

CHAIR MAYFIELD: Mr. Chair, Mr. Larrañaga, if you can hear. You cited there were a couple, or at least one if not two pools in this proposed master plan, and just hearing what the applicant had to say, waiting for the new rules to come out, what impact would that be under our new County rules if they would try to put some pools in place up there?

COMMISSIONER ANAYA: Chairman Mayfield, you're asking what the impacts of the new code will be on this application? Is that what you're asking?

CHAIR MAYFIELD: Pertaining to all requirements that are necessitated upon this development but there was some discussion of pools. So they probably had their pools proposed in the original master plan under the old sustainable land development code, but now that we're moving to the new code, hearing the applicant, are they going to be impacted also if they try to put in some swimming pools up there?

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COMMISSIONER ANAYA: Is the swimming pool going to be impacted with the new code, is what I'm hearing?

MR. LARRAÑAGA: Mr. Chair, Commissioner Mayfield, again, the master plan is conceptual, so under the SLDC they would have to make any – meet all the requirements as far as the water use. I don't believe that the pools – they'd have to meet the requirements of the SLDC and water use.

COMMISSIONER ANAYA: So, Mr. Larrañaga, the pools are part of the master plan. They wouldn't be restricted but there's still the final process for the actual development to go forward that would have to take place on the review of everything, including the pools, correct?

MR. LARRAÑAGA: Mr. Chair, that's correct.

COMMISSIONER ANAYA: Does that answer your question, Mr. Chair.

CHAIR MAYFIELD: Yes, it does, Chairman, but I have one other follow-up. So this area with the Opera is within the Pojoaque Basin so they fall under the current Aamodt settlement negotiations. So are they on their private wells? There's no water system up there. I don't know if they're off of Tesuque's mutual domestic, where they're drawing water, but what impact potentially could or could not be in the Aamodt water system element?

COMMISSIONER ANAYA: The question is does the Aamodt settlement have any impact on your development?

MR. HORPEDAHL: Yes, it would.

COMMISSIONER ANAYA: So if you could respond to that.

MR. HORPEDAHL: Yes, we are part of the Aamodt water suit, and I really don't have a clear picture of what that impact would be for us but of course we'd comply with whatever regulatory things we have to do, just like as we bring the development forward in the future as a real development do we need to go through all the examination processes by the County and the State.

CHAIR MAYFIELD: So Mr. Chair and sir, I apologize for not being there personally, but what type of wells are you utilizing right now? Are you on pre-moratorium? Pre-basin wells? Can you let me know?

MR. HORPEDAHL: We have all of those on the Opera land right now and they're all tied together in an overall water system.

CHAIR MAYFIELD: So if I can ask, what amount of acreage-foot of water does the Opera have?

MR. HORPEDAHL: On this particular parcel we have 18.5 acre-feet.

CHAIR MAYFIELD: Okay. And those are pre – some of those may be pre-moratorium wells?

MR. HORPEDAHL: I'm sorry I don't know the answer.

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CHAIR MAYFIELD: Pre-moratorium wells would be before 1956. Were any of those wells drilled before 1956?

MR. HORPEDAHL: I think those particular wells are not pre-moratorium.

CHAIR MAYFIELD: Okay. Okay, thank you, Commissioner. That's all I have.

COMMISSIONER ANAYA: Commissioner Chavez.

COMMISSIONER CHAVEZ: Thank you, Mr. Chair. Did you want to have a public hearing first? Go ahead and then I'll –

COMMISSIONER ANAYA: We'll now move to the public hearing. Is there anybody here that would like to speak in favor or against this project? If there are please come forward. Seeing none, no one present to speak in favor or against this project, the public hearing is now closed. Commissioner Chavez.

COMMISSIONER CHAVEZ: Yes, I'm going to make a recommendation and concur with staff's recommendation and my motion would be to approve a two-year time extension for the existing master plan for the Santa Fe Opera Village.

CHAIR MAYFIELD: Second, Commissioner.

COMMISSIONER ANAYA: There's a motion by Commissioner Chavez to approve the two-year time extension. There's a second by Commissioner Mayfield. Is there any further discussion or questions or comments from the Commissioners?

**The motion passed by unanimous [4-0] voice vote.**

- VI. A. 2. CDRC Case # V 14-5020 Dennis & Lynne Comeau Variance.  
Dennis and Lynne Comeau, Applicants, Request a Variance of Article VII, Section 3.4.1.C.1.C.I (No-Build Areas) to Allow 30% Slope Disturbance for an Existing Driveway to Access Buildable Area on a 66.52-Acre Parcel. The Property is Located at 191 County Road 74 in the Vicinity of Tesuque, within Section 20, Township 18 North, Range 10 East (Commission District 1)**

JOHN LOVATO (Case Manager: Thank you, Mr. Chair, Commissioners. The Applicants request a variance to allow disturbance of 30 percent slope for a driveway to access a parcel totaling 66.52 acres. The driveway has been previously cut and was not permitted through the Santa Fe County Building and Development Services Department. The existing access contains grades greater than 11 percent which exceeds access requirements for fire and emergency vehicles.

The previously cut driveway requires a variance of Article VII, § 3.4.1.c.1.c.i, No-Build areas, to allow 30 percent slope disturbance. The first occurrence is 28,572 square feet, and the second occurrence is 2,568 square feet. The total combined disturbance is 31,140

square feet. The Land Development Code allows up to three isolated occurrences each not to exceed 1,000 square feet for access.

The Applicants state the driveway was created before the purchase of the property, and they have no other route to the only buildable site on the property. Therefore, they are asking for a variance to allow the disturbance of 30 percent slope. Staff has confirmed that this is the only buildable site on the property. The driveway was cut without previously approved plans. The Applicant has submitted plans sealed by a Professional Engineer that identify a total of 31,140 square feet of slope disturbance with 443 linear feet of retaining wall.

On February 20, 2014 the CDRC met and acted on this case. The CDRC recommended tabling of the case to allow the applicant to meet with the adjacent property owner to try to come to an agreement for a shared access which would minimize slope disturbance that would be created by having two totally separate driveways.

On February 25, 2014, staff met with the two parties and recommended sharing the existing driveway to reduce further scarring of the additional access. The applicants have agreed to share a portion of the existing driveway with the adjoining property owner, letter attached as Exhibit 9.

Staff recommendation: Staff acknowledges this request does not meet Code requirements. The applicants have also amended their application to share a portion of their driveway with their neighbors to reduce scarring. This driveway accesses the only buildable area on the property. The cut was done prior to the Applicants owning the property. Staff feels this could be considered an easing of code requirements due to the driveway being previously cut. The Applicant proposes to make the driveway more accessible for emergency vehicles, meeting life safety concerns and fire code requirements. It also meets the intent of the Code criteria for variances due to the unusual topography of the site. Therefore, Staff recommends approval of the Applicants' request.

If the decision of the CDRC is to recommend approval of the Applicants' request for a variance, staff recommends imposition of the following conditions:

1. The Applicant must obtain a development permit from the Building and Development Services Department for construction of the driveway. (As per Article II, § 2).
2. The Applicant shall submit a grading plan. Any further disturbance shall be marked before any grading is done. (As per Article VII, § 3.4.3.c).
3. The Applicant shall comply with all Fire Prevention Division requirements at time of development application (As per 1997 Fire Code and 1997 Life Safety Code).

Mr. Chair, I stand for any questions.

COMMISSIONER ANAYA: Thank you. Commissioners? Commissioner Chavez.

COMMISSIONER CHAVEZ: Yes, I have a question for staff. In many of these cases – well, first, let me understand this. I know the variance deals with the driveway but it's also creating or providing access to a building envelope that does not have access right now?

MR. LOVATO: Mr. Chair, Commissioner Chavez, that is correct. It does not have access. It is in a mountainous area and the top part is the only flat, buildable area on this property.

COMMISSIONER CHAVEZ: And what size of a lot would that create?

MR. LOVATO: Mr. Chair, Commissioner Chavez, it's a 66.52-acre parcel. Maybe about 10 percent of that parcel is buildable.

COMMISSIONER CHAVEZ: So there are no structures on that parcel?

MR. LOVATO: Mr. Chair, Commissioner Chavez, there is none as of right now.

COMMISSIONER CHAVEZ: Okay. Thank you, Mr. Chair.

COMMISSIONER ANAYA: Thank you. Commissioner Holian?  
Commissioner Mayfield.

CHAIR MAYFIELD: Thank you, Commissioner Anaya. Two questions for staff, and do we have anybody – Mr. Leigland or Claudia there by chance? I have a question as it would pertain to a potential Aamodt settlement, but I can ask another question prior to that. So I'm on Exhibit 8, Commissioner, and on Exhibit 8 with the road as it's currently developed, and I guess on the subsequent page, page 21, typically we have some signatures or some waivers if our emergency vehicles can't maintain or access some of these roads. Is that one of staff's recommendations also? Or if they cannot timely access these roads, private driveways?

COMMISSIONER ANAYA: Commissioners, could you say it again? What are you asking?

CHAIR MAYFIELD: I'm on Exhibit 8.

COMMISSIONER ANAYA: I'm with you.

CHAIR MAYFIELD: I'm on Exhibit 8. If there is an issue with emergency response vehicle or a safety vehicle needing to access this private driveway, is the applicant acknowledging that, that it may not be there within – I don't know what the prescribed time is? 20, 30 minutes? It is a pretty steep terrain that these folks have for a driveway, at least on the visual photos I have.

COMMISSIONER ANAYA: I understand, now, Mr. Chair. So what he's asking is we've been talking to applicants and people that understand that if it's a limited use road or a road that isn't maintained to County standards that the response times, Mr. Patty, if you could come forward. That the response times might be longer. And does the applicant understand that and did we accurately summarize some of the concerns, Mr. Patty as it relates to access to parcels and emergency fire apparatus and things of that nature.

BUSTER PATTY (Fire Marshal): Mr. Chair, Commissioners, we did review this and due to the topography of this piece of property we worked with them quite a bit to try to figure out the best possible way, and we did have to compromise a little bit because there was no other way to do it. We can make access with what they have created for us.

COMMISSIONER ANAYA: Commissioner Mayfield?

CHAIR MAYFIELD: No, that's great, Mr. Patty. I'm just pleased. Make sure that has been verbatim and every time we have any case that has this issue I'd like the same answer from Chief Patty please. I'd like to see that same answer.

My other question would be – I don't know what the applicant will do or won't do and I don't have any insight with what will happen with the future Aamodt settlement, but if these individuals elect to hook on, because I believe they're on a private well from what I saw, are we required – this is my question for Public Works – to take that system up to the delivery point of their well? And would the cost, if that is the case, that the settlement does go through and the water system goes through, can we push water up that high a hill, if this is the access point for their water system?

COMMISSIONER ANAYA: So, Commissioner, I don't know. Do we have anybody – nobody's here from Utilities but you're asking if the applicant decides to hook into the new system from Aamodt, whether we're required to run the line ourselves and how much that will cost?

CHAIR MAYFIELD: Well, no, not so much the cost, Commissioner. I just think of the grade, I think it's going to be a pressurized system, but if there would be a lift station involved the application would understand, that water delivery system if they so choose to hook into it may not make it up to their residence on top of that hill. [[ Commissioner.

COMMISSIONER ANAYA: Okay. So if it's okay, Commissioner, I'm going to have the applicant come forward. The applicant is going to get sworn in.

[Duly sworn, Deb Short testified as follows:]

DEB SHORT: My name's Deb Short. I'm the builder. There's going to be a well on the property, so the water supply will be at the top and Buster Patty has already acknowledged that we can get water supply up there with his trucks with the slope if need be.

COMMISSIONER ANAYA: So, Ms. Short, thank you for coming up. What Commissioner Mayfield is talking about is we're acknowledging that you've met with Buster on the emergency access, what Commissioner Mayfield is talking about is that the water system through the Aamodt settlement is going to be covering that area but because of where you're located the water may not be able to be accessible. Did I summarize that correctly, Commissioner Mayfield, Mr. Chair?

CHAIR MAYFIELD: Mr. Chair, you did. That's again, that's if the Aamodt settlement does go through or not. We don't know that. But that is a good summary. Thank you.

COMMISSIONER ANAYA: So you acknowledge –

MS. SHORT: We understand that.

COMMISSIONER ANAYA: Great. Other questions, Mr. Chair?

CHAIR MAYFIELD: Yes, last question, Mr. Chair, thank you. How – does this comply with the new Tesuque community plan that we have adopted at the Commission?

COMMISSIONER ANAYA: Mr. Chair, Commissioner Mayfield, the applicant's nodding yes. Does staff acknowledge that this complies with the Tesuque plan? Mr. Lovato?

MR. LOVATO: Mr. Chair, Commissioner Mayfield, it does comply with our current Tesuque ordinance.

CHAIR MAYFIELD: Fair enough, Commissioner. That's all I have, Commissioner. Thank you.

COMMISSIONER ANAYA: Thank you, Mr. Chair, Commissioner Mayfield, and if I could have the applicant, Ms. Short, if you'd come back forward again. Do you have anything else you'd like to add, Ms. Short?

MS. SHORT: No.

COMMISSIONER ANAYA: Great. Any questions of the Commission for the applicant?

CHAIR MAYFIELD: Mr. Chair.

COMMISSIONER ANAYA: Commissioner Mayfield, Mr. Chair.

CHAIR MAYFIELD: I would move, Chairman Anaya, I would move for approval with staff conditions and recommendations.

COMMISSIONER ANAYA: So, Mr. Chair, I'll take a motion. Is there a second?

COMMISSIONER HOLIAN: I'll second that but I believe we have to have a public hearing.

COMMISSIONER ANAYA: I'm going to go to that. So there's a motion to approve with a second. Right now, we're not going to vote on it. We're going to go to the public hearing right now. Is there anybody here to speak in favor or against this application? If you would please come forward at this time. Is there anybody here to speak in favor or against this application? Seeing none, the public hearing is closed. Are there any other questions of staff for the applicant? Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I would just like to thank the owners for working with the neighbor to come up with a plan for the driveway so that it minimizes the slope disturbance and I'm also very appreciative that they designed in, like for example, the turnaround area and the pass-by on the driveway as well as a staging area at the foot of the hill. So I think they did everything they could to make this work and I just want to say thank you.

MS. SHORT: Thank you.

CHAIR MAYFIELD: Mr. Chair, I have a question if I can ask it. And if it's answered, if it's not, I understand, but what was the cost on the applicant for that?

MS. SHORT: Well, it's cost about \$5,000 in time, engineering fees, topography studies and surveys.

CHAIR MAYFIELD: Thank you, Mr. Chair and thank you, applicant. I appreciate that.

COMMISSIONER ANAYA: Thank you, and I echo the comments of Commissioner Holian and thank you for working with the neighbor. Commissioner Chavez? Seeing no other questions or comments.

**The motion passed by unanimous [4-0] voice vote.**

- VI. A. 3. **CDRC Case # V 14-5000 Lee Pack Variance. Lee Pack, Applicant, Requests a Variance of Article V, Section 8.1.3 (Legal Access) and Article V, 8.2.1c (Local Roads) of the Land Development Code to Allow the Construction of a Residence on 2.5 Acres. Both Roads That Service the Property (Old Buckman Road and Kalitaya Way) Do Not Meet the Specifications of Local Lane, Place or Cul-de-Sac Roads and Do Not Have Adequate Drainage Control Necessary to Insure Adequate Access for Emergency Vehicles. The Property is Located at 111 Kalitaya Way, off Old Buckman Road, within Section 31, Township 19 North, Range 8 East (Commission District 1)**

WAYNE DALTON (Building & Development Services Supervisor): Thank you, Mr. Chair, Commissioners. The subject property is part of a subdivision created in the 1940s with the US Government's Small Parcel Act which assisted veterans in acquiring their own property. The property has a Land Patent from the US Government dated from 1962 and is recognized as a legal lot of record.

The property is accessed by Old Buckman Road which is a County-maintained Road on BLM Land, and Kalitaya Way, which is a public road on BLM land. The portion of Old Buckman Road that services the property is approximately nine miles in length and ranges from 20 to 24 feet in width and is a dirt/sand driving surface. The portion of Kalitaya Way that services the property is approximately one mile in length and ranges from eight to ten feet in width and is a dirt driving surface. Both Old Buckman Road and Kalitaya Way do not meet the specifications of local lane, place or cul-de-sac roads, which require two ten foot driving lanes and six inches of basecourse. Old Buckman Road and Kalitaya Way do not have adequate drainage control necessary to insure adequate access for emergency vehicles.

The Applicant states he is not in a position to upgrade 9 miles of Old Buckman Road to County standards, nor the one mile of Kalitaya Way. The Applicant also states he and another property owner in the area have had some discussions on improving Kalitaya Way

and are intending to do some light tractor work, but cannot upgrade the road to County standards.

The Applicant intends to construct a residence of all metal construction, fiberglass and drywall. No wood except for cabinetry, handrails, etc. The Applicant may also be required to incorporate certain items into his building and site plans to substantially enhance the protection against fire danger. These improvements may include a turnaround on the property, a water storage tank, sprinkler system, a vegetation management plan, and compliance with the Urban Wild Land Interface Code for building materials for any proposed structures on the property

On May 14, 2013, the BCC granted a variance for Patrick Christopher and Marga Friberg, which is CDRC Case # V 13-5050, for the construction of a residence on property totaling 15.3 acres which received access from these same roads.

On February 20, 2014, the CDRC met and acted on this case. The decision of the CDRC was to recommend approval of the Applicant's request by a 6-0 vote.

Staff recommendation: Denial of a variance from Article V, § 8.1.3, Legal Access, and Article V, § 8.2.1c, Local Roads, of the Land Development Code. If the decision of the BCC is to approve the Applicant's request for variances, staff recommends imposition of the following conditions. Mr. Chair, may I enter those conditions into the record?

COMMISSIONER ANAYA: Yes, you may.

[The conditions are as follows:]

1. Water use shall be restricted to 0.25 acre-foot per year. A water meter shall be installed for the proposed home. Annual water meter readings shall be submitted to the Land Use Administrator by January 1<sup>st</sup> of each year. Water restrictions shall be recorded in the County Clerk's Office (As per Article III, § 10.2.2 and Ordinance 2002-13).
2. The Applicant must obtain a development permit from the Building and Development Services Department for the construction of the residence. (As per Article II, § 2).
3. The Applicant shall comply with all Fire Prevention Division requirements at time of Development Permit Application (As per 1997 Fire Code and 1997 Life Safety Code).

COMMISSIONER ANAYA: Are there any questions of staff, Commissioners?

CHAIR MAYFIELD: Chairman Anaya, I have a question of Chief Patty, please.

COMMISSIONER ANAYA: Go ahead, Mr. Chair, Commissioner Mayfield.

CHAIR MAYFIELD: Thank you, Chairman Anaya. Chief Patty, just as far as reading through this packet, they say that they're in the Pojoaque Fire District. I think I'm pretty familiar where the area is at physically. But Pojoaque, when would the Pojoaque – God forbid this would happen – be able to access them? Do we have a Knox lock on that side of the 502 or would this be served – arguably our nearest responder would be the fire station out in La Tierra and Las Campanas, would it not be?



MR. PATTY: Mr. Chair, Commissioner Mayfield, the responding fire department is going to be the Agua Fria but it is so far out on the road there it is technically in the Pojoaque fire district. There is no Knox lock on the gate that comes through the Indian land over there, so we wouldn't be accessing it from that side. It would be accessed from Agua Fria.

CHAIR MAYFIELD: And just on that note, this case is specifically in front of us but I think we need to – I don't know if realign those boundaries or relook at those boundaries. I mean if we have a fire district that can't physically respond because of private land easements then we need to recognize what fire district would respond and at least put that on the application also. That's just a suggestion, please.

COMMISSIONER ANAYA: Did you get that, Mr. Patty?

MR. PATTY: Mr. Chair, Commissioner Mayfield, I think what you're saying is we need to address that it's going to be responded from another district, being as it's in the Pojoaque district. We have – it's an automatic aid, and if that Pojoaque is called Agua Fria is going to be automatically called anyway for that area for the Pojoaque district.

CHAIR MAYFIELD: Does this have any impact on ISO ratings because we can't respond to a certain area, whereas another district is going to be responding? And I guess just geographically, if we can't respond from one area – and I understand the aid issue, but why aren't we putting these folks in the Agua Fria district area?

MR. PATTY: Mr. Chair, Commissioner Mayfield, the boundary line for the districts have already been preset. ISO is not going to be affected because from either direction, the Pojoaque or the Agua Fria district, they're more than five miles from any department so they're automatically going to be an ISO 10 regardless of either department.

CHAIR MAYFIELD: Okay. Thank you, Chief. Thank you, Vice Chairman Anaya. Thank you.

COMMISSIONER ANAYA: Chief, Mr. Patty, if they can only be served by Agua Fria, why wouldn't we just draw them into the boundary of Agua Fria and just change the map for that section? That seems to be logical.

MR. PATTY: Mr. Chair, Commissioner Anaya, we could work on this whole area of drawing it into the Agua Fria district. The question has just never come up. We can look at it and see.

COMMISSIONER ANAYA: Well, we've had a couple cases of houses on the road and I think it makes sense to at least analyze that and see if it makes more sense to include them in the Agua Fria district since they're going to be the responder.

MR. PATTY: Mr. Chair, Commissioner Anaya, we could do this. We'll look into it.

COMMISSIONER ANAYA: Thank you. Commissioners, are there any other questions? Is the applicant here? Come forward, sir.

[Duly sworn, Lee Pack testified as follows:]

LEE PACK: Lee Pack.

COMMISSIONER ANAYA: Mr. Pack, is there anything else you'd like to add?

MR. PACK: Not unless you have questions. I think Wayne summarized up pretty much what I'm trying to do. I'm building – hopefully – building a small, sustainable solar-powered off-grid home for me and my girlfriend. And we'd just like to have the permission to do so. The roads aren't very good but you can drive a normal car all the way to the site if it's not raining or snowing. You need 4X4 if it's raining or snowing. I have three. I've lived off grid before. Lived in Alaska off-grid with my parents. So I have a lot of experience with this kind of stuff. I'm not anticipating anybody being able to get to my house and put it out if it caught fire but I'm building it out of metal and drywall, fiberglass insulation. Keeping water onsite. Lots of fire extinguishers. Because I'll have to put my own house out if I get a fire. If I need an emergency vehicle, I'd probably have to drive someone into town, versus trying to call an ambulance all the way out and all the way back. So I will have a neighbor, who's here, and hopefully we can rely on each other for some sort of emergencies if something should come up, someone needed to be transported to the hospital.

So we've thought this through and looked at the problems, fully aware of them and I think we can make this thing work.

COMMISSIONER ANAYA: Thank you, Mr. Pack. Any questions of the applicant? Commissioner Chavez.

COMMISSIONER CHAVEZ: You know that there are some conditions of approval. Are you familiar with those and you accept those?

MR. PACK: Yes, they're fine. I would ask that at least we talk about the adding an intense sprinkler system. It could really cripple the cost of the building and it probably wouldn't do any good. I know that's in there and I know it's not a demand. I think it can be discussed with the building authorities when I go for my building permit. Putting in an industrial level fire suppression system would really cause me a lot of – I couldn't do it almost. It would cost as much as my home. I don't mind having the water storage onsite, I full intend to do and to have a high-powered delivery system for that. High grade hoses. As far as installing something commercial level, very expensive.

COMMISSIONER CHAVEZ: Thank you.

CHAIR MAYFIELD: Chairman Anaya, please.

COMMISSIONER ANAYA: Commissioner Mayfield.

CHAIR MAYFIELD: Chairman Anaya, the applicant brings up a good point, and I guess I'm looking at staff recommendations and bullet three on page 4 of what I have. It just says per 1997 Fire Code and 1997 Life Safety Code, the applicant shall comply with all Fire Prevention Division requirements at the time of development permit. So where are we asking for a sprinklerized system in the gentleman's house?

COMMISSIONER ANAYA: I don't see it on mine either. Do we have it on there? It's not on there as a condition, Commissioner.

CHAIR MAYFIELD: Okay. Thank you.

COMMISSIONER ANAYA: Commissioner Chavez. Is there any other questions? If there's none we'll go to the public hearing. Is there anybody here to speak in favor or against this applicant, this application? Yes, sir. Please come forward.

[Duly sworn, Patrick Christopher testified as follows:]

PATRICK CHRISTOPHER: I'm Patrick Christopher and I am – as was mentioned, Wayne mentioned my name. I think you all saw me a year ago. I was here with my good friend Margo Friburg. She and I own the land that's just further down the road from Lee's and we also are in the midst of a design phase, working on a standalone, sustainable house for our land out on Kalitaya Way and we are thrilled that we might have a neighbor, someone who's responsible and intelligent as Lee Pack and someone to help with road maintenance and other neighborly duties. We're very excited that he might be out there with us and we just heartily support his application for this. I hope that you agree.

COMMISSIONER ANAYA: Thank you, sir. Are there any other comments from anyone? Seeing none, what's the pleasure of the Board?

CHAIR MAYFIELD: Chairman Anaya?

COMMISSIONER ANAYA: Chairman Mayfield.

CHAIR MAYFIELD: I would move for approval with staff's conditions, staff's recommendations.

COMMISSIONER HOLIAN: Second.

COMMISSIONER ANAYA: There's a motion and a second. A motion by Commissioner Mayfield, second by Commissioner Holian. Commissioner Chavez.

COMMISSIONER CHAVEZ: Yes, just for the applicant, I'm going to read the conditions into the record so that we're clear on – so that we're all clear on what they are. There are three of them. The first one is: Water use shall be restricted to 0.25 acre-foot per year. A water meter shall be installed for the proposed home. Annual water meter readings shall be submitted to the Land Use Administrator by January 1<sup>st</sup> of each year. Water restrictions shall be recorded in the County Clerk's Office as per Article III, § 10.2.2 and Ordinance 2002-13.

The second condition is the Applicant must obtain a development permit from the Building and Development Services Department for the construction of the residence. The third condition is the Applicant shall comply with all Fire Prevention Division requirements at time of Development Permit Application. So those are the three conditions. Thank you.

CHAIR MAYFIELD: Chairman Anaya.

COMMISSIONER ANAYA: Yes, sir, Chairman Mayfield. Commissioner Chavez, thank you for doing that. Just a follow-up on the prior case also, and I heard the applicant say and I so much appreciate that he did. But I think there is on our plats that we do ask for some acknowledgement that they may not be in immediate service to our EMS or Public Safety or Sheriff's Department or Fire Department. I just think that was important that the applicant stated that but also I think that might be a signature line somewhere on the plat. I could be mistaken on that. If he ever decides to sell this home, whoever would be the new

purchaser, just that they're aware of that also.

COMMISSIONER ANAYA: Mr. Chair, Commissioner Mayfield, I agree with that. That's something we've talked about in the past is noting that they understand where they're at but formally putting it on the plat so I concur.

COMMISSIONER CHAVEZ: So would that be an additional condition?

CHAIR MAYFIELD: I'm not asking for that but I just thought that was something that we currently did. Maybe I'm mistaken on that. I apologize, Mr. Chair.

COMMISSIONER ANAYA: Mr. Dalton.

MR. DALTON: Mr. Chair, Commissioners, that is a condition of approval that we put on cases where people need to obtain a floodplain permit from our office. In this case the applicant does not need to obtain a floodplain permit. Therefore that condition is not being placed on this application.

COMMISSIONER ANAYA: I think what the chairman is asking for is that there's an acknowledgement on the plat that the parties understand the proximity to emergency services. So I think that's something that maybe we can have as a consistent item. Go ahead, Mr. Dalton.

MR. DALTON: Mr. Chair, in this case the applicant does not need to submit a plat to our office. It's a pre-code lot. In this case we could put a deed restriction on his deed stating that emergency vehicles may not be able to get to this property. We do have some language that we can put on a deed, if that's the wishes of the Board.

COMMISSIONER ANAYA: I hear what you're saying. We're not dealing with a plat at all. Won't they have to submit a plat for approval? But that would already be a recorded plat in place. So I hear what you're saying. I think it's an important item to note on the record here in the meeting, and we've done that, but I also think we need to figure out a mechanism to do that, to document it. So, Ms. Brown, is that something you're familiar with as far a deed restriction, just to note the proximity to emergency services in this case?

MS. BROWN: Mr. Chair, in this case I don't understand there will be a transfer of ownership of land, so there is no deed that's being generated.

COMMISSIONER ANAYA: Could we note, could we do it this way? Mr. Chair, Chairman Mayfield, can you still hear me?

CHAIR MAYFIELD: Yes, we're fine, Commissioner. I appreciate that.

COMMISSIONER ANAYA: Can we make a note on the building permit that there's an acknowledgement and even a statement on the building permit that there's an acknowledgement that they sign that they understand that they're not in close proximity to emergency services? Is that a mechanism we could use?

MS. BROWN: Mr. Chair, you can do that. I also was just advised by Mr. Dalton that the property is actually under contract so there will be a deed issued. If you wanted to amend your motion to include a condition you could but I think that at the time of the building permit is also appropriate and perhaps more appropriate because it doesn't limit transfer or ownership.

COMMISSIONER ANAYA: So Chairman Mayfield, is it okay if we would have something that's an acknowledgement at the time of the building permit? It seems like that might be the cleanest.

CHAIR MAYFIELD: Mr. Chair, I appreciate your comments and also from Ms. Brown. I wouldn't want to impede anything on a deed restriction. I just want that acknowledgement out there somewhere, in case this property would ever change hands.

COMMISSIONER ANAYA: So at the time of the building permit that there's some statement of acknowledging the limitation of emergency access or a timeline, I guess. Timeline and access. So is the maker of the motion, Commissioner Mayfield, you're okay with that.

CHAIR MAYFIELD: I am. Thank you.

COMMISSIONER ANAYA: And the seconder, are you okay? The maker of the motion's okay and the seconder's okay. So are there any other questions or comments?

**The motion passed by unanimous [4-0] voice vote.**

- VI. A. 4. **BCC Case # MIS 10-5152 the Downs at Santa Fe Master Plan Extension. The Pueblo of Pojoaque Development Corporation, Applicant, Requests a Two-Year Time Extension of a Previously Approved Master Plan for the Downs at Santa Fe. The Property is Located within the La Cienega Traditional Historic Community, at 27475 I-25 West Frontage Road, within Sections 26 & 27, Township 16 North, Range 8 East (Commission District 3) [Exhibit 4: Letter from La Cienega Valley Association]**

MR. LARRAÑAGA: Thank you, Mr. Chair. On August 14, 2001, the Board of County Commissioners granted Master Plan Zoning Approval to allow recreational/non-residential uses at the Downs at Santa Fe on 321 acres. On July 14, 2004, the BCC granted approval of reconsideration and clarification of conditions to the previously approved Master Plan.

On November 9, 2004, the BCC granted approval of a Preliminary Development Plan for Phase I, subject to conditions, and Final Development Plan to be approved administratively. On May 8, 2012, the Board of County Commissioners granted a request made by the Pueblo of Pojoaque Development Corporation for a two-year time extension of an existing Master Plan for the Downs at Santa Fe.

The Applicant requests a two-year time extension of the existing Master Plan for the Downs at Santa Fe, which was originally approved in 2001. The Applicant states that in 2011/2012, representatives of the Downs worked with the La Cienega/La Cienegullia Planning Committee and the Santa Fe County Planning Department on a Community Plan update to develop options for the use of the Downs property. The Applicant is requesting an extension of the current zoning approval until such time that the Zoning Map is implemented

by Santa Fe County. The proposed Zoning Map designates the Downs property as a Planned Development District.

Growth Management staff has reviewed this project for compliance with pertinent Code requirements and finds the following facts to support this submittal: the Application meets code criteria to allow a two-year extension of the Master Plan; the existing Master Plan meets the criteria set forth in Article V, Section 5.2.4; the Application meets the criteria set forth Article V, Section 5.2.7 of the Land Development Code.

Staff recommendation: Staff recommends approval of a two-year time extension for the existing Master Plan for the Downs at Santa Fe.

Mr. Chair, I stand for any questions.

COMMISSIONER ANAYA: Thank you, Mr. Larrañaga. I want to read into the record that Mr. Larrañaga got a letter from Carl Dickens, the president of the La Cienega Valley Association today that says, I regret to say I'll be unable to attend the County Commission and the presentation by the Pueblo of Pojoaque and BCC Case MIS 10-5152, Downs at Santa Fe Master Plan Extension, the Pueblo of Pojoaque Development Corporation. If at all possible we share the following to the Commission. The La Cienega Valley Association Board completely supports the Pueblo of Pojoaque's request for a two-year time extension to the master plan for the Downs of Santa Fe. We look forward to the day when the Pueblo is able to present a master plan that fully realizes this property's important place in our community. In the meantime, La Cienega Valley Association is excited to learn of the return of the equestrian events to the Downs this summer. We have missed the horses and will do what we can to see more of them. Thank you, Carl Dickens, President of La Cienega Valley Association. Other questions or comments from the Board? Commissioner Mayfield?

CHAIR MAYFIELD: Commissioner, I have none. If we're not going for public comment I would move for approval, Commissioner, of the time extension.

COMMISSIONER ANAYA: Okay, we'll go to the applicant. Is the applicant here?

JANNA WERNER: Yes, legal counsel for the Pueblo of Pojoaque Development Corporation, Janna Werner.

COMMISSIONER ANAYA: Ms. Werner, do you have anything you'd like to add?

MS. WERNER: Mr. Chair, Commissioners, no. We just appreciate you considering our application. We're hoping to keep our master plan in place until the zoning map is implemented.

COMMISSIONER ANAYA: Excellent. Commissioner Chavez.

COMMISSIONER CHAVEZ: Mr. Chair, did you close the public hearing?

COMMISSIONER ANAYA: No, I haven't gone to the public hearing.

COMMISSIONER CHAVEZ: Then I'll wait.

COMMISSIONER ANAYA: Also, I'd like to welcome Robert Romero, former City Manager, DOT employee, government service guy, community guy. Welcome to

the meeting as well. If there are no other questions or comments of the applicant we'll open the public hearing. Is there anybody present to speak in favor or against this proposal? Seeing none, the public hearing portion is closed. What's the pleasure of the Board? Commissioner Mayfield, you had a comment?

CHAIR MAYFIELD: Commissioner, this is in your district so I'll defer.

COMMISSIONER ANAYA: Okay. Commissioner Chavez.

COMMISSIONER CHAVEZ: Mr. Chair, I'll go ahead and make a motion to approve BCC case MIS 10-5152, Extension of the Downs at Santa Fe Master Plan.

CHAIR MAYFIELD: Second, Commissioner.

COMMISSIONER ANAYA: There's a motion from Commissioner Chavez to approve the two-year time extension, a second by Commissioner Mayfield, Chairman Mayfield. Any further discussion? Just a comment from me. I too look forward to continued communication and coordination as the Commissioner from District 3 that has the Downs in the district. I'm happy that you've continually worked with Mr. Dickens and other members of the La Cienega Valley area, keeping their interests in mind and know that those communications will continue. If there's no other questions or comments.

**The motion passed by unanimous [4-0] voice vote.**

- VI. A. 5. **CDRC Case # S/V 12-5451 Cielo Colorado Estates Preliminary Development Plan, Plat and Variance.** Cielo Colorado LLC, Applicant, James W. Siebert, Agent, Request Preliminary Development Plan and Plat Approval for a 24-Lot Residential Subdivision on Tract 15A-2 of the Eldorado at Santa Fe Subdivision Consisting of 246.30 Acres, More or Less. The Application Also Includes a Request for a Variance of Ordinance No. 2008-10 (Flood Damage Prevention and Stormwater Management) to Allow Access Through a 100-Year Flood Plain without an All-Weather Crossing. The Property is Located on the East Side of US 285, off Camino Acote, within Sections 21 and 22, Township 15 North, Range 10 East (Commission District 4)

VICENTE ARCHULETA (Case Manager): Thank you, Mr. Chair. On February 14, 2014 the County Development Review Committee recommended preliminary development plan and plat approval for a 24-lot residential subdivision on Tract 15A-2 at the Eldorado at Santa Fe Subdivision consisting of 246.30 acres. The CDRC also recommended approval of a variance of Ordinance No. 2008-10 to allow access through a 100-year floodplain without an all-weather crossing. On July 18, 2013, the CDRC recommended approval Master Plan approval of a 24-lot residential subdivision. The CDRC also approved two cul-de-sacs to exceed 500 feet in length.

On September 10, 2013, the Board of County Commissioners approved the request

for Master Plan for a 24-lot residential subdivision on 246.30 acres. In 1995, a Master Plan for Cielo Colorado was approved by the BCC. The Master Plan included 91 lots with an average density of 3.79 acres on 344.58 acres. Twenty-five of the 91 proposed lots were platted in 1995. An amended Master Plan eliminating four lots totaling 12.5 acres was recorded in 2000. In 2002 the Master Plan was vacated to allow the platting of larger lots at the east end of Tract 15A-2. This Application includes the remainder of the property that has not been platted within Tract 15A-2.

The Applicants now request Preliminary Development Plan and Plat approval for 24 lots on 246.30 acres within tract 15A-2 of the Eldorado at Santa Fe Subdivision in conformance with the approved Master Plan. Lot sizes will range from 2.54 acres to 16.16 acres, more or less.

The Applicants also request a variance of Ordinance No. 2008-10, Section 4.2, to allow for access to the subdivision through an existing road that crosses over a FEMA designated special flood hazard area.

The Applicant states the roadway crossing the drainage has been in place for over 20 years, serving over 30 housing units, and there has been no occurrence of damage to the road or drainage structures under the road during heavy rainstorms. The floodplain is unusually wide and shallow requiring an extensive drainage infrastructure across the entire width of the drainage in order to comply with the 100-year crossing standards. The initial subdivision was reduced from 67 lots to 24 lots to address the concerns of the residents living within the Cielo Colorado Subdivision. The expense of such a 100-year crossing of the drainage is beyond the financial resources of this 24-lot subdivision.

The Applicant has submitted an analysis and calculations from a Professional Engineer which addresses the existing low water crossing dip-section and the 100-year storm event. The letter states the crossing will be subject to a water depth of 8 inches for a period of fifteen minutes or less. The existing curb will hold back a depth of six inches for a period of forty-five minutes while it drains via an existing curb cut. Therefore, the engineer's opinion is emergency vehicles and fire apparatus will be able to safely cross the low water crossing during a 100-year event.

Growth Management staff has reviewed this Application for compliance with pertinent Code requirements and finds the project is in compliance with County criteria for this type of request with the exception of the all-weather access.

The Application for Preliminary Development Plan and Plat approval is in conformance with all Code requirements. Therefore, staff recommends approval of the request for Preliminary Plat and Development Plan subject to the following conditions:

1. The Applicant shall comply with all review agency comments and conditions, Article V, Section 7.1.3.c.
2. All portions of the 50-foot ingress/egress and utility easement to be vacated must be approved by the BCC.3. The Applicant must apply for an access permit from NMDOT prior to construction.



Mr. Chair, I stand for questions.

COMMISSIONER ANAYA: Are there any questions of staff? Seeing no questions of staff, is the applicant present?

[Duly sworn, Victoria Dalton testified as follows:]

VICTORIA DALTON: Victoria Dalton with James Siebert and Associates, 915 Mercer Street, Santa Fe, New Mexico, 87505. So as staff stated the request is for preliminary development plan and preliminary plat. This is the same designed that you reviewed during the master plan last September for approval and in addition we are requesting a variance for the crossing of the floodplain. The project engineer has submitted the study which supports access across the floodplain. I stand for questions if you have any.

COMMISSIONER ANAYA: Would the applicant be amendable to a notation on the plat that states that they understand that they're in a floodplain area?

MS. DALTON: I believe we would. Yes, I can agree to that.

COMMISSIONER ANAYA: Because I think that would be consistent with what we've done in the past. That would be one thing I would ask any maker of the motion to consider. Any other questions? Commissioner Chavez.

COMMISSIONER CHAVEZ: Yes, I guess I have a question to staff and it has to do with the low-water crossing. I know that these can be expensive but they can also cause problems for people getting in and out of their homes and also for the emergency vehicles. But we have a staff recommendation. It says that the professional engineer, which addresses the low-water crossing dip section, the engineer concluded that emergency vehicles will be able to safely cross the low-water crossing during a 100-year storm event. Does our staff concur with that? You're in agreement with that?

MR. ARCHULETA: Mr. Chair, Commissioner Chavez, we got a recommendation of approval from our Fire Department.

COMMISSIONER CHAVEZ: Okay. Thank you. Thank you, Mr. Chair. I just wanted to double check. So having said that – you're going to do the public hearing?

COMMISSIONER ANAYA: I'm going to go ahead and open up the public hearing. Is there anyone here to speak on behalf of or against this project? Seeing none, the public hearing is closed.

COMMISSIONER HOLIAN: Mr. Chair.

COMMISSIONER ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I am satisfied with the engineering analysis about the floodplain crossing, and I would also like to thank the developer for working with the community to rework the platting so that the neighborhood was satisfied with how it all turned out.

MS. DALTON: Thank you. He worked hard on it.

COMMISSIONER HOLIAN: And I would like to make a motion to approve CDRC Case S 12-5451, Cielo Colorado Estates preliminary development plan, plat and variance with staff conditions, and I'm amenable to an extra condition noting on the plat about the floodplain crossing.

COMMISSIONER CHAVEZ: Second.

COMMISSIONER ANAYA: There's a motion and a second with staff conditions and an additional notation relative to the flood plain. Is there any other questions or comments? Commissioner Mayfield? I don't think we have Commissioner Mayfield. I don't have any other questions.

**The motion passed by unanimous [4-0] voice vote.** [Commissioner Mayfield's vote was recorded after the meeting.]

**VII. CONCLUDING BUSINESS**

- A. Announcements**
- B. Adjournment**

Having completed the agenda and with no further business to come before this body, Chair Holian declared this meeting adjourned at 7:56 p.m.

Approved by:

  
Board of County Commissioners  
Daniel W. Mayfield, Chair



  
GERALDINE SALAZAR  
SANTA FE COUNTY CLERK  
5-13-2014

Respectfully submitted:

Karen Farrell, Wordswork  
453 Cerrillos Road  
Santa Fe, NM 87501

**Katherine Miller**

**EXHIBIT**

tabbier

1

**From:** Rachel A. Brown  
**Sent:** Monday, April 07, 2014 5:49 PM  
**To:** Katherine Miller  
**Subject:** FW: Support Lowering Tip Minimum Wage

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**From:** Carol Wight [mailto:executive@nmrestaurants.org]  
**Sent:** Monday, April 07, 2014 5:19 PM  
**To:** Daniel Mayfield; Miguel Chavez; Robert A. Anaya; Kathy S. Holian; Liz Stefanics  
**Cc:** Rachel A. Brown; General Mailbox; Fernando Olea; Florence Jaramillo; NMRA Board of Directors  
**Subject:** Support Lowering Tip Minimum Wage

Dear Santa Fe County Commissioner:

On behalf of the board of directors and members of the New Mexico Restaurant Association, I would like to thank you for reconsidering the 300% increase in server wages. Mandated wage hikes cause restaurant operators to make very difficult decisions that typically involve the elimination of jobs, reduction of staff hours and/or an increase in menu prices. I represent many of the smaller independent restaurants in Santa Fe County. I have been receiving calls from distressed restaurant owners not knowing what to do about this unscheduled increase in payroll on top of high commodity prices. You are to be commended for recognizing a mistake was made and needs to be corrected before you implement your wage hike.

Rest assured, servers are some of the highest paid employees at a restaurant. Just this month a restaurant manager, a 40-year veteran, told me that one of his tipped employees had higher income in 2013 (both in total and on an hourly basis) than any of the restaurant managers or non-tipped employees, including him. This is not an uncommon occurrence. Servers average \$11.40 per hour in New Mexico. As you know, it is not legal to pay employees less than minimum wage, even tipped employees must have their hourly income equal at least minimum or the employer must make up that wage.

The practice of tipping is clearly under fire in the United States. Extremist believe it is a plot to underpay workers, despite the fact that tipped employees are some of the highest paid employees in the restaurant industry. It's really just a difference of what is considered acceptable. In the United States, servers rely on tips for most of their pay; In Europe and other countries, a service charge is added to a check and becomes a part of the taxable business income from which wages are paid. Santa Fe has enjoyed a healthy restaurant industry partially because they have not over-burdened restaurants with increased server wages on top of their living wage law.

Thank you for your consideration on behalf of all the restaurants doing business in Santa Fe County. I am not able to be at your meeting tomorrow but will remain available by phone if you have questions or comments.

At your service,

*Carol Wight*

**New Mexico Restaurant Association**

CEO

9201 Montgomery NE, Suite 602

Albuquerque, NM 87111

Phone: 505-343-9848

Fax: 505-343-9891

Cell: 505-250-2911



REC'D  
CLERK  
RECORDED  
5/14/2014

# Santa Fe County Board Of County Commissioners Fiscal Year 2015 Budget Preparation

Budget Study Session  
April 8, 2014



# FY 2015 Budget Calendar

- Statutorily an interim budget must be submitted to the Department of Finance and Administration (DFA) by June 1<sup>st</sup>. Therefore we will be requesting approval of the **FY 2015 Interim Budget** on May 27<sup>th</sup>.
- In order to begin processing financial transactions beginning July 1<sup>st</sup>, the final budget is "rolled" into the financial system and is submitted to DFA per statute for their approval. We will be requesting approval of the **FY 2015 Final Budget** by June 24<sup>th</sup>.

FISCAL YEAR 2015 BUDGET PREPARATION CALENDAR

SUN	MON	TUES	WED	THUR	FRI	SAT
Feb 23	24 BUDGET KICK-OFF IN BCC CHAMBERS 8:30 AM	25	26	27	28	Mar 1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21 BUDGET REQUESTS DUE TO FINANCE & PROJECT REQUESTS DUE TO PWD (JOSEPH B.)	22
23	24	25	26	27	28	29
30	31	Apr 1	2	3	4	5
6	7	8	9	10	11	12
13	14 BUDGET HEARINGS	15 BUDGET HEARINGS	16 BUDGET HEARINGS	17 BUDGET HEARINGS	18 GOOD FRIDAY	19
20 EASTER	21 BUDGET HEARINGS	22 BUDGET HEARINGS	23 BUDGET HEARINGS	24 BUDGET HEARINGS	25 BUDGET HEARINGS	26
27	28	29	30	May 1	2	3
4	5	6	7	8	9	10
11	12	13	14 PACKET MATERIAL DUE FOR INTERIM BUDGET	15	16	17
18	19	20	21	22	23	24
25	26 MEMORIAL DAY	27 BCC APPROVE INTERIM BUDGET	28	29	30	31
Jun 1	2	3	4	5	6	7
8	9	10	11 PACKET MATERIAL DUE FOR FINAL BUDGET	12	13	14
15	16	17	18	19	20	21
22	23	24 BCC APPROVE FINAL BUDGET	25	26	27	28

COLOR KEY: BCC Meetings BUDGET INFO WEEKEND BCC PACKET DUE

# Performance Budgeting Transition

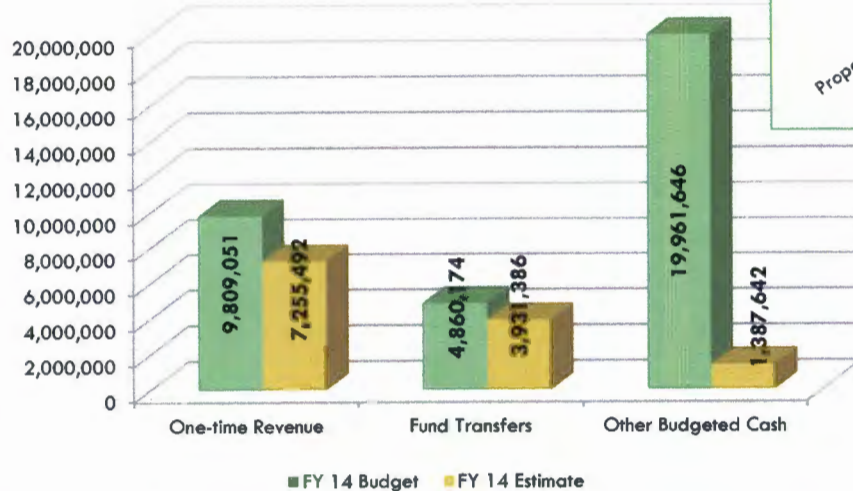
- The Board of County Commissioners passed Resolution 2011-24 which requires County departments transition to a results accountable performance based budget. This transition was optional for Elected Offices.
- The County Manager, Finance staff and other members of management attended training(s) on this methodology of budgeting and management.
- The FY 2013 budget was developed based on a “results-accountable” (performance budgeting) methodology as the first phase of transition. All Departments, the County Manager’s Office and one Elected Office (the Sheriff’s Office) submitted budget requests based on functional outcomes.
- Tracking and quarterly reporting of performance has been used to maintain results accountability throughout FY 2013 and FY 2014.
- The current phase of the transition entails the refining functions between divisions within each department. This interdivisional collaboration will foster the development of efficiencies and streamlining processes to provide better services.
- Finance will meet with each Department and Elected Office to review functions and financial needs the weeks of April 14<sup>th</sup> and 21<sup>st</sup>.



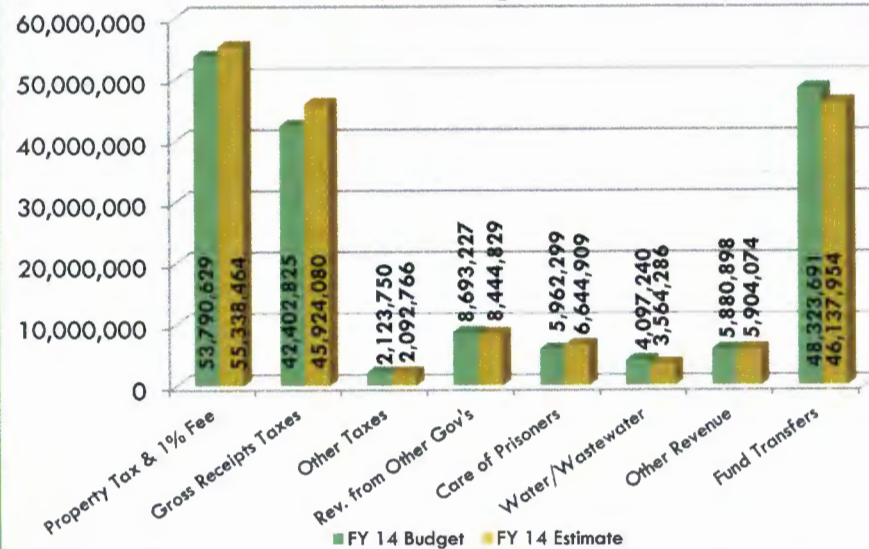
# FY 2014 Revenue Estimate

FY 2014 estimated recurring revenue total \$177.1 million. Of that amount \$46.1million are fund transfers which are said to be "double counted." Excluding the transfers the total estimated recurring revenues are \$130.9 million across all funds.

**FY 2014 Operating Revenue Budget vs. Estimate Comparison (Non-Recurring)**



**FY 2014 Revenue Budget vs. Estimate Comparison (Recurring)**

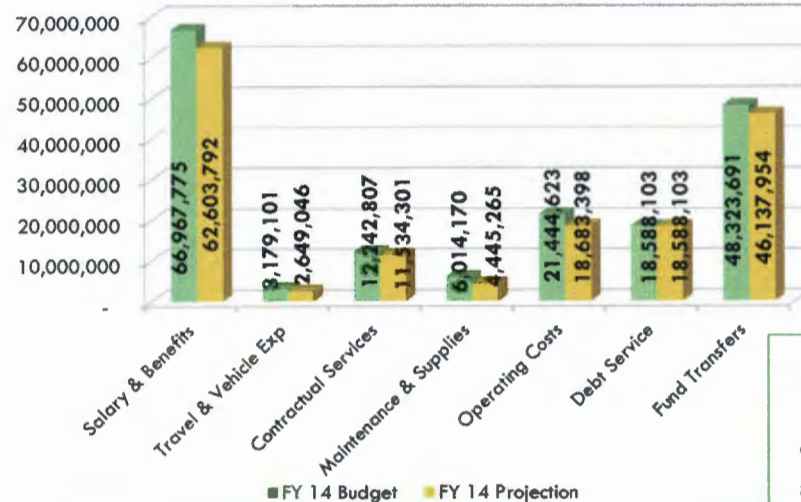


FY 2014 estimated non-recurring operating revenue totals \$12.6 million. Of that amount \$3.9 million are fund transfers which are said to be "double counted." Excluding the transfers the total estimated non-recurring operating revenues are \$8.7 million across all funds.



# FY 2014 Expense Estimate

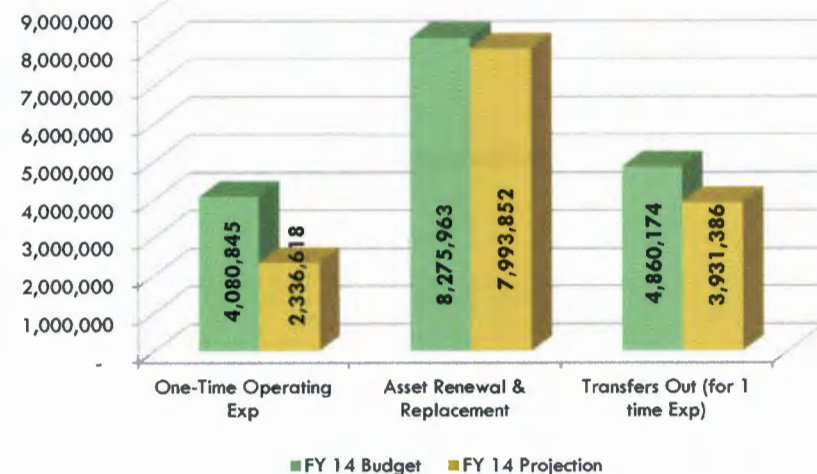
**FY 14 Operating Expense Budget vs. Estimate Comparison (Recurring)**



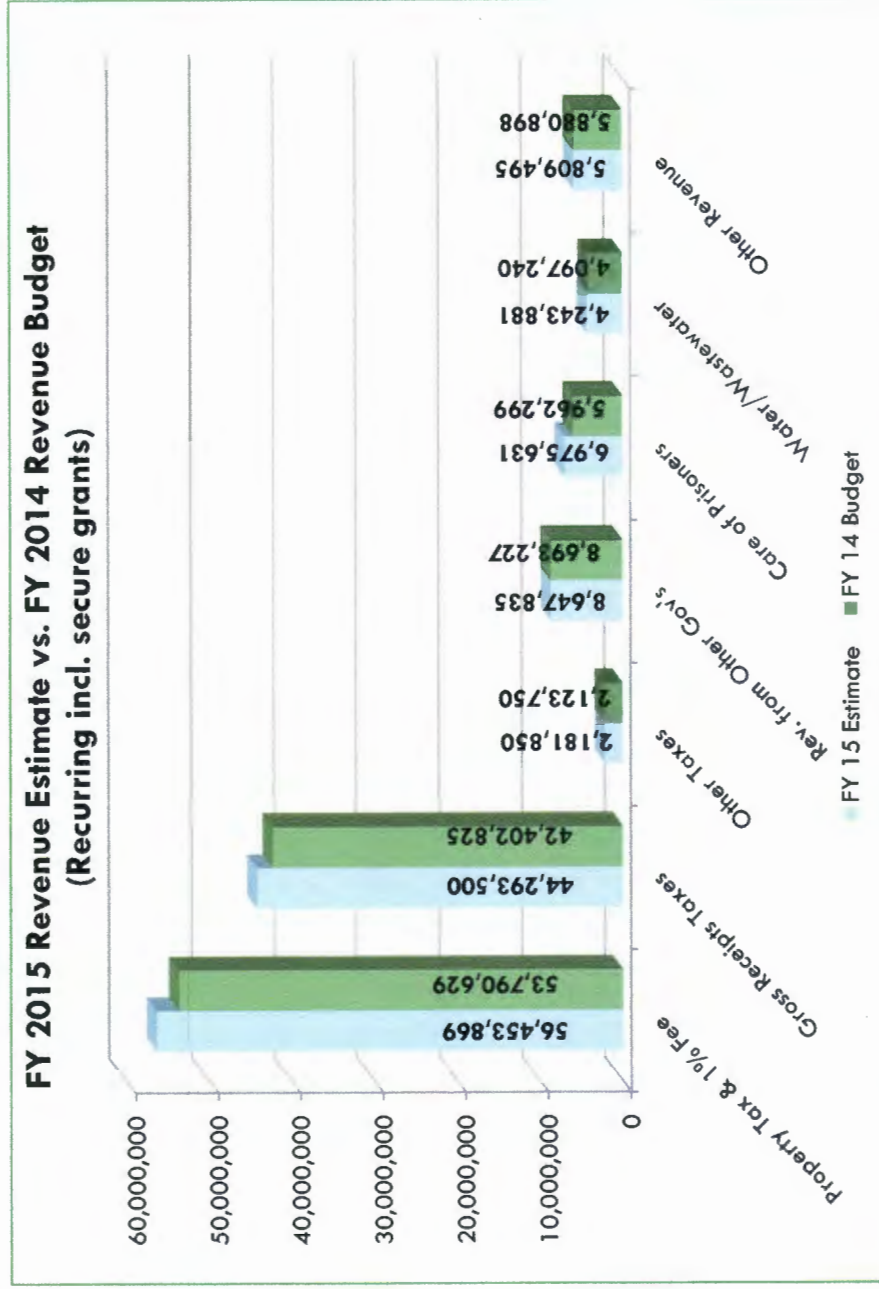
FY 2014 estimated recurring expenses total \$163.1 million. Of that amount \$46.1 million are fund transfers which are said to be "double counted." Excluding the transfers the total estimated recurring expenses are \$117.0 million across all funds.

FY 2014 estimated non-recurring operating expenses total \$14.3 million. Of that amount \$3.9 million are fund transfers which are said to be "double counted." Excluding the transfers the total estimated non-recurring operating expenses are \$10.3 million across all funds.

**FY 2014 Operating Expense Budget vs. Estimate Comparison (Non-Recurring)**



# FY 2015 Recurring Revenue Estimate



# FY 2015 Revenue Assumptions & Expense Requests

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## Revenue

Property Tax revenue increased by \$1.3 million for current year collections.

Gross Receipts Taxes increased by approximately 3% for both Countywide and unincorporated taxes.

State shared taxes remain flat.

Care of prisoners revenue increased by \$1.0 million or 17% based on actual contracts and trending population.

Water/Wastewater charges increased by \$0.2 million or 3.5% based on estimated additional customers.

Solid waste permit fees decreased by \$0.2 million or 36% based on recommended permitting changes.

## Expense

Departments were asked to maintain request as flat as possible while still funding their goals.

Health insurance premiums will increase by 10% effective July 1, 2014.

PERA contributions by the County will increase by 0.4% effective July 1, 2014.

New FTEs were requested.

\$8.6m for Asset Renewal and Replacement was requested.

County will increase its contribution to health insurance for employees earning \$30K to \$50K from 70% to 75%. (Under \$30K will remain at 80% and greater than \$50K will remain at 63%.)

Known negotiated compensation changes (Bargaining Units).



# Bargaining Units

## **AFSCME**

COLAs effective 1/1/15 as follows:

< \$30,000 receive 2%

= >\$30,001 receive 1%

Eligible for merit based increases at the discretion of the Department Director or Elected Official if the employee meets specified performance criteria as outlined in policy and budget exists for the proposed increase.

## **AFSCME-Corrections Medical Unit**

Not yet negotiated. Employees have received COLAs comparable to non-union employees.

## **NM Coalition of Public Safety Officers Corrections**

Contract currently being negotiated.

## **NM Coalition of Public Safety Officers RECC**

Continue current pay scale which is a 1% increase each year for the life of the contract. Current language states that the increases are effective only until 6/28/14.

## **NM Coalition of Public Safety Officers Sheriff's Office**

Continue current pay scale which includes a 1% increase each year on the employee's anniversary date for the life of the contract.

## **International Association of Firefighters**

Continue with current pay scale which includes a 1% increase each year for the life of the contract.

# FY 2015 Budget Priorities

9

Maintain existing County assets  
(parks/open space, facilities, roads,  
vehicles, etc.)

Economic development initiatives

Energy efficiency and renewable  
energy initiatives

Invest in employees

- Reduce health insurance contributions for staff earning \$30K to \$50K
- Provide education benefits
- Recruiting and retention of public safety personnel
- Improve the physical work environment

Expand the Wildland Urban Interface  
Program

Develop a long-term emergency  
operations preparedness plan

Senior programs

Youth programs

Library programs

Food policy and planning

Continue funding for the Regional  
Coalition of LANL Communities

Grow the Utility into a self-sufficient  
Utility service

# Known Future Budget Concerns

10

A number of budget concerns exist for FY 2015 and beyond. Some of these are the result of Legislation passed by the State of New Mexico.

- Impact of Legislation passed by the State of New Mexico:
  - Phase out of hold harmless begins in July of 2015 (FY16) at rate of 6-7% per year for 15 years. This is estimated to represent a \$0.2m revenue loss in FY 2016. Planning for reductions in the various impacted funds is underway.
  - Payments to the Safety Net Care Pool in an amount equal to a gross receipts tax of 1/12 of a percent applied to **actual** taxable gross receipts reported in the prior fiscal year beginning in FY 2015. This is estimated to cost \$2.8m in FY 2015.
  - Uncertainty in the indigent healthcare program under the new system may create unanticipated expenses.
  - Increase to salaries for newly or re-elected officials. This is estimated to cost \$23K in FY2015, and \$47K in FY2016.
- Payment in Lieu of Taxes (PILT) was authorized for only one more year. This represents a loss of \$0.6m in revenue per year beginning in FY 2016.
- Health insurance premiums will increase by 10% in FY 2015 which is estimated to cost \$0.6m.
- County's share of PERA contributions will increase by 0.4% in FY 2015 which is estimated to cost \$0.1m.

# Proposed Reserve Policy

11

The Finance Division will be bringing forward for approval an expanded policy for maintaining, committing, assigning and utilizing County fund balance/cash reserves.

## **Current Policy**

- State mandated requirement of 25% reserve (three months) for general fund and 8.33% (one month) for the road maintenance fund.
- BCC policy of 8.33% reserve (one month) for each fund that sustains operations.

## **Proposed Policy**

- Establishes a process for committing and assigning cash reserves and also canceling those actions.
- Establishes various contingencies within the cash reserves to be used under defined circumstances (e.g. uninsurable losses, infrastructure major repair & replacement, etc.)
- Establishes required levels of reserves to be maintained in different fund types (e.g. general fund, special revenue fund, enterprise fund, etc.)
- Complies with Government Accounting Standards Board guidance and Government Finance Officers Association best practices regarding fund balance/cash reserves.



# Summary

For FY 2015 Santa Fe County is estimating that there is growth in recurring revenue as well as growth in recurring expenses.

- We will evaluate the existing budget compared to new demands and priorities. This will allow for possible reallocation of existing base budget to new areas of growth/priorities.
- Finance will work with Departments/Offices through the budget hearing process to determine areas for possible reallocate.

New growth in recurring expenses that we are counting on includes:

- Increase to health insurance premiums - \$0.6 million
- Increase to PERA contribution - \$0.1 million
- Negotiated compensation changes - \$0.3 million + Corrections negotiated compensation currently unknown with negotiations underway.

Other possible growth in recurring expenses includes:

- COLAs for non-union employees comparable to AFSCME employees - \$0.2 million
- Increasing employer contribution to health insurance for employees earning \$30,001-\$50,000 - \$0.2 million

Budget requests were turned into Finance on March 21<sup>st</sup>, and have not yet been fully analyzed, however some new FTEs are being requested as well as requests to reclassify staff from term to classified.



### FY2015 NEW FTE REQUESTS

Department	Position	Annual Salary (Including Benefits)	Comments
Administrative Services	IT Desktop Support Specialist	\$ 56,260.00	
ASD-Legal	Assistant County Attorney	\$ 116,480.00	
Total		\$ 172,740.00	
Assessor	Administrator of Refund Mail	\$ 37,856.00	
Assessor	Assessment Specialist	\$ 37,856.00	
Assessor	Title Examiner	\$ 49,504.00	
Total		\$ 125,216.00	
Clerk	Election Worker & Outreach Coordinator	\$ 26,208.00	
Total		\$ 26,208.00	
Community Services	Program Manager	\$ 75,712.00	
Total		\$ 75,712.00	
Growth Management	Community Planner	\$ 64,064.00	
Total		\$ 64,064.00	
Public Safety-Corr.	Nurse Practioner (1 casual positions)	\$ 62,244.00	
Public Safety-Corr.	Licensed Practical Nurse (LPN) 2- casual position	\$ 74,692.00	
Public Safety-Fire	Training Lieutenant	\$ 72,800.00	
Public Safety-Fire	Regional FF Cadet Paramedic	\$ 62,374.00	
Public Safety-Fire	Regional FF Cadet Intermediate	\$ 49,900.00	
Public Safety-Fire	Regional FF Cadet Basic	\$ 46,075.00	
Public Safety-RECC	IT Support Desktop Specialist	\$ 49,504.00	
Total		\$ 417,589.00	
Public Works	Utilities Systems Operator I	\$ 53,959.00	
Public Works	Senior Secretary	\$ 43,680.00	
Total		\$ 97,639.00	
Sheriff	Animal Control Officer	\$ 53,199.00	
Sheriff	Public Relations Media Coordinator	\$ 72,800.00	
Total		\$ 125,999.00	
Treasurer	Accounting Technician	\$ 49,504.00	
Total		\$ 49,504.00	
Grand Total		\$ 1,154,671.00	

### FY2015 RECLASSIFICATION REQUESTS

Request for Reclassifications			
CMO-HR	HR Analyst	\$ 44,553.35	Reclassification of Clerical Assistant
Total		\$ 44,553.35	
Growth Management	GIS Technician Reclassification	\$ 14,560.00	Reclassification of two (2) Positions
Total		\$ 14,560.00	
Public Safety-Fire	Emergency Management Coordinator	\$ 76,506.00	Currently filled as a "Term" Position
Public Safety-Fire	Volunteer Recruitment & Retention Coordinator	\$ 78,624.00	Currently filled as a "Term" Position
Total		\$ 155,130.00	
Grand Total		\$ 214,243.35	
GRAND TOTAL FOR ALL REQUESTS		\$ 1,368,914.35	



County Land Use Administration  
PO Box 276  
Santa Fe, NM 87504-0276

March 25, 2014

Dear Commissioners,

I am writing in regards to The Santa Fe Opera Village. My wife, Suzy, and I own a home at 11 Camino del Alba located in The Casas de San Juan sub-division. It is the second of four homes located on the ridge directly over what will become The Santa Fe Opera Village. Our property actually abuts The Village property.

While we don't profess to know all possibilities, we are concerned about our quality of life during construction of The Village and obvious loss of seclusion following construction. Also, we are considering listing our property for health reasons and fear a potential negative impact on current and future values.

All being said, we are pro Opera, pro community and pro growth. We only ask developers consider our concerns, keep decent construction hours and remunerate possible property value declines. We await your response to this letter.

Respectfully,

A handwritten signature in black ink that reads "Hank". The signature is stylized with a large, sweeping "H" and a cursive "ank".

Hank Crouse  
PO Box 631227  
Nacogdoches, TX 75963  
936-554-4470  
[hank@royal-hawk.com](mailto:hank@royal-hawk.com)

CC: Paul Horpedahl

**Jose Larranaga**

**From:** Carl Dickens <cedickens2@yahoo.com>  
**Sent:** Tuesday, April 08, 2014 8:59 AM  
**To:** Jose Larranaga  
**Cc:** Kathryn Ken Becker; Keir Careccio; Paul Murray; Jose Varela-Lopez; Mary Winter; JJ and Dolores; Robert-Patricia Romero; Judith Hands; Tom Mary Dixon  
**Subject:** The Downs

Dear Mr. Larranga,

I regret to say that I will be unable to attend County Commission and the presentation by the Pueblo of Pojoaque in:

BCC Case # MIS 10-5152 The Downs At Santa Fe Master Plan  
Extension. The Pueblo Of Pojoaque Development Corporation

If at all possible would you please share the following with the Commission.

The LCVA Board completely supports the Pueblo of Pojoaque's request for a two year extension to the master plan for The Downs at Santa Fe. We look forward to a day when the Pueblo is able to present a master plan that fully realizes this property's important place in our community.

In the meantime the LCVA is excited to learn of the return of equestrian events to The Downs this summer. We have missed the horses and will do what we can to see more of them.

Thank you,

Carl Dickens, President  
La Cienega Valley Association

cc: LCVA Board