



COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss

BCC MINUTES  
PAGES: 103

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## **SANTA FE COUNTY**

### **BOARD OF COUNTY COMMISSIONERS**

### **REGULAR MEETING**

**JUNE 11, 2013**

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

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

**June 11, 2013**

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:33 p.m. by Chair Kathy Holian, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

Following the Pledge of Allegiance and State Pledge led by Donna Morris and Lori Shonrock from the Fire Department, roll was called by County Clerk Geraldine Salazar and indicated the presence of a quorum as follows:

**Members Present:**

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

**Members Excused:**

[None]

**V. INVOCATION**

An invocation was given by Angel Trujillo from the Fire Department.

**VI. APPROVAL OF THE AGENDA**

**A. Amendments**

**B. Tabled or Withdrawn Items**

CHAIR HOLIAN: Any suggested changes, Katherine?

KATHERINE MILLER (County Manager): Madam Chair, there are no changes to the agenda, there's no amendments or tabled or withdrawn items, but Steve and I were just discussing that there would be people coming for the consideration and approval of the renewal of the Workers' Compensation insurance policy, and I wondered if we could move that – it's item XVII. C. I wondered if we could move that to before we go into executive session.

CHAIR HOLIAN: Okay. And I would like to make a change. I would like for the item A under Proclamations and Presentations to be heard after 5:00 if possible. One of the young women who received Oppenheimer scholarships cannot be here until there because she is now gainfully employed after having graduated, and I would like for her to be here

when I make that presentation. So are there any other changes? Do I have a motion?

COMMISSIONER CHAVEZ: I'll make a motion to approve the agenda as amended.

COMMISSIONER STEFANICS: Second.

CHAIR HOLIAN: Okay. A motion and a second for approval of the amended agenda.

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

**VII. APPROVAL OF CONSENT CALENDAR**

**A. Consent Calendar Withdrawals**

CHAIR HOLIAN: I will note that there are no resolutions. So are there any Consent Calendar withdrawals? Commissioners? Otherwise, do I have a motion?

COMMISSIONER STEFANICS: I'll move for approval of the Consent Calendar.

COMMISSIONER CHAVEZ: Second.

CHAIR HOLIAN: I have a motion for approval of the Consent Calendar and a second.

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

**VIII APPROVAL OF MINUTES**

**A. Approval of May 14, 2013 BCC Meeting Minutes**

CHAIR HOLIAN: Any changes?

COMMISSIONER MAYFIELD: Move for approval, Madam Chair.

COMMISSIONER STEFANICS: I'll second.

CHAIR HOLIAN: Okay. A motion and a second for approval of the minutes.

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

**X. MATTERS FROM ELECTED OFFICIALS**

**A. Assessor's Office**

**1. Assessor's Annual Report & Valuation Maintenance Program  
*[Exhibit 1: Supplementary Information]***

CHAIR HOLIAN: Gary, are you taking this? Please come forward.

GARY PEREZ (Deputy County Assessor): Thank you, Madam Chair, Commissioners. Good afternoon. Gus Martinez is handing out to you the additional two-page documentation that is related to the report.

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Madam Chair, I'm here today to present the Assessor's annual report on behalf of County Assessor Domingo Martinez and the valuation maintenance program. I want to get a little direction from the Commission as to how you want me to proceed on the valuation maintenance program. This is a 27-page document. It's pretty intensive and I just wanted to know if you wanted me to go page by page or if you would like for me to give just a summarization of what the document is.

CHAIR HOLIAN: So Gary, you don't have viewgraphs?

MR. PEREZ: I don't have anything for the screen, for the public.

CHAIR HOLIAN: Okay. So why don't you start with a summary presentation and then we will ask for questions and see if you need to go into detail about anything.

MR. PEREZ: Thank you. We'll start off with the 2013 annual report. That should be in your packet. It's the packet with Domingo's picture on it. If you'll turn to page 2 you'll see that this is the taxable valuation comparison, and this information is all that is required to be in the report by statute. Just including this on page 2, 3, 4, and 5 is prior year information for you to look at and I've presented that in the past, in the past two years. So what I'd like to do is go directly to page 6 and talk about the current year.

You should have a page that shows at the top of the page Tax Year 2012 and it's comparison versus 2013. Our total taxable value in 2012 was \$6,896,000,000 in taxable value. Again, that's the one-third of the full valuation we determine for all property, and in 2013 the taxable value went to \$6.943 billion. That's a difference of \$46.629 million in taxable value. Out of that we added about \$30.6 million in net new valuation, which is new construction to the property tax rolls.

Over all, we only had about a .67 percent increase in valuation from last year to this year. A lot of that was attributed to – the reason for such a small change, small increase is that we did lower some property values this year on our reappraisal. When we valued the first 5,000 properties on the data collection project, when we revalued them a lot of them went down. Also other properties may have come down that weren't part of that project.

You can see –

CHAIR HOLIAN: Yes, Commissioner Anaya. Yes, sure, as we go.

COMMISSIONER ANAYA: Madam Chair, Mr. Perez, could you clarify on the net new – that's exclusive of existing properties. That's straight up new properties into the system, right?

MR. PEREZ: Madam Chair, Commissioner Anaya, that is new property, new construction that has been added to the tax roll that's not there in the prior years.

COMMISSIONER ANAYA: Construction or properties that weren't on the tax rolls that the [inaudible] discovered.

MR. PEREZ: That's correct.

COMMISSIONER ANAYA: So that doesn't take into account at all properties that were reappraised downward because of the economy or any other factors. That's only new parcels, either new construction or properties that hadn't been taxed before. Right?

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MR. PEREZ: That is correct. And it's mostly improvement valuation such as the building on a property, because we already have the land valued, such a new house. We put the value of the house on; the land's already on. The actual changes in valuation that have occurred because of the reappraisal project, the data collection project, is called valuation maintenance, and our valuation maintenance did decrease.

COMMISSIONER ANAYA: Thank you, Madam Chair.

MR. PEREZ: Thank you. So below these columns you can see the breakdown between the residential value and the non-residential value. So both of those make up the total taxable value. On the residential side we went from \$5.275 billion to \$5.278 billion, an increase of only \$3.2 million, and this is pretty low because of the fact of the changes in the valuation on residences. Remember, the Tyler project is for only residential properties, so we did lower some values because of that or because people protested last year and we had to lower the values. That's why there's not a big increase in this amount here.

On the non-res side we gained more. Non-residential property includes all vacant land and commercial properties and we went from \$1.62 billion to \$1.664 billion. That's an increase of \$43,363,000, an increase of 2.7 percent.

The next page, page 7 is a graph –

CHAIR HOLIAN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Mr. Perez, if I could, just for clarification for the public, those who are watching and people that are listening in. When you say that the values aren't up, it's not a matter of the values being up, it's a matter of the values being true and correct. Right? That's the term the assessors use.

MR. PEREZ: Madam Chair, Commissioner, that's correct.

COMMISSIONER ANAYA: So the values, based on the economy and the times are reflected somewhat flat, which in my mind's a good thing, based on what taxpayers should pay as the true and correct value. So it's not a negative or a positive but rather a true and correct number. Right.

MR. PEREZ: Madam Chair, Commissioner Anaya, that's a reflection of the current and correct value –

COMMISSIONER ANAYA: Current and correct.

MR. PEREZ: Of the 2012 market. Remember, we're always one year behind the current year in market value.

COMMISSIONER ANAYA: Okay. Thank you, Madam Chair. Thank you, Mr. Perez.

MR. PEREZ: So the next page is page 7 and it's a graph showing the total taxable value history. We are showing you the history from 2006 to 2013, and again, the total value for this year is \$6.943 billion. And this is before protests are settled. Remember, we are right now in the protest period. We are reviewing all properties and we have over 3,200 properties that were protested and we're dealing with all of those on an individual basis. Toward the end of the year before October 1<sup>st</sup> we're hoping to resolve all these so if we end up having to adjust values this number may come down a little bit.

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Page 8, the next page is a graph showing the net new valuation history, and you can see that in 2013 we only added \$30 million, over \$30 million in taxable value.

CHAIR HOLIAN: So Gary, I have a question on that. Will that number rise as the year goes on?

MR. PEREZ: Madam Chair, Commissioners, we're hoping that that number will rise but it will be for next year. These are the numbers that are going to be certified for this year as of June 15<sup>th</sup>, because we've already sent the notices of value out. They could rise a little bit because we are finding properties out there on the Tyler project. Right now we have about 100 of them that we believe should be – that should have been on the tax rolls in a prior year that were omitted from the tax rolls, that will go on and that will affect this year's numbers. So it could get a little higher because of that.

CHAIR HOLIAN: Okay.

MR. PEREZ: We have identified – I think Commissioner Stefanics asked in our last budget meeting about those numbers and we identified about 400 properties. Out of those 400 we believe about a fourth of them at that time were going to be omitted. We found, since that date we found over 1,500 properties that Tyler has identified that there's some sort of new construction on it, but not all of them will be going on as omitted properties. The majority of them will go on for the following year.

CHAIR HOLIAN: So, Gary, does a new home go on when it receives a certificate of occupancy? Is that the point at which it enters the rolls?

MR. PEREZ: Madam Chair, Commissioners, the tax code actually says it goes on as of January 1<sup>st</sup>. Whatever the status was of that property as of January 1<sup>st</sup> determines the taxable status for the whole year. There's no wording in the statute that refers to certificate of occupancy. If the house on January 1<sup>st</sup> was 90 percent complete, then the Property Tax Division wants us to be assessing them at 90 percent of its market value.

So what we're doing is we're using – actually we use the certificate of occupancy as a reference tool if we can't determine – because it's hard to get everybody out into the field for all the permits to determine if they were finished as of January 1. So if there's a question we do refer to the certificate of occupancy. But it's the date, which is January 1 that determines that.

CHAIR HOLIAN: Well, full disclosure, my husband and I got our certificate of occupancy for our new home about a month ago, so I will be visiting you.

MR. PEREZ: Okay. That's good. Thank you.

CHAIR HOLIAN: Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, Director Perez, when you get a building permit you only have it issued to you for so long. Correct?

MR. PEREZ: That's correct.

COMMISSIONER MAYFIELD: So why couldn't you just put them on the tax rolls once that building permit expires?

MR. PEREZ: Madam Chair, Commissioner Mayfield, because we have to check the status of the property as of a certain date. A building permit may expire and the building may not have been completed, the construction may not have been completed.

COMMISSIONER MAYFIELD: Would you go to look at that house the day that permit expires. What is it? A 90-day permit? A 180-day permit?

MR. PEREZ: Madam Chair, Commissioner Mayfield, we'll look at it as we get the time, because we have different functions, procedures within the office we have to do within a certain time period. Like right now, we're in protest period, so once we finish protest between – hopefully between October and the end of the year we will go be looking at permits that were taken out during the whole year this year and determine when they were finished.

COMMISSIONER MAYFIELD: How – Director Perez, how often do you all do the audit though of where we all catch up? Do you go back at least once a year to see how many building permits were issued in the county and to see if you've put those homes on the tax rolls? Or do you go back two years to see if you ever actually went out to that property? Is there ever a catch-up time that we look at?

MR. PEREZ: Madam Chair, Commissioner Mayfield, what we're doing now, as I stated before, we picked up hundreds of properties that should have been on the tax rolls years ago. So those were probably properties that were issued building permits long ago and weren't picked up for whatever reason. So once we get current on those we don't need to worry about those. Currently, we're getting permit information from the County and from the City and from anybody who issues permits and developing a list, putting them onto a spreadsheet, developing a list and they're doled out to the appraisers to go out into the field and work them. Once they're worked, they're taken off the list. If they're not completed, the list remains intact and then new ones are added to the list, then they're given to the appraisers to check every year.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. Thank you, Gary.

CHAIR HOLIAN: Please proceed, Gary.

MR. PEREZ: Thank you. The next page, page 9 is a summary of our sales ratio study. The sales ratio study is basically a ratio of assessed value to sale price of residential properties, and we have to turn this into the state every July. Since it's not July yet we don't have this year's prepared so this is last year's information. What is important here is that under sample size, you can see in the green highlight that there was 1,423 properties that were sold that we reviewed. In the blue highlighted area the median ratio is 98.38 percent, so out of all these sales we're saying that the median assessed ration is 98.38 percent of their market value.

All these other statistics give you various things such as the COD of 17 percent, so our median ratio could be off, the coefficient of dispersion could be off by 17 percent either way. And then there's other statistics in here that give us an idea as to where we're at on values.

The next page, page 10 is also a listing or an updated list of omitted properties that we've added to the tax rolls since 2007.

CHAIR HOLIAN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Mr. Perez, if we could just back up. I just have a quick question; I think I've asked it before but just for clarity. When you're talking about the 98.9 percent aggregate mean, that's of the assessed – not assessed, that's of the sales, the average sales price that you then apply for assessed value to those properties? I've given a crude example in the past of, say, we have a street of houses on Don Gaspar, say, and one house sells for a price point, is that automatically applied to all the houses on the block or is there some kind of weighted – does it have to be a certain number of homes. Because I know that's always something people get frustrated with in that average. So that plays into that, right? This average that you have, 98.8? Could you kind of explain that just for people listening in, so they can better understand that?

MR. PEREZ: Okay, Madam Chair, Commissioner Anaya. What this really does is tells us where we're at on our values, how we did assessing properties. It's saying that the median is 98.38 percent, so in this case let's say that the house sold for \$100,000, we are valuing this house, the median value would be \$98,380. Okay. We're not taking this information to value all properties. This is just an analysis of how we fared, how we did on our appraisal, plus or minus, a margin of error here.

So what we do is we take all the sales information that we gather from affidavits that are required to be submitted to us, give them to the appraisers. They have to field verify them to determine whether or not they're a good sale whether or not they're an arm's length transaction, to decide if it was a valid sale, to decide if it's going to be included to appraise all other properties. For instance, if we have a sale of a property that was involved in a foreclosure we may not use that sale, because that's not a true representation of market value and that doesn't fall within the definition of an arm's length transaction or a bona fide sale.

We also look through the information to determine whether it was a true sale or not. There's documents that are recorded every day in the Clerk's Office such as a document from myself to my trust, and sometimes those people put figures on these affidavits. Well, it's not really a sale, it's a changing of a name and ownership onto that property. So in that case we decide that we probably would not use that sales information because it may not be an accurate reflection of the market.

So we go through all of these sales, we validate them or we invalidate them. The valid sales go into the computer system to mass appraise to use to mass appraise all of the residential properties. We build what is called a statistical model and off of that model we value all the other properties what these properties have sold for.

COMMISSIONER ANAYA: Just one more question, Madam Chair, on that vein. When you're doing mass appraisal, are you doing it within quadrants within the county, based on – what are the geographic principles or boundaries that you're utilizing when you're doing quadrant appraisals that are mass appraisals based on collected sales data, right?



Kicking out numbers that are too low and then maybe even taking out numbers that are too high or not within comparability? Is that what you're doing?

MR. PEREZ: Madam Chair, Commissioner Anaya, what we do is we have the – and they did this years ago. They essentially took the entire county and stratified it into different areas. What we're doing is we're looking for homogeneous areas – areas that are similar. Houses that were built in a similar time period that are of similar construction and we're labeling that one neighborhood. Neighborhood A, Neighborhood B, and we're group these neighborhoods, all these houses within these neighborhoods and all the sales that we pull are pulled from within those neighborhoods.

So when we want to compare, when we want to appraise a property, we want to pull from the sales within that immediate neighborhood. If you don't have sales from within that immediate neighborhood you would go to another similar neighborhood in another part of the town that has the same – maybe these subdivisions were built at the same time by the same builder but they're in two different parts of the county and we know that. So we can pick sales from this neighborhood to compare to that neighborhood if there are no sales here.

So that's part of the process. It's much more complicated than that but that's essentially what we do. We're not comparing the downtown district to Las Campanas. We want to look for sales for Las Campanas – we want to value properties from Las Campanas from sales within Las Campanas or something similar.

COMMISSIONER ANAYA: Are those boundaries on your website or public as to if somebody wanted to know what boundary they lived in – is that something we could do?

MR. PEREZ: Madam Chair, Commissioner Anaya, yes, we could do that. Right now we have a map within our office that defines those boundaries and we could put it on the website I'm sure.

COMMISSIONER ANAYA: Thank you, Madam Chair.

CHAIR HOLIAN: Please proceed, Gary.

MR. PEREZ: Thank you. So the last page on the annual report is page 10. I just wanted to show how many omitted properties we've been adding to the tax rolls. This is kind of – if you saw Larry Barker about a month ago, the Bernalillo County Assessor's Office or the prior Assessor was getting some flack for not putting a certain property on the tax roll because it had been there a while, this is what we're doing here. We're doing our job; we're doing what's mandated to be done and the Assessor is making sure it's being done. Right now, to date we've put 1,397 properties on the tax rolls for a tax amount of \$6.1 million and a taxable value of over \$343 million. Remember the taxable value is one third of the full value, so we've put over a billion dollars in full value onto the tax rolls since 2007.

We're catching up. We just want to make sure that it's fair to everyone, the people who are paying taxes, it's fair to them and people who aren't paying their taxes get on at the appropriate time and pay their fair share.

That's all I have for the annual report. Now I can proceed to the maintenance plan if there's no other questions on the annual report.

CHAIR HOLIAN: Okay. Thank you. Any other questions on the valuation report? We have had a report in the past about the valuation maintenance program. Let me just ask the Commissioners. Would you like a summary of the valuation maintenance program again?

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Actually, I would like to hear a summary and the reason why is because we've had reports in the past, but based on my earlier discussion with Mr. Perez and Gus Martinez, this is something new that you're doing in writing. Actually not a new function but you're actually doing something new where you're actually printing and doing an actual report people can look at. So I do think it would be helpful for a summary of what you're doing and what your goals are with the document.

CHAIR HOLIAN: So please proceed. And I'm wondering, Gary, if this could be put on our website.

MR. PEREZ: Madam Chair, absolutely. And I had already planned on putting it there, because I knew that it would be a question. And I think Mr. Martinez was earlier thinking of putting it on there as well. So you'd like for me to go through each procedure and its summary and its goals? There's about a dozen of them.

COMMISSIONER ANAYA: Madam Chair, if I could.

CHAIR HOLIAN: Commissioner Anaya, would you like to describe what kind of report you would like?

COMMISSIONER ANAYA: Yes, I'd like an overview of what you're doing with the document and some of the highlights of the document would be helpful. I think the suggestion to publish it is good.

CHAIR HOLIAN: Maybe the executive summary would be good.

MR. PEREZ: Okay. I'll do my best. So on page 2, you basically have the index. We have 27 pages in total. Page 3 is a preface. This information that's on this page is basically all derived from the statutes word for word.

Page 4 is the beginning of the presentation and the program. The purpose of the program, according to statute 7-36-16 is to aid the Board of County Commissioners in determining if the Assessor is operating an efficient program of property valuation maintenance and in determining the amount to be allocated for this function. The program is subject to the approval of the majority of County Commissioners.

The valuation maintenance program components are broken up into two components. One, a reappraisal and data maintenance of all taxable parcels that we do on a yearly cycle. So we reappraise on a yearly cycle. Number two is a door to door re-inspection of all taxable improved properties every five to six years. So this is the actual door to door data collection project that we have going on right now by Tyler.

COMMISSIONER CHAVEZ: A quick question on that, Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Chavez.

COMMISSIONER CHAVEZ: So I know that that's one thing that caused people a lot of stress because even in my neighborhood off of Baca Street there were a number of people that would not let that company on their property and I tried to convince them that it might be in their best interest and that their property taxes might actually go down. That was a hard sell. So in the future, how will you do that door to door assessment? Will it be done differently? Will it be done by staff? And is there anything we can learn from what we did this time around?

MR. PEREZ: Madam Chair, Commissioner Chavez, Commissioners, I think we're going to have to – of course, it's going to be up to the next Assessor. Mr. Martinez is only Assessor until the end of next year. So since we're in the process now, the next reappraisal or data collection door to door will be in four to five years. So it will be up to that person. But I think what we would recommend and what we'll probably put in this report for next year is to recommend a different way of doing things. There's a lot of people that were not letting us – it's true. They were not letting Tyler employees on to their property. So I think there's some tools out there that we can use. There's companies that do aerial photography and they can fly over with aerial photography and take a photograph of the property and then in another year or two they can fly over again and they can take another set of photos.

They can then use their software to find the differences in those properties to see if there's any construction that took place and then let us know, so that we can send our own people out there, use our own people, hopefully, at that time, or hire temporary employees to go and to the project. This will avoid all this problem that we're having right now and people thinking that we're invading their privacy and trespassing on their property. It's been a big problem.

When I started off, I started off in 1989 in the Assessor's Office in Dona Ana County. I started off as a temporary employee doing a data or reappraisal project and I did not experience as much negativity as we have here. I think people are just private and they want you to respect their property and we should do that, because the tax code says that we can only go on their property if we have their permission. So it's a difficult thing. We had to improvise as we went along and do the best that we can. That's what we're doing right now.

CHAIR HOLIAN: So, Gary, how do you handle it when somebody actually refuses to let the Tyler employee on their property?

MR. PEREZ: Madam Chair, Commissioners, what we're doing is they're taking as much information as they can from the street. They'll look at the house, collect the data on the roof, the exterior walls, anything that they can from the street. Then they're using information that we provided them which was a copy of the drawing that was on paper in our office. We scanned all those in and gave it to them electronically. They'll take a look at that to see if it's changed or not, the exterior walls, and if it has, they'll make some notations, and then they send it to their office, and from their they use aerial photography that we have in place. They're using Google maps right now. In the city limits they're using aerial

photography that was taken in 2012 so they were able to actually get good information from those. Our in the county we're using aerial photography from 2008.

So they are moving forward in collecting as much information as possible.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you. Madam Chair, Mr. Perez, if any of our residents out there have any comments or questions about Tyler Technologies who's doing the contract work with our County Treasurer's Office, who should they contact and do you have a number your could provide them and contact people they could talk to about? I get calls a lot. Do I refer them to your office, or do you just give them a name, phone number? I would appreciate that because we have a huge listening audience right now and a wide audience.

MR. PEREZ: Madam Chair, Commissioner Mayfield, are you asking for the phone number to our office or to the Tyler office?

COMMISSIONER MAYFIELD: Whichever you want to provide.

MR. PEREZ: That information is actually on the information that we send them. Before Tyler employees go to a certain area they are mailing a letter from Assessor Martinez that states the phone numbers on that letter, telling them that we are headed to their area in the next couple of weeks. Also, once they get to the property, and if no one's home they'll leave a door hanger on the door or the fence, the gate, whatever, that has information from both offices as well. It's a yellow door hanger. But I can give the office phone number right now if that's what you're asking for.

COMMISSIONER MAYFIELD: I am, because maybe there's some misunderstanding, Mr. Perez, with some of the public out there but they have a different understanding when the contractor is showing up on their doorway. Some individuals are saying they're asking for access inside the house. Some individuals are conveying to me that they're walking around their property without permission, and I'm saying that's not what I understand the terms of the contract should be. If you do not want them inside your house they do not have to enter your house. If you do not want to allow them to walk around the outside of your house, they're not to walk around the outside of your house. So that's my understanding, so I'm just asking for them to be able to contact you if that's your understanding or not, that's where you can relay that information to them.

So is that your understanding? Can Tyler Technologies be doing that?

MR. PEREZ: Madam Chair, Commissioner Mayfield, no, and they have been told so, and I think their employees have been told. They've been given the rules. It was put in writing on the scope of work as well. I think there's been some misunderstanding by individuals out there because I have dealt with a lot of calls myself. There's been about four or five of us who have dealt with the majority of calls, complaints that come in. There's been Commissioners who have referred complaints to us and we deal with them on a case by case basis.

COMMISSIONER MAYFIELD: That's why I'm just asking, Mr. Perez, if they can have your office's contract phone number.

MR. PEREZ: Our office number is 505-986-6300.

COMMISSIONER MAYFIELD: Thank you.

MR. PEREZ: And they can ask for me. Also, what I was saying is I think there's a misunderstanding, when the Tyler employees are going to the door, I think they're saying that they need to inspect their property, and they're not specifically, or they weren't saying exterior. I have spoken with the supervisor from Tyler and made sure that they specifically say it's an exterior inspection only. There's some people who – I think they're just misunderstanding what they're trying to do.

COMMISSIONER MAYFIELD: And on that other note, this may even lower their property assessment values of they get on their property also.

MR. PEREZ: Like I said in our budget meeting, the first 5,000 properties we received back from Tyler we revalued for this year, 65 percent of them didn't change, 32 percent of them went down an average of 18 percent, and three percent of them went up. So the ones that went up, they probably had new construction on them that we didn't have listed on the records. So it's really beneficial for people to let them proceed with their job. They're only trying to collect information so that they will have accurate information so that they can have confidence in the number that we put on that notice of value.

COMMISSIONER MAYFIELD: Thanks.

MR. PEREZ: So I'll continue with the maintenance plan. On page 4 of 2.1, I'm describing the reappraisal and data maintenance plan yearly cycle. The yearly cycle is basically a description of the various duties functions and procedures that each department within our office is responsible for accomplishing our yearly cycle. Many duties are indirectly related to the valuation of a property. However, they are required to complete the entire assessment process. The program can only be implemented and successfully completed with an adequate budget and proper management of employees, time and resources.

So what I've done from page 4 through 17 is essentially list the major duties and functions of the office. At 2.1 on page 4 is the budget. What I did for each is to list the approximate timeframe of completion, in this case the budget. We work on it from January 2<sup>nd</sup> to May 1<sup>st</sup> and list the persons responsible for that. The Assessor, the Deputy, and the department administrator. I list after that a summary of what the function is, the budget, and in this case we have – we're listing that we have two budgets, the general fund and the reappraisal fund. And I list the procedures that are required to complete this process.

At the end we list our goal. Our goal here is to obtain adequately funded budgets and other resources necessary to complete a comprehensive, fair, and equitable valuation maintenance plan while ensuring accountable and efficient use of those resources and taxpayer revenues. I also provide in some of these some supporting information, as you can see here on page 5, I'm showing a graph of the general fund budget history for our office. 2013, 2012/2013 budget was at \$2,472,908 and since we do not have the approval as of this date, I didn't include fiscal year 13/14 but for your information it's \$1,888,732. So it is lower than last year's but slightly higher than 2011.

On the next page, page 6, I'm listing the revaluation fund. You'll see a history there as well. Last year's budget was \$1.672 million; this year we are asking for \$1.456 million. The combined budget history is for 13, for last fiscal year was \$4.145 million, for this year it's \$3.345 million, and it's lower because we will be done paying for the data collection project. And again, we're not asking for any new full-time employees or any other major projects at this time, just do what's necessary to complete our yearly tasks.

2.1.b on page 6 is real property ownership transfers. We work on this year-round. Basically, all documents that are filed in the Clerk's Office, mostly deeds that convey ownership from one person to another are given to our office and we have to complete – keep track of the ownership history and to change the ownership name from one person to the other in our office and ensure that everything is correct so that the correct owner will get the assessment when we mail out each year by April 1<sup>st</sup>. This is a continuous process so the time for completion is January 1 through December 1<sup>st</sup>. Our goal here is to enter all the transfers into the database within two weeks of the County Clerk's filing date and minimize data entry errors. We just want to be as accurate as possible on these and as current as possible to ensure that all transfers are completed prior to the preparation of the notice of value that's typically mailed around April 1<sup>st</sup> of each year.

2.1.c is GIS and parcel mapping and maintenance, on page 7. The timeframe of completion is from January 1 through December 31<sup>st</sup> and we work on this year-round. The summary here is the plats and the legal documents that initiate a change into the legal boundaries of a parcel or parcels are typically filed and processed throughout the year within the County Clerk's Office – with the County Clerk's Office. The Assessor's Office receives copies of the documents and is responsible for creating and maintaining parcel-based tax maps in the recorded documents. Tax maps are essential in defining the location, shape and size of each parcel that the Assessor is responsible for valuing. Documents are filed throughout the year so this is a continuous process.

A list of procedures and the goal – the goal is to update all records and maps each year prior to mailing the notices of value for the upcoming tax year and to complete with minimal to no errors, provide some supporting information, which is basically information about GIS, what GIS is, cadastral maps, a graph as to the new parcels that were created from splits or merges. You can see that this year so far to date, as of May 20<sup>th</sup> there was only 41 new parcels created from splits or merges, and that's a reflection of what's going on in the economy.

The next page, page 9, at the top of the page gives some historical GIS and mapping data. This is basically what our mapping and GID Department does. They work on public notices, lot line adjustments, lot splits, new condos, boundary surveys, family transfers, development plans, subdivisions, easement surveys and lot consolidations. You can see the quantity we've done over the years from 2006 to 2012.

2.1.d is the valuation or the appraisal of real or personal property. This is basically year-round as well. We're basically – this is pretty much the meat of what we do. We are responsible for and authorized to value property subject to valuation for tax purposes and it

includes all real property, business, personal property, livestock except for property that is assessed by the Property Tax Division like railroad or communication systems.

This one's rather lengthy. Our procedures include working on entering information from affidavits, verifying affidavits of sales of residential property. Again, I want to remind everybody that we don't receive information on sales of non-residential property. The law does not provide that to us and people are most often not willing to give that information to us anyway. We work on new construction permits, picking up new construction that was built during the year, land splits and merges, we have to identify when there's a land split if there's improvements on one parcel, where those improvements go so we assess them correctly. We review all agricultural and grazing applications. When people apply for a special method of valuation, as has been mentioned many times before in the Commission meetings. And then we have to do our computer system mass appraisal modeling that typically takes place around February 1<sup>st</sup> through March 1<sup>st</sup> before we send out a notice of values. And data entry is done year-round on all of these procedures.

On page 11, under special methods of valuation, business, personal property is livestock renditions and mobile homes are all valued under special methods of valuation, not market value. Well, mobile homes are valued under market value but they're special method because they're considered personal property.

On page 12, 2.1.e is quality control and preparation of valuation data for printing of notice of values. We typically work on this between February 1 to March 10<sup>th</sup>. Our systems programmer who's been extremely helpful having – for the past couple years we didn't have our own IT person or programmer and I can verify and testify that he's very much needed and has been a big help to us and our appraisal staff.

After all the appraisal work has been completed for each new tax year and prior to the notices of value being mailed the data is processed for errors and checked. This is necessary in order to prevent major problems prior to mailing avoiding additional costs and providing the property owner with an accurate and valid valuation.

2.1.f on page 13 is the actual mailing of the notices of value and the rendition period. By statute we must mail by April 1<sup>st</sup> of each year unless we get an extension from the Property Tax Division and they usually grant the extension if we need the time, but in the past couple years, in the three years that I've been here we've been able to mail on time. All Assessor's staff is essentially responsible here and has an involvement in this process as far as the rendition period is concerned. The rendition period is considered the 30 days after the notice of value is mailed, so the entire month of April usually is our rendition period.

During this period we provide public assistance to people when they have questions. They come to the counter. We receive protest forms. We assist them with filling out their protest forms and we've implemented an electronic version of that so when they come in it's really easy for them to fill it out. We essentially enter location ID and the information is grabbed from our computer system and populated into the form and makes it easy for them to fill it out.



We also process all the incoming mail when we receive information such as requests for head of family exemptions and veteran's exemptions and we review all applications and do data entry between January to December.

After the rendition period, under 2.1.g, page 14, then we deal with protests. This takes from about April 1<sup>st</sup> to September 30<sup>th</sup>. Sometimes it takes longer. Our goal this year is to finish by September 30<sup>th</sup> or before so that we don't have to make any changes to the tax roll after we send it to the Treasurer's Office.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you. I would like to thank your office first of all for taking the tax protest meetings out on the road. I have received several comments from constituents who said I've never seen this before where they would come and explain taxes but they would never come and help us file for a protest, so that was a very unique offering and I thank your entire department.

MR. PEREZ: Thank you, Madam Chair. Thank you, Commissioner Stefanics, and we plan on continuing to do that. So basically, I'm giving a summary here under the procedures of protests and what's required. After a protest is filed we dole them out to the appraisers, assign them to the appraisers and they must do an onsite inspection of the property. They follow up with the property owner. That's usually April to June 15<sup>th</sup>. We also inform the owner of any changes that were made. If we've gone out there and determined that there was errors made or misinformation, we correct the information, look for additional sales information to decide whether the property owner's value is correct or not, and inform the owner by a letter letting them know if we've changed the value and they can sign off. If they agree with the value change they sign off and send it back to us and the protest is released at that time. If not they can go on to a more formal process.

First we have an informal conference with them here in the office in case we were unable to meet with them out in the field or they have additional information they can present to us, they bring it in and have the conference with our appraisers, and then if they still disagree with our valuation then they have the right to go to a formal hearing. We have to prepare and conduct those hearings and we have to resolve all these protests within 180 days of the time that the protest was filed by state law. So these are very important. They have a time limitation and we just have to get it done.

You can see that on page 15 there's a graph here showing the quantity of protests filed. In 2009 we had 5,200 protests and it's down this year to 2,800. Actually, I think that's up a little bit. I think I quoted – I think I said 3,200 or so. That information was given to me and I didn't update this graph.

There's more supporting information for Commissioner Anaya here about protests. Under page 16, 2.1g, staffing and professional development, basically here we're just talking about the requirements of the office and that our goal is to provide a well educated staff, especially the appraisal staff, asking for the funding each year to be able to send them to IAAO classes. Those are International Association of Assessing Officers appraisal classes.



They've been having them lately each year in Socorro for a week and that's actually a significant part of our budget. Those classes, along with other classes like the EDGE classes.

On page 17 is a chart that shows how many employees we have. We currently have 44 people in our office, including the Assessor and myself, and you can see the breakdown of what type of staff we are utilizing.

Then we get to 2.2, which is the periodic, door-to door re-inspection plan. This is the second part of the revaluation plan, and again, this is supposed to be done about every five to six years so that we can maintain good information. And on page 18, the next page, it's just essentially a summary of what we did with the Tyler project, how we started the project, when we contracted, and what it entailed.

And then under 2.2.b, the public relations was the first step of that project. What we did under the public relations plan was we began by issuing a press release to the local media and informed the public of the project. We created a webpage on our website that provided information about the project, which gave a project overview, we showed area maps of where we were headed into the project, and completion maps. Photos of the Tyler contracted employees. Once people started calling and having concerns about people knocking on the door we got the photos up there of all the employees, and frequently asked questions.

We also, the Assessor and I also completed interviews on radio stations to get the word out. We developed an informational letter that was sent to every property owner, as I stated before the second phase of the project went into the area. We also made available a different letter, a printed letter for phase 1 of the project which was the photographing from the van. When people walked up to the van we had – we provided them with a verbal statement as to what the project entailed but also provided to them in writing what it entailed. Also door hangers were prepared and placed on doors when no one was home to answer questions, as I stated before, and then the local news media and law enforcement was also being kept informed as to the progress and to the areas we were headed to.

Page 19 through 27 deals with the project's scope and schedule of the Tyler project. This is basically what they gave to us and what they're implementing at the current time. So this will change, 2.2 will change next year once we finish this project and as I said before, we'll provide a recommendation for the future Assessor. Also, just a little bit more information on the update of the Tyler project, they have taken 65,975 photos on 56,000 parcels, and these are photos of the front of the property from the street. They are about 92 percent done on the building inspection phase which is they've gotten 31,100 properties inspected out of 35,600, and they've sketched digitally 33,340 properties out of 35,600, so they're about 85 percent complete.

We had expected them to be done by the middle of June, this month, and now they're saying end of July. They're just running into difficult property, running into people not letting them onto their property, so they're having to resort to the aerial photos. It's taking them a little more time to get the sketch done and to look into it a little more. Also they're running into some very difficult properties that I don't think they knew they were going to encounter, a lot of homes that have architectural designs and many corners and arks.

So that's the extent of the report. Is everybody still awake?

CHAIR HOLIAN: Okay. Thank you. I can imagine that we have some very unique properties in Santa Fe because of architecture being very important here. So now I will open it up to questions. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Mr. Perez, I appreciate you indulging Mr. Perez and the Assessor's Office doing that presentation. We have an annual report that talks about things that happen in the county. We have our budget process and our budget documents that talk about the numbers and the resources where we expend in programmatic areas and sometimes you can get other detail as to what the County's doing and where those expenditures are. But I want to highlight and say that this document is an excellent framework of what the big idea is in the Assessor's Office and having spent almost two decades in and around County and state government I've learned a lot of things myself off of the nuts and bolts of what you do and the big idea in the Assessor's Office. And so this is something that I think would be very beneficial to the public to review and read and even refer to as a simple reference document to understand what those key timelines are and what those specific responsibilities and objectives are in the Assessor's Office. But I can see a document like this being duplicated across every sector in government. It's not too lengthy, 27 pages. I think you could even pare it down even further, but I want to commend you for doing the document because I think it plants a seed for the County to look at other areas in the County – the Treasurer's Office, the Clerk's Office – and we do it in various places in our budgetary documents and our annual report, but this document rolls things up in one place that's easily accessible for the public to review and read and understand. So I appreciate the fact that you went over it. I think it will be helpful as a document on the web and I think it's definitely a framework that I would like to see us look at for the whole County so that the public can have easy access to understand the nuts and bolts of what's going on, the big idea throughout various levels of County government. So I appreciate it. Thank you, Madam Chair.

CHAIR HOLIAN: Any further questions? Let me ask Steve. Steve, do we need to vote on whether to accept the report?

STEVE ROSS (County Attorney): Madam Chair, no. I don't believe so.

CHAIR HOLIAN: Okay. So it's just simply – yes, Mr. Perez.

MR. PEREZ: Madam Chair, Steve, I believe they do, according to statute and I have it right here. Under 7.36.16. No, under 7.38.36.1 NMSA 1978. Expenditures from the County property valuation fund shall be made pursuant to a property valuation program presented by the County Assessor and approved by the County Commissioners. I don't know if this is the time to do that, since we're at budget time. And then also under the annual report it's referred to under 7.36.16 and it says that the Assessor will present his annual report with his budget requests, a written report known as the annual report. That doesn't say you have to approve that. I think only the valuation plan.

CHAIR HOLIAN: So Steve, do we need a – would we need a resolution in the future for that?

MR. ROSS: Madam Chair, yes. I think that would be appropriate since it says present and approve in that one statute. I'll take a look at that also for the next time.

CHAIR HOLIAN: So we will let that go for now and see if we need to bring forward a resolution. But anyway, I just really want to thank you and Assessor Martinez and Gus Martinez and all your staff for this detailed report, especially for the description that you have in here of the onsite inspection process for the re-inspection project, because I do get a lot of questions on that from constituents. So you better believe I'm going to keep this report in my files so that I can refer to it in the future. And also, I just wanted to note that I think it's a good sign that the valuation protests have actually decreased, more or less by a factor of two by 2009, so you must be doing something right.

MR. PEREZ: We hope so. And Madam Chair, I would just like to thank all of the Assessor's staff at this time. It's not too often that we are appreciated. We do a thankless job, a tough job. People are most often mad at us, but we have to do the job and we have an excellent staff. We have a very experienced staff and a trained staff in a lot of different areas. They know they're jobs and we appreciate them. Thank you, Mr. Perez.

COMMISSIONER ANAYA: And Mr. Perez, I just want you to know I am proud of the Assessor's Office. Thank you.

MR. PEREZ: Thank you.

## **XI. MATTERS FROM THE COMMISSION**

### **A. Resolutions**

1. **Resolution No. 2013-57, a Resolution Directing Staff to Investigate and Determine if the City of Santa Fe's Application to Re-Permit its Northwest Well as a Primary Production Well is a Breach of Agreements with the County and Others Concerning Sustainable Management of Groundwater Supplies in the Santa Fe Basin and the N-P-T Basin; Directing Staff to Report its Findings to the Board of County Commissioners; Providing for Options and Remedies in the Event of a Breach**

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, thank you. Madam Chair, you've all been provided with a brief summary memo. I won't read that in unless you want me to but I will read in the resolution. You read in the title. So this resolution is being introduced by myself and Commissioner Anaya. And I'm going to read this in now.

Whereas, the City of Santa Fe has filed an application with the Office of the State Engineer to convert its northwest well from temporary use to a permanent source of supply for the City of Santa Fe water system, rather than as a back-up or supplement to other sources of supply;

Whereas, pumping of the northwest well as a supplemental well under a Previously granted permit affected groundwater supplies to those in the Tano Road and

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Tesuque Pueblo areas and has had broader impacts on the Santa Fe Basin, the N-P-T water system and La Cienega, which leads to concerns that even greater effects on County residents and the general groundwater system will be experienced if the new application is granted;

Whereas, a consolidated group of persons and organizations have protested the City's application, consisting of seventeen different organizations, 1,000 to 2,000 households, and 6,000 or more individuals;

Whereas, the consolidated group reports that wells in the Tano Road and Tesuque Pueblo areas have experienced aquifer decline as a result of historical pumping from the northwest well, and that the decline rates in wells less than one mile from the northwest Well have doubled resulting in a reduction in the useful life of wells some of which will go dry within forty years at present rates of decline;

Whereas, the same consolidated group of persons reports that negotiations were held with the City concerning its application and possible ways to reduce the impact of the City's continued pumping of the well in the summer of 2012, but that the City ceased negotiations before water level data was gathered to assess the impacts of the application;

Whereas, the development of a new groundwater resource also leads to concerns about two agreements in place between the City, County, and other parties concerning use of groundwater;

Whereas, the City and County agreed in paragraph 8 of the Water Resources Agreement between the City and County of Santa Fe, 2005 "... to implement conjunctive use management by relying on surface water when it is available and using groundwater only as necessary ... ";

Whereas, in the Cost-Sharing and System Implementation Agreement in the case of *New Mexico ex rel. State Engineer v. Aamodt*, the City agreed to "... reduce and mitigate the effects of groundwater pumping by the City of Santa Fe" ... and to... "utilize surface water supplies to the maximum extent feasible in a manner which minimizes effects on the ground and surface water supplies ... and ... otherwise utilize both surface and groundwater in a manner which minimizes effects on the ground and surface water supplies...";

Whereas, these seemingly unambiguous contract terms should apply to the City's use of the Northwest well, and the permitting decisions of the Office of the State Engineer should mirror these concepts;

Whereas, to the extent that the City plans to rely on the Northwest well for primary water supply rather than backup supply, the contract language is inconsistent with the goals of the application, and these contradictions should be addressed; and

Whereas, the Board desires to direct staff to work with the City of Santa Fe and others to determine whether the application is consistent with the contract language referred to above, and report back to the Board when the information is developed.

Now, therefore, be it resolved, as follows:

1. County staff and the Legal Department shall work with the City of Santa Fe and others to determine whether the application for re-permitting of the northwest well is consistent with public welfare and conservation. County staff and the Legal Department shall also research and determine whether the City's application seeks to re-permit the northwest well – excuse me. I think I wrote that twice. If the City intends to re-permit the well as a direct source of supply, the legal department shall report to the Board whether such an objective is a violation of the Water Resources Agreement and the Cost-Sharing and System Integration Agreement and, if so, the available options, consequences and remedies for such a breach. These factual findings shall be reported no later than – I should insert to – the Board's September, 2013 administrative meeting.
2. If a breach is determined to exist, the Board of County Commissioners shall direct staff to take any and all action deemed necessary to bring the County's concerns to the attention of the Office of the State Engineer, to directly address the breach through appropriate legal action, and to take other actions deemed necessary and proper concerning the pending application.
3. County staff shall also undertake further hydrologic studies of the Northwest well to determine the potential effects of the well on the local and regional aquifer as well as the effects the proposed use of the well will have on County constituents. This report shall be made no later than the Board's September, 2013 administrative meeting.

And then with that, Madam Chair, I'll stand for any questions.

CHAIR HOLIAN: I have one first. Commissioner Mayfield, I've noted that the last whereas statement is actually direction to staff and it appears to me that it would cleaner if that wording were worked into the now, therefore be it resolved part of the resolution.

COMMISSIONER MAYFIELD: Madam Chair, and I know that you brought that up at our prior meeting two weeks ago and I did talk with the County Attorney. He indicated that that's kind of typical that we do state that in a whereas, and then we still add that to the therefore summary. So I'm going to defer to Mr. Ross. Steve, can you explain that please.

MR. ROSS: Well, Madam Chair, these whereas clauses form a sentence, so you need a subject of a sentence and a verb. So that's what the last paragraph is for. It's just a series of statements of intent. And then the final one being what we're going to do in the decretal language below. So if you think of it as a sentence and needing to be a complete sentence that's where the – that's why that language is in there and it's duplicated, because it's there and it's also below.

CHAIR HOLIAN: Okay. I'll defer to your knowledge on that. Okay. Any questions? This is a public hearing. This is a resolution and so is there anyone here from the public who would like to comment on this resolution? If so, please come forward and when you come to the podium please state your name for the record. Please come forward so I can see how many people want to comment. Would you care to start?

JOHN MILES SMITH: Madam Chair and Commissioners, my name is John Miles Smith. I'm the vice president of the Santa Fe Basin Water Association and also one of the leaders in the northwest well protest. Also significantly, my domestic well is one mile from the northwest well. The concerns of the protests are on the one hand that the City does not apparently need to pump 900 acre-feet a year of groundwater on a regular basis from the northwest well, yet this is what they have applied for. Perhaps in future emergencies they will need some waters from the northwest well but not on a regular basis.

On the other hand, the City use of the well will impact county water users, both nearby domestic well users that have domestic wells near the northwest well and also further away, some of the surface water users in the Nambe, Pojoaque and Tesuque areas. The concern really is that the aquifer is already a declining resource and the City pumping will just make it decline even faster and at some point there will not be any more water there. So it is absolutely critical that the groundwater be allocated scrupulously in a fair manner and used appropriately for future as well as current generations.

So I strongly support the resolution. When we approached the Commissioners to voice our concerns about the northwest well application, that was a month ago and in all honesty I was not sure exactly how the County could help. On the one hand help is very important. It's hard for a small group of county residents to take on the City with all its resources. On the other hand the protest was already underway and we were in the midst of the State Engineer's hearing process, so again, how could the County assist. I think that the resolution that you have developed is exactly the right approach for the Commission to take, specifically to have staff independently investigate the situation with the northwest well and its possible impact on City needs and to report back on findings and recommendations.

As the protesters we realize that the aquifer is a shared resource between the city and the county, but the legal rules and public policy which govern the use of that resource are complex and no matter what the findings and recommendations of the staff may be from the investigation as proposed in the resolution, no matter what the findings and recommendations are, they will inform the fair and appropriate resolution to the protest. If the investigation that the City is being overreaching we will know that. If the investigation suggests that the protestants are expecting too much then we'll know that too. So it will basically inform us, the State Engineer, as well as the City as to how this protest should be resolved effectively.

So what we're looking for is a fair and appropriate resolution to the protest. The resolution will contribute to that so your help and support are very much appreciated, and thank you for drafting this resolution and we urge its acceptance and approval.

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

RICH HIGGINS: Good afternoon, Madam Chair, Commissioners. I'm Rich Higgins. I'm privileged actually to be president of the Tano Road Association and our hundreds of our member families are always concerned about issues in their area, and I will support what John has said about the well itself. My support and their support for this resolution actually goes beyond that. I think this is the beginning of a tremendous dialogue in this area about the use of water and it's important to everyone here. It's especially important

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that it's administered fairly, and by questioning the City in this matter, and like John, I am open to whatever the outcome is – we're one of the protestant groups, I should be clear. I think that the beginning of this discussion is actually the most critical aspect of this resolution and I hope it continues to go forward.

I've seen on the website where you're asking for some citizens to participate in a committee, I think all this is absolutely perfect, and thank you so much. It will go so far in terms of administering our limited water resources which will not be growing in the future, at least the way the weather seems to be acting these days, and will require really strict management to equate into something that all citizens of New Mexico can feel protected about. So again, I strongly urge the acceptance of the resolution. The Tano Road Association is not just worried about its own backyard; I want to make that very clear even though that's where the well is, but we are more concerned about the overall approach in the future, the administration of water rights in the future.

So thank you again for drafting the resolution. I urge its acceptance.

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

WILLIAM MEE: I'm William Mee, 2073 Camino Samuel Montoya and I with the Acequia Agua Fria and Agua Fria well owners today, in that capacity. The northwest well is one of seven City of Santa Fe wells that the Acequia Agua Fria and the Agua Fria well owners filed a protest with the Office of the State Engineer. The northwest well's past monitoring system that was instituted from another protest is a real bellwether of private well health in the Tesuque Valley and the Santa Fe River Basin.

The other six wells are RG-1113 at Alto and La Madera Street, RG-1114 at Guadalupe and Paseo de Peralta, RG-1115 at Camino Alire and West Alameda, which is also known as the Torreon well, RG-1116 at Alto and Urioste Street, RG-1117 at Potencia and Fayette Streets, RG-1118 at Camino La Cañada and Callejon Zenada, also known as the Agua Fria well. If you noticed, these six wells form a tight ring around the Santa Fe River. Wells were drilled by PNM in the 1946-1951 timeframe and are on the western limits of the Santa Fe city limits at that time.

After Agua Fria residents filed an adjudication against PNM and the City of Santa Fe in 1971 PNM's Phil Tsosie boasted to our Agua Fria leader, Amarante Romero, that this was PNM's management plan to expand the customer base by drying out wells down-river. So the latest application by the City seemed to us to be more of the same, and therefore our only hope as private well owners downstream is to support this resolution.

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

ROGER TAYLOR: Roger Taylor, Galisteo, New Mexico, president of the Santa Fe Basin Water Association. I spoke at length last time so I'll keep this brief. One, I just want to commend the citizens who have become very active in asserting their rights and questioning how they can protect their quality of life right now. It's a fairly large group. They've become very active. A lot of them could not be here today because they are working citizens but they did want to pass that message on.

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And number two, I want to thank the Commissioners for at least looking at this and putting together a very fair and objective resolution which really just opens up a formalized dialogue and asks some very pertinent questions about how does the City and the County work together on providing quality and quantity of water to both sets of citizens. So we very strongly encourage that this be accepted and approved. Thank you.

CHAIR HOLIAN: Thank you, Mr. Taylor. Anybody else? Okay, the public comment portion of this is closed. Do I have a motion?

COMMISSIONER MAYFIELD: Madam Chair, I would just ask Commissioner Anaya, he co-sponsored this with me if he had any comments.

CHAIR HOLIAN: Well, I was going to get a motion and a second and then go for comments. Because I have some myself.

COMMISSIONER MAYFIELD: Madam Chair, with that, I would move for approval of Resolution No. 2013-57.

COMMISSIONER ANAYA: Second.

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

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Commissioner Mayfield, I appreciate those remarks and I appreciate the opportunity that you've given me to sign on to the resolution. As I said at the last meeting I think you summarized it in all the whereases and your statements, not only at the last meeting but at this meeting. This resolution in my mind ratifies an obligation that we have as County elected officials to do with or without the resolution. I think the resolution is helpful because it formalizes the discussion, it formalizes that we have an interest in protecting and evaluating the water resource. The resolution doesn't talk about shutting down any wells and it's not an onerous resolution. It provides a framework for continued dialogue as has been said here. But it is not just under resolution but it's I believe our obligation to do this.

We sharpen our pencils every month when we come to meetings on land use cases and we ask critical questions of developers on the use and consumption of water. We have requirements associated therein. So I think this is consistent with that pattern. The one thing I would say to credit the City and the County is there's been a long dialogue associated with projects like the Buckman Direct Diversion project that was a culmination of a lot of years of discussion to create an alternate source for water with the primary purpose of reducing groundwater use.

So there's a framework for some positive outcomes and some movement in a positive way but at minimum it's our obligation to do this in my mind. So I think this is a good resolution and once again, Commissioner Mayfield, thank you.

CHAIR HOLIAN: Thank you, Commissioner Anaya. I have a couple of comments. Almost certainly the northwest well is affecting the private wells of the homeowners who live nearby to the northwest well, and I think it's totally appropriate to

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determine how the City would plan to use that well if they were to get a permit that they are applying for. So I support this resolution. But as I mentioned in this last meeting, I want to emphasize that this is an excellent illustration of why we need regional water planning within a basin.

The City, the County, mutual domestics, water associations, private homeowners are all sharing a common resource. So if we proceed judiciously and wisely and cooperatively we can replace competition for resources with one, a plan on how to get the most out of the resources that we have, and two, a plan on how to back each other up in tough times. We are now going through a time of less rain and less snowpack. It may be the new normal, and so we need maximum conservation, maximum reuse and maximum diversity in our water portfolio.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. I think that not only is this an appropriate issue to study, but as other people have alluded to, water really needs to be on the table in terms of not just studies but planning, and I would encourage all of us to think about a next bigger step as we think about regionalizing. Thank you very much.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, thank you, and again, just as I read the resolution I did see there was a duplicate sentence in there so I just ask with consideration of the seconder that we strike after the therefore number one, fifth line, five, right after supply there's the word period. County. Strike from there through supply, because that's a duplicate sentence.

CHAIR HOLIAN: Is the seconder okay with that?

COMMISSIONER ANAYA: I'm fine with that.

CHAIR HOLIAN: Okay. We have a motion and a second for approval of Resolution No. 2013-57 with an amendment.

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

CHAIR HOLIAN: Thank you all for being here and telling us what your comments are and showing support for this.

**XI. B. Miscellaneous**

**1. Report from Staff Concerning the Transition From the City of Santa Fe Serving as the Fiscal Agent and Operator of the BDD to the County Serving as Fiscal Agent and Operator of the BDD in 2015**

COMMISSIONER MAYFIELD: Madam Chair, the reason I brought this matter up or just asked for a report from staff, one of twofold I guess. I wasn't able to make, I

guess, the last BDD meeting because I had a conflict – well, not a conflict. I just had to meet with a constituent on a matter of an appointment to the HPPC Board. But also, I saw that – I don't know if it's public but I saw that our BDD Director is resigning or leaving us, our operator of the BDD. And I know they were going to maybe give a report to our BDD Board. But then also, right now, the City of Santa Fe through the independent BDD operator runs the BDD operations, and I think that there might be a transition period where either 2015 it's going to be in the MOU or the JPA and I thought we might have a copy of that given to us in our packet today, but that's okay if it's not here, that we could start the dialogue where Santa Fe County would potentially become the new operator. Just to see how the Board, and this was more a discussion for the Santa Fe County Board of Commissioners of what we all thought, what our position was on this and that's where I was hoping that staff could give us this presentation. That's where I wanted to go with this.

ADAM LEIGLAND (Public Works Director): Madam Chair, Commissioner Mayfield, paragraph 13 of the JPA says that on expiration of the current Project Management and Fiscal Services agreement on December 31, 2015 the BDD Board of Governance has the option to award a new Project Management and Fiscal Services agreement to one of three entities: The City of Santa Fe, the County of Santa Fe or a regional entity. The JPA, or neither the JPA nor other of the agreements, the enabling agreements if you will, specify the process by which the BDD Board of Governance would make that decision. It doesn't talk about a selection process or criteria or anything like that.

So actually the current chair of the BDD Board had asked me to draft a resolution for the BDD Board to create just that process. So we're about 2 ½ years out, so under this resolution which is still in draft it would give us about a year to develop a process and execute a process and then present the selection to the BDD Board of Governance. And then we wanted to build in enough time that if it was decided that either the County or the regional entity became the new project manager you'd want to build in enough time to transition all the different processes. So that's where it stands right now.

The resolution – as I said, the resolution is in draft and I think the plan is to present it to the July BDD Board, and that's just to create the process. So I think that sums it up so I'll stand for some questions.

CHAIR HOLIAN: Yes, any questions? Commissioner Stefanics.

COMMISSIONER STEFANICS: I have more comments than questions, Madam Chair, and I just went off the BDD Board this year, had been on it for a few years, and my position during especially this last year, during 2012 was that the BDD should become an independent entity and that even if it was at the City or the County level, it needed to have a department status. Because the BDD operator, aka department director, aka executive director – whatever we want to call that person, really does respond to a board, the BDD Board, and I believe that it is time for us to discuss seriously whether or not we can jump many leaps to get to the regionalization and setting up a regional water authority or whether or not we just want to move to the County. But I was pretty vocal about it last year. I'm still very opinionated about it this year. Thank you.

CHAIR HOLIAN: Thank you. And Commissioner Mayfield, I just did want to emphasize that I am bringing that resolution forward at the early July meeting, and the committee will also investigate about the idea of a regional water authority. And I also wanted to note that there have been a number of plans that have been passed in this area that have supported the idea of a regional water authority within a basin. So, for example, the County Sustainable Growth Management Plan supports that idea. The Santa Fe County Conjunctive Management Plan for the Santa Fe Basin calls for that. The Jemez y Sangre Regional Water Plan also calls for basin regional water authorities, and also, I'll just note that even the Estancia Basin Water Plan recommends "establishment of a single focus water resource basin-wide entity with authority, necessary funding, and a long-term approach.

Now, of course they're talking about within the Estancia Basin, but there's a lot of support for the idea of regional water authorities in the various plans that have been passed by a number of different bodies, so that is why I am creating the opportunity for this committee that will be formed to look at the project management for the BDD to investigate that policy as well. And I think it's also worth noting that one of the tasks of the water policy advisory committee, which was written into the resolution, was also to look into the idea of a regional water authority. Are there any other questions, comments?

COMMISSIONER MAYFIELD: Madam Chair, I appreciate hearing that because it's just good to hear. My thoughts were just wanting to know what's going on and again, the regional water authority that's been brought up, what's going on with some of our issues surrounding BDD operations, hearing what potentially – I just read what's going on with the Rio Grande as far as the water levels of the Rio Grande with the native water, not to mention what might be going on with San Juan/Chama water in the future. So – and the City of Santa Fe, I don't know what their thoughts are with maintaining operations of 2015 operations of the BDD under their current operating structure. But I thought regardless of which way this Board goes or not with us taking on BDD operations under our purview or not it's something that this Board should plan accordingly for if we're going to do that. I don't know what we would have to do as far as any budget adjustments if it would come under our purview, under a Public Works purview, but it would be something that I would think that would have to become a policy decision of this Board that we would need to give direction to the individuals who sit on the BDD too to plan accordingly for that. So that's kind of where I just wanted to start that dialogue here, if we were going to look at making it a regional authority, and I think that's fine if that's the route we're going to go, because I think the way the makeup, Madam Chair, would be, we have two representatives from the County, two from the City and then one independent voice, so I don't – I guess that's how that would work out and that's how, Mr. Leigland, how you're saying how that would be set up? That's how the vote would work?

CHAIR HOLIAN: I believe that there are different options so maybe you could address that, Adam, as far as how a board for a regional water authority would work.

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, state statute, in terms of creating special districts allows for either dependent or independent so you could

either have a joint board such as SWMA or BDD now, or it could have a totally independent board like a school board where the members are elected individually. And in fact I've been in discussions with the state and they're trying to resurrect a 2006 state enabling statute for regional water authorities which resorts to current state statute about special districts. That statute is called the County Special Districts Law and it talks about how there's a process for creating special districts, and the way that law says is that the County Special District Commission is comprised of members of this Board, the County Board, plus members from any incorporated areas in the county, and then they create the special district. They become the first board members, then they do the districting, then they call for an election and it's an independent board. That's how the Albuquerque-Bernalillo Water District is for instance.

COMMISSIONER MAYFIELD: So, Madam Chair, Mr. Leigland, educate me on this. So the Bernalillo Water Authority – I don't know if they're the Bernalillo Water Authority, what their name is, but in Albuquerque. So if our utility is already built out and we have everybody under your purview who served through the BDD, we wheel our water through the BDD, however we're accessing our water, and we have the new regional water authority, however everybody's thinking about it on this bench, would now we lose all of our utility customers through Santa Fe County and they would become water utility customers of this new water authority?

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, yes. I think that what happened in Albuquerque-Bernalillo is yes, you create the authority and then all the agencies that are wrapped up in that, in that particular case it was the City and the County, they transferred their customer base and their assets, including their water rights, to this new regional entity. And so if Santa Fe County were involved in a regional water authority we would essentially – the County itself would be out of the utility business and it would transfer over to this regional water authority, whatever that looked like. So then the County itself – for instance, Public Works, I would not have a Utility Division anymore because everything would be transferred to this regional water authority.

COMMISSIONER MAYFIELD: And Madam Chair and Mr. Leigland on that thought, and we can get into this a lot more in-depth later, but have any voter bond money been used to create our public water utility?

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, yes.

COMMISSIONER MAYFIELD: So then how would that work? Would they then be getting double-billed if we did something like that? Here we have voter bond money that's been used to create our water utility, and then if we turn it over to a multi – to a water authority. The way they're going to self-sustain themselves is by creating rates to everybody. So here the taxpayers have paid for this and they're going to continue to pay for it through bonds, and now they're going to be, if this regional water authority is created, then they're going to be assessed a water bill every day. So how does the state legislature, how did they determine that in their grand scheme of things when we do something like that?

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, you bring up an excellent point and I think what the people working on the new enabling legislation want to

do is avoid the situation that happened in Albuquerque because that was forced I think upon all the entities, and I think problems like the ones you just described and they didn't know how to deal with them. So if the County taxpayers are paying for the debt service on that bond through their property taxes, and then they would be asked through the regional water utility through the rate structure to pay for – well, those bonds, depending on how the bonds were treated. I don't know the finances of this but either the County would continue to service that debt or I guess there is some way you could transfer the debt and the regional water authority would service it through rates. So I don't think there would be double billing, necessarily, but there would definitely have to be a financial accounting. But there would be a whole host of issues like that. There would have to be the right – does this new authority have the right of eminent domain or do they have the right to go on property? These are kind of police powers that counties and cities automatically have. So I think there's a whole host of issues that would have to be worked out and I think that's why the lawmakers look at the Albuquerque case as a desirable outcome but not necessarily a desirable process, and they want to come up with a more genteel process with this new state statute.

COMMISSIONER MAYFIELD: Okay. And Madam Chair, and thank you, Mr. Leigland. I wanted to just kind of start that dialogue and get some understanding.

CHAIR HOLIAN: Thank you very much, Commissioner Mayfield, for starting that dialogue. Commissioner Chavez.

COMMISSIONER CHAVEZ: Well, and I guess it's never too soon. We have a due date of 2015 that's already set and so having the discussion now probably doesn't hurt. We're talking about the Buckman Direct Diversion which on part of our – one piece, a major piece of our infrastructure and certainly it does provide us access to our imported water, which is now part of our portfolio, and not always that dependable. That's one side of the equation. The other side of the equation that I think we're going to have to look at is the watershed protection and all of those independent plans and look at consolidating those as well so when we're looking at the region as a water source we also – and we're doing that regional. That's good. But then we also need to look at watershed protection areas and do that on a more regional approach as well and I think that's another discussion that we can have on a parallel track, so that we're addressing both sides of that equation. Thank you, Madam Chair.

CHAIR HOLIAN: Thank you. Yes.

MR. LEIGLAND: Madam Chair, and actually if I may add, very soon, the EPA is going to be imposing basin-wide stormwater management upon New Mexico as well. So right now it's agency specific. They did a trial basin-wide permit in the Albuquerque area and that permit encompasses something like 30 different agencies, and the EPA's goal is to make the Albuquerque template what all of New Mexico has to do. So we will soon be forced to be doing basin-wide stormwater management which will force us into partnership with some of the different agencies.

CHAIR HOLIAN: Commissioner Chavez.

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COMMISSIONER CHAVEZ: And I'm not sure, Adam, but if memory serves me right that's an unfunded mandate that we're going to have to deal with, both from a practical sense but also from a financial perspective as well.

MR. LEIGLAND: Madam Chair, Commissioner Chavez, you're right. The City pays for their program. They put a surcharge on your water utility bill, \$3, and that's how they pay for their stormwater management process. We don't have a funding mechanism so for us it's an unfunded mandate, definitely.

COMMISSIONER CHAVEZ: But even though that doesn't seem to be fair I think that stormwater can be looked at as an investment and a resource as well, so I don't know how that will fit into the equation, but it has to be part of our resource management. Thank you, Madam Chair.

CHAIR HOLIAN: Thank you, Commissioner Chavez. You bring up a very good point. Any further questions, comments? Thank you, Adam.

**XI. B. 2. Open Space Update on the County's Chimayo Potrero Open Space Regarding Irrigation, Water Rights, County Water Use or its Water Rights, Irrigation of Potrero Fields and Potrero Field Use by Lottery Winner**

COMMISSIONER MAYFIELD: Madam Chair, thank you. Madam Chair, the reason I brought this matter to I guess the attention of the Commission, I spoke briefly with Manager Miller and I also appreciate Mr. Hogan coming here, because I was at the Potrero and I was just worried because there was some – I don't know if it was time lapse with the new lessee that was going on to our land up in the Potrero. I think they're ironed that on now from my understanding from an email I received from Mr. Leigland, and I'm glad for that. But I was worried with us using our available surface water rights on the fields and I was worried for fire hazard up in that area. I think Adam showed that the field is now flourishing and the water rights have been being put to beneficial use up there and I just want and update on that. And also, I'm just going to ask and I think me and Mr. Ross briefly spoke about this. Just that if we put something out for RFP, once that's done and how it's done, how it gets vetted through Legal, that's fine. But if a process through Procurement or Legal takes a long time just knowing that staff has to kind of make sure that they're managing our assets until the lessee or vendor comes in and takes that over. Mark, could you give me an update on that please?

MARK HOGAN (Facilities Director): Madam Chair, Commissioner, be happy to. You're correct. The lease agreement for the management of the lower pasture of Potrero was executed. We finally got that resolved yesterday. Anthony Tafoya is the person in charge of managing it at this point. In the meantime County staff has been utilizing the available water rights. There have been restrictions in place due to low water levels on the Santa Cruz so if the way it's set up, if there's irrigation allowed on the Santa Cruz Ditch – or excuse me,

the La Cueva Ditch. If there's three days of irrigation allowed then the County is allowed to use one day of that. If it's dropped to two days then we're not allowed any of that.

So we've been managing that. Mr. Scott Caseman is here. He's the one directly in charge. He makes a weekly phone call to the mayordomo to see whether or not we have watering rights available. So that's been ongoing and they've been maintaining that during the time when this lease is being resolved.

COMMISSIONER MAYFIELD: Okay. So now we have the lessee on that property, so the County will not have to at this time worry about that anymore. Right?

MR. HOGAN: That is correct, Madam Chair and Commissioner. On the lower pasture only. We have other land up there which we have management plans underway on and that we're working on currently.

COMMISSIONER MAYFIELD: That's just what I was worried about. A lot of the community were worried about fire. That whole field is just dead dry and they were worried about fire going through that valley too. So that's another concern. But thank you. And Madam Chair, Mr. Ross, let me ask this question of you though. As far as the County making changes to contract terms after an RFP goes out, is that typical? And how does stuff like that work through Legal? If we advertise an RFP? I guess one thing that came out on this is we asked for indemnification of maybe three quarters of a million to a million dollars and we never asked for that before on land management.

MR. ROSS: Madam Chair, Commissioner Mayfield, I don't know what we've previously asked for but it's sort of a standard at least initial negotiating point with all vendors that they provide insurance that's commensurate with the liability limits of the Tort Claims Act. That's what we try and get from vendors. In this case the person couldn't provide that and so we discussed it and realized it could be waived because of the particular situation. And that does occur from time to time. We have vendors that can't make the insurance requirements of a particular solicitation. It happens a lot in architectural and engineering contracts. We have to have a discussion with them about what the appropriate levels are. And in this case the person couldn't afford any. It makes sense. A farmer. That person would have had to go out and spend \$900 for an insurance policy and the risk didn't really warrant us holding him to that requirement.

COMMISSIONER MAYFIELD: And Steve, if I'm saying something maybe I shouldn't speak about let me know, but when we put the lease for Potrero out for bid, put it out for RFP, we were allowing agricultural purpose, use on that land. The County's had that. We put it out for a lottery for anybody in Santa Fe County could bid on that property. I think they were affording five head to graze on that land and Commissioner Anaya or anybody else, correct me if I'm wrong. So five head and five baby cows – I know there's a term for that – so with that, when you do that, you may have folks who don't have a whole lot of money. It might be somebody local or anybody from Santa Fe County that could have applied for that bid when we put it out, but wouldn't we put that in the bid when we're putting that out for RFP, and by the way, you're going to have to come up with a \$750,000 policy, so they know that before they even put in. And I don't think – it wasn't until after I guess that these

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individuals were told, oh, by the way, now you have to come up with a \$750,000 policy. And that's just what I'm – wouldn't we do that before we let that bid out so people know about that?

MR. ROSS: Madam Chair, Commissioner Mayfield, that is normal procedure, to put out the draft contract with the solicitation. This was a little weird because the procurement code doesn't apply to this situation.

COMMISSIONER MAYFIELD: Okay.

MR. ROSS: So I think that the staff charged with dealing with this came up with this unique lottery process and hadn't determined what contract would be applied to it. I think this is now going to be the standard contract for this particular property, based on what we know about the type of folks who bid for the lottery, but they didn't know until this came in what kind of document might be required. But it got done in the end.

COMMISSIONER MAYFIELD: And I appreciate that. And I guess if people aren't meeting those obligations, the County – my thought is that we still have to maintain the properties we own while we're trying to figure all this out. And Steve, if you know – I know Mr. Martinez is back there and I'm going to pick on his brain because I know he's knowledgeable and maybe Commissioner Anaya, if you know this. When people lease like BLM land up on the mountains and stuff, do they have to put like up a half a million, three-quarter of a million dollar policy when they're grazing out there? Do they have to buy that type of an insurance policy?

MR. ROSS: Madam Chair, through BLM, when BLM does a grazing lease?

COMMISSIONER MAYFIELD: I don't know. I'm just asking.

MR. ROSS: Or the State Land Office? I don't believe so. I don't believe so.

COMMISSIONER MAYFIELD: We just require that on our acreage if we allow somebody to graze?

MR. ROSS: Well, we're not requiring it in this case.

COMMISSIONER MAYFIELD: Okay. So we can – that's all I have, Madam Chair. Thank you all for the update. It's green grass now, so they're watering it. So that's all I'm happy with. Thank you.

CHAIR HOLIAN: Any further comments or questions on this issue?

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

## **XI. C. Commissioner Issues and Comments**

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, for the administrative meeting I'd like to have a presentation on the La Bajada well and community issues associated therein. I'd also like to have a presentation on the La Cienega Library and Community Center upgrades, as well as the land lease with the New Mexico State Land Office. Those are two of the items I'd like to put on the administrative meeting for presentation. I'll work with Ms. Miller and staff on content items. That's all I have today, Madam Chair. Thank you.



CHAIR HOLIAN: Commissioner Chavez.

COMMISSIONER CHAVEZ: Thank you, Madam Chair. Just something for us to think about. I don't know if it's going to go anywhere but I do know that two of the fires that we're dealing with right now, the Tres Lagunas fire and the Thompson fire were both started by electrical power lines. So there's two sides to that equation. What is the cost of burying those power lines? And what is the cost of fighting fires?

We have an ordinance on the books that says the ordinance requires all distribution wiring to be placed underground, but we have a long-running value with PNM and the PRC on rate riders that are placed when we exercise that requirement. So that's the challenge that we face in that equation. But in talking with staff they did determine that the ordinance would apply to private land within the forest and that the underground ordinance in that case it would apply to any construction on a private land not in the forest. Maybe that might help prevent a fire in the future. That's not to say that it will prevent all fires but that is certainly a source that maybe we could take a look at and see if we could deal with that in a different way. Thank you, Madam Chair.

CHAIR HOLIAN: Thank you, Commissioner Chavez. Actually, that brings up a question I have for Steve. Would it be possible for a community to put in place a community improvement district to raise the funds to underground the lines in their area?

MR. ROSS: Madam Chair, you mean let's say PNM is providing service in a particular area, having the community through a County improvement district raise funds and then –

CHAIR HOLIAN: To pay for –

MR. ROSS: To hire PNM to underground their lines.

CHAIR HOLIAN: Exactly.

MR. ROSS: I suppose that's possible. I'd have to think about it try and figure out the vehicle to make that happen. As it is now, when we require the undergrounding of lines PNM puts in a local rate rider to recover the costs of that undergrounding from local rate payers.

CHAIR HOLIAN: The reason I ask is that I'm just wondering what the options are for an existing community, because that's a question that I got from the La Barbara folks. They're interested in undergrounding the most dangerous place, probably, in Santa Fe County. And they're interested in undergrounding the lines and they're even willing to possibly pay for it themselves. So is that a possibility?

MR. ROSS: It might be something they want to talk to the utility about since they might be willing to do it, particularly since there's this mechanism through the PRC to recover the cost of the undergrounding through a rate rider, something we've been dealing with here for the last about eight years since that trio of New Mexico Supreme Court cases limited our authority in that area. So there's already a vehicle through the utility to do that. Now, if they're unwilling to do that then maybe another approach would be to try and undertake it ourselves under an agreement with PNM. We can certainly chat that up with PNM. It's probably time to sit down and talk with them about a number of issues.

CHAIR HOLIAN: Yes. Commissioner Chavez.

COMMISSIONER CHAVEZ: Madam Chair, County Attorney, isn't it also true that the rate rider will also distribute the cost of those improvements to all of the ratepayers throughout Santa Fe County?

MR. ROSS: Madam Chair, Commissioner Chavez, yes. All the ratepayers in the county see the rate rider on their utility bills.

COMMISSIONER CHAVEZ: So those are the two different – it's either do that or a special assessment district and I don't know which is more doable or easier to sell to the public but that's what we're faced with. And then the cost of fighting those fires. Who pays for that? I think we all do.

CHAIR HOLIAN: Yes, I think the fires are focusing our minds. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Yes, the fires – we also, Madam Chair, have a fire up in Borrego Mesa, the Jaroso fire now. They're dangerous, the smoke. Everybody just – awareness. Right now we're going to deal with something a little later on on our agenda. People, just awareness out there. It's very dry and just be careful out there. I don't have anything, Madam Chair, but just be careful of the fire season.

CHAIR HOLIAN: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. I also saw today that PRC Commissioner Valerie Espinoza has set up a task force on power lines, so I'm not sure what they're scope of work will be. I also have, in conversations with our Manager, suggested that we have some kind of pre-agreement signed by communities if they want to use County resources or use resources that come to the County, because sometimes our staff spend a lot of hours working with communities on something and then the communities don't want to accept the terms at the very end. This has happened in my district a couple times now. I know it's happened in other districts.

There are some state obligations to accepting public money and I'm just suggesting that our staff look at how they can make that blatant and get people to agree to that prior to our spending months of work, planning trails, roads, playground equipment – whatever it is.

Secondly – not secondly but next, I'd like to recognize a few people. One of the people we all knew is Beth Mills. She has left the County to take a position with a non-profit. She was in Open Space and she really did a lot of good work with our Open Space program.

I also want to recognize a few people from the Eldorado 285 area for some of their sustainable work in their recycling. Jim Farley received the resident composting award. Sally Connelly received recycling and composting individual initiative award, and that was at the Ken and Patty Adam Senior Center and basically she helped to take the material to the Eldorado transfer station. Then there's Doug Gaumer and business recycling award, and he recycled within the three offices that they own at the Eldorado office buildings. They process and ship recyclable pens and batteries as well. Robin Eller's class at Eldorado Community School, the student recycling award. They did a recycling system for the entire school and also taught their fellow students that recycling is worthwhile. And then Guy Waldorf,

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manager, John Brooks Supermarket, business recycling award. They bale cardboard including fellow tenants at the Agora Shopping Center, and for accepting plastic film from the public.

So there's quite a bit of efforts going on for recycling and these individuals all received their awards but I would like for the County to recognize them through these certificates of appreciation. Thank you very much.

CHAIR HOLIAN: Thank you, Commissioner. I just had a few comments. One, I wanted to just emphasize to the public that the Santa Fe National Forest is now under stage 2 fire restrictions, so the following is prohibited: campfires or use of stoves that burn charcoal, coal or wood. There are exceptions for petroleum fueled stoves, lanterns or propane grills. Also prohibited is smoking, except in enclosed buildings or cars. The use of explosives. Operation of a chainsaw whether it has a spark arrester or not, or any other device with an internal combustion engine – those are all prohibited. Also welding or operation of acetylene torches and the use of any vehicle off of official National Forest Service roads.

Also, the Pecos-Las Vegas Ranger District of the Santa Fe National Forest is completely closed except for persons who have a letter from the Forest Service authorizing access or persons who are part of an official firefighting force, or people who live in an area that requires access to their property through the district, as long as their property is not under an evacuation order. And I just want to take this opportunity too to thank our firefighters who are out there in the three fires that are in our areas. And I was very encouraged to see this morning that the Tres Lagunas fire is now 70 percent contained. The Thompson Ridge fire is 50 percent contained at this point. That was a very difficult fire. Unfortunately, the Jaroso fire as of this morning was zero percent contained. It is in the Pecos Wilderness area. It's in very steep terrain with a lot of downed, dead trees and that is going to be a toughie to bring under control. I just know it.

I also want to let you know about a fire safety meeting that we had last Thursday and I want to thank Tom Chilton who is the Hondo Volunteer Fire Department Chief who organized the fire safety meeting at the Hondo #2 Fire Station for people who live in the Hondo Volunteer Fire District area. And there were a lot of interesting talks from the people who are in that – who work in the fire department there about the wildland fires that we've had to date. And also another really, really important topic, which is neighborhood communications. It is so important if you live in a neighborhood that is being threatened by fire to call your neighbors, to communicate with each other because the reverse 911 doesn't always get to everybody. In fact, I think in a recent fire I heard there was about a 60 percent failure rate on the reverse 911 calls. So it is so important, if you're in a neighborhood create a phone tree.

There was also an interesting talk on what to expect and what not to expect from your fire department if you are in an area that is being threatened by fire. And also whether to evacuate or shelter in place. But the message there was if you see a fire approaching or if it's anywhere in your area it's best to evacuate the sooner the better. That is the take-home message. And then there was a very interesting talk by our own Chris Nystrom about how to reduce fire risks around your house, and it's not too late. You can start now, and there are

many easy things that you can do. So anyway, it was a great meeting, standing room only. I had never seen so many people in that Hondo fire station. It probably was a fire hazard in and of itself, but we had plenty of firefighters there. So that's what I have.

**XII. APPOINTMENTS/REAPPOINTMENTS/RESIGNATIONS**

**A. Appointment of Leah Tafoya to the DWI Planning Council**

LUPE SANCHEZ (DWI Coordinator): Madam Chair, members of the Commission, the DWI program comes to you today seeking the approval of Leah Tafoya to the DWI Planning Council. Leah is currently employed with the New Mexico Department of Corrections as a probation and parole officer and she works specifically with the Community Corrections program. If appointed, Leah will serve as the law enforcement representative on the council, and with that I'll stand for questions.

CHAIR HOLIAN: Questions?

COMMISSIONER STEFANICS: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Stefanics.

COMMISSIONER STEFANICS: I'd move for approval.

COMMISSIONER CHAVEZ: Second.

CHAIR HOLIAN: Okay, I have a motion and a second for approval of Leah Tafoya for the DWI Planning Council.

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

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Mr. Sanchez, it looks like you had a great bunch of applicants and just thank you for everybody who applied. I wish we had this many applicants for all of our committees that we're soliciting for.

MR. SANCHEZ: I'll thank them for you.

**XII. B. Appointment of Extraterritorial Land Use Committee (ELUC) Members**

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: I thought we had these appointments already, when we did our original appointments. Is this something different than ELUA.

MS. MILLER: Madam Chair, Commissioners, it requires that it be the CDRC members and then two alternatives, so they basically are CDRC and alternates. So the ordinance actually requires the way that it's presented in the packet.

COMMISSIONER ANAYA: So this is CDRC members and the alternates? I'd move for approval, Madam Chair.

COMMISSIONER STEFANICS: Second.

CHAIR HOLIAN: Okay, I have a motion and a second.

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

COMMISSIONER MAYFIELD: A quick question, Madam Chair.

CHAIR HOLIAN: Yes.

COMMISSIONER MAYFIELD: Madam Chair, when do they meet? Like during the CDRC meetings? They just have to coordinate with the City of Santa Fe to meet? Steve, I was just asking when they might meet. I know they're going to start talking about some of the annexation process. Do you know when they meet?

MR. ROSS: Madam Chair, Commissioner Mayfield, they'll have to have a special meeting.

COMMISSIONER MAYFIELD: Okay. Here, there – they just work it out between the –

MR. ROSS: I think last time we primarily had those meetings here.

COMMISSIONER MAYFIELD: Okay. Thanks. But they'll start, right?

MR. ROSS: Yes.

COMMISSIONER MAYFIELD: Took five years just to get all this stuff figured out.

### **XIII. MATTERS OF PUBLIC CONCERN – Non-Action Items**

CHAIR HOLIAN: Are there any members of the public who would like to address the Board? If so, please come forward and please identify yourself for the record.

CHRIS FURLANETTO: Madam Chair and Commissioners, good afternoon. My name is Chris Furlanetto. I am the vice president and action advocacy chair of the League of Women Voters of Santa Fe County. As you know, the League has long advocated for a timely approval for a strong Sustainable Land Development Code that is true to the Sustainable Growth Management Plan that was adopted more than two years ago. Given the urgency of our needs and the length of time that has elapsed since the plan was approved, we strongly urge you to create and publish an aggressive schedule for finalizing the code.

During this process we have opposed efforts to weaken the proposed code and we plan to continue to do so if necessary. That said, there are three items for which we ask the support of all Commissioners today. Number one, is the assessment of developer-paid impact fees adequate to cover the costs of new infrastructure needed by new development. Second is

strong energy efficiency building standards as drafted in the current version of the code that's been released, and we ask that those be retained in the final code. And third, we ask for strong consideration of water resources in any new development. Thank you.

CHAIR HOLIAN: Thank you, Chris. Next.

WILLIAM MEE: I'm William Mee, 2073 Camino Samuel Montoya, and I guess this comment would be as chairperson of the United Communities of Santa Fe County, and we heartily endorse the previous recommendations from the League of Women Voters.

But then I'll change hats here. As president of the Agua Fria Village Association I'd like to urge the County Commission to push the City of Santa Fe towards bringing back the Regional Planning Authority, and we would also like to be informed on the annexation issues. It's kind of disconcerting to be looking at the television and maybe during County Manager Katherine Miller's update, when she's saying, well, we're negotiating with the City of Santa Fe and the City of Santa Fe wants the Agua Fria fire department turned over to it for free and then the County has to find a place to provide fire protection for Agua Fria Village. It's kind of bizarre, some of the negotiations that have been happening between the City and County that affect us directly and we have no knowledge of them.

Moving on to another topic, as president of the Agua Fria Village Association, I have at least a dozen instances of requests to code enforcement to come out to our village, look at various violations and situations, and then we don't hear back from the County what the resolution was. That is, whether the landowner must cease doing something like dumping manure into the Santa Fe River, which we wrote to the Land Use Administrator on October 16, 2012 and we have not heard anything back from the Land Use Administrator. Not even a courtesy letter – we're working on your issue, whatever.

But I think what would resolve this is for the Commission itself to come forward with a resolution to address this issue and that it say something to the effect that the local neighborhood association be notified of the final action that the County has taken, or any interim steps, and that the Commissioner's administrative assistant of the appropriate district be informed, because a lot of times we'll call Commissioner Miguel Chavez' administrative assistant, Rita Maes – what's the follow-up on this issue? And she doesn't know. So code enforcement kind of lives in a little vacuum out there. I know they're very busy. I know there's issues across the entire county. I know almost every one of our planning meetings that we've had or code meetings that we've had together, enforcement is like the number one thing people complain about. But maybe a resolution like this would bring a little more accountability to everything and people would know what's going on. Thank you.

CHAIR HOLIAN: Thank you, Mr. Mee. Is there anybody else who would like to comment? Okay. I think that this is – we've been in session now for two hours. I think this is an appropriate point for a ten-minute break. So we will recess until 4:50.

[The Commission recessed from 4:43 to 4:55.]

#### **XIV. CONSENT CALENDAR**

**A. Final Orders**

1. **CDRC Case # Z/S 08-5440 Tierra Bello Subdivision.** Joseph Miller, Applicant, Danny Martinez, Agent, Request Master Plan Zoning Approval for a 73-Lot Residential Subdivision on 263.769 Acres + and Preliminary and Final Plat and Development Plan Approval for Phase 1, Which Will Consist of Nine Lots. The Property is Located at the Northeast Intersection of Avenida de Compadres and Spur Ranch Road, South of Avenida Eldorado in Eldorado, within Sections 24 and 25, Township 15 North, Range 9 East, (Commission District 5) Approved 4-0, Vicki Lucero, Case Manager
2. **CDRC Case # V 13-5050 Patrick Christopher & Marga Friberg Variance.** Patrick Christopher & Marga Friberg, Applicant's, Requested a Variance of Article III, Section 2.4.1A.2.B (Access) of the Land Development Code and a Variance of Article IV, Section 4.2 of Ordinance No. 2008-10 (Flood Damage and Stormwater Management) to Allow the Construction of a Residence on 15.3 Acres. The Property is Located at 250c Kalitaya Way Off Old Buckman Road, within Section 29, Township 19 North, Range 8 East, (Commission District 1) Approved 4-0, Wayne Dalton, Case Manager

3. **BCC Case # MIS 13-5020 Las Campanas Time Extension**  
(Formerly Estancias at Las Campanas Cienda Partners, Applicant, Scott Hoeft, Agent, Request a 24-Month Time Extension of the Previously Approved Final Plat Approval for the Areas Known as Black Mesa (25 Lots), Mesa del Oro (23 Lots) and Las Terrazas Phase III (46 Lots), Formerly Known as Estancias at Las Campanas Which Consisted of 125 Lots on 161 Acres (31 Lots Have Been Developed). The Property is Located Along Paseo las Terrazas, off of Trailhead Drive and Las Campanas Drive within Sections 2, 11 and 12, Township 17 North, Range 8 East (Commission District 2) Approved 4-0, Vicente Archuleta, Case Manager
4. **BCC Case # MIS 13-5021 Las Campanas Time Extension**  
(Formerly Tesoro Enclaves) Cienda Partners, Applicant, Scott Hoeft, Agent, Request a 24-Month Time Extension of the Previously Approved Final Plat for the Area Known as the Estancias Phase Iii (Formerly Tesoro Enclaves) Consisting of 37 Lots of the 128-Lot Residential Subdivision on 432 Acres. The Property is Located Off of Las Campanas Drive within Sections 2 and 11 Township 17 North, Range 8 East (Commission District 2) Approved 4-0, Vicente Archuleta, Case Manager
5. **BCC Case # MIS 10-5121 Suerte del Sur Time Extension.** Suerte del Sur, LLC, Applicant, Scott Hoeft, Agent, Request a 24-Month Time Extension of the Previously Approved Final Plat and Development Plan (Phases 1-4) of the Suerte del Sur Subdivision Consisting of 241 Residential Lots on 660 Acres. The Property is Located Along Los Suenos Trail, South of Las Campanas, North of Pinon Hills Subdivision, within Section 24, Township 17 North, Range 8 East and Section 19, Township 17 North, Range 9 East (Commission District 2) Approved 4-0, Vicente Archuleta, Case Manager
6. **CDRC Case # V 13-5030 Wladimir & Diane Senutovich Variance.** Wladimir & Diane Senutovich, Applicants Request a Variance of Article VII, Section 3.41.C.C.I (No Build Areas) to Allow Four (4) Separate Areas of 30% Slope Disturbance for a Proposed Driveway on Two Parcels Totaling 7.33 Acres. The Property is Located at 214 and 216 State Road 76 in the Vicinity of Santa Cruz, within Section 6, Township 20 North Range 9 East, (Commission District 1) Approved 4-0, John Lovato, Case Manager.



7. **CDRC Case # V 12-5360 Henry Sanchez Variance.** Henry Sanchez, Applicant, James McCreight, Agent, Requests a Variance of Article III, Section 2.3.6b2 (Height Restrictions for Dwellings or Residential Accessory Structures) to Allow an Existing 1,000 Square Foot Accessory Structure to Exceed 18 Feet in Height on 2.5 Acres. The Property is Located at 35 Heather Lane, within the Vicinity of Chupadero, within Section 5, Township 18 North, Range 10 East (Commission District 1) Approved 4-0, John Lovato, Case Manager
8. **BCC Case # MIS 12-5420 College Park Master Plat Authorization.** Uninvest-Rancho Viejo, LLC, Applicant, Jim Seibert, Agent, Requested Master Plat Authorization to Allow for the Creation, of a Maximum, of Twelve Mixed-Use Lots on 77.4 Acres. The Property is Located on the Corner of Richards Avenue and Avenida del Sur, in the Community College District, within Section 20, Township 16 North, Range 9 East, (Commission District 5 (Approved 5-0) Jose E. Larrañaga, Case Manager

**XVII. MATTERS FROM THE COUNTY ATTORNEY**

**C. Consideration and Approval of an Annual Renewal of the Workers' Compensation Insurance Policy**

CHAIR HOLIAN: Katherine, who's taking this? Maybe you can introduce yourselves and jump into this issue.

JAMES COOK: I'm James Cook with Daniels Insurance. I'm the broker on the Workers' Comp. I want to explain what we did, and then we have Becky here from the County Association. What we did, in April we went out to all the standard market in the state to determine what they would charge for the Workers' Comp for the County. Once we got those bids in we went to the County Association, gave them all those bids and began to work with Becky and Steve to determine what kind of cost your Workers' Comp was going to be. That helps the County because the County is then able to – the Association is able to determine what the standard market is.

Just to give you a quick idea of what it is, the standard market, compared to what it is would have been about \$80,000-some on a fixed premium. The County Association would be about \$764,000. But what we're doing, we're recommending a premium with no deductible, and the no deductible – in the past you've had deductible of \$25,000, so with us going to a fixed amount you know that's your maximum amount. The situation you need to require, remember we have what we call the RAP. In other words, loss control with all the different divisions. With that RAP you get a 2.5 percent discount. And it's very important that every office in the County work under that RAP because that's going to save you money in the long run.

Now, if we went to a deductible, you would have \$25,000 deductible and \$400,000 of stop-gap. And what does that mean? Is once the County has paid the deductible of \$400,000 and all of it's by the Association. So our recommendation is to come with a flat premium of \$764,000. That is to be your flat premium. You know that at the end of this year that's what your premium will be. When you have a deductible you don't know that because your deductibles are going to pay those claims that are existing and then put reserves. So you could have \$100,000 reserve and down the line you can pay before.

So that's what we're recommending. And I'd like Becky to come up here in just a minute, and Steve's not here but Becky does the work. And I just want to tell you that in sitting down with the Association, working with the Association, working with Becky and Steve to say here's what our market is and I think we must have had about four or five visits. That way the County Association was understanding where it was. So I'd like to ask Becky if she'd like to say anything.

BECKY TAFOYA: Thank you. We have been working together as far as crunching the numbers, looking at the losses for Workers' Comp for Santa Fe County. We put together an analysis and bid and shared it with your broker and they went out to the market and compared it with other carriers as well. We were very competitive and we are offering, as he said, a no deductible with an annual premium of \$764,400. We also included a 2.5 percent rebate that the County would receive at the end of the year, providing that they participate in the Risk Awareness Program. It's a loss control program that the Association has and the County is currently participating in that program. Not all departments are participating so we are encouraging that we have full participation in order to receive that discount. And I stand for any questions.

CHAIR HOLIAN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Mr. Cook, I appreciate your presentation and your evaluation of carriers. Thank you for that work, and Ms. Tafoya, I appreciate you and the efforts of your staff and the Association, Mr. Kopelman and Mr. Gutierrez and the entire staff over there. I can attest to your efforts and will work with you to continue to keep the staff and County engaged with my colleagues on the Commission. I don't have any other questions, Madam Chair. I'd move for approval.

CHAIR HOLIAN: With the zero dollar deductible?

COMMISSIONER ANAYA: Yes.

CHAIR HOLIAN: Okay. Is there a second?

COMMISSIONER MAYFIELD: Second.

CHAIR HOLIAN: Okay. I have a motion and second. Any further questions or comments?

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

CHAIR HOLIAN: Yes, Commissioner Stefanics.

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COMMISSIONER STEFANICS: I'd like to thank Daniels Insurance and the Association of Counties for their hard work, and I'd like to thank Commissioner Anaya for representing Santa Fe County on the Workers' Comp Board. Thank you.

**IX. PROCLAMATIONS AND PRESENTATIONS**

**A. Acknowledgement and Recognition of Yomi Ngassa Tadfor and Anna Elizabeth Diaz, Santa Fe and Capital High School Graduates That Received the J. Robert Oppenheimer Scholarship for 2013**

CHAIR HOLIAN: It is after 5:00 now and I would actually like to take the chair's discretion and move back to item IX. Proclamations and Presentations. I'll say a few remarks in introduction and then I will read the certificate of recognition, and then I would like to ask Yomi to say a couple of words, and then invite my fellow Commissioners if they have any comments to say something. And then we will all go down and take a picture.

J. Robert Oppenheimer was a brilliant scientist in his own right. He also happened to be the first director of Los Alamos National Laboratory in the time of the Manhattan Project. The J. Robert Oppenheimer Memorial Committee is dedicated to preserving the memory of J. Robert Oppenheimer and in 1984 it began the tradition of awarding scholarships to graduating seniors who show particular aptitude in science or mathematics.

In the first scholarships went to graduating seniors of Los Alamos High but in recent years this has been expanded, thanks to the generosity of Los Alamos National Bank, and now the J. Robert Oppenheimer Memorial Committee awards I believe nine scholarships, and two of those scholarships go to Santa Fe High School and Capitol High School graduates.

I would like to recognize that the scholarship at Santa Fe High School was awarded to Yomi Ngassa Tadfor this year. She is from Cameroon. She arrived in the middle of her junior year. She has taken every AP class that she could fit into her schedule including algebra II honors, physics, chemistry, biology, government and politics, English literature – and got all A's. She joined the science club, competed in the Science Olympiad and was awarded science student of the year this last year. She will be attending UNM this coming fall in the pharmacy program.

The scholarship at Capitol High School was awarded to Ann Elizabeth Diaz. Anna's parents are from El Salvador, although she was born here, and she credits her parents for a great deal of her success. They were hard workers, they raised nine children and they made sure that all their children had a good education and took advantage of every opportunity that they could in this country. She is going to the Agnes Scott College, which is a liberal arts college in Decatur, Georgia and will major in biology, but ultimately her goal is to go to medical school at UNM.

In her essay she says that by succeeding she is showing that "college is possible, and not just a dream." She is also going to go for a higher degree than anyone in her family has ever aspired to reach. So congratulations to these two remarkable young women. Now I will read the certificate of recognition for Yomi. Certificate of recognition: The Santa Fe Board of

County Commissioners hereby recognizes Yomi Ngassa Tador for your dedication and outstanding academic achievement and excellence in receiving the J. Robert Oppenheimer Memorial Committee scholarship, funded by Los Alamos National Bank. Your devotion to science and education is an inspiration. May you continue to shape the future through intellectual and inspired leadership. Therefore the Board of County Commissioners presents this certificate of recognition on this 11<sup>th</sup> day of June, 2013, and it is signed by all the Commissioners as well as the County Manager.

So, Yomi, would you like to come forward and say a few words to us?

YOMI NGASSA TADOR: Hi, everyone. I'm Yomi. I just want to say thank you to the Oppenheimer scholarship committee. I was just very grateful to get the award and I would just like to thank my whole family. They're to thank for this and my teachers too. They're very supportive. When I came here it was really confusing to like be in a different country, taking different classes. It was very different. But the teachers were very – I just had awesome AP teachers and it was very intriguing. Everything was just fun and I just had fun doing it.

So it was just such a good think that the Oppenheimer scholarship recognized me for something that I was having fun doing because it was just so much fun and my teachers are really to thank for this because they helped me a lot to succeed. And I just want to say thank you. I'm very grateful. Thanks.

CHAIR HOLIAN: Congratulations, Yomi. And is that Anna there?

MS. TADOR: No. Sorry.

CHAIR HOLIAN: So would the Commissioners like to make any comments?  
Yes, Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. We always like having the opportunity to encourage students to continue their education, and we have seen many young people here before. You are mature and still moving up, but I think you will be a role model, not only for your friends but also perhaps for your family and your community back home. Thank you so much for doing this.

MS. TADOR: Thank you.

CHAIR HOLIAN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I'd like to congratulate both of you for your hard work, very much an impressive example of commitment, dedication, hard work, knowledge, all those things rolled up into one, and so I'm excited to hear that you're continuing on. You're going to the University of New Mexico? Woof woof. Have you gone to orientation yet?

MS. TADOR: Next week.

COMMISSIONER ANAYA: Excellent. Excellent. Well, they do a good job and congratulations again and it's a testament to your dedication and what you've done and congratulations very much for that.

MS. TADOR: Thank you.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Congratulations. They have a great school of pharmacy there at UNM. So you'll be entering as a sophomore? A junior? With all your AP classes?

MS. TADFOR: I hope so.

COMMISSIONER MAYFIELD: So you'll be entering a little higher up with all those advanced placement classes you've taken. But congratulations. Wonderful testament to all you've done. Thank you.

CHAIR HOLIAN: Commissioner Chavez.

COMMISSIONER CHAVEZ: I just want to say congratulations and I know even though it's been fun, that's part of the equation. That always means that there's hard work and when you're committed to education and to a career, that's really a lifetime endeavor and so with this support and encouragement I hope that you will continue your education and make a contribution to your community, wherever that may be. Thank you.

CHAIR HOLIAN: Well, congratulations and we the certificate of recognition to present to you.

COMMISSIONER MAYFIELD: And our first picture of the day.

CHAIR HOLIAN: Anna Elizabeth Diaz is not here but I will be mailing her certificate of recognition directly to her. And thank you, Mary Lou.

[Photographs were taken.]

#### **XV. STAFF ITEMS**

##### **A. Public Safety Department**

- 1. Introduction and Possible Action on Resolution No. 2013-58, a Resolution to Proclaim Extreme or Severe Drought Conditions within Santa Fe County and to Ban the Sale and Use of Certain Fireworks in the Unincorporated Portions of the County and within the Wildlands in the County and Associated Waiver of Requirements of Resolution No. 2013-026**

CHAIR HOLIAN: So I think we need to make two motions.

COMMISSIONER STEFANICS: Madam Chair, I'd like to make the first motion of waiving the requirements for introduction and moving right on to the resolution.

CHAIR HOLIAN: Is there a second?

COMMISSIONER CHAVEZ: Second.

CHAIR HOLIAN: Okay, I have a motion and second.

**The motion to waive the requirements of Resolution No. 2013-26 passed by unanimous [5-0] voice vote.**

DAVE SPERLING (Fire Chief): Thank you, Madam Chair, Commissioners. The purpose of this resolution is to proclaim extreme or severe drought conditions within Santa Fe County and to ban the sale and use of fireworks to the fullest extent allowed by the law in the unincorporated portions of the county and within wildlands of the county. As you know, there currently exists in Santa Fe County extreme or severe drought conditions and the probability of ignition of wildland fuels and the spread of fire is very high as we've witnessed in recent days.

These conditions have created a significant and immediate threat to the life, safety and health and welfare of the residents of Santa Fe County and to the public and private properties located within the county. I know you recognize that state law precludes us from banning the sale and use of all fireworks, even under these very hazardous conditions. We cannot regulate the sale and use of permissible fireworks, only those fireworks that are deemed to be aerial devices or ground audible devices.

As you also know, legislation was introduced this past state legislative session by Representative Emily Kane to provide local authority to ban the sale and use of fireworks and to also provide the Governor the authority. That legislation was defeated. Therefore I'm back again this year requesting permission to ban, in accordance with state law, the sale and use of fireworks of the aerial and ground audible type. These include missile-type rockets, helicopters, aerial spinners, stick-type rockets, Roman candles, shells and ground audible devices which include fire crackers. The use of the remaining permissible fireworks, such as cone fountains, ground spinners, and sparklers is limited to areas that are paved or barren dirt. And this resolution also bans the use of all fireworks, including permissible fireworks, within wildlands in Santa Fe County.

This resolution and proclamation shall be effective for 30 days and may be reissued if warranted. And my final comment is I encourage the public to completely avoid consumer fireworks this year, that they should attempt to seek out a public display, and I know that one is in the works between the City and County, and find another way to celebrate our nation's independence this year. I think it's all of our responsibility to do our utmost through this holiday season to protect our neighborhoods and communities from wildland fire. So with that, I'd stand for any comments you may have.

CHAIR HOLIAN: Thank you, Chief. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, appreciate the presentation and I would move for approval.

COMMISSIONER STEFANICS: I will second.

MR. ROSS: Madam Chair, we do need a public hearing before we can do the proclamation.

CHAIR HOLIAN: Yes, I realize that. Okay I have a motion and a second. Any further questions or comments?

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Mayfield.

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COMMISSIONER MAYFIELD: Madam Chair, Mr. Ross or Chief Sperling, 30 days takes us through the 9<sup>th</sup>, right? Of July? Or the 10<sup>th</sup> of July? In case we had to extend it, I just want to make sure we have a Commission meeting.

MS. MILLER: Madam Chair, Commissioners, we have one on July 9<sup>th</sup>.

COMMISSIONER MAYFIELD: And this resolution takes us through the 10<sup>th</sup>.

MS. MILLER: Yes.

COMMISSIONER MAYFIELD: Okay. Thank you.

MS. MILLER: And we also have one on June 25<sup>th</sup>.

COMMISSIONER MAYFIELD: Okay. Thanks.

CHAIR HOLIAN: Commissioner Chavez.

COMMISSIONER CHAVEZ: Thank you, Madam Chair. Commissioner Mayfield, I think you and I were heading in the same direction. I don't really feel comfortable with 30 days. I know it's the right thing to do but I'm wondering if we just shouldn't say 60 days right now and be done with it and that way you don't have to come back. We know that we have that window. I think we keep sending the message, because in 30 days I don't know that it's going to change that much.

CHAIR HOLIAN: Steve.

MR. ROSS: Madam Chair, Commissioner Chavez, actually the statute requires this procedure. So you do 30 days and then you can do another 30 days. It's very, very specific.

COMMISSIONER CHAVEZ: Well, maybe that's what we need to work on changing then.

CHIEF SPERLING: Absolutely.

CHAIR HOLIAN: This is a resolution. Is there anyone from the public who would like to come forward and comment on the resolution? Seeing none, I have a motion and a second.

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

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, before the Chief leaves – Chief, where are we with our 90-day fire emergency ordinance on our hazardous fire conditions?

CHIEF SPERLING: Madam Chair, Commissioner, we're in about the middle of that 90-day period. It takes us through the end of July.

COMMISSIONER MAYFIELD: Okay. Thank you.

CHIEF SPERLING: You're welcome.

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**XV. B. Administrative Services Department**

**1. Request Approval to Award Contract # 2013-0257-FD/PL to Anissa Construction, Inc. for the Renovation of La Cienega Fire Station No. 1 in the Amount of \$470,500 Exclusive of GRT**

BILL TAYLOR (Purchasing): Thank you, Madam Chair, Commissioners. We're here before you to ask authorization for a construction contract, renovation of the La Cienega Fire Station No. 1 located on Highway 14. It's approximately 5,100 acres [sic]. It's going to involve renovations of administrative offices, restrooms, archive and break rooms, mechanical, electrical, plumbing and a new fire protection system. We had 11 bidders on this project, on this IFB, Madam Chair, that ranged anywhere from the lowest bid at \$470,500 to the high bid of \$627,000. With that, Madam Chair. I'll stand for any questions.

CHAIR HOLIAN: Any questions? Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, this is a part of our continued efforts to improve and build new fire stations when we can and I would happily move for approval.

COMMISSIONER CHAVEZ: Second.

CHAIR HOLIAN: Okay. I have a motion and a second. Are there any other questions or discussion? Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. I'd like to know if – this company is not Santa Fe, correct?

MR. TAYLOR: Madam Chair, Commissioner Stefanics, that's correct. Albuquerque.

COMMISSIONER STEFANICS: So did our second proposal or bidder come in anywhere near that was from Santa Fe?

MR. TAYLOR: The Santa Fe resident, Madam Chair – I have that information here –

COMMISSIONER STEFANICS: Madam Chair, I'm just bringing up the issue because we have talked about local preference. We've talked about putting points in. I'm sure this company will do a great job but I just want to make sure.

MR. TAYLOR: Madam Chair and Commissioners, they were one of the highest bidders, the two Santa Fe firms that bid on the project, were in the upper echelon of the bids, higher bids. The preferences that are applied to this construction are the in-state preference, which is worth five points, and then there is the veteran in-state that can be anywhere from seven percent to ten percent. They get either/or. They get one of those; they don't get both.

If they get the veteran preference –

COMMISSIONER STEFANICS: Wait. Stop. Madam Chair, I thought we passed a resolution and we added points for local preference on bids.

CHAIR HOLIAN: Katherine.

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MS. MILLER: Madam Chair, Commissioner Stefanics, we passed an ordinance that does on RFPs, there are points. Construction bids are dollars only. If you're a qualified respondent you get, let's say, the state preference, five percent. So if a bid is a million dollars it's \$1,050,000 for in-state, but we did not put at the time, because of the economics, we did not add percentages on bids, dollars on bids. Because we had the discussion of whether we would want our construction projects to cost more.

On RFPs for services, you negotiate. Typically, you negotiate price and it's only one factor but on construction contracts for bids, if they're qualified it's the lowest price is the way the statute works. And we did not add an additional preference because at the time, when we did that ordinance, we didn't want to add a cost to our construction contract. At the level – they'd get an in-state plus a local.

COMMISSIONER STEFANICS: So, Madam Chair, Mr. Ross, we still could amend that for the future?

MR. ROSS: Madam Chair, Commissioner Stefanics, we could bring it up.

COMMISSIONER STEFANICS: Okay. Thank you very much.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, thank you. Madam Chair, Mr. Taylor, and kind of on Commissioner Stefanics' lines, I guess what I would like to see, and I can't – I don't know if the Commission would support this, but in the summary memos, maybe that kind of could be spelled out to us when they come back to the Commission, of the bidders, if there was local preference, I guess that veteran's exemption that you just mentioned. That way the Commission does know. It doesn't need to be spelled out by name for me but just if those folks did put in the certificate they needed to turn in or if they didn't.

Also, I guess, and I brought this up with Mr. Ross a little earlier, when we go out for our RFP process I am assuming that people that are looking for the work in the construction industry know where to go in our procurement system, where to drill down and where to try to find this work, but we recently put out an RFP for our summer programs. That was great that we did it, but I did get some calls from people saying you guys have the most unfriendly website. I had to go like, to try to drill down to your Procurement Division to try to find an RFP to try to bid on your summer program. It was basically mind-boggling to do it. So unless people were really looking for this they would not maybe know where to go, so I was hoping we could have a more – I guess an easier button just for people to try to push. Food for thought on that.

But going back to this, because I did ask Steve Ross on this, bid alternates. Explain to me bid alternates. Is that you put out a bid and then people can come in a put in additional –

MR. TAYLOR: Madam Chair, Commissioner Mayfield, bid alternates are items that are through the design and specifications of a project, certain items may be identified as bid alternates that would be listed in the bid. You would have a base bid, which is your main project, the renovation of the facility. And basically, due to budget restraints, where you are watching your budget, you want to identify certain bid alternates that gives the owner the option to – based on how the bids come in – that maybe we can include those bid

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COMMISSIONER MAYFIELD: So, Madam Chair, Mr. Taylor, what do you have built in, say, for cost overruns? If you awarded this contract and you said there was a 25 percent spread, I believe. Are these folks guaranteed so much cost overruns or could we anticipate, okay, now here's a \$100,000 contract amendment.

MR. TAYLOR: Madam Chair, Commissioner, our job and duty is to manage these contracts to have little or no change orders. In an existing building, when you start tearing into the walls you run into unforeseen conditions that would create a change order and we budget into a contingency into that budget to cover those change orders. And so our hope is we won't be coming before the Board for any increases as you mentioned.

COMMISSIONER MAYFIELD: When other folks bid on this to they put that into their bid proposals though, or do you put that into any considerations when you put that out for bid, the amount of change order overruns or is that pretty consistent across the board with every –

MR. TAYLOR: Madam Chair, Commissioner, we try to hold our contractors to the prices that they bid, they commit to.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. Thank you, Mr. Taylor.

CHAIR HOLIAN: Before we go forward, I would like to see a show of hands. Who of you are here for land use cases? I just want to warn you we still have quite a few items on the regular part of our agenda, and then we will have an executive session, so those land use cases most likely won't be heard until around, I would estimate 7:00, in case you want to go out and get a little dinner or take a walk. I just want to warn you.

**XV. C. Finance Department**

**1. Introduction and Possible Action on Resolution No. 2013-59, a Resolution Authorizing the Surplus of Fixed Assets in Accordance with State Statutes and Associated Waiver of Requirements of Resolution No. 2013-026**

CHAIR HOLIAN: I will note that again there needs to be a waiver of the requirements of Resolution No. 2013-26 if we would like to vote on this today.

COMMISSIONER CHAVEZ: Madam Chair, I would make that motion.

COMMISSIONER MAYFIELD: Second.

CHAIR HOLIAN: Okay. I have a motion and I have a second.

**The motion to waive Resolution No. 2013-26 passed by unanimous [5-0] voice vote.**

CHAIR HOLIAN: Teresa.

TERESA MARTINEZ (Finance Director): Madam Chair, what you have before you is an annual process that we do. We're trying to participate in the Department of

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Public Safety's annual auction and with that comes BCC approval for the disposal of any property, as well as notification to the State Auditor 30 days in advance. So you'll have a listing attached to this for each department and each office, and it could range anywhere from a desk to a file cabinet to a vehicle to computers. We've coordinated with the appropriate staff. If it's a computer we've asked IT to review it. When we actually go to option we'll work with them to ensure that the hard drives are destroyed and the vehicles are ready for auction. So I'll stand for any questions.

CHAIR HOLIAN: Questions?

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Move for approval.

CHAIR HOLIAN: Is there a second?

COMMISSIONER STEFANICS: Second.

CHAIR HOLIAN: Okay, there's a motion and a second. Now this is a resolution. Is there anyone here from the public who would like to address the Board about this resolution? Okay, seeing none, there is a motion and a second. Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, Ms. Martinez, and I don't know if this is a question for you, but for some of the different departments, and this is probably not for you, Ms. Martinez, but are we certain that some of this can't be repurposed with other –

MS. MARTINEZ: Madam Chair, Commissioner Mayfield, let me tell you what we do. We work with the departments; we rely on their certification of the asset. A lot of the departments will work with other governmental entities that may not be as fortunate as we are in terms of donations, as long as they are located in the state of New Mexico. The other thing we do is we send this list to the Association of Counties before we go to auction in the event that there's another entity out there that could maybe benefit from some of the items we have. So we do try to make that effort.

COMMISSIONER MAYFIELD: I mean within our Corrections. I understand why Corrections maybe can't use some of the stuff, but if you look at the Corrections spreadsheet it says that it's – well, just to say the words they used. Let me get to it. And I'm sorry. I left my other book at home. Anyhow, Corrections had some rolling carts that I thought were still working but maybe they could not be used for safety reasons in Corrections. For security reasons, let me say that. Maybe they could be used within our Senior Services program. Maybe not. They still said they were good.

MS. MARTINEZ: Madam Chair, Commissioner Mayfield, each director will get a copy of this and many times prior to going to auction there are transfers within departments if they identify something they can take.

COMMISSIONER MAYFIELD: Here we are. We got stainless steel meal carts not being used by the department and they're in fair condition.

MS. MARTINEZ: Okay. I assure you that each department director will get a list and if Teresa can use it then we'll work with her to transfer it before we even take it to auction.

COMMISSIONER MAYFIELD: Okay. So you guys will read it.

MS. MARTINEZ: We do do that.

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

CHAIR HOLIAN: We have a motion and a second for approval of Resolution No. 2013-59.

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

**XV. D. Public Works Department**

**1. Resolution No. 2013-60, a Resolution Adopting Portions of the State of New Mexico's Record Retention and Disposition Schedules**

MR. LEIGLAND: Madam Chair, Commissioners, as I presented last time, this is just to formally align County records retention policies with state requirements. And so as you can see in Exhibit A there are a whole series of provisions in the New Mexico Administrative Code that govern records retention and it just formally adopts those. As I discussed last time we think that this will actually reduce the number of records that we're actually keeping, because right now there are some questions and this just formally adopts it. So with that I'll stand for any questions.

CHAIR HOLIAN: Thank you. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, we had a fair amount of discussion last time and based on that and based on our desire, my desire to make sure we're consistent with state requirements I'd move for approval.

COMMISSIONER STEFANICS: Second.

CHAIR HOLIAN: Okay, I have a motion and a second. Any further questions? This is a resolution. Is there anyone here from the public who would like to address the Board about this resolution? Seeing none, we have a motion and a second.

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

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**XV. E. Health and Human Services Department**

**1. Resolution No. 2013-61, a Resolution Establishing Community Center Trustees, and Repealing and Replacing Policies for County Owned or Leased Community Centers**

TERESA CASADOS (Senior Service): Good evening. Madam Chair, Commissioners, I'm here again this evening to discuss the resolution establishing the community center trustees and most importantly changing the fee structure. This is the third time this resolution has come before you. After the last meeting the issue was tabled to allow staff time to work with the community center members and our Legal Department. There've been several emails that have gone back and forth on this issue, mostly regarding the change that has been taking place which no longer allows non-profits or community center organizations to use the facility free of charge.

So we took some time to meet with our Legal Department after the last meeting with the intent of setting up meetings with those trustees once again. After we got guidance from our Legal Department it became clear that the changes that had been incorporated into the resolution was as far as we could go in reducing those fees. Legal informed us that we would not be able to waive fees for community organizations or non-profit groups without violating the anti-donation law.

At that time conversations took place with the trustees. Between Rachel O'Connor and myself we spoke with individuals who had expressed concern in the past. Those were Lois Mee from the Agua Fria Community Center, the Nancy Rodriguez Center, and also Paul White. They both had expressed concern over those fees, had talked with Commissioners, had talked with our Legal Department, and so we spoke with them directly. We provided them a copy of Legal's opinion indicating we could not reduce those fees because we would be in violation of anti-donation.

So although we fully support community members' use of these facilities we truly believe that the fee structure that we have incorporated allows everyone in the community to use these facilities. It's reduced rates significantly. It's reduced insurance rates significantly, and I believe that it does what they were designed to do, which is allow everybody in the community to partake in the activities that they would like to and use those facilities for low rates.

So that being said I'm seeking approval of moving forward with the resolution the way it has been presented with the fee structure in place.

CHAIR HOLIAN: Thank you, Teresa. Any questions? Commissioner Chavez.

COMMISSIONER CHAVEZ: No, thank you, Madam Chair. No, I don't have any questions but I would like to move for approval, hope for a second, and then we could continue discussion.

CHAIR HOLIAN: I will second that.

COMMISSIONER CHAVEZ: Thank you, Madam Chair. I know as I said in our meeting, the last, that I did attend the Agua Fria Village Association meeting a couple

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months ago or maybe last month and on this topic I did let them know that even though this may not be popular but this was something that I would be supporting and that was then. I know staff tried to make accommodations, were not able to do that. I think that if we start with this fee structure and prove to the public that this will help us in many ways as you stated, and also to help with the maintenance of these facilities. I think that in the future we need to have a way to supplement our budget as much as possible. I don't think we're going to get there with this rate structure but at least it helps a little bit. And so that's why I was willing to support it then and I'm still willing to support it now. Thank you, Madam Chair.

CHAIR HOLIAN: Any further comments or questions? Well, I would just like – Commissioner Anaya, you first.

COMMISSIONER ANAYA: Madam Chair, I would concur with Commissioner Chavez' assessment. I think that there is still latitude within the structure once approved, afforded to the Manager in special circumstances that are still within the parameters of law and requirements. As I said at the last meeting if we could let everybody use facilities for free that would be my preference but that's not what's allowed by law. So I would just echo those comments that we can work with it and then if there's areas that could be tweaked within reason that are still sound with law then we can do that then at a later date. Thank you, Madam Chair.

CHAIR HOLIAN: And I would also like to note that one thing is I would encourage people from the public to contact their Commissioners if they think that there should be a meeting about an important issue for their community. Their Commissioners are often willing to set up a meeting, reserve the room for free, invite that appropriate staff and even publicize the meeting so that the maximum number of people know about that. So that's always an option for people.

I've organized a number of meetings, especially on fire safety recently in the community center in my district, the only community center in my district which is the Hondo #2 Fire Station. So I just want to put that out there as an option for people. Any further comments or questions?

COMMISSIONER MAYFIELD: Madam Chair, if I can – public comments and then I'm –

CHAIR HOLIAN: I am going to –

COMMISSIONER MAYFIELD: And then I may want to make some comments after if that's okay.

CHAIR HOLIAN: This is a resolution. Is there anyone here from the public who would like to address the Board on this issue? Mr. Mee, please identify yourself for the record.

WILLIAM MEE: William Mee, 2073 Camino Samuel Montoya, president of the Agua Fria Village Association. And I kind of put this issue out to the United Communities of Santa Fe County but many of them are actually using fire stations so that this resolution doesn't apply. There's a number of things that we do in our community that aren't covered by this resolution, but what we've talked with staff is that we could write a letter to

the County Manager and we could specify some of the events that we do in our community that there might not be a board of directors for, there's no non-profit associated with it, so there's no membership fee or anything.

So like for instance, our posadas during Christmas. In the past the Agua Fria Village Association has been noted as a sponsor of that event and so the staff said, well, the Agua Fria Village Association could continue as an umbrella organization and they'll waive the \$150 fee on that. So the Agua Fria Village Association paid the \$250 fee for that for multiple uses through the year. And that's a fair thing. And we've had all kinds of different community events. We also have our Santa Fe River blessing on Dia de San Ysidro, May 15, and that has always been kind of sponsored by the Village Association. But a communal event or a community event that is traditional and we would like it to continue so we will be putting that in our letter to the County Manager.

But then there's some operational things. I post a notice of all the future public meetings for the Agua Fria Village Association. Now, by me placing it on the glass of the door, is that anti-donation, because the County facility is proposing that. Do I have to list every instance that there may be a violation of the anti-donation clause?

The other thing is, very often private events, they have an extra bag of ice, they leave it in the freezer, and then the Association uses it for one of our other community events. So it's kind of stored in there. Is that anti-donation type of thing? We have paper plates in the cabinet and that kind of thing. Then also the Cemeterio del Agua Fria has their records in a file cabinet in the office. Is that going to be a violation of the anti-donation?

I think a lot of times the anti-donation clause may actually be trumped by our ability to have freedom of assembly, freedom of speech, some of our other constitutional rights. Because if you limit the ability of a community to speak out on issues – I know, Chairperson Holian, I appreciate that we could ask our Commissioner to call a meeting but there may be places – what if the meeting was a recall of the Commissioner? Obviously the Commissioner wouldn't sponsor that? But I think we have to be a little more flexible and I'm hoping that staff will be able to do that. So that's why I'm just kind of throwing out some of my concerns so that later on in two months, three months or whatever, if we have to come back and revisit this, even though some of my miniscule details that are running through my mind on this. But thank you.

CHAIR HOLIAN: Thank you, Mr. Mee. Commissioner Mayfield, and then Commissioner Chavez.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. And I just want to thank staff and commend staff for all the work they put into this and also Ms. Rachel Brown. I know Ms. Brown has been doing a lot of work looking into this Anti-Donation Clause issue. But one point or at least one thought that Mr. Mee made me just think about. The reason – the purposing. So I guess when we go out as a government and we build a park, Steve, and I'm going to ask this of Steve. We know what we're building a recreational facility for, a park for. So if a park is going to be used by the public for public use, when does



that, Steve, maybe become anti-donation or would it every become anti-donation if people are going to play on that park.

Let's say people want to have birthday parties on that park. Do they need to start now coming to the County to get a permit if they want to have a birthday party on a County park?

MR. ROSS: Madam Chair, Commissioner Mayfield, a park is for the purpose of recreation, but if you were to rent the whole park out to a particular person or allow a particular person to use the entire park to the exclusion of the remainder of the public then you've got an anti-donation problem.

COMMISSIONER MAYFIELD: So if somebody wanted to rent a bouncer for I guess one of these bouncer facilities that you rent it for and erect it on a park, they would not be able to do that for their kid's birthday party. The rest of the J. Q. Public couldn't probably use that bouncer, right?

MR. ROSS: Madam Chair, Commissioner Mayfield, it's not about a bouncer. Let's say there's a park out there, a one-acre park and in your example a family wants to use it for a birthday party, and as a result of the birthday party no one else can use the park, you've got an anti-donation problem. But if somebody's just going to the park and sharing it with everybody else, using the facilities to play ball or running around or whatever, that's not a problem. That's the purpose of the park itself.

COMMISSIONER MAYFIELD: Okay. And then just as far as a resolution, Mr. Ross, and I know this just came up with you and I specifically on one of the community centers up north. So I just want to ask. It's prohibited activities. And I understand about partisan politics. That's not why I'm asking anything. But as far as – I think it's under 6 for prohibited activities. And I'm looking at this second paragraph, pursuant to Section 20.10.12, Section 14, public resources including funds, facilities and personnel may not be used to further partisan campaign purposes. What about – there was a request from a particular party that they – and maybe Ms. Salazar can weigh in on this, of wanting to do ward elections or – I don't care if it's Democratic, Republican, Green – any other independent party out there. But if they wanted to rent the facility to have their ward election meetings, and there was even some debate that if we denied that at a community center that they might think that's a – and I might get it wrong – an ACLU violation. And Steve, I even think you and I had some dialogue with an attorney on this. You guys can't deny that. You have to allow whatever party that wants to rent this facility the opportunity to rent this facility. Can you weigh in on that? I'm not talking about an individual for a personal individual campaign, but if they needed to do that for, say, general ward elections and that type of stuff. Is that prohibited? And right here we're prohibiting that.

MR. ROSS: Madam Chair, Commissioner Mayfield, that ordinance that's referenced there, 2010-12, restricts the use of any County property for partisan political purposes. That means campaigning, signs, campaign specific events, things like that. We have routinely sponsored or permitted use of County property for things like forums, where all the candidates are invited to give their position in a debate-like format sponsored by the League of Women Voters or something like that. All this stuff has First Amendment

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implications in that that's a quickly changing landscape as we all know, and it might be a good time to revisit some of those restrictions. But that ordinance is on the books and it says what I just described it saying.

COMMISSIONER MAYFIELD: So right now, by us approving this are we limiting that?

MR. ROSS: Madam Chair, Commissioner Mayfield, no we can't limit an ordinance in a resolution. So, no. It's just reminding people in this policy document that we have a separate ordinance that has these restrictions in it for their information.

COMMISSIONER MAYFIELD: Okay. Because there was an application that was denied for – where they were not able to use the El Rancho community center for their ward meetings, I guess last year, a year and a half ago. Just letting you know that. And they were pretty upset with that because we would not rent it out to them because they said it was a prohibited act under whatever reason. Whoever vetted that out to them. So I just want to make sure that that is not going to be restricted in this, or if it is, we just talk about it right now.

MR. ROSS: Madam Chair, Commissioner Mayfield, we're unaware of that incident so we'll have to get more details and we'll look into it.

COMMISSIONER MAYFIELD: Okay. But as what we elect to do with this resolution that would not be a prohibited act right now. Any party, Republican Party, Democratic Party, Green Party, any independent party out there, they would be able to rent our facility.

MR. ROSS: Madam Chair, Commissioner Mayfield, yes, as long as it's not for a partisan political purpose. In other words, to have a campaign event or put signs up on the property promoting a particular candidate or political position. If they wanted to have a board meeting I think your example is a great one. That's not partisan political purposes.

COMMISSIONER MAYFIELD: Okay. Fair enough. And Madam Chair, I just want to comment. Staff's worked very hard on this. I think it's affording just the public the opportunity to rent these facilities at a very reasonable rate to tie into a very reasonable insurance if they do want to have a birthday party at one of these community centers it will afford them that opportunity. I do appreciate what Commissioner Holian just said. If a community does need to work with renting or using the center they can coordinate with their local Commissioner representing that district. I don't think any Commissioner would have any opposition to doing that. So hopefully we can work that out. And I think – again, this cleans up the past resolution that I think has been outdated and hopefully this is a work in progress and we can refine it as needed. Thank you, Madam Chair. That's all I have.

CHAIR HOLIAN: Commissioner Chavez, you had a comment? Okay. Is there anyone else from the public who would like to address the Board about this resolution? Please come forward and state your name for the record.

GIL TERCERO: Thank you, Madam Chair, Commissioners. My name is Gil Tercero. I'm a resident of Agua Fria Village, and I'm not familiar with the resolution. I'm not familiar with the current ordinance, but we discussed this at our last Village Association

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meeting last week. I read the County Attorney's opinion as to the Anti-Donation Clause and the implications of allowing neighborhood associations to use community centers rent-free, and I imagine that your hands are tied by the Anti-Donation Clause of the State of New Mexico and the arguments in that memo were very logical.

But the implications are discouraging to communities, not just Agua Fria but it will discourage communities from participating in the discussion that takes place, not just in Agua Fria but in every community in the county where you have an active association, community or village association that meets on a regular basis. The majority of the topics that we discuss at our meetings on a monthly basis are County issues. Many of the meetings are attended by County officials, whether it be Commissioners or staff or elected officials, the County Assessor, the County Clerk, the Sheriff's Department. We discuss neighborhood watch programs. We discuss a lot of things that are relevant to County government.

As I said, I'm not familiar with the resolution or the ordinance but I would just ask you to take that into consideration and see if we can work some language into the document which would recognize the public service that is being done by these associations in discussing County business at some level. It's happening at every meeting. And in so doing, be able to exempt our organizations from having to pay for the use of community centers. And also that the neighborhood associations or village associations be recognized as the whole reason why the community centers were built in the first place, whether it be with County money or CDBG or state funding, these community centers are built throughout the county to facilitate community activities.

Sure, parties and all these other things take place. That's County policy. But their primary purpose is to provide a place for the people of the community to meet and discuss, especially issues that are relevant to County government. Thank you.

CHAIR HOLIAN: Thank you, Mr. Tercero. And I'd like to stress that you can contact your County Commissioner if you have a meeting that deals with County issues and you want the County Commissioner and County staff to be there and so on, and they often can just reserve the community center for you then. Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I also value all the comments of anybody from the public that comes but as a former County Manager Mr. Tercero understands the issues and functions that we deal with on a daily basis. And I would just also re-emphasize, Mr. Tercero, and those listening in the public that any political subdivision of the state – an acequia association, a mutual domestic water association – is exempted from those fees. So I think in addition to your County Commissioner and a direct correlation to County business those entities that function in the county, and there's others – soil & water conservation districts, any political subdivision of the state is exempted from fees.

So I think with a little bit of thought and maybe from time to time a little creativity there will still be the mechanism to have communities utilize the facilities for the intended purpose. An additional comment I would make is I've been frustrated for decades with the Anti-Donation Clause and I think it's something that warrants some legislative action. Ultimately, it would have to go to a vote, the voters, to deal with some of the issues as it

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relates to funding for non-profits and other public funding sources. That's a different battle and a different day, but I think there are some mechanisms that we can share with you and others to make sure that there's access to those centers within the frameworks that we have to live with it. But I appreciate your comments.

CHAIR HOLIAN: Thank you, Commissioner. Any further comments?

COMMISSIONER STEFANICS: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair, and Steve and Katherine, I think following up on Commissioner Mayfield's questions about political or partisan activities, we have had a very uneven – and I'm talking about even in the past two years, we've had a very uneven policy. We have let some political candidates use a center and we've kept some political ward meetings from not happening. We're not consistent. So I do think we need to look at something and I'm not advocating one way or the other right now. I'm just saying I know for a fact we've been inconsistent. So that's all. Thank you.

MS. MILLER: Madam Chair, Commissioners.

CHAIR HOLIAN: Yes, Katherine.

MS. MILLER: This is the first that I've heard that we've turned entities down. If somebody's come forward and they want to campaign we've always told them you can't campaign. You can have forums but you can't campaign. You can't do partisan initiatives there. But I'm not aware – so if you're aware I need to know in order to address this because I don't know who's turning them down and if it's trustees of something like that –

COMMISSIONER STEFANICS: Madam Chair.

MS. MILLER: I'd like to have some way of knowing so I could look into it.

COMMISSIONER STEFANICS: I'd like to give some specific examples.

First of all there was a candidate, two candidates, more than one candidate for political office who did use the La Cienega Center. There was a Democratic ward meeting that was denied at one center. And Eldorado Senior Center, they're actually – and this is prior to Ms. Casados, during the last election season, some candidates went to meet and greet and others were told they could not be in the building. And some of our staff can attest to this who were present. So all I'm saying is we were very uneven in the treatment given to these individuals.

And so I just think we should probably come up with a policy. I will recognize that the Santa Fe Public Schools used to rent out their facilities for political events, like a president or a governor, and they even stopped it. But then they moved on to the Santa Fe Community College. So we just need to establish a policy before we roll into the next campaign season. Thank you.

CHAIR HOLIAN: Thank you. Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Just one last comment on those comments from my perspective. If there's a facility that has a fee structure, and everyone has access to that facility and the same access, I don't care what organization it is. I don't care if it's a partisan person running for office as long as every single candidate or every single function has that same access to pay that same fee, then I think that's reasonable. So I'm not sure what

happened in 2010, if there was some state law that that was connected to, but if there is a fee and everyone has access to the building regardless of their party affiliation, I don't really care. I just care that there's a fair opportunity for anybody to access it and pay. So that's a different issue, because that's connected to the ordinance. But maybe it's a matter of us revisiting our ordinance and who's allowed or not allowed. That's my personal take. Thank you, Madam Chair.

CHAIR HOLIAN: Teresa, do you have something to add?

MS. CASADOS: Yes, Madam Chair, Commissioners. I just would like to clarify that they may have been times that people were turned away and others were given the opportunity to have that event, and that may have been in different areas where we have board members who were actually booking the events. Because prior to January the County was not booking those events. In addition, there may have been times when after – when somebody might have come into Eldorado for example, to campaign, we have a very strict policy and no campaigning takes place during senior hours. So there have been times when staff is present and they've let people come in, or there have been times when I have been out there and people have come in to try to do that and I've said we have a policy.

So I've tried to instill in staff that it's not to take place during senior hours. There is no campaigning at the senior centers. We have allowed, as Commissioner Anaya says or was spoken earlier, if there wants to be the League of Women Voters and they give everybody the opportunity to come in and speak to the seniors at the same time and ask questions on an issue, then they've been allowed to do so, but we do not allow at any of the senior centers during senior hours for people to come in and campaign. So if that's happening, and if people have been able to do that, then I would also like to know that.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Stefanics.

COMMISSIONER STEFANICS: Ms. Casados, I am saying I witnessed it. I was there. I witnessed what happened. Some people were allowed; some people were not. It was not under your watch; it was under the previous watch. And so don't say I'm a liar, because then we will really be at crosswise here. Please, just back off of this. I'm asking the County to develop a policy. And the second thing is, Madam Chair, Eldorado Senior Center is building a community room. I think they need to be in this list.

CHAIR HOLIAN: Okay. Any further comments or questions? We have a motion and a second to approve Resolution No. 2012-61.

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

CHAIR HOLIAN: And I will just add to Commissioner Anaya. I agree with you that the Anti-Donation Clause is antiquated, but I want to let you know, historically speaking it's all Santa Fe County's fault that we have Anti-Donation Clauses throughout the Southwest, because Santa Fe County bonded back in the late 1800s to help out the railroads and they went bankrupt. And it created such a fracas that all the state constitutions, when they

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were formed, passed Anti-Donation Clauses in this part of the country. They don't exist back east. It's our fault. Geraldine.

GERALDINE SALAZAR (County Clerk): Madam Chair, Commissioners, as the Santa Fe County Clerk I think at times the Anti-Donation Clause is very relevant, especially when it comes to our public records and we have to make sure that we recover costs to maintain them, to migrate them and store them indefinitely. So there is a time that –

CHAIR HOLIAN: That's a good point. Thank you.

## **XVI. MATTERS FROM THE COUNTY MANAGER**

### **A. Miscellaneous Updates**

MS. MILLER: Madam Chair, I just wanted to give you a couple updates. First of all, I want to make sure that this gets on the radio and TV and that is that our end of the month meeting, the administrative meeting on June 25<sup>th</sup> is going to be a little bit different because there is a dedication of our South Meadows Bridge. It's the Petry Bridge. So we're not going to have the Indigent meeting in the morning at 9:00 am. We're going to do the Housing Authority from 9:00 to 10:00, and then at 10:30 go to the South Meadows Bridge to dedicate that bridge for Sgt. Petry and then be back for our regular BCC that starts at 1:00. At 1:00, during that regular BCC meeting we will go into the Indigent Board meeting in order to do the indigent claims for the month and if there was anything else you wanted updates on relative to Indigent, so that we can fit that dedication of the bridge into that administrative meeting. That happened also to be a day that worked in the schedule for Sgt. Petry.

So I wanted to make sure that you were aware of that, that you put that into your calendars because it does change. Our Housing Board meeting is at 9:00 am. There will not be a full Indigent Board meeting. We will take that up in the afternoon just to do the claims and we didn't have any other pressing Indigent business.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: A suggestion, I brought it up. Could we do our Housing Board meeting down there by the housing site by the bridge? Just food for thought. They're right down there by the bridge.

MS. MILLER: Madam Chair, Commissioner, I'll look into that, see if that's possible.

COMMISSIONER MAYFIELD: [inaudible]

MS. MILLER: But I wasn't sure if there was something that prevents that but we can look into it.

And then another one of the updates, I wanted Chief Sperling to give you an update on the active fires in our region and answer any questions and make that those also were broadcast.

CHAIR HOLIAN: Chief.

CHIEF SPERLING: Thank you, Madam Chair, Katherine. I thought I'd give you a brief update on some of the three fires in our neighborhood in particular. I'll start with the one that's probably catching everyone's attention right now and that's the Jaroso fire in the Pecos Wilderness. It kicked off yesterday and it's in an area of blow-down trees so there's a huge collection of very dry fuel. So I guess there's no surprise that it should be putting up a gigantic column at the present time. In fact I went on the website a few minutes ago to update and this fire is so intense at the current time that they've pulled all firefighting resources off including air resources. So they're estimating 1,500 acres. It's about six miles southeast of Borrego Mesa entirely in the Pecos Wilderness and there are no communities or structures threatened at this time.

They anticipate this fire moving quickly towards the ridgetops of the Truchas peaks as well as Trail Riders Wall, if any of you are familiar with that area. It's extraordinarily beautiful and it's in my opinion very tragic that this fire is burning in that direction and that it's so extreme.

A second fire I'd like to update you on is the Thompson Ridge fire. This is the Jemez fire that we've noticed the smoke over the last week or so. It kicked off on Friday, May 31<sup>st</sup>. It's listed at 21,878 acres and a personnel total of 1,003 firefighters on this fire. They're estimating percent contained at 50 and a final containment date of Monday, June 10<sup>th</sup>, barring anything unforeseen.

I think what we've seen in the last couple of days are pockets of unburned fuel within the perimeter of the fire that are torching off but they feel like they have a pretty good perimeter around it at the current time. They're also anticipating demobilization of resources coming up here on the 13<sup>th</sup> of this month.

And then the Tres Lagunas fire, which we have been involved with as a fire department as a County and this one as you know kicked off on Thursday, May 30<sup>th</sup> and had at one time a total personnel of 783 burning 10,185 acres. The last listing on the website, it's 70 percent contained and they have an estimated containment date of Saturday, June 15<sup>th</sup> at 12:00 noon.

We responded on initial attack to the Tres Lagunas fire from the Glorieta Pass District, as well as our wildland hand crew and we had the hand crew up there until today when they were demobilized. These are the YCC firefighters, age 18 to 25. This was their first deployment. I read their evaluation from their supervisor. They did an extraordinary job in very hard and grueling work on this fire in extreme conditions building hand lines and working particular in the Holy Ghost Canyon area protecting structures.

On the Thompson Ridge fire we also had and still have a tender tanker and an engine from the Hondo Fire District. During the initial attack phase of the Tres Lagunas fire Glorieta Pass contributed one Type-1 engine, one Type-6 engine and a tender along with nine personnel, and had a significant impact in protecting structures. As you know, none of the structures in the Tres Lagunas area were burned and that's a very significant accomplishment for all those firefighters who worked hard on this fire.



I just wanted to also note that the initial call-in for the Tres Lagunas fire was received and dispatched by our Regional Emergency Communications Center. I actually heard the call-in from someone who witnessed the fire start related to a power line and I think the RECC personnel did an extraordinary job in getting the proper notifications out there, getting resources on their way, and it was apparent right from the get-go that this was going to be a very large, difficult fire that would probably take – I was anticipating weeks until the rains started. So I think the work that's been done by all involved has really been very extraordinary and I have my fingers crossed that we'll have an act of God or something like that to bring the Jaroso fire into some sort of containment in the next couple of days. I'm not too optimistic but I certainly hope so and pray so. I'd be happy to stand for any questions you may have.

CHAIR HOLIAN: Thank you, Chief, and again, I just want to send a huge thank you to all of our firefighters. They are really the heroes of our community and I think it was a real success story, the Tres Lagunas. Even though there were quite a few acres burned it still was a success. Questions, comments? Commissioner Stefanics.

COMMISSIONER STEFANICS: Madam Chair and Chief Sperling, a big thanks, not only to your firefighters but to Assistant Fire Chief Martin Vigil for hosting public events talking about emergency management. Thank you.

CHIEF SPERLING: Thank you, Commissioners.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair and Chief and Commissioner Stefanics on her point, in case some of these fires move, let's say on the Borrego Mesa fire and any of the other fires, I know that's going up Truchas, but if the Truchas Valley or even Cordoba Valley, if they need emergency evacuation – I know it wasn't really utilized when it was in the Los Alamos area, but we're all prepared in case we have to open up shelters? And I'm sure Martin – excuse me, Chief Vigil, Captain Vigil, you all have that already on the website where people can go, what resources are out there?

CHIEF SPERLING: Madam Chair, Commissioner, we're prepared as well as can be expected I think to assist our neighboring communities. This would be Rio Arriba County I believe, if it moved in that direction, with whatever needs may come forward, whatever requests we get, not only from the county level but also the state and Chief Vigil has worked very hard to pull sheltering resources together, and we will contribute everything we can to make sure that our neighbors, north, south, east and west, get taken care of.

COMMISSIONER MAYFIELD: And I know Chief Vigil does a great job of doing community outreach presentations. He's done many in my district. I'm sure with all the Commissioners' districts, but again, just the public awareness. Have your little emergency evacuation plan ready to go in your house. What to do and what to grab if you have to get out of your house because you don't know if that can be happening. All of us have our little bosques right around us, so just be ready, prepared. So I don't know if we already have something like that on our website but we might want to have that fire preparedness website. I know we have so many buttons on our website. Maybe it's overpopulated with stuff but this

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is probably an emergency one we need of if we have – I don't know, even a PSA that we're doing on the radio stations right now, just emergency preparedness for a fire, if it hits your community tonight, tomorrow. What to do?

CHIEF SPERLING: Thank you, Commissioner.

COMMISSIONER MAYFIELD: Maybe Director Sedillo wants to talk about this. But thank you, Chief, for all you do and you all be safe.

CHAIR HOLIAN: Mr. Sedillo.

PABLO SEDILLO (Public Safety Director): Yes, Madam Chair, Commissioners, I just want to reiterate what Chief Sperling stated on our wildland crew. I was up there Saturday morning with them. I know Chief Sperling and Chief Moya went up there on Thursday and I can tell you first hand, watching our group from Santa Fe County was very impressive. They were up there nine days when I was up there Saturday morning and I can tell you they were in great spirits. They were very eager to continue the fire prevention up in the mountains and I just want to thank, and I want the general public to know that the crew that we have within Santa Fe County wildland fire are the most professional, the most dedicated individuals that I have seen. And I have witnessed the intricate part of the putting together all the firefighters from all over. I saw them from Utah, Idaho, I saw them for Arizona, and you know what? As Chief Sperling stated, that they got very high praises when I was up there as well. And I thanked every single one of them working very, very hard. I talked to three of them today when they got back off the mountain, and they're eager to go back. But they need to kind of decompress and relax for a little bit because I guarantee you they work very, very hard and Santa Fe County needs to be proud of them.

CHAIR HOLIAN: Thank you, Mr. Sedillo. Thank you, Chief.

MS. MILLER: Madam Chair, just a quick update on Commissioner Mayfield had asked about the website relative to finding the current bid solicitations. It actually is on the homepage under two areas, so if somebody's looking it's under quicklink. So if you do the draw-down on quicklink it has current bid solicitations, or under services as well, it has current bid solicitations. So for anybody who is listening they can find them from the home page under those two areas. And I agree with you, finding things – I would also recommend people look at quicklinks first and then if they don't know the specific departments to go under services. That's another good area where there's a lot of draw-down.

COMMISSIONER MAYFIELD: Thank you.

## **XVI. B. Annexation Update**

MS. MILLER: And then the last update I wanted to give you was on the annexation issues with the City. It was requested at one of our last Commission meetings that we have – even though both governing bodies had approved the amendment to the annexation settlement agreement and also the phasing agreements that we really needed to have a meeting with both entities together to kind of talk about how those services would

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transition, based upon the phasing agreement and exactly what was approved and how that would affect those communities that are still to be annexed.

So we have set up a joint City-County informational meeting. The City called it – instead of an agenda they said a program, because none of it is action items, but that is for Thursday night, June 13<sup>th</sup>, 5:30 to 7:30 here in the chambers. What we have on there is really a presentation and restatement of what was approved by both governing bodies, what that annexation process will be on the City's side, and then those individual phasing agreements, the road improvements, water/wastewater, solid waste, law enforcement, to include animal control and fire – how that phasing will happen. So that will be this Thursday night, just a discussion and presentation by the staff of both City and County on all of those agreements.

CHAIR HOLIAN: Commissioner Chavez.

COMMISSIONER CHAVEZ: Solid waste and recycling. Katherine, it may have been in there and I apologize, but solid waste and recycling? It's in the equation?

MS. MILLER: Madam Chair, Commissioner Chavez, yes.

COMMISSIONER CHAVEZ: Okay. Thank you.

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I had one item for Ms. Miller.

We had a brief discussion on it a few times and I've had some comments in public meetings. But we have Commissioner Stefanics sits on the board for the Association of Counties. Commissioner Mayfield's been spending a lot of time with the Association of Counties at the national level and our chair, Commissioner Holian, was at the state board meeting the other day for the Association of Counties and I've been getting involved through Workman's Comp in the regional, Western Interstate Region. So I just wanted to encourage you to encourage, as I know you have, but encourage your directors and the elected officials to continue sending our employees to Association conferences and meetings, County EDGE classes. I know that in years past that was something that economically was one of the first things to get cut, which I didn't necessarily agree with because I think it's important for our staff at all levels, not just management level, but all levels to be able to be engaged in the Association of Counties and what happens there. They're working alongside colleagues and fellow employees from throughout the state of New Mexico and I think it's very important that we have a large presence as a Class A County in Santa Fe County. So I just wanted to publicly say that and encourage you to encourage your department heads and the elected officials to do that and to remember it's not just reserved for management level. There's management level participation all the way down to every single function that the County has and even the subgroups that happen in the open meetings that occur in the general sessions, there's a lot of valuable information there. So I know you've done it so I want to encourage you to encourage it even more within all the departments throughout the County because we, through our leadership here are as Commissioners and other elected officials, our Clerk and our Treasurer and all the offices. I think it's just really important and I can't emphasize it enough to participate at all levels of the Association that we can.

MS. MILLER: Madam Chair, Commissioner Anaya, thank you for bringing that up. As a matter of fact, as you said, you've had a lot of discussions about it and it's come up in the budget process. We did increase the budget in training Countywide to encourage more people to do not just continuing education relative to degrees but also certifications through the New Mexico EDGE program in association with the Association of Counties, and next week is the Association of Counties meeting in Clovis and EDGE classes and we have quite a few County employees going, as well as Commissioners. So thanks for bringing that up.

CHAIR HOLIAN: Anything else, Katherine?

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: But on that point I think we even have our Manager teaching at those EDGE or presenting at those EDGE classes, don't we?

MS. MILLER: Madam Chair, Commissioner Mayfield, not next week but I have taught some of the EDGE classes here in Santa Fe and in Albuquerque. So I've subjected some of our County employees to my tutelage on budgets and finance.

CHAIR HOLIAN: Thank you, Katherine.

## **XVII. MATTERS FROM THE COUNTY ATTORNEY**

### **A. Executive Session**

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

**i. *Centro Beneficiente União do Vegetal v. Board of County Commissioners* (No. 12-CV-00105)**

**ii. *New Mexico Gas Company et al. v. Board of County Commissioners* (No. D101-CV-2009-02050)**

**iii. *James Naranjo Plaintiff v. Santa Fe County Sheriff's Department and Sheriff Greg Solano* (D 0101-CV-2007-03111)**

#### **2. Limited Personnel Issues**

CHAIR HOLIAN: Matters from the County Attorney. Do we need an executive session?

MR. ROSS: Madam Chair, we need an executive session to discuss pending or threatened litigation in the three cases listed there.

CHAIR HOLIAN: And I would like to add limited personnel issues to that. Is there a motion?

COMMISSIONER STEFANICS: Madam Chair, I move that we go into executive session to discussion pending and threatened litigation and limited personnel issues.

CHAIR HOLIAN: Is there a second?

COMMISSIONER CHAVEZ: Second.

CHAIR HOLIAN: Roll call please.

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

[The Commission met in closed session from 6:27 to 7:40.]

CHAIR HOLIAN: I will now call the Santa Fe County Board of County Commissioners back to order. It is 7:40. Do I have a motion to come out of executive session?

COMMISSIONER STEFANICS: I'll move that we come out of executive session having had the five County Commissioners, our County Attorney, our Deputy County Attorney, our contract attorney Nancy Long, our County Manager and our HR Director present, and we discussed pending or threatened litigation and limited personnel issues.

COMMISSIONER MAYFIELD: Second, Madam Chair.

CHAIR HOLIAN: Okay, I have a motion and a second to come out of executive session.

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

**XVII. B. Presentation Concerning the County Codification Project.**

CHAIR HOLIAN: I am proposing that we table item XVII. B about the County codification project until our next meeting because our County Attorney has a presentation and it will be best to have more people present when that presentation is made.

COMMISSIONER ANAYA: So moved.

CHAIR HOLIAN: Okay. Is there a second?

COMMISSIONER CHAVEZ: Second.

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

**XVIII. PUBLIC HEARINGS**

**A. Growth Management Department**

- 1. BCC CASE # 13-5150 One West Bank FSB Vacation of Easement.  
One West Bank FSB, Applicant, (High Desert Surveying, Inc.)  
Dean L. Shrader, Agent, Request Approval to Vacate a Platted  
Twenty Foot (20') Wide Public Utility and Drainage Easement on  
25 Acres. The Property is Located at 42 Lime Kiln Road, within**

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**Section 33, Township 15 North, Range 10 East (Commission District 4)**

MIKE ROMERO (Case Manager): Good evening. The subject property originally was made up of two legal non-conforming lots that were consolidated into one lot in May of 1999, and is considered a legal lot of record. There is currently one dwelling unit, two accessory structures and one barn/horse stable on the property. Staff has found no record of development permits for the horse barn and one accessory structure. The existing twenty-foot wide public utility, drainage and ingress/egress easement runs parallel east to west on the property. The Applicant wishes to relocate the easement to the southeast and west of the residence due to the easement running through a portion of the existing residence. The following utility companies have reviewed and signed the proposed easement survey: New Mexico Gas Company, Public Service Company of NM, Century Link, Comcast Cable and Eldorado Area Water & Sanitation District.

Staff recommendation: Approval to vacate a platted twenty foot wide public utility, drainage and ingress/egress easement on one lot totaling 25 acres. If the decision of the BCC is to approve the Applicant's request, staff recommends imposition of the following conditions. May I enter these into the record?

CHAIR HOLIAN: Yes, you may.

[The conditions are as follows:]

1. The applicant shall file the portion of the Final Plat (Tract 1-A) affected by the vacated easement with the County Clerk's Office (As per Article V § 5.7.3).
2. The Applicant must provide proof of permits or proof that the structures on the property are legal non-conforming. If the Applicant cannot provide proof that the structures are legal, then the Applicant must obtain After the Fact development permits (As per As per Article II, § 4.5.2b Article II, § 2).

MR. ROMERO: I stand for any questions.

CHAIR HOLIAN: Are there any questions for staff?

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I appreciate the presentation. This requests provides cleanup language and clarity in a situation that's pretty much unresolvable unless we move the easement because of the structures. Is that an accurate reflection of the easement that's in place?

MR. ROMERO: Correct.

COMMISSIONER ANAYA: Thank you, Madam Chair.

CHAIR HOLIAN: I have a question, Mike. Is there any utility structure currently in that easement?

MR. ROMERO: What's indicated on the plat is that there is a utility easement that runs through there. As far as any structures on the property –

CHAIR HOLIAN: I mean is there anything actually in the easement, like any electric lines or anything like that?

MR. ROMERO: I believe there is. According to the survey plat I believe there was designated and marked. I believe one of the utility companies did go out there and mark the area. When I went and conducted my site visit, as to which utility company it wasn't, I couldn't tell you; I don't know.

CHAIR HOLIAN: So there is some infrastructure that actually goes underneath the house then.

MR. ROMERO: Correct. And I think to clarify that – I've got Dean Shrader who can probably clarify that answer.

CHAIR HOLIAN: Right. Is the applicant here? Please step forward and state your name and address for the record, and if you're not an attorney, please be sworn in.

[Duly sworn, Dean Shrader testified as follows:]

DEAN SHRADER: I m not an attorney. My name is Dean Shrader, address, 1925 Aspen Drive, Santa Fe. My understanding is that there is no utility within the easement, that it is vacant. The easement originally was a typical easement that went around one of the large Eldorado tracts, and it was set up, if you're familiar with the Eldorado large tracts they had drainage and utility easements around all sides of each parcel and that's what this was originally. So there never was any utilities installed. The utilities come up Lime Kiln Road and then service the house but they don't run within this easement. We've had the utility companies out there, all of them, and they've all signed off on the plat acknowledging the vacation.

CHAIR HOLIAN: Thank you, Mr. Shrader. Any further questions for the applicant? Commissioner Chavez.

COMMISSIONER CHAVEZ: More for staff, maybe. Not to disrespect the applicant, but in vacating this easement then that would mean that this would be buildable area, basically, right? Or now if it's an easement, you're not supposed to build on that dedicated easement?

MR. SHRADER: Madam Chair, Commissioner Chavez, from my understanding, for vacating the easement that's been recorded on the plat and just moving it to the south, I believe it was to the southwest of the property line, which is essentially towards the bottom of the house, there's an arroyo that runs through, which is a drainage easement, and also from my understanding when it as platted it wasn't – there was some concern it might not have been recorded correctly. So they want to correct that by relocating in and distinguishing from the plat and making the correction if they were ever able to lay the line there, that it would flow, that a [inaudible] doesn't run through the residence.

COMMISSIONER CHAVEZ: Got it. Thank you, Madam Chair.

CHAIR HOLIAN: Any further questions?

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Just a question for staff or the applicant. So

there is nobody I guess downstream or upstream of this utility easement that is provided any service or potential service off of this utility easement?

MR. SHRADER: No, the house is kind of at the end. It's almost a dead-end road. You can see it kind of on the County map that was attached. The utilities come up from the Village of Lamy and kind of end here with the exception at the end, there's a buried telephone line that runs through there that goes all the way through Eldorado up to Los Vaqueros that goes way out there. So there is a line that runs through there. Now we – that line is platted and is not affected by this and we did not break the chain of this easement. So in other words as it comes into the property we vacated it but we also made like a V shape around to make sure that the easement is still connected.

COMMISSIONER MAYFIELD: Madam Chair, so the utilities will still have an easement around.

MR. SHRADER: Yes. They can still get through. They still have an easement around the house.

COMMISSIONER MAYFIELD: That's all I have. Thank you, sir.

CHAIR HOLIAN: This is a public hearing. Is there anyone here who would like to speak on this case, either in favor or in opposition? Seeing none, the public hearing is closed.

MR. SHRADER: Can I – I would like to ask something. Mike had noted about the structure. There's currently one dwelling unit, two accessory structures. Staff has found no record of development permit for the horse barn and one accessory structure. And then in staff recommendations #2 they say if we don't have the proof of permits that the property there is legally non-conforming that we have to get an after-the-fact development permit, and I don't know which structures don't have permits.

CHAIR HOLIAN: Mike, could you address that?

MR. ROMERO: Madam Chair, Commissioners, the structures in question would be there is a small storage unit that's right before the pool house. That's the structure that I couldn't find any permits for, and then also the horse stable and the barn, which is I guess would be to the northeast of the house, the main residence.

CHAIR HOLIAN: Okay. Thank you. Yes, Mr. Shrader.

MR. SHRADER: The structure that he's talking about by the pool house shows on the plat from 200 which was signed off by Land Use I'm pretty sure. There's the pool. So the structure that he's asking about does show on the plat that was recorded in 2000 and signed off by staff, so –

CHAIR HOLIAN: It's recorded but I guess it doesn't have a permit. Is that correct?

MR. SHRADER: It's a small. Yes. I don't know if it doesn't have a permit but it's a small, like a utility shed structure. And the barn does not show on the old survey so the barn might have been built without a permit. I'm not involved with the property; I'm just a surveyor.

CHAIR HOLIAN: So are you okay with getting the permits?

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MR. SHRADER: For the horse barn? And the accessory structure? But we shouldn't have to do it on that since it shows on the plat, right?

MR. ROMERO: You have to prove it has a permit.

CHAIR HOLIAN: Oh, okay.

MR. SHRADER: Yes.

CHAIR HOLIAN: Okay. Yes, Commissioner Anaya.

COMMISSIONER ANAYA: I just want clarity on what you're talking about right now. If there's a plat that's signed off that shows the accessory structure that the County signed off on, then I would probably tend to agree that we don't need a permit on that if we signed off on that plat. Now if there's not – if the barn is not on that plat, then I think we absolutely need a permit for that one. That's my take on it. No?

CHAIR HOLIAN: Vicki, do you have a comment on that? Or Wayne?

COMMISSIONER ANAYA: Are you guys okay if they signed off on the plat with the accessory on there but the barns not on there?

VICKI LUCERO (Land Use Department): Madam Chair, Commissioner Anaya, if the structures were actually shown on the plat that we approved then we would recognize them as legal structures. If they were not there then they would require permits.

COMMISSIONER ANAYA: So based on what the gentleman just said then the only one would be the barn that's not reflected on that plat.

MR. ROMERO: Madam Chair, Commissioner Anaya, correct.

COMMISSIONER ANAYA: Okay. Thank you, Madam Chair.

CHAIR HOLIAN: Well, I think, Commissioner Anaya, I think that the way that condition #2 is worded it should be okay. It says the applicant must provide proof of permits or proof that the structures on the property are legal non-conforming. Is there a motion?

COMMISSIONER STEFANICS: Madam Chair.

CHAIR HOLIAN: Commissioner Stefanics.

COMMISSIONER STEFANICS: I have a comment and then I'd like to pass on to our County Attorney. When it comes time for code and if Penny was here I'd be directing it to her and you. I want to make a comment about the new code. I think that we have gone overboard about when people need permits. And I'm not talking about building onto homes. I'm talking about a stable. I'm talking about little storage units, etc. So I really hope that when we are looking at the new code, and I bet you're going to get a lot of agreement about that, that stuff like that is taken out.

MR. ROSS: Madam Chair, Commissioner, it's way taken out. It's been out for a long time. It should be a lot simpler and easier for people to do things with a zoning map and a zoning table with a whole list of permissible uses for which if you use the property for that purpose you don't have to get a permit. Our current system is, as you've observed, very difficult.

COMMISSIONER STEFANICS: Thank you very much, Madam Chair.

CHAIR HOLIAN: Okay. Is there a motion?



COMMISSIONER ANAYA: Are you okay? It's in your district, Madam Chair.

CHAIR HOLIAN: Okay. Then I will make a motion then to approve with staff conditions.

COMMISSIONER ANAYA: Second.

CHAIR HOLIAN: Okay. I have a motion and a second for approval with staff conditions for BCC Case #13-5150.

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

CHAIR HOLIAN: Thank you, Mike and thank you, Mr. Shrader.  
Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I have a lot of questions that come in and I rely on Vicki and Wayne and Penny to answer a lot of those questions on a daily basis. And just coupling on what Commissioner Stefanics says, I think we need to make sure we're all on the same page as to what's in the recommended code and that staff is all on the same page with that because I too agree that there are some structures that are for ag purposes or small accessory structures in nature that we shouldn't be overburdening our public and shouldn't even have permits in several of those cases. So as long as we're clear across the board and everybody's singing on the same sheet of music I think that's going to be important because right now, it is required for everything. Right, Mr. Dalton?

WAYNE DALTON (Land Use): Madam Chair, Commissioner Anaya, that's correct.

COMMISSIONER ANAYA: Thank you, Madam Chair.

CHAIR HOLIAN: Thank you.

**XVIII. A. 2. CDRC CASE # Z 13-5060 Robert & Bernadette Anaya Master Plan/Preliminary Development Plan. Robert & Bernadette Anaya, Applicants, Talia Kosh, Agent, Request Master Plan Zoning Approval for a Commercial Towing Business as a Special Use Under the Village of Agua Fria Zoning District Ordinance Use Table (Ordinance No. 2007-2). The Property is Located at 2253 Ben Lane, within the Traditional Community of Agua Fria, within Section 31, Township 17 North, Range 9 East (Commission District 2) [Exhibit 2: Letter of Opposition]**

JOSE LARRAÑAGA (Case Manager): Thank you, Madam Chair. On August 14, 2012, the Board of County Commissioners approved a request, by the Applicants, for a variance to allow a towing business as a Special Use under Ordinance No. 2007-2, § 10.5, Village of Agua Fria Zoning District Use Table. A special use is an allowed use which is subject to Master Plan approval by the BCC. The use as a towing company falls under the

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category of vehicle service not listed which is not allowed as a use as outlined in the commercial use category within the Traditional Community Zoning District.

On April 18, 2013, the County Development Review Committee met and acted on this case. The request before the CDRC was for Master Plan Zoning and Preliminary Development Plan approval. Staff recommended Master Plan approval as the request for Preliminary Development Plan was incomplete due to non-compliance with Article V, § 7.1.2.e & § 7.1.2.j, and Article III, § 4.4. The decision of the CDRC was to recommend approval of the Applicants' request for Master Plan and denial of the Applicants request for Preliminary Development Plan. The Applicants have since altered the submittal to reflect the request for Master Plan Zoning only.

The Applicants request master plan zoning approval to allow a towing business on .33 acres. The request is to allow the storage of eight tow trucks on the site. The Applicants propose to divide the existing .70-acre parcel and create a .33-acre lot to be utilized for the towing business. The remaining lot, which is where the Applicants currently reside, will remain as residential.

The Applicants state that there is a need for the tow trucks to be in close proximity to their residence to be able to respond to any emergency calls in a timely fashion. The Applicants also state that they wish to utilize the .33-acre site to store personal recreational vehicles.

Staff's response: the .33 acre site shall maintain a hammerhead 60' in length and 20' in width, parking spaces for eight large tow trucks, and the circulation of these vehicles, landscape, retention ponds and a dumpster. To combine the placement of two recreational vehicles, one boat, two low-boy trailers and other personal vehicles with the proposed towing business may significantly hinder the business activity on the site.

Ordinance No. 2007-2, § 10 states, a Special Use is allowed only if a Development Plan and Master Plan are reviewed and approved by the Board of County Commissioners.

Article V, § 5.2.1.b states: a Master Plan is comprehensive in establishing the scope of a project, yet is less detailed than a development plan. It provides a means for the County Development Review Committee and the Board to review projects and the subdivider to obtain concept approval for proposed development without the necessity of expending large sums of money for the submittals required for a preliminary and final plat approval.

Article V, § 5.2.4.b.2 & 3 state, the County Development Review Committee and Board shall consider the following criteria in making determinations and recommendations for approval or amendment of master plans. Suitability of the site to accommodate the proposed development; suitability of the proposed uses and intensity of development at the location.

Building and Development Services staff have reviewed this project for compliance with pertinent Code requirements and have found that the facts presented support the request for Master Plan: the Application is comprehensive in establishing the scope of the project; the Application satisfies the submittal requirements set forth in the Land Development Code. The review comments from State Agencies and County staff have established findings that this

Application is in compliance with state requirements, Ordinance No. 2007-2 and Article V, § 5, Master Plan Procedures of the Land Development Code.

Staff recommendation is approval for Master Plan Zoning to allow the storage of eight tow trucks, to be utilized as a towing business, on .33 acres, subject to the following conditions. Madam Chair, may I enter these conditions into the record?

CHAIR HOLIAN: Yes, you may.

[The conditions are as follows:]

1. Master Plan with appropriate signatures shall be recorded with the County Clerk, per Article V, § 5.2.5.
2. Preliminary and Final Development Plan shall be submitted within a timely manner, meeting all criteria set forth in Article V, § 7, to be reviewed and presented to the CDRC for consideration.
3. The Applicant shall comply with Ordinance No. 2007-2, § 10.6 (Density & Dimensional Standards).
4. Storage of towed vehicles shall not be permitted on this site as per the 1989 decision of the Extraterritorial Zoning Authority. A note stating that the storage of towed vehicles on the site shall not be allowed shall be placed on the Master Plan.

MR. LARRAÑAGA: Thank you, Madam Chair and I stand for any questions.

CHAIR HOLIAN: Are there any questions for staff? Commissioner Chavez.

COMMISSIONER CHAVEZ: Yes, Mr. Larrañaga, in your – the information that you provided in the packet, on page 4 of your amended letter/request for master plan, you stated under the category or the paragraph of access and fire code, you stated that the driveway entrance meets the 20-foot minimum width, however, access does not meet the required 28-foot radius. So in this case it seems as though we're accepting the minimum requirements, so I wanted to just raise that as a question. This is also – this language is also in Appendix H, I believe.

CHAIR HOLIAN: What page are you on, Commissioner Chavez? Is it called NB-20?

COMMISSIONER CHAVEZ: NBA-20, actually 21. And I didn't see that, Mr. Larrañaga, in your conditions of approval. Well, maybe because we're accepting the minimum requirements.

MR. LARRAÑAGA: Madam Chair, Commissioner Chavez, this is part of the submittal from the applicant. Again, the master plan is conceptual. In the drawings they are showing conceptually that they do have, that they're going to need the 28-foot radius as you see in NBA-35. They show that, and then the access road is –

COMMISSIONER CHAVEZ: So is there a better – if you look at Exhibit 2, also, is that what you're referencing?

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

COMMISSIONER CHAVEZ: Okay, so that – the master plan in Exhibit 2, that shows the 28-foot easement then? The 28-foot radius?

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MR. LARRANAGA: Madam Chair, Commissioner Chavez, correct. That's on NBA-35. Conceptually they are showing the radius on that.

COMMISSIONER CHAVEZ: Thank you, Madam Chair. That's one question I had, and then the other question I have in reading your summary, Mr. Larrañaga, there's discussion about the number of trucks in one paragraph that says eight large tow trucks and in another section it says the application shows a nine-space gravel parking lot. Can you explain that?

MR. LARRAÑAGA: Madam Chair, Commissioner Chavez, yes. Originally they came in for eight tow trucks and when they brought in the drawings the drawings illustrated nine spaces where the tow trucks were supposed to park. That would be to the north side, if you look at that same exhibit on the master plan drawings on Exhibit 2. On the north side, that's where the tow trucks are to be parked, but they came in with nine spaces.

COMMISSIONER CHAVEZ: So we're really approving – the correct number of spaces would be eight then.

MR. LARRAÑAGA: Madam Chair, Commissioner Chavez, the amount of tow trucks that they're requesting is eight. They're showing nine spaces but for eight tow trucks.

COMMISSIONER CHAVEZ: Okay, well, that confused me a little bit. And then in here there's language that says eight tow trucks, just simple, and then eight large tow trucks. Are they all the same size tow truck?

MR. LARRAÑAGA: Madam Chair, Commissioner Chavez, they are different sizes. There are some semi-tow trucks to tow semi vehicles or semi-trucks, or larger vehicles I should say. But there are the platform trucks where they can load a car onto it.

COMMISSIONER CHAVEZ: And so the 60-foot hammerhead and the 28-foot radius accommodates the larger vehicles?

MR. LARRAÑAGA: Madam Chair, Commissioner Chavez, actually the radius for the access on Ben Lane off of Agua Fria, that was actually brought up by Fire because of the width of the road, and Buster Patty is here so he could probably explain that a little better, but because of the width of the road at 20 feet they need that 28-foot radius. The hammerhead is actually for a Fire Marshal requirement also because it is a dead-end road and that way they have room to turn around their equipment in case of an emergency.

CHAIR HOLIAN: Marshal Patty, would you like to address the 28-foot radius?

BUSTER PATTY (Fire Marshal): Madam Chair, Commissioner Chavez, the 28-foot inside radius is what is actually in the code book for a 20-foot wide road entrance. As you can well see, in the city sometimes the radius on the curves is much less than that. That's because the road gets wider. As the road is wider the radius can be much less. But on a 20-foot wide road it requires a minimum of a 28-foot inside radius on the curves to accommodate fire equipment, which would in turn accommodate any size truck that he has.

CHAIR HOLIAN: Any further questions?

COMMISSIONER CHAVEZ: That's it. Thank you, Madam Chair.

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CHAIR HOLIAN: Commissioner Mayfield and then Commissioner Stefanics.

COMMISSIONER MAYFIELD: Thank you. Question for staff, please. Mr. Larrañaga, as far as the agency review, why did you contact NMDOT and what approval did they give?

MR. LARRAÑAGA: Madam Chair, Commissioner Mayfield, any master plan or development plan usually goes to DOT, even though it's not off a DOT right-of-way, but automatically we send them to DOT, to Environmental, to State Historic Preservation, for their review and comments.

COMMISSIONER MAYFIELD: And just because of the business and I guess my background, would you think of contacting the PRC to see if they would have any thoughts on the business and the site location?

MR. LARRAÑAGA: Madam Chair, Commissioner Mayfield, we probably won't ever send it to them. What we're looking for, again, is how it fits into the Agua Fria ordinance, how it complies with that ordinance and the Land Development Code.

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

CHAIR HOLIAN: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair and thank you, Jose. A couple questions. I believe that this has carried over for a while, correct?

MR. LARRAÑAGA: Madam Chair, Commissioner Stefanics, that's correct.

COMMISSIONER STEFANICS: And we had requested that a mediation occur? I'm reading in here that Commissioner Virginia Vigil requested that.

MR. LARRAÑAGA: Madam Chair, Commissioner Stefanics, that's correct. During the variance process there was mediation recommended by this Board, by the Board of County Commissioners. We did get a mediator and in the minutes it explains that the mediator was here at the hearing. The mediator said that they couldn't do any kind of mediation and that's when the Board went forward with the approval of the variance.

COMMISSIONER STEFANICS: So are you indicating, Madam Chair, Jose, that in the mediation there was absolutely no negotiation that occurred?

MR. LARRAÑAGA: Madam Chair, Commissioner Stefanics, there was no mediation at all.

COMMISSIONER STEFANICS: Okay. So Madam Chair, Jose, based upon some of the questions that Commissioner Chavez was asking, would it be possible as we proceed to think about conditions that would limit the number of vehicles on that property? Because I remember there was other property for storage of vehicles, but I wondering if the number of vehicles that are permitted there would appease some of the community. Has that come to any discussion?

MR. LARRANAGA: Madam Chair, Commissioner Stefanics, there hasn't been any formal discussion with the applicant as far as limiting them. I believe staff has kind of reviewed it for eight tow trucks. The applicant threw in the personal vehicles and flat bed trailers and so on. They did come up – one of the reasons we recommended denial of the

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preliminary development plan at CDRC, at that point in time they didn't have a circulation plan. They have since submitted a circulation plan and proved to us that they do have room and be able to circulate those vehicles, personal vehicles and eight tow trucks on that piece of property.

COMMISSIONER STEFANICS: Thank you, Madam Chair. That's all for now.

CHAIR HOLIAN: Any further questions for staff? Is the applicant here? Please come forward, and if you are not an attorney please be sworn in and state your name and address for the record.

TALIA KOSH: Madam Chair, Talia Kosh, attorney for the applicant.

[Robert Anaya and Bernadette Anaya were sworn in.]

BERNADETTE ANAYA: Yes.

ROBERT ANAYA: Yes.

MS. KOSH: Madam Chair, Thank you. I'd just like to stress that this master plan is a conceptual plan and again Jose, Mr. Larrañaga, has spoken to the fact that currently, because we did provide a circulation plan that we do have a bit more than what's needed for a master plan and of course we have many more details to establish and provide ahead of us. But we would just like to remind the Commissioners that this is a request for master plan at this time.

CHAIR HOLIAN: Thank you, Ms. Kosh. Any further comments at this point? Any questions for the applicants?

COMMISSIONER CHAVEZ: I have –

CHAIR HOLIAN: Yes, Commissioner Chavez.

COMMISSIONER CHAVEZ: Could you tell us, of the eight trucks that you're going to have there how many are the larger trucks that you use for your larger calls or your larger vehicles?

MS. KOSH: Commissioner Chavez, that was a question that I did want to address and I want Mr. Anaya to speak to in total an explanation of all the wreckers that will be parked back there.

MR. ANAYA: Could you repeat the question, please?

COMMISSIONER CHAVEZ: Well, I just was asking, of the eight tow trucks that you're going to be parking there – I guess I'll have maybe two or three questions under that. You're requesting to park eight tow trucks there. Are those eight going to be parked there all the time? And of those eight, how many are the larger trucks and how many are the smaller trucks.

MR. ANAYA: Of the eight we have four.

COMMISSIONER CHAVEZ: Four larger trucks.

MR. ANAYA: They vary in size. They vary in size from a 20-ton wrecker to a 50-ton wrecker.

COMMISSIONER CHAVEZ: 20 to 50-ton. But are they all the same length?

MR. ANAYA: No, they're not.

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COMMISSIONER CHAVEZ: Okay, 20 to 50-ton. And then the other four are the smaller tow trucks.

MR. ANAYA: They're what you call your smaller to medium size tow trucks.

COMMISSIONER CHAVEZ: Okay. And then are all eight parked there all the time?

MR. ANAYA: It's hard to say all the time, but most of the time.

COMMISSIONER CHAVEZ: Okay. Well, here's my dilemma. I know that this is conceptual, but conceptually I have a hard time, with all due respect to the Anayas, with a towing company in the middle of a residential neighborhood. Because essentially, the Agua Fria Village is a neighborhood. That's how I look at it. And so my struggle is to try to balance the need for you to have your business on a property that you've owned and you've been operating that business there for I guess 20 years now – granted, without a permit. That's beside the point right now. And so I want to balance your needs with the needs of the neighborhood.

So the first question I want to ask is – and I think Commissioner Stefanics was going in that direction – I would be more comfortable allowing you to continue your business there but only permitting or allowing the small, the four small trucks to be there. Okay? That would be my preference. Then I also want to ask the applicant, because the condition of approval of the 28-foot radius was not in the conditions of approval. Are you going to be able to invest in that property to make those improvements?

MS. KOSH: Commissioner Chavez, just one comment on your first suggestion on parking the four smaller vehicles there.

COMMISSIONER CHAVEZ: Larger.

MS. KOSH: Well, not parking the larger ones is what you suggested, correct? We'd just like to remind the Commission that this variance as requested – and I understand your concerns but it was approved conditional upon our meeting all of the different code requirement which, yes, is still in front of us and we still are making attempts to secure that radius including the movement of – and an application to move the PNM pole among other issues that are still in front of us for the preliminary and final. There's a lot more detail that will have to go into this. We do understand that.

COMMISSIONER CHAVEZ: So you're accepting the need to make the investment for that 28-foot radius?

MS. KOSH: Yes, Commissioner Chavez.

COMMISSIONER CHAVEZ: And you would accept that as a condition of approval?

MS. KOSH: I believe that that is – that that was a condition of approval moving forward with the variance by this Commission. And one other comment, just on the area in general, is there's many mixed-use, small businesses in the area and other tow trucks companies in the area so taking into account the mixed-use nature of the neighborhood that they live in, we'd just like to remind the Commissioners of that fact.

COMMISSIONER CHAVEZ: Okay. I want to ask staff a question. Mr. Larrañaga, this 28-foot easement, is it something that the applicant has to – I know that they've acknowledged that it has to be done. If we approve this and they're not able to do that 28-foot radius, then what happens?

MR. LARRAÑAGA: Madam Chair, Commissioner Chavez, if the master plan gets approved – again, it's conceptual and we record that – they would have to come back with the preliminary and final development plan to go forward to the CDRC, the County Development Review Committee. With that final development plan they would have to show easement. They would have to replat the property also to split the property into two .32-acre lots, and they would have to show the radius on that with the easement. So if they acquire the easement or if they just get the easement from the property owners that would have to be shown on that plat and on the final development plan. On the plat, to separate the property to show the easement, that signature of the property owner, if they're just allowing that easement would have to be on that plat also. So basically they couldn't go forward with any kind of preliminary or final development plan without those radiuses.

COMMISSIONER CHAVEZ: Okay. I want to go back to the variance that was approved, and this is something that I kind of inherited, so bear with me. The variance granted conceptual approval to park eight tow trucks on the lot that will be designated as commercial.

MR. LARRAÑAGA: Madam Chair, Commissioner Chavez, no. The variance was to allow to be considered as a special use under the table of the Agua Fria ordinance. Now they are considered – a tow truck company is now considered a special use. Under the special use they have to come forward to the CDRC and to this Board with a master plan and also with the preliminary and final development plan, meeting all the other requirements of the Agua Fria Ordinance, and the Land Development Code.

COMMISSIONER CHAVEZ: Okay, so the number eight is only the number of trucks they're working with. That's what they run their business with, and the circulation pattern or plan that you've identified accommodates those eight vehicles.

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

COMMISSIONER CHAVEZ: If they're all there at the same time?

MR. LARRAÑAGA: Madam Chair, Commissioner Chavez, yes. If they're all there. I did scale it off when they submitted so they have enough – I believe each parking area is like 30 feet – I was just glancing at it now. It's about 30 feet deep and they have approximately from 40 to 50, almost 60 feet to back out or drive forward and back into those parking spaces, plus also they proved that they can accommodate some other vehicles, whether it's a mobile home or a camper trailer or whatever on the other side if they're all parked correctly and of course in designated parking spaces. At final development plan they will have to designate those parking spaces through parking bumpers, which could be railroad ties and that would designate the parking.

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COMMISSIONER CHAVEZ: Okay, and then there was also a concern about safety vehicles not being able to access some of the residential properties along Ben Lane or in that general area. Will that be addressed with this master plan if it's approved?

MR. LARRAÑAGA: Madam Chair, Commissioner Chavez, I believe you're talking about tow vehicles parked on Ben Lane and possibly Mr. Patty can address this as far as access. Naturally, if there's a large tow truck parked on Ben Lane it would be harder for the Fire Department to get in there with an ambulance or a fire truck or whatever the case may be, and get out, to circulate. So, yes, we would – they haven't submitted anything that they are going to park on Ben Lane. Part of that would maybe be part of the business license. If approved through the master plan and development plan the applicant would have to get a business license to stow the tow trucks there and get a home occupation for the residence so they could do their calls and receipts and everything else. Part of those conditions would be that they wouldn't be parking on Ben Lane.

COMMISSIONER CHAVEZ: Are you okay with that? Good. Okay.

CHAIR HOLIAN: Any further questions?

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I, like Commissioner Stefanics, remember the discussion – we had several discussions related with this case and I, as reflected in the minutes, advocated that they be able to sustain their business and continue operating their business. But if you also look in the minutes at my comments I also reflected that there was also going to have to be some give and take associated with going forward and it would meet exactly the letter of what exists today. So I just wanted to offer that comment to couple with Commissioner Stefanics' comments. And the reason I make that comment is because I believe in the dialogue that we were having as Commissioners, and Commissioner Chavez wasn't here at the time, some of the compromise that was struck on the Commission was based around that premise that there would be some compromise associated with operations.

So I just want to say that on the record and articulate that if there's any tow trucks that exist in the full business, right now, today, and had existed for that period of 20 years. Or you've built up your business over time, correct?

MR. ANAYA: That's correct.

COMMISSIONER ANAYA: Okay. I just wanted to make that comment because I think it was reflected clearly by Commissioner Stefanics.

MS. KOSH: And Commissioner Anaya, if I may speak to that, the give and take and the sacrifices that need to be made to sort of accommodate the interests of the community at large. They are giving up a significant amount of space for the hammerhead for the entire community of Ben Lane, and that's space that they will not be able to build on or get back, and that benefits the entire community. So I just would like to speak to that.

CHAIR HOLIAN: Thank you, Ms. Kosh. Okay. This is a public hearing. Is there anybody here that would like to speak on this case, either in favor or in opposition? Please raise your hand. And perhaps you could all stand up and be sworn in at the same time.

[Those wishing to speak were administered the oath.]

CHAIR HOLIAN: and please begin to come forward and when you come to the podium please state your name and address for the record. And please speak into the microphone.

[Previously sworn, Rosemary Medrano testified as follows:]

ROSEMARY MEDRANO: Madam Commissioner, members of the Board, my name is Rosemary Medrano and I live at 2094 Botolph Road in the City of Santa Fe. However, I do own property down in the Village of Agua Fria within 100 feet as designated for notification and anyone who has concerns. A couple of things I think that in the hearing tonight have kind of bothered me is that initially, we're talking that eight tow trucks are going to be parked on that property. Now we're hearing that they have nine space for trucks and we're also talking about spaces for recreational vehicles. So that is a concern because if this variance is granted, how are things going to change along the way. If the master plan is approved, the variance is granted. It's my understanding again that everything is in a conceptual environment right now so we really don't know what the end result is going to be. But those are concerns.

When the initial application was made my husband and I submitted a letter to the Commission addressing our concerns in total regarding the allowance of the variance for this business. I would like to take this time now to read the letter as it was issued back in June of 2012, and you should have a copy of this letter in your files. In this letter we're stating that this letter is in response to the owners of the property owners regarding a public hearing for a variance of Ordinance No. 2007-2, Village of Agua Fria Zoning District, etc. to allow a towing business as a special use under the Zoning Use Table.

We are writing to formally record out opposition to the request for a variance. Our concerns are many but for now I can think of at least nine important one. Please seriously consider the following: increased traffic congestion. Granting a variance will result in more in and out traffic flow to the business from the narrow Agua Fria Street by both business operation vehicles and personal vehicle inquiries. Safety and lifesaving events. Increased traffic flow to the business will cause increased interruption and delay of the already congested Agua Fria traffic causing safety issues for law enforcement and lifesaving emergency vehicle response teams.

Current and future property values. Granting a variance will no doubt negatively impact property values now and in the future. Area is designated as residential, and I think that's something that we need to keep in mind here and I appreciate Commissioner Chavez' recognition of that and Commissioner Vigil's recognition of that at the last hearing. Homes for families, children and the elderly. Allowing this variance will result in degrading its intended purpose. Increased noise and light pollution. Granting this variance will create

noise, light pollution undesirable disruption to living standards and unrest to the immediate neighborhood.

Generally a towing business is a 24-hour operation. As such the allowing this variance will increase activity and create undesirable loud noises, wandering vehicle night lights and tow truck flashing lights at all times during the night and the daytime, not to mention the disruption it creates to neighborhood animals and dogs at night.

Granting variance is contrary to traditional community of Agua Fria neighborhood goals. The purpose of the traditional community of Agua Fria is to maintain and nurture a comfortable and peaceful family neighborhood environment.

Dangerous and unhealthy environment. Granting this variance will create an unhealthy and dangerous environment for curious neighborhood children and adults. Junk metal, storage of vehicles brings safety and metal junk concerns. Storage of vehicles and junk metal is an ideal place to breed rodents, snakes, diseases and hazards normally not controlled by easy means. Storage of junk vehicles. Vehicles that are not claimed and/or abandoned become an eyesore and/or become ignored. These vehicles become orphans and are likely never removed from the area for years because of various reasons.

This is all documented, like I said, I the letter that was issued and brought to the County on June 7, 2012. I would like to submit a copy of that for the record. *[Exhibit 3]*

CHAIR HOLIAN: Yes, please give it to our staff.

MS. MEDRANO: And in closing, I would just like to say that we are in opposition of approval of the master plan and we are in opposition of granting the variance for special use. Thank you for your time.

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

[Previously sworn, Henry Romero testified as follows:]

HENRY ROMERO: Good evening. My name is Henry Romero and I am opposing this variance for many reasons, mostly for what Rosemary just mentioned. The pollution of lights, traffic, the movement of vehicles, not to mention that those tow trucks are parked within ten inches of our wall. I also understand that they indicated ten feet. They're definitely not ten feet from our wall. They're within eight to ten inches from our wall. Sometimes back when our wall was knocked down some of those booms were sticking into our own property; that's how close they were backed up. We have pictures indicating those trucks are too close to our wall, and if they approve this variance that's going to continue to go on and on and on. It's been going on for many years.

Also, not to forget, they have not been in that area, that business for 24 years like they mentioned. Actually, they were denied 24 years ago from parking junk cars and using the property as keeping old vehicles for whatever reason. I don't know. There's even a burned truck right now on that property. That's not a recreational vehicle. And then they also mentioned there's only eight tow trucks. At one time they mentioned ten tow trucks. Why they have so many trucks backed up to the wall, I don't understand that and I'm really getting upset with that tonight.

I'm sorry to say this but at this time I'm very upset with the whole situation because the County is not doing their job. You all have not done your job. The PRC has not done their job. Mr. Mayfield at one time worked for PRC. He's aware of all this that's been going on. There's just been a slap on the wrist and it continues and continues. And now I'm getting fed up with it. I'm sorry to say this, but it's true, they're not working, not to our satisfaction or the other neighbors next to the Anayas, which are my other cousins. Those people have to deal with that traffic every day on a daily basis. They have kids, they have grandkids that are back and forth. They have their pets. And that's going to continue to go on and on if this is approved.

Right now they're actually abusing us by parking those trucks that close to our wall. I'm not comfortable with that at all. That's all I have to say.

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

[Previously sworn, Georgia Romero testified as follows:]

GEORGIA ROMERO: First I want to thank Rosemary for her letter because it kind of puts everything into a nutshell. We're talking about ten families. That's what the Anayas say, it affects ten families. They have over a dozen children running in that neighborhood where these tow trucks go to the very end of the property. Yes, there are other businesses in Agua Fria but they all have direct access to the road. They don't go through ten residences to get back onto Agua Fria Street. And then the mixed-use of other companies, every one of those other companies has a County license to work in Santa Fe, in the Santa Fe County area. Two companies did not and it was brought to the attention of the committee. Those two were in the city limits. Everybody else has a license.

In 1989 he was denied parking back there. That's 24 years ago, and he doesn't know he needs a license? If you look at the paperwork it just suddenly came to their attention. It did after they hit our wall. He said it was \$200 to \$500 of damage; it was \$7,000. To this day he has not settled with our insurance company. We're still out our deposit to get the wall going, to get it down. We've had all kinds of problems. They still back up, right up to the wall. I have pictures to show you where they're like inches.

CHAIR HOLIAN: Perhaps you can give the pictures to staff and they will pass them out.

MS. ROMERO: We are dealing with noise, we are dealing with toxic smoke. There's a picture of a truck there that when they turn them on they throw this big thing of diesel smoke up into the air. You can't hang clothes on your clothesline. You hear those trucks coming, I run for my life. I almost died at the last incident. By minutes, I wasn't there when he hit the wall. I had been out getting clothes off my clothesline. You can't barbeque, and the ten residences, people want to have birthday parties, they want to have graduations, they're going to have showers – it just goes on and on. You can't have anything with tow trucks coming right down in front of your house. Because all these pieces of land that are right there where they're going to be trucking are on .75 of an acre, so they're all right there on that easement.

And right now they're not only just parking – they not only park in the back over by our property, because our property runs the whole wall – I mean a wall runs the whole length of their property, of all their properties. And they park on an easement. They park in front of our gas meters. In an emergency, they're this far away from our gas meters. The gas company can't even get in there to do anything. And it's gone on and on. He testified that he parks ten feet away from the gas meters and from the wall. Well, if he lies down – what is he? Less than six feet? If he lies down the back tires of his truck are going to run over him when he backs up to park his trucks.

He said that every one of those railroad ties has been stamped into the ground. It has not been stamped into the ground. We submitted Exhibit 14 and if he is going to be approved we want truck parking blocks and bumpers, we want bollards, a six-inch minimum diameter with 48 inches above ground and two feet underground. We want evergreen trees to block. We've done our research. We know that the tree has to be planted five feet from the wall with still another five feet on the other side. We want trees every five feet scattered so that we don't have to see his trucks. And we don't want little six-foot, eight-foot trees; we want nice tall ones, ten, twelve feet trees.

That would be like 20, 21 trees because they went out there and measured off this land to cover that area. And then he wants personal recreation vehicles. We have burnt trucks. He's got wrecked trucks. He's got tires. Is all that going to go or do we have to put up with that? Because that brings rodents. And on top of rodents, last year, well the summer – not last summer but the summer before we worked with the feral cat program at the animal shelter. We had 27 cats fixed. Every one of them was poisoned. There's a picture of a dead kitten there where they just ran over it. They would get off their trucks and walk right over it and they would not pick it up.

And all this started when they knocked down our wall, because then we wanted a way to keep him off the wall, keep him out of our yard because the back end of the trucks are being parked into our yard when the wall was down. We had to get a restraining order to be able to fix out wall. Matter of fact, he said his friend was going to do it, well, that friend, when our insurance company got everything together and we got a contractor to build the wall and we got a plasterer, his construction friend hired our plasterer to go plaster for him on another job because his construction work doesn't do plastering.

So in case you decide to accept it I know there's more than eight tow trucks because he reported eight to the County originally. He reported ten to PRC, because we've been working with that. He has numerous violations with PRC because he did not report hitting our wall with damage over \$1,000. They were working without CTLs they were questioning their medical certificates for forgery. I have a report for each of you if you want it. It's been a can of worms and we're still dealing with it. It's been a year and a half. And right now, those radiuses off of Agua Fria, the people up there, the C de Bacas don't want to give them that space. They know they're not going to get it. They have to lie. They have to resurvey. All those things before anything can get done.

And then they park on that easement. They park in front of their trailer and cars have to go around them. They block driveways for the C de Bacas, for the other people on that drive. And if you're going to do this they have to have a time limit for the development plan, and a short one. They've been at it; they're not building any buildings. All they're doing is making a parking. And we're asking you please not to approve again, because it affects ten families and there's like a dozen little children running around. There are pets, elderly people.

And yes, you may know what you're doing as a driver but you don't know if you're going to hit gravel, if you're going to – if a child is going to run in front of you. What happens when someone gets hurt? And right now, they need that radius because when they drive out to Agua Fria and they're coming back into Ben's Lane, they drive forward and have to back up into the other lane, onto oncoming traffic. What happens if there's an emergency or a school bus doesn't expect for them to do that? It's putting the whole village in a lot of danger. Who tells these families it's okay for your loved one or your child or your pet to die because no one took the time to really study this and look at the conflicts and know that gradually they moved back. In 1989 they were denied. In 2002, there's a paper in your packets that says her aunt said it was okay to park trucks on her property. All of it was her property, and gradually they moved back and they moved back and they moved back.

Then they were parking on Anthony C de Baca's property. When he planned to bring a trailer in there first he reported him because he didn't have the right permits and didn't want it there. And the day they brought the trailer he parked his tow trucks in there and they had to get the police department to come in make him move his tow trucks so that he could – Anthony C de Baca, Jr. – could park his trailer.

The extra harassment that goes with this, it's uncalled for. But again, I thank you for your time and I really am asking you to put a very strict time limit on it. They've had more than enough time. They've had ten months, that was extra time that was given to the by your committee over what anybody else would have gotten.

CHAIR HOLIAN: Thank you, Ms. Romero.

MS. ROMERO: Could I just say one more thing? On the internet, because Rosemary brought this up, they advertise that they are a salvage junk yard. They not only have this property, they have one on Industrial Road, and they are licensed, they have a place to work out of. It's approved by PRC. They do have a place to work. And then they have one on Prairie Dog Loop which is over by Nancy Rodriguez Center that you can see from [inaudible] all those semis and everything else that's parked there belongs to the Anayas. They have an acre and a half there.

So it's not like this is the only place they can park, and being that it does affect ten residents, I think that the committee should really, really look at this. Thank you.

CHAIR HOLIAN: Thank you, Ms. Romero. Is there anyone else here from the public who would like to speak? Seeing none, the public hearing is closed. Would the applicant like to make any follow-up comments?

MS. KOSH: Thank you, Madam Chair. Yes. I'm not going to go through every single fact that the Romeros have brought up especially. I will refer back to the initial

application that we had for variance that discussed the incredible disputed facts that have been raised, including major slander in the community, major extortion and even the allegations of forgery. These are very serious allegations that will be addressed in separate proceedings. But I would like to remind the Commission that the variance has been approved. A lot of these discussions have already occurred in front of this Commission but I do need to respond to a few of them. And then, number one, recreational vehicles have always been a part of this requires. There's five. They're very specifically laid out in the application and those were approved to be parked on that back lot. And there is sufficient room.

And that's who basically maintain that open space that they can utilize for those recreational vehicles. There's only five. Again, yes, there are nine spaces. There will only be eight vehicles are parked there whether or not the Anayas acquire more or less vehicles. We've had many conversations about this. How many can fit back there? There will be eight parked back there regardless. There are nine spaces in the plan, that's to fill out the spaces but each space can accommodate the largest wrecker, we made sure, can accommodate the largest boom. Then we're talking about making this area safer, so yes, we are going to have bollards. Yes, we are going to have railroad ties. A lot of the other requests like having 21 trees – a lot of these are, that's a lot of trees and that's a lot of water. So a lot of these details have to be considered which I think is more appropriate in preliminary and final plan.

Again, there's no increased traffic. Nothing is going to increase. It's going to maintain the level that it is currently if not less. And they have been in business there for 24 years. When they keep referring to the other neighbors from the community, in 1989 they were denied having an area in the back where they could store wrecked vehicles. So that was taken off the table in 1989. They do not tow vehicles back there. They do have a lot. And again, in response to why they need the lot on Ben Lane to park their vehicles is because their other lot is completely full of cars. They could not fit their wreckers there, and also Prairie Dog Loop is unfenced and is subject to vandalism.

They do have a city license and they were under a misconception that that is all that they needed. That is why we are here today in part. And again, the damage amounts that have been discussed are in dispute and I think that that is all I need to respond to. Thank you.

CHAIR HOLIAN: Thank you. Are there any more questions for staff or the applicant? Commissioner Chavez.

COMMISSIONER CHAVEZ: I have a question for staff. Mr. Larrañaga, the applicants and the adjoining property owners brought up an interesting concept and that is within this development or this proposal there needs to be some type of a buffer between this business activity and the residential component. I know that's going to be very hard to do because everything is so close; the lots are so small. But can you address that? I think that's addressed to some degree but just for the record, touch on that.

MR. LARRAÑAGA: Madam Chair, Commissioner Chavez, yes. In the conceptual plans that are in your packet there they are showing – well, there's an existing six-foot wall between the Romeros and this lot where the proposed storage of the tow trucks is, and the applicants have shown another block wall that would be to the west and then another



one on the south side and some landscape buffering alongside the easement. Also, the landscape, the trees, at preliminary and final we would figure out exactly how many trees they would need and so on, and that's going to have like a ten-foot buffer, and the plans they have do show bollards, so that way that protects the wall when they do back up. I would assume that the way they would use this property is they would back up the tow truck so that in the case of an emergency call they'd be able to just drive straight out. So this way they wouldn't back up into the wall; they'd hit the bollards first. And bumpers of course, railroad ties placed ten feet away from the wall so that any extension of that truck would not hit the wall.

COMMISSIONER CHAVEZ: I don't know if that's going to be enough, but I'm looking again, as I said earlier. I do respect the residential component. I appreciate that, but I also want to support small businesses as much as possible. So having said that I want to make a motion. Wait a minute. Before I make the motion, Mr. Larrañaga, a couple of other questions. Okay. So you dealt with the buffer and sort of separating that from the existing homes and that. There's no way that we can limit the hours of operation?

MR. LARRAÑAGA: Madam Chair, Commissioner Chavez, the Board can put any kind of conditions on this proposal that they want but the type of business that it is, they get called at two in the morning or four in the morning.

COMMISSIONER CHAVEZ: See, and there's the rub right there, because most home occupation, if you're under the home occupation ordinance, and you're running a business like this in a residential neighborhood, you usually have hours of business, hours that you run your business. And so I had to ask, because I think that's only fair. In this case, sure, the nature of the business is going to say, well, we can't make money that way, but that's not being sensitive to the residential component completely.

So anyway, I'll move on to something else. What about the light pollution, especially at night? Can we limit that? Can there be screening on those lights or some kind of buffer to reduce that light pollution at night?

MR. LARRAÑAGA: Madam Chair, Commissioner Chavez, they have proposed again, it's going to lead up to the preliminary and final development plan which they proposed. They did bring in cut sheets and lighting, solar lighting, which is lower to the ground and just kind of so you can see around the yard. Now, the lighting of the trucks, there won't be a six-foot wall around this property until they get out onto the roadway, Ben Lane, that's when you'll see the lights. And just to clarify on the business license, the zoning or the master plan that you're looking at gives them the zoning for a commercial business, so that would be a commercial business on the .33 acres, and to run the books and phone calls and stuff that they would get to go out into vehicles would be run from the home and that would be the home occupation. So in fact they would have two business licenses.

COMMISSIONER CHAVEZ: Okay. Last question. Your staff recommendation says that preliminary and final development plan shall be submitted within a timely manner. Can we impose a deadline or be specific in that area, instead of just leaving it open-ended so that nobody knows if anything is going to happen or when?

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MR. LARRAÑAGA: Madam Chair, Commissioner Chavez, yes. They still are running a business without a business license so it's still a violation until they get this approved and resolved. So the master plan has to be in front of this Board within a certain time limit of approval of the variance, staff was going to pretty much in a timely manner – it could be, once the master plan's recorded it could be – because it is just a tow yard. Of course submit the preliminary and final development plan to go to the CDRC, maybe within three months to go to CDRC after the recordation of the master plan seems feasible.

COMMISSIONER CHAVEZ: Within 90 days of accepting the master plan.

MR. LARRAÑAGA: Of recording the master plan. We'd have to have staff to do the final order and get all the details done for the master plan and recorded so we could probably do that by the end of July.

COMMISSIONER CHAVEZ: Okay. And then I guess – so that would take care of that. So, Madam Chair, I'm going to take a stab at a motion. I'm going to make a motion to approve the master plan with staff's recommendations but I want to modify them and add a couple. That the preliminary and final development plan would be submitted 90 days after the master plan is recorded. And then –

MS. LUCERO: Madam Chair.

CHAIR HOLIAN: Yes, Vicki.

MS. LUCERO: Commissioner Chavez, the master plan would actually be valid for five years so that's technically how long they would have to record it, so it might be better to impose a timeline based on the approval of the master plan, which if that's what occurs tonight.

COMMISSIONER CHAVEZ: So suggest some language then that would be better.

MS. LUCERO: Something based on a timeline from the date of approval, not the date of recordation of the master plan.

COMMISSIONER CHAVEZ: Are you okay with that? Are we tracking?

CHAIR HOLIAN: Commissioner Chavez, just so I can understand, you're saying that they have to submit the preliminary plat application 90 days from master plan approval?

COMMISSIONER CHAVEZ: Well, it would be preliminary and final

CHAIR HOLIAN: Preliminary and final plat.

MS. LUCERO: Madam Chair, Commissioner Chavez, they would be required to submit both.

COMMISSIONER CHAVEZ: Okay.

CHAIR HOLIAN: Okay. Preliminary and final plat within 90 days of master plan approval. Correct?

COMMISSIONER CHAVEZ: Yes. And then my motion would only include three small trucks and two large trucks.

CHAIR HOLIAN: Three large trucks and two small –

COMMISSIONER CHAVEZ: Three small trucks and two large.

CHAIR HOLIAN: Three small and two large.

COMMISSIONER CHAVEZ: That balances the business interest and the neighborhood's needs in my mind anyway.

COMMISSIONER ANAYA: I second that.

CHAIR HOLIAN: Okay. I have a motion and a second. Do we have any further discussion? Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. Questions, a few questions for staff and for the applicant first. One, Jose, Mr. Larrañaga, as far as the variance that we approved back in August of 2012, and I was looking through my packet, but what conditions or staff recommendations did we put on our variance?

MR. LARRAÑAGA: Madam Chair, Commissioner Mayfield, without looking at the minutes I believe the variance was, again, to allow this use to qualify as a special use and one of the conditions I remember was that it come back with the master plan within eight months of approval of the variance, which this month it met that requirement.

COMMISSIONER MAYFIELD: Well, I don't want to go by memory. I want to know if we put any actual conditions on there as far as working with the Romeros to fix their walls, working with – I just want to know what conditions were put on the variance.

COMMISSIONER STEFANICS: It's November and it's page 46 through 49.

MR. LARRAÑAGA: I'm sorry. What pages did you say, Commissioner?

COMMISSIONER STEFANICS: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Stefanics.

COMMISSIONER STEFANICS: We considered it in August. It came back to us in November of 2012 is when we approved and the motion was made by Commissioner Anaya and – it's several pages, the discussion about the motion. Things kept getting added, but if you get to the November.

CHAIR HOLIAN: NBA-135.

COMMISSIONER MAYFIELD: Okay.

COMMISSIONER STEFANICS: Down at the bottom it says NBA-130, 131, that area is when we did the motion and the conditions. It went on for pages.

COMMISSIONER MAYFIELD: I'll just read through it myself.

CHAIR HOLIAN: So, Commissioner Mayfield, the question is what conditions were put on with approval of the variance?

COMMISSIONER MAYFIELD: Madam Chair, is has the applicant complied with all conditions of the variance that we imposed at the time and has staff verified that they've been in compliance?

COMMISSIONER CHAVEZ: That's a good question.

CHAIR HOLIAN: Do we have a copy of the variance, Jose?

MR. LARRAÑAGA: Madam Chair, Commissioner Mayfield, we don't put conditions on a variance. We recommend denial of a variance and therefore we don't put conditions on a variance for approval. Staff recommended denial of the variance and the only

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condition as per these minutes and the final order was that they come in within eight months to present a master plan to the Board of County Commissioners.

COMMISSIONER MAYFIELD: Madam Chair and Jose –

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Typically, when variances come to me on a land use case, as I recall is this Commission will move forward with approval and we do apply conditions. And I know one of the conditions was for this to come back in front of us in eight months with master plan, but I didn't know if any other conditional approvals were given for the variance at that time. That's why I want to make sure. Because again, some photos were put up here and I know there were photos given to us last time, and one of the things, talking to the Anayas also was that they did have these other sites for their yards, and I remember that conversation. I asked that conversation if they had other facilities where they're actually keeping their tow yard because I know it was just alluded to by the Romeros of what the PRC did or didn't do, and they do, the PRC requires a yard where individuals can pick up their vehicles or not pick up their vehicles. In the minutes the Anayas, if I recall, said this is just to store their towing vehicles, not to store any of their – I don't want to even say salvaged vehicles but their recovered vehicles. They take these vehicles to their actual tow yard.

But in the pictures that were just given to us by Ms. Romero, I don't know the date of these pictures or not and I don't know if they're entered into the record or not, but I still see some pretty old vehicles on that property. So I just want to make sure that if that variance at that time said that these vehicles need to be off that property, they need to be off that property. And if they need to be moved to their storage yard then that's where they need to be moved. I want to know if staff has gone out there and assessed that and I don't know if that was a condition of our last, of our variance when we moved forward with it or if not –

CHAIR HOLIAN: Commissioner Mayfield, could I just respond to that? In reading through this it looks like the motion was to approve the variance but then there was toward the end, Commissioner Stefanics made an amendment that if this is a livelihood that has to be adapted, changed, relocated there is a period of time in which to do that. And so it was mostly the imposition of a –

COMMISSIONER STEFANICS: Madam Chair, there's language in there that says you amended Commissioner Anaya's – you put an amendment on Commissioner Anaya's – you put a different condition, and I haven't found that yet.

CHAIR HOLIAN: Okay. Commissioner Chavez, would you like to respond or perhaps Vicki could clarify.

MS. LUCERO: Madam Chair, I was just reading through the minutes and Commissioner Anaya made the motion to approve with conditions represented by Commissioner Holian is what it says, to make sure that they're adequately reflected on the record. But I have to go back and see where there are actually conditions.

COMMISSIONER ANAYA: I could help, provide some clarity.

CHAIR HOLIAN: Yes. We need clarity. Thank you, Commissioner Anaya.

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COMMISSIONER ANAYA: So if you follow through with that recommendation, I asked the question, Madam Chair, made a motion for approval with conditions relative of fire, noted by Commissioner Holian and staff conditions contained on the case if there are any. Are there any? Chair Stefanics: There were no conditions provided. Mr. Larrañaga: Madam Chair, Commissioner Anaya, there were no conditions, just recommendations for denial. Then if you go to the next page it speaks to the questions that I raised that had them been voted down at that time, and I'm paraphrasing now, they would have ceased to have a functional business. Then the question was asked, this continues to afford them the opportunity to go through that process. If they do not get this approval today, then they have to cease and desist operations. Mr. Larrañaga says, Madam Chair, Commissioner Anaya, that's correct.

Mr. Larrañaga: Madam Chair, Commissioner Anaya, yes, the master plan process, preliminary and final development plan meeting all code requirements, which is exactly what we're here with master plan, not preliminary and final. So – and it's reflected in the minutes, based on those discussions the master plan is before us today and there were no conditions established or requirements. That was the purpose of this process in master plan and preliminary and final development plan approval.

So I think the motion on the table is in order.

COMMISSIONER MAYFIELD: And that's fine, but I still have a couple questions.

CHAIR HOLIAN: Yes. You still have the floor, Commissioner Mayfield.

COMMISSIONER MAYFIELD: So again, going back to the site and hearing what the motion is, respecting that the Anayas have all their vehicles that they need to try to accommodate, and that this other site should not be a site for any type of storage vehicles, recovery vehicles. And I think hearing the night sky issues, the start-up vehicle issues of the community – I'm just going to say it – I wouldn't want my son woken up at 3:00 in the morning by a truck starting up or light shining in my bedroom eight. But understanding a long-standing business has been there. That's where the compromise has to take place. But looking at all these pictures that were just afforded to us, I don't know. I'm going to have to ask the applicant Are these – I'm going to call them abandoned – are these vehicles that are not being worked on, are they still on the site? Have they been cleaned up?

MS. KOSH: Commissioner Mayfield, I believe that you are viewing pictures of –

COMMISSIONER MAYFIELD: I'll hand them to you. I don't know if you've had an opportunity to see them. So I think if we can hand them –

MS. KOSH: Yes. I'll take a look at them but I'm assuming that they're pictures of the damaged wall?

COMMISSIONER MAYFIELD: No, no. They're pictures of the whole grounds.

MR. ANAYA: These are vehicles that I personally own.

COMMISSIONER MAYFIELD: Okay. And Mr. Anaya, I appreciate that because then in the request that you have, and I read it somewhere, I guess in one of the pages, so there was a request to have, say, eight towing vehicles. I think there was a request – and let me – I highlighted it somewhere. There was a request to have – here it is. I'm on the summary page and it's staff's summary page. There was a request for staff's response for eight large tow truck vehicles, the circulation of these vehicles, retention ponds, dumpsters, the combination, the placement of two recreational vehicles, one boat, two low-boy trailers and other personal vehicles. So how many personal vehicles are we talking about on the property?

MR. ANAYA: I presume about maybe ten, twelve vehicles that are personally mine, that are registered in my name. Which I have parked at my residence as well as parked back there.

COMMISSIONER MAYFIELD: I'm just going to ask this question. Are they all running vehicles?

MR. ANAYA: Yes, they are.

COMMISSIONER MAYFIELD: Okay.

MR. ANAYA: Excuse me. The only two that are not running are the two burnt vehicles that I purchased, and I purchased those to pull the motors out.

COMMISSIONER MAYFIELD: Yes, and I think that's one of the photos. I thought I saw a truck.

MR. ANAYA: Yes, there's two burnt vehicles.

COMMISSIONER MAYFIELD: Okay, well I guess Commissioner Chavez is – that may be a different issue we have to look at. And I guess that's where I was looking at some of the community concerns, having to deal with – and there's a lot of tires I saw in those pictures. Those are other issues I think for site cleanup that would have to be addressed as far as yard maintenance for the community that maybe would have concerns with that that we would have to have addressed in the master plan.

As far as from the attorney I believe, and I'm going to bring this up because it was brought up. Santa Fe County does have a water-harvesting plan and regardless of water being used or not I know this Commission has voted on water harvesting. I know that was a recommendation. You were asking that we not consider that? But I think this Commission has put that in as conditional of all of our –

MR. ANAYA: Yes, that was brought to the attention – the person that was working on the actual site plan, but due to the topography of the property, that piece of property sits higher than all the other parts of the property so we thought putting in a holding pond where the water's not going to be sitting didn't make any sense. It can be done, but it didn't make any sense.

COMMISSIONER MAYFIELD: Mr. Anaya, I would maybe agree with you on that but I know that I've kind of have this same thought on this bench but it just kind of seems standard fare for this Commission and I don't see how we can do it on one circumstance and not another one. I guess it's something for us to talk up here.

Another question I need to ask, Mr. Anaya, do you do any maintenance of your vehicles on your site, where you, say, like repair engines or any type of –

MR. ANAYA: Yes, we do. We also race cars and we do other activities. Our ABTVs, we ride those. There's stuff that everyone else out here does and I mean I just – like everyone else, having an RV or a motorcycle or a boat or whatever, we have one. It's just our concern was when this whole master plan went into effect, how were we going to be able to utilize the property so that we wouldn't be in violation if we did. And that's why a lot of this stuff was put into this guidelines that putting together for you guys.

COMMISSIONER MAYFIELD: Okay. And I just wanted all that to be – in case there were questions asked, saying, look, later on, there's maintenance of these vehicles and everything else. That's why it's all put out on to the table. I didn't see this in this plan? Is it somewhere else in here that it wasn't mentioned? Do you have that in there? Your attorney has that in the recommendation here?

MR. ANAYA: Not that I know, sir.

COMMISSIONER MAYFIELD: Okay. That's all I have, Madam Chair. I just wanted to make sure that that was all disclosed. So I guess there's a motion on the floor.

CHAIR HOLIAN: Any further discussion? Questions. All right. We have a motion.

MS. KOSH: Madam Chair, I'm sorry to address you. Mr. Bennett, who is also counsel for the Anayas would also like to make one comment if you don't mind.

CHAIR HOLIAN: Yes. Mr. Bennett.

MERIT BENNETT: Good evening. I wanted to lend a little more perspective that I think might be helpful for the Commission. I've known the Anayas personally for 26 years. I've known them since two years before they started this business and I now the family quite well and I'm quite close to them. There seems to be something missing from this hearing, a perspective that I think needs to be considered. If you will take note that the only opposition in this room to the Anayas' plan is are two individuals who live on the other side of the wall that they bumped into. And that's why we're here, because the Anayas backed up a truck. It bumped into the Romeros' wall. The Romeros can't see the Anayas' property. They can't see their trucks. They don't have children over there, and you have to look at that perspective. The only other person in opposition here is a person who owns property there but doesn't live there. That's the opposition now before the Commission.

There's been a mention of what is in the interest of the community. Well, let's talk about that. This business has for 24 years been pulling people out of wrecks, ravines, ditches, car crashes and they have contracts with City Police, County officials, State Police, that they're obligated to perform. And in order to be able to perform those contracts for our community and pull somebody out of trouble in the middle of the night, they have to have those vehicles, all sizes, immediately available to respond to a call from law enforcement or some other emergency force.

You have to take that into account. You can't just start to limit vehicles arbitrarily, because each vehicle is specified for a particular job. You can't just begin to put arbitrary

hours on an operation. And if you will note also, they've never, ever, in 24 years had any accident involving any member of this community. The residents who live on the other side of the wall, with the Anayas, are not before you tonight. They're not complaining about the business that's been conducted here for 24 years. Because they all know the service that the Anayas provide to this community. And I think that's missing here, and it's important to take that into consideration, that service to the community into consideration, when you contemplate actions that will limit an ongoing business upon which this family survives and many other people survive. This is a business of service. And to limit this business – they're not asking to expand it. They're saying we will stay at this level but then to take away from it to me takes something from the community and me having known this family for this long, it just doesn't feel right as a human, and certainly as a friend of the Anayas and a friend of Agua Fria and a friend of my community.

So I would just ask the Commission to take that into consideration.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I'm going to make one more comment. I applaud Mr. Bennett for fulfilling your obligation as a legal representative of the Anayas and making the comments that you made based on your perspective and your fees associated with your legal representation and your knowledge of this family. Commissioner Mayfield and I, when this particular issue came up, and Commissioner Stefanics, voted on a split vote, three to two to afford this process to take place that we're sitting in today. Commissioner Mayfield and I can be reflected in the minutes and Commissioner Stefanics, and all the Commission at the time asking critical questions, raising concerns, bringing up compromise and other relevant issues associated with the business. No one advocated more than us that voted in the affirmative, myself being one of the ones that had probably the most to say about sustaining a business.

All that being said, had it not been for three Commissioners at the time affording the process to take place, this business wouldn't be functional. I knew from that discussion that there was going to be a need for some compromise and Commissioner Stefanics re-emphasized that and that's reflected in the minutes. Commissioner Mayfield reflected that compromise, who also voted in the affirmative of other issues that may need to be addressed between preliminary and final development plat approval. I think this is an allowable motion, if it passes, that provides reasonable use of functional property and will not put this business out of business.

I think Commissioner Chavez' motion touches on all aspects of the vehicles. It allows for the small and medium size, three of them, and allows for the very large vehicles. So, respecting your perspective and your fashion that you presented it as legal representatives for the Anayas, I can only hope, but that's okay, that you would hear some of the perspective that I brought forth and that Commissioner Chavez, Commissioner Holian, Commissioner Mayfield and Commissioner Stefanics brought forth in the discussion. But this solely exists because my colleagues had enough courage to say we'll let it go to the next step but there's going to be some compromise.

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REGULAR MEETING OF JUNE 11, 2013  
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So that's the corpus of my comments and I applaud Commissioner Chavez and this entire Commission on the discussion that transpired in two very difficult and lengthy meetings where it wasn't just a couple people here. There was people on both sides. Supporting the business, a large group and there was a fair amount of people that were in opposition as well. So I respect you and I hope that whatever decision rendered that we can all respect and progress on to the next phase if that's the wishes of the Commission. Thank you, Madam Chair.

CHAIR HOLIAN: Commissioner Chavez.

COMMISSIONER CHAVEZ: Yes, and I didn't mean to be arbitrary at all. This is not an easy decision for me either way, because we're not going to make anybody happy. And I'm concerned about those that are not here, more than those are here, because we're not hearing from the ones that are not here but they will still be affected in one way or another. They may not know that. But I'm just doing the best I can and hope that the business can adjust and it can continue to operate there and to provide the service that they're providing. So let's call for the vote.

CHAIR HOLIAN: Thank you, Commissioner. We have a motion and a second on the floor for approval of CDRC case #Z -13-5060 with staff conditions and with the extra conditions that the preliminary and final plat application is submitted within 90 days of the master plan approval, and that three small and two large trucks may be parked on the property at any given time.

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

## **XIX. ADJOURNMENT**

Having completed the agenda and with no further business to come before this body, Chair Holian declared this meeting adjourned at 9:20 p.m.

Approved by:

  
\_\_\_\_\_  
Board of County Commissioners  
Kathy Holian, Chair

ATTEST TO:



*Geraldine Salazar*  
7/9/2013

GERALDINE SALAZAR  
SANTA FE COUNTY CLERK

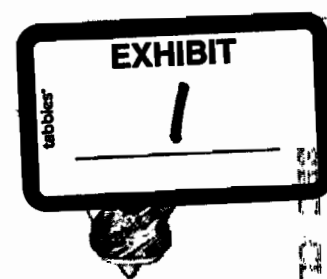
Respectfully submitted:

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



# SANTA FE COUNTY

## FISCAL YEAR 2014 BUDGET



### Calendar of Assessor's Critical Dates

- January 1:** Known as "situation date"- Date which determines the taxable status of all property in the state of New Mexico. If property is destroyed or improved during the year, any resulting increase or decrease will not be reflected until January 1 of the next year.
- February, Last Day of:** By the last day of this month, all new improvements, decreases in value, mobile homes, livestock, and claims for any applicable exemptions must be made. This is a reporting period that begins January 1 and ends on the last day of February.
- April 1:** On or before April 1, county assessors must mail notices of value to property owners.
- June 15:** County assessors certify total net taxable values in the county to the Property Tax Division. After this date, valuation changes become increasingly difficult and will generally require a court order.
- June 30:** The Division compiles all values certified by all counties and forwards them to the Department and Finance for its use in making budgets and setting tax rates.
- September 1:** New Mexico Department of Finance and Administration sets the tax rates and delivers to the BOCC. The BOCC certifies the tax rates.
- October 1:** By this date, the county assessor prepares the property tax schedule (tax roll) for the county and delivers it to the county treasurer for billing. The tax roll lists every property its description, owner, address, value for property tax purposes, classification, exemptions allowed, applicable tax rates and tax amount.

This calendar provides general information and does not cover all of the county assessor's duties, notice there is no particular time set-aside for the assessor to value properties. Detailed information or corresponding statutes and regulations can be obtained at the county assessor's office.

# **SANTA FE COUNTY**

## **FISCAL YEAR 2014 BUDGET**



### **ASSESSOR'S YEARLY REQUIREMENTS AND GOALS**

1. Mail the Notice of Value to property owners by April 1 of each year.
2. Mail the renditions for personal property, livestock and mobile homes by January 1 of each year.
3. Process and address all renditions by March 1.
4. Mail the annual Value Freeze applications received from PTD to possible qualified property owners within 15 days.
5. Post all incoming correspondence, protests, affidavits, building permits, within 24 hours.
6. Follow up on all incoming communication and insure timely and proper disposition of the issue within 30 days of receipt of the document..
7. Post all notes and issues relative to each account addressed daily on the CAMA system for future knowledge of decisions made, information in transit and completion of issue within 24 hours.
8. Process all deeds and changes in ownership and mapping of all properties within 60 days of their receipt.
9. Process all building permits received by December 31 by last day in February of the following year.
10. Process all affidavits received by December 31 by the last day in February of the following year
11. Process and address all protests for all calendar years generated by the Notice of Value within 60 days or by December 31 for those that need to be decided by the Protest Board.
12. Process and address all claims for refunds generated by tax bills within 60 days of receipt from District Court or by December 31 unless they are subject to District Court action.
13. Process all property owner inquiry in person, phone, letter or e-mail within 30 days of receipt.
14. Process and document the steps taken to process all property found to be omitted from the tax roll and forward the documents to the County Treasurer within 30 days of discovery.
15. Work with a duly chosen contractor to plan, design and actuate and complete an economical but comprehensive data collection field activity by December 31, 2013.
16. Attain additional funding required for timely completion of the data collection activity during the 2012 budget process.
17. Plan, design and prepare for a re-appraisal every five years from December 31, 2013 in conformance with the professional standards of the International Association of Assessing Officers and the Property Tax Code and its related Rules and Regulations to be completed by December 31, 2018 and every five years hence forth.

June 10, 2013



County Land Use Administration  
Attn: Jose E. Larranaga  
Commercial Development Case Manager  
P. O. Box 276  
Santa Fe, N.M. 87504-0276

Re: CDRC Case # Z 13-5060 Robert and Bernadette Anaya Master Plan

Reference above case to consider request for commercial towing business by Robert & Bernadette Anaya for Master Plan Zoning as Special Use under the Village of Agua Fria Zoning District approval at named address located in the Agua Fria Village is hereby **OBJECTED**. Location is zoned for residential use.

There are too many homes near and around that location with small children. The tow trucks are oversized and much too dangerous to be near residents; make too much noise during all hours of the night and morning; the fumes from the trucks enter homes through air conditioners in the summer and heating system in the winter which is also hazardous to everyone, children and adults living in the area.

When towed vehicles are brought back to the Anaya's address, they are dropped from the tow trucks and the pounding noise is unbearable and heard throughout the neighborhood at all hours of the day and night.

In conclusion, the request for Special Use under the Village of Agua Fria Ordinance No. 2007-2 does not qualify because it does not meet standards under Sec. 10.7.C.5&9 (page attached). For reasons stated above we hereby request the towing business for Master Plan Zoning as special use **NOT** be approved.

Thank you,

The Roybal Family  
located at Floral Dr. Santa Fe, NM

## 10.7 Supplemental Use Regulations

The following standards shall apply to all new development in the Village of Agua Fria Zoning District:

### A. Preservation of Community Character

1. Clustering of structures is encouraged to preserve natural open areas; and
2. Developments must preserve distinctive natural features such as the Santa Fe River, and primary open space corridors.

### B. Non-Residential Standards

1. Maximum Square Footage - Non-residential development may not exceed 5,000 square feet, with the exception of small grocery stores, which may request up to 10,000 square feet.
2. Setbacks - Non-residential developments shall be set back no less than 25 feet from the property line of existing residential properties.
3. Parking - No parking may be provided within 5 feet of property lines.

### C. Home Business

Home businesses, including but not limited to, retail shops, galleries, offices or restaurants, may be allowed as accessory uses to single-family dwellings and are a conditional use subject to the approval of a conditional use permit. A home business shall comply with the following:

1. A Site Development Plan is required.
2. Not more than 2,500 square feet shall be dedicated to the home business use.
3. The owner of the business shall reside on-site.
4. No more than 6 persons, other than members of a family residing on the premises, shall be regularly engaged in work at the site of the home business.
5. The business shall not be disruptive of the residential character of the neighborhood.
6. All outdoor storage shall be screened and there shall be no more than 1,000 square feet of such storage related to the home business.
7. Home businesses may have a maximum of one sign.
8. No equipment or process shall be used that significantly interferes with the existing use of property in the adjacent area.
9. The business shall not create any disturbing or offensive activity, noise, vibration, smoke, dust, odor, heat, glare, or other unhealthy or unsightly condition.
10. The home business shall not create a traffic or parking problem.
11. Off-street parking shall be required for employees, customers, and clients of the home business.

### D. Home Restaurants

Home Restaurants shall be permitted but shall comply with the requirements outlined in this Ordinance in addition to the following:

1. Drive up or drive through shall not be allowed.
2. Liquor sales are prohibited.
3. Beer and wine sales are allowed provided that all applicable State requirements are met.

June 7, 2012



County Land Use Administrator

P.O. Box 276

Santa Fe, NM 87504-0276

Attn: Jose Larranaga

Re: CDRC Case #V 12-5200, Request for a Variance of Ordinance No. 2007-2  
(Village of Agua Fria Zoning District)

This letter is in response to the Notice to Property Owners regarding a public hearing for a variance of Ordinance No. 2007-2 (Village of Agua Fria Zoning District) etc. to allow a Towing Business as a Special Use under the Zoning use Table. We are writing to formally record our opposition to the request for a variance.

Our concerns are many, but for now I can think of at least Nine important ones.

Please, seriously consider the following:

- Increased Traffic Congestion - Granting a variance will result in more in-out traffic flow to the Business from the narrow Agua Fria Street by both business operation vehicles and personal vehicle inquiries.
- Safety and Life Saving Events - Increased traffic flow to the Business will cause increased interruption and delay of the already congested Agua Fria traffic causing safety issues for Law Enforcement and life saving Emergency Vehicle Response Teams.
- Current and Future Property Values - Granting a variance will no doubt negatively impact property values now and in the future.
- Area is Designated as Residential - Homes for families, children and the elderly. Allowing this variance will result in degrading its intended purpose.
- Increased Noise and Light Pollution - Granting this variance will create noise, light pollution, undesirable disruption to living standards and unrest to the immediate neighborhood. Generally, a towing business is a 24 hr. operation. As such, allowing the variance will increase activity and create undesirable loud noises, wondering vehicle night lights, and Tow Truck flashing lights at all times during the night and the daytime. Not to mention the disruption it creates to neighborhood animals and dogs at night.
- Granting Variance is Contrary to Traditional Community of Agua Fria Neighborhood Goals - The purpose of the Traditional Community of

Agua Fria is to maintain and nurture a comfortable and peaceful family neighborhood environment.

- Dangerous and Unhealthy Environment - Granting this variance will create an unhealthy and dangerous environment for curious neighborhood children and adults.
- Junk Metal - Storage of vehicles brings safety and metal junk concerns. Storage of vehicles and Junk Metal is an ideal place to breed rodents, snakes, diseases and hazards normally not controlled by easy means.
- Storage of Junk Vehicles - Vehicles that are not claimed and/or abandoned become an eyesore and/or become ignored. These vehicles become orphans and are likely never removed from the area for years because of various reasons.

Sincerely,

David and Rosemary B. Medrano