



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC MINUTES
PAGES: 67

I Hereby Certify That This Instrument Was Filed for
Record On The 12TH Day Of September, 2013 at 10:33:45 AM
And Was Duly Recorded as Instrument # 1717822
Of The Records Of Santa Fe County

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

SANTA FE COUNTY

BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

August 13, 2013

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

2013/09/12/10:33:45 AM
RECORDED
2013/09/12/10:33:45 AM

SANTA FE COUNTY
REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

August 13, 2013

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

Employees of the Clerk's Office, Insima Gonzales and Jessica Valdez, led the Pledge of Allegiance and State Pledge, following roll call by Deputy County Clerk Vickie Trujillo and indicated the presence of a quorum as follows:

Members Present:

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

Members Excused:

[None]

V. MOMENT OF REFLECTION

The Moment of Reflection was led by Teri Martinez.

VI. APPROVAL OF THE AGENDA

- A. Amendments
- B. Tabled or Withdrawn Items

CHAIR HOLIAN: Approval of the amended agenda, which I believe you have in front of you here. Are there any further changes, Katherine?

KATHERINE MILLER (County Manager): Madam Chair, as you can see, we added item VIII. B. Approval of the July 9th BCC minutes. Also, we added under executive session item A. 1, iii, and I also believe there was a request for another item to be added under that but I need to ask for that when Steve Ross and Commissioner Anaya come back. I think it is under property acquisitions, Mt. Chalchihuitl.

COMMISSIONER MAYFIELD: Thank you, Katherine. So we will then itemize that when we go into executive session?

MS. MILLER: Yes. And then also the Consent Calendar, under final orders, if you could please – do you want that one pulled off? Tabled or pulled off?

STEVE ROSS (County Attorney): Pulled off of Consent.

MS. MILLER: Pulled off of Consent, item A. 1.

CHAIR HOLIAN: Pulled off of Consent?

MS. MILLER: Yes. And then the last item is under Public Hearings, XVIII. A. 5 has been tabled.

CHAIR HOLIAN: Madam Chair, Katherine, would you repeat that one please?

MS. MILLER: Madam Chair, it's case, under the Public Hearings, XVIII. A. 5, the Windmill Water variance, has been requested by the applicant to be tabled.

CHAIR HOLIAN: Are there any further changes? Yes, Commissioner Chavez.

COMMISSIONER CHAVEZ: Yes, thank you, Madam Chair. County Manager, I believe that on XV. B 2, the resolution on the assessment districts, I think staff is feeling that they may need more time on that item, would like to discuss it but not take any action on it tonight. Adam's not here; I talked to him earlier on this item, and maybe when we get to that presentation he'll clarify why he felt that it needed to be postponed and voted on at the next meeting. So in this case I don't think we should waive the requirements for this second hearing.

CHAIR HOLIAN: But Commissioner Chavez, you still feel that we should discuss it.

COMMISSIONER CHAVEZ: Have discussion but not take any action on it.

CHAIR HOLIAN: Any further changes? Is there a motion on the amended agenda?

COMMISSIONER STEFANICS: Madam Chair, I would move that we approve the amended agenda.

COMMISSIONER CHAVEZ: Second.

The motion passed by unanimous [4-0] voice vote. [Commissioner Anaya was not present for this action. The agenda was subsequently amended further. See Page 4.]

VII. APPROVAL OF CONSENT CALENDAR

A. Consent Calendar Withdrawals

CHAIR HOLIAN: I will not that item XIV. A. 1 has been withdrawn. Are there any other withdrawals? Is there a motion?

COMMISSIONER STEFANICS: I'll move for approval.

COMMISSIONER MAYFIELD: Second, Madam Chair.

COMMISSIONER CHAVEZ: As amended?

COMMISSIONER MAYFIELD: As amended.

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

VIII. APPROVAL OF MINUTES

A. Approval of July 9, 2013 BCC Special Meeting Minutes

CHAIR HOLIAN: Any changes? If not, is there a motion?

COMMISSIONER CHAVEZ: Move for approval.

COMMISSIONER STEFANICS: Second.

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

VIII. B. Approval of July 9, 2013 BCC Meeting Minutes

CHAIR HOLIAN: Any changes?

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, I just wanted it to reflect that I was excused but I was serving on jury duty.

CHAIR HOLIAN: Commissioner Mayfield, are you suggesting that be added to the minutes?

COMMISSIONER MAYFIELD: Please.

CHAIR HOLIAN: Okay. Is there a motion?

COMMISSIONER STEFANICS: I'll so move.

COMMISSIONER CHAVEZ: Second.

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

COMMISSIONER CHAVEZ: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Chavez.

COMMISSIONER CHAVEZ: I apologize. There was one item on the agenda, and I know I'm backtracking a bit, but there was one item on the agenda under land use cases and it has to do with Eldorado. In reviewing the packet, there's a letter from the Eldorado Community Association that is questioning our approval of that variance.

CHAIR HOLIAN: Commissioner Chavez, can I ask, is this CDRC Case 13-5110?

COMMISSIONER CHAVEZ: Yes. There's a letter in our packet from the Eldorado Association that's questioning that because it's against their covenants, so I'm wondering if we should be hearing that case prior to them running it through their association and their process.

CHAIR HOLIAN: Well, my understanding, and Steve can probably elaborate on this further, but we really do not rule on covenants. We have no jurisdiction over covenants. That's a private legal contract. Steve.

MR. ROSS: Madam Chair, that's correct. I noticed that letter as well. It's a very long, extensive letter with lots of issues concerning the application and I think what the

Commissioner is suggesting is to see if the applicant will work with them to address some of those points. If we were to grant approval, for example, they apparently are in direct violation of 10 or 15 covenants. I think that's what he's suggesting, is that we hold off and give them the opportunity to work that out so that our approval isn't putting them in jeopardy.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR HOLIAN: Commissioner Stefanics.

COMMISSIONER STEFANICS: On this point, in the past we've had a case like this and we've tabled it until the ECIA ruled formally. And we did have a request once since I've been here for a variance that the ECIA did support. So we have a precedent here.

CHAIR HOLIAN: Is there a motion to table then?

COMMISSIONER CHAVEZ: I would move to table and allow the Eldorado Association to pursue their course of action for the covenants and then they can come back to the BCC and ask for formal adoption of their increased density, if that would be approved.

CHAIR HOLIAN: Is there a second?

COMMISSIONER STEFANICS: I'll second.

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

CHAIR HOLIAN: Steve, can I ask you, does that automatically mean that it would come back in a month?

MR. ROSS: Madam Chair, it is. Hopefully, they will work things out in a month. Otherwise, when it comes back up we might want to look at a postponement.

CHAIR HOLIAN: Thank you.

IX. PROCLAMATIONS AND PRESENTATIONS

A. Presentation By Russ Rountree, Impressions Advertising Summarizing the Santa Fe County Advertising & Promotional Efforts in Fiscal Year 2013 and Recommended Efforts for Fiscal Year 2014

RUSS ROUNTREE: Thank you, Madam Chair. Good afternoon, Commissioners. My name is Russ Rountree. I'm president of Impressions Advertising. We are a Santa Fe based company, been in business 25 years handling marketing for a wide range of clients throughout the Southwest. Our annual visit to you today is to provide you with an update of what we market, how we market, who we market to. The County of course, you know the demographic or the geographic layout, we have virtually every type of cultural and landscape offering that the state has, almost.

We have 14 lodging properties throughout the county. It's good to remind you that any of the properties within the city limits, that lodgers tax goes to the City, so county properties – 14. We have the two large resorts, Four Seasons Rancho Encantado Resort and the Bishop's Lodge Ranch Resort and Spa. We have several B&Bs. We used to have a few mid-range properties but in the annexation into the City we lost one of those that was about a 100-room property. And RV campgrounds. Some along the Old Santa Fe Trail, Old Pecos Trail, and a couple out by the highway.

Annually, the 14 properties generate about \$4000,000 in lodgers tax annually. And then the money we receive as part of our contract, it's \$300,000 annually, is divvied up to not only market but also to service the market. Unlike the City that has a department, the Convention and Visitors Bureau, there's no particular staffed department on the County level. So we administer the ads, we create the ads, we place them, we handle all of the marketing on behalf of the County.

How have things gone in the past fiscal year? Pretty good. Lodgers tax is up throughout the region. The City has been up. Lodgers tax in the City – or Santa Fe in general – it's broken down into three areas, but in total almost seven percent. The County in particular has been doing very well for the last almost two, three years, up this last year almost 20 percent. Web-users sessions, up 11 percent. Website inquiries, down slightly, most of the inquiries handled directly through the content that we have on the website.

As I mentioned, our budget is broken down so that we plan it, we place it, we handle the follow-up. We also do public relations and fulfillment. We have also an arrangement with the Santa Fe Convention and Visitors Bureau that many of our inquiries that can take a visitors' guide, that take a little bit longer to get to a visitor request, are processed through the City. All the rest that are short term we have a small brochure that fits in a #10 and can be to someone rather quickly.

The theme from this last year's marketing has been The Real Santa Fe, Find it in Santa Fe County, echoing the Department of Tourism's kind of authentic New Mexico True campaign. Talking about authentic, real experiences you can have throughout our borders. We present actual travel experiences that are available for visitors, providing, hopefully, an I want to go there situation, and then they find out more information via the website.

We had a sampling of some of the ads that have been produced over this past. Again, you can see the kind of wide-ranging visual subject matter. We place these in regional tourism and travel publications, and lifestyle book, Triple A books, affluent east coast publications, some drive market things, Sunset, covering the West, so a wide range of areas. We also have small, 15-second TV commercials that we run in-state on cable outlets in the outer part of the state. We had a technical error here that was on my side. I'll provide a disc to each of your office. Some of you have seen those before, but we'll provide them all to your office again. They have iconic Santa Fe imagery and they're quick, short-hit, so they're in and out and we don't have, hopefully, the people hitting the remote quite so quickly.

Our main form of getting current information out to visitors is obviously the website where they update very rapidly, trying to keep up with businesses out in the county. Sometimes it's a bit of a challenge but by hook or by crook we'll sometimes find out if a new one has opened or one has closed that we need to pull from the website. This is a screenshot of the homepage from the website, again, just kind of keeping up with what's happening. Online marketing of course includes a social marketing arm – Facebook page. We do email newsletters, regular quarterly newsletters primarily from our emailing list out to visitors who have asked about Santa Fe in the past. We tell them about what's happening in the fall or how the skiing is in the winter.

We also have outbound email that we attach our marketing message to to other markets – Dallas, Oklahoma City to name just a few. We are also geo-targeting placements

on similar websites that fit to our target. A screengrab here of our Facebook page. These are a sampling again of some of the online ads that we have that we've placed for the County.

A couple of things that we're looking at for the upcoming year – looking towards more possibility of film tourism promotion and then also looking at the cultural opportunities along the Rio Grande Corridor, seeing what kind of partnerships might be available there to work to bring the public more aware of that particular area.

That's it for my quick presentation. If there are any questions I'd certainly stand for them now. Thank you.

CHAIR HOLIAN: Thank you, Mr. Rountree. Great ads. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you very much, and thank you for the presentation. First of all, just to check, we are only using authentic images from New Mexico, correct?

MR. ROUNTREE: That's correct. We source them from our local stock photographers or we get them shot ourselves. They're not showing up from Oklahoma or anything like that.

COMMISSIONER STEFANICS: Okay. So for example, the biker is on a path, on a trail, specifically here in New Mexico.

MR. ROUNTREE: That's our understanding. Yes.

COMMISSIONER STEFANICS: Okay. And I am spacing now on my second question. Maybe I'll come back to it. Thank you.

CHAIR HOLIAN: Commissioner Chavez.

COMMISSIONER CHAVEZ: Yes, thanks, Russ. Could you – well, first, I don't have a hard copy of your presentation, so I would like a hard copy and you can leave that in the County Manager's Office. I'm interested in some of the specifics about the number of properties and dollars generated and those kinds of things and that's all in there. I would like to have that just for reference, to reference in the future.

But I did meet with economic development staff earlier and it was suggested or estimated that about 40 percent of the county's revenue in fact comes from what I would call the cottage industries – small business and the arts and crafts segment of the economy. And I thought that was pretty telling because a lot of the people that are self-employed, the artists and craftsmen, have dedicated their time to their trade, to their craft with virtually no safety net, no retirement, no 401k, no nothing. So it's tantamount. But yet a lot of people visiting the area or considering visiting the area are interested in those products that are produced locally.

You talked about the Rio Grande Corridor and I think that we have the components, we have the significance that people are looking for, so in the image, the authenticity in the image that we're sending, maybe we could also find a way to brand and trade mark the products that are produced in the area and certainly among the Rio Grande Corridor, so that when people are here and they're looking for a hand-made item or product, we have the ingredients, we have the stuff, we have contemporary, we have traditional, we have Native American. We have the ingredients. And when you talk about authenticity it doesn't take much to understand that these are authentic items.

But we need to get a program developed so that people know that that is in fact the case. And so I was really interested and encouraged to hear you mention those components in your presentation because I think there are things we can certainly build on.

MR. ROUNTREE: Madam Chair, Commissioner Chavez, members of the Commission, the first part, I think you had asked about seeing the figures and what not – I think that information perhaps that you may be looking for is available from your Finance Department and however requests are made there, because if that's what you're speaking for, that's available. And then with respect to the cultural tourist. Right. Do you know, is there an association that could funnel us those artisans within the county that have either an open studio or the availability for someone to come in and buy something from them? Because that would be a great addition to the website.

COMMISSIONER CHAVEZ: I don't know that we have that networking set up yet but I'm hoping that's something that we can work on as we move forward so we can identify those segments of the economy and start building and supporting that segment of the economy. So I would say, no, we're not quite there yet but that's something we can work on to connect those dots and fill that gap.

MR. ROUNTREE: And certainly if you want to communicate to your fellow artists that this is an opportunity, shoot them my way so that we can get them up. As long as they obviously fall within the – they just like everybody else, they need to be a business within the county.

COMMISSIONER CHAVEZ: Terrific.

MR. ROUNTREE: Thank you. Anything else?

COMMISSIONER CHAVEZ: Actually, one follow-up question, Russ. The drive market, what is the radius on that drive market?

MR. ROUNTREE: It's roughly about 1,000 miles but it varies. You look to the major metros that are out there – Oklahoma, Dallas, down to Austin, San Antonio, around to Phoenix. We usually also throw Los Angeles, Southern California is usually in that as well.

COMMISSIONER CHAVEZ: Okay. Okay. That's good to know. Thank you, Madam Chair.

CHAIR HOLIAN: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. The other question I was going to ask was about the coordination that you mentioned that you were doing. A couple of years ago Tom Ageson and a couple of others had created a non-profit to look at the Rio Grande Corridor and in fact this whole theme that you've picked up on about making the experiences real. Are you working with that group? Are you in communication with the research that they're finding from other states?

MR. ROUNTREE: Madam Chair, Commissioner Stefanics, members of the Commission, I think – are you referring to the group that Tom Romero works with?

COMMISSIONER STEFANICS: No. That's the second part of my question. Tom Ageson had created a non-profit and actually is working with communities all the way from Tome, all the way up to the Colorado border and around the Rio Grande Corridor and trying to market our state and the corridor with real experiences. So you haven't connected with that group?

MR. ROUNTREE: No, but if you have a lead for them that we could speak with them that would be great.

COMMISSIONER STEFANICS: So if you would make sure that I get your –

MR. ROUNTREE: My email is on the end page of your packet, I think an 11- or 12-page packet, there should be – perhaps, excuse me. Not the end page but the copy.

COMMISSIONER STEFANICS: Yes. Russ. impressions?

MR. ROUNTREE: Yes. That's correct.

COMMISSIONER STEFANICS: Okay. I'll make sure you get it.

MR. ROUNTREE: Great. I appreciate it.

COMMISSIONER STEFANICS: Oh, and the second part was around Tom Romero and the Rio Grande Heritage area. Are you working with his group or any other groups that you could tell us about?

MR. ROUNTREE: Well, we were reaching out to Tom's group to find out what was applicable for our particular situation, who best to have communication with. It seems as though it's more and more pointing towards many organizations that are doing bits and pieces of each thing. So we're trying to mine as many sources as we can.

COMMISSIONER STEFANICS: Okay, and so, Madam Chair, when the state facilities have any tourism activities, is there any benefit to Santa Fe County directly from those events? I know it brings people to our area and they might spend other dollars. But if they are spending money at some specific festival at Las Golondrinas, is there some specific benefit to Santa Fe County?

MR. ROUNTREE: Madam Chair, Commissioner Stefanics, members of the Commission, ostensibly, if the festival that happens wherever and a lot of people are there the county will benefit from that, kind of the theory that kind of a high tide floats all boats. When all properties in all segments are busy, regardless of whether a county property may be close – and the other thing is there's a certain market segment that we just don't offer. As I mentioned, when we lost that mid-range 100-room property that took out of the market those type of people that stay at Fairfield Inns, Quality Inns, those type of properties. Has continental breakfast in the morning, sort of American plan. We don't have that. We have the resorts at the high end, and then a lot of B&Bs, a wide-ranging offerings in wide locations as well.

And so when things are busy, theoretically all of our properties are busy. And we can pretty much see that when the Finance Department reports the lodgers tax and we can see that everybody had a good October or everybody had a good – recently – June, and from what I understand an even better July.

COMMISSIONER STEFANICS: So Madam Chair, Mr. Rountree, you brought up another question in my mind, the campgrounds. Do they basically lose business or close x-number of months a year?

MR. ROUNTREE: Madam Chair, Commissioner Stefanics, members of the Commission, there are a couple that close seasonally, because I think largely their infrastructure and the number of slots that they have are more geared to outdoor, i.e., tents and trailers as opposed to large RV that are plugging in and maybe a little more immune to the weather. But there are a couple that close from roughly November through sometimes wherever Easter is or maybe it's the first of March. It depends.

COMMISSIONER STEFANICS: Thank you very much. Thank you.

CHAIR HOLIAN: Thank you, Mr. Rountree. When we have a forest fire here, how do you deal with that? I want to know whether you get inquiries and how you answer it and inform people about where they can and can't go and so on.

MR. ROUNTREE: Madam Chair, members of the Commission, obviously, there are inquiries when there's national coverage of forest fires in our area and Santa Fe is pegged into that. The way we largely respond to it is we have information on the homepage of the website that says if you're interested about fire information here, go here. And it goes to the interweb, interagency information that's up.

CHAIR HOLIAN: Infoweb?

MR. ROUNTREE: Yes. It's updated every 24 hours and oftentimes sooner in an emergency situation. So that we figure that gives them the most up to date, official word on a technical perspective of where that fire really is. Now, is it warm and fuzzy? It's not really a visitors site because it's very clinical and technical on where things are. That's where the interaction of the majority of people that handle tourism inquiries and that's the front lines on phones at our hotels and properties. And when they say, yes, there are fires in the area, but we need to tell you they are east of here. The wind blowing east or whatever the situation may be, and sometimes they're able to salvage that reservation; sometimes they're not. It's an unfortunate situation and I think we've kind of lucked out at this point that it hasn't been as bad as it perhaps could have been. So that's how we largely answer that visitor question.

CHAIR HOLIAN: Have you done any measurements to see if there's a falling off of the number of visitors when we have a big forest fire?

MR. ROUNTREE: Madam Chair, members of the Commission, not formally, but anecdotally. Any of the lodgers will tell you there is a few points, depending on what the news may be and if they again are able to talk to that reservation or it just comes on line to cancel.

CHAIR HOLIAN: Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Rountree, and this may be a question for our County Attorney, but if we wanted to look at doing some promotion of I guess our businesses in the unincorporated areas of Santa Fe County could we do that? Could you work with our economic development director and establish lists and look at what businesses we have in the unincorporated areas and look at promotions geared towards that? So we could look at recouping more of the GRT for Santa Fe County?

MR. ROUNTREE: Madam Chair, Commissioner Mayfield, members of the Commission, certainly if a – I think the criteria would have to be that that business is available to someone to come to them. If there's not some way for – if somebody pulls up to the gates where it's no entrance and beware of dog, that probably wouldn't work, but if they are, like Commissioner Chavez had mentioned, an artisan that sells one off to individuals, we could certainly put them on the site. I don't think that there would be any – but that's basically been our kind of rate, our indicator to determine whether a business is appropriate: Is it for a visitor? We wouldn't put an orthodontist on the website.

COMMISSIONER MAYFIELD: Excuse me, Madam Chair. We have many restaurants within our unincorporated areas all throughout Santa Fe County.

MR. ROUNTREE: Yes. They're all on. All of the restaurants are on.

COMMISSIONER MAYFIELD: Okay. So you can do promotion towards those areas?

MR. ROUNTREE: Well, when people come to the website they're able to find out, yes, there's the whole restaurant trail down through Turquoise Trail, or what's available in the north.

COMMISSIONER MAYFIELD: Do we have a brochure established just for our unincorporated businesses, if they are artisans that are selling local developed arts? Do we have restaurants within unincorporated areas? Here are some great restaurant establishments to choose from, a great trail ride, a great bicycle ride, a great vehicle ride, all throughout Santa Fe County road map. I think maybe that's a suggestion.

MR. ROUNTREE: Madam Chair, Commissioner Mayfield, members of the Commission, a lot of that information is found on the website and we used to put restaurants, for instance, in the brochure. But what we found was aside from things like Bobcat Bite that one would think would have never closed, that we were having turnover. So as soon as we did a brochure there'd be one or two businesses. So that's why we then went to the website as being the bible, if you will, on available tourism options within the unincorporated areas of Santa Fe County.

COMMISSIONER MAYFIELD: And again, somebody tell me if we can't do this, but I know when I go to a lot of hotels they have these little boxes where they have these little business cards where you can just kind of pick one of these business cards. I don't know if we could establish those for local businesses, and put one here in our County buildings as people walk in, for different hotels and saying here's establishments in the unincorporated areas of Santa Fe County if you care to go to.

MR. ROUNTREE: Madam Chair, Commissioner Mayfield, members of the Commission, that's a business that operates that. We could certainly if you're interested in having a location here I could put them in touch with whomever might be appropriate. And I'm sure that they've already contacted properties within the county for the opportunity.

COMMISSIONER MAYFIELD: While I'm lobbying for more GRT, but GRT that could come back to the County than the incorporated area. Thank you.

MR. ROUNTREE: Sure. Absolutely.

CHAIR HOLIAN: Any further questions? Thank you, Mr. Rountree.

X. MATTERS FROM ELECTED OFFICIALS

None were offered.

XI. MATTERS FROM THE COMMISSION

A. Commissioner Issues and Comments

CHAIR HOLIAN: These are non-action items by commission district such as constituent concerns, Commissioner recognitions, requests for updates or future presentations. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. The first thing I'd like to do is thank everyone in the county who submitted an animal or a project into the County Fair and to all those residents who attended the County Fair. The rabbits of course were cute. The goats were cute, the lambs. It was just a great event and I think quite a few people had a great time. And not enough participants. I believe if we kept track, and I don't know if we do or not, I bet the participation is increasing, because it seemed a little more crowded this year than other years. But I'd like to thank everybody who participated. And that's all for today.

CHAIR HOLIAN: Thank you. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I would echo the comments of Commissioner Stefanics. I had the privilege of being at the fair, the whole fair and wanted to extend to the Commission that the entire County Fair Board, all of the 4-H leadership extended thanks to the Commission and to the public and to all the participants for coming but they wanted me to pass on that they very much appreciated the efforts of this Commission and the support that staff made – the Manager and the entire staff, and all the volunteers. There's many, many volunteers that help with the indoor exhibits and the animals and all the work that goes into the fair. So I echo and ditto those comments of Commissioner Stefanics.

I'm going to ask Mr. Barela to help me and work with the liaisons from my colleagues to put an agenda item for the end of September, meaning to bring back those youth that were successful – they're all successful, but that achieved recognition at the fair so we'll work on that for the end of September. That's all I had right now, Madam Chair. Thanks again to all who participated.

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

COMMISSIONER MAYFIELD: Madam Chair, thank you. We're dealing with the monsoons, especially up north, so I just want to thank our Public Works Department. They've been working tirelessly to address a lot of the flooding issues. As everybody knows, a lot of County roads happen to be in arroyos in northern Santa Fe County, so Mr. Martinez, thank you and your crew for the work that they're doing up there. I know you've received many calls and a lot of them are from me so thank you.

Also, Manager Miller, just a quick question. As far as the Commission, I know we did approve a pay incentive package for employees, but help me again. How did we do that release for our County employees? So across the board they were to receive the – there was \$1,000 to be done incrementally for all employees?

MS. MILLER: Madam Chair, Commissioners, it depended on different pay ranges. You did graduated compensation. Those employees – they ranged from three percent, two percent and one percent on cost of living, and then \$1,000 incentive but it also differed by who each union bargaining unit wanted to deal with it, so I'd have to get the particulars, but they were different based on bargaining units, they were different based on pay levels. And then for those over a certain salary it was also based upon merit. There was a cost of living and then merit based on the incentive, pay incentive.

COMMISSIONER MAYFIELD: But that would be between – let's say on the higher salary, would that be between themselves and their supervisors and they would work that out?

MS. MILLER: Madam Chair, Commissioner Mayfield, yes. It would be based upon their performance appraisals and their supervisor's recommendation and ultimately their elected official or department director.

COMMISSIONER MAYFIELD: Okay, so you'll just get with the division directors and explain that process to them?

MS. MILLER: Yes.

COMMISSIONER MAYFIELD: Okay. Thanks. And I think, Madam Chair, everybody, the schools are getting back in full swing, so just be careful in the school zones with all the children that are getting back to school. Thank you. That's all I have.

CHAIR HOLIAN: Thank you, Commissioner. Commissioner Chavez.

COMMISSIONER CHAVEZ: I have nothing, Madam Chair.

CHAIR HOLIAN: I have a couple of items. The Cañoncito mutual domestic had in fact a water crisis week before last. They could not effectively pump water out of their wells, so I particularly want to thank Robert Martinez for organizing a water truck to go to the Hondo #2 fire station for the people in that community to be able to get drinking water. I would also like to thank Robert Gutierrez and Dennis Riddle from our Utility Department who brought the truck to the Hondo #2 fire station, and I would also like to thank Erik Aaboe who gave invaluable help in setting up phone calls between our staff and the folks in Cañoncito to make it all a success and work. So I just really thank our staff for helping the Cañoncito folks out and I'm sure that they thank you as well.

I also want to mention a fire safety meeting that I went to in Cañada de los Alamos this last Sunday. I was there. Chief Tom Chilton from the Hondo fire department was there as well as Chris Nystrom who's from the wildland-urban interface part of our fire department. What was interesting about this particular meeting though was that the community had set it up and the reason they had set it up is that they're working on a fire preparedness plan of their own for the Cañada de los Alamos community and I think that they're, as far as I know, the first community to do that. The plan is still in a draft stage. I think it's about 60 pages and I haven't read it myself yet, but when it is finally ready I would like to put it on our County website because I'm hoping that it will be an inspiration to other communities to do a similar plan.

So that's all that I have. Nothing further?

XII. APPOINTMENTS/REAPPOINTMENTS

A. Appointment of Alternate Member to the Santa Fe County Valuation Protest Board

ERIK AABOE (Manager's Office): Madam Chair, members of the Commission, the Valuation Protest Board has a vacancy in the alternate person without qualifications, and the County advertised and received applications and the required clearance forms for five individuals who were interviewed by folks from the County Manager's Office. Each and all of these five applicants would do an excellent job serving as the alternate member for this board, and so we have placed the names in order of experience and

availability in descending order so in your packets you'll see the résumés and letters of interest for each of those, so we ask that you appoint an alternate member to this Board.

CHAIR HOLIAN: Thank you, Erik. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, thank you, Mr. Aaboe. At the beginning of your presentation you said members without qualifications. Could you just clarify that? Because I think I probably know what it means, but –

MR. AABOE: And I think that was probably poorly worded, but the statute reads that one of the members shall have demonstrated experience in the field of valuation, and the other member is an at-large person who doesn't necessarily have those skills.

COMMISSIONER ANAYA: Thank you, Mr. Aaboe. I read through all of the résumés and all of the individuals are qualified individuals or people that have experience on the board. I want to make some comments first and then a nomination. I think all that experience from all those members is very valuable and would be helpful. But I also think having people that have a direct understanding and experience in New Mexico is probably priceless. So based on that provision I would move a member that's a retired civil servant, somebody that's participated at the community level as well and that's Mr. Edward P. Vasquez as the alternate for the Valuation Board.

COMMISSIONER MAYFIELD: Second.

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

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

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, I had the honor of speaking with former Commissioner Marcos Trujillo. He did speak to me and let me know that he would no longer be able to serve as the alternate member, so I just want to thank former Commissioner Marcos Trujillo for his invaluable service as the alternate member. He wasn't called on that much because the permanent member, Mr. Gil Tercero, was always able and willing to serve in that capacity. But again, I just want to thank former Commissioner Marcos Trujillo for his service. He did invaluable service for this County as a County Commissioner and served on and with the Protest Board. And I also would like to recognize former Commissioner Trujillo with a letter, so I'll be drafting a letter and bringing it forward to the Commission.

CHAIR HOLIAN: Thank you, Commissioner Mayfield, and perhaps we can do a certificate of thank you for him as well.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. I'll bring that. Thank you. For all of our signatures.

2013 AUG 13 PM 4:00
CLERK
RECORDED
2013 AUG 13 PM 4:00

XII. B. Re-Appointments of Members to the Santa Fe County Valuation Protest Board

MR. AABOE: Madam Chair, members of the Board, as Commissioner Mayfield said, Marcos Trujillo recently resigned. The other members of that board have expressed interest in serving another two-year term and so the request is to re-appoint the remaining members to the Valuation Protest Board so they can serve their function for another two years.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR HOLIAN: Commissioner Stefanics.

COMMISSIONER STEFANICS: A great big thank you goes out to everyone and I would move for re-appointment.

COMMISSIONER CHAVEZ: Second.

CHAIR HOLIAN: I have a motion and a second for re-appointment for the remaining members of the Santa Fe County Valuation Protest Board.

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

XII. C. Appointment of Commissioner Chavez as the Primary Member to the NCRTD and Commissioner Anaya as the Alternate Member to the NCRTD

COMMISSIONER STEFANICS: Madam Chair, I move for appointment.

COMMISSIONER MAYFIELD: Second, Madam Chair.

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

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

XIII. MATTERS OF PUBLIC CONCERN – Non-Action Items

CHAIR HOLIAN: Is there anyone here from the public who would like to address the Board? Melissa. And please identify yourself for the record.

MELISSA HOUSER: Good afternoon, Madam Chair, and Commissioners. My name is Melissa Houser and I am an at-large member of the County Open Space, Trails and Parks Advisory Committee. I come before you today to bring attention to the reorganization of the Open Space, Trails and Parks Program. A special meeting of COLTPAC has been called on Thursday, August 22nd at 6:00 pm in the County Commission Chambers to report on those changes. I would also like to call attention that on the agenda today, under Public Works/Staff Items, the Public Works Director is bringing forward approval for the Commission to create a Capital Improvements Advisory Committee, and I would like to know if this new advisory committee will interact with the COLTPAC Committee in regards to the Open Space, Trails and Parks projects that are on the capital improvements plan. That's all for today.

CHAIR HOLIAN: Thank you, Melissa. Any further – is there anybody else here who would like to address the Board?

COMMISSIONER STEFANICS: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Stefanics.

COMMISSIONER STEFANICS: On this topic I would like for our County Manager to have some kind of presentation scheduled on what reorganization is occurring. There have been letters of concern sent to one or more of us from COLTPAC members and it would be great to reaffirm the value of the COLTPAC members and their responsibilities but to also hear what is happening in terms of the reorganization.

CHAIR HOLIAN: Thank you. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Ross or Manager Miller, I don't know – when is this meeting again for COLTPAC? August 6th?

CHAIR HOLIAN: Twenty-second.

COMMISSIONER MAYFIELD: Twenty-second. I plan on attending it, so I don't know if any other Commissioners do, but just if the noticing can be done in case there's three Commissioners I attendance.

CHAIR HOLIAN: Thank you, Commissioner Mayfield, because I plan to attend that as well. Commissioner Chavez.

COMMISSIONER CHAVEZ: I may not attend, but I did meet with the chair and one of the members of the COLTPAC to talk about the reorganization within our organization. Where does COLTPAC fit? Public Works? I guess there's a question about where they'll be situated.

Secondarily, there was a question about their purpose, their intent, what they had been doing and how that might change. What I got from the discussion was the committee and the County have spent a lot of time and rightly so acquiring open space for parks and trails. There seems to be a shift in that, a shift from acquiring property to maintaining property. So we had a discussion about that and so you have the reorganization and then you have maybe the redirection of the committee itself from helping us to acquire to helping with stewardship and maintenance of our parks and open space. And the committee member I talked to on that day seemed to be open to the idea of their focus and their purpose shifting a bit. And so I share this with you because there has been a lot of discussion within the committee, some discussion between committee and staff, and then now we have the discussion today about that purpose of the committee and what they may do in the future.

So I think that it's good to have that discussion and I hope that the committee will stay involved and committed to more of the maintenance side of the parks and trails than just acquisition, but I'll just note that for the record and just to share that with my colleagues that I have had those conversations with some of the committee members and with staff and I think that within the reorganization that it will still work out and that we can still find a purpose for staff and for the committee, especially in the area of parks and open space because it is needed.

CHAIR HOLIAN: Thank you, Commissioner. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I would – I appreciate Commissioner Chavez' comments relative to the discussion on movement in many ways to maintenance aspects. I would, however, for the record also like to acknowledge that the

committee has done good work in recent times dealing with the Dale Ball area, dealing with the Santa Fe River restoration, dealing with the facility planning and work in the Galisteo area and most recently COLTPAC work in dealing with the facility in Edgewood, and say that for the record, and also say that there are opportunities that sometimes may present themselves associated with potential acquisitions, and there's also pending projects that have been in the pipeline for quite some time that the committee has been working on. Mt. Chalhuitl is one that we've discussed and budgeted. So I echo the sentiment of Commissioner Chavez to a point but I think we also still are going to be cognizant of the projects that we have in the pipeline. But I appreciate the remarks from the public and know that our Manager and staff have every interest of maintaining focus and support for COLTPAC and the great work that they do. So I appreciate all the comments and acknowledge and respect what Commissioner Chavez is saying as far as moving towards a maintenance aspect in many ways so that we could actually utilize some of those spaces that we've acquired and maintain them as well. Thank you, Madam Chair.

CHAIR HOLIAN: Thank you, Commissioner. I just will add that I think that I'm not speaking out of turn when I say that COLTPAC is highly valued. The COLTPAC Committee is highly valued by all of the Commissioners and we all very much value our Open Space and Trails program. We know that is one of the programs that we have in the County that is most popular with the people who live in the county. So we're all aware of that and I'm looking forward to the discussion and sort of clearing things up for the people in the community. Thank you.

XIV. CONSENT CALENDAR

A. Final Orders

1. **CDRC CASE # Z 13-5060 Robert & Bernadette Anaya Master Plan/Preliminary Development Plan. ISOLATED FOR DISCUSSION**
2. **BCC CASE # PCEV 13-5160 Lackehart, Inc. Vacation of Easement. Lackehart Inc., Applicant, Requested Approval to Vacate a Platted Ten Foot (10') Wide Private Equestrian and Pedestrian Easement on Two (2) Lots Totaling 25 Acres. The Properties Are Located at #4 and #15 Lone Coyote Ridge, in the Vicinity of Eldorado, within Section 22, Township 15 North, Range 10 East, (Commission District 4). Approved 3-1, Miguel "Mike" Romero**

Removed for Discussion

- XIV. A. 1. **CDRC CASE # Z 13-5060 Robert & Bernadette Anaya Master Plan/Preliminary Development Plan. Robert & Bernadette Anaya, Applicants, Requested 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). Jose E. Larrañaga, Case Manager (Approved 4-1) [Exhibit 1: Amended Order]

JOSE LARRAÑAGA (Land Use Department): Thank you, Madam Chair. The former order was revised. There was lengthy discussion about the radiuses off of Agua Fria and the hammerhead for fire on the property, so this was put in on paragraph 12 as part of the final order for this project.

CHAIR HOLIAN: Thank you, Jose. Maybe you could just read this in for the record.

MR. LARRAÑAGA: Yes, Madam Chair. During the BCC meeting there was a lengthy discussion regarding the proposed access. The master plan drawings as submitted showed in concept the proposed hammerhead turnaround as well as the turn radius at the intersection of Agua Fria and Ben Lane. It was stated that the applicants would provide the required 28-foot inside turn radius at the intersection of Agua Fria and Ben Lane. This will be adequately addressed with the preliminary development plan application.

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

COMMISSIONER CHAVEZ: Thank you, Mr. Larranaga. I appreciate this because this is one of the concerns that I had had during the discussion when we discussed this last. So this 28-foot radius would be more for our fire and emergency medical providers.

MR. LARRAÑAGA: Madam Chair, Commissioner Chavez, that's correct and that was part of their requirements of approval.

COMMISSIONER CHAVEZ: And then the hammerhead, what were the dimensions on that? That's for fire, but was that somewhere else in the order? Because we also talked about the number of vehicles and you do have that in here. Where is the hammerhead?

MR. LARRAÑAGA: Madam Chair, Commissioner Chavez, it was stated in the staff report as part of the approvals. It's a 20-foot wide, 60-foot deep hammerhead.

COMMISSIONER CHAVEZ: Okay. And that would be considered an onsite improvement, right?

MR. LARRAÑAGA: Madam Chair, Commissioner Chavez, that's correct. As part of the final development plan that would be one of the improvements that they'd have to make.

COMMISSIONER CHAVEZ: Okay. Thank you, Madam Chair.

CHAIR HOLIAN: Any further questions?

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Larranaga, just for clarification. On 12 on page 3, you say the final order was revised. So just clarify that a little more for me.

MR. LARRAÑAGA: Madam Chair, Commissioner Mayfield, yes. As part of the discussion in the minutes the turnaround radius, I believe the plan said that was proposed

that the applicant had showed a 27-foot radius, and so it's clarified to have a 28-foot radius per Fire Marshal requirements.

COMMISSIONER MAYFIELD: Okay. So that was kind of like, not an errata, but it was stated in here 27, so the attorneys missed that?

MR. LARRAÑAGA: No. Madam Chair, Commissioner Mayfield, the plans that the applicants supplied staff to present to the BCC showed a 27-foot radius and the Fire Marshal requirements were a 28-foot. As a conceptual plan they agreed to – the applicants agreed to a 28-foot radius.

COMMISSIONER MAYFIELD: That was our discussion that night with our approval that night on the bench.

MR. LARRAÑAGA: That's correct.

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

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I just want to restate what I stated at the meeting when we did this. This order is a balance between the interest of maintaining a functional business and then also providing some compromise to accommodate area residents. Thank you, Madam Chair.

CHAIR HOLIAN: Commissioner Chavez.

COMMISSIONER CHAVEZ: Just for clarification, if you look at the minutes, and this is one concern I had, and I appreciate staff making this amendment. The access the fire department is asking for, the 28-foot radius, that's a better fit for our vehicles. So I just wanted to clarify that. And having said that I'd like to move for approval on this final order.

COMMISSIONER ANAYA: Second.

CHAIR HOLIAN: Okay. I have a motion and two seconds.

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

XV. STAFF ITEMS

A. Administrative Services Department

- 1. Request Approval of Amendment No. 2 to ACC Health, Inc. Professional Services Agreement No. 2012-0218-CORR/PL to Extend Term and Increase Compensation to \$295,800 (Exclusive of GRT) for Dental Services at Correctional Facilities**

BILL TAYLOR (Purchasing Director): Thank you, Madam Chair, Commissioners. This is a renewal option, an amendment to the renewal option for dental services and to provide dental assistant services from ACC Health, Inc. contract. Again, this is an extension, the second year renewal option that we're before you to ask approval and with that I'll stand for any questions.

CHAIR HOLIAN: Questions? A motion?

COMMISSIONER CHAVEZ: Move for approval.

CHAIR HOLIAN: Okay, I have a motion for approval. Is there a second?

COMMISSIONER STEFANICS: Second.

CHAIR HOLIAN: Okay, I have a motion and a second. Is there any further discussion?

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

COMMISSIONER STEFANICS: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Stefanics.

COMMISSIONER STEFANICS: I don't know if somebody from Corrections is here that could answer this question. I see Mr. Steve Shepherd and Mr. Caldwell. What I'm wanting to know is how many of our clients, to what great expense does everybody need dental work. I'm wondering if this is like an every person thing or –

MARK CALDWELL (Deputy Warden): Madam Chair, Commissioner Stefanics, to what extent do our inmates receive dental care? They all receive an assessment, a 14-day assessment. Within that assessment if there is dental care needed and/or any acute care that's needed while they're there, then of course we do seek that treatment.

COMMISSIONER STEFANICS: But I'm asking, are we talking 25 percent, 50 percent, 75 percent? 100 percent?

MR. CALDWELL: I'd say a good 65 percent.

COMMISSIONER STEFANICS: That's what I was looking for. Thank you very much.

CHAIR HOLIAN: Thank you. Any further questions?

XV. B. Public Works Department

- 1. Introduction and Possible Action on Resolution No. 2013-73, a Resolution Permitting the Board to Appoint a Capital Improvements Advisory Committee Consisting of at Least Five Members to Assist in the Establishment of Impact Fees for Implementation of the County's Capital Improvement Plan as Part of the Sustainable Land Development Code's Requirements and Associated Waiver of Requirements of Resolution 2013-26**

COMMISSIONER CHAVEZ: Madam Chair, if I could, I'll go ahead and make a motion to waive the requirements of Resolution 2013-26.

CHAIR HOLIAN: Is there a second?

COMMISSIONER STEFANICS: Second.

CHAIR HOLIAN: All those in favor? [Commissioners Holian, Chavez and Stefanics say aye.] All those opposed?

COMMISSIONER MAYFIELD: Madam Chair, I'm going to vote no.

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Could we just for – could we get a summary, because I didn't say anything on the vote. Why are we waiving it? Why are we wanting to waive it and do it immediately?

CHAIR HOLIAN: Well, perhaps Commissioner Chavez can answer that. He is the one who made the motion.

COMMISSIONER CHAVEZ: Well, Commissioner Anaya, I didn't see any reason for having a second hearing on this particular item. It has to do with the impact fees and it's part of the Sustainable Land Use Code and I think the two in my opinion need to move forward in a parallel track and I don't think the impact fees should be too far the land use code. Impact fees are one way that a local government can augment their budget and expect for new growth to pay more of its share. And so for that reason I thought that it would be more advantageous for us to discuss this and take action on it tonight. And so that's why I waived the – was willing to make the motion to waive the requirements of the stated resolution.

CHAIR HOLIAN: So to recap, I will say that we had a vote and apparently the result of the vote was 3-2. Correct?

COMMISSIONER ANAYA: Well, I haven't said that. I'm trying to understand. And the reason why is working on nearly three years now we're getting closer to the point of having a product that includes a lot of public input and a lot of feedback that we could put a draft forward, but there's nothing light – and I want to make sure I get this on the record – there's nothing light about the consideration of impact fees and their use. It's very important that we consider them. We have impact fees in place now that deal with fire protection that afford resources to our fire department to make sure that we have adequate water supply and adequate facilities. But we also need to be cognizant of the impact of growth and the impact of economic development.

So I guess I don't disagree that impact fees are a mechanism for governments to provide resources but I don't think we should be rushing through discussion about creation of a group immediately. I do think we should have two public hearings and make sure there's that input and opportunity for the public to provide us feedback on what the makeup of that committee might look like and some of the aspects that they'll be evaluating.

So if the intent, and correct me if I'm wrong, there was two resolutions that were brought forward by my colleagues. I think it was Commissioner Mayfield and Commissioner Chavez, brought resolutions that required public hearings. This isn't one that I think we should waive. This I think is an excellent example of why I think my colleagues asked for a resolution to have two public hearings. So I'm not saying I'm against the discussion but I do think we should have two public hearings. And I would ask for comment or feedback from my colleagues, but if the vote stays at is I would vote no because I want the public to have more opportunity for input on any discussion on impact fees. Thank you, Madam Chair.

CHAIR HOLIAN: Commissioner Chavez.

COMMISSIONER CHAVEZ: Commissioner Anaya, I was hoping that the committee would in fact allow for that public comment and help us determine when and where and the dollar – I know that there's going to be a fiscal impact and some people are not going to like impact fees and some people think they're okay. But the State Development

Fees Act requires the creation of a Capital Improvement Advisory Committee whenever a county imposes an impact fee. So impact fees are something that are set up through state legislation, enabling legislation provides us that mechanism. So again, I thought that it would be good to have that committee in place for the purpose that you stated, for the public comment and to help us determine an expanded list of impact fees and what those fees – they need to be reasonable – what those fees might be. And so again, for those reasons I was willing to waive the requirement for a second hearing today, knowing that the committee will keep the discussion moving forward, and that's – it would be better placed in that committee because that's what they're charged to do. So that was my reason for waiving the requirement, or reasons for waiving the requirement. Thank you, Madam Chair.

CHAIR HOLIAN: Commissioner Stefanics, then Commissioner Mayfield.

COMMISSIONER STEFANICS: Thank you, Madam Chair. I really have two comments. First of all, I have become very opposed to two hearings on a resolution, and I've spoken to Commissioner Chavez about this as well. I believe that we should be vetting something and putting it out to the public and making it clear what we're talking about. Secondly, I see this as an administrative resolution; I don't see this as a substance, and that is why I can support waiving it because I believe that the heavy discussion will come after a group is appointed to actually discuss and bring any recommendations forward. So that's why I'm supporting the waiving is I see this as administrative, moving something ahead. That's all. Thank you.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, I appreciate everything my colleagues said. I think Commissioner Anaya articulated my points very well, so I'm going to echo exactly what he said. But also looking at the fiscal impact report. I know we're still in the discussion process of what this committee may do or may not do, but I don't think as far as Section 4, the revenue section, even as far as potential generated revenue, I think we've totally missed the mark on this without even any potential estimates or guestimates. I think that there could have been a lot more work done for our FIR process. I think that's one reason why we have a fiscal impact report in here, and that's no reflection on staff's time. It's still a bit of a moving target. I think that's why this FIR report's in here.

And I do appreciate what Commissioner Stefanics said, but I do think that this should still be vetted out for public view. That's one reason why we have this two-pronged hearing process in here. And because a lot of people may not have received these packets, we have them out here and maybe some other folks would want to comment on this. But I'm definitely not going to support the waiver of this. So I would just ask that as it moved very fast that we recall the vote on this please.

CHAIR HOLIAN: Well, I think I would like to make a comment. I am in support of voting for the waiver myself. I think that this committee does need to happen, no matter what, even if we don't impose impact fees right away, I think it's really important to have a Capital Improvements Advisory Committee. And I think it's probably even mandated by law, given probably the Sustainable Land Development Code that we are going to implement. So I will vote for it but I will retake the vote. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I appreciate that. One thing I wanted to add and I think this a real appropriate time to make it is each of us sitting up here

on the bench represent a constituency and sometimes things get heated and we have intense debate, but I want to make it clear for my colleagues sitting to my right that none of what we do up here is personal. We all have our perspectives and our feedback and input based on the feedback we're getting from our constituencies. As it relates to fees though I would echo some of that Commissioner Mayfield said relative to the FIR and impacts, and I'm still of the belief that in this economic climate that we need to be very cautious about increasing fees and expenses. We're climbing out of the economy and things are I think improving it seems like, based on gross receipts tax, so I just have a general feel and perspective based on input from my constituents that we should limit taking resources out of the pockets and trying to do what we can with what we have. So that's not a personal comment; it's a general comment based on feedback and the constituencies that I represent. But I appreciate each of my colleagues' viewpoints, not only on this but on all issues.

CHAIR HOLIAN: Thank you, Commissioner Anaya. I really appreciate your expressing those sentiments and I agree. It's not personal, that we're doing what we think is best. So I will retake the vote. I have a motion and a second for the waiver of the requirements of Resolution 2013-26.

The waiver motion passed by majority 3-2 voice vote with Commissioners Anaya and Mayfield voting against.

ADAM LEIGLAND (Public Works Director): Madam Chair, Commissioners, a lot of what I was going to present has already been brought forth in this discussion. The State Development Fees Act, which is the state enabling legislation with regard to impact fees requires a local jurisdiction to have a Capital Improvements Advisory Committee to advise on the land use assumptions which are the basis of impact fees. They also review any capital improvement plan. They file written comments and they report back to the governing body on a periodic basis. So I think, Commissioner Holian, I think you were right. I think this is something the Commission would like regardless of how they go on impact fees. I think this is a good advisory tool. I'll also note that, as Commissioner Anaya mentioned, the fire department already has impact fees and they're coming up to a point where they're going to have to re-evaluate some of the assumptions behind those impact fees, and a Capital Improvement Advisory Committee is necessary for that.

So that's why we felt it was a good time now as we pave the way for existing impact fees and then whatever comes out of any other discussion of larger impact fees. This will be – the state statute also determines what the membership requirements are. There have to be at least five members. Some of them have to be from the development or real property community, so there are some specific provisions. And then once the committee were created it would be managed similar to our other advisory committees. And with that, Madam Chair, I'll stand for any questions.

CHAIR HOLIAN: Thank you, Adam. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Leigland, thanks for bringing this forward. So, NMSA1978, 5.8-1, when was that created?

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, I don't know what the date of that law is. I'm guessing it's at least before 1993 because 1993 was the last time

this County created a Capital Advisory Committee. So it's at least 30 years old.

COMMISSIONER MAYFIELD: So Santa Fe County has been out of compliance with state law for 30 years?

MR. LEIGLAND: No, it's only been out of compliance since 2009.

COMMISSIONER MAYFIELD: So, I guess is there – from our County Attorney. Was it recent we realized we needed to come into compliance with this law or – and I'm glad we're coming into compliance with state law. So do we need to report this as an audit finding that we've been in non-compliance with state law? Mr. Ross.

MR. ROSS: Madam Chair, Commissioner Mayfield, no. No. No one has complained about this.

COMMISSIONER MAYFIELD: Well, I'm asking right now a question. So we've been out of compliance with state law. So we're deciding today that we need to come into compliance from my hearing with Mr. Leigland's presentation. So I'm not saying it's a complaint, but we've been out of compliance with state law.

MS. MILLER: Madam Chair, Commissioners, I don't know if it's a matter, Commissioner Mayfield, of being out of compliance, We did have a committee when the fire impact fees were put into place. There was a committee; it was appointed by the Commission. They did the review and there was an assessment done I believe five years ago when that was put into place and those impact fees, as Adam said, those impact fees every five years they need to be renewed, in which case they need to have a committee review the assumptions behind that. That committee that was put into place before has not met since then, since I think four years ago or something like that because there was no need. They had had their plan approved, they had their fees approved and that hasn't changed.

So as they were coming forward and the fire department needing to renew theirs and the code was coming along, so I don't think it's been a matter of non-compliance. There hasn't been a need until now because we were looking at renewing the fire impact fees as well as bringing a committee forward to deal with the new code and any other potential impact fees.

COMMISSIONER MAYFIELD: So, Madam Chair, Manager Miller, thank you for that explanation. So on that note at that time it was determined I guess that only fire impact fees were needed for Santa Fe County. Were there any other impact fees that were assessed to Santa Fe County residents at that time?

MS. MILLER: Madam Chair, Commissioner Mayfield, I wasn't here at the time but I know that at the particular time the fire impact fees were put in place that was the purpose for that committee and the fire department doing that. I don't know whether it was discussed that there would be other impact fees at the time but that was what that particular committee, that was the only impact fees they looked at and they reviewed and the study that was done at that time.

COMMISSIONER CHAVEZ: Madam Chair, Commissioner Mayfield, if I could add to that I could clarify it. The enabling legislation allows each state to collect impact fees only for certain areas. And the state of New Mexico as an example, state enabling legislation does not allow us to collect impact fees for schools and libraries. That's off the table. We can impose impact fees for almost everything else – fire, police – I don't have the list memorized. But there's a list that's adopted through enabling legislation that says these

are the areas that you can collect impact fees on and these are the areas that you cannot.

I actually spent some time at the state legislature thinking that we could add schools and libraries to our list of eligible facilities for impact fees. I've not been successful at doing that. So that's already set in place. We're required by enabling legislation, if we choose, to impose impact fees in these areas only. That's it.

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

COMMISSIONER MAYFIELD: That's fine and I guess I could have this conversation with Commissioner Chavez. Maybe we should go have it off line. And I will. But on that note, the law says we have to have an advisory committee to do this. So does that advisory committee go out to the public, Manager Miller? Could we go out to referendum on this? Or it could be this Board that makes the decision if we're going to establish these impact fees. Are they going to take public comment on this?

MS. MILLER: Madam Chair, Commissioner Mayfield, I think as Adam stated, there are certain requirements of the makeup of the committee and the qualifications of the committee and certain things they do. They're a reviewing committee. In reviewing that the County CIP and its plans for the impact fee actually comply with state statute and our ability to do any impact fees. So this ultimately though it's the County Commission. This advisory committee could recommend away and it's up to the County Commission as to whether you would actually implement any of the impact fees or not.

COMMISSIONER MAYFIELD: After the recommendations come back from the board.

MS. MILLER: Madam Chair, Commissioner Mayfield, yes. This committee has to review the actual capital improvement plan and the assumptions made by the County in trying to put that together. And I don't know, Steve, if you have other things to add that they do. But that's where their main function is, and the statute requires because the impact fees can only come into play after you've looked at all other County revenues and mechanisms. So they need to review what we're doing. They also can't come into play for deficiencies in infrastructure, so what this committee does is actually review that whole process that County staff would go through and bring forward in a capital improvement plan and what you would pay for in potential impact fees.

COMMISSIONER MAYFIELD: So, I'm just going to throw one question out and I'll be quiet after this. So we have County impact fees right now on fire, that are imposed, correct?

MS. MILLER: Madam Chair, Commissioner Mayfield, yes we do.

COMMISSIONER MAYFIELD: And we have some cases coming up later on in the agenda. So this is my question. And we potentially might go for later impact fees. J.Q. Public right now pays property taxes, and some of those property taxes are pushed out for general needs within the county. So this group is going to come and make recommendation to us. But even on fire. Fire has impact fees that are assessed. They also are the recipients of state monies, grant monies, and other various federal monies. But then again they have other code requirements that they mandate on to other public entities or commercial entities for that matter. But the receiving these dollar to help buy the equipment for the needs of their operations, but in the end they're putting more stringent requirements based on fire codes based on these individuals so that they can even receive a permit from us.

So why are we putting all these impact fees on people and charging all these people all these taxes if we're still going to put stronger, more stringent codes. I guess philosophically I just don't understand it. So this is just going to be a hard press for me to look at these impact fees.

That's all I had, Madam Chair. I'm going to want to look at the law of seeing why we haven't been in compliance on all these impact fees. So, Adam, I can just google it and I will get it. But I'm going to look at 5.8-1 and see what impact fees we could push out.

I would hope wherever this goes that we give this list to the advisory committee of what parameters they have to look at as far as discussion on what impact fees they can impose and that we put that in the public discussions of when this goes out. And we have some CIP meetings going out pretty soon. Is that going to be part of this discussion on our capital improvement plans as far as your presentation for maybe potential impact fees also? Because if we're asking for our voters to approve all these bonds and all these other taxes maybe we should let them know that you potentially might be paying a lot more impact fees now too. Just full disclosure to our voters. That's all I have to say, Madam Chair. Thank you.

CHAIR HOLIAN: Commissioner Chavez first and then Commissioner Anaya.

COMMISSIONER CHAVEZ: Thank you, Madam Chair. I'm going to make a motion to approve Resolution 2013-73, a resolution permitting the Board to appoint a Capital Improvement Advisory Committee for the purposes of establishing impact fees for implementation of the County's capital improvement plan, also known as the CIP plan as part of the Sustainable Land Development Code requirements.

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

COMMISSIONER STEFANICS: I'll second.

CHAIR HOLIAN: Okay. I have a motion and a second. Further discussion?
Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, just a few comments for us to think about as we go through this process. There are many areas in Santa Fe County that are conducive to economic development and there are areas that may not be conducive to economic development. But there's a direct interrelationship between fees, taxation and development itself. And if we stick to those areas that have economic development or have a desire for economic development that's sustainable within a community, then I ask us to consider that there are areas that by nature of the imposition of fees and taxes discourage any economic development whatsoever, and that as we evaluate what we do, because regardless of what comes from the advisory discussion through the committee it's the obligation of this body to make those determinations, is that we also need to be cognizant of creating environments that encourage business and economic development where it's appropriate to come.

If we provide additional impact fees and additional taxation when we do get it we may get sparse development in those areas but in those areas where we want economic development we need to have discussion and consideration of offsets that encourage them to show up. Last week, Commissioner Stefanics and I were at the Association of Counties and there was an extensive discussion about renewable energy for example, that for wind farms and solar farms economic development companies get a direct incentive from the state in offset in taxation to do solar and wind farms. It's that direct offset that gets them to show up

in the first place.

So it's a balance between what's reasonable and what we're trying to attract to have business come and set up shop in Santa Fe County in the appropriate areas. I'm going to err on the side of I want to attract in those appropriate areas businesses to come and do business, not discourage them by creating too many fees or excessive fees. There are cities in our county that are clear examples of providing some of those offsets. I think Edgewood is a good example of encouraging business through offsets that they might have in taxation, whereas there are some cities and communities immediately adjacent to that community that didn't and that aren't realizing economic development and growth. So in those areas that make sense for development, I just ask us to all take those items into consideration so that we entice businesses where they're appropriate to come to Santa Fe County and set up shop. Thanks.

CHAIR HOLIAN: Okay. Thank you, Commissioner, I will take more discussion from the Board and then I want to just remind everyone that we will have public comment on this. Commissioner Stefanics, and then Commissioner Mayfield.

COMMISSIONER STEFANICS: Thank you, Madam Chair. I think we do want to – well, I would be interested in hearing what a panel recommends because we will want to be judicious about any new or extra fees, but also, every time I think about our County budget and what we would like to do for the public, I see that we will have to either cut something or come up with more funds to do something for the public. For example, I know that here we have discussed how we could make the transfer stations free for everyone. Well, you can't do that unless you come up with more money. And I think that as we look at sources of income for new developments or we look at increased sources for our fire we're looking at greater service.

So I'm not shutting my mind to new or increased fees, because I want to keep in mind the many different service we've talked about providing to our public. So I put it in context. And we're not there. We don't even know what the recommendations would be. Thank you.

CHAIR HOLIAN: Commissioner Mayfield and then Commissioner Chavez.

COMMISSIONER MAYFIELD: Madam Chair, and I'm trying to find New Mexico state statutes on line, but really quick, I'm just rereading the memorandum. So rereading the memorandum without looking at the [inaudible] on line, but it says 5.8-1, requires the creation of a Capital Improvement Advisory Committee whenever a county imposes an impact fee. So I'm going to defer to our County Attorney. So don't we need to impose an impact fee before we create an advisory committee?

MR. ROSS: Madam Chair, Commissioner Mayfield, we have impact fees right now.

COMMISSIONER MAYFIELD: So did we create advisory committees for all those impact fees?

MR. ROSS: Yes.

COMMISSIONER MAYFIELD: So are we going to restudy them now then? Are we going to restudy them or change the fee structure?

MR. ROSS: Madam Chair, Commissioner Mayfield, the fire impact fees are up for reconsideration. They come up every five years and they're due. I believe it's in October. They have to be re-imposed or they sunset so that the committee has to help us as a

first task with that.

COMMISSIONER MAYFIELD: Well, then, Madam Chair and Attorney Ross, then are we again – I'm just reading this and I'm reading it I guess literally with out looking at statute so you may have statute in front of you. Don't we then have to have our new code with potential impact fees developed saying we are proposing x, y, and z impact fees, and then appoint the advisory committee? Granted, we could review the fire impact fee, because that's just how I'm reading this without having the statute in front of me. Or can we go now with an advisory committee and say give us ideas of what impact fees you want to create? Because that's not how I'm reading it. Do you have the statute in front of you because I can't pull it up on the computer right now?

MR. ROSS: Madam Chair, Commissioner Mayfield, we have the fire impact fees, so job number one for the committee, the reconstituted committee is to make a recommendation concerning the re-imposition of the fire impact fees and job number two, when the code comes in, the code at this point, the draft, imposes impact fees and job number two will be for the committed to review proposed impact fees and make a recommendation to this body.

COMMISSIONER MAYFIELD: So Madam Chair, Attorney Ross, I don't recall approving any impact fees through the code yet from this Board.

MR. ROSS: Madam Chair, Commissioner Mayfield, no, it's part of the draft, and the draft has been authorized for publication. It is what it is and maybe this Board will adopt impact fees; maybe it won't, but the draft currently includes them.

COMMISSIONER MAYFIELD: Again, I still think this is premature. What other impact fees do we have besides fire impact fees for this County?

MR. ROSS: Madam Chair, Commissioner Mayfield, currently we have none.

COMMISSIONER MAYFIELD: Okay. So again, this is a little premature, aside from fire impact fees.

MR. ROSS: Madam Chair, Commissioner Mayfield, no, it's not. The draft code and actually the plan that was adopted by this Board two years ago calls for impact fees.

COMMISSIONER MAYFIELD: Do you have a copy of state statute, Mr. Ross?

MR. ROSS: Not in front of me.

COMMISSIONER MAYFIELD: Can you pull it please, and then I'll defer to Commissioner Chavez and if they want to take the vote they can.

MS. MILLER: Madam Chair, Commissioner, actually Adam did state that the statute before or when a county imposes or an entity imposes impact fees. And we can't actually impose them without a committee and we can't finish our CIP to even know what range they might end up being because there's a whole bunch of work that has to happen relative to all of our revenue sources and all of our capital improvements that we hired contractors when we were doing the plan. I wasn't here but they did do a draft CIP of estimates after they went out to the communities, found out what everybody wanted. So they can't actually do anything with any of the work that's been done, or even frame the – like leave blank spaces in the code for future potential impact fees without at least getting a committee to start reviewing the process and how we're going forward.

So it doesn't mean by creating a committee that the Board is committed to imposing

impact fees but if you even look at them this committee has to be created in order to look at all of the work that we're doing in putting the capital improvement plan together and all the assumptions that are being made.

COMMISSIONER MAYFIELD: Madam Chair, I won't belabor the point. The votes are here to have it done.

CHAIR HOLIAN: Anything further? Commissioner Chavez.

COMMISSIONER CHAVEZ: I think we're accurate and the public is right when they say they're paying their property tax and they work very hard to do that. Their taxes are probably sometimes increased when GO bonds are approved and of course the voters approve that knowing that their property tax will increase to pay for those projects. And so we can build and build and build and build, but whether we come up with the operations and maintenance for our facilities or our parks and open space we don't have that. So that's the other piece of the equation that we're trying to – the gap that I think we're trying to fill, and impact fees are one way to generate that revenue.

State statute also says that the committees, there's five committee [members] so that's already set in stone. We can change it if we want. The committee will consist of five members, at least two of whom must be representative of the real estate, development, or building industries. All committee members shall be full-time residents of Santa Fe County. No members shall be employees of the County, the City of Santa Fe or any other governmental entity.

So the impact fees are set by state statute. We have certain guidelines that we have to follow. Impact fees are not popular. That's one reason why they're not updated on a more regular basis, and I think now we're at that juncture where we need to decide if we need to expand our list of eligible impact fees or not, and the committee helps us do that. And so I'll just state that for the record. Those are my comments, and I think you want to go to a public hearing.

CHAIR HOLIAN: This is a resolution which means that we have an opportunity for a public hearing. Is there anyone here who would like to come forward and address the Board regarding this resolution? Okay, seeing none, we do have a motion and a second, but I would like to make a few comments before we vote. I think it's really important to remember that the County plays a really crucial role in people's lives. They provide roads, hopefully good roads. They provide public facilities like libraries and senior centers and community centers, and now we're actually getting in the business of providing water systems to people in our community as well as services like fire protection, law enforcement and so on. So how well the County functions has a lot to do with the quality of life for the people who live in our community.

So I think it's really crucial that we up here think about how we are going to provide infrastructure to new development. Lots of times people move into this region. They buy a new house. They think about what the house is like and whether it's what they want, but often they don't give a lot of thought to the services that are nearby. They just sort of take it for granted that they probably exist. So we have a responsibility here on this Board and in the county to make sure that when there's new development in the community that the people that move into that new development do have the services and infrastructure that they need. And I really believe that impact fees impose a certain sense of fairness. And what's important

to remember is what impact fees impose is that new development pays for itself. That is, the burden of providing the services and infrastructure for that new development is not on the backs of the people who already live here. They've already paid over and over again for the infrastructure and services that they have as well.

So I really see it as an issue of fairness and I think it's really important that we set up a process for setting up impact fees and fair impact fees for everybody. So are there any further comments? Seeing none, we have a motion and a second for approval of Resolution No. 2013-73.

The motion passed by majority [3-2] voice vote with Commissioners Anaya and Mayfield voting nay.

XV. B. 2. Introduction and Possible Action on Resolution No. 2013-____, Adopting the Santa Fe County, County Improvement District Policy and Application Procedures for the Evaluation and Approval of Applications for the Formation of County Improvement Districts in Santa Fe County and Associated of Requirements of Resolution 2013-26

CHAIR HOLIAN: First I have a question of Vickie. We're not actually going to be voting on this resolution today. Should we not give it a number until we vote on it? Okay. Adam.

MR. LEIGLAND: Madam Chair, Commissioners, apropos to the item you just heard about another form of funding infrastructure, today, this resolution creates a policy to implement another mechanism the state gives counties to raise funds which is known as the county improvement district. A county improvement district allows the Board of County Commissioners to designate a specified geographic area, say, for instance a neighborhood or a subdivision, and within that area provide a higher level of infrastructural services and then the members or the residents of that area who benefit from that infrastructure then in turn reimburse the County for that infrastructure through a periodic assessment.

So it's just one of a number of special assessment districts the state gives the counties. The County already has a policy in place for what's known as a public improvement district. This was a policy that the County passed in 2006. The public improvement district is really a mechanism designed for large subdivisions. It's very expensive and it's very hard for communities with moderate means to enter.

So the county improvement district is another tool. It's designed to be a little bit more accessible to smaller communities and the application procedure is also easier. So what this resolution does is take the state enabling act which describes a very complicated process in order to create this district, this policy takes that state law and turns it into a policy for the Board to make reasoned decisions about whether this makes sense.

So the way the process would work in the policy that's before you is a community would have to get 2/3 of their membership by valuation of property to petition the Board, the Board of County Commissioners and they would say this group, this neighborhood, we would like improvement X to be done in our property. And then they would come to you and

then if you decide to accept that petition that launches a series of preliminary hearings, and that's all described in the policy. And so once the preliminary hearings are held and then end the Board of County Commissioners decides first if they want to pay for those improvements and then also they determine how the assessment will be assessed. You can determine the terms of payment – ten years, twenty years, that sort of thing. That's all determined by the Board of County Commissioners through an ordinance.

So as I mentioned, the state process is rather long. This resolution just attempts to turn that state law into a process that's easy for everyone to follow. As Commissioner Chavez noticed, I think we had a couple mistakes between the preliminary and final application that we think we probably need to iron out, and before I stand for questions I will note that we already have a community that's interested in availing themselves of this new policy and they're actually here today and they would like to say some words. And so I can tell you that staff has been working with them and I think they have a good project and this is the first step.

And another thing I'll mention, referring back to the discussion on the impact fees is as Ms. Miller mentioned, the County needs to have all forms of financing identified before impact fees are – impact fees would be the finance mechanism of last resort, so it's important for the County to have finance mechanisms like this already in place in order to make the decision you will have with regard to impact fees more informed.

So Madam Chair, I can turn it over to the community or I can stand for questions now. I'm not sure.

CHAIR HOLIAN: Commissioner Stefanics, you had a question. Did you want to ask your question first?

COMMISSIONER STEFANICS: Yes. Could you go a little further into – recently Robert Martinez and I and maybe yourself had some conversations with the community, and could you talk a little bit about how the CID would encompass an area? How far from the center of a project could be included? Or would that be a case-by-case basis? Or would we set this in a resolution?

MR. LEIGLAND: Madam Chair, Commissioner Stefanics, actually, the way the state law reads is the community determines among themselves, because they come to you, and then they have to, in their application, they determine what the boundaries of the neighborhood involved are, so they determine among themselves how big or small they want this district to be. Then they get the requisite number of signatures and in their preliminary application they say here are the boundaries of the district. Here are all the different plats in that district, and here are all the people who are allowed to sign and here are the 66 2/3 percent of signatures.

So it could be a very – I mean I guess according to that it could be a countywide district or it could just be a neighborhood. It's really up to them. I would imagine because this policy describes a lot of back and forth between the community and staff to sort of polish, and I imagine in that process there would be some fine-tuning because maybe there's a particular part, area that it makes sense to include or not include, but I think it's up to the members themselves.

COMMISSIONER STEFANICS: Well, Madam Chair, the reason I bring this up is many years ago and currently, there have been discussions in some communities that

I'm familiar with about some projects. And the 100 percent mark is so very hard to get to in terms of everybody agreeing, and yet many people benefit besides the immediate core of a project. It could be feeder roads, it could be new developments that tie into a water system. It could be a whole variety. And so I'm just trying to think of how the future is planned for when we get involved in these projects.

MR. LEIGLAND: Madam Chair, Commissioner Stefanics, I understand your question. So it could be that a small group of people tax themselves to provide an improvement that benefits a much wider area. Is that getting to the core of your question?

COMMISSIONER STEFANICS: Correct. Or that there be great growth in that area in the next five or ten years.

MR. LEIGLAND: And then the newcomers aren't paying the cost it.

COMMISSIONER STEFANICS: That's right.

MR. LEIGLAND: Madam Chair, Commissioner Stefanics, those are both great questions. I think we would have to turn to the statute and see how it addresses that. But I can tell you that the state statute gives a lot of leeway to you, to the Board of County Commissioners to determine the terms and the mechanisms of the final payment. The creation of the improvement district is done through resolution but the imposition of the assessment is done through ordinance and so there's a great deal of public hearings. But I think your second question is one that I hadn't even considered and so I think we should look back and see.

COMMISSIONER STEFANICS: And then for the public's perspective, could you identify some types of projects that might fall within this CID, just to give the public an idea of the different types of things we're talking about.

MR. LEIGLAND: Madam Chair, Commissioner Stefanics, actually, yes. The accounting from the district in terms of what it can provide is very broad. It can do pretty much anything that provides infrastructure. So it can do roads, flood control, stormwater management. It can do water and wastewater utilities. It can do railroads. Actually, I think that reflects its age, but it can do railroads. Open space, parks and open space. So pretty much any manner of infrastructure that the County provides for public use a county improvement district can be used to fund.

COMMISSIONER STEFANICS: Thank you very much.

CHAIR HOLIAN: Commissioner Anaya then Commissioner Mayfield.

COMMISSIONER ANAYA: Madam Chair, Mr. Leigland, some simple questions clarifying what Commissioner Stefanics already asked. These improvement districts create latitude for individual communities to determine their own destiny as to whether or not they want to improve their neighborhood or not. Correct?

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

COMMISSIONER ANAYA: Excellent. Las Lagunitas comes to mind, Thunder Mountain comes to mind, Hyde Park comes to mind – several other communities in the county. It's a mechanism that gives them control over their destiny and the expense associated therein for their improvements. I think it's a tool in the toolbox that will help and may work. I know Mr. Martinez and Ms. Brown from the Attorney's Office engaged in discussions with yourself and others in the community to try and afford this. It's been coming for some time and you guys have been working at it. I'm glad we're finally at the point where

we're going to adopt something the citizens can use as a tool to get through the process. Thank you, Madam Chair and thank you, Mr. Leigland.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Madam Chair, Mr. Leigland. Thank you for bringing this forward. But just for my clarification. A CID – we need a resolution? I thought we could do this already without a resolution. We cannot?

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, yes. It's not necessary for a resolution like this for you to create a CID. We just felt it's hard to navigate the state statute on a case-by-case basis. And actually, as a matter of fact, in the early nineties the County did create a county improvement district in Hyde Park, as Commissioner Anaya mentioned. Hyde Park Estates and paved roads. But since there was no process it kind of went in fits and starts and the entire process took six years.

COMMISSIONER MAYFIELD: Okay.

MR. LEIGLAND: So we wanted to create something that was streamlined with timelines and everyone was clear on what was required at what point. So you're exactly right. This particular policy that's in front of you now is not required by the state. It just makes it easier for the elected officials to interpret state statute if you will.

COMMISSIONER MAYFIELD: And then you just determine the local area where you would like to put this CID?

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, the way the state statute reads it comes from the residents themselves. They get together and they say we'd like to do this. And then they canvass themselves to get the signatures and they come to the Board. It's not a top-down imposition; it's from bottom up. So as Commissioner Anaya mentioned, it's really for the communities to say, we'd like to do this. So they come to the County and say, can you help us do this? So they prescribe their own boundaries.

COMMISSIONER MAYFIELD: But the boundary has to be semi-uniform?

MR. LEIGLAND: The boundary does have to be clearly defined. Actually it has to be on plats, because every owner of that plat is going to have to vote. So it's going to come down to sort of a survey if you will that will be with clear boundaries.

COMMISSIONER MAYFIELD: And just again so I'm clear, do you need to also work with our Assessor or Treasurer's Office to make sure everybody is being properly assessed in that area? I guess property tax valuation will have to be looked at. There will have to be democracy. Is it like a 51 percent vote that has to vote yes on this?

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, state law says that it's 66 2/3 percent by value. So that's the first thing in order to bring the petition to you. And then yes, there has to be a lot of due diligence. In fact what this policy creates is a review committee comprised of staff and they evaluate the petition and they investigate all the landmines that you bring up. Are there any – what's involved in this. And then we would come back and then the Board of County Commissioners would have a preliminary hearing and all this information will be brought to light.

It would be what the cost of the improvements would be, what the expected benefits to the community are, and what the expected assessment would be, because state law says that an individual property owner cannot be assessed a greater amount than the benefit conferred by the improvement. So say for instance – and you actually have to have a third

2013 AUG 13 PM 4:03
SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
AUGUST 13, 2013
PAGE 32

party evaluate the benefit. So they evaluate, they say, so for instance, if we do Las Lagunitas and we install a sewer line and we have a third party say that everybody's going to benefit \$100 a year, the Board of County Commissioners cannot impose an assessment greater than that amount.

So that's all exposed at the preliminary hearing. The Board says, yes, we want to continue with this, or no, it's not worth it for whatever reason. And actually, I can tell you that I've heard anecdotally from staff that in the early nineties there were several districts where it was determined that the assessed value was going to be greater than the conferred benefit and so the Board say, it's not worth it; we're not going to continue. That happened at the preliminary hearing. And then, after this information, the preliminary hearing and then the Board actually awards, they actually award the construction contract and they determine the final construction amount and they use that to determine the final assessment. And then you impose that assessment through ordinance. So that's sort of the process. So a lot of the questions would be exposed through this number of hearings.

COMMISSIONER MAYFIELD: And then the community would be able to hopefully tap into either state or local dollars in the future?

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, yes. And actually one of the things, the preliminary is sort of the finance plan. They would work with staff and maybe staff would say, you know what? Maybe you only need to pay half this assessment because we can put a Water Trust Board grant or something like that. So it would be part of a financial package if you will.

COMMISSIONER MAYFIELD: And then, Mr. Leigland, we have a PID in here and the PID, the significant difference between the PID?

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, yes. The PID, public improvement district, the barrier for entry is much higher. The minimum cost of the improvement has to be \$5 million. Also it's going to be – a public improvement district would be funded through debt and so the applicant has to be a \$40,000 application fee and has to pay for the County's bond counsel. So that's appropriate for large developments but it's not appropriate for small communities such as the ones Commissioner Anaya mentioned. So the CID, there's no minimum amount of improvement. There's no application fee.

COMMISSIONER MAYFIELD: Thank you, Mr. Leigland. That's all I have, Madam Chair. Thank you.

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I move for approval.

COMMISSIONER MAYFIELD: Second.

CHAIR HOLIAN: Okay, I have a motion and a second, but I will note that this is a resolution. Is there anybody here from the public who would like to address the Board about this resolution? Please come forward and state your name for the record.

COMMISSIONER ANAYA: Madam Chair, I withdraw that motion because they were going to need more time to clean up language and then to come back.

COMMISSIONER MAYFIELD: I accept that withdrawal.

CHAIR HOLIAN: But we're still having public comment, so please proceed.

RAYMER SHAW: Madam Chair, thank you. My name is Raymer Shaw. I'm the president of Las Lagunitas, and I wanted to recognize our board who have taken time out of their lives to come and support this effort. Also, I wanted to thank you for your interest and support, and certainly, our Commissioner, Mr. Anaya, the County Manager and although I've never met the County Attorney I see his fingerprints on all of those documents so I know he was involved. And certainly we could have never done this without Adam's efforts and expertise.

Very briefly, we're a small community of 160 lots, about 80 of those lots have been built out and we have a sewer system and group sewer systems that are 20 to 30 years old. You can't find the design specs on them, you can't find flow charts on them, so what we've been doing, we inherited those systems in 2006 when the developer sold out all of the properties, so what we've been doing since 2006 is trying to upgrade, repair and operate those systems, some successfully and other times not so successfully.

So about a year ago, a little over a year ago I guess we started working with Adam and Patricio with the County staff trying to find what opportunities, what options we had. We already looked at redesigning a system, redesign or rehab or put in a new system that would be operated by Las Lagunitas. It would be \$600,000 to \$800,000. We still have the liability if there's a major spill and we don't want to be operators anymore. It's costly, but we don't have the expertise and it's something that as a community we inherited and it's like having a 1950 Volkswagen. It's a great car if you can work on it and keep it on the road, but we're in the position as such a small community that no amount of levies or increase in dues would really carry that.

So we've worked with Adam and his staff extensively and we really view this CID process as a win-win situation for everyone, because what it does is it establishes the broad process that other communities, other districts, other entities can engage in and actually help themselves improve their situations and not be standing waiting for the County to find the funds or do things like that. It's a lot more of an aggressive approach that we have initiated through Adam's work.

So right now, we presented – October 22nd we presented our petition to Adam, which was passed to Commissioner Anaya and the chair, and we have 83 percent support of our community by petition for this project. They've been told that it will increase their property tax. They are aware of a range of costs, obviously without preliminary engineering studies or work we don't know the exact amount, and still they're supportive of that.

We have a letter of support from the La Cienega Valley Association, which represents around 3,500 of our neighbors. They're extremely supportive of this. We just see this as a win-win situation and we need the CID resolution to be passed because we know then we can look at a CID for Las Lagunitas. It's a long process, a difficult process, it takes a lot of hearings and machinations but we've worked hard and we're ready to go.

Again, I want to thank you and if you have any questions I'd be glad to answer those.

CHAIR HOLIAN: Thank you, Mr. Shaw. Any questions? Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, as I've said to you in the past and I'd say publicly again, you guys are working to control your own destiny and I'm supportive

of that and we'll do whatever cleanup language we need to get this back on the agenda and move it on so that you can get on with your work and thank you.

CHAIR HOLIAN: Thank you, Mr. Shaw. Any further questions?
Commissioner Chavez.

COMMISSIONER CHAVEZ: Yes, I want to just ask Adam, so in your cleanup language, do you anticipate having this back at our next BCC meeting?

MR. LEIGLAND: Madam Chair, Commissioner Chavez, yes. I think it's just cleaning up some discrepancies between the preliminary and final application, but yes, we'll have it back at the 27th meeting.

COMMISSIONER CHAVEZ: So, Commissioner Anaya, do you want to make that specific in your motion?

COMMISSIONER ANAYA: I would ask that we have it on the agenda next time and afford the community the opportunity to get moving on the schedule. And again, as Mr. Shaw articulated, I want to express gratitude to yourself and Legal and others that are involved that have helped get it to the point it is. So let's keep it going. Also, if you could please extend information via the website as well as through email to those communities like Thunder Mountain and others that we had preliminary discussions before Las Lagunitas so that they're aware that we are close to finalizing the tool, I think that would be good for communities throughout the county.

CHAIR HOLIAN: Thank you. Anyway, Adam, I just really want to thank you for bringing this forward and I want to thank you, Mr. Shaw and the members of your community. I think that you've really provided a great example for the rest of our County on how you can do this. I think this is a really important option to be able to offer people when the County either doesn't have money for a project or it's going to take forever to get that money for the project. So I am very pleased to see that there's an orderly process being brought forward, so people will know how to do this. Thank you, Adam.

XVI. MATTERS FROM THE COUNTY MANAGER

A. Miscellaneous Updates

1. ICIP Schedule *[Exhibit 2: Schedule]*

MS. MILLER: Madam Chair, I'd like to have Joseph come up and give you an update. I think the last BCC meeting we talked about the state's requirement for the ICIP, not to be confused with our CIP, and not to be confused with your actual budget process of capital projects. There are lots of CIPs. Anyway, the state requires local governments to submit by October 1st or the end of September an ICIP to the state. This is the one that is referred to when the Governor and the legislature start putting together their capital packages. What we do every year is go out for public meetings. We're required to have two public hearings but we actually do more than that. We try to get out throughout the county. The last BCC meeting one of the requests was that we would go to the senior centers and go when there's actually individuals already meeting at our facilities. So this is the schedule that staff has put together and we just wanted to make sure that we run this buy you so you can see the process that we're going through to get that updated to the state. Joseph.

JOSEPH GUTIERREZ (Public Works Business Manager): Madam Chair, members of the Commission, as Katherine stated, we basically took your input at the last meeting and incorporated the schedule that you see in front of you. I think the only additional request was Commissioner Holian requested that we email her the information and she was going to email it to constituents so we'll do that. If the schedule looks like it works for you schedule then we'll go ahead and post it on the website and make this public at this point. I think it's good outreach. We'll have good turnout at all of these areas. Last year some of our turnouts weren't that well attended. I think that these meetings that we listed they'll be well attended. Part of the presentation we'll talk about what's going on currently with the County, current projects, the bonds and the gross receipts projects, and take input in terms of a request for our ICIP and our CIP.

And we continue to take requests all year long, it's just that at some point we formalize it and send it to DFA. And then the public meeting here the night of the 10th, that's your land use meeting, and then we'll request adoption of the ICIP plan on the 24th of September and get it to DFA where it's due at the end of September.

COMMISSIONER ANAYA: Mr. Chair.

COMMISSIONER MAYFIELD: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chairman, Mr. Gutierrez, thanks for the adjustments that you made based on our feedback and our requests. I think the other comment that I made and you may have said it and if you did, I apologize, but if we could have something on the webpage, on the front page of the website that says alert – call for projects, project submittals due by such and such date. That's one item.

The other item is our County staff throughout the County, our Open Space people, our Planning and Land Use staff, our capital projects staff, all of you have direct contacts with all of the community members throughout the county. If we could send out an email as well to those community leaders and point them to the website, let them know that we're asking and calling for potential projects. And I think within those notices and the discussions that you have, and you said this at the last meeting but I'm going to just say it again, is you let the community know when you go the meetings, projects that are in the pipeline, projects that are in process, so that they know that even though they may have a project that there might be other projects in their neighborhood or surrounding area that are already planned or in the pipeline.

So if we could just restate some of that information and then have that flash on the website then I think you're right, that we've done our due diligence in requesting for feedback and input from the public. But I appreciate the information. Thank you.

CHAIR HOLIAN: Commissioner Chavez.

CHAIR HOLIAN: Commissioner Chavez.

COMMISSIONER CHAVEZ: No, I think Commissioner Anaya touched on the points that I was going to bring up and it just talks to outreach, Mr. Gutierrez, and I think you've covered that. September 9th, if we could group the Agua Fria, La Cienega and the United Communities, I think that's casting a pretty broad net. So I think that looks good. So hopefully we'll get some decent turnout at the public meetings and then you'll be – you have a way for people to comment through our email and webpage. So I think the combination, hopefully we'll get some good comments. Thank you, Madam Chair.

CHAIR HOLIAN: Any further – oh, yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. Madam Chair, Mr. Gutierrez, thank you. Just a suggestion. Maybe we could use our Fair Board marquee, advertising our meetings. And I think we have pretty good rapport with some of our public schools. I don't know if they would let us use their marquees or any other marquees out there. And then also, I know Ms. Mihelcic is out for a while, and Manager Miller, does Jennifer or somebody else get on KSVE in the morning? So maybe we could just do that outreach on our local radio stations. But otherwise, I think everything's great, Joseph. Thank you.

CHAIR HOLIAN: Commissioner Stefanics and then Commissioner Anaya.

COMMISSIONER STEFANICS: Thank you, Madam Chair. Joseph, in the past I had this situation where some constituents requested something and it was deemed not to be important so it wasn't put on the list, and I would like to see that not happen this time.

MR. GUTIERREZ: Madam Chair, that probably was a mistake on our part, because we try to incorporate everything that we do receive. Now, if something is private related or something that we can't put on there we won't do that, but we'll make that clear in our meetings what we can and can't include, but it's very rare and it was probably a mistake on our part that we didn't do follow up and do that.

COMMISSIONER STEFANICS: Thank you so much.

COMMISSIONER ANAYA: Madam Chair, Labor Day Weekend there might be one of those public input meetings in the Pecos Wilderness as well for anybody riding a horse.

CHAIR HOLIAN: Commissioner Chavez.

COMMISSIONER CHAVEZ: I don't know if this is a follow-up to that or not but I'm wondering if we shouldn't noticed these in the event there will be more than three of us attending, because I know that that's been a problem in the past. So could we notice these, so that if there is more than one Commissioner in attendance that won't violate our open meetings?

MS. MILLER: Madam Chair, Commissioners, the one thing I would request, because a BCC meeting requires ten days of notice. If you think you will be at one will you let us know? Otherwise we have to notice it as a special BCC meeting. Steve and I were just talking about that, like with the COLTPAC meeting, we're already within the ten-day timeframe so I have to be careful that we notice it properly. So if there are any that you think that you might – even if you think you might attend just let me know. We'll make sure we notice as many of them as we can as a joint hearing and BCC meeting.

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

CHAIR HOLIAN: Any further questions? Thank you, Joseph.

MR. GUTIERREZ: Thank you, Commissioners.

CHAIR HOLIAN: Anything further, Katherine?

MS. MILLER: Madam Chair, yes. I wanted to let you know if you have not had any conversations with David Griscom, our economic development director, we have – we're planning and we're working with the RDC to do a regional training with other local governments for elected officials on economic development. So it will be a three-day training but it's over three months. We haven't picked the days yet but I tried to tell them don't have them conflict with the code study sessions and try to come up with some dates, but basically

day one, economic development introduction and vision and goals. Day two is getting the program going and coordinating with municipal policy or county policy. Day three, supporting the economic development program and local industry.

So these will be held – these are trainings and there will be two professional trainers who will be training. We collaborated with several other entities in the RDC to get a contract together to have those trainers come in and it's for the benefit of County officials from Los Alamos, Rio Arriba, Santa Fe County. If there's anyone else you believe we ought to include in that I also think the invitation was extended to the tribal governments as well. We're just trying to offer some training about what economic development really is and how as elected officials as well as County administrators what we can be doing to provide a good economic development environment for business.

So if you have any thoughts or comments on that we might be able to incorporate as we go forward planning those days.

CHAIR HOLIAN: Thank you, Katherine. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, I think it could be related. I will be attending a meeting in Taos this Friday for the Regional Coalition but also Friday afternoon there will be a presentation on the REDI-Net activities. I think Hvtce is our designee unless Mr. Griscom is now our designee. And I believe Congressman Lujan and Senator Udall are presenting this Friday also at that REDI-Net meeting, but that might kind of be an entrée into some development opportunities, Katherine, for a recap. Just for an FYI.

MS. MILLER: Madam Chair, Commissioner Mayfield, I'm glad that you mentioned that because also, tomorrow we send out an email to everybody that has to do with the REDI-Net and where we are. It's called the State of the Region Summit, from 8:30 am to 2:00 pm at Okey Ohwingeh and I think that's put on by the REDI-Net organizers. So we sent that invitation out to all of you but I just want to remind everybody, that's tomorrow. So I think there's several things going on this week relative to REDI-Net but I'm not sure if that's the same –

COMMISSIONER MAYFIELD: You might want to go check because –

COMMISSIONER STEFANICS: Madam Chair, tomorrow is not REDI-Net. Tomorrow is a REDI group, but not REDI-Net. It does involve something that I went to last year that was very fascinating that – I'm trying to think of the name of the group. The Kathy Keith group, which is different from REDI-Net.

MS. MILLER: RDC.

COMMISSIONER STEFANICS: RDC?

MS. MILLER: Yes.

COMMISSIONER STEFANICS: Okay. They contracted – Congressman Ben Ray Lujan is going to speak in the morning, just briefly, but it's an all-day. And last year they had a couple of consultants that came in and graded our five counties on roads, transportation, education and where we ranked with other communities around the country for businesses to locate. And it was an eye-opener about which counties were top. We were not top and we were not second. So this is a repeat of that particular thing tomorrow. Thank you.

COMMISSIONER MAYFIELD: And again, I think Friday is Friday afternoon for REDI-Net.

CHAIR HOLIAN: Okay. Any further, Katherine?

MS. MILLER: No, I think that was it for the updates.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, could we back up for one item I forgot to mention in Commissioners' items?

CHAIR HOLIAN: Yes. Is it going to be an hour?

COMMISSIONER ANAYA: Maybe 48 minutes, but no more. No, Madam Chair, it's brief. Madam Chair, at the last meeting I had some discussion related to participation of Commissioners on committees and relative to La Bajada Steering Committee they had some discussions among themselves. I chair that committee. I had not been participating the last two meetings to give them a little bit of latitude and space and demonstrate that it's not my interest in sitting on the committee to interrupt their deliberations and predetermine any of those deliberations.

Since that time, Maria DeAnda has also made contact, not with me directly but she spoke with Mr. Barela, my liaison and has expressed she herself is willing to step back in a leadership capacity and let the committee reconstitute its leadership. So I'm going to go ahead and recuse myself as chair of the La Bajada Steering Committee but I'm going to stay on as a participating member. I still think it's valuable to listen in and have Commissioners there. And I just want to say publicly my interest is not to disrupt or hinder in any way their feedback and as such, there's some meetings I may not attend but will just ask Mr. Barela to sit in on my behalf in those meetings when I'm not able to attend. But I do appreciate their work. I know you're on it with me, Chair Holian, and I think we're going to come up with some good product at the end of that process. So I wish them the best but I'll be there with them sitting on the sidelines and making some feedback as appropriate based on the perspective as myself and the constituents I represent. So thank you for letting me do that. Thank you, Madam Chair.

XVII. MATTERS FROM THE COUNTY ATTORNEY

A. Executive Session

1. Discussion of Pending or Threatened Litigation

i. Litigation Concerning Culverts Installed on Las Estrellas Road

iii. In the Matter of Jemez Mountains Electric Cooperative, Inc.'s Advice Notice No. 66, Third Revised Rate Rider No. 2, and Original Rate Rider No. 4 and Original Rate Rider No. 5, Case No. 13-00202-UT

iv. *Santa Fe County v. Leeder*

2. Limited Personnel Issues

i. County Manager Performance Evaluation

ii. Recent Resignation

3. Discussion of the Purchase, Acquisition or Disposal of Real Property or Water Rights

CHAIR HOLIAN: Steve, it looks like we need an executive session. Is that

correct?

MR. ROSS: Madam Chair, we need an executive session to discuss three general items: pending or threatened litigation, limited personnel matters and discussion of purchase, acquisition, disposal of real property or water rights. Now, under the litigation items, sub ii, the litigation concerning the unpermitted development, that issue has gone away so we won't be discussing that, but also under executive session a time-sensitive item has come up in the case of Santa Fe County v. Leeder, which I just need to give you a briefing on. And then under number 2, Limited personnel issues, not only will we be doing the County Manager evaluation but we'll be discussing the resignation of a key staff member. So with those changes I propose we go in and discuss all those issues.

CHAIR HOLIAN: Thank you. Is there a motion?

COMMISSIONER CHAVEZ: So moved.

COMMISSIONER STEFANICS: I'll second.

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

CHAIR HOLIAN: Thank you. We are now in executive session. Well, Steve, I guess considering one of the limited personnel matters we may not know.

MR. ROSS: My items won't take long, depending on how long that will take.

[The Commission met in closed session from 4:22 to 7:05.]

CHAIR HOLIAN: I would like to call this regular meeting of the Board of County Commissioners back to order. Is there a motion to come out of executive session?

COMMISSIONER STEFANICS: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Stefanics.

COMMISSIONER STEFANICS: I move that we come out of executive session after having discussed pending or threatened litigation related to Estrellas Road, the Jemez Electric Co-op, limited personnel issues including the County Manager performance, and the acquisition of property. And that's it.

CHAIR HOLIAN: Is there a second?

COMMISSIONER ANAYA: Second.

COMMISSIONER STEFANICS: And in attendance – sorry, I should have said. In attendance were the five County Commissioners, the County Manager, the County Attorney, the Deputy County Attorney and the Human Resources Manager for part of the meeting.

CHAIR HOLIAN: Do I have a second? Yes, I think I do.

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

XVIII. PUBLIC HEARINGS

A. Growth Management Department

CHAIR HOLIAN: We are now on the public hearings part of the agenda.
Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I would ask an amendment to the agenda to move item A. 6, BCC Case Z/S 5130, La Bajada Ranch Master Plan Amendment to the top of the agenda.

COMMISSIONER CHAVEZ: Second.

CHAIR HOLIAN: I have a motion and a second to move Case Z/S 13-5130 to the top of the agenda here.

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

- XVIII. A. 6. BCC Case Z/S 13-5130 La Bajada Ranch Master Plan Amendment. Santa Fe County, Applicant, requests a Master Plan Amendment for a previously approved master plan (Santa Fe Canyon Ranch) to amend the water supply plan and to provide consistency with the current property owner boundaries. The amended master plan will allow for 156 residential lots on the 470.55 acres that the County of Santa Fe now owns. The amended master plan will utilize the Santa Fe County Water Utility (instead of the previously proposed new on-site community water system). The property is located off Entrada La Cienega along Interstate 25 in the La Cienega/La Cieneguilla Traditional Historic Community within Sections 1, 2, 10, 12, 13, Township 15 North, Range 7 East and Sections 5, 6, 7, 8, Township 15 North, Range 8 East (Commission District 3)**

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair and Commissioners, members of the public, there's been a discussion at the CDRC with this case. There's been discussion both publicly and out in the community associated with this case. I believe there are options to consider that necessitate a tabling of this item. I believe that there's an option that we can pursue for a two-year extension with all pertinent parties with the existing master plan that can be considered. So I'm going to move to table BCC Case Z/S 13-5130, and I'm also going to request of staff to seek pertinent signatures from the surrounding members that are part of the existing master plan for a two-year extension to be placed on our September 10th BCC meeting.

I also would like this item that we're tabling to be on that agenda item as well. The goal is to hopefully come up with a balance that creates a two-year amendment but if that's not able to occur then we can hear the case as a Commission that's in our packets. So the motion is to move to table on that premise. I would ask Mr. Ross if I've articulated

appropriately a tabling for this item.

MR. ROSS: Madam Chair, Commissioner Anaya, that sounds perfectly clear to me.

CHAIR HOLIAN: Is there a second?

COMMISSIONER CHAVEZ: Second. And for discussion.

CHAIR HOLIAN: I believe with a tabling we have to vote on it right away, no discussion.

COMMISSIONER CHAVEZ: Okay, then, the only clarification I need on the motion is that tabling date-specific? Did you give us a date?

COMMISSIONER ANAYA: Madam Chair, yes, I appreciate that clarification. We want to table to September 10th BCC land use meeting.

COMMISSIONER CHAVEZ: I'm okay with that. So there's a second, a motion and a second.

CHAIR HOLIAN: Okay. There's a motion and a second to table BCC Case Z/S 13-5130, La Bajada Ranch Master Plan Amendment.

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

XVIII. A. 1. BCC CASE # MIS 13-5220 Pineda, LLC. Pineda, LLC, D/B/a La Plancha de Eldorado, Applicant, Request Approval of a Restaurant Beer and Wine Liquor License to Allow Beer and Wine to be Served with Meals. The Property is Located at 7 Caliente Road, #AA, in the Vicinity of Eldorado, within Section 16, Township 15 North, Range 10 East, (Commission District 5)

JOHN MICHAEL SALAZAR (Case Manager): Thank you, Madam Chair. The applicant requests approval of a restaurant beer and wine liquor license to be located at the La Tienda at the Eldorado Shopping Center within the existing La Plancha in Eldorado Restaurant. La Plancha in Eldorado will not have a bar. However, they intend to serve beer and wine with meals. The applicant will be expanding the restaurant from 4,000 to 6,000 square feet.

On November 21, 2002 the County Development Review Committee approved a final development plan for this site which allowed 6,000 square feet of floor area to be used as a pub or restaurant. The State Alcohol and Gaming Division granted preliminary approval of this request in accordance with Section 60-6B-4 of the Liquor Control Act. Legal notice of this request has been published in the newspaper. The Board of County Commissioners is required to conduct a public hearing on the request to grant a restaurant beer and wine liquor license at this location.

Growth Management staff has reviewed this project for compliance with pertinent code requirements and finds the following facts to support this submittal. Ordinance No. 2005-8 designates this site as a village mixed-use subdistrict which allows restaurants serving liquor as a permitted use. As I mentioned earlier, the County Development Review Committee approved a final development plan for La Tienda at Eldorado Shopping Center which allowed restaurants and bars as a permitted use and the applicant has met the State of

New Mexico requirements for noticing, distance from schools and churches.

Staff recommendation is approval of a restaurant beer and wine liquor license to be located at 7 Caliente Road, #AA. I'll stand for questions and the applicant is here also if you have any questions for them.

COMMISSIONER MAYFIELD: Thank you, John Michael. Any questions for staff? Seeing none, is the applicant here? And is there anything that you would like to add? No? Okay. So this is a public hearing. Is there anybody here that would like to speak on this case from the public? Seeing none.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR HOLIAN: Commissioner Stefanics.

COMMISSIONER STEFANICS: Madam Chair, I would move approval.

COMMISSIONER MAYFIELD: Second, Madam Chair.

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

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

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, if I could indulge the Commission, on a sad note, I wanted to publicly offer condolences to Sheriff Robert Garcia who lost a brother this past week and I would ask that we have a moment of brief silence in his honor. Thank you.

CHAIR HOLIAN: Thank you, Commissioner Anaya, for telling us about that.

- XVIII. A. 2. CDRC CASE #V13-5140 Robert Garcia Variance. Robert Garcia, Applicant, Requests a Variance of Ordinance No. 2008-5 (Pojoaque Valley Traditional Community District), § 12.5 (Density Standards) to Allow Two Dwelling Units on a Proposed 1.46 Acre Lot and a Variance of Article III, § 2.4.2b.3(a) (Road Access) to Allow a Road Access Width of Less Than Twenty Feet (20') to Access Three Lots. The Property is Located at 13A Old Pueblito Road (C.R. 84), in the Vicinity of Pojoaque, within Section 7, Township 19 North, Range 9 East (Commission District 1)**

MIKE ROMERO (Case Manager): Good evening. The Applicant has submitted an Application for a Family Transfer Land Division to divide 2.212 acres into two lots. The proposed lots will consist of 0.75 acres and 1.46 acres. The Applicant intends to give his daughter the 0.75-acre parcel and the Applicant will retain the remaining 1.46-acre parcel.

There are currently two pole barns and two residences on the subject property, which the Applicant and the Applicant's son currently reside. One of the dwelling units which is a mobile home, was permitted in 1990, permit # 90-237. It appears that the Applicant has met the code requirements proving all structures on the property are legal non-conforming by

providing an aerial photograph from 1975 showing all other existing structures on the property.

The property is located in the Pojoaque Valley Traditional Community District where the minimum lot size is 0.75 acres per dwelling unit. The proposed Family Transfer meets the requirements of the Code for lot size; however, the Applicant is requesting to allow the two existing residences to remain on the 1.46-acre lot. In order to meet the density requirements for having two dwelling units on one lot, the lot must consist of a minimum of 1.5 acres. Therefore, the Applicant needs a variance.

Staff recommendation: Denial of a variance of Ordinance No. 2008-5 Section 12.5 of the Pojoaque Valley Traditional Community District, and Article III Section 2.4.2b.3(a), Road Access, of the Land Development Code. The recommendation of the CDRC was to recommend approval of the Applicant's request, with the following conditions. Madam Chair, Commissioners, if I may, before I enter these into the record staff has discussed that staff recommendation #3 be removed due to the fact the applicants have complied with providing that the structures on the property are permitted, or legal non-conforming. May I enter the rest of the staff conditions into the record?

CHAIR HOLIAN: Yes, you may.

[The conditions are as follows:]

1. Water use shall be restricted to 1 acre-foot per year per lot. A water meter shall be installed for each lot. Annual water meter readings shall be submitted to the Land Use Administrator by January 1st of each year. Water restrictions shall be recorded in the County Clerk's Office (As per Article III, § 10.2.2 and Ordinance 2002-13).
2. A Plat of Survey meeting all County Code requirements shall be submitted to the Building and Development Services Department for review and approval (As per Article III § 2.4.2)
3. ~~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 Permits (As per Article H, § 4.5.2b Article H, § 2).~~
4. The placement of additional dwelling units or Division of land is prohibited on the property (As Per Ordinance No. 2008-5 Section 12.5).
5. The Applicant shall comply with all Fire Prevention Division requirements at the time of plat review (As per 1997 Fire Code and 1997 Life Safety Code).

MR. ROMERO: I stand for any questions.

CHAIR HOLIAN: Are there any questions for staff?

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Could you read in staff's recommendations please, that you're recommending? [See above.]

COMMISSIONER MAYFIELD: As you all are aware, this is in the Pojoaque Basin, correct? Staff's aware that this area is located in the Pojoaque Basin?

MR. ROMERO: Correct, sir.

COMMISSIONER MAYFIELD: And I read somewhere in the file that this

property is over 100 years old so it probably has a pre-52 well on it.

MR. ROMERO: According to the applicant, Madam Chair, Commissioner Mayfield, according to the applicant and speaking with the applicant there are two prior wells that are legal non-conforming if you will as prior to our code of 1981. I believe one of the wells was drilled in the sixties and I can't clarify as to when the other one was dated, around the same time or prior to that date.

COMMISSIONER MAYFIELD: So if it was prior to they would already be adjudicated for three acre-feet.

MR. ROMERO: Madam Chair, Commissioner Mayfield, according to the applicant, that's what – I believe the applicant said these are Aamodt wells, which they're already at three acre-foot per well. There's two on that property right now.

COMMISSIONER MAYFIELD: So why are you putting this staff condition of one acre-foot on it?

VICKI LUCERO (Land Use Department): Madam Chair, Commissioner Mayfield, it's typical when an application or an applicant comes in to develop their property to create additional lots our code allows us to impose water restrictive covenants on these properties. So I don't know – regardless of whether it's through the Aamodt settlement or just in another area of the county the code does allow us to restrict water use and because this is a traditional community it's restricted to an acre-foot.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Ross, as far as what the Aamodt settlement is setting up, with the potential development of the Aamodt, the new lot would have the opportunity of tying in and also have the opportunity of permitting their own well right now. Can you explain that to me please?

MR. ROSS: Madam Chair, Commissioner Mayfield, I can't hear you.

COMMISSIONER MAYFIELD: If this is approved by the Commission the new lot that would be established would have their right to permit their own well and/or tie into the Aamodt system when it comes through, if it comes through.

MR. ROSS: Madam Chair, Commissioner Mayfield, probably, the problem is that our ordinance doesn't permit that. The ordinance requires water restrictive covenants.

COMMISSIONER MAYFIELD: Did the ordinance take into consideration of the Aamodt settlement agreement?

MR. ROSS: Madam Chair, Commissioner Mayfield, yes. The ordinance applies countywide and applies to virtually any 72-12 permit which is a three acre-foot permit.

COMMISSIONER MAYFIELD: But again, under the Aamodt litigation weren't these pre-52 wells, already – weren't the water rights established, as far as pre-adjudicated at three acre-feet?

MR. ROSS: Madam Chair, Commissioner Mayfield, our ordinance doesn't relate in any way to the Aamodt settlement. If you have a right pursuant to the State Engineer for a particular use of water that's essentially irrelevant under the County's ordinance which requires water restrictions to save groundwater and surface water. And the Aamodt settlement cannot override the County Land Development Ordinance.

COMMISSIONER MAYFIELD: But each individual lot is afforded the opportunity, regardless of how many lots you have, to apply for a permit through the Office

of the State Engineer. Correct?

MR. ROSS: Madam Chair, Commissioner Mayfield, yes, they have the opportunity, but once they come in for a development permit to the County they have to comply with the County's water restrictive requirements, including the one referenced here. Which means they have the opportunity to have water through the Aamodt settlement that they essentially can't use if they work through the County's ordinance and get a permit.

COMMISSIONER MAYFIELD: Madam Chair, I'll pass for staff right now.

CHAIR HOLIAN: Commissioner Chavez.

COMMISSIONER CHAVEZ: Mr. Romero, I think I heard you earlier in your presentation say that on paragraph 3, where it states that the applicant must provide proof of permits or proof that the structures on the property are legal non-conforming, did I hear you say that they had already met those requirements?

MR. ROMERO: Madam Chair, Commissioner Chavez, that is correct.

COMMISSIONER CHAVEZ: Okay. I just wanted to be sure. Thank you, Madam Chair. Thank you, staff.

CHAIR HOLIAN: Any further questions for staff? Is the applicant here? Would you like to add anything? If so, please come forward and be sworn in, and please state your name for the record.

[Duly sworn, Robert Garcia testified as follows:]

ROBERT GARCIA: My name is Robert Garcia. Madam Chair, Commissioners, thank you for allowing me to say a few words on our behalf. First of all we feel that we are not asking for something unreasonable. An acre and a half is 65,340 square feet. We are short four one-hundredths of an acre, which is approximately 43 feet by 43 feet. It's a piece of dirt smaller than these chambers. We have no problem with the requirement of a 20-foot access to the lots. We will sacrifice [inaudible] to accomplish that even though a Santa Fe County road in front of my house is only 13 feet 6 inches wide, where the buses travel through, the fire department and the like. And County equipment.

We have no problem with the requirement to meter any new water well on the new proposed $\frac{3}{4}$ acre. The permits that we have for the water wells were issued by the State Engineer and are under his jurisdiction. In addition, we are also subject to the Aamodt federal water rights case requirements. Now, we do have a problem with the requirement to give up our water rights and meter the existing wells. I feel I am being penalized for giving my daughter a piece of land next to our place where she can help us in our later years. We have letters of support from our neighbors, Mr. and Mrs. Fred Vigil to the south, Mr. and Mrs. Joe Sanchez, Mr. and Mrs. Ron Grazell, Mr. and Mrs. Tommy Martinez to the east, and on the west side Ms. Dorothy Garcia. We have no neighbors on the north; the north is bounded by the Nambe River and Highway 502.

CHAIR HOLIAN: Are there any questions for the applicant? Seeing none, this is a public hearing. Is there anyone here from the public that would like to speak about this case? If so please come forward and please be sworn in and state your name for the record.

[Duly sworn, Norma Valdez testified as follows:]

NORMA VALDEZ: My name is Norma Valdez. Madam Chair, members of the Board, good evening. My name is Norma Jean Valdez and I'm the oldest daughter of Robert and Lucy Garcia. I would like to comment briefly about the application before you for

a variance submitted by my dad, Robert Garcia, and I respectfully request your favorable consideration.

My dad has a reputation for having the utmost respect for our natural resources. Those who know him know that he takes great care of his properties and by his actions here demonstrated respectful stewardship of the environment. Since I was a little girl I planned on building a home on this property and more so recently as we are all getting older. Before you tonight is an application for a variation to the density code and road access requirements. Along with the CDRC's approval of this request back in June there are five staff recommendation conditions that Mr. Romero spoke of.

Recommendation #1 was the water use restriction to one acre-foot and the metering of the wells. Once this property is divided I have absolutely no objection to metering the well on the $\frac{3}{4}$ -acre piece and reporting water use as required, but forcing my dad and my brother to meter wells that have been on the property since well before the ordinance existed I believe is placing an unnecessary burden and restriction on them, especially when they have already proven conscientiousness and environmental responsibility.

The second recommendation for a plat survey meeting code requirements – upon your approval tonight we will immediately make arrangements for a new survey to be prepared and they will meet all County code requirements.

Recommendation is proof of permits. As Mr. Romero reported, evidence has already been provided to staff.

Recommendation #4, placement of additional dwelling units. The purpose of this request is so that I can build a home on the $\frac{3}{4}$ -acre piece. Once this has occurred there is no intention to place any additional dwellings on the property.

And finally, recommendation #5, fire department access. Having been in the fire service myself for over 30 years I clearly understand the important of providing access for fire protection and emergency medical services. There are no objections to this recommendation.

Madam Chair, Commission, as you can see we have always been very compliant of all requirements and you have our continued commitment to take great care of our natural resources on this property. I appeal to you tonight to approve the variance request and beg you to accept a modified recommendation #1 to only require metering of the newly drilled well, restricted to one acre-foot per year on the $\frac{3}{4}$ -acre piece and eliminate the condition of metering the existing wells on the 1.46 acre piece. Thank you very much for your time.

CHAIR HOLIAN: Thank you, Ms. Valdez. Is there anyone else wishing to speak on this case? Seeing none, the public hearing is closed. Are there any further questions for staff or the applicant?

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: I have a question for Fire please. And I appreciate the applicant and what they brought up about going along with the variance and this goes to Marshal Patty. And this goes again for all the residents. I brought this up on, I guess some of the taxes that we talked about a little earlier. So I'm just bringing it up because it's in front of me tonight. But here we pass these special assessments and we get all these requests from different grant fundings and everything else and we get different capital

requests and we [inaudible] all these taxes. But in hearing this, looking at this, we have a County road 16 feet accessing these properties throughout the district I represent. And we ask individuals to now cut in their private driveway to give 20 feet with an extra ten feet on each side.

And I just ask that we take that into consideration. And then I even was looking at the permit here, and I think in this permit we even talk about sprinklering houses as an addition request on this permit also. So am I wrong in reading this permit, that there's also a request to sprinkler the house too?

BUSTER PATTY (Fire Marshal): Madam Chair, Commissioner Mayfield, no, that is a recommendation.

COMMISSIONER MAYFIELD: Okay, so it's just a recommendation.

MARSHAL PATTY: It's a recommendation for sprinklering. We do that in almost all of our letters now. That's due to some of the insurances now. We bring it to their attention that that is a possibility. It's only a recommendation.

COMMISSIONER MAYFIELD: And I understand providing fire protection and that's great. Insurance premiums, I think the Pojoaque Valley now is at an ISO rating 6. Five, six, that's great, without a water system. I think Pojoaque Pueblo has a water system that they kind of share with some of us, anticipating the water system coming in. But a 5 is a great ISO rating. And I think that's for the improvements that we've done in our career departments and our volunteer departments there and with the fire infrastructure we have there.

And again, I guess my point on this is when we have a family that's just trying to help their family members by affording them a piece of property to live on that we put such conditions as having to give up a lot of property, respecting a hammerhead, a turnaround, more access. But we're not even providing that infrastructure on our County roads to get these fire trucks there. And that provides a big hardship on a lot of people. I just want to put that out there and I understand it's a public safety issue, but we can't even get the fire truck to their house if we can't get down – a bus cannot even drive – a school bus has trouble driving down this County road.

So that's something I think we need to look at at the Count and re-evaluate at the County. Here we're asking a private resident to give up a big chunk of their property, and they're even conceding to do that, but yet we put all these other restrictions on them. That's not for you, Chief, it's from Land Use that we're asking for all these other restrictions. So I'm just putting that out there. And we do that, and I guess it's under our Code, Chief Sperling, that we have to do that. I don't know if we have to have the talk on a national level on this to understand the uniqueness of maybe not just our county but at least the northern part of our District 1. I'm assuming there's relay trucks. I think there's funding that comes to get us brush trucks to go and fight these fires. There's like a water truck that we can run some relay pumpers that would fight these fires. Am I wrong on that assessment? Don't we go to get funding for these from different agencies for these type of –

MARSHAL PATTY: Madam Chair, Commissioner Mayfield, when it comes to structural firefighting, we don't do structural firefighting with brush trucks.

COMMISSIONER MAYFIELD: Okay.

MARSHAL PATTY: We do have some what they call mini-pumpers, but in

order to get those ISO rating that you were talking about we have to have Class A pumpers. They have to meet certain minimum requirements of wheelbase and size of truck and have to haul a minimum of 1,000 gallons on each one of them. The engines themselves, not even counting the tankers. So we do have a lot of requirements that we have to meet to get those ISO ratings down which benefits the whole Pojoaque district when it comes to their insurance ratings.

COMMISSIONER MAYFIELD: So again, we're putting restrictions on this residence to have a 20-foot driveway, when we have a 16-foot road accessing their home.

MARSHAL PATTY: Madam Chair, Commissioner Mayfield, we do have a starting point that we have to work with and with these people, they're the ones making the change on their lot. So we work with them the best that we can. We showed them what the code is. They agreed to try to meet that code or get close to it. The road issues, now that is a County issue that we are dealing with on a daily basis. We work with County roads a lot, trying to – when they're going to rebuild a road. Those are also in a legal non-conforming state, a lot of these roads. When they go to redo the roads we will work with them at that point to try to get them up to standard, which fire standard-wise is a 20-foot wide driving surface, unless it is a hydranted area. If it's a hydranted road, that standard becomes a 26-foot wide road. So we do work them on trying to improve the roads as we go along.

COMMISSIONER MAYFIELD: Again, thanks for that. I would just hope – Chief, I'll talk to you more in depth about that but we can address that at a state level, a national level, wherever it needs to be addressed. But just understand – I'm sure Santa Fe County has its challenges throughout Santa Fe County, but District 1 or some of the more rural areas have some unique challenges up there and I would hope that we would look at the smaller trucks that would hold those 1,000-gallon water tanks that could understand the uniqueness up in that area.

MARSHAL PATTY: Madam Chair, Commissioner Mayfield, we do appreciate your concerns and we do look at this on a case by case basis, and we do everything we can to try to accommodate to the best we can to meet the intent of the code, even in some cases where we can't meet exactly what that is but we can always try to make the situation better than what it is to the point where the applicant is agreeable.

COMMISSIONER MAYFIELD: Fair enough. Commissioners, I'm going to move for approval, but I'm going to ask that we also strike the staff's request of #1, where the water use shall be restricted for one acre-foot on the existing home that has been there for arguably over 100 years. I think that is a pre-basin well on that home. The new home that's on the carve-out for the .75, when they develop that well, whatever restrictions that this Commission is affording on it, I think the applicant has agreed to that, so I would ask that that condition be changed to reflect that, and we leave the existing well as is. The applicant has been amenable to the other restrictions, so with that I would move for approval.

COMMISSIONER ANAYA: Second.

CHAIR HOLIAN: Okay. I have a motion and a second. Any further discussion? Yes, first Commissioner Chavez and then Commissioner Stefanics.

COMMISSIONER CHAVEZ: Thank you, Madam Chair. I respect Commissioner Mayfield's interest in trying to be more accommodating if you will to the applicant but I cannot support the motion. I want to respect staff's recommendation. I respect

the family. I appreciate the family transfer. I really do, but the condition that we're placing on this applicant is the same condition that we place on all applicants when they're increasing the density anywhere in the county. And I think that's equitable and the right way to do it.

Commissioner Mayfield, you talk about the burden that we place on people when they want to develop the property that they own. The 20-foot access applied countywide, not only in the district that you represent. So I hear a lot from people in the area that I represent about these requirements and they seem unreasonable, where you had a 16-foot roadway and now you're expected to have a 20-foot roadway. It's a change; it's expensive; it seems like it's a burden. But at the end of the day it's the right thing to do, because we want to be sure that we can provide the emergency equipment to those properties when they're needed. So we cannot always operate under old standards or what used to be. And so I know that that's hard sometimes to accept but for those reasons I'm not going to be able to support the motion or change staff's recommendation when it comes to restriction of water and metering wells in the county. Thank you, Madam Chair.

CHAIR HOLIAN: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. I understand that this family has had something in the past that we're asking them to change, but I'm also concerned about an equitable standard. And if we tell this family they don't have to do water metering, and they don't have to do certain things, then we really are saying that to every future and past case, in my mind. And that's what concerns me a little bit. I think that right now water metering – the water meter and the use of water is self-reporting. We don't have people that go out and look at every water meter and see what's going on. I don't even know if we have any staff to read the water meter reports that come in. But it is something we've required of different entities so I have a little concern there.

And I'm going to ask our County Attorney, if we put that as part of this variance will we open ourselves up to any other potential issues?

MR. ROSS: Well, Madam Chair, Commissioner Stefanics, I would say everything we do here is viewed here by other applicants. I don't think it's a direct legal precedent, what we do, because every variance is judged on its own merits, but this is an ordinance requirement that's applied broadly and not just – it's applied to all applicants across the board. And it's a very important requirement too. It's designed to reduce water use countywide, so your observation is that relieving one applicant of this responsibility obviously could affect future cases. Certainly it will create the argument on the part of future applicants that they should benefit from the same results.

COMMISSIONER STEFANICS: So Madam Chair and Steve, I recognize that we're on discussion of – discussion after a motion. Can I still ask the applicant's some questions?

MR. ROSS: Madam Chair, Commissioner Stefanics, of course.

COMMISSIONER STEFANICS: Okay. So I'd like to ask the applicant another question. Thank you for being here this evening and presenting. My question is, if this is only approved with that condition, are you going to not do it? I mean, are you going to not go ahead with the plans?

MR. GARCIA: Well, that ¾-acre, if we're not allowed to give it to my daughter, like I told the CDRC, I just might give it to the gophers, because that land would be

worthless. And I would have to really think about what other alternative we have. Because it's pretty hard – you all realize the importance of water and water rights. What staff is proposing is for me to give up my water rights and I am not prepared to do that.

COMMISSIONER STEFANICS: Well, Madam Chair, staff aren't doing it to you arbitrarily. It's in our ordinance. So that's why they're asking you to do it. But my second question is is any of the property used for agricultural purposes?

MR. GARCIA: It has been, but if my daughter is allowed to put a dwelling on that $\frac{3}{4}$ acre it wouldn't be used for agricultural purposes any longer.

COMMISSIONER STEFANICS: Okay. Thank you very much.

MR. GARCIA: If I may, the right-of-way issue is not an issue, as I said in my statement. Twenty feet is fine. Whatever the fire department codes are, we'll abide by that. Thank you.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Commissioners, the applicant, members of the public, I think that the applicant and the discussion that we're having is relevant and I think that we're in a process now with our code rewrite that we should give consideration to the issue being brought forward. If an individual is managing their water within the parameters of the permit that they received, and they wanted to provide a family transfer for their family, that that in itself shouldn't trigger momentum to remove something that was already in place. I think where there may be some room for discussion is relative to the metering. If there's a certain amount of water than can be taken from a parcel, whatever that amount is, you have to figure out a way to calculate how much is being pulled from that entire property.

I think that the County has made a decision in the past in the code associated with taking water rights away from individuals if they're receiving a family split or family transfer, but I do think it warrants more discussion in the new code and I do think that it involves the State Engineer's Office as well that regulates water in the first place. So those are my comments. Thank you, Madam Chair.

CHAIR HOLIAN: Thank you, Commissioner. Actually, Steve, I have a question for you, because I did live out in the Pojoaque area and my husband and I had a well of course, and we had the right to use three acre-feet. But my understanding was is that we did not have three acre-feet of water rights. We just had the right to be able to use that amount of water. Correct?

MR. ROSS: Madam Chair, correct. It's a license; it's not a water right.

CHAIR HOLIAN: Yes. Commissioner Stefanics and then Commissioner Mayfield.

COMMISSIONER STEFANICS: Thank you, Madam Chair. Mike Romero, could I ask you some questions? So why could the water meter not be shared by both lots, if we approve this? There are shared wells and shared water meters other places?

MR. ROMERO: Madam Chair, Commissioner Stefanics, I think the situation in this case is the fact that there are two different wells on the property that are being accessed by the one lot itself right now. From my understanding they are not shared. There's two wells, two residences on the property, and from my understanding, obviously the wells are monitored for the parcel itself, not just for residential use but for the lot itself. Why

couldn't it be shared? That may be a question maybe for Legal. I don't want to give you an incorrect answer or an answer that doesn't make sense so I'm going to refer to some assistance on this question.

COMMISSIONER STEFANICS: Okay, so Penny, or Vicki, could you shed some light on this?

PENNY ELLIS-GREEN (Land Use Administrator): Madam Chair, Commissioners, I think we could allow them to put one meter and share one single meter.

COMMISSIONER STEFANICS: Okay, so the other question I would have and this would be for Mike, Vicki, Penny – whoever wants to answer it. Can you identify a recent case where we asked an entity to decrease their current ability for water use?

MS. ELLIS-GREEN: Madam Chair, Commissioners, every plat that comes into the Land Use Department, if they don't have existing water restricting covenants have to sign water restriction covenants. In other areas of the county it's a quarter acre-foot. So you could have one area that's a 40-acre tract with a quarter acre-foot water restriction. This is only one acre-foot because it's in a traditional community. So we see virtually every plat that comes through our office sign water restriction covenants.

COMMISSIONER STEFANICS: Okay, so take that question a step further. Have we recently requested this of a property in a traditional community? I know that we've requested the quarter acre-foot in many properties, but have we done this to other people who have had the same concerns as this applicant?

MS. ELLIS-GREEN: Madam Chair, Commissioners, I'm told that John and Virginia Kraul, who came in front of this Commission about four or five months ago had the same condition imposed. That's a case that came in front of this Commission but again, a plat that met our lot sizes that didn't need a variance for that would still have the one acre-foot restriction imposed at the platting stage when they came into Land Use but because they met the lot size they wouldn't have been in front of the Board.

COMMISSIONER STEFANICS: Thank you very much.

CHAIR HOLIAN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I think that the comments being made by Commissioner Chavez and Commissioner Stefanics are very relevant as far as decisions that are in place or a part of the code, but I think that the fact that the applicant is bringing it up and that we're continuing to have this dialogue raises the question that just because we've done something in the past doesn't meet that what we did was the right thing to do. And I think that's the question that we're raising and the applicant is raising. I myself have benefited from a family transfer that I had to lose water rights on. I was able to achieve a lot but is that necessarily right and appropriate. I think that's the question that the applicant raises and I think that he has some good points.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, you asked the Attorney a question. I think it's a relevant question. Right now, if you go to the State Engineer there's certain areas in the county where you can apply for a license and get a license for up to three acre-feet. But Steve, in the Aamodt area, a post-Aamodt well, is it a license for three acre-feet or do you have a water right for three acre-feet?

MR. ROSS: Madam Chair, Commissioner Mayfield, any 72-12 well is a

license.

COMMISSIONER MAYFIELD: So even post – what is it a post 62 or a post 52 well?

MR. ROSS: Those are regulatory touchstones.

COMMISSIONER MAYFIELD: What's a regulatory touchstone, Steve Ross? What does that mean?

MR. ROSS: It means that different circumstances occur at different times. Different regulations were imposed on wells during certain times, and so when you talk about a break point at 83, that means new rules came into effect in 83 that changed the amount of water you could draw from a domestic well. So people think in terms of post-moratorium well, pre-moratorium wells, but those are just shorthand for the restrictions applicable to wells drilled during that period.

COMMISSIONER MAYFIELD: Madam Chair, let me ask my question for the Attorney again. A well on a home that's over 100 years old, Steve, would that have a water right of three acre-feet or would that have a license of three acre-feet?

MR. ROSS: Madam Chair, Commissioner Mayfield, more likely that would have a water right associated with it but you'd have to look at the [inaudible] file.

COMMISSIONER MAYFIELD: Commissioners, that's my thoughts on this, we could potentially be taking away somebody's water right of three acre-feet on this well. It's a little different than the license, Commissioner Holian. That was just my point on this one. So I think it is a little different. And I'll just bring up a different issue, but I think it's semi-related. I asked this Commission – I was fortunate enough to receive their support on the northwest well that we were talking about. Here we have all these folks in the Tano Ridge area who have a moratorium to have a .25 acre-foot well drilled, but then when the City of Santa Fe wants to file an application with the State Engineer to drill a 1,400 acre-foot well, and then they change it to 900 acre-feet, on the other side of the line, the County at that time for whatever reason doesn't file any protest on that.

So to me it just looks like the reason we have these well restrictions in place is to control density. And maybe that's why we have it. I understand our needs for water control, but again, I think we need to look at some of these Aamodt issues up north, if we could potentially be taking somebody's water right way. And I think it's a little different than a license, respecting that some folks get a well permit that's a license to use. But there are some folks that have well rights that are established if they're pre – and I think it's 62 well.

So with that, Commissioners, I appreciate the dialogue.

CHAIR HOLIAN: Okay. Thank you, Commissioner Mayfield. I have to add that I support the variance and I think it's wonderful that you are providing for your daughter with a lot for her use for her home, but I cannot support the variance without the staff condition for the water use restriction. I think it's really an issue of fairness. Because to my knowledge all other cases that I know of that have come before us with these restrictions have been passed with these restrictions. And it seems to me that all residents of the Pojoaque Valley should be treated equally. It really is a matter of fairness. So with that, if there's no further discussion – Commissioner Stefanics?

COMMISSIONER STEFANICS: No.

CHAIR HOLIAN: So we have a motion on the floor and a second to approve

CDRC Case V 13-5140, Robert Garcia Variance.

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, just a process question. We could still entertain a motion after if this motion wouldn't pass? Thank you, Madam Chair.

CHAIR HOLIAN: Okay. With staff conditions but with the modifications to the staff conditions proposed by Commissioner Mayfield.

The motion passed by failed by 2-3 voice vote with Commissioners Anaya and Mayfield voting in the affirmative.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Stefanics.

COMMISSIONER STEFANICS: I would move to approve the variance with all the staff conditions.

COMMISSIONER CHAVEZ: Second.

CHAIR HOLIAN: I have a motion to approve the variance with all the staff conditions.

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Discussion. Just a comment and a question for our counsel. I believe Commissioner Mayfield brings up a good point relative to the clarification relative to the license as opposed to water right, and I would ask that we pose that question to the State Engineer directly and to their counsel as to does the County have legal authority, Steve, to remove a right if it's a water right, as opposed to a license? Do we have that authority?

MR. ROSS: Well, Madam Chair, Commissioner Anaya, we're not affecting a water right. Let's assume they have a water right and it's not a license. It's not a 72-12 well, but from what I've heard tonight I think it is. But let's assume it is a water right, it's a three acre-foot right. All the County ordinance does, it says you cannot use more than one acre-foot on this property. It doesn't affect the underlying right. So the right could be transferred to another piece of property, it could be sold to somebody, what have you. Used on some other piece of property, leased to somebody. The County's not opposing a right, a restriction directly on the property right that consists of the water right.

COMMISSIONER ANAYA: Thank you, Madam Chair.

COMMISSIONER MAYFIELD: Madam Chair,

CHAIR HOLIAN: Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: So in line with Commissioner Stefanics' motion, staff did ask to remove #3, correct?

CHAIR HOLIAN: Correct. Number 3 was not entered into the record.

COMMISSIONER MAYFIELD: Thank you.

CHAIR HOLIAN: Okay. A motion and a second.

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

**XVIII. A. 4. CDRC CASE # V 13-5170 Roddy & Sherry Leeder Variance.
Roddy & Sherry Leeder, Applicants, Ralph Jaramillo Agent,
Request Variances of Article III, Section 2.4.1a.2.b (Access) of the
Land Development Code and a Variance of Article 4, Section 4.2
of Ordinance No. 2008-10 (Flood Damage and Stormwater
Management) to Allow a 7.68 Acre Tract to Be Divided Into Four
Lots. The Property is Located at 25 Bar D Four Road, in the
Vicinity of Arroyo Seco, within Section 18, Township 20 North,
Range 9 East, (Commission District 1)**

JOHN LOVATO (Case Manager): Thank you, Madam Chair, Commissioners. The Applicants request a variance to allow the land division of 7.68 acres into four lots. Access to the subject property would be off Bar D Four road which is a dirt road/private roadway crossing a FEMA designated Special Flood Hazard Area, via an existing low water concrete dip section which may be frequently impassible during inclement weather, and thereby is not all weather accessible.

There are currently three manufactured homes on the property. The applicants state they have seven children and plan on giving three of their children a lot. Three of the lots are to be divided into 0.75-acre lots and the remaining fourth lot will be 5.43 acres.

On June 20, 2013, the CDRC met and acted on this case, the decision of the CDRC was to recommend approval of the Applicant's request by a 6-0 vote.

Staff recommendation: On May 14, 2013 the Board of County Commissioners voted for approval of a variance to allow the placement of a dwelling unit which accessed the same low-water crossing. Due to this previous decision staff recommends approval of a variance from Article III, § 2.4.1a.2.b, Access, of the Land Development Code and approval of a variance of Article 4, § 4.2 of Ordinance No. 2008-10, Flood Damage and Stormwater Management, subject to the following conditions. Staff recommends imposition of the following conditions. Madam Chair, may I enter those into the record?

CHAIR HOLIAN: Yes, you may.

[The conditions are as follows:]

1. Water use shall be restricted to 1.00 acre-feet per year per lot. A water meter shall be installed for the proposed home. Annual water meter readings shall be submitted to the Land Use Administrator by January 1st of each year. Water restrictions shall be recorded in the County Clerk's Office (As per Article III, § 10.2.2 and Ordinance No. 2002-13).
2. The Applicant shall comply with all Fire Prevention Division requirements at time of Development Permit Application (As per 1997 Fire Code and 1997 Life Safety Code).
3. A restriction must be placed on the Plat regarding the lack of all-weather access to the subject lot. This restriction shall include language as follows: the access to this property does not meet minimum standards set forth by County Ordinances and Code. Site access including access by emergency vehicles, may not be possible at all times (As per Ordinance #2008-10).

MR. LOVATO: Thank you, Madam Chair, I stand for questions.

CHAIR HOLIAN: Are there any questions for staff? Seeing none, is the applicant here? Mr. Leeder would you please come forward and be sworn in for the record.

RALPH JARAMILLO: I wish I was Mr. Leeder. Ralph Jaramillo.

[Duly sworn, Ralph Jaramillo testified as follows:]

MR. JARAMILLO: Thank you, Madam Chair, Commissioners. Thank you for this evening. Thank you for this time. At this time I just want to, as I did back at the CDRC just reiterate the history about this property. Five years ago Mr. and Mrs. Leeder acquired this property provided they could split this property into four lots. It's been a long five years to get to this point where we are here today. We've been to you all before with getting permits for mobile homes on the property. They have seven children. Way back five years ago as we purchased the property they – we came to the County before we purchased just to see the status as if we can get this property split into four lots.

I met with the County. They said there would be no issue, no problem. At that time the Leeders went ahead and acquired the property with basically getting information from the County. They went ahead and invested thousands of dollars into a survey, thousands of dollars into septic permits, etc. and getting everything that they needed to get through this, what the County was asking us to do at that time.

When we were ready to submit application and everything to the County at that time, the County, they were just doing what was told, they saying that they couldn't go ahead and do it based on this storm and drainage problem that was occurring in that area. Therefore, I feel, Mr. and Mrs. Leeder feel that at that time, based on what was said at that time they should have been grandfathered in and we probably should have got this done way back then. It's been five years and here we are today. With conditions that are imposed on this and they're not, let's say, light conditions. Imposing some language on this is something that they wrestled with but they do agree with the conditions that are going to be imposed and they understand, the utmost respect and integrity and they want to do the right thing, not only for them but the rest of the community in that area, which follows suit and whoever comes before you would have to meet these conditions as well.

Therefore I do beg and ask for approval of these four lots here tonight, Madam Chair and members of the Commission, for the Leeders and at this time I stand for questions.

CHAIR HOLIAN: Thank you, Mr. Jaramillo. Any questions for Mr. Jaramillo. Okay, seeing none, this is a public hearing. Is there anyone here who would like to come forward to speak on this case? Seeing none, the public hearing is closed. Are there any further questions for staff or Mr. Jaramillo?

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Let me go back to the applicant. Applicant, what is your position with staff conditions?

MR. JARAMILLO: What is my position?

COMMISSIONER MAYFIELD: Well, yes, are you accepting?

MR. JARAMILLO: I believe, talking to my clients, yes. We do agree to the conditions.

COMMISSIONER MAYFIELD: Madam Chair, I'll move for approval with staff conditions.

COMMISSIONER ANAYA: Second.

CHAIR HOLIAN: Okay. We have a motion and a second for approval of CDRC Case V 13-5170 with staff conditions.

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

- XVIII. A. 7. **BCC Case MIS 02-5054 Sonterra Master Plan Extension. Great Western Investors (Richard Montoya), Applicant, Scott Hoeft, Agent, request an extension of a previously approved Master Plan for a mixed use development (residential, commercial, community) in a Village Zone consisting of 520 residential units and 29,117 sq. ft. of commercial space on 245 acres. The property is located off Vista del Monte east of Valle Lindo Subdivision within the Community College District, within Section 30, Township 16 North, Range 9 East (Commission District 5**

VICENTE ARCHULETA (Case Manager): Thank you, Madam Chair. I'd like to make one clarification that the Range is 8 East, not 9 East on the caption.

On August 26, 2002, the BCC granted Master Plan approval for the referenced development. On April 10, 2007, on September 8, on May 10, 2011 2009 the BCC granted a two-year time extension of the Sonterra Master Plan

The Applicant requests another two-year time extension of the Sonterra Master Plan approval under Article V, Section 5.2.7.b of the County Land Development Code. The Applicant's desire is to make adjustments to the Master Plan in order to better suit the Master Plan for the market, and to submit an Amended Master Plan application in the fall or spring. This extension serves as an interim measure to maintain the existing approvals.

The Applicant states: Due to market conditions and limited demand for residential lots, the owners of Sonterra are requesting additional time to proceed with the development of the land. The Applicants request a two-year time extension that would render the Master Plan approval valid until August 26, 2015.

The staff recommendation is approval for a two-year time extension for the Sonterra Development.

CHAIR HOLIAN: Thank you, Vicente. Any questions for staff?
Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, cm and thank you for your presentation. The only question I have is I guess to Steve or Penny. Is there any reason to not continue indefinite extensions like we're doing? I recognize that they're for limited time periods but there are several here. Is there any reason we wouldn't do that?

MS. ELLIS-GREEN: Madam Chair, Commissioner Stefanics, not in this case. This is in the Community College District. It's in our SDA-1 area. The development is in accordance with our new SGMP and with our new code, so no, there hasn't been any significant change in this area that would make staff recommend no more time extensions.

COMMISSIONER STEFANICS: So when our children are sitting up here

instead of us and there's another extension requested, there won't be a problem with it?

MS. ELLIS-GREEN: Madam Chair, at this point there's not a problem with a time extension. I don't know what will happen in ten, fifteen years time as far as whether we'll have a change in our SDA areas, a change in the code.

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

CHAIR HOLIAN: Any further questions for staff?

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: One of my daughters is going to college in a few days so that could happen sooner. But no, I think that's a valid point. Thanks for the feedback.

CHAIR HOLIAN: Is the applicant here. Mr. Hoeft.

[Duly sworn, Scott Hoeft testified as follows:]

SCOTT HOEFT: Scott Hoeft, Santa Fe Planning Group. I just wanted to say that we are actively looking at the project. We are trying to figure out ways to redesign. We have been meeting with staff to try to get ideas out on the table, to look at the transportation network again in the area because a lot has changed in ten years, and we hope to submit an amended master plan in the coming year, it's just we needed a little bit of time because our expiration is coming up in August so we needed to get the extension, and we hope to submit an amended master plan.

CHAIR HOLIAN: Thank you, Mr. Hoeft. Any questions for Mr. Hoeft? Oh, I have one. Are you going to be doing another market analysis?

MR. HOEFT: If we submit for an amended master plan then staff would likely require us to do a new market analysis. Yes, Commissioner.

CHAIR HOLIAN: Thank you. Are there any further questions? Okay. This is a public hearing. Is there anyone here from the public who would like to speak on this case? Anybody? Seeing none, the public hearing is closed.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Stefanics.

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

COMMISSIONER ANAYA: Second.

CHAIR HOLIAN: We have a motion and a second for approval of the extension.

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

XIX. ADJOURNMENT

Having completed the agenda and with no further business to come before this body,
Chair Holian declared this meeting adjourned at 8:15 p.m.

Approved by:



Board of County Commissioners
Kathy Holian, Chair

ATTEST TO:


GERALDINE SALAZAR
SANTA FE COUNTY CLERK

9/10/2013



Respectfully submitted:

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

CLERK RECORDED 09/12/2013 01:02:21 PM