

SANTA FE COUNTY
REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

August 26, 2014

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 11:25 a.m. by Chair Danny Mayfield in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

B. Roll Call

Roll was called by County Clerk Geraldine Salazar and indicated the presence of a quorum as follows:

Members Present:

Commissioner Danny Mayfield, Chair
Commissioner, Kathy Holian
Commissioner Miguel Chavez
Commissioner Liz Stefanics

Member(s) Excused:

Commissioner Robert Anaya

C. Pledge of Allegiance

D. State Pledge

E. Moment of Reflection

The Pledge of Allegiance was led by Sam Montoya, the State Pledge by Roxanne Lujan and the Moment of Reflection by Adamina Pino of the Finance Department.

F. Approval of Agenda

KATHERINE MILLER (County Manager): Mr. Chair, there aren't any tabled items but I would like to point out we do have a correction on item II. A. 5, I believe. That is where it says Evergreen Lane, County Road 101D and Boneyard Road. County Road 90a -- that should actually read 91A and the resolution for signature has been corrected as well. The name is correct; the number should be 91A throughout the packet.

CHAIR MAYFIELD: Okay. Thank you. Additionally, I'd just like to mention that we have a fairly long agenda today and if you would like to take executive session on the lunch break we had planned to do so and have sandwiches. Ms. Miller, has the Attorney advised that there is a need to go into executive today?

GREG SHAFFER (County Attorney): Mr. Chair, I don't believe that it will be lengthy, but I do think that there are some items that could warrant discussion.

CHAIR MAYFIELD: So we'll just wait until we get to that agenda item. Thank you.

COMMISSIONER CHAVEZ: Mr. Chair.

CHAIR MAYFIELD: Commissioner Chavez.

COMMISSIONER CHAVEZ: Would it be appropriate for the Attorney to not be specific but to just outline what the nature of the executive session would be?

MR. SHAFFER: Mr. Chair, Commissioner Chavez, it would be discussion of pending or threatened litigation and discussion of the purchase, acquisition or disposal of real property or water rights.

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

CHAIR MAYFIELD: Thank you, Commissioner Chavez. Commissioners, do we have a motion to approve the agenda as explained? Commissioner Holian.

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

COMMISSIONER STEFANICS: I'll second.

CHAIR MAYFIELD: There's a motion and a second.

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

G. Approval of Minutes

1. Approval of July 29, 2014 BCC Meeting Minutes

CHAIR MAYFIELD: Do we have any questions? Changes? Motions?

COMMISSIONER STEFANICS: Mr. Chair, I will move approval of the July 29, 2014 BCC meeting minutes.

COMMISSIONER CHAVEZ: Second.

CHAIR MAYFIELD: We have a motion and a second.

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

I. H. Employee Recognition

1. Introduction of New Employees

MS. MILLER: Mr. Chair, I have the list of new County employees, the ones who are actually here today I believe. Seth Dalton, in the County Clerk's Office; he's a recording clerk. Then Orlando Romero in the Treasurer's Office, and Anthony Lovato from the Treasurer's Office and Rhianna Martinez from the Finance Department. So you do have a list in your packets. However, three of these were new ones that were able to be here today and they're the last three that I mentioned, so welcome to Santa Fe County.

CHAIR MAYFIELD: Welcome to Santa Fe County.

I. H. 2. Recognition of Years of Service for Santa Fe County Employees

MS. MILLER: Mr. Chair, there's just one other item under employee recognition. That was recognition of years of service for Santa Fe County. As I say, we started last month just recognizing employees who reached a 5-, 10-, 15-, 20-year mark with the County and in your packet is a list of the ones. Granted, there have been plenty that have been here longer but we're not going to go back through the ones who've been here previously that passed one of those benchmarks but going forward as people do hit those each month there will be just recognizing those employees. So we have Christopher Oakley, who's an appraiser in the County Assessor's Office with five years of service. Dominique Maclamore in Corrections, a sergeant in Corrections with five years of service. Renee Gonzales, also from Corrections, a detention officer with five years of service. Michael Martinez and Deborah Anaya from the Sheriff's Office, they're both sergeants with ten years of service, and then Wayne Dalton, believe it or not, Wayne has been with us for 15 years in Land Use, Building and Development Supervisor, and Patrick Romero from the Fire Department, a lieutenant with 15 years.

So I just want to thank them for their service to Santa Fe County.

CHAIR MAYFIELD: Commissioner Chavez.

COMMISSIONER CHAVEZ: Well, I'd like to follow on the Manager's comments and also thank the employees that were mentioned today for their years of service and for their dedication. I'll say – I'm going to say it often – I can't do my job without staff doing theirs. and staff interfaces with the public on a day to day basis probably more than we do. and so staff is the face of County government and really does the work. So thank you for your commitment and your dedication.

CHAIR MAYFIELD: Thank you, also. I'll just echo that, what Commissioner Chavez stated. Thank you all for your commitment to Santa Fe County and that retirement looks pretty good at 25 years. I know there are some new options afforded to us by the State of New Mexico now. Commissioner Holian.

COMMISSIONER HOLIAN: Mr. Chair, I would like to echo Commissioner Chavez' thanks and say my thanks to the employees for their years of service and for their patience and their diligence. Also, I wonder if they're here today and whether they could stand up? I know Wayne is here. Thank you, Wayne.

CHAIR MAYFIELD: Congratulations to all of you. Thank you.

II. Consent Agenda (Public Comment)

A. Resolutions

1. **Resolution No. 2014-68, a Resolution Accepting Rivers Edge Lane for County Maintenance (Public Works Department/Robert Martinez)**
2. **Resolution No. 2014-69, a Resolution Requesting a Budget Increase to the Federal Forfeiture Fund (225) to Budget Cash Carryover and New Forfeitures Received and to the Law Enforcement Operations Fund (246) to Budget a Grant Balance for the HIDTA Program / \$8,598 (Finance Department/Teresa Martinez)**
3. Resolution No. 2014-___, a Resolution Amending Resolution No. 2012-147 to Broaden the Expenditures Authorized for Aamodt Settlement

Implementation (Public Works Department/Adam Leigland) **ISOLATED FOR DISCUSSION**

4. **Resolution No. 2014-70, a Resolution Adopting Local Government Road Improvement Fund Project No. CAP-5-15 (470) for Pavement Rehabilitation/Improvements of County Road 113 in Santa Fe County, New Mexico (Public Works/Adam Leigland)**
5. **Resolution No. 2014-71, a Resolution Adopting Local Government Road Improvement Fund Project No. SB-7806(103)15 for Pavement Rehabilitation/Improvements of Evergreen Lane (CR101D) and Boneyard Road (CR91A) in Santa Fe County, New Mexico (Public Works/Adam Leigland)**
6. **Resolution No. 2014-72, a Resolution Adopting Local Government Road Improvement Fund Project No. SP-5-15 (184) for Pavement Rehabilitation/Improvements of Cañada Village Road (CR67A) in Santa Fe County, New Mexico (Public Works/Adam Leigland)**
7. **Resolution No. 2014-73, a Resolution Requesting a Budget Increase to the GOB Series 2009 Fund (335) in the Amount of \$28,988 and to the GOB Series 2009 Fund (351) in the Amount of \$67,312 to Budget Cash Carryover to Complete the Design of the Improvements to Torcido Loop for a Total Increase of \$96,300 (Finance Department/Teresa Martinez)**
8. **Resolution No. 2014-74, a Resolution Requesting an Increase to the Capital Projects – Federal Fund (305) to Budget for a Cooperative Agreement Made with the US Department of Interior, US Geological Survey for Acquisition and Processing of Light Detection and Ranging Data (LIDAR) / \$100,000 (Finance Department/Teresa Martinez)**
9. **Resolution 2014-75, a Resolution Requesting a Budget Increase to the GOB Series 2009 Fund (335) / \$8,162 and the GOB Series 2011 Fund (339) / \$21,838 to Budget Available Cash for the Southern Regional Station / Town of Edgewood Station / Total Increase of \$30,000 (Public Safety / Fire)**

B. Miscellaneous

1. **Request Authorization to Reprogram, Per Capital Outlay Policy, \$395,137.19 in 2012 Road General Obligation Bond Funds From County Road 105 Improvement to County Road 89C Improvement (Finance Department/Teresa Martinez)**
2. **Approval of Direct Purchase of Service Vendor Agreement, Nutrition Service Incentive Program (NSIP) Agreement, Certification Regarding Debarment, Suspension, and Other Responsibility Matters, Assurances, Certification Regarding Lobbying; Resolution Authorization; and Letter of Commitment (Community Services Department/Rachel O'Connor)**
3. **Approval of County Health Care Assistance Claims in the Amount of \$23,179.04**

CHAIR MAYFIELD: I will read in the titles of all resolution, affording the opportunity to comment on any, also on any that are pulled off on any for further discussion that may warrant more than five minutes, also will afford the public the opportunity to comment on those. So Commissioners, is there a request to pull anything off of our Consent items? None? Okay, well I will be pulling off II. A. 3, and that's a resolution amending Resolution No. 2012-147 to broaden the expenditures authorized for Aamodt settlement implementation. So that I will ask to pull off and that will take most likely longer than five minutes.

Ms. Miller, in the future, is it at least possible to put Commission districts on these?

MS. MILLER: Mr. Chair, I can tell you – yes, we did put them in the memo. But I will let you know that on items 4, 5, and 6, two of those are in District 1 and one is in District 4. So I believe 4 and 5, I believe, are in District 1 and 6 is in District 4.

CHAIR MAYFIELD: Fair enough. And then again, so the public, if they see those, if they want to specifically comment they might now it will be an issue pertaining to their district. Commissioner Chavez, please.

COMMISSIONER CHAVEZ: Well, item 1, Resolution accepting Rivers Edge Lane is in District 2 in the Agua Fria Village, for reference.

CHAIR MAYFIELD: So, Commissioners, I am going to just read in our Consent Agenda item captions and then I'll go to public comment if anybody would like to comment on these, seeing that they're on the Consent Agenda. And I will defer to our County Clerk after for assignment of numbers. So on our Consent Agenda we have A. 1, a resolution accepting Rivers Edge Lane for County maintenance. That's in District 2. We also have A. 2, a resolution requesting a budget increase to the federal forfeiture fund to budget cash carryover and new forfeitures received, and to the law enforcement operations fund, to budget a grant balance for the HIDTA program of \$8,598.

Item II. A. 3 has been pulled off for future further discussion. Item 4 is a resolution adopting local government road improvement fund project No. CAP-5-15 (470) for pavement rehabilitation/improvements of County Road 113 in Santa Fe County, New Mexico. That's District 1.

We also have a resolution adopting local government road improvement fund project No. SB-7806 (103) 15 for pavement rehabilitation/improvements of Evergreen Lane, County Road 101D, and Boneyard Road 91A as corrected by the County Manager. That is in Santa Fe, District 1. A resolution adopting local government road improvement fund project No. SO-5-15 (184) for pavement rehabilitation/improvements of Cañada Village Road, known as County Road 67A in Santa Fe County. I think that might be District 4.

We have a resolution requesting a budget increase to the GOB Series 2009 Fund (335) in the Amount of \$28,988 and to the GOB Series 2009 Fund (351) in the amount of \$67,312 to budget cash carryover to complete the design of the improvements to Torcido Loop for a total increase of \$96,300. I have no idea what district that's in. Three? Thanks. A resolution requesting an increase to the capital projects – this is item 8 – a resolution requesting an increase to the capital projects federal fund to budget for a cooperative agreement made with the US Department of Interior, US Geological Survey for Acquisition and Processing of Light Detection and Ranging Data (LIDAR) in the amount of \$100,000. That one I am going to pull. I want to have further discussion please.

So on item 9, a resolution requesting a budget increase to the GOB Series 2009 Fund of \$8,162 and the GOB Series 2011 Fund of \$21,838 to budget available cash for the Southern Regional Station/Town of Edgewood Station, a total increase of \$30,000. That's probably in

District 3.

Then under B. 1, which are our Miscellaneous items, we have a request authorization to reprogram, per capital outlay policy, \$395,137.19 in 2012 road general obligation bond funds from County Road 105 Improvement to County Road 89C improvement. I believe that's District 1.

Then we're on item B. 2, approval of direct purchase of service vendor agreement, Nutrition Service Incentive Program Agreement, certification regarding debarment, suspension, and other responsibility matters, assurances, certification regarding lobbying; resolution authorization; and letter of commitment.

And then we're on item B. 3, approval of county health care assistance claims in the amount of \$23,179.04.

So is there anybody from the public wishing to comment on any of these resolutions? Seeing none at this time, Commissioners, do you have any quick comments? Commissioner Holian.

COMMISSIONER HOLIAN: Are there any quick comments?

CHAIR MAYFIELD: No, public discussion is closed.

COMMISSIONER HOLIAN: Mr. Chair, I would like to move for approval of the Consent Agenda minus the items that were pulled for further discussion.

COMMISSIONER STEFANICS: Second.

CHAIR MAYFIELD: Fair enough. Although on one of them it's probably just a quick update that will take under five minutes, and that would be on item 8 a resolution requesting an increase to the capital projects, federal fund to budget for a cooperative agreement. It would be item II. A. 8.

ERLE WRIGHT (GIS): Good morning, Mr. Chair. That is a grant from the US Geological Survey to actually expand the LIDAR project that we undertook at the beginning of the fiscal year 2014 and then we're finishing up in the fiscal year 2015.

CHAIR MAYFIELD: And could you just talk a little bit about the LIDAR project please?

MR. WRIGHT: The LIDAR is actually a terrain mapping, surface mapping, but it actually also gives us vegetation as well. Part of it is the raw returns actually get the surface of whatever's there and this quality level 2 LIDAR that we're doing will actually resolve power lines, houses, vegetation canopy and we get multiple turns. Essentially we produce what's called a bare earth surface model that will be used essentially to orthorectify the aerial photography piece that we're doing and any future aerial photography projects that the County chooses to conduct.

CHAIR MAYFIELD: Okay. Thank you. Okay, Commissioners, now we'll go to your motion and a second.

COMMISSIONER CHAVEZ: For under discussion and for my clarification –

CHAIR MAYFIELD: Sure.

COMMISSIONER CHAVEZ: So then what are the items that you pulled off, Commissioner?

CHAIR MAYFIELD: I've only pulled off one, item II. A. 3.

COMMISSIONER CHAVEZ: Okay.

CHAIR MAYFIELD: So with that, Commissioners, all those in favor of our Consent Agenda, we have a motion and a second.

I'd like to ask you when I read protection of property, is that all property? In the county? That was a question.

CHAIR MAYFIELD: If we could ask Mr. – if you could still go through your whole statement please and then –

MS. DURAN CASH: Okay. And then I'd like to also ask is the Pueblo of San Ildefonso considered Santa Fe County? Because in the comments very many times the Governor of San Ildefonso told us that this easement and situation which will flow not only to Jemez and to the water situation but also the natural gas, which he admitted that he's going into negotiations with the lines on that road, he stated this was an issue between the County and their government. And he said that many times, and each time the people and the residents that were there stood up and reminded him that we were the County. And I think that's a fair statement.

I know the last time you heard from me I was very passionate. Today I'm very sad. I'm very broken that in all the years of my Hispanic ancestry that I have had a right to have my property and I do have title to my property, I have someone telling me that I have to defend it and I'm under his jurisdiction. In fact he went as far as to say that we are part of San Ildefonso. If that is the case then I'd like to ask another question. Why are we paying property taxes if we're under his jurisdiction? These are many, many questions that our community would like to ask and they're very real. And it's not just one person; it's a lot of people. And it has fueled so largely that Senator Udall, Senator Heinrich and the Governor of New Mexico have been notified. And so this is just to ask you all as our County Commissioners to please consider putting us on your agenda and listening to the community and our concerns. And please recognize us as part of you, the county.

CHAIR MAYFIELD: Thank you, Ms. Duran. So I'm going to go to our County Attorney. Mr. Shaffer, do you have – and Beverly, please cut in if I state something wrong. As far as protection of property, I think that's come up in various issues within this county. Also, is San Ildefonso in Santa Fe County, which it is but they are a sovereign nation, and also the property tax issue if you could respond to those three questions I would appreciate it.

MR. SHAFFER: Mr. Chair, I did not personally interpret the comments by the Governor to indicate that they were asserting jurisdiction over the private land claims within the exterior boundaries of the pueblo. Rather, what I understood him to be saying is that area is part of the San I community. So again, other people may have different recollections but that's what I took away from the comment. So I think that gets to the jurisdiction point and how those private land holdings would be part of the county and subject to County property taxes.

With respect to the protection of property, again, I believe it was a request to share information to establish the boundaries as part of the survey work, but again, I don't want to purport to speak for the Governor, but that's what I understood the comments to be in terms of the sharing of information.

CHAIR MAYFIELD: Thank you. So one that I would ask and Ms. Duran, you also noticed I was not at that meeting I was out of state at another obligation, but I would like to have a report from staff of what happened at that meeting, so I think it would be appropriate to do it here at our next County Commission meeting to afford – and if we could have it in the afternoon to afford the public the opportunity to attend. So an update of what did happen at that meeting, a couple of questions that I have respectfully as far the surveying work being done, one would be – and I'm just going back when we ever acquire property or don't acquire property. There's always independent surveys done. There's a survey done by, say, the selling party and there's a subsequent survey done by the buying party for acquiring land.

So one, isn't the BOR out there currently doing surveying? That's what I understood by some of the notices I received in my mail at my personal home, that they're out there asking to do current surveying. Two, respecting the Aamodt, I'm going to talk about that in the next agenda item. If there's current – excluding just the El Rancho San Ildefonso Valley, if there is surveying going on in I guess the whole Aamodt region, which I believe is happening, why those surveys wouldn't suffice, knowing that any individual entity could do a survey at any time they want. And then three, if a survey did come back knowing that there have been some letters that have gone back and forth between Santa Fe County, San Ildefonso Pueblo, Bureau of Indian Affairs and I believe our federal delegation, would we not then engage in our own independent survey? Or would it be suffice to say that one survey company is going to get it right?

And the only reason I say that is that on many cases that I have in front of us at this Commission, at least to my recollection, is we can be voting on something and we see a survey that was done one way and another party brings in another survey that was done a little differently. I don't know if you can answer that now, Greg, or if you want to save that for when you schedule this.

MR. SHAFFER: Mr. Chair, I think the Board would have a variety of options available to it. They could seek to undertake its own survey of the roadways and property. It could attempt to participate jointly with the pueblo in choosing a surveyor that both parties were comfortable with and defining the scope of work and overseeing that work would be another option. So I think that the Board could move forward in a variety of different directions.

CHAIR MAYFIELD: Okay. And then I guess my other follow-up questions for the next meeting and/or how it will pertain. It ties into the Aamodt a little bit, is if San Ildefonso is currently going to do independent surveying and if this has any significant impact on the Aamodt siting of lines with what the BOR is doing, if it isn't. I would like to have that also given to me. If we have one survey from the BOR and then San Ildefonso comes out with their independent survey talking about lines, what impact does that have on the whole proposal? I want to say this right now because the Aamodt settlement is still being proposed. It hasn't been adjudicated yet by the judge because there's been a change in judges on that. What does that have to do with if a survey comes out that might contradict the current BOR survey? I see Adam's getting up so Adam may want to address that now or we could wait. Thank you, Mr. Leigland.

And if I'm going too far, Greg, because this wasn't noticed, let me know and we'll have it noticed.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR MAYFIELD: Yes.

COMMISSIONER STEFANICS: You know, before we would get into this very far, I would ask our Attorney and of course we can discuss whatever you want to discuss today but I would ask our Attorney to do some preparation for us about what might be federal issues and jurisdiction, state issues and jurisdiction and County issues and jurisdiction. At the federal level there's many different agencies involved as well as the sovereign nations. So I think that this is a very multi-layered conversation that we're starting and Mr. Shaffer has been very adept since he's been here at educating us on some issues and I at least would ask for that preparation before we get into this discussion at the next meeting or whenever you choose to schedule it. So I just want to be careful that we and our roles are clear about what we have involvement and control over and what we don't.

CHAIR MAYFIELD: And Commissioner Stefanics, I agree. I appreciate Ms. Duran, you bringing this forward under public comment. I just want to know if it has been, say,

properly noticed and that's why I asked Adam.

MS. DURAN CASH: Absolutely. And those questions, Commissioner, thank you. Those questions weren't actually asked to address them know. It was more to show that there are a lot of questions and Commissioner Stefanics, I hope that you'll also be willing to listen to the community. We've done a lot of research and those questions that we've asked the County, there's some black holes on some information and so we'd like to work with you to the best of ability if you would include us. Because it is impacting us and it's not just about property right now it's about rights, civil rights. And right now, because of a letter that the BIA sent through San Ildefonso saying that we are in trespass, we right now have basically useless titles. There is one person in the community that was building and the title insurance dropped it and the bank dropped their construction loan. There are two people that were going to sell and those contracts went void because of the fact that right now, no underwriter in Santa Fe, or should I say many underwriters in Santa Fe will not provide title insurance based on that letter.

So although I understand about the layers, the people in front of you, your constituents right now have titles that are of no value, based on one letter. That is very real to our livelihood, and it's a huge impact and I think that you could put yourself in our place and feel about how that feels as a property and a tax owner, for someone to strip you of that.

The other thing, when you talk about the layers, we went through this with the PRC and you're absolutely right. With the PRC they told us it was a federal issue because of federal law. So we went to our federal representatives and they told us to go back to the PRC because it was a state law. And we bounced back and forth for six months. But when we get the recommendation from Caroline Glick it says on here that the County of Santa Fe was for the stipulation, yet the County of Santa Fe never met with our community.

So as you can see, this is not accusations, it is not – it's purely a plea, that this is basically people's rights that are being taken away and your five are instrumental. And although I know there are federal and state levels, you are close to home. You are the closest to home. And we look at your to help protect our rights. Thank you, Commissioners.

CHAIR MAYFIELD: Thank you. And maybe we can address that at a different time, Ms. Duran, but the PRC settlement, because I know that the County did intervene on that case. There was an initial proposed dollar amount that was significantly higher than what came out of that settlement, and the community did come and have input on that at one time. I don't know if at the end of it, if they came in front of this Commission, but I think the Commission took a very pro-active role in that easement negotiation. The County spent money to hire an expert, somebody that would provide some expert testimony. I know it was pretty hard to find that individual and I think they even had to go back east to find that individual. But we can have that addressed also, Ms. Duran.

MS. DURAN CASH: Then I stand to be directed. But I guess everyone can agree that the community has some questions, but again, for our not-for-profit, if we have a community meeting and some of the things are actually communicated, maybe we can relieve some of the animosity that they're not being represented by County, state or federal.

CHAIR MAYFIELD: Thank you, Ms. Duran. But Ms. Duran brings up a great point also and I'll just go to Mr. Shaffer on a presentation. In respecting the letter that may have come from the BIA to San Ildefonso and if hopefully, Santa Fe County has seen that. If not maybe Ms. Duran can forward a copy of that to our County Manager and the County Attorney. But as far as the tax implications of it, I think that's a question I would have. Not disputing or refuting who has that easement, ingress-egress access to their property, but if it is under pueblo

jurisdiction, how does our property tax Assessor assess that property? Because I think that could have a significant different on how individuals are being taxed on their properties and I don't know if that's ever been an issue or not an issue, but I think having clear title to your property based on whatever title policies have been given to people in the past, should go into the calculation of somebody's property taxes. So I don't know if you guys could have that addressed also. Maybe our Assessor would want to comment on that. Yes, sir. We're still under public comment. Thank you. And also I'd like to recognize, I don't know if it's for this issue because nobody knew about it, but we have the Governor of Tesuque and the former Governor of Tesuque with us, so thank you both for being here.

DAVE NEAL: My name's Dave Neal. I'm vice president of the organization just talked about, and I wanted to clarify something with the Attorney. When I – at the conclusion of that meeting, I stopped Terry Aguilar outside the door with two other residents present at the time I asked him this question. And I asked him point-blank. Are you asking us, or is your survey going to verify ownership of the property and he looked me straight in the face and said yes. And I've got two representatives or two people that were residents of the area standing right next to me when I asked him that question.

So to go back, it wasn't mentioned in the meeting and I understand that. It may have been construed differently, but I had gotten the same sense that the Attorney did. And that's why I asked him when he left, point-blank, are you asking us to verify our titles? And essentially he said yes. Which is a little scary. And the other thing I wanted to elaborate a little more – and I won't take too long on this, and that was the comment about the title companies. I'm the guy that did most of that research. I talked to two title companies and one underwriter, and they flat said it was that memo from the pueblo that has caused them to stop underwriting title insurance. And that's a little scary. Especially since that's not a government issue; that's a commercial issue and that really hits to the pocketbook. So that's all I've got to say. Thank you for your time.

CHAIR MAYFIELD: Thank you. And just again, I don't know if this is any benefit or not, but the Public Regulation Commission at one time they regulated title insurance. I don't know if that task moved over when the insurance division and the Public Regulation Commission separated but that may be a question also to be given to either the Public Regulation Commission or the new insurance division. I just don't know. I assume that title followed the insurance division when they separated. So thank you all for that.

And if I could just say this, and I don't know if it's correct or not, but if individuals do have their own private surveys on their own properties, I think that that could prove a benefit if a survey shows that you're going into even arguably a disputed County road. Look. We're showing that we have clear ingress or egress into this County road, and I think that's something the County really needs to decipher, if that County road is in dispute with the pueblos. Because I would assume that people's individual surveys are going to show them that they have access to their County road from their private properties. So that's why I do think it is significantly a County issue to be addressed. So thank you both for that comment.

II. A. 3. Resolution No. 2014-76, a Resolution Amending Resolution No. 2012-147 to Broaden the Expenditures Authorized for Aamodt Settlement Implementation (Public Works Department/Adam Leigland)

CHAIR MAYFIELD: So I asked that this be pulled off. I'll just disclose I have spoken a little bit briefly to Mr. Leigland about this and also to Mr. Shaffer about this. But

Claudia, if you wanted to discuss this, the Commission is going to vote on this unless they table this item today. But supporting documentation that I asked for, I don't know if it's ready or not, to come to me. A lot of this proposed work was going to be afforded or to be able to be done on the sale of our acquired water rights from the Top of the World that we have now sold back to either the BIA or BOR. So the County's received, what? Four of five-plus million dollars on that sale. But my question is – and I know we did have an engineer at one time working on this. I don't know if we had anybody else post this resolution being passed. I truly wanted a recount of how much of those dollars were being allocated from the Top of the World sale to staffing of this proposed settlement.

I also wanted to have the – what the Top of the World dollars could be used for. I'm not saying that – I guess that maybe there has been some general questions. The sale of the acquisition of Top of the World and the selling of the Top of the World water rights may be able – specifically what their primary use and only use could be used for those dollars. I don't know if that's included in here. I know I asked for it. I'll say I asked for it at the 12th hour after I caught up with my package over the weekend, so if it's not ready I understand that. But Claudia, please.

CLAUDIA BORCHERT (Utilities Director): Mr. Chair, members of the Commission, yes, so we did receive your request and we were able to look at all the different ways, the 5.4 million that were allocated from the Top of the World water sales had been spent to date. \$87,000 have been spent. Of that, \$28,000, more or less, were spent on the salary of Rusty Rodke who you mentioned. \$35,000 was spent under a contract with the Utton Center.

CHAIR MAYFIELD: Let me just tie into Commissioner Chavez, please. Commissioner, you had a question?

COMMISSIONER CHAVEZ: No, no, no. Go ahead and then I just have a little question afterward.

CHAIR MAYFIELD: Okay. Sorry.

MS. BORCHERT: Mr. Chair, and then \$24,000 was spent on a vehicle for that engineer position with utilities. So again, to date, a little bit over \$87,000 has been spent of the \$5.4 million.

CHAIR MAYFIELD: Okay.

MS. BORCHERT: Now, if you would like, I do have the resolution in front of me from 2012.

CHAIR MAYFIELD: I have it up here.

COMMISSIONER CHAVEZ: And Mr. Chair, Claudia, 2012-147 resolution, there's a Now, therefore be it resolved, now therefore the Board of County Commissioners hereby resolves and proclaims as follows: At least 85 percent of the proceeds from the sale of the Top of the World water rights will be placed in a fund for sole and eventual use in the implementation of the RWS at such time as needed. So the discussion prior to this outlined some of the line items that were identified for the use of those proceeds. And so that's a part of it. So my question is does the dollar amount reflect the 85 percent that's mentioned in the resolution? And then for my clarification, what is the RWS?

MS. BORCHERT: Mr. Chair, Commissioner Chavez, so the remaining 15 percent, the difference between 85 percent is \$801,000, so the math would be that we've spent about 10 percent, a little bit over 10 percent of the \$801,000 that has been allocated to the other expenses, other than what the first resolution describes. And RWS is the Regional Water System. So the majority, in other words 85 percent is meant to go towards the actual funding of the County's share of the Regional Water System, the actual utility, and the remainder is the work

that it takes to get there.

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

CHAIR MAYFIELD: Thank you for that clarification, Commissioner Chavez, also. So, Claudia, again, I appreciate Commissioner Chavez' input on that. I still want to know – it doesn't have to be today – when Santa Fe County actually acquired Top of the World, what the intended purpose was for the acquisition of Top of the World, knowing that I think we paid a pretty good dollar amount and we received a great return to date. And you mentioned \$5.4 million. There is still available water rights that are for sale, also, correct? Or that have to be sold or they don't have to be sold, from Top of the World?

MS. BORCHERT: Mr. Chair, so to answer your first question, as I understand it the entire purpose of buying Top of the World Farm was entirely for the 1,100 and change acre-feet of water rights that came with the farm. That has been split – I want to say off the top of my head, 700 has been sold to the BIA to go to the four pueblos, and that's where the \$5.4 million comes from, and the remaining 611 acre-feet is the County's contribution of water rights that will serve the County customers of the regional water supply. So at this point there are no more water rights available for sale. There have been some leases and questions of re-leasing that water. Right now there's a lease of some of that water for the Town of Cuesta, and I believe also there's been discussions that somebody wants to buy the actual Top of the World Farm and has asked whether some of those water rights are available to lease until they are needed at the Regional Water System.

But as far as the actual sale of the water rights, those are all already defined. Those are commitments that both the BIA, the pueblos and the County have made to the Regional Water System.

CHAIR MAYFIELD: Okay. And I appreciate that, and that's just something I would definitely like the County to ponder going forward if we're going to be wheeling any of this acquired water out of our valley, the intended purpose of this water was for the regional system and you can have some pretty iron-clad agreements with individuals of we're going to lease it to you, but once they get hooked on that water it's going to I think be pretty hard to reclaim that water back. Especially if it's going for further development or build-out outside of Santa Fe County, or even within Santa Fe County if that water is going to be used elsewhere. So I just hope that that has really been considered and looked at, especially with that 611 acre-feet that you just stated that the County is currently leasing out to other folks.

So Claudia, the resolution again, I have spoke with Mr. Leigland and also Mr. Shaffer. You guys are having – this resolution authorized the hiring of an engineer, and I don't know if you just want to provide – because now you're asking – I mean the significant change in this resolution is to let this hire appropriate staff. So they're kind of excluding an engineer. I think we had some pretty extensive discussion that an engineer was the position that was needed for – just to make sure that all rights by every individual is protected and they have that expertise and that experience. So now you're trying to do a pretty significant modification as far as I'm concerned of – I believe it is very broad of who could and who couldn't be hired. I mean this very respectfully and hopefully I don't get into trouble with this comment. I appreciate the great work that all attorneys do in the United States but they can eat up fees pretty fast and I just don't know if this is something to get another attorney on board. So that's – I don't know if you need to answer that or Mr. Leigland, Mr. Shaffer needs to answer that.

MS. BORCHERT: Mr. Chair, I can certainly tell you how I see it from the work

we've been doing with him thus far. So he – the original resolution from 2012 identifies the full-time position to perform functions of a professional engineer. So it actually doesn't define a professional engineer but the kinds of functions that an engineer does. We have had the engineering position open for over four months and finally got one applicant. We interviewed him. He was highly qualified. We offered him the most we could offer him and he was from Albuquerque and in parallel got a job in Albuquerque and decided not to take our position. So we've essentially had no luck hiring an engineer to fill this position.

That's one reason why we are asking for the resolution in front of you today. The other is that we – as we have been educating ourselves on what Aamodt requires, engineering is certainly one component of the skills required in the project. It is certainly not the only one. There are water rights issues. There are hydrology issues. There are project management issues and there are outreach issues. And so given that we were unable to fill the position successfully with an engineer we felt like perhaps we could hire somebody who could fill some of these other roles that are also equally important in successfully negotiating through the entire settlement and the development of the Regional Water System.

CHAIR MAYFIELD: Claudia, I hate to put you on the spot but I'm going to ask you. You said to settle water rights issues. Well, wasn't that what's the Aamodt about? So why would we have to hire a new expert on water rights issues?

MS. BORCHERT: I'm sorry if I said water rights; I didn't mean that. We are in the process of transferring those Top of the World water rights, the San Juan/Chama rights to the diversion point at San I and so that requires water right knowledge and hydrology knowledge, not necessarily settling the water rights but an understanding of how water rights transfer and permitting requirements.

CHAIR MAYFIELD: Okay. Yes, Commissioner Chavez, please.

COMMISSIONER CHAVEZ: I appreciate the discussion. It's all – this settlement has been many years in the making and it's not going to be easy to get to the final point that we need to get to. We heard from the El Rancho community earlier and so that dynamic is going to have to play out and we're going to have to make some decisions at this level to try to keep things moving forward so that we don't lose the momentum that we do have. So on that note I would like to make a motion to approve the amendment to the resolution and hope for a second then we could continue discussion. I have a few questions but I'll wait to hear the others.

COMMISSIONER HOLIAN: I'll second that.

CHAIR MAYFIELD: I wasn't done with my discussion on that.

COMMISSIONER CHAVEZ: I understand that, but I think that we can continue the discussion under a motion and a second and that's what I'm proposing right now.

CHAIR MAYFIELD: Well, we have a motion and a second. Again, I think that there's some – I'm just going to make a general statement. This Commission, when there's discussion going on, there's always somebody jumping in to make a motion and I think that doesn't afford the process to move as quickly as it should – I have the floor right now, Commissioner Chavez. But again, on that, I will respect the motion that was made and the second. I doubt that this will go anywhere but I will be making an alternate tabling motion at this time and I would look for a second. Seeing none, we will move on with discussion.

COMMISSIONER CHAVEZ: Mr. Chair, under discussion. What would we get out of tabling? What would we accomplish by tabling?

CHAIR MAYFIELD: I think there's a lot of unanswered questions. I believe that Ms. Duran who commented earlier on a different issue is also related issue to this Aamodt

agreement as far as easements, as far as what is to be prescribed, what isn't to be prescribed. Even in the Aamodt settlement agreement if there has been provisions that there will be no easement issues. I believe that was stated to me at one time by prior County Attorneys that respecting the sovereign nations that they have given up any easement issues as far as there would be a centralized water system going in, and now arguably, I might be hearing that another entity is saying, well, wait a minute. Let's look at where these lines are being proposed, and I don't know what the reasons of that is. And I will just interject, the cost recovery case that the PRC recently went through on electricity, I would like those questions all answered before we dedicate numerous dollars to this project that could be or have been more appropriately used for if and when the implementation goes through.

I also want to state this, and anybody please correct me if I'm wrong. We had a federal judge on this case who recused himself and now this is mandated to a new court, in front of a new attorney. So right now there hasn't even been acceptance of a proposed settlement, but yet we're asking to fill all of these positions. I've been told or it's been stated to me, well, this is kind of the timeline of how stuff has to happen, but I just don't want to throw good money to no avail on multiple positions. I want to know how the positions, if we go forward, how they would fall under the procurement code, because they're asking for contractor work. I'm glad to see that no more than 15 percent of this can be used for attorneys – excuse me. Not for attorneys but for staff, but I'd also like to see well, what provisions do we have that affords potentially no conflicts of interest, if somebody goes out with independent firm X.

If we just – this is pretty broad of who can be hired and I know we specifically had in the first resolution that it would be an individual that could perform the functions of professional engineer, but I would go with this caveat. I do believe – and correct me if I'm wrong, Claudia or Mr. Leigland – that all the recruitment was going out for professional engineer. It wasn't for an individual who could just perform. I think you guys were asking for a PE requirement. And now it just seems like it's really broad and it's changed. So that's why I want to have more of this discussion, and then this gets thrown on an agenda item as Consent? That's disturbing to me.

With all the discussion that has gone on with the Aamodt, this thing just gets thrown on as a Consent item agenda. And I believe respectfully people would have known how I felt on this issue, just to have it thrown in here under Consent. So that's why I think this issue warrants and even mandates further discussion. I'd like to hear from the pueblos on this. I would like to hear from the public on this. And I would definitely like to respect hearing from our staff on this. And I don't believe it was adequately noticed of something that was just on agenda on Consent. So that's where I believe the tabling motion is warranted, just so we can get a good notice out there and how this is a full discussion item to hear from all the parties that this concerns. Thank you, Commissioner Chavez. Does anybody else have any other questions?

So, Claudia, I do, as far as based on what you heard me on my bully pulpit stating what I stated, but so what you all are asking now is subject to budget availability, does that mean the 15 percent? You guys are authorized a budget. The Public Works – here, let me just ask what you guys are asking for. One, you're asking to strike the last Whereas clause of this resolution in front of us. And let me just state for the public and for the record what's being asked to be deleted from the past resolution that was passed, and I don't know the date of this – the date that this was signed. I believed this was signed – I can't read the date.

MS. MILLER: October 30, 2012.

CHAIR MAYFIELD: Thank you. So this resolution that was passed and signed in 2012, this is what's asking to be deleted right now. The last Whereas clause of Resolution 2012-

147. Okay, so we're saying that the work associated with the County's role and the settlement implementation will require the services of a full-time professional engineer. So the Whereas does state that, Claudia. The Therefore doesn't but the Whereas did state that we needed a PE, to be employed by the County through the completion of the facilities design in 2018. So that Whereas is asking to be stricken. Also paragraphs 2 and paragraphs 3 of Resolution are hereby amended. Now, in paragraphs 2 and 3, help me out with paragraphs 2 and 3 of the resolution. So where exactly are – under the Therefore – where are you considering the second and third Whereas? What are you saying are paragraphs 2 and 3 of the resolution that was prior passed in 2012?

MS. BORCHERT: Mr. Chair, members of the Commission, the original 2012 resolution has in the Whereas section, I mean the Therefore section, has three paragraphs, 1, 2 and 3. So the proposed amendment replaces the 2 of the 2012 resolution with the 2 as stated in the resolution in your packet.

CHAIR MAYFIELD: Okay. Well, those are a little more binding on Therefore's than than Whereas's. So I would just hope in the future that we would maybe have a cleaned up redline version of stuff, and also if a Therefore is going to be deleted and a new Therefore is going to be added, that that would be incorporated just to make the reading a little easier. So can you then incorporate – so I'll read for the record what the two Therefore's were now that you've explained it. So one, there still is 1 as far as I'm understanding under the 2012 past resolution and that says at least 85 percent of the proceeds from the Top of the World water rights will be placed in a fund solely for sole and eventual use in implementation of the RWS at such time as needed. That is not changing.

MS. BORCHERT: Mr. Chair, that is correct.

CHAIR MAYFIELD: Thank you. So now 2, as was written, a new full-time position will be created in the Public Works Department, Utilities Division to perform the functions of a professional engineer in charge of Aamodt settlement implementation on behalf of Santa Fe County for both outreach and technical matters at Santa Fe County Utilities engineering, and you are proposing to change that now with subject to budget availability, the Public Works Department Utilities Division is authorized to contract for services necessary for the Aamodt settlement implementation, and number 2, to hire appropriate staff whose primary duties will be related to the Aamodt settlement implementation. So that's what you're proposing to substitute.

MS. BORCHERT: Mr. Chair, that is correct.

CHAIR MAYFIELD: And now help me out again with the subject to budget availability. We have \$5 million sitting there. I would hope that we would put more of a provision to protect some of that. Maybe that's what the 15 percent but there's ample budget availability, is there not? And maybe this isn't a question for you, Claudia and I respect if it's not and I'll have to defer to anybody else.

MS. MILLER: Mr. Chair, the only part that's actually budgeted, so the 85 percent is not budgeted. It is in the A fund to be budgeted upon the time that we need it for the Aamodt project. The only part that's even available to be budgeted is the 15 percent and that's not even fully budgeted. It's budgeted by year based upon what's anticipated in the year. So for instance for 13 it was the salary vehicle, contractual and advertising money for public meetings and things like that. For 14 or 15 – I think that was 14, I have to look at what we have. For 15 budgeted it's probably the same. A certain amount based upon the mid-range for the position and benefits, contractual services and the miscellaneous expenses.

So we don't budget the whole 15 percent all at once because we wouldn't need it in a

year. Additionally, it was anticipated that that position, that 15 percent would fund a position for three or four years or maybe longer in order to make sure that we had someone who could stay through the length of getting the project up and running.

CHAIR MAYFIELD: Thank you, Ms. Miller. So going back to 2, as far as going to the 2012 past resolution – and I do read it, Claudia, that it was to hire a PE, based on a Whereas that is being stricken from it. And now this one is basically talking for contract services as necessary. That's pretty broad. I think, and I'll defer to our County Attorney that under those contract services it would still have to follow through the procurement code of Santa Fe County but could there be – is there full disclosure as far as if somebody might be working with another party that could potentially be involved? If they're going to be contracting with Santa Fe County? How does that vetting process happen through our procurement code?

Again, and what contract services would need to be solicited for that we couldn't do, again, with temporary full-time employees under the purview of Santa Fe County? That are, one, protecting Santa Fe County's interest in this proposed settlement agreement.

MS. BORCHERT: Mr. Chair, members of the Commission, if we were not able to hire somebody who has the professional engineering skills or is a professional engineer then one of the contractual services I would like to see this money used for is for a professional engineer to represent the County in the process. So in this fiscal year's budget I allocated some money for professional services thinking that that might be a possibility. As we were going through the budget process I had already had the experience of this vacancy being open and nobody applying for months as we were developing our budgets.

CHAIR MAYFIELD: And maybe this is a question, and I don't know if Mr. Taylor is here, but if an entity has already performed any functions of engineering work on the proposed Aamodt, would that be a potential conflict if they now came in to perform contractual service work for us? If they've already taken positions, I don't know what the code of conducts are in the engineering service field. I just want to know if there could ever be any potential conflicts and if that would be identified in our purchasing code. I don't know if anybody could answer that. Would there have to be full disclosure at least if they've done x-amount of work already regarding Aamodt and now they're building on a contract for us? Discussions of what entities they had discussions with? That is something I want to know if our procurement code asks for those disclosures.

That's why I believe, Commissioners, and I did pull this, that this does warrant a lot more discussion. So that's one. And again, I'm not putting you on the spot by asking this, but this was just placed on the agenda under a Consent item. So those are things I'd like to know.

And then it says for the Aamodt settlement implementation. What's the status with the courts? I guess I would like that update too. Is this stuff that we have to perform prior to that implementation? Again, as far as I know – and please correct me anybody because I know I've got some stares out there looking at me – if anybody knows if this is going to be signed off and approved by the Boards or not. I don't think anybody is going to be willing to make that statement right now.

MR. SHAFFER: Mr. Chair, if that was a question, I don't think anybody could guarantee what the court is going to do. There's a deadline set forth in the federal legislation that approves the settlement that it has to happen by September, I forget the specific date of 2017. I think Mr. Leigland can speak to the necessity to have certain deadlines and activities associated with settlement proceed on parallel tracks so that some of the other contingencies that are separate and apart from the court approval can happen on time, but I think he can speak to that

better than I can.

CHAIR MAYFIELD: Thank you. Mr. Leigland, if you'd care to be put on the spot.

ADAM LEIGLAND (Public Works Director): Mr. Chair, Commission, as Mr. Shaffer mentioned, it is impossible to predict what the court is doing. They're going through their process right now of evaluating all the show-cause notices that were distributed earlier this year and also as you noticed there has been a change in the judge. But also, as Mr. Shaffer mentioned the federal Aamodt Litigation Settlement Act has numerous deadlines in it that have to be met before the settlement can go through. The most recent is September 15, 2017. By that date there are numerous actions that have to have been performed that will be impossible to perform before proceeding now as if the settlement were going to be passed. The EIS has to be completed. The Secretary of the Interior has to notify that certain steps have been made with the design. We have to have funding schedules and operating agreements signed, and those are impossible unless we know what this system is going to look like.

So at this point it's impossible to have all these milestones proceed in series. They have to proceed in parallel or there's no way we can meet any of the milestones. So this just gives us the flexibility to make sure those milestones are met. I'd just remind you after 2017 there's also notification on June 30, 2021 that the design is complete, so we have to have certain designs completed by 2017 and we have to have it finally complete by 2021, and then the system has to be physically operational by June 30, 2024.

So there's no way we could meet these milestones if we didn't do all the prep work right now, because as you are well aware, it's a very complicated geography and it's going to need a lot of technical issues, so you're absolutely correct, Mr. Chair, that we don't know, but if we want any chance of it to proceed, and I believe the County's articulated they do want it to, we need to be progressing now with these steps.

CHAIR MAYFIELD: Mr. Leigland, I appreciate that, and if you can answer this, or if you can't, again, based on the prior conversation under public comment and the attendance of staff at a meeting last week, are there any potential overlapping issues of what San Ildefonso is raising right now that could have an impact on this Aamodt?

MR. LEIGLAND: Mr. Chair, yes, because the Aamodt settlement contemplates that the waterlines will be in public easements, so we do have to nail that down.

CHAIR MAYFIELD: So if it's identified under these I guess surveys that this is Native American lands, pueblo lands, does that – what does that do – I guess maybe that's where you do need an expert person on this too. Maybe somebody from title companies. I don't know. I just think they are intertwined issues right now. I really believe they're intertwined issues.

MR. LEIGLAND: Mr. Chair, I absolutely agree with you. They are intertwined issues. And so we do need to nail it down. The Bureau of Reclamation has already done an extensive survey on San I. Their survey had a different focus so it didn't – unfortunately it wouldn't answer the questions that were brought up earlier. They were just looking, for instance at where the centerline of the road is so they could come up with a notional pipeline. So they have actually produced that. They have done their survey. They're progressing southward through the settlement area right now and they're doing what they're calling ground-truthing and that is just essentially saying, okay, the 2008 HKM technical report had a proposed alignment and now they're looking at the ground, doing some surveys. But that's not the exact same survey that San I is proposing right now. So unfortunately we can't use the data for both purposes. But they are definitely in their line because the pipes will be going into, to the extent possible, in

existing public rights-of-way or easements, no matter who owns them – the pueblos, the County, the state.

CHAIR MAYFIELD: And what impact does it have – then I'll go to Commissioner Chavez – as far as the siting of the diversion, which is going to be on the river and I believe it is going to be on San Ildefonso property, and/or the treatment plant where I believe right now it's proposed – I don't know. I've heard so many proposals of where the treatment plant's going to go. Maybe you all know, but if it is, respectfully, either on San Ildefonso property, which I believe it is, or if it's on – I don't know if there's even County property out there; I think there's some – or on private claims.

MR. LEIGLAND: Mr. Chair, the San I road issue should have absolutely no bearing on the location of the diversion or the treatment plant. The treatment plant is currently sited near the El Rancho bar, near that large electrical substation.

CHAIR MAYFIELD: Okay. And what about the diversion?

MR. LEIGLAND: Mr. Chair, there should be no effect on the diversion. The diversion is currently sited just to the north of the Otowi bridge. The actual type of the diversion, there are a number of different type of Ranney galleries being proposed.

CHAIR MAYFIELD: So is there going to be [inaudible] for all users? For all pueblo users and County users? Is there going to be a clear easement granted for the treatment plant and/or the diversion plant?

MR. LEIGLAND: Mr. Chair, that's one of the stipulations of the operating agreement and so the operating agreement is one of the remaining agreements that has to be signed by all the members of the Regional Water System. As I mentioned earlier, the Settlement Litigation Act has a statutory milestone of when that operating agreement has to be signed. That is just the sort of thing, access, not just to the diversion but make sure that valves and pumps and what not can be accessed.

CHAIR MAYFIELD: Thank you, Mr. Leigland. Commissioner Chavez.

COMMISSIONER CHAVEZ: I just have one simple question. It doesn't have to be answered now. I'd like to know how much the County has spent to date on this Aamodt settlement suit.

CHAIR MAYFIELD: I'd love to know that too.

MR. LEIGLAND: Well, Mr. Chair, we've spent about \$100,000 of Top of the World money and then staff – if you're asking for staff time and soft costs going back to 1966, that would be very difficult to estimate.

COMMISSIONER CHAVEZ: Well, that's why I said earlier there's a lot of history to this. And of course the court is going to have to make their determination. It has not been an easy process to go through. It is very expensive to top to bottom. Top of the World water. I didn't know there was Top of the World until just recently. So we're dealing with Top of the World water. It's got to be the most expensive water, I guess, around, right? So this endeavor is going to be expensive. It has been expensive and hopefully we can get past this and have a regional water system that can deal with the future, not with what we're dealing with now. That's what we need to change and making that change is not going to be easy, but I just wanted to ask that question, to put in context. Because we're worried about spending money. Well, if that's what we're worried about we better back out. We should have backed out years ago.

So I don't know. That doesn't make it any easier but I just wanted to put it in some sort of responsible context as far as time and dollars. Thank you, Mr. Chair.

CHAIR MAYFIELD: Thank you, Commissioner Chavez. But I also think, and

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appreciating what Commissioner Chavez stated, to date, and I've been involved with this project I guess at least conceptually of what's been stated to me for the past three years, having some limited knowledge about it prior to that, but we can't even associate a cost with it today of what the build-out is going to be. We have inflationary costs of what we're going to be charging a county resident to use this water and I just think that we as a County, knowing where we're going with a bigger water plan should be able to put a guesstimate of a dollar amount. Is it going to cost us another \$50 million or \$100 million to build out? Does this need to be bonded out?

Otherwise, we're going to come to the County and say, okay, it's your time to kick into the kitty and pay. And I just think that that's something that this Commission should recognize and forecast into the future. And if it is a regional water system, and I appreciate what Commissioner Chavez stated, okay. Well then the City of Santa Fe residents, you're going to be paying for it too through the BDD rates, because that should be tied in. It's not an isolated, separated system. So, welcome, Governor.

So that being stated I would just like that to know. And I have those questions. Is it going to be encompassed with our whole regional water system? Is it going to be a standalone water system? I've never heard it's a standalone water system. And I'll just go to Commissioner – and that was just basically a statement. If you want to answer, Adam, you're welcome to, but Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. I'm not – I want to preface my comment – I'm not turning a blind eye to making my own decisions about these things but I do believe that our staff, our Attorney, our Manager will not knowingly lead us down the incorrect path. And I think that there are many paths to this project. I think that when the court situation becomes serious enough to stop I'm hoping that we will receive advice to stop. And so in the meantime I am really relying on all of our staff here at the upper management level to not bring to us something that we aren't prepared to move on. And so if there's anything different from Mr. Shaffer, Ms. Miller, Mr. Leigland, about that, say so right now. Thank you.

CHAIR MAYFIELD: Thank you, Commissioner.

COMMISSIONER CHAVEZ: Mr. Chair.

CHAIR MAYFIELD: Yes, Commissioner.

COMMISSIONER CHAVEZ: I'll just respond to one –

CHAIR MAYFIELD: Commissioner, if I could go first. Commissioner Holian was kind of in the –

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Mr. Chair, as you pointed out, as many others have pointed out, there is still a lot of information and work that is required in our move forward with this particular issue. And I think that this specific resolution, as amended is actually acknowledging that. It's actually increasing the flexibility of who may be hired to do those kinds of efforts. And I noted that Claudia for one mentioned that one of the things that we needed is more community outreach. And I think everybody can agree that is a good thing.

So in fact the purpose of this specific resolution and the changes to this specific resolution are indeed to move us forward and so that is why I support it. I just wanted to go on the record as saying that.

CHAIR MAYFIELD: Commissioner Chavez.

COMMISSIONER CHAVEZ: In response to your question or concern about who's going to bear the cost, I agree with you that it should be everyone in the region that's going to bear the cost because it's all of our responsibility. And to have two water companies

across the street from each other competing for the same customers doesn't make any sense. That's one reason why I've been willing to support the regional water system. The Aamodt settlement is part of that; it's not the only part of it. It is a big part of it and I think that it's fair for all of us, both city and county residents to share the burden of the Buckman Direct Diversion and any other future improvements that we make because we are all now depending on imported water, water that's coming from outside our watersheds.

We are one of the many that are depending on the Colorado River for their source of water. We can't shy away from that. Our population cannot depend on our domestic supply anymore. That's the reality of the time and the place that we're living in. And so I agree with you on that point and that may not be an easy sell either but I think we're going to have to get to that point. We're all going to have to share the responsibility and the cost, not only now but in the future. Thank you, Mr. Chair.

CHAIR MAYFIELD: Commissioner Chavez, thank you, and I appreciate that. And I guess, look, I'm not on board with this just for right now, just how the noticing was and not having the pueblo governors and pueblo members comment on this also, the public comment on this, although I will open this up for public comment after. And I'm not going against the noticing, Adam. You and I did have this discussion so I want that to be reflected also. But I still think that it should not have been put on the Consent Agenda item. I want that to be stated and we should have done a little bit more – I should have done more to get public outreach and public awareness of this modification in front of us. I have no problem stated that either.

But even respecting Commissioner Chavez, and I believe all of us have satten on the Buckman Direct Diversion. We know what issues we face there. Turbidity. Not turning it on because of the high cost of electricity use. Now we can tie this into what they just approved at the PRC of how much it's going to cost to run the system, of what hours of operation we use, what hours we don't, and one thing that hasn't – again, maybe this is in the operating agreement. Maybe this is in the Aamodt settlement agreement – where is going to be the backup water supply? Because all of us that have practical experience with the Buckman Direct know that we are not 100 percent diverting water out of the river.

Just because of river flows and turbidity issues, and/or the high energy cost issues to do it. So respecting that we are going to be protecting our aquifer, what's the proposal? I've heard there's so many proposals. Well, we're still going to have backup wells out there. And I think that that needs to be encompassed in the bigger conversation, and/or maybe that's what these hires are going to do, is to try to figure that out. Because if we just depend on the native flow from the Rio Grande, I don't think it's going to happen, personally. I could be wrong; I'm not a water engineer or any type of engineer. I don't claim to be. But I'm just working on experience that I've had with the Buckman Direct Diversion of when water is used out of that system and when it's not, or when it's going to well systems and that brings on a whole other issue, which I won't get into that.

So, Adam, I'm going to go to 3 really quick. So under the past resolution – so we have some public that may want to comment on this that was adopted in 2012 and it hasn't changed much but I just want to read them in for the record. So what is currently approved, up to 15 percent of the proceeds from the transfer of water rights will be dedicated to cover personnel salary and benefits for the positions described above and associated equipment such as a vehicle, computer, so that was all hashed out. As it's proposed to be written now, up to 15 percent of the proceeds from the sale of the Top of the World water rights will be dedicated to cover the costs of contracts and personnel described in paragraph 2 above.

Again, respecting our legal professionals out there, I would hope that none of this money is going to be dedicated to that, because I think it could get eaten up pretty fast. I would also hope that this would have to strictly adhere to every provision of our procurement codes, pointing out if there could be any potential conflicts, any other work that's been disclosed, just kind of what goes out there. With that Commissioners, that's all I have. I don't know if the Commissioners have any more comment. Thank you, Adam and Claudia and everybody for your time on this. Any other Commissioners have comments on this right now? If not I'll go to the public, if the public wished to provide any comment on this proposed resolution.

MR. NEAL: Hi. I think I acknowledged my name before. Dave Neal. I'm from El Rancho. One thing I wanted to mention here is as the non-profit continues to grow, we recently had a fund raiser event, which we had about 400 people there. I think, and I am only talking for myself right now, I think a lot of people would not be so against this case if we had of been involved from get-go. And what you're finding out right now is the people who don't like being told to do something that we never got a chance to buy into. I think if we could at least have some of that buy-in, which is part of the outreach I think that's being mentioned here, it might help, but ultimately, you've got two components here. One is a regional water system and the other one is we're losing our rights.

Those are two separate entities. They're not the same. We're going to get a regional water system because we're losing our rights. So the first half of that equation is where a lot of people get upset about. And the second half of the equation is we're going to have this regional water system that we're going to pay for with our tax dollars as we all know, but we've never had a chance to buy into it.

Now I've done a little bit of studying. I'm somewhat of an engineer. A lot of those water lines that are being proposed under at least the last conceptual design cross private property. There's going to have to be a right-of-way across that private property for distribution lines. Not for service lines, but for lines that distribute the water. So coming back to one of the comments made earlier about the survey that's going to take place, that's going to impact that finding on the Aamodt case, because if some of those people's properties in fact are in question then maybe they can get an easement across that private property. I can go on [inaudible] the whole thing.

I would encourage you folks to at least consider the idea that maybe it's time we stepped back a little bit more and get some more community involvement before we start spending more money on this project. Because if we start spending more money on this project I think the community is going to dig in their heels even more and it's going to be hard. So I only make those comments to you at this point. Again, the animosity is growing. I'm sorry, folks. It really is. And I don't mean to be disrespectful to anybody in that sense but we aren't getting along anymore. If you talk to a lot of the people who have been there all their lives they say it has changed. You talk to the newcomers and they're kind of used to it so they don't see that change. But many of the people are saying it's just different now. And I don't know why. Well, I have an idea why, but the point I'm trying to make here is there is a lot of animosity in the community right now and I wish we could at least reach out before we make any more decisions.

Now having said that, you're looking at the timeline that this gentleman just talked about, 2021 we're going to have a water system and we're allocating money right now to figure out if we think this is a good idea or not? I think we need to step back and really rethink this a little bit more than what we've done so far. That's just my personal opinion and I thank you for your time, folks.

CHAIR MAYFIELD: Thank you, Mr. Neal. Governor, welcome.

ROBERT MORA (Tesuque Pueblo Governor): Good afternoon, Mr. Chair, Commissioners. Nice to have you acknowledge us. You know we've been hearing a lot of back and forth discussions and debates over the issue. First of all I want to tell you all that we, the Pueblo of Tesuque, we do not speak on behalf of San Ildefonso or Governor Aguilar. On our portion, we are moving ahead as fast as possible to maintain meeting the deadlines that are required in the settlement. We feel it's very important for us to continue to do so.

When it comes to the issue of the funds allocated for the County, that's basically at your discretion, what you want to do with it. We have our allocations also that we're working on and within those parameters that's required of us. The issue with the rights-of-way with the El Rancho residents and San Ildefonso Pueblo itself is an issue because we need to see what's going to happen down there because we have some checkerboard properties up there by the Tesuque Post Office area and I suppose that when any water line extension goes into that area we will have to address those issues based on what happens in the San Ildefonso-El Ranch area. So we also have those concerns also.

The other thing that I just want to bring up to you is that within your item B, the miscellaneous items, is that item B. 1, I don't know if that's tied into a lease agreement for the treatment plant. It could be and at this point I am just assuming that it could be. I have no details on that. Also of importance and another direct tie into the basic system that's within D, the Ordinances, is item 1. We've been looking for some kind of a moratorium and I believe we asked for one during 2008 during my first term with the County Commission. You know we were asking for a moratorium on subdivision development because of the water issues. And I'm glad to see that you Commissioners are realizing that those issues are present at this time.

So we have those concerns about where are we going to get water from in the future and this is very important that you do consider those moratoriums especially on the subdevelopment. We're getting to the point of subdevelopments encroaching on the reservation and we're concerned about the drilling issues, the water for water wells. And this is basically where this issue all started from was a reduction in the water that we're seeing for our use.

So everything has a tie-in at some point and I can't say any more than that, but if you have any questions to ask me I'll be glad to answer them as best as I can.

CHAIR MAYFIELD: Governor, thank you, and I want to thank you. You've always been very open, you and the Pueblo of Tesuque. All pueblos for that matter and as far as communicating and just helping bring awareness, so thank you also for your time and being here today to comment.

COMMISSIONER CHAVEZ: Mr. Chair.

CHAIR MAYFIELD: Commissioner Chavez.

COMMISSIONER CHAVEZ: If I could, Governor, I don't know if this would put you on the spot or not. Are there any agreements or anything that you need to have in place for you to do the work that the pueblo needs regarding your water system and things that you're working on -- agreements between the County and the pueblo. Is there anything that you're waiting for?

GOVERNOR MORA: Actually, we've been waiting for some kind of work from the County regarding the Bishop's Lodge extension and this is where we haven't heard any definite commitment or even comment from the County. We feel that the County is dragging their feet a little bit on producing any form of advice or anything that has to do with the County's portion of that extension. So it leads us to wonder how far do we extend our portion of the waterline? Because right now, what we're looking at is basically installing that waterline and

capping it at our eastern end of the reservation before we go into the real Tesuque area. So that's as far as we're looking at right now.

I know former Governors Charlie Dorame and Mark Mitchell may have other comments that I'd like for you to acknowledge also. When you mentioned this Resolution No. 2012-147, we have not seen it. We have not been afforded the opportunity to review it and if we do review it we would have to prepare a statement to bring before you.

CHAIR MAYFIELD: Thank you, Governor, and I'm sure you're aware of this. 2012-147 was already passed some time ago. Now they're asking to make amendments to that. And that was just my point, Commissioners, is that hearing from all parties – pueblo parties, non-pueblo parties. I still think that – I'm not knocking the public notice; it was appropriately noticed. I want everybody to know that. But I just think the way it was done, we could have done a little better of providing some public outreach to have all pueblos come and comment, all members of the public if they so choose and put it on a time where – maybe it is after core working hours for the majority of our population. But, Governor, I really appreciate that and with your statement I will ask that staff get back to you on what's going on. I won't ask for it at this moment, put them on the spot, but what is going on with the Bishop's Lodge extension. Okay, well I guess Adam's going to address that, Governor. Thank you for being here today.

GOVERNOR MORA: Thank you.

MR. LEIGLAND: Mr. Chair, at this point the intention is the Bishop's Lodge extension is being constructed so the actual settlement agreement and the cost sharing and system integration agreement contemplate that the Bishop's Lodge extension is being built. The BOR is currently designing the system and so at this point the Bishop's Lodge extension is part of it. Very early on in the discussions there were questions and in the 2008 HKM report it was presented as an option but when the Settlement Litigation Act was passed and the subsequent agreement, the amendments, and the cost sharing/system integration agreement were drafted and approved, the Bishop's Lodge extension was fully rolled in so it is part of the system.

CHAIR MAYFIELD: So, Adam, and if I'm digressing too much, but I think it's under the general discussion on Aamodt. Is that water going to be wheeled back through the – and again, appreciating what Commissioner Chavez just stated that we're all in this together, is that water going to be wheeled back to a master meter through the BDD system? Or is there going to be the proposal for a full extension line off of the Aamodt line to serve Bishop's Lodge? Because I always had this question, not knowing where that line is, but the Otowi Gauge line, if Bishop's Lodge is past that or it's not passed that.

MR. LEIGLAND: Mr. Chair, at this point the Bishop's Lodge will be served by the Aamodt water. So the water will be pumped all the way from the diversion, all the way to Bishop's Lodge. The BDD service area and the Aamodt service area will be very physically close. That's true. And the Aamodt water is being diverted above the Otowi line. That is also true. But at this point the water will be pumped all the way to Bishop's Lodge.

CHAIR MAYFIELD: And then it kind of – the Governor just stated that it stops kind of there because I know there's not a proposal in the HKM report to go into the Tano Road area and/or potentially I want to just say this right now for the listening audience, potentially into the Chupadero/Rio en Medio area, but knowing also that the City of Santa Fe serves I think a county area in the Monte Sereno area through BDD water. So I just see – I don't know if master meters are going to be placed but those are questions I do have.

MR. LEIGLAND: Mr. Chair, yes. The Tano Road area is currently not contemplated as a service area, just for economic feasibility reasons. Same with Chupadero. The

system that the BOR is designing how is pretty much the system that was laid out in the 2008 HKM report.

CHAIR MAYFIELD: But all of the Tesuque community, inclusive of Bishop's Lodge, is in the report to be served.

MR. LEIGLAND: Mr. Chair, that's correct. So the main transmission line will go do Bishop's Lodge Road and some certain distance off Bishop's Lodge Road will be served, but it becomes economically infeasible to get too far off that main transmission line, all the way over to, say, the opera for instance.

CHAIR MAYFIELD: Okay. Thank you. Thank you, Mr. Leigland. Is there anybody else from the public wishing to comment? Governor Dorame, please.

CHARLIE DORAME: Thank you, Chairman and Commission. My name's Charlie Dorame, former Governor from the Pueblo of Tesuque. I don't know where to start but I've been involved in the Aamodt settlement since I was a sophomore in high school. So it kind of amazes me when people come up here and say they haven't heard anything about this, that it's new to them. It's been talked about, it's been in courts, and the newspapers have been reporting on it for whatever report they want to make. But again, we had a plan; we still have a plan. And that's to provide our children's children with water. We don't care how much it's going to cost but we do have a serious problem here. And we have to work together.

We've been at it for 45 years and finally got a settlement. So that's the beginning of something that we should all have mutual interest in. Again, not the money but our children's children. Commissioner Chavez brought up some good points about where this water's coming from. We have that same concern and we're asking the State OSE what are your plans to provide water down here to the State of New Mexico. And they have plans. I don't know if you've talked to them or not but they do have plans. So there's water coming from somewhere and that water doesn't come out from under the ground. It comes from the rain and the snow. So when we're in a drought condition everybody gets to a point of aggravation, agitation. And we need to learn how to live, if you're going to live in the Southwest, with minimal use of water right now.

I don't know how long it's going to take to replenish the aquifer that has been depleted, because we didn't care how we used the water. We used it whenever, wherever. We used domestic water for irrigation, for our lawns, our plants, So we have to pull up our bootstraps and Commissioner Anaya would say, and come to work and come to realize what we're here for. We're not here for ourselves. We're on borrowed time. We're not going to live forever. So we have to think about the future.

Also Chairman and Commission, I just wanted to acknowledge your staff and their agreeing to meet with us to talk about some of the agreements that are still in place that we need the Commission to act on. And that's the joint powers agreement, the operating costs. There's another one I can't remember. I did say at the Holiday Inn last night so my mind's not clear. But anyway, I just wanted to thank your staff for being cooperative, very polite, and we had a good meeting. And that's what we talk about. And I just hope that we can continue to have this relationship where tribes can request County employees to come out and visit us because we deal with them over the phone, mostly. When we're doing MOUs we come in here and we see who the staff is and they see who we are. But now that's changing, so that's a positive.

So there are some positive things coming down in this whole scenario about the settlement. We don't know what the future holds for us as far as where we're at. There's some communities that were left out for whatever reason and we're trying to see if we can still get them on board. I'm talking about Rio en Medio and Chupadero and some of the checkerboard

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areas that the Governor talked about. But I feel that we have a good enough working relationship to where we've learned to bring down our barriers and to communicate with each other. Not all tribes are like that. But we are. We are working with the Tesuque Development Committee to see what we can do through incorporation and collaboration to see how we can protect our watershed from fire.

If we concentrate on one negative issue then we're neglecting other positive issues that affect us as communities in our area. So I just wanted to say that there's more positive than negative coming out of this. So thank you, Mr. Chair and Commission.

CHAIR MAYFIELD: Thank you, Governor. Any other members from the public wishing to comment? Governor Mitchell? Sorry to put you on the spot. Okay, well then that was it. So again, Commissioners, I appreciate the dialogue. Mr. Leigland, I really appreciate you and Claudia coming up to the table and bringing this. There is a motion and a second on the table. Again, I did ask for this to be tabled and I appreciate that Tesuque Pueblo was here providing comment. Also at least one citizen member was here affording public comment. But I really wish that, again, just on the noticing – not that it was done wrong, that we were able to push this out so that all of the pueblos could have been invited and/or the general public would have more of an opportunity to comment. So thank you for your patience with me and indulgence with me on this, Commissioners. We do have a motion and a second in front of us.

The motion passed by majority [3-1] voice vote with Commissioner Mayfield casting the nay vote.

CHAIR MAYFIELD: I will be voting no for stated reasons. Thank you. So that motion passes 3-1.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR MAYFIELD: Commissioner Holian.

COMMISSIONER HOLIAN: May we have a break now?

COMMISSIONER STEFANICS: Or Mr. Chair, maybe it's time to go into executive session.

CHAIR MAYFIELD: Oh, yes. Let me look at the agenda real quick. Yes, you guys were patient with me on that. So we have now disposed of our Consent and we will be moving on to our resolutions and it's 1:00 and I believe I have a request here from Clerk Salazar that the Secretary of State and City Clerk – she was here. I say Yolanda, Ms. Vigil a little earlier.

CLERK SALAZAR: They're gone.

CHAIR MAYFIELD: They're gone. Okay. Yes, so I think this will address your letter to me, and everybody, we just had a couple individuals to be at least afforded the opportunity to speak or to hear of a vote on a later agenda item. So we will kind of figure that out. Commissioners, let me just say this. We have a resolution – and let me just find out where it is. Can anybody direct me to that number please? Clerk Salazar?

CLERK SALAZAR: Which resolution? The one that you just passed? Because I'd like to give you for the record the number.

CHAIR MAYFIELD: Oh, because you want to give me the resolution number on that one.

CLERK SALAZAR: For the record, the resolution that was just passed, II. A. 3, is Resolution No. 2014-76.

CHAIR MAYFIELD: So, Clerk, I apologize. So the resolution amending

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Resolution 2012-147, what is that number. Let's go to II. A. 3. What is the number of that resolution?

CLERK SALAZAR: II. A. 3? The one you just passed?

CHAIR MAYFIELD: Yes.

CLERK SALAZAR: Is 2014-76.

CHAIR MAYFIELD: Thank you. Okay. So Commissioners, we have a resolution and folks, I will ask that we just move this up after our break. And I'm just trying to get to it.

COMMISSIONER STEFANICS: III. A. 10.

CHAIR MAYFIELD: III. A. 10. So would you all have an issue of moving that to our first order of business after we come out of executive? And then that way, Clerk Salazar, you can inform the City Clerk and the Secretary of State about that.

VI. Matters From County Attorney

A. Executive Session

1. Discussion of Pending or Threatened Litigation

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

4. Discussions Preliminary to Collective Bargaining Negotiations

CHAIR MAYFIELD: So, Mr. Shaffer, how long do you anticipate? An hour? An hour and 15 minutes?

MR. SHAFFER: Mr. Chair, I think 45 minutes at the maximum is what I would be thinking –

CHAIR MAYFIELD: Okay, so we'll do an even hour. So I'm going to ask that we can move over to item VI. A. Matters from our County Attorney, and when we get there I will ask that we come back at 2:15, if it's approved to go into executive session.

COMMISSIONER STEFANICS: Mr. Chair, I move that we go into executive session for the purposes of discussing pending or threatened litigation, and discussing the purchase, acquisition or disposal of real property or water rights.

COMMISSIONER CHAVEZ: Second.

MR. SHAFFER: Mr. Chair, I'm sorry to interrupt that motion. I have since my earlier comments been informed that we would be in a position to discuss discussions preliminary to collective bargaining negotiations if that could be added to the motion as well.

COMMISSIONER STEFANICS: Okay. I'll include discussions preliminary to collective bargaining negotiations as well.

CHAIR MAYFIELD: Thank you. So we have a motion and a second. We will go to a roll call really quick, but I'm anticipating if this passes we'll come back around 2:15 and our first item of business at 2:15 will be a resolution supporting a measure by the City of Santa Fe to place a question on the general election ballot for consideration by city voters whether the penalty for possession of one ounce or less of marijuana should be reduced for our listening audience and also our television audience and those present. That will be what we will be taking up initially at 2:15, give or take five minutes the way we operate. So we have a motion and a second.

The motion to go into executive session pursuant to NMSA Section 10-15-1-H (5.7

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and 8) to discuss the matters delineated above passed by unanimous roll call vote as follows:

| | |
|------------------------|-------------|
| Commissioner Mayfield | Aye |
| Commissioner Anaya | Not Present |
| Commissioner Stefanics | Aye |
| Commissioner Holian | Aye |
| Commissioner Chavez | Aye |

[The Commission met in closed session from 1:10 to 2:45.]

CHAIR MAYFIELD: Thank you for your patience. We will be coming out of executive session if there is a motion.

COMMISSIONER STEFANICS: Mr. Chair, I'll move that we come out of executive session only having discussed the aforementioned items of pending or threatened litigation, the acquisition of real property rights and pending union negotiations.

COMMISSIONER CHAVEZ: I'll second and state that no action was taken.

COMMISSIONER STEFANICS: And those in attendance were our County Manager, our County Attorney, the four County Commissioners and our Deputy County Attorney and at one point our County Personnel Director came in.

CHAIR MAYFIELD: Yes. Thank you. So we have a motion and a second.

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

III. Action Items (Public Comment)

A. Resolutions

10. **Resolution No. 2014-77, a Resolution Supporting a Measure By the City of Santa Fe to Place the Question on the General Election Ballot for Consideration By City Voters Whether the Penalty for Possession of One Ounce or Less of Marijuana Should Be Reduced**

CHAIR MAYFIELD: Commissioners, we did ask that item III. A. 10 would be moved to the top of the agenda, and I was going to read that in. But first, before I do that I'd just like to recognize that we have our Secretary of State, Ms. Dianna Duran with us today. Thank you for being here. And our Santa Fe City Clerk, Ms. Yolanda Vigil with us today so thank you for being here also. And of course we have our Pueblo Governors of Tesuque with us so thank you. Mr. Brown.

WILLY BROWN (Assistant County Attorney): Good afternoon, Mr. Chair, members of the Board of County Commissioners.

CHAIR MAYFIELD: Anybody who wants to comment, you're welcome to come up really quick to the front.

MR. BROWN: Mr. Chair, on May 27th the City of Santa Fe received an initiative from the group Drug Policy Action and Progress Now New Mexico to amend one of the City's ordinances. The ordinance related to the penalty for possession of one ounce or less of marijuana and for possession of drug paraphernalia related to that. That ordinance, if adopted, would reduce possession to a civil infraction more like a nuisance and require the violator to pay up to a \$25

fine. On June 4th the City released the petition to obtain the required number of signatures to have the matter decided by referendum by its voters, and on August 18th, Ms. Yolanda Vigil, the City Clerk certified that the requisite number of petition signatures had been obtained. Actually, an excess number of signatures.

So the City seeks to have the local question placed on the general ballot for the upcoming November 2014 general election. To accomplish that would involve the involvement of Secretary Duran, the Secretary of State of New Mexico. In the past this kind of action has been accomplished by the City of Albuquerque together with the Bernalillo County by means of a memorandum of understanding, that is an MOU, that was signed by the County Manager, the City Manager, the County Clerk, the City Clerk, and the Secretary of State herself. So your approval must be obtained to do this. So this resolution would impose a condition, the condition being that given that the signatures were just certified October 18th [sic] they needed time to notify for their meeting which is tomorrow when they consider a resolution to have the matter placed on a referendum. So your approval of a resolution, if you do approve it is conditioned upon the City approving and delivering a certified copy to the County Manager and the County Clerk.

Now, in your packet was the first version or the initial version of the resolution that I drafted after being asked to do so by our County Manager and since then, namely yesterday, you were apprised of a second one that has been placed by your area. The second version may be more appealing, if you will, because the second version merely, in the Now therefore section, agrees to the referendum, placing it on the referendum, whereas the first version, the one in your material actually supports the issue, that is reducing the penalties. So you have two versions before you. And I stand for questions.

CHAIR MAYFIELD: Mr. Brown, thank you for that. Just, has the second version been distributed to the Secretary of State, City Clerk and other parties?

MR. BROWN: It has not, Mr. Chair, members of the Commission. And what would be circulated would not be the resolution but the MOU and that, as far as I know it's in draft form or maybe it hasn't been finalized yet but as you know, as I just indicated, the City has not yet adopted its resolution.

CHAIR MAYFIELD: So, Mr. Brown, just for clarification for our listening audience and participants today, the initial draft of the proposed resolution that's in front of us, that was in our packet, the second draft of the proposed resolution, the only change is we're striking the first Therefore. Correct? In its entirety. Or are there other changes?

MR. BROWN: More changes.

CHAIR MAYFIELD: Okay.

MR. BROWN: There are two changes. Both of the Now therefore were stricken and replaced by the ones you have before you. So not just the first one, both were stricken. And they were kind of melded into one. That's how it was done.

CHAIR MAYFIELD: Okay. I haven't had time to read that revised one so I'm going to read it really quick. Yes, Commissioner Chavez.

COMMISSIONER CHAVEZ: Yes, so Mr. Brown, so then I think for me the binding document or what's more critical in this discussion is the actual MOU that would be signed between which parties again?

MR. BROWN: The MOU would be signed between the City Manager, the County Manager, the County Clerk, the City Clerk, and the Secretary of State.

COMMISSIONER CHAVEZ: And that MOU would then allow the City to place

this on their municipal ballot in the November election.

MR. BROWN: Well, it would actually allow – because we sort of control the County election. It would be on the ballot that we offer voters in the County of Santa Fe pursuant to I guess approval by the Secretary of State. So it's a cooperative process.

COMMISSIONER CHAVEZ: Okay. And the only other thing pending would be that would the City Council's action tomorrow on their separate resolution for this initiative.

MR. BROWN: That is correct.

CHAIR MAYFIELD: Mr. Brown, and if I'm overlooking it I'm overlooking it, but where is a copy of the MOU.

MR. BROWN: I did indicate before that I've not seen the MOU. I have the one that was drafted two years ago, the Albuquerque/Bernalillo, but insofar as an MOU for this matter I have not seen one. That would be drafted by the City of Santa Fe.

CHAIR MAYFIELD: Well, again, respecting that we haven't seen it, we haven't taken a vote on this yet and I will definitely go to our electeds and also the general public to comment on this. And hearing my colleague, Commissioner Chavez, state the MOU is what has the merit on this issue, I'm put in a position to vote or to support or not support a resolution that is going to have I guess final direction towards an MOU that I won't be voting on or not voting on. I really would like to see what the MOU is going to state.

MR. BROWN: Mr. Chair, members of the Commission, I don't have that document. I don't know if it exists yet, but what you are voting on is giving the County Manager permission to sign such a document.

CHAIR MAYFIELD: Within the confines of what's approved in the resolution.

MR. BROWN: Correct. Yes.

CHAIR MAYFIELD: Thank you for that. Commissioners, anything else right now with this? Just as I read it – I'm just going to ask some clarifying questions for myself. So if this is approved or not approved, where does City police jurisdiction come in? State Police jurisdiction come in? And/or our County Sheriff's police jurisdiction come in as this is an initiative for the City of Santa Fe?

MR. BROWN: Mr. Chair, members of the Commission, none of those would be really affected by the jurisdiction of the police. So let's say the scenario plays out where you approve one of the resolutions and the City approves its resolution tomorrow and delivers the copy, and then we get an MOU and let's say that the Secretary of State signs it, and it becomes the – well, I shouldn't say – down the road it becomes an ordinance. Because it has to go to the voters. Let's say the voters approve and it becomes the ordinance. Only interactions as between the City Police in the City of Santa Fe would be affected, as far as I understand, would be affected by their ordinance. A State Policeman, say encountering a citizen in the city limits would still be allowed to – not allowed to – but would still enforce state law on the subject. Likewise, if a deputy sheriff – let's say arrested somebody for DWI and found them to be in possession of a controlled substance, to wit, marijuana, the State law would be the vehicle for enforcement. So it doesn't change any of that.

CHAIR MAYFIELD: And respecting our federal entities that are with us and our sovereign governments, as there are cross commission agreements – I could be wrong but I think some of our pueblo neighbors can move into the city limits also. So if they encountered the same scenario they would enforce based on federal regulation?

MR. BROWN: I'm not sure if tribal officers enforce federal law on non-tribal land. I think that's kind of what I'm hearing. I doubt that they do. I think that they enforce local

laws and ordinances, not federal, on non-tribal land.

CHAIR MAYFIELD: Okay. Let me ask Mr. Shaffer this and it is important to me. So under our cross commissioning agreements, if somebody is – and I just see Tesuque Pueblo here so I'm just going to ask this as they're the ones that are the most adjacent to the City of Santa Fe. So if somebody's being for rightful pursuit by a federally commissioned officer under one of the pueblos and they go into that demarcation where it says Santa Fe County/City of Santa Fe, they I believe still have that agreement to move into the City of Santa Fe. So how would that impact this, Greg, or would it not impact this?

MR. BROWN: Mr. Chair, I guess without giving away the store, I think there are some serious restrictions because I'm working on that very tribal agreement with the Pueblo of Tesuque. I think there are some serious restrictions on what they call fresh pursuit, if they're misdemeanor offenses pursuing somebody. So I'm not sure if that would ever come up.

CHAIR MAYFIELD: Fair enough. I don't think there's anybody wanting to comment this time on the bench. So with that, I will open it up to the public, but I am going to initially start with Secretary of State Dianna Duran and then City Clerk Yolanda Vigil if you care to, and/or your prospective attorneys.

DIANNA DURAN: Thank you, Mr. Chair. Mr. Chair and members of the Commission, thank you for allowing us to be here today. Our main purpose, and I just want to say this first and foremost, is to provide you with all the information that you need to make your decisions. I have brought with me today the person I call our elections boss in the state of New Mexico. She truly is the boss over elections and Bobbi Shearer, my Director of the Bureau of Elections is with me, and she'll have a lot more specifics to share. But I want you to know that our purpose for being here today is that I think that you need to be aware of what did happen in 2012 when we did have the municipal question for the City of Albuquerque on the ballot, where we've gone from there and why we think that it's critical that you understand the dynamics of how the ballots are prepared, the voting systems we use in New Mexico, how this – so all we're here about is the ballot preparation, the ballot itself, and the ballot that we hope to see in the general election.

So having said that, let me just let you all know that September 9th, which is only 14 days from today, we are required under state law to certify the ballots in all 33 counties. So we are here with a very few days to work on all of these issues. But what happened – just to give you a little clarity about how it happened in 2012 with the City of Albuquerque, the MOU that was in place at the time, we began, I'm going to say months before that issue was even determined to be placed on the ballot with serious discussions between the Attorney General, who is my legal counsel, the legal counsel for the City of Albuquerque, and the legal counsel for the County of Bernalillo, along with the County Clerk in Bernalillo. We had many, many discussions about the length of the ballot, the question that would be placed on the ballot. And so we worked on that quite a long time prior to an MOU even being put into place that we could all agree upon, because there are issues with the voting systems that we have as to the length of the ballot, those things that have to be first and foremost listed on the ballot. Of course the candidates and as you know in the general election we have constitutional amendments. There will be five constitutional amendments this year, two general obligation bonds, or three. Three. So we have quite a number of other issues that have to be placed on the ballot. So I just wanted you to know that. That's how that happened at that time.

So the MOU wasn't even put in place until we had many discussions between all three entities including and especially including their legal counsel and we all knew that it could work

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out that way.

I will tell you that I do have legal counsel, an outside legal counsel currently as we speak, who is doing research and has not completed that yet on how and whether or not – where our position is as Secretary of State in approving or receiving resolution from yourselves and the City of Santa Fe and whether or not how we work together, if we're even able to place it on the ballot.

So having said that, I wanted to see if I might, Mr. Chair and Commission members, let Bobby speak to the critical concerns that we have as to the length of the ballot, the voting systems that we'll be using and why we have many concerns that we think you should be aware of prior to making your decision as to whether or not you want to go forward with this.

And then of course we'd be happy to answer any questions you might have. So I might just let Bobbi speak to some of those specifics I'd appreciate it.

CHAIR MAYFIELD: Thank you, Secretary Duran.

BOBBI SHEARER: Members of the Commission, our key concern is just space on the ballot. In Santa Fe County you will have pre-printed. You have traditional precincts. You don't have vote centers, so you'll have pre-printed ballots on election day and you'll have ballot printers for early voting. Because of the nature of those printers we pre-print the backs of the ballot, so that the printers don't have to duplex print the ballot because that would significantly increase the amount of time needed to print a ballot, the amount of time needed to process a voter.

So a question like this that doesn't apply to everyone in the county would need to go on the front of the ballot so that in early voting those can be printed for each voter, with the back being consistent across the county. So as we came in we received this handout that I assume you have that has municipal question number one and municipal question number two. Prior to this we had only seen one possible municipal question. It's my understanding that the City of Santa Fe's city charter requires the entire ordinance to be printed on the ballot so all three of these last three pages would have to appear on the ballot in English and Spanish. And so they would have to go on the front of the ballot in order to be accommodated.

So it looks to us like there's probably not enough real estate on the ballot to accommodate this length of question. We are asking for – we are getting ballot mockups done and we have finalized the contests on the ballot. We're hoping to get some mockups that we can look at this afternoon. We had asked the vendor to have those ready. We have – I think right now we have six cities around the state that are asking for municipal questions on the ballot.

The County had asked if we could accommodate a 22" ballot to see if we could fit all this language on there. We do know that our new voting system tabulators that you have in Santa Fe County will accommodate a 22" ballot. We don't know yet if we can accommodate a 22" ballot with the ballot printers. It may be something that involves a significant slowdown in the speed at which you can process your early voters.

The other issue is with regard to election day and maybe the County Clerk or Eric can speak to how many precincts you would have. Your city boundaries do not necessarily conform to precinct boundaries, so you're going to have some precincts that are partly in the city and partly out so for those precincts, if you did this you'd have to have two different ballots. You'd have to have the ballot that goes to people out in the county and the ballot that goes to people in the city. So your poll workers with pre-printed ballots would have to keep track of handing out the correct ballot to the correct voters.

We know from our experience in the primary election when they have a Democratic ballot and a Republican ballot that they often hand out the wrong ballot. So we would also have a

concern about voters in those split precincts getting the correct ballot on election day.

There are differences in the rules for municipal elections in the municipal election code and statewide elections. For instance, under the municipal election code, early voting starts 35 days before an election. Under the general election code early voting starts 28 days before election. My recollection is that the City of Albuquerque obtained a court order to allow them to conform their election processes to the general election processes when they did this back in 2012.

We were also asked if we could do a two-page ballot, front and back on one and then I suppose the front of another. Again, we're not recommending a two-page ballot. It would make it difficult to track ballots cast if a voter puts the first page through but not the second page through the tabulator or if you receive only a first page back on an absentee ballot, or you receive only a second page back on an absentee ballot. It raises questions that have never been asked before about how those ballots should be tabulated.

I think that's the gist of our issues.

CHAIR MAYFIELD: Could I get your full name? I just didn't get your last name again. Please, just for our record.

MS. SHEARER: Shearer.

CHAIR MAYFIELD: Shearer. Thank you.

SECRETARY DURAN: And Mr. Chair, if I might just finish up. I think that number of the differences in the various statutes and then the new systems that we're using now and working with the County Clerk and the City Clerk trying to iron all these things out, I just want the Commission to understand that we are not here on behalf of or against the whole concept or the question. We just simply want you to have whatever information you need to make your decision, and then we would appreciate plenty of time to work out the logistics and the legal questions with your legal team and our legal team and the City's. So we need to have that communication ongoing if you choose to go forward and we all need to – there's another option I think that Bobbi didn't mention and that was having a separate election with a separate ballot for the City question, maybe held on the same day but held with separate precinct board if you will on handling the municipal question and then the general election ballot being held separately. That would of course include having to have more voting systems and the City Clerk of course would have to request those voting systems for the County, so that's another scenario that could take place. So there are a number of different things you could consider or think about. But again, we're happy to answer any questions and of course [inaudible] we're happy to do that. Thank you, Mr. Chair.

CHAIR MAYFIELD: Thank you, Ms. Duran. I just have a question based on the – we're in a great position to have the insight of two former state senators with us here today and current electeds. Because this is what I hear about voting all the time. Why not make it easier? Why not make it more accessible? Why not try to look at reducing, say, costs between municipal elections and state elections? And then I may be wrong on this but I think with Bernalillo, if they could potentially have to have a special election for this or at least I think there was that talk in the media, whereas that could incur a lot more costs. I don't want to put you on the spot, Secretary Duran, but I just don't know as far as – and I'll just say this – drawing out more voters to vote on a –

SECRETARY DURAN: Well, let me just say this. We are all in favor of making it more accessible for voters to vote and making simplifying the process, making it as easy as we can for a voter to vote and go and cast their ballot. I think where our concern is, the reality of the

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situation are the voting systems that we're using and the capability that they have in allowing us to continue to, if you will, pile on more and more and more. So we have a ballot in the general election that of course consists of all the important candidates that are running, but the constitutional amendments that are statutorily required to be on the ballot, the general obligation bonds that are again by statute required to be on the ballot, and then we have the issue of any county questions. I don't know if Santa Fe County, I don't know that we've heard that you all are going to have any county questions, and then now adding on the municipal questions statewide we're trying to address the issue of whether or not municipal questions should be included on the general election ballot, or knowing full well that there's a separate cost that the municipalities have to incur when they have their elections, whether or not those questions should belong on a municipal ballot and during the municipal election.

But again, I think the reality of it is we're all wanting to work together to comply with whatever each local governing body wants us to do, but because of the limitations we have on some of those voting systems it sometimes is just not possible to do it or if it is, for instance, having a two-page, a separate page for those other questions, then it just presents more concerns about – that have not ever been addressed as Bobbi said before about how the poll workers would handle that. More ability for more things to go wrong, those things that we're concerned with when we want to assure that the elections are conducted accurately and fairly. But certainly we're all about wanting to save money any time we can and save the cities and the counties as much money as possible. And again, we all want to make sure that we have that accessibility for the voter and make it easy for the voters to cast their votes.

So again, we're not here to speak for or against doing that. We just want you to know the reality of the situation with the voting tabulators, with the ballot printers, which are part of the whole process, and with the length of the ballot and whether or not they would fit on a one-page, two-page, whatever. I think those are critical things that you should know before you make your decision. So I hope that helps.

CHAIR MAYFIELD: That was great. Thank you.

SECRETARY DURAN: Okay. Thanks.

CHAIR MAYFIELD: I'm going to –

SECRETARY DURAN: One of the things that Bobbi's reminding me as we talk about the cost. It will increase the cost to the state so we will all be, whether it's included on the general election ballot, the cost will – it will still cost more. Just the cost will be on the state rather than on the municipalities. So we all need to remember that it does still cost more money every time we add to that.

CHAIR MAYFIELD: Thank you.

SECRETARY DURAN: Thank you.

CHAIR MAYFIELD: I'll go to City Clerk Yolanda Vigil and then I'm going to ask that our County Clerk also, Ms. Salazar, comment on this. Or her attorney. Excuse me, City of Santa Fe. And I'm sorry, ma'am, I don't have your name.

KELLY BRENNAN: My name is Kelly Brennan and I am the City Attorney. Thank you. Mr. Chair, Commissioners, I just want to emphasize that what the City has asked the Commission to do is vote to approve putting it on the ballot, not to approve the content of the initiative or the referendum. Those were proposed by voters, a significant number of voters. This is our first petition for referendum and initiative. Referendum being a repeal and initiative being a new ordinance.

We understand that there are significant logistical details. We have been working on

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drafting an MOU. We have been working on a petition to the court. We have been having discussions about separate boards, separate machines, the shape of the ballots, those kinds of things, but those are largely logistical details that need to be resolved among the parties named to the MOU. That said, I can stand for questions.

CLERK. SALAZAR: As your County Clerk let me assure you that if there's any additional cost incurred that the City of Santa Fe is very familiar, very cooperative with the County, to reimburse us for any costs that may arise from this election. The other issue is that I want to remind you that the County of Santa Fe has experience in dealing with a ballot that has a separate issue. We in the past have had a fire question on the ballot in the past where we had to separate ballots and have different precincts where poll workers had to be trained to understand that this ballot goes to county residents and this ballot goes to general residents. So we are familiar with that process.

Now, in going back to what the City Attorney stated, all I am looking at is your approval if you want this to go on the ballot, and then I will go on and do my work as your County Clerk to see what we can do. The ideal in understanding all the issues right now is for us, if we have the capabilities of a 22" ballot, and understanding what the City Clerk has informed me that they have done mock ballots. They're not giving me 100 percent assurance but in their testing of 17" ballot they may use half to ¾ of one side of the ballot. If we go to 22" where they mocked it up on a 17", and if we also consider the font size, this may be do-able.

Now, it's not something that we want to do because it does create complexities but we run elections. We face challenges every day. It is our responsibility to run fair elections and also understand what the citizens want. So administratively it is difficult. It is do-able, but we turn to you. If you will approve this then we will do our portions of our responsibility to see what we do next.

CHAIR MAYFIELD: [inaudible]

EMILY KALTENBACH: Good afternoon. Hi, Councilors, Chairman, I'm Emily Kaltenbach, the state director of Drug Policy Action, one of the organizations involved in collecting signatures for this citizen initiative over the last three months. Our organization is a non-profit, non-partisan policy advocacy organization. We work to address the harms of drug misuse but also thinking of ways to help people who are struggling with addiction get those services in the healthcare system versus the criminal justice system. We also are very much in support of shifting law enforcement resources to more pressing crime and therefore reducing penalties for possession of small amounts of marijuana.

But really I'm also here in support of the voice of the voters and we, over the last 52 days worked to submit close to 11,000 signatures here in the City of Santa Fe, submitted those to the City Clerk for verification, which close to 6,000 verified. But actually, a large majority of those signatures came from the county, county residents who were very interested in the initiative but didn't qualify because they weren't voters in the city. But I think the sheer number of signatures that were submitted really shows that the people are very much interested in voting on this issue, whether in support or in opposition.

So when we were out on the streets of Santa Fe getting signatures people signed who said I'm signing because I want to vote in opposition. Or, I'm signing because I want to vote in favor. So today is really not about voting in favor of marijuana reform. It's about voting for the rights of the voter. A real tenet of our democracy is that direct vote by our citizens. And so I hope today that this Commission – really your vote is in support of that voter and their right to vote on this issue, not at all in support of the content of the questions that are going to be posed. So I'm happy

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to answer any questions you might have about the content but I don't think that's necessary. I think we're really here in support of that voter. Let the voters have a voice in this issue. So thanks very much.

CHAIR MAYFIELD: [inaudible]

MS. KALTENBACH: I had a chance to look at both of them, yes. The old one and the new one, yes. Again, I really think what's important for this body is to be voting to place the question, have a shared ballot for the general election. I understand there are other Whereases. I don't know if those are necessarily important to your decision but I think under the Therefore the important question for this body is can an MOU be established between the City and other parties that are necessary in order to bring this question before the voters.

COMMISSIONER HOLIAN: Mr. Chair, I'd like to make a motion.

CHAIR MAYFIELD: [inaudible] Is there anybody from the public wishing to still comment on this resolution in front of us? Mr. Brown, I just have one question really quick as far as the Whereases that we have and based on the statements provided by the City Clerk's Attorney and the Secretary of State. It's the 12th Whereas, at least on the second resolution that was handed out, and I'm just going to read it in. Whereas, an August 2012 New Mexico Attorney General opinion concluded that while a municipality may not propose a local question on a statewide general election ballot, it could submit a question to its voters on a municipal election ballot for an election that is held coincidentally on the same day as a general election.

So just based on this Whereas and the Attorney General's opinion, it's not saying that they have to be on the same ballot, and I'm not sure if that would alleviate any of the Secretary of State's concerns.

MR. BROWN: Mr. Chair, members of the Board of County Commissioners. I think the Secretary of State hinted at this, that this was one of the options, that they could be held coincidentally on the same day. That's all the AG opined in that opinion and I read it several weeks ago. There is no opinion that it must go on the general ballot. That was accommodated after this AG opinion. I believe the AG opinion came out in let's say August of 2012 and the agreement was signed shortly before that, the 2012 general election. So you are correct. The AG opinion is not the impetus to accomplish what the proponents of the petition are here for. It's just it is what it is. The law does not necessarily mandate that they be on the same ballot, but it has been done. That was the point of this.

CHAIR MAYFIELD: Okay. Thank you. That's all I have and I don't believe there's any other questions. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I personally would very much like to see this measure on the ballot for a number of reasons. However, I think that the important point here is if the City meets all the requirements to put the measure on the ballot then it is appropriate for the Board of County Commissioners to give their approval for it to appear. So therefore I move for approval.

COMMISSIONER STEFANICS: I'll second.

CHAIR MAYFIELD: Commissioners, thank you. The only thing I'm going to ask. We have two – I don't want to say they're competing; they're not competing, but we have Resolution 1 which was in our initial packet and Resolution 2, which was handed out to us today. So which resolution are we asking to move forward?

COMMISSIONER HOLIAN: Mr. Chair, I'm moving for the resolution that was handed out.

CHAIR MAYFIELD: The amended version.

COMMISSIONER STEFANICS: And I agree.

CHAIR MAYFIELD: Thank you. So again, there's a lot of Whereases, but I want to read in, we do have a question, the Therefore on this resolution, so I have it right. So now, therefore be it resolved by the Board of County Commissioners of Santa Fe County that upon receipt of a certified copy of a resolution from the City of Santa Fe approving the placement of a question on the general election ballot for consideration by registered city voters, whether the City's ordinance should be amended to reduce the penalties for possession of one ounce or less of marijuana as well as for possession of paraphernalia related to marijuana, the Board of County Commissioners of Santa Fe County support the signing of an MOU described herein that authorizes the placement of the referenced municipal question on the general election ballot for consideration by registered voters of the City of Santa Fe. So that's how the Therefore reads. I really appreciate everybody's time and participation and with that I'll call for the vote.

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

CHAIR MAYFIELD: May we thank you Secretary of State Duran and City Clerk Vigil and City Attorney and County Clerk Salazar.

III. A. 1. Resolution No. 2014-78, a Resolution Naming the New Community Center Located at 16B Avenida Torreon in Eldorado in Honor of Former New Mexico State Representative Max Coll

COMMISSIONER STEFANICS: Thank you, Mr. Chair. I believe if this passes it then would be number 78, Ms. Clerk? So Mr. Chair, members of the Commission and the public, the Kenny and Patty Adam Senior Center in the community of Eldorado which also serves the 285 Corridor, Pecos, Lamy, Galisteo, is going to have an addition added that won't be strictly a senior center. It will be a community room, community center and in order to distinguish it as such and to honor New Mexico State Representative Max Coll we would like to name it the Max Coll Corridor Community Center so it is clear to the entire corridor that it's available for their use and it doesn't become only one community's community center.

We have spent a great deal of time here honoring State Representative Max Coll. We continue to honor him by naming this annex for him, and I turn it over to Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. First of all I would like to thank Commissioner Stefanics for the inspiration to name the community center after the Honorable Max Coll and I'm honored to be a co-sponsor, and I move for approval.

COMMISSIONER CHAVEZ: Second.

CHAIR MAYFIELD: [inaudible] Commissioners, I fully support this I'd just ask a question. Is the library encompassed in this also or is that something different?

COMMISSIONER STEFANICS: No, the library is a totally separate building and has a different name. There might be some joint ventures between the library and this building later, but the library addition will actually have – this is a groundbreaking that will happen this Friday and everyone of course is invited to it but the grand opening of the library addition will happen either in September or October when all of the furnishings come in. So this is just the groundbreaking.

CHAIR MAYFIELD: We have a motion and a second.

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

III. A. 2. Resolution No. 2014-79, a Resolution Adopting Projects for Inclusion in Santa Fe County's Infrastructure Capital Improvements Plan for Fiscal Years 2016-2020

TONY FLORES (County Manager's Office): Thank you, Mr. Chair. Today is the beginning of the submission of the ICIP document to the Department of Finance and Administration which is due September 1st. We started this journey in June when the Board approved the schedule for the community requests and from June 24 through basically today we are still accepting items for inclusion into the ICIP document.

One of the comments that I provided to the Board on at least two occasions is the ICIP as it's known is the State Department of Finance and Administration's planning tool that sets up capital outlay requests during the session. This document is also the planning tool that the County, through its capital improvement process or plan document actually then takes projects from that ICIP and puts them forward and begins the budgeting and funding process and eventually the development of that project.

We have completed numerous public meetings, phone calls, informal discussions with different community members and what I provided to you in the packet is the history of where we've come from, including last year's ICIP plan, the existing CIP document by Commission districts, as well as through last week the new community requests that we have received during our discussions over the past month and a half. The next steps in this evolution is to complete the input of the new projects, to vet the existing ICIP to determine if there's any duplications of projects, to vet the ICIP document to make sure there are some language changes and cleanups that we talked about the last time, and also to remove projects that may have been completed.

Once that is done then the goal is to have that plan submitted with the inclusion of the Board of County Commissioners' top five ICIP priorities. I have to stress to the Board, these are not the top five priorities for the entire County capital improvement planning process or plan. These are just the ones that are required to be submitted that are the initial projects that any state legislator, either representative or senator, would take a look at during the upcoming session. So for clarity purposes, this is not the County's CIP where you see projects actually being implemented. This is the beginning of that process. This is a formality that DFA requires us to do, submit that top five priorities with the ICIP.

I've also included for you today a revised community project request that was revised as of last night [*Exhibit 1*] that has the additions that are in yellow, and these again are requests that have come from the community and then we've received some this morning that are projects such as the waterline along New Mexico Highway 14, the purchase of the Eldorado Water District, the expansion of broadband services on the south side of Highway 14, solarizing of senior centers and libraries in the 285 Corridor, looking at purchasing of ADA vans for the entire senior program as well as looking at furnishings for our entire community and senior centers.

I have to stress that some of the projects that we've received from communities or community individuals currently reside on the ICIP plan. So the document that was submitted and is current for Santa Fe County at the Department of Finance and Administration includes some of these items that we've received, and that is part of the vetting process. For instance, the waterline along Highway 14 is actually ICIP project #72 on the existing list. So when I talk about

vetting and cleaning up the plan, that's the type of work that we'll be undertaking over the next six days, is to look at the project requests and make sure that we're not duplicating an existing project request.

So that covers the new community requests. The request or the recommendation that we're asking today is to actually look at prioritizing five projects and I've included for you in the packet two things. Commissioner Stefanics at the last meeting requested an analysis or spreadsheet of existing major projects, what their project costs are, what existing monies are currently available, and then what the funding gap is. So in some respects she asked for a gaps and needs analysis which I included. That does not include all the projects that the County has underway today. These are what were considered the major projects that have funding deficiencies. And from my perspective that's important to provide to the Board because that should be the plan or the foundation for putting forward five capital outlay requests or priorities.

I would remind the Board that last year, the five priorities that were included in the 2013-101 resolution in ICIP included the upgrade of the Santa Fe County Fairgrounds, the Regional Emergency Communications Center facility expansion, the Quill plant upgrades, upgrades to Santa Fe County public housing sites and to equip all Santa Fe County fire stations to solar power. Based upon last year's session we did receive funding for a couple of those and what we're presenting today is a couple of options.

Option 1 would be to continue the development of the Santa Fe County Fairgrounds because there is a funding deficit. The Stanley Cyclone has been suggested as one of the top priorities, as well as to address funding deficits for Los Pinos Road and Arroyo Alamo West. Under Option 1 we are recommending that we combine, if that option is selected, to combine that we look at all Santa Fe County facilities in the solarization to include fire stations, community centers, senior centers, etc. rather than just going and looking at fire stations. If you look at last year's ICIP document each and every fire station was listed and Mr. O'Hare has done a great job of doing that initial analysis and he has to come back now and refine based upon the monies we received from this past session and look at a prioritization with the Board. But instead of just focusing on a particular segment of facilities, look at possibly expanding that definition because that has been a request during this planning process over the summer from communities: Why don't we solarize our community center? Or, why don't we solarize our senior center? Why don't we look at those things? So I think it would benefit the County if you select Option 1 to broaden that project listing.

Option 2 is a little bit different whereby it would include the TL6S waterline, all segments, because there's two segments of that in lieu of equipping the fire stations and facilities with solar, and then of course the Board has in its discretion of any of these options to identify five projects to staff to include in the ICIP this year. And with that, Mr. Chair, that long-winded introduction I stand for any questions.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. The only thing I would ask is that once we adopt this that you would make sure that we all receive a copy before it's submitted to the state. And maybe a day or two prior so that we really can do our last sweep of the projects.

MR. FLORES: Mr. Chair, Commissioner Stefanics, we can do that. Just as a note, we have to have it in by the 1st so it will go out via email to each of you.

COMMISSIONER STEFANICS: That's fine. And Mr. Chair, after you're done with public comment I'll be happy to make that motion.

CHAIR MAYFIELD: [inaudible]

MR. FLORES: Mr. Chair, last year's appropriation was \$182,000 for solarization.

CHAIR MAYFIELD: And was that – I'm just trying to recall the language – was that specifically stated for firehouse improvements?

MR. FLORES: Mr. Chair, that money came specifically for fire station solar improvements. So we're recommending now, if this is selected, to broaden that.

CHAIR MAYFIELD: Well, can we go back and re-auth the intent of those dollars to broaden it or do we have to request additional dollars? That's how it was sold to our legislative delegation.

MR. FLORES: Mr. Chair, we always have the opportunity to go back and ask for re-authorization or redirection of those dollars. Personally, I feel that we should probably stick with that appropriation for the fire stations to use that as a building block for future dollars. That would be my personal recommendation.

CHAIR MAYFIELD: Thanks. And I'll just – not to put anybody on the spot but there's nothing that prohibits any Commissioner from dedicating any of their capital dollars towards renewable energy projects for their specific districts. And then I just wanted to get, on a different note, when we're going to hear of our capital approval for FY 15, but I'll wait on that. So I'm going to go out to public comment. Is there anybody from the public wishing to comment on this issue? Seeing none –

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR MAYFIELD: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Tony, I have some questions. On the top five countywide projects, is there a particular order to them? In other words, are they listed on this sheet in order of priority?

MR. FLORES: Mr. Chair, Commissioner Holian, I purposely left off that prioritization. I could tell you the column to the left in 2013-101 resolution, those are listed in the prioritization sequence from last year. I have not prioritized the top five that we're recommending as Option 1 as 1, 2, 3, 4.

COMMISSIONER HOLIAN: So we will be voting on that prioritization later, correct?

MR. FLORES: Mr. Chair, Commissioner Holian, you're voting on two things: the top five projects and the prioritization of those top five projects.

COMMISSIONER HOLIAN: Tonight?

MR. FLORES: Yes.

COMMISSIONER CHAVEZ: Mr. Chair.

CHAIR MAYFIELD: Yes, Commissioner Chavez.

COMMISSIONER CHAVEZ: So I have a follow-up question just to be sure I'm on the same page, Tony. Is Option 1 the same as Exhibit A for the recommended top five ICIP countywide?

MR. FLORES: Mr. Chair, Commissioner Chavez, Exhibit A is from last year's resolution. We have not developed Exhibit A yet. That's what will happen after you take the vote today.

COMMISSIONER CHAVEZ: But aren't they the same five priorities?

MR. FLORES: Mr. Chair, Commissioner Chavez, last year's Exhibit A included the column to the left that is unshaded, which included the fairgrounds, the RECC, Quill plant, public housing, and the fire stations. Those were last year's priorities. The only one that is the same off of Options 1 or 2 are the fairground improvements. So, and as a point of clarification, in addition to the top five priorities, it's actually directing staff to submit the ICIP plan to DFA by the deadline.

COMMISSIONER HOLIAN: Mr. Chair, Tony, I guess I will just make a comment that the Stanley Cyclone Center is something that is something that has sort of come before us rather recently and we haven't really had very detailed discussions on it, so I really feel very uncomfortable about it being priority number 2. I kind of wonder where it came from. And as far as I'm concerned – now the TL6S, that is the water pipeline coming from Rancho Viejo and that will eventually go out to Canonicito and so on, correct?

MR. FLORES: Correct.

COMMISSIONER HOLIAN: Past Eldorado. For me, that's something that the County has promised for many years.

COMMISSIONER STEFANICS: Excuse me. Just one minute, Commissioner Holian. Mr. Chair, we don't know what you're referring to and we haven't seen – we're not finding the paper.

COMMISSIONER HOLIAN: It's this thing that was passed out to us.

MR. FLORES: It's the exhibit –

COMMISSIONER STEFANICS: But Stanley isn't on here.

COMMISSIONER HOLIAN: Yes, it is. On this particular thing. It's priority #2 for 2014.

MS. MILLER: Mr. Chair, Commissioners, it might help if you see that page, that white column, the very far left, was the resolution passed, the priorities passed last year. That's how they went to the state as the priorities 1 through 5. What Tony's provided is that again. You could repeat that, or another option would be the purple column, based upon discussions with Commissioners on capital outlay requirements. There's Option 2 or there is whatever you would choose from the entire list, which is the green column, the blank. You guys could pick any of those or other ones on the list from the list that even Commissioner Stefanics had requested on the page before of projects that we have some funding but have funding gaps.

So all we were trying to do with this is, one, show you ones we do have funded but have gaps, and then that next sheet, kind of narrowing it down because the state does require us to pick the top five. I'd also like to comment that last year when we did do the fairgrounds one of the reasons we put it as number one is because it was something that was not district-specific but countywide and a lot of times the legislators will ask us, well, if there's just one, because they aggregate their dollars, to try to pick one that is not district-specific but more countywide specific.

COMMISSIONER HOLIAN: Thank you, Katherine for that clarification. So just to sort of mention what my priorities are I would say that I agree that we should put the Santa Fe County Fairgrounds first. I think it's a project that we have been working on and it would be nice to continue with that and it's nice to have a project that is countywide in nature. I think that the TL6S line is extremely important. That's something that we have been promising for many years. It also will bring our water utility out to a number of people in the county who really need that

water utility. I'm not really familiar with the Los Pinos Road as to where that is.

MR. FLORES: Mr. Chair, that's in District 3, the back side of the Downs, the Downs of Santa Fe in La Cienega and Cerrillos.

COMMISSIONER HOLIAN: Okay.

MS. MILLER: Mr. Chair, Commissioner Holian, I'd like to comment on that as well. That was one of the roads that got some serious damage this past month with rains and had quite a bit of washout and so we will be needing to do some major repairs to that.

CHAIR MAYFIELD: Katherine, will you restate that? Just because I was having a sidebar. I apologize.

MS. MILLER: Mr. Chair, the Los Pinos Road, one of the questions was kind of what's the status of that one. That's one of our paved roads that's been completely wiped out on the side during the last month of rains so we'll definitely need to move that one up on our priority list, whether it's funded at the state level or the County level to deal with some of those drainage issues.

CHAIR MAYFIELD: And I know, Commissioner Holian has the floor but let me just state this real quick. County Road 84, East side, after Jaconita is also a big concern. Look. That road has been damaged in a storm a year ago. It was redamaged this year. I know they requested to move some bond money that was already appropriated for another road, but I still believe that that road was significantly damaged. It's a major thoroughfare for the residents of the northern district and I would hope that that road would have some consideration a little higher in the ICIP request also. And I apologize. I turn it back to Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. So it seems to me that the lowest – as I recall we also submit to the legislature priorities for each district as well as the top five. Is that correct?

MR. FLORES: Mr. Chair, Commissioner Holian, no. We submit an entire ICIP packet.

COMMISSIONER HOLIAN: Oh, and then the top five.

MR. FLORES: And the top five. Yes. And if I could just – to kind of dovetail on Katherine's comment real quickly, the list that Commissioner Stefanics asked –

COMMISSIONER STEFANICS: On that point, just on that point, Commissioner Holian. There were some years that we did it differently. And you are not dreaming this up. We did in fact some countywide projects and then we each chose one for our district. And so we turned in more than five.

COMMISSIONER HOLIAN: That's what I remember.

COMMISSIONER STEFANICS: And I was going to later bring that back up as an alternative. Thank you.

CHAIR MAYFIELD: And I'll just go further and each elected official, respecting the County's process, can go across the street and lobby their prospective delegation and ask for those county funds for their respective districts. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. So back to my priorities. I would say upgrade the Santa Fe County Fairgrounds, TL6S, and I'm very supportive of course of equipping all Santa Fe County facilities with solar, insofar as it makes sense and then after that – those are my top three priorities is the way I would put it. Thank you, Mr. Chair.

CHAIR MAYFIELD: Thank you. Commissioner Chavez.

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COMMISSIONER CHAVEZ: Well, I sort of accepted these five, this list of five, not necessarily in the order that they were in, but that there were five priorities that were identified as part of a public survey that the County did.

MR. FLORES: Mr. Chair, vv, the communities did not provide us their top five priorities. They provided a listing of their requests. DFA requires, as part of this year's submission the top five priorities be identified through resolution.

COMMISSIONER CHAVEZ: So but in that public survey then there were some areas of interest that the public identified like roads, public housing, things like that.

MR. FLORES: Mr. Chair, Commissioner Chavez, through the public process and our 1 ½ or 2 months discussion with the public, it's a myriad of projects, everything from road projects – Los Pinos Road, for instance was a very interesting topic in our discussions with La Cienega. This list though, the way I have approached this list is to look at projects that are currently underway, through some fashion or design or other work that have a deficiency. That's the way I've approached this list. That if we have a project that's underway that has a funding shortfall then we should focus, with the Commission's recommendation, focus on getting that project completed and off the list.

So when the communities came out it could have been for developing a new trail, new community center, solarizing facilities, etc. But there wasn't a prioritization from the communities.

COMMISSIONER CHAVEZ: Okay. So maybe I confused it because I took a lot from that public survey that I thought gave us some direction in what our priorities would be and one of the areas that I've always been interested in is road improvements. And so that maybe – it's a combination and some of those road projects may end up on this list and if not they'll be on a separate list. So back on these five that were approved through resolution in 2013-101, I guess my first priority would be to follow through and equip the fire stations with solar power since we've already sort of taken that initiative and I think that would be a good place to start. Housing sites, Quill plant upgrade and the RECC facility expansion would be on the top of my list. And then the Santa Fe County Fairgrounds, we're pretty far along in that process as far as we have designs.

MR. FLORES: Mr. Chair, Commissioner Chavez, we have construction documents; we don't have the funding to implement.

COMMISSIONER CHAVEZ: Okay, so we already into design on that project.

MR. FLORES: Yes.

COMMISSIONER CHAVEZ: Okay. So it makes sense to keep that one on the list. So generally, I'm okay with the resolution priorities that are listed and I may add one that would be specific to the district if the discussion goes in that direction. So it's Resolution No. 2013-101.

MR. FLORES: Mr. Chair, Commissioner Chavez, in point of fact that is last year's prioritization list.

COMMISSIONER CHAVEZ: I'm staying with that. I'm not going to deviate from that right now except I might want to add possibly one project that would be [inaudible] if we go in that direction.

CHAIR MAYFIELD: We've got a date we've got to meet. What's this going to do for your due date?

MR. FLORES: Mr. Chair, it's September 1st.

CHAIR MAYFIELD: I know, but are you going to just work individually with Commissioners then?

MR. FLORES: Mr. Chair, we go back – Mr. Chair, we need a resolution and a top five priorities so that we can submit the ICIP. Commissioner Stefanics had requested that we provide that document prior to submission on September 1st.

CHAIR MAYFIELD: Okay. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. After – I'm assuming you're still going to go to the public or you finished that?

CHAIR MAYFIELD: No, I haven't even gone to the public yet.

COMMISSIONER STEFANICS: Okay. So I still would propose that we come up with our countywide projects and then we identify one project per district. And I also would recommend that we change – that we take the 2013 five, rearrange them however we want to, and instead of just saying fire solar, that we say County facility solar so that it can broaden the intent, and then come up with our most burning project.

I think that individual legislators do want to fund things in their district but if we do not put in countywide projects what happens is when the legislature funds things that are for state projects in Santa Fe County it's identified as our project, and it's not. And so we really need to make sure that we keep our Santa Fe County projects on the forefront so that people are talking about those. All blessings to the state library, but the state library is not a County facility. And so every time money goes to a state project, state facility, and it's seen in Santa Fe County, people think we got our money. And I just would like to make sure that we make it clear that Santa Fe County does have needs. Thank you.

CHAIR MAYFIELD: Thank you. So, Tony, I am going to ask as far as last year's resolution, RECC and our Quill plant upgrades. I just look at them respectfully of what's in front of us as a nominal dollar amount. And we had that on our top five priorities. Did they get funded? Did they completed? And then, being realistic of our expectations from our other elected delegates, if we go in there with a \$6 million request versus having something that realistically can get funded, that \$750,000, that's just kind of where I am taking a little bit of – or I guess I have questions or concerns about that.

MR. FLORES: Mr. Chair, if I may.

CHAIR MAYFIELD: I'm sorry, Tony. Please.

MR. FLORES: You are correct in the sense that we go in there with the wish list of \$60 million. We understand that our delegation cumulatively only gets x-amount of dollars, so much per representative, so much per senator. Of the total \$14+ million that - \$14.7 million that projects within Santa Fe County, as Commissioner Stefanics indicated, not Santa Fe County projects, we received \$990,000. So less than ten percent of the total delegation amount of funds available to them. We received less than ten percent. Part of the issue of coming back and relooking at this process is exactly what Commissioner Stefanics has indicated. They are looking for collaborative, regional projects that we go in with a uniform front and then try to fund it.

We will – having done this for quite many years, we will never receive a million dollars for a single project from that delegation. We may receive bits and pieces of that because they're dealing with issues from every acequia that's within the county, other local governments within the county and that's how that money is spread out.

The Quill plant and the RECC facility expansion, the RECC is currently under design or in the designing process to do those upgrades. It appears that we will be close to having sufficient funds. Could they always use more? Absolutely. The Quill plant up grades that was on there last year, the Public Works Department has done a great job in trying to put parts of that Quill plant upgrade in progress, so there are some improvements that are being made at the Quill plant but there's always room for additional improvements at the Quill plant. That's using last year's top priorities.

And I apologize. I wasn't here last year so I don't know the discussion of how those came about, but I can tell you those two are moving forward. They may be moving at a slower pace than we would like, but they are moving forward.

CHAIR MAYFIELD: I guess, Tony, that's my point. If there's been so many dollars that have been thrown at this by this collective body, even our predecessors and our other electeds, why not go and have this project completed by asking them, look, we need another \$200,000? Before it just gets put on the bottom of the list and the project never gets finished. That's just my point that I'm making. I don't know, based on what you just stated how much more money is needed for the Quill plant or the RECC or if that's just an indefinite ask for more money to do more all the time.

MR. FLORES: Mr. Chair, the RECC as I indicated, we've gotten a couple of opinions of probable cost and we are probably within three or four percent of the total need to finish that off. So the amount that would be necessary for the RECC at least on the information I have is minimal. That's why I did not include that in Option 1 or Option 2. The same thing can be said for the Quill Plan.

CHAIR MAYFIELD: Emergency communications does serve all of Santa Fe County.

MR. FLORES: Absolutely.

CHAIR MAYFIELD: I'm sorry. Commissioner.

COMMISSIONER STEFANICS: Mr. Chair, he's saying minimal cost, but what is minimal?

MR. FLORES: Mr. Chair, Commissioner Stefanics, on the last statement of probable cost or opinion, it was under \$50,000.

CHAIR MAYFIELD: Ms. Miller could take care of that for us.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR MAYFIELD: Commissioner Stefanics.

COMMISSIONER STEFANICS: She's not agreeing with that.

MS. MILLER: Well, Mr. Chair, Commissioners, part of the reason, there's a lot of requests in the Public Safety expansion. RECC, we put \$2.5 million in capital outlay two years ago. We've been working on expanding that. But as staff has gone into the facility – because you've got the fire side, you've got the police, you've got RECC. So phase 1, Tony is probably correct in what we're doing so far but they've actually identified much more in needs. So the RECC or the Public Safety building could use whatever amount we could actually get.

So part of my look is that, yes, we'll still be back for more money for that building to include things that the Sheriff needs to expand that building, as well as probably fire needs. But the RECC expansion itself and some heating and cooling and I think the impound forfeiture area is in that \$2.5 million and we're close to hitting that estimate. But there's been a lot of needs

identified for that facility in this process that would not be included in that \$2.5 million that we have.

CHAIR MAYFIELD: Thank you, Ms. Miller. And I know you and the two gentlemen behind you do a phenomenal job and I don't see Lisa here but I know she does a great job. Have you all talked to our local delegation if this is in concert with what their plans are yet. I know we had that discussion a while back. So we're kind of on the same page.

MR. FLORES: Mr. Chair, we've had some preliminary discussions with certain members of our delegation on their priorities. At least from my personal discussions with them their prioritization is based upon what their community needs. And it may not necessarily be in concert with any of our top priorities and you'll see that in the last year's allocations. That's just my personal communication with them. So the answer is yes.

CHAIR MAYFIELD: Thank you. Commissioners, we're looking at priorities. Clear-cut, Tony, what we're doing? Commissioner Holian.

COMMISSIONER HOLIAN: Mr. Chair, aren't we supposed to be voting?

CHAIR MAYFIELD: Yes, but I think we all have different priorities of the top five. That's what I've heard. Thank you very much, Commissioner Stefanics. We have various members of our public who have sat with us through this today. Is there anybody from the public who wants to comment on this at this time? Ms. Trujillo, please. Welcome. Just your name please.

MARTHA TRUJILLO: Thank you. My name is Martha Trujillo. I'm a resident of the Pojoaque community and I guess I just have a concern about not so much the dollars but the process itself. Some of the community has had some public input and I for one was concerned about the most recent community plan that was submitted for our area. I was wondering if we could open up that community plan to make sure that the projects that are going to be looked at were going to be aligned with the community plan.

So I haven't had the opportunity to sit and talk with anyone about reopening up the Pojoaque Community Plan and I was hoping that maybe that could happen and maybe get some direction from your staff.

The other thing that is somewhat of a heated issue is the fact that last Thursday we had a community meeting with the San Ildefonso Pueblo along with some of your County staff and the meeting was opened with the general statement that we really can't answer questions, specific questions, for fear, my impression was to kind of like gain information, see where the public was, and to provide as much information as possible. But there was no real commitment to what that would be coming from from the County. As the dialogue went it ended up being that the San Ildefonso Governor stated that he would be seeking, and I believe working with the County to do a survey of properties to see what was within the Indian boundaries, pueblo boundaries versus non-pueblo and had encouraged non-pueblo to submit information willingly to that surveyor.

With that said, as dialogue went on, the outcome was that eventually what the intent was to eventually lay down any kind of – identify any kind of utility lines that may be running within the pueblo boundary. And so that's a little bit of an issue down in this area. So I'm giving you all of that to say that we're concerned about what the dollars would be spent on in improvements in that area, potentially knowing that that area really doesn't belong to taxpayers. And so I'm concerned about my taxpayer dollars being spent on an area of improvement that may not belong to taxpayers. And I don't know that that really is what happens, so forgive me if I'm really misquoting or misstating myself. I'm not sure exactly how that all works hand in hand with

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pueblo/non-pueblo.

But I am concerned about pumping in money into projects that will not serve the public best. Thank you.

CHAIR MAYFIELD: So Tony, and I appreciate what Ms. Trujillo just stated, but as far as countywide projects – let me just ask this, Commissioners. Again, I think as has been the custom for the last few years, I think it's going to be for this year the Commission gets some individual capital dollars afforded to their district. That money can be spent also on solarization of fire facilities, any solar projects including some of these on this list. But as far as if you're looking at specific prioritizations from us right now, which I understand. Commissioners, I guess what's your pleasure. One I'll talk about and again, it's a specific project to District 1, but we acquired legislative funding to acquire a ballfield that you all are well aware of because I started this initiative when I first came on to this Commission back in 2010 and I had the pleasure of meeting with Deputy County Manager Flores this morning as far as the sale has been completed, there's been dollars already allocated for partial build-out, but for me, I think that's a continued priority at least of what I hear from our community to complete that project request. Now, is that a countywide? I don't know. That's for my colleagues to say up here.

But again, respecting everything else on here, if we're going to individually pick off projects in our prospective district and call it countywide then I think we need to recognize maybe what Commissioner Stefanics said. Each Commissioner should be able to assign or have the potential to put one project on here and then we individually or collectively with Ms. Miller's staff go talk to our local delegation. Because I think a lot of us are in tune with our local delegation and what they need for their constituents. Ms. Miller.

MS. MILLER: Mr. Chair, Commissioners, what we've done in the past, because part of the problem we're struggling with here is a common one in the fact that you each have districts and constituents and projects within your district, versus what the state wants us to do for submitting this ICIP. Their requirement to us is put your entire five-year plan so if you take what's in our packet from 2016 to 2020, last year, this list, plus all the projects that were listed in this handout, which are all the ones that have been added through this public process, all the ones on this list and this list. These will get added to this list, and then they require us to pick five top projects.

What we've done – so we've done that in the past, and then over the next few months, in working with our legislators, our delegation and the communities and the Commissioners. We pick, by the time we get to the session, the ones that are like the top three in your district. And then we put that on a separate sheet that just goes to the legislators. They have to be in this ICIP as far as the DFA and the Governor. It's one of the criteria they look for is that it's somewhere in your plan, because if it's not somewhere in your plan it's likely to get vetoed as not being something you really intended to do, but something more that just flew in from the side during the legislative process.

So what we've tried to do is make sure that anything that we could hear from the community, from the Commissioners, gets into the total plan, the five-year plan. It's on the list. And then take five that are more countywide and go to the legislature and say here's the five that are the top five for the County. It's the requirement that DFA has and LFC looks at too. But when you're working one on one with the legislators, as you said, Mr. Chair, typically they are going to ask what are some things within my district. And that's where we come up with the ones that are specific to a legislative district and the Commissioner's district.

There's no place for us to submit those in a prioritized way to DFA through the process that Tony and his staff are trying to do. It just says there's no mechanism to do that right now. The only mechanism we have right now and the thing they require us to do is the overall, full-on five-year list which is everything in here, plus what's in your packet that was already there before, compile all that and turn that in. And then the top five.

So I would recommend that we go back to our top five from last year, look at this. If there's one, kind of like what we did last year, we replaced one of them with the solarization. But otherwise we've pretty much stuck with those top five as being more countywide specific. And then over the next few months, before we get to our meetings with the delegation, Santa Fe delegation, we nail down the top three in each district.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR MAYFIELD: Commissioner Stefanics.

COMMISSIONER STEFANICS: Last year, Ms. Miller, we bumped an item from our five County's for the fire solarization? Do you remember what that was? Because originally, the fire solarization was not part of our top five. It wasn't until the school children came. And I'm wondering what that fifth one was.

MS. MILLER: Mr. Chair, Commissioner, I do remember. It was fire equipment. And we did that because we didn't pass the quarter cent excise tax that we had not had for four years. So we took that one off as just general fire equipment and put the solarization one on in its place.

COMMISSIONER STEFANICS: So, Mr. Chair, I'm sorry. Was I next?

CHAIR MAYFIELD: You're up, Commissioner Stefanics.

COMMISSIONER STEFANICS: So if we had to think about – like if we wanted to take the five from last year, maybe bump one off, maybe change language a little bit for general County solarization, do we have another pressing County project? Because I want to point out that some of the money that went to Quill plant this year came from individual Commissioners' funds, and that shouldn't be. I was more than happy to help; so were the other Commissioners, but let's ask for the County projects that we need.

MS. MILLER: Mr. Chair, Commissioners, unfortunately, it won't be a very popular one but it is one. We're about \$500,000 short, and that's the district attorney's facility. We're going to have to come up – we have that in design. We have partial funding. We need to come back to you. We got some funding back from the gross receipts paid on the courthouse that we need to come back and budget but even with that we're still, for the safety requirements and whatnot, we're four or five hundred thousand dollars short. We need to finish that project. That would be one that I think applied countywide and it's a requirement by the state that we do it and the DA needs it. So if you wanted to look at one that maybe doesn't fit that that would be the one that I would recommend because we're going to be recommending that coming out of our County funds somewhere if we don't get it from the state. So it would take away from a district project.

COMMISSIONER STEFANICS: So Mr. Chair, I would be amenable to replacing the Santa Fe County Fairgrounds with the district attorney.

COMMISSIONER HOLIAN: On that point, Mr. Chair. Katherine, how far along are we on the fairgrounds and what else do we need? And how important is it to get legislative funding?

MR. FLORES: Mr. Chair, Commissioner Holian, this project has actually been on

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the books since my previous tenure here. We have full construction documents for the improvements to the fairgrounds today. That estimate came in a little over \$1.5 million and through – for lack of a better term – piecemealing funding, we still remain about \$890,000 short. Now, how far along are we? That's where we are. Now, does that mean we can go back and look at possibly phasing or some other options? We have to look at the constructability and feasibility of that. But that's where we are to date.

COMMISSIONER HOLIAN: Mr. Chair, real quickly, Katherine. How about the Quill plant upgrades? Are we fairly far along on those?

MS. MILLER: Mr. Chair, Commissioners, I think – I was just going to say that probably two of them that you can get to a certain place would be the RECC, like I said. You can always put more money on it but in order to actually finish the design and do an award on that one, that would probably – I think the funding that we do have will get us fairly far along and we don't need as much on that. And then the Quill plant would be my second recommendation on one that you might be able to substitute. In addition, I don't know that – I hate to say it but I don't know that too many legislators like funding a sewage plant. I think they'd prefer to fund the DA. So you could look at it from a standpoint of what's likely to get funding. I think the DA's facility is more likely to get funding. You also get a state agency to get behind that request as well. Whereas the Quill plant, unfortunately, it would be helpful if Corrections would help lobby for that since they're a main component of that but it doesn't seem to happen.

CHAIR MAYFIELD: Commissioner Holian, are you –

COMMISSIONER HOLIAN: I cede the floor now.

CHAIR MAYFIELD: I appreciate that, Katherine, but I would just state that the Quill plant, it provides a vital need for the state of New Mexico with our Corrections Department, which honestly is I would think a statewide project for everybody we house there. Commissioner Stefanics.

COMMISSIONER STEFANICS: No, I was just agreeing. I think I've said enough but I agree that the Quill plant should be taken as a state need as well as a County need. And I still would support – I think that we've talked a lot about the fairgrounds. And if we really wanted to do the fairgrounds we really would have kept going with it. And so that's why I support putting it lower. That's all I have to say.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR MAYFIELD: Commissioner Holian.

COMMISSIONER HOLIAN: The one other suggestion – I'm really open to doing a substitution for the 2013 priorities, and I can really go in a number of different directions. But I would recommend is if we keep the solar power one in that we use the wording in the 2014 Option 1 where we talk about equipping Santa Fe County facilities, including fire stations as well as other buildings.

COMMISSIONER CHAVEZ: Mr. Chair.

CHAIR MAYFIELD: Commissioner Chavez.

COMMISSIONER CHAVEZ: So I kind of reorganized my priorities, if that means anything. Maybe they're in line with everybody else's but I was just taking notes as we were talking. And I know that we have a special interest in our districts but we have a larger responsibility to the County. So I hope the district is okay with that statement and I think that their needs will still be met. So I like the idea – well, my first priority would be to equip County

buildings, community/senior centers, health offices and fire stations to solar power. I think that it would be important for us to upgrade our Santa Fe County public housing facilities. The RECC expansion is desperately needed because that benefits county residents when they need the help the most. That actually should be on the top of the list I think. And then the Quill plant upgrades – we talked a lot earlier about water and I think this Quill plant, even though its benefit is rather narrower right now, if we make those improvements we can expand that I hope down into the Highway 14 Corridor.

We do have a larger responsibility to provide a decent upgraded office space for our district attorney. I don't think we need to have that person unhappy with what we're not doing. We're basically the landlord for that tenant and if that building needs improvements we should pay attention to that because we want to be responsible landlords in that case.

COMMISSIONER HOLIAN: I'll second that.

COMMISSIONER CHAVEZ: I'll put that in the form of a motion.

CHAIR MAYFIELD: Thank you. Katherine, let me just ask this question. As far as the Quill plant, and I think I know the answer to this. But I guess our area – I'll just say our detention center's there, our industrial park is tied into that, our Sheriff's Office is tied into the Quill plant also, right? Or maybe they're not, but I think they are.

MS. MILLER: Mr. Chair, our facilities across the street are tied into that. Our Valle Vista housing is hooked to that. Corrections is on that and we're working towards tying in more along 14 to that.

CHAIR MAYFIELD: Thank you. And there's a motion and a second. But respecting the upgrades to Santa Fe County Fairgrounds and what was stated by Commissioner Chavez and Holian, we couldn't somehow tie in our DA's office into equip Santa Fe facilities including fire stations, community, centers, DA's office. What other capital improvements are needed? Trying to keep it encompassed in that.

MS. MILLER: Mr. Chair, this is a little bit different angle but I was going to propose, and we haven't – I haven't gotten there yet with staff and the lodgers' tax. We do have a facilities portion of our lodgers' tax funds that come in and we have not dedicated to a facility recently and one of the things – it's very limited what you can spend it on but one if it is fairgrounds. So when we come back to it I was actually hoping that we could request through the Lodgers' Tax Board and this Board a recommendation from them to fund some of the improvements to the fairgrounds.

COMMISSIONER CHAVEZ: If I could, Mr. Chair. County Manager, we're hoping to collaborate more with the City regarding our promotion of tourism and maybe this would be another angle that we could take to jointly advertise and fund projects that benefit both the County and the City, and I think this could be one.

CHAIR MAYFIELD: I agree with that, and I know Commissioner Chavez has spoken extensively about this, but even some of our local trades, our builders, that could kind of tie right into that also. I like that. Okay. So that's clear. Let me go back out to our public, because I think Ms. Trujillo was the only individual who commented. Is there anybody else from the public wishing to comment on this ICIP plan? Seeing none, Commissioner Chavez.

COMMISSIONER CHAVEZ: Well, let me see. So the motion – if I can restructure it, would be to list the priorities. And I'm not going to list them in order. They're just priorities and I guess we can debate about which should be on top and which should be second,

but this is the order that I listed them. Equip all County buildings including fire stations to solar power. Upgrade the Santa Fe County public housing facilities. Continue with the RECC expansion. Continue with the Quill plant upgrades and focus on what the district attorney needs for her office. It's not in a list of specific priorities but that's what we would work on.

COMMISSIONER HOLIAN: Second.

CHAIR MAYFIELD: We have a motion and a second with my understanding that we will be looking at Santa Fe County Fairgrounds to kind of follow somehow with a presentation under our lodgers' tax. Thank you. So we have a motion, Commissioners and a second.

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

COMMISSIONER CHAVEZ: And Mr. Chair, do we need a separate motion to approve the complete ICIP list?

MR. FLORES: Mr. Chair, we need a motion on the resolution that directs staff to submit the ICIP plan. So that allowed the prioritization which is Exhibit A. It will be attached to it. We actually need approval of the resolution itself.

COMMISSIONER HOLIAN: So moved.

COMMISSIONER STEFANICS: Second.

COMMISSIONER CHAVEZ: So just for clarification then, then the resolution, we would be adopting the five-year ICIP list of projects.

MR. FLORES: Mr. Chair, Commissioner Chavez, yes. And just for a point of clarification, those community capital planning discussions that Ms. Trujillo brought up, those have been included in your document that I passed out today based upon that discussion. So, yes. That includes the entire ICIP, old or existing and new.

COMMISSIONER CHAVEZ: And Tony, when you go through the ICIP list, you've broken it down, you have it by district.

MR. FLORES: Mr. Chair, Commissioner Chavez, no. What I've given you by district is the County's CIP plan.

COMMISSIONER CHAVEZ: Got it.

MR. FLORES: Which mirrors the ICIP but we don't have the ability to break the state's ICIP by district.

COMMISSIONER CHAVEZ: Okay.

CHAIR MAYFIELD: Thank you. So that was Resolution 2014-79? Commissioners, I'm going to ask – Mr. Leigland, I know you're already up but I know we have a big contingency in that audience and some of still have to be paid to stay here, so I'm going to ask that we can still stay on our action items –

COMMISSIONER STEFANICS: Mr. Chair, have we voted on that?

CHAIR MAYFIELD: The second part, we did not. So we haven't voted on it yet.

COMMISSIONER STEFANICS: I'll move approval of Resolution 2014-79.

COMMISSIONER CHAVEZ: Second.

CHAIR MAYFIELD: Okay, we have a motion and a second.

The motion passed by unanimous [3-0] voice vote. [Commissioner Holian was not present for this action.]

CHAIR MAYFIELD: So, Commissioners, I'm just going to ask that we move over to B. 3, Presentation of and request for approval of our Water Policy Advisory Committee recommendations on regionalization. I know I see Mr. Nylander out there and a few of our pueblo governors. I don't know if that's what you've been staying around for or not, maybe many items on our agenda. I appreciate your patience and I would just ask Commissioners, that we could take that as our next order of business. Thank you.

III. B. 3. Presentation of and Request for Approval of Water Policy Advisory Committee Recommendations on Regionalization

CHARLIE NYLANDER: Thank you, Mr. Chair and members of the Commission. My name is Charlie Nylander. I'm chair of the County's Water Policy Advisory Committee. This committee was formed newly last year and just this past January we had our work plan approved by the BCC and I'm here to present our first deliverable, which was completed in July of this year.

The first task we were given was to explore the concept of regional water and wastewater authorities and basically make recommendations to the Commission regarding that concept and whether it's applicable to Santa Fe County. In your packet you received a memorandum from me kind of summarizing the white paper that we did. We also included a copy of the white paper which turned out to be about 54 pages long and there's a draft resolution, and then finally a discussion draft of a legislative bill that may be introduced at this upcoming legislative session.

So in summary, I'd like to just, for the benefit of those in the audience and those watching on TV just read the six recommendations we have for you and then I'll take questions and conclude that way.

After six months of studying this, the ten members of our committee came up with these six recommendations:

1. Take the initiative to hold joint meetings and discussions with appropriate representatives from the City of Santa Fe and other legal entities that provide water and wastewater services within the Santa Fe area to determine the mutual level of interest and ultimate benefits in pursuing the water and wastewater authority concept to operate and maintain water and wastewater utilities in Santa Fe County within a site-specific area in the vicinity of Santa Fe.
2. (And I have these lettered actually. It's letter B.) Take the initiative to hold joint meetings and discussions with appropriate representatives from the Pueblo of Pojoaque, the Pueblo of Tesuque, Pueblo of Nambe and Pueblo de San Ildefonso, and other legal entities that provide water and wastewater services in the area in concert with Resolution 2012-53, to determine the mutual level of interest and ultimate benefits of pursuing the water and wastewater authority concept to construct, operate and maintain water utilities and also importantly, wastewater utilities in the Pojoaque, Nambe and Tesuque Valley areas within a site-specific boundary.
3. Endorse the concept of "regionalization" and encourage and assist small water and

wastewater utilities, both public and private, to pursue collaborations and partnerships that may demonstrate the same benefits of a water and wastewater authority in order to improve their economies of scale, their long-term sustainability and increase their technical, managerial and financial capacity to construct, operate and maintain a water or wastewater utility.

The three final recommendations we put in the category of Other Recommendations:

- D. Take the initiative to hold joint meetings and discussions with appropriate representatives within Rio Arriba County and Santa Fe County to discuss the potential for collaborative efforts to improve water, wastewater, watershed, stormwater management in site-specific areas of the Española Basin in order to promote and improve basin-wide sustainability of water resources.
- E. Continue the ongoing process to review and replace Resolution 2012-58, that is a resolution articulating County policy regarding funding requests from private, quasi-public or public water and wastewater systems for capital improvements with a new comprehensive resolution so as to improve this public policy.

And the final recommendation:

- F. Consider the pros and cons of supporting legislation that would provide a simple statutory process to create a water and wastewater authority in New Mexico for management of water and wastewater utility services that would be applicable to a wide range of utility sizes and customer service areas that also enables the management of other beneficial community services including but not limited to stormwater management, solid waste management, recreational parks, streets, roads, etc. as proposed by any applicant in an application for approval of water and wastewater authority status.

So those are the six recommendations that are contained in the white paper and in the summary memo before you and I'm pleased to thank our committee members and those County staff in the Public Works and Utilities Department that have helped us over the last six months to prepare this report. I stand for questions.

CHAIR MAYFIELD: Thank you, Mr. Nylander. Commissioner Chavez.

COMMISSIONER CHAVEZ: Yes, Mr. Nylander, I was trying to follow your recommendations and what we have in our packet. Ours are lettered 1 through 6; yours are A through F. The language was a little bit different but not too far apart from what we have in our packet but what I would like is if maybe you could provide that and have copies made so that we can have that for our review.

MR. NYLANDER: That's fine. I think you have both documents in your packet. I think you have the memo with the numbered 1 through 6 recommendations, and I think you have the white paper on page 6 are the lettered same six recommendations.

COMMISSIONER CHAVEZ: So is the white paper – it's water and wastewater authority concept? Is that –

MR. NYLANDER: Yes, sir. That's right. And on page 6 you'll find the six recommendations I read with letters in red bolded type.

COMMISSIONER CHAVEZ: Okay. So you have A through C under recommendations, and then D, E, and F are other recommendations.

MR. NYLANDER: Yes, sir.

COMMISSIONER CHAVEZ: Okay.

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MR. NYLANDER: And the reason I preferred to read them in letter form instead of numerically is there was not a prioritization and sometimes numbering things leads people to think that they're prioritized.

COMMISSIONER CHAVEZ: Right. And I appreciate that. But what I was looking for was the language.

MR. NYLANDER: I'm sorry. I should have just directed you to page 6 right away.

COMMISSIONER CHAVEZ: That's okay. We got there.

MR. NYLANDER: Okay. Thank you.

COMMISSIONER CHAVEZ: Thank you, Mr. Chair.

CHAIR MAYFIELD: Thank you. Mr. Nylander, just real quick before I go out to the public. I appreciate what you and the committee have put forth in front of us today, but as far as some of your recommendations, and not to question them, just to ask for a little more information background. So on Recommendation #1, why just Santa Fe Metro? You heard extensive discussion right now of the Quill plant, of maybe a potential water system out in Eldorado. If you were here earlier we had huge discussions on the Aamodt. That might be a little further down that I ask a question. But why just pertaining to Metro Santa Fe? Why not countywide?

MR. NYLANDER: I think first and foremost is because part of the number 1 recommendations stem from the Commission's interest in the next project manager for the BDD project, which is due to be selected on December 1st of 2015 and so there was an interest just looking at the BDD service area, whether that project manager should be the City, the County, or a new regional entity. And so we were looking at the BDD service area, which is basically in that greater metropolitan area of Santa Fe. And as you know, the City and County are 50-50 partners in the BDD treatment plant there is a distinct service area for their waterlines and so forth, not to say that they couldn't serve Eldorado, or they couldn't serve the Agua Fria Village area and so forth. But as I understand it, they probably would not reach over and serve communities over in the Pojoaque Valley with that system.

CHAIR MAYFIELD: And I appreciate that, and I'll go to Commissioner Stefanics. I just think that our Water Policy Advisory Committee should also be looking at countywide issues, just not Metro Santa Fe issues. That's just I guess my statement on that. When I envisioned the creation of this, that's what I envisioned when I created it, when I voted to support the Water Policy Advisory Committee to look at county regional issues, not specifically metro.

MR. NYLANDER: Yes, and Mr. Chair, when we looked at the water authority concept and looked at the three existing water authorities in New Mexico right now, that being the Albuquerque Bernalillo Water Authority, the Lower Rio Grande Public Water Authority, and the Eastern New Mexico Water Authority, those entities and the legislation that formed them, we looked at Santa Fe County to see which areas of the county would be the most ripe for applying this concept, and there were two distinct areas – the Metro area of Santa Fe and then the Pojoaque-Nambe-Tesuque Valley area. Those regionally larger areas seemed pretty ideal for an authority concept. Whereas some of the smaller areas in the county that have mutual domestic water associations and so forth, they may be better suited for applying regionalization, where you get them to partner with each other and share services, share an operator, share a bookkeeper, basically find economies of scale without becoming a separate political entity in the state.

CHAIR MAYFIELD: Thank you. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. I'd like to thank you and the entire committee for participating. I know that a lot of people from all over the county participated with quite a different water source and different interests. And specifically, what I'm looking at, since this is a long legislative session coming up this would be the time for any substantive statutory change that would enable our entity as well as other entities to regionalize if they so wished to. I've had preliminary conversation with Senator Peter Wirth who was very interested in helping us, both at the City and the County level, if we needed something. His opinion was that he did not believe that it would be worthwhile to move ahead with the statewide fix versus a proposal that would focus on something for our community.

Now, taking that idea and the same comment that Commissioner Mayfield came up with, we do have some other water systems that could be brought in and joined pretty easily, money being the major factor. So, yes, the BDD is imminent, but we have the Cañoncito water line. We have the Eldorado water system. My goal has been can we purchase it? Can we make it part of the regional water system? If you start looking at Quill, you start looking at the water pipeline going down 599 into La Cienega, maybe down Highway 14, etc. we have a lot of ideas that could be put into a regional water supply that might now yet go all the way up to Pojoaque and might someday join but might not, and it might not go down to the Estancia Basin, but someday might.

So I want to make sure that whatever we move ahead with that, number one, we try to accomplish something this next legislative session that would enable us to do something, and number two, not preclude us from bringing in entities later on as we're prepared to do so. So could you just comment a little bit about some of those ideas? Freelance, brainstorm?

MR. NYLANDER: Sure. Sure. Thank you. Mr. Chair, Commissioner Stefanics, it's interesting that there are a handful of statutes on our books that one can use to form a water and wastewater entity. There's the Sanitary Projects Act, which is what mutual domestics use. There's the Water & Sanitation District Act, where you can form a water & sanitation district like Eldorado. There's a number of other ones that are contained in our white paper. We looked at all of them and when it came to this concept of regional water and wastewater authority the three that exist in the state right now have all been done with special legislation. And as you know, with special legislation you know what you submit at the beginning but you don't know what it's going to look like at the end.

So there's been an interest with a number of entities around the state to have a statewide statute that's very simple, straightforward that anybody could use if they wanted to form an authority, or if they wanted to add on to an existing authority, and so that piece of legislation that's in your packet is a current draft that's been basically running around the last six months in the state. It was conceived by people from the Rural Community Assistance Corporation, the NMED, the Office of State Engineer, NMFA, and a number of other agencies that got together during the last six months and tried to capture on paper something that would form a recipe for an easy, applicable statute statewide.

That draft that's in your packet has been vetted in the last couple weeks with the Municipal League, with the Association of Counties and everybody's looking at it quite favorably, and I'm told one of the big proponents for it is Rick Martinez from NMFA and Rick tells me that there's a number of legislators that want to sponsor it on both sides of the aisle and it seems to be one of those bills that a lot of people are interested in. So I think I included it in your packet just to make you aware that something like that will inevitably be introduced during this

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next session. It will be heard. That particular bill will be heard at the October meeting of the interim committee Water and Natural Resources. I think that meeting is in Las Vegas.

So that's an example of a mechanism to get to the status of regional authority. Other than that you would have to create just a special piece of legislation, and as you mentioned, somebody – it could be Senator Wirth, it could be – anybody could introduce a bill specific to the Santa Fe area but that's – the goal of this other language in the draft bill is to make it a tool that could be used statewide. And I will note that there's a lot of entities in Grant County right now in the Silver City area that would very much like to join hands and become a regional authority. There's some people in San Miguel County that would like to do the same.

So there areas – and northern Dona Ana County. They also have an interest in becoming an authority. So there's a lot of statewide interest, other than just the Santa Fe area, and I think that's why there's an interest now in a statewide statute that would be usable by anybody. And it would be optional. People either use it or not.

As far as the immediate Santa Fe area, we have a representative on our Policy Advisory Committee that's representing the Eldorado area and as I mention in the white paper, Eldorado would be a really good fit for regionalizing within the construct of Santa Fe and Santa Fe County if you formed an authority of some kind. There's an interesting thing. You would bring in 2,200 additional water customers into the service area but if you were actually part of an authority you would also not only bring your assets but you bring your liabilities. So that's the other key that when you form an authority you're basically pouring your assets and liabilities all together in the same bucket and in interviewing the Albuquerque Bernalillo County Authority management they found that they saved tens of millions of dollars in the economies of scale of joining the city and the county in that authority. And I suspect that we would see the same sort of thing happen in the Santa Fe area if the City and the County were to get together.

COMMISSIONER STEFANICS: Well, first on that point and then I'll go to the smaller communities. One of the things is as we've approved some new developments in Santa Fe County we have put the caveat on those approvals that when County water hookups or a County water source is available that they would then work with that. So for example, in the Eldorado situation, our legislative team understands that there is debt that would have to be paid down and they in fact might go for a foundation to start paying down that debt. But when you start thinking beyond Eldorado and where that water could go, and if it went down the corridor to Lamy and it went down to Commonweal, and it took in many other small communities, it could in fact pay off maybe in the next five to ten years.

The other thing that happened, and I know you attended and many members of our advisory group attended the water townhall that New Mexico First did. And in the group that I was in, there are several small communities around the state that have already created their water cooperatives. And they would feel very threatened by having some state statutes that would standardize and enable because they would feel at risk. And so I don't think it would be slam dunk and as I talked about this with Senator Wirth he indicated that community by community, if they feel, if the sitting legislators feel that their communities would be at risk they're not going to support something. And so that was one of the reasons he felt something unique to a community would have a better chance of passing than a statewide.

MR. NYLANDER: If I may comment, Mr. Chair, Commissioner Stefanics, that very issue is well known to myself and our committee and we interrogated a number of regional groups like the El Valle Water Alliance over in San Miguel County that's a collaboration

between, I think, 13 different little mutual domestics. And all of them have gotten together and basically put together a joint powers agreement if you will and formed their own regional process that way with that tool. And this statewide legislation that may come in the session would not be obligatory or would not apply to them. It would be totally optional. It's a recipe for somebody that wants to do an authority and they say, well, gee, I could join hands with other mutual domestics under the Sanitary Projects Act because there's language in that statute that allows you to add two or more to make a larger mutual domestic, but then I'm still vexed with the problem that mutual domestics, the statute is very weak and they don't have the power to ask people to connect to their system. They don't have the power of eminent domain. It's a very weak statute. So they don't even have power to set a boundary. So then they could say well, what other statutory or legal way could we all get together? And they could just use a simple JPA and do it that way, or they could avail themselves of some of these other statutes but I think it's actually the smaller mutual domestic associations that have really been spearheading the statewide bill, because they want an easy way to do it.

Doña Ana County, the Lower Rio Grande Water Authority, they combine five mutual domestics and they weren't contiguous, they weren't adjacent to each other, but they had a special bill and it took them a long, long time to get that passed and it's a lot of work. So even they said, boy, if there was an easy recipe for people to follow, that would be nice. But they don't have to; it's not mandatory that they follow it. So that's the option that takes a little bit of the sting out and people aren't threatened because they don't have to utilize it, if it exists.

COMMISSIONER STEFANICS: Thank you, Mr. Chair.

CHAIR MAYFIELD: Thank you. So Mr. Nylander, a couple things I still have is #2, determining the appropriate, of course collaboration with all of our governmental agencies is great, our sovereign governments, great. But specifically for the Aamodt and I think you were here for the prior discussion. But I guess my question is, going to #1, if there's going to be potential consideration of – I'm going to call it an independent water authority over the BDD, knowing that our portion of customers, how would they – and we want one regional system to be inclusive, arguably, of the Aamodt, who is going to pay for that water? If they're excluded out having rates set independently by a third party, how do you encompass that?

And I guess where I'm getting on this is I wish that anything pertaining to the Aamodt would go through your Water Policy Advisory Committee also. Because I hope that that is being thought about when you all are considering an independent water authority for the BDD.

MR. NYLANDER: Yes. And I'm saying we just mention in our white paper that this could be applicable to the BDD. Where the BDD Board is well aware of this and they're thinking about some other mechanisms that they can use to "regionalize". But in the Aamodt area, the reason I distinguish them at Letter A and Letter B is because they're both standalone projects. The BDD was constructed – it as this joint partnership between the City and the County and Las Campanas for part of it, and they have a set amount of water that they can divert from the river and that's it. And so that water can only stretch so far and Adam or Claudia could talk about that and how far they might be able to push the extent of water lines with that available resource, because they can only produce so much water a day.

Likewise the Aamodt project will be the same, the Pojoaque Regional Water System. They're going to be constrained to 4,000 acre-feet of water a year, and divided amongst the pueblos, 2,500 acre-feet to the pueblos and the remainder going to the non-pueblo areas of the Santa Fe County. And so that project can only produce a limited amount of water and that water

will only stretch so far also. And that's actually the way the regional water system in the Pojoaque area was conceived was, how could we provide water just to the extent of the projections on the map? And it wouldn't allow them – unless they found more water and enlarged their treatment facility, it wouldn't allow them to provide water upstream to Española or downstream to Los Alamos County.

So that's why we looked at them as separate, potentially standalone projects. They are standalone projects but potential standalone authorities and the Aamodt area is very distinct because you're dealing with four sovereign pueblos and the County so the legal concept of how would you form an authority with federal law involved and state law? It's a little trickier. And that's why we said it would be good now in these early years while the EIS is taking place and the asset inventory is being done out there, it would be a good time for County Commissioners to be speaking with the pueblos and trying to see what kind of concept could be used in that area of the county. It makes sense.

CHAIR MAYFIELD: Excuse me, Mr. Nylander but again, that's kind of where I'm at, that potentially, whatever happens with the Aamodt, if that water is ever wheeled out of that valley and gets integrated into the City system for whatever reason, for further development or even further downstream and yet, I don't know, and Adam can correct me on this a little later if even wholesale rates have been discussed in proposing the Aamodt or maybe that's well down the road. But we potentially have an independent water authority looking at the BDD or the purview of the BDD. And I know this; I've been at meetings where County staff has told numerous residents that your bill's not going to be any higher than anybody else in the county. I just don't see how that's possible if the BDD customers are pulled out of that equation as a rural independent water authority.

MR. NYLANDER: Well, I know, Mr. Chair, I went to some of the scoping meetings that were held for the Pojoaque Regional Water System and the EIS work and I asked the Bureau of Rec representatives there if the water is coming up through Bishop's Lodge and you've got BDD water coming almost up to the top of the ridge on the other side, could you interconnect them, and so forth? And the answer was no, that the regional water system in Pojoaque is legally set for that area and it can't be expanded or interconnected with somebody else and likewise the BDD project had its own conceptual design specs that said this is the extent of our service reach.

So I think it's an interesting question and perhaps your Public Works Director and Attorney could talk more about this but I see them as two distinct areas and yet they could operate under the same sort of concept of water authority.

CHAIR MAYFIELD: Okay, so then under #2 or B is this going to be a lot of the discussion around the Aamodt also, with the discussions with our pueblo governments?

MR. NYLANDER: This letter B was looking at that area of the county that might be suitable for applying a water authority concept and that's as far as we went. We said there's going to be some kind of a legal hand-holding somehow between the pueblos and the County anyway. Maybe it could be in the form of a water authority. That's really as far as we went with a recommendation. We thought it would be prudent for the Commission to be speaking with them and trying to look ahead as to how will we work together to operate and maintain the system.

CHAIR MAYFIELD: And then Charlie, I'm just going to go to a latter part of our agenda. We have an ordinance later tonight that's requesting that we raise our rates based on annexation, and respecting what has to happen there has to happen there. But I would hope that

again – it might already be past tense but that’s one reason that I voted to support this water authority, that you all would be looking at stuff like that. I’m not going to put you on the spot now. I don’t know if you had an opportunity to look at that ordinance that’s coming in front of us tonight based on an annexation agreement and the City’s charging this rate. They put into effect a rate increase. The County’s obliged to pay it, based on what I read, and now the County’s coming, well, we just need to do this increase because of the annexation. And I don’t know if you all have had the opportunity to look at that or not.

MR. NYLANDER: We discussed that in our committee meetings, Mr. Chair, and just the – that’s an advantage of the water authority concept because just pretend for a moment that the City and County got together and basically divested all of their water resource assets and liabilities into a brand new authority. And basically no longer in the water business. The new authority would set rates for the entire area more equitably because they have the whole service area. Right now you have a city and a county and as I say or is spelled out in the white paper, the Santa Fe County is actually using some water utility money to subsidize some of the wastewater costs of treating some of the wastewater from the county residents that is treated by the City and the disparity in the different charges.

So you get more parity and more equality if you’re planning regionally and you’re setting your rates regionally rather than having two separate parties in the same area, one sets the rates here, the other one sets the rates there. And that’s one of the advantages of the authority concepts. It actually results in the customer paying a lower rate in most cases. In Doña Ana County that happened with their five mutual domestics that joined hands. The actually had their rates go down. Because before they had five offices, five general managers, five operators and so they consolidated and all of a sudden the economies meant they didn’t have to charge as much for the water.

COMMISSIONER CHAVEZ: Mr. Chair.

CHAIR MAYFIELD: Yes, let me just ask one quick question. So, Charlie, as far as the rates, I think that’s great. But what about water policy? The City has provisions – this is the day you can water; this is the day you shouldn’t water. If we’re in this regional system wouldn’t that then be applicable, or should it not in your opinion be applicable to the county residents within? Granted, we’re bringing our own water to the authority. The County’s bringing their own water to the authority, but again I’m anticipating if this is turned over to a third party, everybody is just going to throw that water into the water pot.

MR. NYLANDER: Mr. Chair, that’s correct. If the City of Santa Fe and Santa Fe County turn their things over to a third party authority then the water resource agreement of 2005 and the joint powers agreement that you have and the FOPA and the other documents you have would basically dissolve themselves into that new authority and it would be restructured. So you could end up with not only economy of scale but better long-term water planning, better common extension of infrastructure, better leverage for federal and state funding because you’re larger and more powerful, and totally focused on that resource management.

Right now, as we all know, the City or County governments are focused on a lot of different subjects, a lot of different things you have to manage. But a water authority, that’s just all they’re looking at. So they can really get the best bang for the buck.

CHAIR MAYFIELD: And I’ll go to Commissioner Chavez then I’ll follow up on a couple other points on that. Thank you. Commissioner Chavez.

COMMISSIONER CHAVEZ: The only thing I wanted to add is that when we’re

talking about rates and tiers, because you have City rates, you have County rates and then if I'm understanding correctly you have mutual domestics that have their own rate. And that's going to be different than the City and the County. And sometimes – correct me if I'm wrong – I think some of these mutual domestics are actually charging more than either the City or the County.

MR. NYLANDER: Mr. Chair, Commissioner Chavez, unfortunately, I think it's usually the opposite. There's over 300 mutual domestics within New Mexico and there's 30 or more in Rio Arriba County and almost 30 in Santa Fe County and because of their size and scale a lot of them have just a flat rate with no metering and it's \$10 a month or \$20 a month. It's very, very inexpensive which is why they are so revenue poor when it comes to having to repair or replace a pump or meet some other environmental regulation that's come along that all of a sudden they have no revenue and then they have debt service with loans that they may have had with the Water Trust Board or with the USDA and so forth. So that's why a lot of our mutual domestics, that was a very good public health statute when it was first invented in the thirties to get people away from drinking out of the acequias but right now the state has more than 300 – I want to say this just personally but – unsustainable water systems that don't – and they can't charge too much more because their customer base is so small and they basically have no ability to force people to connect to their system. So if you move into the area you can't be forced to connect no matter how close you are.

COMMISSIONER CHAVEZ: Okay, so I stand corrected on one point, the price. But still, it's not equitable if the price is too high or too low.

MR. NYLANDER: Yes. That's correct.

COMMISSIONER CHAVEZ: At least we've highlighted that. And I think it goes to the point you made earlier about the price being equitable for all of our water customers.

MR. NYLANDER: Yes. And the larger the customer base the better ability you have to spread the cost and keep your rates low. But if you only have 20 customers it's very hard to raise the rates.

CHAIR MAYFIELD: Thank you. And then Charlie, I'll just close with item 6, based on basically I think Commissioner Chavez' comment. The Public Regulation Commission has lot – I shouldn't say a lot – they have some regulatory sighting over this and kind of Commissioner Chavez' statement and maybe this is in line with what you all are thinking. If a company – we've been fortunate; I don't believe it's happened in Santa Fe County but other parts of our state, a judge places one of these domestics in receivership and there's nobody to take over the receivership. So I would hope we would look at this.

But going to 6 and I guess a couple paragraphs under, I would think it would hopefully be appropriate that you meet with entities from the Public Regulation Commission and get their input on this also as they do have some regulatory authority over it.

MR. NYLANDER: Mr. Chair, I agree and it's interesting. In all the statutes that we reviewed the Public Regulation Commission actually doesn't have much involvement with very many of these statutes. They may get an annual report but they don't really oversee rate-setting in most of the cases. And so as you look at the oversight that's given by NMED or the Office of State Engineer or DFA or PRC there's a lot less than you would expect. And so that was surprising to our committee, that in fact most of those agencies have been written out of the special legislation for water authorities.

CHAIR MAYFIELD: Well, then if there's a situation with a mutual domestic, anti-donation, if they're asking, hey, County, will you help out? State of New Mexico, will you

help out? Unless I believe the Governor declares an emergency there's issues then if we can help out these mutual domestics based on anti-donation law. So I would hope that you all would consider and look at that also.

MR. NYLANDER: Yes, Mr. Chair, and in fact that's what that fifth recommendation had to do with one of your own resolutions that has – it's already on the books and is in process of being revised, but I think strengthening that resolution for Santa Fe County is a great idea.

CHAIR MAYFIELD: Thank you.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR MAYFIELD: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. First of all, Charlie, thank you for your presentation and I want you to know even though I wasn't here the whole time I really did read the presentation thoroughly, and I really want to thank the committee members, because I was impressed with how much you all accomplished and the thoroughness of your research. Also, I guess my question is to our chair. Do we need to make a motion to accept these recommendations from the [inaudible]

MR. NYLANDER: There is a resolution in your packet that basically does that.

COMMISSIONER HOLIAN: So, Mr. Chair, if so, I move for approval of the resolution.

COMMISSIONER CHAVEZ: Second.

CHAIR MAYFIELD: We've got a motion and a second but we haven't even gone to public comment on this yet.

COMMISSIONER HOLIAN: Sorry.

CHAIR MAYFIELD: That's okay. Thank you, and are there any members of the public wishing to comment? Any members from the advisory committee? Any or our governor members wishing to comment on this today? Once, twice.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR MAYFIELD: Commissioner Stefanics.

COMMISSIONER STEFANICS: Point of procedure. I'm prepared to vote but this isn't noticed as a resolution. It is noticed for approval of Water Policy Advisory Committee recommendations. So I'd like to ask Mr. Shaffer if we're still within bounds.

MR. SHAFFER: Mr. Chair, Commissioner Stefanics, I believe you could vote on the recommendations and then to avoid any potential noticing issues we could bring back the resolution at the next meeting.

COMMISSIONER CHAVEZ: Mr. Chair.

CHAIR MAYFIELD: Commissioner.

COMMISSIONER CHAVEZ: In looking at the packet under action requested it does state – it agrees with the County Attorney and the action requested is to approve subject recommendations, so those would be the six recommendations and then we could roll those into the resolution if they're not already in there and approve that at our next Commission meeting.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR MAYFIELD: Commissioner Holian.

COMMISSIONER HOLIAN: I amend my resolution to move for approval of the

six recommendations of the Water Policy Advisory Committee.

COMMISSIONER CHAVEZ: And Mr. Chair, Commissioner Holian, if we could use the six recommendations that are on the Water Policy Advisory Committee recommendations. It's page 6 and it goes over to page 7 just for one paragraph. Those are the ones that Mr. Nylander read into the minutes. Are you okay with that, Commissioner Holian?

COMMISSIONER HOLIAN: Yes.

CHAIR MAYFIELD: Okay. So we have a motion and a second in front of us knowing that the resolution will come back to our next County meeting.

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

III. A. 3. Resolution No. 2014-80, a Resolution Adopting the Santa Fe County Fleet Management Policy

MR. LEIGLAND: Mr. Chair, Commissioners, before you you have a proposed County fleet management policy. This was presented to you for discussion a couple months ago, and just to remind you the purpose of this policy is several-fold. One, it's to provide a more streamlined and more rational process for the County's vehicle acquisition and replacement policy. The County buys a lot of vehicles; we operate a lot of vehicles; we spend a lot of money on that. Vehicles are very necessary for what we do especially in a very wide, expansive setting like the county.

But every year during the budget preparation cycle we struggle with is this the right vehicle? How do we manage the vehicle fleet? So we wanted to tackle that. The Commission has also passed over the years a number of resolutions regarding vehicle fuel efficiency and the federal government has kind of changed the way they do vehicle fuel efficiency from the CAFE standards and this new policy takes those previous Commission resolutions, modernizes them, and makes it agree with the way the federal government does it now.

And then the third thing it does is creates what's called in the policy a standardized vehicle fleet, and that is to standardize the logistical operations of maintaining a vehicle fleet in terms of having the right parts on order, having your mechanics know what vehicles – how they can maintain vehicles, we can send fewer vehicles downtown because we lack the expertise to maintain them, and it also specifies what sort of after-market accessories, so it streamlines that process.

So the purpose of this is to streamline vehicle acquisition and also save the County money. The County spends over \$2 million a year on fuel, so if we just achieved, through buying more fuel-efficient vehicles just a one or two percent savings in vehicle usage that adds up to a lot of money. If the County avoids having to buy just two vehicles a year, that could be up to \$100,000 a year in savings. And if we streamline our logistical process by sending fewer vehicles downtown we could save tens of thousands of dollars.

So as I said, this was presented – at the June presentation the Commission asked me to reach out to two groups. They asked me to reach out to the other elected officials, which I did, and also to the union. Their comments are shown in the memo and I believe that the policy as written can accommodate their requests. So with that I will stand for any questions.

CLERK SALAZAR: Excuse me, Chairman Mayfield. I was not contacted.

MR. LEIGLAND: Mr. Chair, I talked to your deputy.

CLERK SALAZAR: I was not contacted.

MR. LEIGLAND: I talked to your office.

CLERK SALAZAR: I was not contacted.

CHAIR MAYFIELD: Thank you. Commissioner Stefanics.

COMMISSIONER STEFANICS: Okay, so Mr. Chair, thank you. Adam, could you identify how the elected official requirements can be met in this policy from their concerns? And be very specific.

MR. LEIGLAND: Mr. Chair, the vehicle utilization report is – it doesn't specify how they'll do their job. It just says that they'll do it and it gives them wide leeway in how to do it. So what they do is they just evaluate it and then they just determine. So it doesn't specify how things – really what this policy does is create the Vehicle Board and then the board evaluates the request. So it doesn't say what's to be purchased or how or anything like that. So both of the two groups that I contacted, the Vehicle Utilization Review Board is given wide discretion in order to accommodate the requests. Also Public Safety vehicles as well. If you recall from June, the Public Safety aspects of the County also had special considerations.

So there's nothing in here that specifically says this office will be treated this way. What it does say is the Vehicle Review Board just receives your request and takes in all the considerations. So for instance, they'll take into account how the vehicle was – what funding source was used, the unique specific – the specific attributes of the function – of the office that's using the vehicle. So vehicle type, equipment – that's paragraph B. 4 Attributes, Source of Purchase, Vehicle Type.

So it was felt that with those wide parameters they could accommodate – because the County is wide and it's not just the elected officials that have unique requirements. The code enforcement officers, for instance, in Growth Management have different needs than other people within Growth Management. So we tried to write this flexible enough and still meet the overall goals of the policy. So it was felt that paragraph B. 4 is where that flexibility is built into the VURB. Exhibit A is the policy itself and then under – I guess it's II. B. 4.

COMMISSIONER STEFANICS: So, Mr. Chair, Adam, so if an entity wanted a vehicle that did not have any logo or emblem for Santa Fe County and had justification or their own – whatever – undercover sheriff, protection of individual, whatever.

MR. LEIGLAND: Risk management.

COMMISSIONER STEFANICS: That would be accommodated?

MR. LEIGLAND: Mr. Chair, Commissioner Stefanics, exactly. And that was exactly what we intended with that paragraph.

COMMISSIONER STEFANICS: In talking with the different entities, what were any lingering concerns about GPS?

MR. LEIGLAND: Mr. Chair, Commissioner Stefanics, when I talked to the elected officials they didn't have any lingering concerns. The union had a concern and their concern was just the data would not be misused. Because the GPS will collect data and they said we just don't want the data to be misused. It wasn't really specified to me when I met with them what misuse meant in their mind but they just did not want it to be misused.

COMMISSIONER STEFANICS: I'm sorry Ms. Miller is not here but I'm assuming that misuse in their minds might mean for personnel matters.

MR. LEIGLAND: Mr. Chair, Commissioner Stefanics, personnel, I would guess discipline. Someone tracking an individual, seeing where he is on any given day, maybe questioning his choice of lunch spots, something like that. I'm just theorizing, but they understood that what's being tracked is vehicles and it's not necessarily – it's difficult to track an individual to a vehicle unless for instance, in my case, since the vehicle is assigned to me you would know that it's me. But that's not true for everyone. So, yes, I'm presuming they would be worried about – but again, this is to track vehicles.

COMMISSIONER STEFANICS: So, Mr. Chair, Adam, let's just concentrate on cars for a moment. In the mix of available cars to purchase, how many makes and models would be just estimated available?

MR. LEIGLAND: Mr. Chair, Commissioner Stefanics, are you asking if we were create a standard mix what it would look like or what we have currently now?

COMMISSIONER STEFANICS: No. If in fact we created a standard for available purchase. I'm asking how many vehicles, how many varieties would be available? One? Or 15?

MR. LEIGLAND: Mr. Chair, Commissioner Stefanics, I believe that if you look at what our current vehicle fleet does and what we currently do I think you can accommodate that with probably four vehicles. You could have a Ford Fiesta or Ford Focus, which is just a four-passenger sedan. You could have a Ford F-150 pickup or whatever the range of Ford F-series pickups. You could have the Ford Escape, which is the small SUV and you could have the Ford Explorer for the large SUV. So I think those four vehicles would meet most of what County business is.

Now, there would be some special things of course. Vans, we know for instance that some of the areas need vans and I happen to know that Ford doesn't offer the van that we need so we'd probably have to buy something off the standard list if we went with Ford, for instance. So maybe there'd be some one-offs. But I think four vehicles would meet the vast majority of County business.

COMMISSIONER STEFANICS: So in talking with the different elected official offices, you shared the variety of vehicles and the offices were – it was acceptable to them?

MR. LEIGLAND: Mr. Chair, Commissioner Stefanics, their concern was they did not want to have vehicles that they purchase with their own funds get mixed with other vehicles, so they wanted to preserve the integrity of funding, and they were also worried about mixing – like if there was a vehicle pool that they would lose somehow control of their vehicles. So if we did any kind of allocation or pooling, we would just have to take that into account, and again, that's what paragraph four specifies that you would just take in their concerns for pooling.

So the VURB, the Vehicle Utilization Review Board is not going to mandate pooling but they can look at opportunities for pooling across the County, for instance.

COMMISSIONER STEFANICS: So, Mr. Chair, Ms. Miller, I was asking about what the unions thought would be a misuse of GPS information, and I asked whether or not they were referring to personnel matters. Could you comment on that?

MS. MILLER: Mr. Chair, Commissioners, I think Adam had the more specific conversations. Only one union had concerns. Most of the unions were supportive of the policy, thought it was a good idea. One union had some concerns whether this would be used as just a way to track employees for disciplinary purposes. As it stands right now we have a policy that we don't – we have GPS vehicles when we have reason to believe that an employee is misusing a

vehicle or not where they're intended to me, and we have a standard that you don't go to the GPS for that until you've gone through other disciplinary actions unless you think something criminal is happening. So in other words, if an employee is not getting work orders done or something like that on time. It wouldn't be the first thing to go GPS their vehicle. There would be supervisory intervention of, hey, you need to improve your time at processing work orders. You seem to be taking too long for these and there'd be other disciplinary steps along the way before there would be a GPSing of the vehicle.

In this particular instance employees would already know that their vehicle has GPS on it. And the only time that data would be used is if there was some question of their whereabouts. It could also be used to defend them. Quite frequently there have been accusations from the public or other workers that an employee is somewhere and we have no way of verifying that, and we have actually found on ones that we do have GPS to actually have protected the employee from false accusations. We have probably found that to be equivalent to the number of times or greater than the number of times it's been used to actually discipline an employee.

So mostly the concern was, would that be its primary mechanism? Well, it's not something that's going to be collected, the data's not going to be collected in HR to be monitoring employees. It actually monitors the vehicle, not who's in the vehicle.

COMMISSIONER STEFANICS: Thank you, Mr. Chair.

CHAIR MAYFIELD: Thank you. So Mr. Leigland, just a couple of general questions. I'm just looking at idling. We have a lot of County staff, I think particular in your department that provide services to the County in an outside setting. Granted, it's cold or granted it's warm. They get lunch breaks. They get breaks. If they need to just get in the car to each lunch and either turn on the heater or turn on the air conditioner, I don't think we should really limit or have prohibitions against total idling in a vehicle. That's arguably where they have to eat sometimes just to get out of the inclement weather on their lunch break.

MR. LEIGLAND: Mr. Chair, that's correct, and actually it does talk about – I totally agree with you. Number 5.2 does affect that, so it does exempt that. So if it's hot or cold out and you need to use that, that's true.

CHAIR MAYFIELD: I just think we should – hopefully somebody wouldn't get into any trouble for just trying to stay warm or trying to stay cool from pulling weeds outside at a community center all day long on lunch break.

MR. LEIGLAND: Yes.

CHAIR MAYFIELD: Look, I'm nickel and diming you but I still think that makes a little bit of sense. So hopefully you guys can be a little more relaxed on that in the policy. And I appreciate all the work you've put into this policy.

Second, again, I think Commissioner Stefanics brought up the GPSing issue. Adam, just in general, take-home vehicles. I mean, look, I hear what I hear and I push it over to the County Manager if it's other issues, and again, I respect all staff that works here, but sometimes they're saying, look, it's not maybe rank and file that abuse the take-home vehicle. It might be more senior levels, including, I'll just say potentially electeds. So on take-home vehicle policy, what's the provision on that as far as GPSing? Is that one of the units that we're first going to GPS? Take-home vehicles? And/or there has to be a written authorization from our County Manager to have a take-home vehicle given to you, granted you're a division director, or granted you're just rank and file?

MR. LEIGLAND: Mr. Chair, the County already has a vehicle take-home policy. It's articulated in Resolution 1998-122 and actually establishes a process by which take-home vehicles are allocated and it does take the County Manager's signature and it's not based on your position; it's based on your duties. But yes, the take-home vehicles would be GPSed just like any other vehicles they have with a logo on them, just like any other vehicles.

CHAIR MAYFIELD: Okay, and I'm just going to throw something out there. I believe in bike to work and everything else but folks that throw their bikes in vehicles, is that appropriate? Is that not appropriate?

MR. LEIGLAND: Mr. Chair, the County vehicle policy says that you can use the County vehicle for trips incidental to trips to work. So you can go to lunch –

CHAIR MAYFIELD: And take your bike with you.

MR. LEIGLAND: Yes, that sort of thing. Yes.

CHAIR MAYFIELD: Okay. And then, again, I guess are there any tax implications with individuals that take home vehicles?

MR. LEIGLAND: Mr. Chair, yes. You're taxed. It's considered a taxable benefit and so you have to report on your time card, you have to report your trips that you took in a take-home vehicle.

CHAIR MAYFIELD: Again, I'm just seeing Mr. Martinez in the back. I'm not by any means picking on him, but he could be called out any time in the night for a road condition issue and I just don't know if there's a take-home policy provision that would say you don't have to be taxed on this because you're called out in the middle of the night, based on the County is a 24-hour, 365 days a year business. Some folks have a take-home vehicle. Hopefully our law enforcement. I don't know if they have to be taxed on it to have their vehicle.

MR. LEIGLAND: Mr. Chair, I understand that's an IRS requirement, not a County requirement.

MS. MILLER: Mr. Chair, yes. We follow the IRS laws on what miles are considered taxable and which ones aren't. So not all of the mileage used by an employee on a take-home vehicle is taxable, but there is a certain amount of it that are and we follow those rules and the staff put those reports in along with their payroll with their pay period.

CHAIR MAYFIELD: Okay. Fair enough. I just don't think you have to be taxed all the time on a vehicle. Commissioners, any other questions? Seeing none, and this is a resolution in front of us.

CLERK SALAZAR: Mr. Chair.

CHAIR MAYFIELD: Clerk Salazar. I definitely did say I would go to you, as you were not contacted, so Clerk Salazar, please. And we also have our Treasurer Mr. Varela with us if he cares to comment on the vehicle policy. They did indicate, Treasurer Varela, that they've contacted all elected offices on this vehicle policy that was stated to us. I don't know if you were contacted or not or maybe your staff members were, but if you care to comment on this, and/or anybody else listening cares to comment on this. Thank you.

CLERK SALAZAR: Chair Mayfield, Commissioners, I come to you with respect and request that this resolution be tabled until elected officials study the issues affecting their office in this resolution and work with Legal counsel. That's my first statement. So if you go to the resolution and you see on page 1 where it says the County expends annually an average of almost \$5 million acquisitions, maintenance and fuel. That's a statement of fact according to the

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Department putting this together.

The County Clerk's Office, traditionally, historically, has purchased their own vehicles with the filing fee fund. Now the fleet department or maintenance group does provide funding for us for our maintenance and car washes, I believe. And I believe public – I don't know – there's another department that has funding for gas. I've requested from the fleet manager what is the cost of the current three vehicles assigned to, or that the Clerk's Office has purchased? We have three. And those three – so I'm going to find out how much it costs to see if we can accommodate that with our records filing fee fund also.

Next, the Board of County Commissioners passed a resolution, if you look at 1998-122 they also passed another Resolution 2000-101, Resolution 2007-142 and on and on. There are many resolutions. I'd like to be able to go over those with the other elected officials. Now, if you look at the take-home policy, when I first became Clerk I was asked if I wanted a vehicle assigned to me that I could take home on a daily basis. I turned that down. I said the vehicle – I want the number 205 vehicle to be readily available for all my staff for their daily needs if we need to do County work. So I do not have a vehicle assigned to me personally. I feel that that's cost-effective for the County.

The other area I'd like to address is the second to the last Whereas, the Board passed a resolution which directed the creation of the County Lead by Example program that specifically includes energy reduction strategies. I'd like the other elected officials to work with me and look at our budgets and see where we can also save. I think that's important that our offices have the opportunity to see where we can save.

If you go to page 1 of Exhibit A, down on the bottom it states B. 5, general government. County operations other than Public Safety. Nowhere does it state And Elected Officials. It just states Public Safety. We're not general government. We have responsibilities. We have federal mandates. We have state mandates. So I'd like language to reflect elected officials also, or exempting – something that we can work with.

On page 2, Reporting annually – no, not there. Excuse me. Page 3, Vehicle Utilization and Acquisition. County vehicles shall be operated in compliance with applicable law, the Santa Fe County Human Resource Handbook, applicable collective bargaining agreements and other applicable policies and procedures. That's great. That's what we work with. In my office I have a code of conduct for myself and my staff where we have it also listed in our website. Erica, can you please hand these out? [Exhibit 2] And I emphasize the code of conduct and ethics whenever necessary in informing my staff and updating them about our code of conduct and our code of ethics.

Where I have concern with that sentence is besides all of these rules and regulations and code of conducts and the bargaining unit issues and HR, it states including those promulgated by fleet manager and VURB. That is another layer of bureaucracy for elected officials. That concerns me.

If we go to page 4 of Exhibit A and we look at number 4, the last sentence, Reallocations of vehicles may be made by the County Manager at any time. The County Manager shall consult with elected officials regarding any reallocation affecting the elected office. First, it just states consult. It makes no other mention. This in itself, in my interpretation, in my own personal view means that I as an elected official is subordinate to the Manager. This has nothing to do with personal people. This is just out in the future and currently. I feel that that subordinates us and adds another layer of bureaucracy for elected officials.

If you look at C. 2 on page 4, All vehicles must bear an identifying number and a standard County identification or logo. Yes, but when it comes to elections I do have concerns about safety. I don't want logos on there. I want the vehicle number, and we have our license plates, but I want additional security when it comes to transportation of ballots, our records, and election equipment. So therefore I have request fleet that we do not put any logos. But we do put our numbers and we do have the license plates. And I don't know what other standard County identification means.

CHAIR MAYFIELD: Clerk Salazar, if I could just ask, why would that be a security issue in identifying a vehicle when it comes to, say, the evening when you're bringing ballot boxes?

CLERK SALAZAR: Let's reflect back when some of us who run elections or have been in an election and we're concerned with any kind of sabotage or any kind of fraud, or in those terms we do have a vehicle that is carrying equipment or ballots, that's where it can become an issue. It's never happened where someone has taken them away in a vehicle but still, I believe that it is my responsibility to secure the ballots, to secure the machines, that they're always safe. And this is one way that I feel that would give it the anonymity when we are transporting. Vehicles without logos for our ballots and our equipment.

CHAIR MAYFIELD: Fair enough. And respectfully I would just view it on the opposite, that a logoed vehicle would bring more attention to that vehicle, thereby providing the public more public security or scrutiny, as far as what's going on with those ballot boxes.

CLERK SALAZAR: Well, go down further where I am in support of GPS. That I think would handle that. Okay. Then, let's see. If you go to page 5, All vehicles will be two-wheel drive. I have requested for a new vehicle that we're purchasing out of our Clerk fund, and we have approval to do that. And in that request I requested all-wheel drive and I consider that also a safety issue. When it comes to elections, no matter what the weather is, an election must occur. So we have to make sure that the vehicles that staff is transporting any of the ballots or going also the techs that have to go to each polling sites that they drive safe vehicles. And I believe that all-wheel drive is the safest type of vehicles for election techs out in the field.

CHAIR MAYFIELD: I agree, but also, just if you go back to 3, any deviations from these standards or from the standard vehicle group must be justified in writing and authorized and I believe that Ms. Miller chairs that board and I don't think that would be an unreasonable request.

CLERK SALAZAR: Well, that adds another layer of bureaucracy for elected officials. I can see putting together a letter of justification or a memo from an elected official to the Finance Department justifying when we're purchasing a vehicle.

CHAIR MAYFIELD: Okay.

CLERK SALAZAR: But for me to have to go in front of a board and then also get permission from the fleet manager, that adds another layer of bureaucracy.

Now if we go down and it states – it look at how to promote optimal fleet management, The fleet manager shall collect and maintain data for all County vehicles, and it goes on listing the types of information. Then we go down to, The data shall be collected through the use of global positioning system, GPS units affixed to all County vehicles subject to this policy. I think that's great. That's one way we can collect data from vehicles that are assigned to the Clerk's Office. I have no problem with GPS systems in the Clerk's vehicles. I think that's important because in the event anything should happen to a vehicle with any election equipment, or any

ballots, we would have an opportunity to track that down. So I am for that.

If we go to page 6, number 6 at the top, I also think that's great. All County vehicles must be operated in compliance with applicable laws, the Santa Fe County Resources Handbook, applicable collective bargain agreement and all other applicable policies and procedures. And we have many in place.

If we look at number 7, the fleet manager or VURB may promulgate additional vehicle operational policies and procedures as necessary to implement this policy. I see that also as a problem that if I'm not aware of if it's put together, another policy, there's another added layer of bureaucracy for elected officials.

Now, if we go down to number 8, the retirement of a vehicle does not automatically guarantee that it will be replaced. Retired vehicles are subject to the existing County surplus procedures. We do have procedures in place and recently, maybe even a few months ago, we had two very old vehicles and my staff had driven those vehicles and they were fearful and concerned about their safety so immediately I said return them back. I had other staff that wanted these old, used vehicles to use for Clerk work and they told me that they were very concerned about those vehicles at high speed so let's just return them. I want the ability to be able to do that. If there's an unsafe vehicle, that's a priority for me, for my staff, to just be able to turn it over and then, if we need to purchase a new one in our fleet, and it would be necessary to replace it, then I would like the ability to do that.

So my main concerns are the added bureaucracy and also subordinating elected official to not be able – without the ability to create their own policies. But yet I as an elected official and I'm sure my colleagues, we want to follow procedures. We have, as I stated in the Clerk's Office we have a code of conduct. We have a code of ethics. I recently attended an ethics class with elections. So I am all for ethics. I'm also very – was very supportive of the Ethics Ordinance that we passed several years ago and now I understand that that's also being updated, which I think is great. I just don't want additional layers of bureaucracy that would impinge upon decision making issues in regards to our vehicles and if we needed to purchase and if we needed – there's a safety issue, allow me to make those policies which I have in the past stated to my staff, make sure that when you get the car, make sure that it has its number, don't put the logo, and then we gave those reasons. So for those reasons that's why I'm speaking up today. Thank you.

CHAIR MAYFIELD: Mr. Varela.

CLERK SALAZAR: Oh, may I add, excuse me Chair Mayfield. In this statement it states the elected officials all had similar requests. I have no similar request. This is not a statement that comes with my request in this document here, this memo. And also that if my staff was spoken to by anyone else, I informed my staff that if the issue comes up again regarding the fleet resolution to inform me immediately because I wanted to study the issue and then see what I needed to present to you. So that has never been brought to my attention that this was discussed or where this statement was put together in that document.

COMMISSIONER STEFANICS: Mr. Chair, could I comment?

CHAIR MAYFIELD: Yes, please.

COMMISSIONER STEFANICS: I'd like to thank the Clerk for her comments and I was able to hear most of them in the hallway but the one thing I do believe is that the County is a bureaucracy and I think that there are some economies of scale by having some purchasing guidelines. So if we need to – even at the State, the elected officials go through purchasing and go through the State transportation pool. And I worked in the department where the State

transportation pool was. I wasn't in charge of it. But elected officials usually got to pick what they wanted, but they still had to go through the process and they still had to be part of that process.

So if there's something that we have to amend or adapt to fine-tune this I'm fine with it but I do think that there is an economy of scale to get everybody purchasing through one system. So I just wanted to make that comment.

CHAIR MAYFIELD: Thank you.

COMMISSIONER STEFANICS: Thank you.

CHAIR MAYFIELD: Treasurer Varela.

PATRICK VARELA (County Treasurer): Good evening Commissioners and chair. And I agree with Commissioner Stefanics. I see the economics behind a lot of this and from my perspective, and I know from Ms. Salazar and Mr. Sanchez as well, this is a big, diverse county. It goes from heavy terrain to smooth terrain. My mobile home rent collection committee, they need four-wheel drive to access some areas in the county where there's a lot of mud and I can see Ms. Salazar – also in Rio Chiquito for example, I know it's a heavy, muddy terrain area so you need four-wheel drive. So maybe there should be language that two-wheel drive is the first choice and then reviewing for four-wheel or an all-terrain or an all-wheel vehicle might be a good language in there to say, well, there should be one.

We have one. We use it and mostly it's our mobile home specialists that use it. And they do need it. As for logo, I really don't have heartburn with it as long as it doesn't say Treasurer because I would say it would be a safety issue, because I've seen other counties. Taos does have one and the Treasurer has told me she's afraid and I was, well, take it off. I don't know why you have it segregated to say Treasurer. I wouldn't want it. In fact we have a magnetic plaque that we use for it and I'm not too thrilled about it because it says Santa Fe County Treasurer's Office. So if we don't use it I'm fine with that.

As for GPS, I welcome them doing my vehicle. I don't have no heartburn of them – in fact it might be better for transparency that way. They could say, well, if there's work, they're out doing this or that and the other the GPS could render the fact that well, it's parked in the location. We have three of them. We use them quite frequently. Especially when a mobile home comes in to this county, the mobile home committee crew has to go over there and take off the tags and we have to enter it in the system and then it goes from there, it goes to the Assessor, so they're readily available around the courthouse area. But when they're not use and I have leant them to Ms. Salazar during the election season. I've also leant them to Risk when they need them, so I lend them out when we don't need them. So I just wanted to address that that I'm also – but I would probably really consider looking at from two- to four-wheel, just redlining it as a two-wheel vehicle but as needed for the area.

I could see the Assessor needing it. I'm pretty sure if the Sheriff was here I think he would agree that he probably needs a couple for his rugged area too. That's all I have to say. I don't know if you have any questions. I'm willing to answer them.

CHAIR MAYFIELD: Thank you. Treasurer Varela, I believe that's afforded in this policy as I read it. It just talks about two-wheel drive vehicles being on the primary improved roads but again, unless I'm wrong, and I don't think I am, anybody – and I don't think it's a bureaucratic process. There's budget requests. Anybody can come and just go to the Manager and say, look, for reasons stated, which I wholeheartedly agree with. Clerk Salazar can't control inclement weather on voting day, or the day before or two days before where she has to set up all

these voting machines throughout the county. A reasonable request would be, hey, we need a four-wheel drive to get up to Chupadero voting site or somewhere.

And I think that's afforded in this policy as I read it. Am I reading it wrong, Adam? So it's in there. I just want to make that statement.

MR. VARELA: I've really gone over it. I've heard bits and pieces of it. I did talk to Ms. Salazar and I did talk to Domingo Sanchez as well so I'm not too familiar. We have some other banking issues that we're trying to cover right now.

CHAIR MAYFIELD: I appreciate it. And just a general policy statement, appreciating what you stated. I think a comprehensive policy for all of Santa Fe County isn't a bad thing, and respecting elected officials in their individual capacity, but we all fall under the provisions of our HR policies and I think if different elected offices arguably are afforded different rules on different vehicle use, that could be, I guess, I don't know, maybe it could be a headache coming down the road, but if there's just general rules that's applicable to everybody to follow, minus asking for the exceptional vehicle purchase or vehicle use, logo identification, I think that could be worked out relatively reasonably and timely through our County Manager's Office. That's just my general statement on this.

MR. VARELA: I can see her concern about the voting, and mine of course, I wouldn't want mine to say Treasurer on it because they might think we have money, which we don't.

CHAIR MAYFIELD: Thank you.

MR. VARELA: Thank you.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR MAYFIELD: Yes.

COMMISSIONER HOLIAN: I just want to sort of express what my opinion is about this. I think that the attempt here is to save money for the taxpayers by standardization and efficiency. And I will also note that the BCC can override the review board during the budget process if the needs are not being met for the elected officials. So anyway, I really think that we should try this policy out because it will allow us to be able to review our fleet use in an objective way. We really don't have that in place right now.

So anyway, I would like to at least try it out and we can always – we could tweak it a little bit but we can always modify it in the future if it isn't working out, but I am in support of it at this point.

CHAIR MAYFIELD: I'm going to go to Clerk Salazar again and then I'll go to the general public.

CLERK SALAZAR: Chair Mayfield, I agree with Commissioner Stefanics and Commissioner Holian. We need procedures in place. We need policies in place. But we also need to understand that as elected officials there's times where we need to make policy decisions. I pointed out they can arbitrarily say that this is my decision. This has been told to my staff in the past. This is my decision and this is what's going to happen. So I think we need some additional language when it comes to elected officials, not so much to destroy the attempt of saving tax dollars and for fuel efficiency. That's not where I'm coming from. But to give us a little bit more leeway in this area where we can have our policies in place and follow those policies. And when it states just consult, that's just one work. It doesn't have any other mention except when you're talking about the Sheriff's Department and Public Safety. I think there needs to be a little more

recognition for elected officials and their offices and the responsibilities that we have. So that we do not – so that we're not subordinate.

CHAIR MAYFIELD: Thank you, Clerk Salazar. Commissioner Chavez.

COMMISSIONER CHAVEZ: Yes, I'm just wondering if there's a way that we could amend the general provisions of this fleet management policy to accommodate the County Clerk because I don't think we're that far off. I would hate for that, even though it's important and significant, I would hate for that to hold this up because I agree with everyone that it is something – it's been long overdue and so I think that it would be simple language that we could add. That's one point. And then on another point regarding the type of vehicle, I'm reading on page 2, it's B. 9. These are definitions using this policy. And number 9, there's a definition for vehicle, believe it or not. It says that it's a motor-driven machine approved for use on public roads – fire apparatus, heavy equipment such as motor- graders and small four-wheeler shall not be considered vehicles. Why is that?

I know the Clerk needs a four-wheel drive vehicle so I just wanted to understand what that definition – why it's in there and why it mentions four-wheelers, four-wheel drives.

MR. LEIGLAND: Mr. Chair, Commissioner Chavez, that's intended to include like that small vehicle we have to plow that parking lot at the courthouse.

COMMISSIONER CHAVEZ: Okay. So read that wrong. So I'll retract that. But anyway, my other statement stays. I think the observation is that the fleet management policy is something that's needed and I guess if we could find some language to accommodate the Clerk then I hope we could move forward on it.

MR. LEIGLAND: Mr. Chair, Commissioner Chavez, maybe I can offer a possible compromise. If you look at Section 3, we could just retitle Section 3 to include whatever the Board wishes to include in that because that actually gives, as we heard from the Treasurer, the Sheriff does have unique needs that we recognized and so – he has already promulgated a much, much thicker policy than this one and he showed it to me. So perhaps the Board will consider modifying Section 3 to say Public Safety vehicles and, for instance, elected official vehicles. And then what that actually says is that they have to promulgate their own policies that meet them but it still meets all the goals of the policy.

And then we would also – so we would change it there and we could also change it on the definitions, which is where Public Safety vehicles are defined. We could also create a definition of what an elected official is. So that's a possible compromise.

COMMISSIONER CHAVEZ: So the Section 3 that you're referring to is on page 6, and it only refers to Public Safety vehicles, so what you're suggesting is that we would add language there to accommodate the County Clerk and maybe the Treasurer if necessary.

MR. LEIGLAND: Mr. Chair, Commissioner Chavez, that's correct. And I'll note that the Sheriff's Office and Public Safety, they have a very robust vehicle management already. They have – and the Fire Department maintains their own vehicles, and the Sheriff has a whole office dedicated to fleet management.

COMMISSIONER CHAVEZ: Then if we could get language to accommodate the County Clerk then we would have everything that we need in there.

MR. LEIGLAND: Yes. Well, whatever the Board considers, we could add to that, subject to that section and that would I think maybe meet their needs.

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

CHAIR MAYFIELD: Thank you, and I appreciate that. Again, I think it's already in there by going to the Board and respecting – if we're going to make a statement I say for the offices of elected officials. Otherwise it could be viewed like we're only making this exception for the elected official. But I think it's already in the policy. I'm just going to state that. You just have to talk to the Manager. It's a no-brainer in my opinion. That's my opinion. I don't know if you want to comment, Ms. Miller. If not I accept Commissioner Chavez' modifications.

MS. MILLER: Mr. Chair, I just want to comment, Commissioners. One of the things that Commissioner Holian said is truly, to purchase any vehicle, it ultimately still has to come to the Board through the budget process. The intent is that the Vehicle Utilization Review Board would actually have some objective standards by which to review and make recommendations. Right now, it's kind of – everything comes in through the budget process and Finance is left going, well, yes, I guess they need it. So this would give a review process for making a recommendation for the Board for budgeting purposes.

Additionally, when a vehicle is purchased with a particular fund, so for instance in the Assessor's Office or in the Clerk's Office, the Clerk's fund or the Assessor's fund, we can't reallocate it to anywhere else. So that would – we'd actually be violating statute to do that. So there are certain provisions that maybe aren't as clear in here in the policy of how to what actually has to happen. So if certain things, for instance, we have to buy – when we buy vehicles from the Assessor's fund, they must be used for reappraisal purposes. Period. They can't be used for administration. They can't be used for other things. So there wouldn't be a reallocation of that vehicle for something else because it can't be used for something else. Same with the Clerk's funds. When they're purchased from the elections fund they must be used for election purposes.

So those would be some things, and also as Commissioner Holian said, the review board would be looking at, okay, where are we utilizing vehicles? Where aren't we utilizing vehicles? And when there is a request for a vehicle, no matter what fund it's from, does it make sense? To give you more information in making those budget decisions. But even if the committee said, well, we're kind of on the fence, 50-50, the Board could easily say, listen to the elected official's concerns on why they need a vehicle and say, well, we still think they should have that vehicle.

The GPS would be standard and I think as Adam said that was something that some of – two of our elected officials' offices already use – we don't have the money to do that all at once anyway. I would agree with Commissioner Mayfield that we start with take-home vehicles and management's vehicles first, and those that are highly utilized and then go down the line for ones that aren't used as much.

And then last, I think there are ways. I don't think this policy precluded four-wheel drive by any means. It just says your first option is two-wheel drive, fuel-efficient. But if you have justification, say you need something more than that because of the terrain and the area, the weather, I don't think there would be any reason that wouldn't be approved. We currently do that. But it would be applying some standards across the County.

And so the last statement I'd make, I don't think it's any problem in putting some language relative to the elected officials offices for some kind of additional accommodation that meets the Clerk's requests. I don't think – most of the things are not major issues. For the most part I think we already purchase the vehicles listed. The problem is we just kind of purchase – well, this person likes Chevys, this person likes Fords, and it really becomes a maintenance nightmare. To try to have some standard of whether it be all Fords for the two-wheel and four-wheel drive and heavy four-wheel drive would make a huge difference across the board for

maintenance.

CHAIR MAYFIELD: I agree. Let's go to the public. Does anybody from the public wish to comment on this policy in front of us? We have our chair from our Ethics Board, I don't know if she cares to. Seeing not – and Katherine, I'll just close. We get funding from the Area Aging. There's going to be, I don't know, passenger vans to transport our senior citizens population and they're going to, I guess have to come to this review board and say, look, we get a two-wheel or a four-wheel drive passenger van. So I think they are afforded the policy. But if somebody wants to take a stab at either tabling this, which I don't believe is necessary. That's my opinion. And/or making any amendments to reflect the concerns of our elected officials.

COMMISSIONER CHAVEZ: Mr. Chair, I'm going to make a motion. At this time I'm going to make a motion. It's going to be a simple motion to approve the resolution and in the resolution are included the recommendations. And so I'll make a motion and hope for a second.

COMMISSIONER HOLIAN: I'll second that.

COMMISSIONER CHAVEZ: And then under discussion maybe we can add some language that would accommodate the County Clerk. I think the County Manager already touched on a scenario on how we could do that, but if that needs to be part of the motion the seconder can maybe address that. Is there a second?

COMMISSIONER HOLIAN: I'll second that.

CHAIR MAYFIELD: Discussion, Commissioner Chavez.

COMMISSIONER CHAVEZ: So, Commissioner Holian, do you have any proposed language or are you comfortable just moving this forward and then amending at a later time?

COMMISSIONER HOLIAN: I'm comfortable with moving this forward as it is now. I think that perhaps our County Clerk could look at this more thoroughly and if there are concerns that she feels that she has that are not being met – and I think that under this discussion we've heard that there is a lot of flexibility in this policy. But if there are specific things, she could bring it forward as an amendment in the future.

COMMISSIONER CHAVEZ: I agree.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR MAYFIELD: Commissioner Stefanics.

COMMISSIONER STEFANICS: I'd like to offer an amendment to the motion.

CHAIR MAYFIELD: Okay.

COMMISSIONER STEFANICS: And the amendment would be that there would be a Section 4, Office of Elected Officials.

COMMISSIONER CHAVEZ: Now, are you on the resolution or the policy?

COMMISSIONER STEFANICS: I'm in the policy, and that the resolution would include the addition of this Section 4 and the Office of Elected Officials would have a sentence or two developed by Adam and floated through the elected officials themselves, not their staff but the elected officials so that really, you've taken care of Public Safety, so we would need Probate – which is always ignored. We would need Clerk. We would need Treasurer, Assessor, and I think – am I missing anybody? I think that's it.

COMMISSIONER CHAVEZ: Okay.

COMMISSIONER STEFANICS: But I just want to make sure that that's included. So I hope somebody would second the amendment.

COMMISSIONER CHAVEZ: I would accept that as friendly.

COMMISSIONER HOLIAN: And I will accept that as well.

COMMISSIONER STEFANICS: Thank you.

CHAIR MAYFIELD: And I believe our Sheriff is already – I'm not going to say semi-excluded but I would also throw our Sheriff's Office in there.

COMMISSIONER STEFANICS: He has a whole separate section.

CHAIR MAYFIELD: Okay.

COMMISSIONER CHAVEZ: He's covered.

CHAIR MAYFIELD: I'm not discounting any elected officials on this but they should have a little more flexibility in the vehicles they need to do their job.

CLERK SALAZAR: I think, Chair Mayfield and Commissioners, that's an excellent idea. Thank you. Section 4.

CHAIR MAYFIELD: We have a motion as amended in front of us. Any further discussion?

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

CHAIR MAYFIELD: I'm going to put our Deputy County Manager, Mr. Flores – you have asked or I think staff has asked that we remove one agenda item? So I just forgot what it was.

MR. FLORES: Mr. Chair, it's been requested that item V. B. 1, the presentation and update on mission and vision statement for the Open Space and Trails strategic plan be postponed until the September 9th meeting.

CHAIR MAYFIELD: Okay, Commissioners, any questions on that? I have no issue on that.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR MAYFIELD: Yes.

COMMISSIONER STEFANICS: I actually told them that if they were late in the agenda we probably wouldn't listen very well. So we need to put them on earlier in the agenda. Thank you.

CHAIR MAYFIELD: Okay, so let's put that as our first order of business.

MR. FLORES: We can move it up under discussion items or something next time.

CHAIR MAYFIELD: So that has been postponed at the moment. Okay, Commissioners, I don't know if anybody needs a quick break but if not I'm going to kind of move right along and hopefully dispose of these real quick.

MS. MILLER: Mr. Chair, would it be okay to hear the Ethics Ordinance? We've had board members who've stayed and then had to leave and then more board members who've come. This is just to request authorization to publish title and general summary on it but I would just ask because we've had them waiting since about 1:30 they came in then some had to leave and now I think we have one or two members left. So I think one's been here since 1:00.

CHAIR MAYFIELD: I think that's great. It's after 5:00. Hopefully we did get to it

after 5:00 for any public that wanted to attend. I don't have an issue. I think also there's some other issues in front of us that folks want to hear about, but I have no problem, Commissioners, if you want to move that up.

COMMISSIONER CHAVEZ: That's fine.

MS. MILLER: Mr. Chair, it's under Ordinances. It actually – these aren't even public hearings yet at this point. It's under item III. D.

MR. BROWN: Top of page 5, number 3.

COMMISSIONER STEFANICS: That's fine, but Mr. Chair, I would like a summary. I don't want to just approve it.

CHAIR MAYFIELD: Then I'm going to have to ask this. I need to take a five-minute recess if you all don't mind. Because I am going to have some questions.

[The Commission recessed from 5:47 to 6:00.]

VII. INFORMATION ITEMS

- A. **Growth Management Monthly Report**
- B. **Public Safety Monthly Report**
- C. **Public Works Monthly Report**
- D. **Human Resources Monthly Report**
- E. **Administrative Services Monthly Report**
- F. **Community Services Monthly Report**
- G. **Financial Report for the Month Ending July 31, 2014**

CHAIR MAYFIELD: Let's go through a couple of housekeeping items really quick. One is item VII. Informational Items. Commissioners, is there any reason to have any of our senior staff stay for reports?

COMMISSIONER HOLIAN: No. Not for me.

CHAIR MAYFIELD: Thanks. We'll get back to you if we need to. So that's done. And then Clerk Salazar, I'm just going to defer to you really quick because I know you have an open house that you might want to just announce to the public.

CLERK SALAZAR: Thank you, Chair Mayfield and Commissioners. Yes, I would like to hand out these flyers stating that we have an open house and we have publicized it. *[Exhibit 3]* The Bureau of Elections has received new voting machines. The Secretary of State has purchased new voting machines statewide, and so we will be utilizing them for the general election coming up in November. So we're requesting that citizens, voters, be the first to see this new equipment in our county, and if they have any questions to contact the Santa Fe County Clerk's Office at 505-986-6280. What we state is come by our warehouse and test the machines and see how they operate. We want this to be as easy a transition as possible for everyone since the new machines will be in operation for the general election, as I mentioned. Our warehouse is located at 2600 Galisteo Street. Our doors will be open from 1:00 pm to 5:00 pm Monday, August 25th through Friday, September 5th. The open house will be closed September 1st for Labor Day. Thank you.

CHAIR MAYFIELD: Thank you, Clerk Salazar.

III. D. 3. Request Authorization to Publish Title & General Summary of an Ordinance Amending and Restating Ordinance 2010-12 as Amended, an Ordinance Enacting a Santa Fe County Code of Conduct; and Repealing Ordinance No. 2011-9

CHAIR MAYFIELD: I apologize. I stated Chair Waldenberg and I think there's a new chair of our Ethics Committee now and we have a board member and I don't know the name, so could we introduce our board member.

MR. BROWN: Carol Thompson.

CHAIR MAYFIELD: Thank you, Ms. Thompson and Ms. Waldenberg. Willie, please.

MR. BROWN: Thank you, Mr. Chair and Commissioners. The first thing I would like to dwell momentarily on is the color code of the draft code and what it means. *[Exhibit 4]* When you see yellow that means it's a co-opted joint agreement between the Ethics Board and staff so most of the code before you there's agreement. When you see green in this document that is your 2011 amendments that you adopted by ordinance. And when you see turquoise, and there's only three generic areas and I will discuss those, two of which there's disagreement and one is the new one that you were apprised of by email yesterday from the County Attorney. And that would be on page 11.

I trust you have the loose copy that was left by your areas this morning. Yes, that's the one that we're operating on with the most recent language, the one that you got the email on. The revisions that I will be generically talking about have been two years in the making and it involved 16 Ethics Board meetings and I attended each and every one of those. Both the former County Attorney, Mr. Steve Ross, and the current County Attorney, Greg Shaffer, have looked at various drafts and made comments, and they've all been incorporated in one way or another in the version that's before you.

And just three sort of generic statements before I drill down a little bit deeper. What we're doing is we're amending and restating what is now the code of conduct ordinance, properly called the code of ethics, and taking the 2011 amendments and melding them into one seamless ordinance. That is the exercise. And you may be aware that in 2011 the legislature amended the Government Conduct Act which made it for the first time applicable to local governments. So there are significant changes and some are found on Section 8, page 6 of the version before you.

And the other sort of big picture change was there are a number of little diddly changes that are brought in by the Campaign Reporting Act, and that's been on the books for a while. But we honed in on certain provisions that were applicable to local governments and you'll see some on page 15, but they're interspersed. You'll see it in definitions.

And now I'm going to go over, sort of drilling a little bit deeper than those generic statements to show you where things are in the proposed ordinance. The first change is we did a number of definitional changes adding some new language. We clarified "anything of value", we add a definition for "candidate" which made it just in line with the Campaign Reporting Act, and we clarified "elected official". And there were some others. And those are found on pages 2 through 5.

The second broad category, and this one was significant. To make the current code

compliant with the Governmental Conduct Act, which I've just indicated became effective to the County on July 1, 2011. We changed the language on page 6, Section 8. And the language you see, and it's kind of cumbersome language but it's mostly quoted verbatim from what the law says. We had a lot of discussion about that in the meetings. When people ask what does this mean? What does that mean? And my suggestion was it can't be wrong if it reflects what the legislature says, whatever that means down the road. And of course the Board will decide on a case by case basis if there were issues with essentially former employees. That's the biggest part of the Governmental Conduct Act that has been made applicable.

The next fairly large change that we put in was on page 8 and it would be paragraph C as in Charles, subparagraph 2. And this provision is one of the few that only applies to elected officials. And what that does, it brings in a provision of the procurement code regarding conflicts of interest and it applies to no one else, just elected officials. And not just, of course, local County, all elected officials in the state of New Mexico.

The next generic change was we added some language related to conflicts of interest and disclosure. And this is not the disclosure that's already in the code, when I use the word disclosure about your financial statement. This is not; this is something else when you have a conflict for a conflict of interest. That's the disclosure. That's set forth on page 9. Then we have a section on how complaints are made, who can make complaints, and a significant clarification. I'm talking about, it starts at page 18, was that when a complaint is made against a County employee, those must be forwarded to the Human Resources Division for investigation and resolution. We had several meetings on that and we had representatives from the various unions of the County presenting.

CHAIR MAYFIELD: Mr. Brown, where are you at right now?

MR. BROWN: I'm not in –

CHAIR MAYFIELD: It's not the highlighted? Because that's kind of the one I think you and our Ethics Board may not be agreeing on, correct?

MR. BROWN: No, I haven't gotten to that part yet. I'll come back to the disagreements. This is one there was agreement on this. And I'll specifically mention the two areas – well, 2 ½ if you will, that there is no agreement, and one is new so they haven't had an opportunity to look at it. That's the email you got yesterday. But I'm around page 18 where it's the procedure, and it's lengthy language. It starts there on page 18 about how complaints are made.

And then page 19 through 21, and that's paragraphs H, I, J, K, L – those are the very detailed due process procedures and there is agreement in those. You have a right to a hearing and so on. It's very detailed.

On page 21, this is something new and this is something that the Ethics Board wanted in the code, and that is that they can make recommendations to you, to the Board regarding training, because we had some questions about what goes on in training. So this is their opportunity to let the board let you know, Mr. Chair, if more training is needed or maybe less training.

And page 23, it clarifies protections afforded to County employees regarding retaliation when they cooperate with an investigation or they testify or they even make a complaint, and this sort of brings it into congruence with the Whistleblower Protection Act where when you complain about something you cannot be retaliated against. So that's what that is about. And Section 28 B, and I didn't write the page number down, is the provision where when an appointed official, they have a financial interest, and that's defined in the code, in a matter for

which there is a proceeding they must recuse themselves.

Now as to the two areas where we have difference, and maybe I'll start with the provision that the Ethics Board members have not had an opportunity to debate over, and that's the one on page 11 for which you received the email from the County Attorney. As you can see from the language on page 11. It is blue, not because there's disagreement, but they haven't had an opportunity to review it. It's page 11 in the middle. It's misuse of County property.

CHAIR MAYFIELD: Oh, okay. I'm working off of what's in the packet. So it's this other draft.

MR. BROWN: Yes, the standalone one is the one. The language on this page is slightly different than the one in your packet. It was recently amendment. And apparently, this really is about County facilities for which there already is policies and procedures to allow public use or some outside use. And I guess there was recently some question from a political standpoint where groups wanted to know what the extent or prohibitions or limitations were to using those. And so this is squarely a First Amendment area where you can't have everybody using places the public can use except people running for office or wanting to get on a soapbox and profess a certain view. So you cannot do that. So this does open the door, provided that whoever uses it does it in a way that's within the policy of the use. So if there's rental, you have to pay rental. If you have to clean up afterward you have to clean up, so that's what this provision is about.

CHAIR MAYFIELD: So, Willie, I'll ask that you go through all of them but I'm going to come back and ask for comments from the Commissioners on some of these.

MR. BROWN: Okay. So the areas where we disagreed – so there were two areas and one is on page 17. You'll see a lot of blue on that language, and that has to do with – the staff and the Ethics Board members had a lot of discussion on bringing complaints. So one of the things in the procedure that's in the existing code. It's fleshed out in this version, but in the existing code to commence a complaint it has to be a sworn complaint, and that's what the code currently says. And so the issue was who can bring the complaint. And the Ethics Board members wanted the ability for any board member to bring their own complaint, whereas they can anyway, even without this language. This language had some safeguards that if they bring it they have to recuse themselves, but we staff thought – we were appointed under I guess the original code to be the tribunal, the five members. And the staff way of thinking is if you have an amended or revised code where you allow the tribunal to bring their own complaints you're removing that person, or there might be two. They're now a witness. They cannot sit in the case. And then you have the dynamics of the remaining members, if it's four, if it's three, whoever, if they're listening to a case there could be the perception that's there's built-in bias. They're going to – it may be human nature, listen with full credibility to their own membership over somebody testifying against them.

That would be challenged by somebody who's in the hot seat, who has a complaint rendered against them. So we thought it's neater and cleaned to not have tribunal members bringing their own complaints on the board that they sit on, essentially. So that would be staff recommendation; we do not agree with that.

The second one has to do with – and it's on page 18. It starts on bottom of page 17 but it goes over to page 18, and that is whether or not the Ethics Board members get copies of unofficial complaints if you will, and these are really anonymous complaints. So somebody didn't raise their right hand and go in front of a notary and swear that it's true what they're saying. And so we had a lot of discussion about that. The simple response is they don't have

jurisdiction, the Ethics Board members do not have jurisdiction over unsworn complaints. That's one problem in why they should not get these. The other one is it's so easy for anybody to put poisoning on a piece of paper and send it out. It could be one of you, it could be any number of people in the County, volunteers, employees, whatever, and spin all kinds of things. Why allow that to be disseminated? Because they are public records. We think that to keep it neater that this tribunal, the Ethics Board, this tribunal, should only get matters that are within their jurisdiction and unsworn, whatever complaints, whatever you want to refer to it, is something they should not have. The recommended treatment of these should be that through normal retention policies these documents are destroyed. But until that happens they are public record.

So if they say Commissioner Willie Brown steals gas and does all this stuff and it's unsigned, I don't want that out. But it could be destroyed after, let's say a year, whatever the retention schedule is for these kinds of complaints. And you may or may not be aware that hearings are open to the public. These hearings, which is one of the big reasons why employees are not involved in this code other than they can be disciplined under the personnel guidebook or manual for infractions of the code of conduct. Their hearings are confidential and they have unions and collective bargaining agreements and provisions to protect their privacy. Not so for everyone else; these are public.

So another reason why you would want less unreliable information disseminated that is not sworn. And if you have a complaint that somebody violated the code you have to be willing to step forward and raise your right hand and say I swear this person did it. And there could be consequences if they are County employees and they give you false information. That's provided for in the code also. There can be discipline for that. So I think those are the main things that are in this code of conduct and I stand for questions.

CHAIR MAYFIELD: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. I have two specific – well, maybe three – specific examples I want to ask about. There's a second in here about gifts from anyone, meals over a certain amount and any alcohol. The situation is the New Mexico Association of Counties has board meetings and executive meetings throughout the entire year. These are not conferences that we pay for. These are board meetings of which the County is a member of the association. They provide nice meals and alcoholic beverages at those meals at no extra charge to the individuals. How would this relate to that?

MR. BROWN: Mr. Chair, Commissioner Stefanics, I guess one question I would need to know is would a member of the Commission – would you be there in an official capacity or just from the public?

COMMISSIONER STEFANICS: We always have a member or two there in an official capacity because we're elected or we're appointed to a specific work job. If other people chose to attend they would be included as guests.

MR. BROWN: And I guess the other part is I don't think it says you can't imbibe in alcohol. You can't accept it as a gift. I think that's what it says.

COMMISSIONER STEFANICS: But there is no cash bar. They are just gifts.

MR. BROWN: Oh, I see. Well, I think a technical reading or this that it would be within the net that's cast.

COMMISSIONER STEFANICS: Okay, so that's one situation that I think you need to look at, because we are members of the Association of Counties. We have been for years.

It's a continuing process, etc. The next question I have is when it gets down to spouses or partners. I want to provide a hypothetical. My partner is an unpaid elected board member at the Santa Fe Community College. If she takes a per diem that is the only remuneration that she receives. If we have a vote on the Santa Fe Community College, does this reading indicate that I should recuse myself from any votes on the Santa Fe Community College? And I'm reading the section that was put in to clarify what family meant and spouse. Now that we have marriage it's a spouse but before it was a domestic partner. But the situation is still –

MR. BROWN: And Mr. Chair, Commissioner Stefanics, what I'm not hearing in that scenario is a vote that would be specifically that would benefit your partner. Just a vote generically on –

COMMISSIONER STEFANICS: The person is a volunteer elected individuals that receives a per diem.

MR. BROWN: I'm not much seeing that as a problem. It's not personally benefitting – if it were about – well, let's say to raise the per diem or something then that might be an issue, but it's probably state rates.

COMMISSIONER STEFANICS: Okay. So maybe my last question right now, and I'd like to hear from other people is, based upon this we all have massive contact with our constituents, and some of our constituents are our close friends; they're our neighbors. And many of those individuals, neighborhood associations or individuals will come in front of us for a decision. Should we, according to the sentiment provided her recuse ourselves. Because if so, that means recusing a lot.

CHAIR MAYFIELD: Commissioner, I want to go one step further. I am my own constituent. We had numerous discussions today on the Aamodt matter in front of us. I'm put in a position to recuse myself on every vote that comes to Aamodt? I'm a party in that case as an individual. I'm also a party in that case as a Santa Fe County Commissioner. But now any time I want to discuss Aamodt do I need to recuse myself from it? Because it's in District 1 and I'm a resident of that area.

COMMISSIONER STEFANICS: And I want to preface my questions by saying I'm a strong supporter of the code of ethics. But I want to clarify what we're setting up here as more hoops and more barriers for any of us that are sitting here making decisions.

MR. BROWN: Mr. Chair, Commissioner Stefanics, one thing that I would recommend is to read it very closely, if it goes forward from today and then the next time we have a specific question, but to answer I guess sort of ballpark what you're saying, Mr. Chair and Commissioner Stefanics, when you're talking about conflicts of interest, you're trying to prohibit self-dealing. And just talking with people who may have an interest in an issue, that's probably not enough. But remember, in the SLDC we had the whole discussion about ex parte. When a matter is pending, and I know some of you have different views on it, but when a matter that you're going to vote on, it's been noticed and pending, a specific matter, that's when the bells and whistles start coming into play. If it's just the day to day operations, and you're not voting on a specific item, you can have as many conversations as you want with friends and –

COMMISSIONER STEFANICS: I'll give you an example, Mr. Chair. I bet every person sitting here, before their term is up, one or two terms, I don't care, is going to have somebody say to them, if you vote a certain way I will never speak to you again. And they might be that person's close friend. It happens. It happens to all of us. And it's like it can be enough to either make us back off or recuse ourselves. We all have thick skins, some thinner some days.

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But those are the kinds of things that you're making decisions on a hot issue.

MR. BROWN: And Mr. Chair, Commissioner Stefanics, I guess that's the American way of if you don't like you I vote you out of office or I don't speak to you or whatever, and you can't avoid that with or without a code of ethics or code of conduct. I don't see how you would get around that; it's going to happen. Because people want their way in some form or another. But where it matters if they're your relatives and it gets down to what connection they are to you on a specific matter. Then you get into financial interests, if they're in your household.

COMMISSIONER STEFANICS: Well, that's what I'm specifically getting to, is are we only talking about a financial or fiduciary interest?

MR. BROWN: In the part where you have to disclose and recuse, yes. The section on financial interest and disclosure, yes. That is a part where it's very critical and please read it very carefully, Mr. Chair, Commissioners, to understand what is meant by financial interest and how it not only appears but it is the penultimate self-dealing when your family is going to personally benefit. And even when you talk about family, there's a cutoff on what family means, because otherwise you couldn't do anything – cousins and all that. So it defines what that means in here if you look at the definitions.

COMMISSIONER STEFANICS: Thank you very much, Mr. Chair.

CHAIR MAYFIELD: Thanks. Commissioner Chavez.

COMMISSIONER CHAVEZ: So, would employment be considered financial gain?

MR. BROWN: Mr. Chair, Commissioner Chavez, I'm not sure what employment.

COMMISSIONER CHAVEZ: Well, it's not a contract. It's not a contractual negotiation, it's employment. I'll be more specific.

MR. BROWN: Your employees?

COMMISSIONER CHAVEZ: No. If my spouse is employed at St. Vincent Hospital, as she is, and something comes before the Board regarding that community hospital, and I vote on that – well, first, do I have to disclose that there would be a possible conflict of interest, only because of the employment? So that's one question. So is employment considered financial gain?

MR. BROWN: Mr. Chair, Commissioner Chavez, I think the fact that she's in your household would invoke consideration. But this is similar to Commissioner Stefanics' question. You would have to look at the definition of financial interest. If it's just a matter of St. Vincent's Hospital, it doesn't sound like an issue that you would have to recuse yourself and what have you. You can always disclose anything to your colleagues that, my wife works at St. Vincent's. If it were on something where it affected her salary or a grant or something like that, yes. That would be. Because you stand to indirectly benefit.

COMMISSIONER CHAVEZ: Right. And that's usually not the case, because we're approving claims, or we've approved in the past claims that would benefit St. Vincent Hospital in their responsibility for care of the indigent members of our community. So I really see – I don't see the conflict of interest, personally. But I do disclose, and have before, and that's been sufficient. So am I right on that?

MR. BROWN: Mr. Chair, Commissioner Chavez, I think you're dead-on right. It doesn't sound like you even has to disclose because this is the one that doesn't benefit your

family member. It's just something that affects her employer, if you will.

COMMISSIONER CHAVEZ: No, I know. But the question has come up and because there's a connection and we're in the same household, then just the perception. It's always there. And so I feel it's always safer to err on the side of caution and disclose, just for that purpose. So I guess that's what I'll just continue to do.

MR. BROWN: And Mr. Chair, Commissioner Chavez, it sounds like an admirable behavior, if you will, and if you think about it, this happens all over the country, every day. Some elected officials, what comes before them would benefit them or their business somehow and they vote whether for or against, but it doesn't mean that they have to disqualify themselves. This just fine-tunes – if you're going to benefit, it is immediate family or family members, you have to disclose that.

COMMISSIONER CHAVEZ: Right. And then I do appreciate that you touched, although briefly, on the ex parte communication because that's been discussed in the media. The County Attorney did do an op-ed piece trying to explain the ex parte communication and what that means. But maybe if you could just spend a few more minutes on that item and then we can move on.

CHAIR MAYFIELD: Where are you at, Commissioner Chavez?

COMMISSIONER CHAVEZ: The ex parte –

MR. BROWN: Page 23 at the bottom. And Mr. Chair, Commissioner Chavez, this is the one area where I think we changed one word. So it's already in the code; it has not changed. So we didn't really – you can see on page 23 we penciled out "hear" as in hearing and preside over.

COMMISSIONER CHAVEZ: And just for the public, I've excluded myself under this provision from meeting with members of the public regarding our new land use plan for the County and that individual saw that as an excuse for me not to meet with them to talk about that specific item. And so I think that we need to be – there needs to be more clarification about what our role is as a governing body. Because we're the Board of County Commissioners but then we're also individual members of that County Commission. So that even as an individual, if there's a pending case that has to do with land use, we as a body or individuals are not supposed to discuss that outside of the hearing that's noticed for that item. And so I think that there needs to be more explanation on that so that we can understand our role as it relates to land use cases and the ex parte, those parameters that we have to operate under.

And then the public I think too has to respect that and understand that we have those parameters when it comes to adjudicatory matters. And it's a different set of parameters that we're operating under in that case versus just the general terms that you talked about earlier. Not talking about a specific case but just in generalities.

MR. BROWN: Mr. Chair, Commissioner Chavez, this is a tough area and I've been to some of those meetings where constituents, I guess for lack of a better expression did not understand what we were trying to say because they would treat one of you – that's my elected official. You're barring us, prohibiting us from exercising our First Amendment right. And I had to explain, no, you have other avenues. You can talk to staff here. You can send letters. You can go to the meetings and of course that is not satisfactory. But this – the ex parte prohibition, it comes to be involved or play – here it's referred to as administrative adjudicatory matter and it's sometimes also called quasi-judicial, because you are sitting, essentially, as a tribunal. You are the judge. You are the five judges for a specific issue that is before you, and how it came to you,

whether it came from the CDRC or however. And I know the straining, the perception of this is the new code. The SLDC, and that you've received some information that it might be or probably be or could be a quasi-judicial matter.

The easy ones are these, where it comes from the land development code. It's a hearing coming up in two weeks or three days or whatever. That is one where under this you must not have, you should not have ex parte communications, because you're going to be hearing it. Because what people want to hear who come to you is vote for my position. Or vote for my sister or my father or whoever it might be. And as a judge, you should not – oh, yes, I will. Or let's talk about this. And I know it's difficult, but this is the classic area where as judges, as adjudicators you need to step back. And this is in the current code, so we didn't just put this in.

COMMISSIONER CHAVEZ: Well, I'll take it a step further. Some individuals will either tell you how to vote or expect that you share with them how you're going to vote before you vote. I can't do that. You're not supposed to do that. And sometimes you're approached at that very meeting.

MR. BROWN: Sure.

COMMISSIONER CHAVEZ: You take a break to go to the restroom and you're approached by a citizen that says, hey, I hope you're going to vote for this or they want to know how you're going to vote. You can't talk about that.

MR. BROWN: And Mr. Chair, if you're asked a question by a constituent, what is your view generically on something, you can give your view. It's just not on the matter that you're going to vote on that's been noticed.

COMMISSIONER CHAVEZ: This is very specific and they want to hear from you that yes, you're going to vote one way or the other, and usually I say no. I can't tell you that. I cannot tell you now how I'm going to vote. And so that's the degree that the ex parte communication, that's the degree that it's taken to. And so for the public not to understand that I find it really unfortunate in a way. Because we have to understand what our duties and responsibilities are and when we cross that line we need to know where that line is. And I don't think we're there yet. So the more that we can explain about the ex parte communication the better off we are. And I think too, the County Manager did do an op-ed. I don't know if it ran. A lot of it seemed to be sort of in legal terms and I don't know if we could distill that to more lay terms or something that would be easier to understand.

MR. BROWN: Like poison the well.

COMMISSIONER CHAVEZ: Well, yes. But anyway, I think that whatever we can do to explain that and to have it in lay terms as much as possible might be a little bit better. Thank you, Mr. Chair.

CHAIR MAYFIELD: Thank you. So, Mr. Brown, kind of on ex parte, one, media is media and I've read some media recently. I would like the oath of office of elected officials printed in this document somewhere. There's been a lot of questions out there. What's the oath of office you've taken? I can go pull my oath of office that I've taken and I know what it is but maybe for the general public if they ever want to refer to this document, they know what every single elected official has sworn to under the oath of office. And I don't think that oath of office is any different for any elected official that takes office.

And, respecting that, even if we have appointees to boards and stuff, I know it's not a statutory requirement on them, but should we ask maybe some of these appointees to be sworn in

and take some oath also? As we're asking that this be applicable to our appointees, our County Manager and/or Ethics Board members, that they have to be sworn in under a certain oath also. That's just out there.

I'm going to page 4, 3, as far as ex parte, and I'm just going to read 3. An elected official or appointed official shall not be required to recuse himself or herself in any pending administrative adjudicatory matter merely because the official possesses and discusses general viewpoints. Who's going to read it that far? I went to you specifically about a questionnaire by a special interest group that I was asked to answer. And I know I spoke to you about it. I believe I spoke to Mr. Shaffer about it and/or County Attorney Brown about it. I asked your input on the general policy statement that I needed to make as I was running for political office on a question that was posed to me. I also asked, well, should there be disclosure on anybody on any of these boards, on this Commission, if they happened to be affiliated with, I guess a special interest group, political action committees? If spouses are? Third degree party members are? And why that is or is not included or potentially could be stated in here. Because I could have one viewpoint or be reluctant to want to answer a general question that's posed to me and state my reasons why, but that could put somebody at a – I'll just say it – a political disadvantage if somebody else is out there making any general policy statement they want to make on an issue, as a sitting incumbent Commissioner.

And also I just think if anybody is developing those questions or they are members of this group, they should have that disclosed also.

MR. BROWN: Okay.

CHAIR MAYFIELD: So that's one amendment I will be bringing to this. And I will work with you on that.

MR. BROWN: Sure.

CHAIR MAYFIELD: If this gets approved. I'll just let everybody know I have no problem publishing title and general summary on this but I do have some questions. Another one is political donations. If an elected official, any elected official, is out there campaigning and there's a provision that restricts them from taking money because of any pending application well then, respectfully, that elected official needs to know if there's a pending application. Because there's a lot of applications that are filed with the County that don't even come to this Board. It's done as an administrative review process that we may, or most likely not even know a thing about, and if that individual wants to give you a political donation and someone says, wait a minute. You took a donation from this person; they had a pending application. I had no idea, unless our County Manager gets something developed in that back office specifically with our Land Use that's listed of every single application that's filed with Santa Fe County. So that everybody has a right to look at that, including the elected officials. Of any application.

I would respectfully think that should be the case and if this is just applicable only to elected County Commissioners, respecting other elected offices that are here, I'll just say this respecting whoever's running for our AG's office, who's going to donate to an AG running for that office? Typically attorneys or law firms, and they may have similar interests or similar reasons to want to support them. Everybody else may not be donating to that campaign.

So I just think that that's something that really needs to be broached, if you're going to say you can't accept any donation. Well, let me know everybody from any application then I need to know every single application that's on file with the Commission. And it should be for public view so that every public person can see it also.

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MR. BROWN: Mr. Chair, I never said –

CHAIR MAYFIELD: I'm not saying [inaudible] I just believe that that's something. If an individual who is representing a party, well, can that individual donate to a campaign? Or is it the actual applicant or is it their representative who has a land case in front of us? Those are just questions I want to know, because I did ask these questions of staff when I was running.

MR. BROWN: And Mr. Chair, I think some of the issues you've just raised about a pending application are captured on page 9 in paragraph D, about pending applications. And likewise, the procurement provision on the prior page 8 will capture some of your concerns. The provision only applies to elected officials within the procurement window and it's all defined that this is in statute. The one, the provision on paragraph 9 is not in statute but it's a very, I guess, limited situation about what a pending application is. And when we're talking about pending applications, we're talking about somebody who might be applying for a variance, a development permit, a business license, and then the due diligence is the person needs to ask.

If somebody's giving you something, it's not just a campaign contribution, it's anything of value, including a campaign contribution. So it does apply to staff, employees, volunteers, elected officials, appointed officials.

CHAIR MAYFIELD: Fair enough, but I'll just say to Ms. Miller, then there needs to be something created in the database so the public can see every single application that comes in, if it's for administrative review or review by our CDRC committee or that could eventually come to this Commission – any application that's filed with Santa Fe County. Maybe it's out there. I'm not aware of it. But any application that's filed with Santa Fe County should be logged and there should be at least a website to see it. I know that we've asked that our contracts, our procurement, I believe issues are posted on line under our sunshine portal. Maybe that's somewhere else where we go. So anybody who files an application again is publicly filed. That way there's no issue of saying, well, do you have something on file? You know what?

Let's give an example. A spouse may not have any knowledge that their spouse filed something. It's reasonable. And they give you a donation. Well, I didn't know my husband had a file to get a shed approved by Santa Fe County on our property. Well, that's an application that was on file in Santa Fe County. So I just think we really need to look at that or else just have that fully disclosed.

And I'll bring up other governmental entities. If governmental entities are making donations to a political campaign, would that individual have to disclose that donation on any future votes?

MR. BROWN: Mr. Chair, I'm not sure if it's in the Campaign Reporting Act.

CHAIR MAYFIELD: If any pueblo ever donated money to me for my campaign, hearing what we deal with with other sovereign governments in the Aamodt, would I always in the future have to disclose that political donation and or potentially say, well, I'm biased – well, I guess I wouldn't have to say I'm biased by any means, but would that have to be disclosed for potential future votes?

MR. BROWN: Mr. Chair, just the concept of the question you're asking, I don't believe it has to be disclosed under this. I think you have to disclose it under your periodic financial disclosure statement.

CHAIR MAYFIELD: But why wouldn't I have to disclose it if I'm going to take a

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vote on that issue?

MR. BROWN: If it's a governmental entity?

CHAIR MAYFIELD: Let's say it's a sovereign nation?

MR. BROWN: I'd have to look in the code to see what the ramifications are of that question and I'll do that.

CHAIR MAYFIELD: Or respectfully if it's disclosed on a campaign disclosure form? Is that sufficient enough? Based on state statute?

MR. BROWN: Mr. Chair, it probably would be, that you have disclosed it. That's the extent of your responsibility.

CHAIR MAYFIELD: Okay.

MR. BROWN: Because again, it's not a pending matter that they're giving you money for. It's just your campaign for re-election.

CHAIR MAYFIELD: Commissioners, anything else? Mr. Brown, do you have to move on this anymore?

MR. BROWN: No, that was the generic. There were some little tiny things here and there but I hit the key ones.

CHAIR MAYFIELD: I know it's a little late but I would love to hear from our Ethics Board. I don't know who would like to comment.

ADAIR WALDENBERG: Adair Waldenberg, a member of the Ethics Board. The chair and the co-chair were here earlier and had to leave so we're left with two peons on the board. I'd like to make just a couple of comments, Mr. Chair, if that's permissible.

CHAIR MAYFIELD: Yes.

MS. WALDENBERG: In response to Commissioner Chavez, erring on the side of more disclosure rather than less is well advised. I think if you disclose something and the public hears it they feel more comfortable. If they think you're hiding something by not disclosing it or not saying it, they feel less comfortable. So in the interests of transparency, if you were voting on something for Christus St. Vincent I would think it perfectly appropriate. Similarly for Commissioner Stefanics. If she was voting on something with respect to the Community College it would be appropriate for her to disclose that her partner has a connection. It doesn't mean you're disqualified from voting on it but it means that the public understands – you're completely honest with them about your affiliations or your affiliations of your spouse.

CHAIR MAYFIELD: Ms. Waldenberg, on that although, all of us all required to submit a conflict of interest statement that's on file with our County Clerk, and/or if my spouse got a job tomorrow at St. Vincent's Hospital I'd be required to update that. So as far as what we have on file that's recorded with our County Clerk, then to me that sounds like that's already been sufficient disclosure, whereas respectfully, I don't have to come every single time and say my wife works at St. Vincent's Hospital. I've already disclosed that. And it will be updated, either if there's employment changes and/or significant changes and/or once a year we have to file that.

MS. WALDENBERG: Mr. Chair, that's right, except that the public doesn't have necessarily access to the disclosure.

CHAIR MAYFIELD: It's right there on the website; they can see it.

MS. WALDENBERG: But if you're going forward with a vote, you're relying on

a constituent to go and look it up. It's easier if you announce it. Everybody know it. It's not necessary, but it's helpful to the constituents to know where you might stand on issues or it's a way of telling them I understand my spouse is part of that. I don't think it influences my vote, but I want you to know that. So in the interest – disclosure, yes. It's on those forms and the public can look it up, but is someone going to really look it up because of a vote that's coming up. It's easier just to announce it so that you're fully transparent and you're giving the public access to information that exists on the website. So you're not trying to hide anything. But it's helpful in a context of a particular vote or a particular issue to at least disclose what your connections are to that issue. It doesn't prevent you from voting on it but it's a way of being more transparent to the public and giving them access to more information more easily.

CHAIR MAYFIELD: I appreciate that but I'm going to make a general policy statement. I would beg to argue that this is the most transparent Commission in the country. I have no problem making that statement with everything that we have done. So I'm just going to state that right now.

MS. WALDENBERG: You guys set the standard and we're asking you to take it to a higher level and hold your peers in other governmental agencies equally accountable and equally transparent. So, yes, the Commission has made every effort to be transparent. It could always do more. Let's just say that.

I want to speak to the issue where staff and we disagree. There were two particular issues; one I feel passionately about. The other I feel that we should – any time you have someone on a board they should be able to bring an issue forward and recuse themselves, not be part of the discussion. And Ethics Board folks are in a good position to judge when something might be needed to be raised to the Board. So I fully support the ability of Ethics Board members to bring that forward.

The one I feel passionately about and we may disagree; I understand that. Is whether we should get unsworn complaints or correspondence directed to us. I want every County employee, every member of the public to know that if they direct something to me, or they direct something to the Board, that we will receive it. I have been the victim of character assassination. I know what false accusations can be. And I – the board will not discuss it in public so it won't be part of the public record in that context. But it's important for people to understand that if they have a complaint and they fear retaliation that they can still reach the Ethics Board. And if a letter comes in through the mail, the US Post Office, and it's addressed to me, I think the Post Office has an obligation to make sure I get it and I don't want individuals taking that letter addressed to me away from me. It's very important, again, that people have access to the Ethics Board, and people do fear retaliation. I've spoken to people who fear retaliation.

We're not going to be able to act on it. But sometimes people knowing we've received it will allow the matter to be resolved. So that's the one – the board voted 5-0 on that issue. When it was the previous Ethics Board it voted 4-1 on it, and the people who voted to allow that correspondence or a phone message to come to us feel very strongly about it. I'd be happy to answer any other questions about either the ordinance or the board's view of things.

CHAIR MAYFIELD: Commissioners.

MS. WALDENBERG: I appreciate how long you've been here and how many things you have to listen to, so I recognize that.

CHAIR MAYFIELD: I also want to say thank you for your work and all the work of our Ethics Commission. I know that you all have looked at this, studied this, belabored it and

you've put a lot of time and energy in it. Thank you.

MS. WALDENBERG: You're welcome.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR MAYFIELD: Commissioner.

COMMISSIONER STEFANICS: Ditto, the thanks to the committee. The League of Women Voters took a great interest in our initial work on this and I hope they will be given a copy of this as soon as possible so that they can study and make their comments to us.

MS. WALDENBERG: Yes. And they support the board members receiving correspondence, because I have raised that specifically as an issue and received support for us receiving that correspondence. But we're happy to share any information with the League. It is partially because of the League that I sit on this board because they wanted a League member to be part of the Ethics Board if possible.

CHAIR MAYFIELD: I'm going to bring something up that I'm going to probably regret bringing up, but I'm just going to ask. If it doesn't want to be answered, that's fine. But I've also heard general statements, and again, it could be anonymous citations. But the Ethics Board knows that an elected official has to be doing something wrong. And we want to find something wrong they're doing. Why can't they just – I'm going to say this on face value, that we're never doing anything wrong or that we won't, but if somebody's out there actually trying to incite or look for somebody doing something wrong, I think that's wrong. I'm just going to state that. And if that statement has ever been made I don't agree with it whatsoever. I think it is wrong, and I think that that should be reported. And I guess the liability that potentially could fall on our Ethics Board if a non-sworn complaint, an anonymous complaint came, and I agree with you if a letter's addressed to it should be addressed to you, but that doesn't mean then it gets turned over to our County Attorney or our County Manager so that they could handle it appropriate. But I just don't know what liability we would put maybe one of our Ethics Board members if. They're saying, look, this was an anonymous complaint and we want to act on it against the integrity of any elected official because we just believe it has to be true.

MS. WALDENBERG: We could not do that under the ordinance or because of the ethics that we have. We would not discuss it with anyone. We would not disclose it to anyone. And we understand that sworn complaints are sworn complaints. But it's helpful to see if there are particular areas, maybe that we have to tighten the code on. I don't know. But things addressed to us, even if we can't act upon them need to be received by us.

CHAIR MAYFIELD: So if an anonymous complaint got outside of the circle of the Ethics Board –

MS. WALDENBERG: It should not.

CHAIR MAYFIELD: It shouldn't, but what if it does? What if that anonymous complaint is carbon copied to the local newspaper, local media, as somebody saying, look, we know this was delivered to you all. What type of – and I guess this is a question for our County Attorney. What type of position does that put our Ethics Board in and/or individuals who are not giving a sworn complaint? Look, it could honestly do some serious damage to somebody where it's totally frivolous to try to defend themselves against it. Because I don't think the County is going to put up an attorney to represent any – I'm just going to say any elected. So then we individually may have to go through significant costs to hire our own attorney to fight an anonymous allegation out there. Say, well, who can say whether there's truth of validity to this if

they're not willing to say I either saw it, I read it, I believe it, even if they believe it to be factual and it's not. At least they've said, look, okay. I erred, and I'm sorry. But I just think that puts an elected official in a very tough position. That's my personal opinion. Willie, would there be any liability on our Ethics Board?

MR. BROWN: Mr. Chair, you have eloquently stated the problem, and if you look at the law of libel and slander, it's a very interesting part of I guess the tort law all around the country and in just about every scenario, a person who appears to be defamed by a libelous or slanderous statement, libel being written, slander is what people say, they usually lose. And even when they win, the person – you read those retracting statements in the newspaper, that doesn't heal your reputation. Once the statement is made it is almost impossible – there was that celebrated Jesse Ventura case where he sued the person who is now deceased who I guess he wrote a book or something about various things and he libeled Mr. Ventura and Mr. Ventura sued him and eventually he won, but in the meanwhile he was murdered, the slanderer/libellant person was murdered in Texas. It's – the genie's out of the bag once you make a disparaging statement about somebody.

So we can talk about how we'll keep it under wrap and key but you yourself, Mr. Chair, indicated, well, it gets to the newspaper. Well, how did it get to the newspaper? If somebody carbon copied or one board member slipped out or something. However it gets there, it gets there and you or whoever it is, they have been slandered or defamed because whoever made that statement did not raise their right hand and you cannot undo that. You can't tie the string again once it's unknotted. And now it's up to you, whoever the slandered person is, to try to rescue their reputation with a lawsuit that if you're an elected official, you have a double whammy of a job to correct because as a public official, if you did something within your official capacity, it's fair game to the public to say whatever they want within reason.

There is a funny area of libel and slander law called libel per se, where you say, Commissioner Willie Brown murdered somebody in Hidalgo County or something. That is – if somebody was murdered and they say I did it, I might have a cause of action, but even then those are hard to prove. So the more control you have over information – and I agree with Ms. Waldenberg that if something is addressed to her it should get to her. But that was not the issue. The issue was complaints that come into the County office. And it might say Commissioners, but it might also say, cc: BCC, except for the one that we're complaining about. That's the danger of unsworn statements. But mail addressed to any Ethics Board member, yes, I agree with them that it should go to them. That was never the issue as I saw it. The issue was the unsworn complaint that we get and it has happened in this County.

CHAIR MAYFIELD: And Mr. Brown, I guess on that, wherever we go forth on this, but let's say that that does happen, and I agree that it shouldn't be [inaudible] but how does it get noticed? So that our Ethics Board can talk about it? Well, we're going to talk about an anonymous allegation that we got in the mail?

MS. WALDENBERG: We don't talk about it.

MR. BROWN: And Mr. Chair, they can't.

CHAIR MAYFIELD: [inaudible]

MR. BROWN: Well, let's talk about the situation where – and they're not saying Commissioner Willie Brown's name, but it's the scenario in the anonymous letter, so there's very little to stop them from doing that, and by doing that they are kind of disclosing. Because these are public meetings that they have. And in a way they are. So it's nod, nod, wink, wink, and

could get out with just one slip of the tongue, talking about an anonymous complaint in coded terms if you will. And once a reputation is ruined it's hard to recover from that, depending on what the assertion is in the anonymous – it's bad news. I think the world would be better off with fewer of those scandalous –

CHAIR MAYFIELD: Thank you.

MS. WALDENBERG: Mr. Chair, if I could respond to that. Staff did oppose the sentence that we would get mail addressed to us. That was my understanding of our discussions. And that's one of the things we feel passionately about. You've chosen Ethics Board members presumably who are – what I like to say when Katherine interviewed me, ethical to a fault. We are extremely aware of the ethics of any situation, the damage that can be done. Someone can write to the newspaper and say something about the ethics of an individual or others. We have no control over that. All we're saying is that if complaints are addressed to us we receive them. We will not discuss them. We will not discuss them in open meeting. If there's a general thing like vehicles tend to go home with people, that might come up as a general issue but not with respect to a specific individual.

The only time these things would come up is if we're strengthening the ordinance or having knowledge that we need to be more clear, whether it's about ex parte communication or something else. If we see complaints that are invalid we may say, gee, we should have explained this clearly in the ordinance so people would know this complaint is not a violation of ethics. So there's just all sorts of useful information that could come. And again, if it's directed to us, I think we ought to have it and we ought to receive it.

CHAIR MAYFIELD: Thank you. Commissioners?

COMMISSIONER CHAVEZ: Mr. Chair, the action requested on this is to authorize the publication of title and general summary of the referenced ordinance. So if we went down that path, when would this ordinance be back for adoption? Because I think we might have some time between now and then to make any changes that are appropriate.

MR. BROWN: Mr. Chair, I was told that due to the noticing requirements that it would be about 30 days.

COMMISSIONER CHAVEZ: And if we needed more time we could ask for more time, right? So then, Mr. Chair, if I could, I'd like to make a motion to authorize the publication of title and general summary of this ordinance so that we can keep it on our agenda and keep the discussion going.

COMMISSIONER STEFANICS: I'll second.

CHAIR MAYFIELD: Thank you. And I know this is publication for authorization of title and general summary, but I still will go out to our public to see if our public wishes to comment on this at this time. Seeing none, Ms. Miller, do you have –

MS. MILLER: Mr. Chair, typically, on ordinances like this we do two public hearings. Would you like two public hearings on it? Because when we advertise we would like to have two dates.

CHAIR MAYFIELD: I would like to see two. And then I will go to our Clerk for a roll call vote, because I think we need that on authorization of an ordinance or not. No? Okay.

The motion passed by unanimous [3-0] voice vote. [Commissioner Holian was not present for this action.]

CHAIR MAYFIELD: Thank you all for your work on this. Willie, I'm going to ask this really quick. Can we get this put on line so if the general public wants to comment anonymously on it.

MR. BROWN: Absolutely.

CHAIR MAYFIELD: Thank you. Appreciate that. So, Commissioners, we still have a heft ordinance in front of us.

COMMISSIONER STEFANICS: Mr. Chair, if you identify some that are non-controversial we could just knock some of the approvals off of some of the financial matters.

CHAIR MAYFIELD: Okay. Fair enough. Let's do that. And if we have to postpone any we can.

III. A. 5. Resolution No. 2014-81, a Resolution Requesting an Increase to the State Special Appropriations Fund (318) to Budget (3) Grants Awarded for Improvements to the Edgewood Senior Center in the Amount of \$100,000, and the Rio en Medio Senior Center in the Amount of \$25,000, and for Equipment for the Women's Health Facility in the Amount of \$230,000 for a Total Increase of \$355,000

COMMISSIONER STEFANICS: And I would move to approve after we have a public hearing.

CHAIR MAYFIELD: Thank you. Let me ask this, again, I'm just going to go to a general policy statement. I will read all of these resolutions in. If anybody from the public wishes to comment on any one, just raise your hand, please. I do believe we have one member from the public still here with us tonight, so thank you. And I believe I know which issue you may want to comment on, but I think that's an ordinance. So I'm going to read them in really quick.

COMMISSIONER STEFANICS: You skipped over 5.

CHAIR MAYFIELD: Oh, I'm sorry. I skipped over that. So that was 5.

COMMISSIONER STEFANICS: Do you want me to move each one?

CHAIR MAYFIELD: Yes, I think we should, Commissioner, as I read them in.

COMMISSIONER STEFANICS: Okay, so I'll move number 5, which is Resolution No. 2014-81.

CHAIR MAYFIELD: And I will second that. Is there any discussion? Yes, I kind of read in the wrong caption, so we're going to have to go back.

COMMISSIONER STEFANICS: We're going to have to go back.

CHAIR MAYFIELD: That's my fault. I apologize. So we'll go back and assign – so we have a motion and a second. Is there any discussion, Commissioners? Seeing none.

The motion passed by unanimous [3-0] voice vote. [Commissioner Holian was not present for this action.]

III. A. 4. Resolution No. 2014-82, a Resolution Requesting an Increase to the Capital Projects-Federal Appropriation Fund (305) to Budget an

Amendment to a Grant Awarded to Construct a Bike, Pedestrian Trail in Santa Fe County / \$497,200

COMMISSIONER STEFANICS: I'll move Resolution No. 2014-82.

COMMISSIONER CHAVEZ: Second.

CHAIR MAYFIELD: Let me just ask this of staff. Where is this trail going to be located, please?

TERESA MARTINEZ (Finance Director): Mr. Chair, as I understand this, this is the second phase and it will be from Spur Trail to Avenida Vista Grande.

CHAIR MAYFIELD: Okay.

COMMISSIONER CHAVEZ: This is the Rail Trail, right?

MS. MARTINEZ: Yes.

CHAIR MAYFIELD: Thank you. We have a motion and a second.

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

- III. A. 6. **Resolution No. 2014-83, a Resolution Requesting an Increase to the Road Projects Fund (311) in the Amount of \$212,737.93 and an Increase to the Capital Outlay GRT Fund (313) in the Amount of \$5,115 to Budget Funds to Improvement Various County Roads in Santa Fe County**

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR MAYFIELD: Yes.

COMMISSIONER HOLIAN: I move for approval of Resolution No. 2014-83.

COMMISSIONER STEFANICS: I'll second.

CHAIR MAYFIELD: We have a motion and a second. Any further discussion?
Seeing none.

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

- III. A. 7. **Resolution No. 2014-83, a Resolution Requesting an Increase to the GOB Series 2009 Fund (335) in the Amount of \$141,566 and the GOB Series 2011 Fund (339) in the Amount of \$334,842 to Perform Assessments, Testing, and for Acquisitions to Acquire Water Systems in Santa Fe County / \$476,408**

CHAIR MAYFIELD: I'll say Ms. Martinez, but I think this might be more for Mr. Leigland. Help me – just talk a little about where these systems are right now. Not where they're at. I believe one might be Canoñito. The other might be Rio en Medio. I don't know if there's any others.

MR. LEIGLAND: Mr. Chair, Commissioners, yes. This is just really allocating

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old money to replace new GRT money, but the three systems, I'll give you a quick update on the three. So Chupadero, we are currently doing the easement search right now to finalize easements and also both for the wells and the waterlines and we're also doing an environmental impact analysis. For the Hyde Park Estates, we doing – figuring out also some easements but also doing the analysis to figure out what kind of infrastructure we need to change in order to assume them, and for Canoncito we're doing the asset inventory and evaluation. So they're all at various stages of the process.

CHAIR MAYFIELD: Thank you, Mr. Leigland. Commissioners?

COMMISSIONER STEFANICS: I'll move for approval of Resolution No. 2014-84.

COMMISSIONER HOLIAN: Second.

CHAIR MAYFIELD: We have a motion and a second.

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

- III. A. 8. **Resolution No. 2014-85, a Resolution Requesting an Increase to the GOB Series 2009 Fund (335) in the Amount of \$4,799, an Increase to the GOB Series 2011 Fund (339) in the Amount of \$826,518, and an Increase to Capital Outlay GRT Fund (313) in the Amount of \$421,838 for the Renovations, Additions, and New Construction of the Hondo Station #1 and the Glorieta Fire Station**

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR MAYFIELD: Commissioner Holian.

COMMISSIONER HOLIAN: I move for approval of Resolution No. 2014-85.

COMMISSIONER STEFANICS: Second.

CHAIR MAYFIELD: We have a motion and a second.

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

- III. A. 9. **Resolution No. 2014-86, a Resolution Requesting an Increase to the GOB Series 2011 Fund (339) in the Amount of \$193,498 for a Master Plan of the Jacona Transfer Station Site / \$193,498**

CHAIR MAYFIELD: Mr. Leigland, I do what you to discuss that for one second please.

MR. LEIGLAND: Well, Mr. Chair, as it states, this is actually just bringing old bond money. The Commission did allocate GRT but we're just allocating old bond money to meet this requirement and as it says, this is to the master plan – actually the master plan will be for the entire leased area which is further down the agenda and then also to use this to get to a 30 percent design for the transfer station itself because we would like to do design-build on the actual transfer station.

CHAIR MAYFIELD: Thank you. And on a side note, there's already dedicated

funding through prior appropriations of approximately \$2.5 million for the actual design-build of the project.

MR. LEIGLAND: Yes, Mr. Chair, that's correct. So if you recall, there's some older bond money from previous solid waste things. We're bringing that old money first to spend, and then the GRT which as you said, has already been allocated and we'll use that last.

CHAIR MAYFIELD: Okay. And again, I don't want to hinder anything but there is no issue with our proposed zoning map on this, correct?

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

CHAIR MAYFIELD: Thank you. Well, Commissioners, I would like to move for approval on this if there's no further discussion.

COMMISSIONER HOLIAN: Second.

CHAIR MAYFIELD: We have a motion and a second. Any further discussion?

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

CHAIR MAYFIELD: Thank you, Mr. Leigland, for all your work on that project.
And staff.

III. B. Miscellaneous

1. Request for Approval of a Lease with the Jacona Land Grant

MR. LEIGLAND: Mr. Chair, the Solid Waste Task Force made a recommendation about a year ago to construct a new, efficient, modern solid waste transfer station in the north part of the county. So staff searched and entered into negotiations with the Jacona land grant in March of last year, and that culminated in the lease that's in front of you. So under the terms of the lease there will be 20 acres leased as part of the land grant that will have room for a solid waste transfer station, a volunteer fire station and an open space property.

That lease and that sort of master plan was presented to the Jacona land grant full membership in February and it was overwhelmingly approved, 94 percent for and six against. So just the major terms of the lease. As I mentioned it for 20 acres. If you look in your packet you'll see both a plat and you'll also see a master plan of what the 20 acres look like and where the solid waste transfer station will be sited. As I mentioned, it will accommodate all three of those land uses I mentioned and the rental amount is \$40,000 a year. So we think this is going to be a win-win-win for the County, plus the land grant is very excited about being part of the – supporting Santa Fe County. With that, I'll stand for questions.

CHAIR MAYFIELD: Thank you, Mr. Leigland. Commissioner Holian.

COMMISSIONER HOLIAN: I have a question. Adam, what is the open space part?

MR. LEIGLAND: Mr. Chair, Commissioner Holian, about a year ago we conducted a northern Santa Fe County recreational needs analysis and what emerged was that the community really wants more of a – they want a picnic area, with picnic shelters. They want more of a playground, and they also want some walking paths similar to what we have at La Puebla Park and also what we just put in Nambe. So they want more of like a mile walking path,

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and that would actually fit perfectly right here, so that's what is contemplated.

COMMISSIONER HOLIAN: Thank you, Adam. Anyway, I'm very excited about the possibility of building a new transfer station from scratch and doing it right from the beginning. Thank you.

CHAIR MAYFIELD: Me also. And just to expand a little bit on the open space and COLTPAC's not here, but there has always been I guess past discussion with COLTPAC that a trail runs right adjacent to that property, and that trail could then interconnect, I guess, trails that would take you to Mt. Chalchihuitl for equestrian use, for walking, for bicyclists, for everything else, and I think that is adjacent to the grant. Am I wrong on that?

MR. LEIGLAND: No, Mr. Chair, you're right. There has been discussions for many years about a regional trail and that did come up in these discussions and you're right. It's actually – if you look in your packet – actually, it's hard to tell on here, but you're right; it's very close to that.

CHAIR MAYFIELD: Thank you. I would like to move this for approval, Commissioners.

COMMISSIONER STEFANICS: Second.

CHAIR MAYFIELD: Thank you. We have a motion and a second.

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

CHAIR MAYFIELD: Again Adam, thank you and your staff for all your work on this. Commissioners, I am going to ask for a little bit more discussion on our Solid Waste Task Force recommendations, so I'm going to kind of just move –

COMMISSIONER STEFANICS: Mr. Chair, can we table that?

CHAIR MAYFIELD: That's fine. If we get to it, time permitting.

COMMISSIONER STEFANICS: Ms. Miller?

MS. MILLER: Mr. Chair, what I was going to ask is if we could do the three purchasing items and then decide of the remaining items what you –

CHAIR MAYFIELD: Well, we still have an ordinance we're going to discuss tonight.

COMMISSIONER STEFANICS: Can't we table this? Do we need this for money?

CHAIR MAYFIELD: Is this time-sensitive? Item B.2, Solid Waste Task Force recommendations for new permits and the expanded mandatory recycling?

MR. LEIGLAND: Well, Mr. Chair, not to spend too much time but one of the recommendations was to start the permits at the beginning of the calendar year, and so if we approve this today then we would bring the ordinance changes back to you and that would take you – we would have to publish title and general summary and then approve it so that would be 60 days, so that would put us – and then there's only meeting in November and one meeting in December. So we're planning ahead in order to cue ourselves up for launching new permits in January. But –

CHAIR MAYFIELD: Adam, let's try to dispose of the rest, if we just gloss over this and I'll just ask my question at the end if we have time. Thank you. So don't go away.

III. C. Purchasing

1. Request Board of County Commissioners to Authorize the County Manager to Sign Purchasing Documents for the Completion of the 2014 Santa Fe County Terrain Mapping and Orthophotography Project

BILL TAYLOR (Purchasing Director): Thank you, Mr. Chair. In February of 2014, Purchasing and Growth Management, the Commission approved the County entering in a state price agreement for this terrain mapping. We are now ready to fund FY 15 to finish and complete that project and we're requesting authorization for the County Manager to execute the purchase order to Bohannon and Houston, utilizing that same state price agreement. With that I'll stand for questions.

CHAIR MAYFIELD: Thank you. Commissioner Stefanics.

COMMISSIONER STEFANICS: I move for approval.

COMMISSIONER HOLIAN: Second.

CHAIR MAYFIELD: We have a motion and a second.

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

III. C. 2. Request Approval of Agreement No. 2014-0311-PW/MS with Mountain States Constructors, Inc. for the Construction of Roadway Improvements for Herrada Road in the Amount of \$1,205,496.26 Exclusive of GRT and Request County Manager Signature Authority on the Purchase Order

MR. TAYLOR: Thank you, Mr. Chair, Commissioners. This road is located in Eldorado. There are drainage and ditch problems there. The design addressed that. Purchasing went out for invitation for bid in may. We received bids in July. We received bids from seven vendors and it is our recommendation to award this contract to Mountain States Constructors who provided the lowest responsive bid. With that I'll stand for questions.

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

COMMISSIONER HOLIAN: Second.

CHAIR MAYFIELD: Thanks. We have a motion and a second. Mr. Taylor, just a quick question, or Mr. Leigland. Is this going to be able to be done in the season or it won't be done in the season?

COMMISSIONER STEFANICS: The residents are wondering that too.

CHAIR MAYFIELD: I'm wondering too because I have so many road projects up north.

ROBERT MARTINEZ (Public Works): Mr. Chair, Commissioners, yes. I believe the construction period is 90 weather working days and typically we can pave all the way up to December and January, weather permitting. So this project will get done this fall and the beginning of winter. I'm confident that they'll be done in a couple of months.

CHAIR MAYFIELD: Thank you. We have a motion and a second, Commissioners.

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

CHAIR MAYFIELD: I'll just make a quick general statement. There are road projects up north that still need to be hopefully completed before December. So thank you. Just throwing that out there. So no inclement weather issues, hopefully, up north either.

III. C. 3. Request Approval of Agreement No. 2014-0088-OS/PL with AAC Construction, LLC for the Construction Services of the Santa Fe Rail Trail Segments 2 & 3 in the Amount of \$1,074,966.80 Exclusive of GRT and Request County Manager Signature Authority on the Purchase Order

COMMISSIONER HOLIAN: Mr. Chair, I move for approval.

COMMISSIONER STEFANICS: Second.

CHAIR MAYFIELD: Okay, motion and a second.

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

III. D. Ordinances

1. Request Authorization to Publish Title and General Summary of an Ordinance Entitled "An Emergency Interim Development Ordinance Imposing a Twelve-Month Moratorium on Development Approvals or the Issuance of Development Permits for Specified Developments of Countywide Impact"

PENNY ELLIS-GREEN (Growth Management Director): Thank you, Mr. Chair, Commissioners. The Sustainable Land Development Code was approved last December by the Board. It does not go into effect until the zoning map is adopted. The development of countywide impact section was reserved in the SLDC. This ordinance would enact a moratorium stopping the County from accepting new or processing existing development applications for certain DCIs – developments of countywide impact. It would take place for 12 months, and the ordinance would cover landfills, junkyards, sand and gravel extraction requiring blasting.

The current Land Development Code and the SLDC have no specific regulations for these DCIs. The purpose of a moratorium would be to avoid a rush of applications in advance or new regulations, avoid the establishment of non-conforming uses or the need to respond in an ad hoc fashion to specific submittals, eliminate the need for hasty adoption of permanent controls, allow the planning and implementation process to run its full and natural course with widespread citizen input and involvement, public debate, full consideration of all issues and points of view, and allows for the creation of legally and scientifically sound plans, policies and regulations.

If the BCC approves the request to publish title and general summary staff will proposed that we could have a public hearing on September 16th at 2:00. The Board already has scheduled that day a zoning map meeting in Pojoaque that evening. We would proposed then that the staff

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hold a meeting here in the administrative building at 2:00 and then move on to reconvene in Pojoaque. If the Board is not available at this date we can search for alternative dates to hold the public hearing. And I stand for questions.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR MAYFIELD: Thank you. Commissioner Stefanics.

COMMISSIONER STEFANICS: I do not object to the 16th meeting, but I would request a time limit. For example, 2:00 to 4:00. We might need less but if we noticed it that we're not going past 4:00 it will be clear to the public.

CHAIR MAYFIELD: Thank you. And on that note, I believe we also have a public meeting on our zoning map, up in the Pojoaque area.

MS. ELLIS-GREEN: Mr. Chair, we do, and that starts at 6:00 in Pojoaque.

CHAIR MAYFIELD: Okay. So I need to be at that. Thank you. I have no problem with that, Commissioner. So again, respecting that there might be, just on pass and I appreciate that you're here and I'll go to public comment. We may have, I don't know, 500 folks that want to comment on this or maybe not, and if that's the case then maybe we would have to have a second public hearing, but we do have to be time-sensitive on the meeting that night also. So I'm going to go really quick to the public who has been very patient to see if they would care to comment on this proposal.

DON VAN DOREN: Thank you very much. Mr. Commissioner, Mr. Chair and Commissioners, I appreciate the opportunity to come here. My name is Don Van Doren and I'm here representing the members of the Rural Conservation Alliance. First of all, we would like to thank the Commissioners and staff for proposing this moratorium on approvals for the specific kinds of developments that have been outlined here tonight. We really support this moratorium approach to even further strengthen the County ordinances that impact all of the citizens, especially proposals that are considered DCIs, developments of countywide impact.

We have two requests. First, that it be clearly stated that the ordinance revisions adopted during this moratorium will apply to all pending applications that are subject to the moratorium, and second, we would ask that the deliberations and proceedings on this moratorium and on subsequent ordinances be open to public view and participation to the greatest extent possible. We will work with you to make sure that we don't overload this and keep our commentary really centered on the issues that are outstanding.

Further, we will certainly support your activities and your deliberations and the work that your staff will be doing on this matter. We'll be happy to work with you and your staff to provide any technical and policy assistance that would be helpful. Finally, let me just say I very much appreciate all of you, all of your Commissioners' work and all the work of the staff on this very long process that's been going on. So thanks very much.

CHAIR MAYFIELD: Thank you very much. Not seeing any other members from the public wishing to comment, let me just a quick question. Do you think that it would be necessary to start this public hearing any earlier than 2:00? Just to accommodate public comment on it? If that's not an issue I have no problem with it. We're limiting it from 2:00 to 4:00, correct? Proposing it to be 2:00 to 4:00?

MS. MILLER: Mr. Chair, we're proposing 2:00 to 4:00 based on the fact that you need to be in Pojoaque for the zoning map meeting and that that one's a full Board meeting as well. So we wanted to make sure you had time to have a break and drive up there.

CHAIR MAYFIELD: And I guess – thank you, and on that, would there be any issues with the Commission starting this at noon? And just I was thinking if anybody on their

lunch hour wanted to come up, comment on their lunch hour. They'd have that opportunity. If it did stretch out a little longer, knowing that we have a hearing that night. I'm sorry, Commissioner? Yes, I don't know if every Commissioner can make it or not. I can.

MS. MILLER: Mr. Chair, one of the reasons we also picked that day is because we knew you didn't have conflicts with other board meetings like BDD or SWMA, because that was one of the days that we could find that you didn't have that when we picked the zoning map meeting. So that was part of the reason that we did try to schedule it that day to make it so that it was a date that most of you were available. So it's all – as to whether you have the whole day available, but we know that there aren't conflicting other board meetings that you have.

CHAIR MAYFIELD: Yes, I was just thinking of moving it on that date just an hour or so earlier. Commissioner Chavez.

COMMISSIONER CHAVEZ: I'm not sure that the middle of the day accommodates the public if they're working. I guess some could take off and they could come here during their lunch hour but I don't know if that's going to work. But the other question I would have is we would have two public hearings on this ordinance as well.

CHAIR MAYFIELD: They were proposing one.

COMMISSIONER CHAVEZ: One.

CHAIR MAYFIELD: That's what I think we're proposing.

COMMISSIONER CHAVEZ: Is that where we're going?

MS. MILLER: Mr. Chair, we were proposing one. Just to note, the following week you also have another additional meeting on the zoning map. I believe that one is at the rodeo grounds in the evening. And then the following week you have your regular BCC meeting, depending on how many people you had you could hold the meeting over to one of those days, if you had too many people to accommodate in the time frame. If you allot from 2:00 to 4:00 on the 16th and you had more people that wanted to come you could actually hold the public hearing over to a date and time specific on one of those other two days that you're already going to be meeting as well.

COMMISSIONER HOLIAN: Mr. Chair, on that point. Would we have enough time to notice it if we held it over to the following week?

MS. MILLER: Mr. Chair, Commissioner Holian, the noticing we have to do so part of the reason we can't do before the 16th of September is if you authorize us to publish title and general summary we need three days to get it into the paper and then at least 14 days of publishing before you have a public hearing in which you could vote on it. At that time, if you say you want to hold it over, notice it right then if that's the continuation of the public hearing and you wouldn't have a second public hearing. You'd just continue that public hearing.

COMMISSIONER HOLIAN: I see.

COMMISSIONER CHAVEZ: So I raised that just as a concern but I think that the public interest is there. I think if we notice in a timely fashion and let the public know that we're going to be hearing this on the 16th, hopefully we can take care of it that day. I just wanted to try to be a little more accommodating but again, I think the public is tuned in on this. If we notice it and announce it I think we'll get the participation. Thank you, Mr. Chair.

CHAIR MAYFIELD: Thank you. Commissioner Stefanics.

COMMISSIONER STEFANICS: Mr. Chair, I think that something that we could do for the public is identify that the meeting is for the moratorium and then hold a study session on the DCI chapter, so that members of the public who have a specific opinion or recommendation could come forward at that time. And if the public knew that we are interested

in their input then they might not feel as compelled at the first public hearing for moratorium. Just an idea.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR MAYFIELD: Yes, Commissioner Holian.

COMMISSIONER HOLIAN: I just want to comment that I think that's an excellent idea, Commissioner Stefanics.

MR. VAN DOREN: I agree, by the way.

CHAIR MAYFIELD: I would ask, if it's amenable to everybody's schedule, if we could start at 1:00 and if we could try to be here punctually at 1:00. So I just would appreciate that. So with that I would move for approval to publish title and general summary.

COMMISSIONER STEFANICS: Second.

CHAIR MAYFIELD: We have a motion and a second.

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

IV. Matters of Public Concern

CHAIR MAYFIELD: We've been jumping all over this agenda but before the public leaves, is there any matters of public concern that needs to come to this Commission? Seeing none, we are moving right on.

V. C. Matters From the Commission

1. Commissioner Issues and Comments

CHAIR MAYFIELD: Is there any need for Matters from the Commission? I have none. Seeing none, is there any need for Matters from the County Manager?

V. D. Matters from the County Manager

**1. Miscellaneous Updates
a. Legislative Update**

MS. MILLER: Mr. Chair, I have some items but it's nothing urgent, actually except for one item I did want to bring up.

CHAIR MAYFIELD: Okay.

MS. MILLER: As you probably know Santa Fe Community College has taken some measures to fix their budget based upon some miscalculations of available cash, and one of the requests I was asked about is whether there's a possibility to make an advance on their distribution of their operational funds. I asked Greg to look into that as well as whether it would have any impact on our financial position. We're only looking at something about three months. Respective of whether we could do that. I think we have cash that we could do that to assist them but whether there's a legal mechanism to do that we are trying to research that. So I wanted to know if the Board would like me to still pursue looking into that and whether there's a way to do that to assist the Community College with cash flow.

CHAIR MAYFIELD: Commissioner Chavez.

COMMISSIONER CHAVEZ: Do we have any idea of what the dollar amount

would be?

MS. MILLER: Mr. Chair, Commissioner Chavez, I think no more than \$2 million over a few months, which they do get their distributions of operational funds in predominantly December and January. And as I said, that would be more for a cash flow purpose, not for a budget purpose. It's just the timing of when they receive funds, when we receive funds every month through our GRT and other fees, they typically only receive their funds at property tax time and at state distribution time, which is in the spring. So it's more of a matter of needing something in the short term. So it would be – and it would come back to the Board in some form of an MOU or something like that. I haven't had the opportunity to really see how we could make some kind of agreement like that but I did want you to know that there was a request. I'd like to look into it. They are our Community College and if there's a way that we would be able to help them out it's hopeful that we could do that.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR MAYFIELD: Commissioner, but I have some questions.

COMMISSIONER HOLIAN: I'm okay with that, for moving forward with looking into whether it's possible.

CHAIR MAYFIELD: I guess I have okay looking into it. I just don't understand it, Katherine. I don't mean this disrespectfully. I support our Community College and everybody who attends our Community Colleges, but I would just wonder if we legally can even do that. But that's going to be part of what you're looking into.

MS. MILLER: Mr. Chair, that's what I want to look into. I didn't want to spend a lot of time looking into it and have a need to do that if this was not something that the Board felt it appropriate for them to do. I did want Greg to look into it and us to talk to their legal counsel as to whether they have that ability and whether we have that ability, from a perspective of do we have cash that we could do that with, yes. Physically we do. But I think there are legal issues as to how that could be done without violating statutes on their end or our end.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR MAYFIELD: Commissioner Stefanics, please.

COMMISSIONER STEFANICS: Thank you. Is the amount commensurate with the amount that they would receive from property taxes?

MS. MILLER: Mr. Chair, Commissioner Stefanics, it's less than what they receive on an annual basis on their property tax but that's another thing that would look into. What they typically receive from us is something around \$4, \$4.5 million, but I'd actually have to go look. They are requesting no more than \$2 million advance. They receive about \$4 to \$4.5 million but I need to make sure and look at the distributions to see whether to any of that is for debt service, because that is not something they could repay operating with. So I want to look into the actual distributions that they receive from us.

COMMISSIONER STEFANICS: Thank you.

CHAIR MAYFIELD: And Ms. Miller, I appreciate it and I appreciate the request but I guess I would go back to if we have that much cash reserve sitting around, just a general statement, are we taxing too much out there, to have that much in cash reserve. We don't have to answer that now but hopefully you and I can have that discussion later. What are our reserve balances out there then, if we can have a discretionary \$2 million to loan out.

MS. MILLER: Mr. Chair, we have – well, it's not a long-term loan. Like I said, it's short term, like three months and what they were requesting was an advance. We don't take our cash reserves and cash flow down to a level that, number one, we have a statutory

requirement of 25 percent when you start the budget year and when you end the budget year. Twenty-five percent of our general fund is much greater than what requirements they have and what their budget is. Our general fund is \$70 million, \$69 million, something like that. And then we also have reserves that we have set for economic downturns and other things that the Commission has required that we would basically use some of those in advance and have a repayment and replenish those funds. So we do have different funds or reserves that you have set aside in addition to the statutory requirements that we have the ability to use those funds.

But as I've said, this would be really a policy question of whether this is something you would feel comfortably having me look into or not.

CHAIR MAYFIELD: I'm okay. But we're going to bring it back to the Commission for a vote?

MS. MILLER: Mr. Chair, definitely. If I find that there's a mechanism. First of all I'll go look into whether it's even possible, report back to you at one of the next Board meetings as to whether it's even feasible, and if it's feasible, there would actually be an agreement between both governing bodies as to exactly how that would be executed.

CHAIR MAYFIELD: And you may have stated, Katherine, I'm sorry, but the audio was horrible. Are they going to let us know what this money is going to be used for? It's not to pay off any settlements or anything else?

MS. MILLER: Mr. Chair, no. It's their operating budget for – just for, as I said it's a cash flow issue for them. They have taken steps to alleviate their budget concerns but they are – and that's why the cuts that they made, the payroll cuts they made, staff cuts they've made, budget cuts they've made and they'll be on budget in about a year, but the problem is they had expended some one-time funds on things that they did not actually account for as being greater than what their cash balances were to accommodate their payroll. Predominantly their expenditures are payroll, on a regular basis. So it would be to ensure that they have cash for their monthly expenses until they get their distribution of revenues.

CHAIR MAYFIELD: Thank you. Any questions? Okay.

III. B. 2. Request Authorization to Publish Title and General Summary of an Ordinance Amending Ordinance No. 1998-16 (an Ordinance Establishing Provisions for Extension of Sewer Service; Adopting Operating and Management procedures; Setting Rates; and Establishing Design Standards for the Santa Fe County Wastewater Utility) to Update the Service Rates and Charges and Service Area

MS. BORCHERT: Mr. Chair, members of the Commission, good evening. The proposed ordinance change before you addresses two issues. It amends the utility service area to align with the Sustainable Land Development Code, and it addresses a utility shortfall that in part results from the assuming of the wastewater customers from the City as a result of annexation. The Utility, we spend, we have an operating budget of \$613,000 associated with the functions that we do in our wastewater to provide customer service, collection, treatment, monitoring, sampling and maintenance of our wastewater system. For the fiscal year 15 our projected revenue from the wastewater customers was \$406,000.

It's this shortfall that puts us before you today asking for approval of the rate increase of \$1 for the service fee and \$1 for the volumetric rate. As the memo describes, this proposal raises

the service rate from \$6.54 to \$7.54 and the volumetric rate per thousand-gallon charge from \$3.50 to \$4.50. So a customer whose wintertime usage is 3,500 gallons, the rate increase proposal increases his or her bill from \$11.79 to \$14.29. the equivalent monthly bill for a City customer is \$18.38. There are other comparisons given in your packet. And with that I stand for questions.

CHAIR MAYFIELD: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair, and Claudia, did I hear you say – what was it about a dollar?

MS. BORCHERT: There's the two components of the rates. There's the service fee part and the volumetric part and we're asking each of them to go up a dollar.

COMMISSIONER STEFANICS: Thank you very much.

CHAIR MAYFIELD: Claudia, I did read this but – so again, the BDD has no authority over rate setting, right? For City, County customers? And this is based on the annexation agreement why we're having to make up the difference right now, as I understand the memo?

MS. BORCHERT: Mr. Chair, members of the Commission, yes, that's true, although there has been a shortfall in the past. As I believe the memo mentions, there was a rate study done in 2010, recognizing that there was a discrepancy in revenues and expenditures, operational costs. The results of that rate study were never enacted as a rate adjustment so that pre-existed even annexation but it was made worse by annexation.

CHAIR MAYFIELD: Thank you. I guess, Mr. Shaffer, I don't know if you're aware of this or not, is there anything as far as like rate shock to individuals, just how this would be implemented. I know we're asking for title and general summary, but I don't know if there's state law that says, look, you're going to be increased x-amount of money. Be prepared for it. If something has to come in staggered. If there's any state laws on something like that. I mean, this is a hefty increase for individuals.

MS. BORCHERT: Mr. Chair, members of the Commission, I know you asked the attorney on that. I could offer my experience with the City when we went through – there was a water rate increase. We had eight percent for four years so it ended up de facto being a 50 percent rate increase by the time the four years were over. And I do not believe that I ever heard anyone say that there were any kind of statutory requirements that you prepare for the increase, although of course it makes sense. That's why we publish things and we advertise so it is of course always good to let your ratepayers know.

Now, that being said, I also want to mention it is a dramatic increase but also the rates have been very low, to be honest, when you look into the memo comparing to the costs of what all the other service providers are in our areas – City of Santa Fe, Rio Rancho, Española. The only one that's less is the Albuquerque Bernalillo County and that is because they have economies of scale. So barring that, what people pay right now for wastewater is really a very low rate.

CHAIR MAYFIELD: Thank you. And Claudia, where is the area? If we could just state that for our listening audience and/or so they're aware to come to a public hearing if this gets passed.

MS. BORCHERT: What is our water service area?

CHAIR MAYFIELD: Yes, that you're asking for this increase for?

MS. BORCHERT: It would match the map that is in the Sustainable Land

Development Code. It encompasses all of sustainable development area 1, and then expands a little bit beyond that to where our current infrastructure is.

CHAIR MAYFIELD: And again, because this isn't the annexed area, that's why it's not being applied across the whole County service area equitably?

MS. BORCHERT: This is meant to address all the people who are on the Santa Fe County water and wastewater utility, specifically in this case the wastewater utility.

CHAIR MAYFIELD: Who the City has annexed?

MS. BORCHERT: These are the customers who are outside the area that the City has annexed.

CHAIR MAYFIELD: Okay. I just would ask for – if this passes that we have the map of who it's going to affect and that we definitely get some good public notice out there to please attend.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR MAYFIELD: Commissioner Stefanics.

COMMISSIONER STEFANICS: I would suggest that this would be a two-public hearing ordinance.

CHAIR MAYFIELD: I would concur.

COMMISSIONER STEFANICS: But I will move to publish title and general summary.

COMMISSIONER CHAVEZ: Second.

CHAIR MAYFIELD: We have a motion and a second.

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

CHAIR MAYFIELD: So, Commissioners, I think we've disposed of everything minus that one issue on our solid waste fees. I don't know what everybody's timeline is. Mr. Leigland. Katherine or Clerk Salazar or Karen, have we gone over everything on the agenda? Do you all know? Because we have been jumping around so much.

MS. MILLER: Mr. Chair, the only items that we did not cover at this point are item – the item that Adam is just about to discuss on solid waste, and then also item V. B. 2, Presentation on the proposed development review fee ordinance that had come to the Commission in June and the Commission asked that staff go back and rework the development fees. That can be done today or it can be done another day, and then matters from the Commission was the only other item.

CHAIR MAYFIELD: I think we already said there were no matters from the Commission. So if we can just postpone item V. B. 2, if that's okay. I don't know if Commissioner Anaya would like to speak on that but I have some questions on that.

COMMISSIONER HOLIAN: Mr. Chair, did we have the V. B. 1 presentation?

CHAIR MAYFIELD: The staff requested that we table that too, I think to the next meeting or a subsequent meeting. So that was tabled, or I guess just postponed to another meeting at the request of staff. Those are the only two presentations, correct?

MS. MILLER: Mr. Chair, we actually can do the presentation on the development review fees at tomorrow's – I think it's on the agenda for that one. Is it on the other ones as well?

The other zoning map –

CHAIR MAYFIELD: Okay. That's cool.

MS. MILLER: And I know Commissioner Anaya will be there tomorrow.

CHAIR MAYFIELD: Get ready for a longer meeting in Edgewood. Mr. Leigland, please take us to that item.

III. B. 2. Approval of Solid Waste Task Force Recommendations for New Permits and Expanded Mandatory Recycling

MR. LEIGLAND: Mr. Chair, Commissioners, the Solid Waste Task Force had recommended – made a series of recommendations, one of which was to hire a consultant. The consultant prepared its final report, presented its report back to the Solid Waste Task Force who slightly revised some of the recommendations. Those were presented to you for discussion purposes earlier this year in May and now we're coming back to bring the first set – actually I guess technically it's the third set. The first one was the non-expiration of the fees and the second was the approval of the grant.

What you're seeing today is the first set of the Solid Waste Task Force recommendations. They presented, as you can see in your packet a whole series of them, but as I mentioned earlier one of the recommendations was to modify the permit structure and align permits along the calendar year as opposed to the fiscal year because that made more sense to the constituency. So in order to prepare for that, that's why we're bringing the permit structure changes today.

So as you'll see in your packet material in Attachment 1 the four items highlighted in yellow are the main core of this, and that is to create six- and 12-punch permits to replace our current 24-punch permits and eventually phase out the 24-punch; to eliminate the senior permit. Currently the County has a senior permit that's \$5 lower than the main permit; to eliminate the separate commercial. The County currently has a ten-punch commercial that is almost literally never purchased so just for administrative ease to eliminate that; and then finally, to change the permit structure to increase the amount of revenue that is recovered from the permit sales. And so those are the four recommendations before you.

The final recommendation is to increase the number of mandatory categories of materials to be recycled. Our current Solid Waste Ordinance only mandates one and this would increase that. So if the Commission approves these recommendations today, we'll come back with a modification to the Solid Waste Ordinance to flesh these out including the categories and what the permit fee structure would look for. So with that, Mr. Chair, Commissioners, I'll stand for any questions.

CHAIR MAYFIELD: Thank you, Mr. Leigland. Commissioners?

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR MAYFIELD: Commissioner Holian.

COMMISSIONER HOLIAN: Well, first of all, nobody's here but I would like to thank all the members of the Solid Waste Task Force because they were very hard-working and conscientious and very thoughtful at coming up with good recommendations. And I am very much in support of having a variety of permits, different time periods, because it will really allow people to manage their solid waste disposal routine much more effectively. For example, part-time residents don't need to have a 24-punch pass ever.

So I'm in agreement with all the recommendations and I just want to stress to the other

Board members that there was a lot of thought put into this, both by the consultants and by the members of the task force.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR MAYFIELD: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. If we eliminate the senior permit, Adam, is there an income-based discount for those individuals who are low income?

MR. LEIGLAND: Mr. Chair, Commissioner Stefanics, exactly. And in fact that's what the Solid Waste Task Force hit upon. They said if the goal is to hit low income constituents that already exists and the low income fee is currently \$10 less than the base fee, and so they said that County goal can be met. There's no need to have a senior – so that was the task force recommendation.

COMMISSIONER STEFANICS: Okay, but that's not listed anywhere.

MR. LEIGLAND: Mr. Chair, that was because it's just to be preserved. We're not changing the existing –

COMMISSIONER STEFANICS: Right. But if we're going to in fact have, keep moving this along to have a hearing to do an approval and change everything, we need to be very clear when we say eliminate, we're utilizing something different for low income. So that people understand that we're still considering individuals who are in financial hardship. Please. Thank you.

CHAIR MAYFIELD: Thank you. So, Mr. Leigland, respecting all the process by staff and the committee, and I appreciate that we have gone to non-expiration of our current – I don't even think it's current. It's past fiscal years' 24-punch permit, we were issuing 24-punch permits June and July of this year, or we were not?

MR. LEIGLAND: Mr. Chair, yes. We are currently selling 24-punch permits.

CHAIR MAYFIELD: So those also were not expire, correct?

MR. LEIGLAND: That's correct.

CHAIR MAYFIELD: Based on a – I don't know if it was a resolution.

MR. LEIGLAND: It was an ordinance change.

CHAIR MAYFIELD: An ordinance change. Okay. I agree with all of this with the exception of the 30 percent recovery, again, to make it – it's an enterprise fund in a way. So if I'm trying to recall the policy, are we trying – what is the full recoverable rate we're trying to achieve? 100 percent? Was it 30 percent? Was it 50 percent? To be a self-sustaining fund?

MR. LEIGLAND: Well, Mr. Chair, your idea – the Solid Waste Management Plan that was approved by the Commission in 2010 did ask that the Solid Waste become a self-sustaining utility, an enterprise fund, but in the Solid Waste Task Force it was discussed that was, if you will, a bridge too far, and so we decided that 30 percent, at least at this point was a good starting point and that would essentially double the amount of revenue. So currently, we recover about 17 percent of the total costs to serve solid waste; this would double that.

So ultimately, I think if the County follows what was in the Solid Waste Management Plan it would be 100 percent but this is just the first step and 30 percent was chosen by the Solid Waste Task Force because it's essentially getting us from 17 to the 30.

CHAIR MAYFIELD: One of the questions I had, Adam, and if you can clarify it. I don't know if Mr. Martinez is here, but even on the 30 percent recovery eventually, we – I'm a proponent of recycling but we afford recycling arguably for free at our transfer stations. We've talked about curbside pickup in potential areas without – and correct me if I'm wrong please –

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without mandating recycling at that curbside. So if individuals could still recycle – again, there’s a cost with our recycling. Transportation costs that occur. The processing costs that occur, but I am a proponent. But if we have less people utilizing our transfer station based on we’re going to curbside pickup, so we’re going to potentially contract with a third party, but yet they’re still afforded the opportunity to put all their recycling material, who’s going to be picking up that extra 30 percent? Just the actual permit users at the transfer areas? There’s going to be I think – that 30 percent is not going to be distributed equitably amongst all Santa Fe County users.

MR. LEIGLAND: No, Mr. Chair, I understand exactly what you’re saying. So you’re suggesting as other changes to the solid waste management program are rolled out, and I can talk about the curbside pickup in a moment if you’d like. But you’re right. The way that the County handles recycling there currently is a cost to the County because we do have to collect it and transport it and deposit it. We don’t have to pay a tipping fee, and the revenues from the recycling do help the County and they keep the overall tipping fees at the landfill lower, but we are essentially the middleman at that operation so we are paying for that.

So I think that’s a valid question. But if the County rolls out solid waste collection districts, which is another one of the big recommendations of the task force and actually the next one that we would be bringing to the Commission for approval, you would actually – one of the key features that we heard from the constituents was they want that because they want mandatory curb recycling pickup, and that’s the main thing that they want, even more than they want the convenience of solid waste curbside pickup.

So that would actually eliminate – actually Eldorado alone generates about 45 percent of our total recycling volumes, and I know the people in Eldorado would love to have – I’ve heard anecdotally from so many people that they would love to have curbside recycling pickup. So that would allay that huge expense for the County too. And then if we build our new solid waste transfer station at Jacona we can increase the operational efficiencies there.

CHAIR MAYFIELD: There’s no if. We are building that.

MR. LEIGLAND: Excuse me. We just approved that. Yes, when we’ve built that and it’s operational, which will be maybe in about 18 months from now or so then we’ll have increased efficiency there. So it’s a valid concern. Mr. Chair, I know what you’re saying, but I think other changes will actually save us money in the recycling as well.

CHAIR MAYFIELD: No, and I appreciate that and I guess it’s more to the solid waste mandatory curbside, wherever we designate those areas, and I think I brought this up in the past, just let me know. Are we going to mandate that they have to use Caja del Rio, because if we mandate – if we get into a contract with a third party and they’re taking it to Los Lunas or to Rio Rancho, I can already hear our SWMA board saying, okay, let’s increase our tipping fees because we don’t have the volume coming in.

MR. LEIGLAND: Well, Mr. Chair, you’re bringing up another great point and actually one of the things that this Commission will have to vote on is the service parameters of any kind of solid waste franchising. So you can specify, and when we solicit these services you can specify everything. You can say where they have to dispose of it, how frequently the pickup is what they have to pick up – all that can be specified in these contracts. So I think it would definitely be – you anticipate having it go to the Caja del Rio Landfill.

If the County decides to create a district in Edgewood that might be different because they’d have to double their travel distance and maybe the private sector wouldn’t be interested in that. That’s something we’d have to look at. But I think the rest of the county would definitely – it makes sense to send it to Caja. But again, the Commission gets to choose that.

2014/08/26 10:56:41 AM

CHAIR MAYFIELD: Thank you. I appreciate that Adam. Commissioners, I think we've done this in the past and I don't know where the vote will go on this but I can kind of anticipate where it might happen. Is there – I support, again, pretty much every aspect of this, minus that 30 percent recovery rate. I still believe that it should be somehow afforded in our – what we pay for property taxes. Mr. Shaffer, is there a way – I think we've done this in the past where without me having to vote against this that we can just pull that one segment. I don't know because you have it written different, Adam. You have it modified permit structure, type and fee schedule, to promulgate 6- and 12-punch. I'm definitely supportive of that, generate permit sales of 30 percent. That's what I just don't agree with.

MR. LEIGLAND: Mr. Chair, on Attachment 1, it would be item 1.7.

CHAIR MAYFIELD: 1.7?

MR. LEIGLAND: If that would make it easier for you.

CHAIR MAYFIELD: Okay. So I don't know if this will pass or not, but Commissioner Holian.

COMMISSIONER HOLIAN: Mr. Chair, could we vote on it separately? Because

CHAIR MAYFIELD: That's what I was asking, if we could do everything without 1.7 and then we could still take a vote on it. I don't know where it will go.

COMMISSIONER HOLIAN: Okay.

CHAIR MAYFIELD: If that would be okay with the Commissioners. And if that's okay with Legal.

MR. SHAFFER: Mr. Chair, I think that you could do it in a variety of different ways, but you could make a motion to approve the recommendation excepting or with the exclusion of the one that you don't agree with and that would be your motion. I think that would be proper. Or you could vote on each recommendation separately. Again, I think you have a variety of options.

CHAIR MAYFIELD: Okay. Well, I'll take a stab at it. So I would make a motion to approve I guess Solid Waste Task Force recommendations, number 1.1 through 1.6 as presented by our Public Works Director, Mr. Leigland.

COMMISSIONER CHAVEZ: Mr. Chair.

CHAIR MAYFIELD: Yes.

COMMISSIONER CHAVEZ: Aren't we only asked to vote on 1.1, 1.2, 1.4 and 1.7?

MR. LEIGLAND: Mr. Chair, Commissioner Chavez, that's all I've presented to you today.

CHAIR MAYFIELD: Oh, I'm sorry. So you don't have – thank you, Commissioner for that.

COMMISSIONER STEFANICS: I'll second.

CHAIR MAYFIELD: Okay, so I'm going to change – thank you, Commissioner. So at least a motion to approve 1.1, 1.2, 1.4. That's how I'll amend that. Is that okay for the second?

COMMISSIONER STEFANICS: Yes.

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

COMMISSIONER STEFANICS: I move to approve 1.7.

COMMISSIONER HOLIAN: Second, and I would like to make a comment. I will say that I think that permits at the transfer stations are already, even at 30 percent recovery are a really good deal. It costs less per punch to dispose of waste by far than it costs to deal with that waste, for our utility to actually take the waste to the landfill and to the recycling station. So it's already a really good deal, and I'll also note that it's already – the permits at the transfer station are heavily subsidized by all the taxpayers in Santa Fe County, including people who live in the city who are already paying pretty hefty solid waste disposal fees, as well as county residents who currently contract for solid waste disposal with private haulers. And they're paying pretty hefty fees as well. So I think it's only fair for the permit fees to get a little bit closer to what it actually costs to deal with that trash. So that's why I'm supporting 1.7.

CHAIR MAYFIELD: And I am not supporting, thank you, the gradual increase of permit fees to achieve 30 percent recovery of costs within five years, and for stated reasons. Like in living in rural areas, using transfer stations, there's a cost that you have to incur to drive to a transfer station. I think in our recommendation I think it will be a different phase. I won't be here. There's potential requests to eliminate two transfer stations up north, the Tesuque transfer station and/or the Nambe transfer station. So that's a proposal.

So again, rural residents have to travel a long distance. They incur the – again, we're looking at environmental impacts, emission impacts, and I respect the presentation that came to us earlier from the Manager, if we have – I'm not going to say disposable funds, but if we have millions of dollars and we cannot subsidize a little more money for Public Works to afford the people to use our transfer stations, because they're the ones paying the property taxes that are being assessed. I just think that that's something that I definitely can't support. So with that, we do have a motion and a second, Commissioners, in front of us and unless there's further discussion.

The motion passed by majority [3-1] voice vote with Commissioner Mayfield casting the nay vote.

CHAIR MAYFIELD: So thank you, Mr. Leigland, for all your time and efforts. Commissioners, I'm going to go to the Manager. Is there anything else we need?

MS. MILLER: Mr. Chair, I don't believe so, other than to be in the meeting at Edgewood tomorrow night.

REC'D FROM RECORDED 10/26/14

VIII. Concluding Business

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

Having completed the agenda and with no further business to come before this body, Chair Mayfield declared this meeting adjourned at 8:40 p.m.



ATTEST TO:

Geraldine Salazar
GERALDINE SALAZAR
SANTA FE COUNTY CLERK

Approved by:

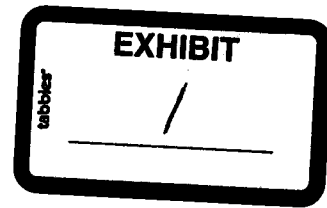
Daniel W. Mayfield
Board of County Commissioners
Daniel W. Mayfield, Chair

9-30-2014

Respectfully submitted:

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

2014 SEP 08 10:56 AM



Santa Fe Board of County Commission

August 26, 2014

Agenda Item III A.2

**Infrastructure Capital Improvement Plan
Supplemental Information**

SEE CLERK RECORDED 10/05/2014

**August 2014
Major Project Listing**

| Project Type | Project Title | Estimated Total Project Cost | Existing / Available Funding | Funding Gap |
|--------------|---|------------------------------|------------------------------|-----------------|
| Roads | Los Pinos Road Construction | \$ 781,000 | \$ 510,000 | \$ (271,000) |
| | General Goodwin - CR55A construction | \$ 2,950,000 | \$ 1,400,000 | \$ (1,550,000) |
| | Arroyo Alamo West (Segments 1 - 3) Design/Construction | \$ 1,500,000 | \$ - | \$ (1,500,000) |
| | Torrcido Loop Construction | \$ 1,520,000 | \$ 440,000 | \$ (1,080,000) |
| Facilities | Stanley Cyclone Center | \$ 3,228,746 | \$ 608,380 | \$ (2,620,366) |
| | *Santa Fe County Fair Grounds | \$ 1,500,000 | \$ 610,000 | \$ (890,000) |
| | South Highway 14 Senior Center - Design / Construction | \$ 3,500,000 | \$ 1,491,053 | \$ (2,008,947) |
| | *Solarize Santa Fe County Fire Stations | \$ 1,300,000 | \$ 182,000 | \$ (1,118,000) |
| | Solarize Santa Fe County Facilities (libraries, centers, ...) | \$ 1,500,000 | \$ - | \$ (1,500,000) |
| | Improvements to District Attorney Facility | \$ 950,000 | \$ 500,000 | \$ (450,000) |
| | *Upgrades to Santa Fe County Public Housing Sites | \$ 1,500,000 | \$ - | \$ (1,500,000) |
| Parks/OS | La Cienega Triangle Park - Ph I | \$ 350,000 | \$ - | \$ (350,000) |
| | Thornton Ranch O/S - Cultural Resource Inv. and Master Plan | \$ 570,000 | \$ 200,000 | \$ (370,000) |
| | Santa Fe Rail Trail - Segments 2, 3 and 4 | \$ 1,781,379 | \$ 1,571,138 | \$ (210,241) |
| | Rio Quemado Watershed Project - Construction | \$ 310,000 | \$ 210,000 | \$ (100,000) |
| | Pojoaque Recreation Complex (Future Phases) | \$ 2,500,000 | \$ - | \$ (2,500,000) |
| | Mt. Chalchihuitl | \$ 1,658,960 | \$ 1,558,960 | \$ (100,000) |
| | Arroyo Hondo Trail (4 Segments to be Phased) | \$ 6,000,000 | \$ - | \$ (6,000,000) |
| | Santa Fe River Greenway Project | \$ 30,000,000 | \$ 5,202,275 | \$ (24,797,725) |
| Utilities | TL6S - Phase I | \$ 8,164,000 | \$ 6,577,291 | \$ (1,586,709) |
| | TL6S - Phase II / Eldorado Connection | \$ 3,368,000 | \$ - | \$ (3,368,000) |
| | La Cienega Water Line Improvements Project | \$ 525,000 | \$ 324,000 | \$ (201,000) |

*2013 Top 5 Countywide ICIP Project

SFC OFFICE RECORDS MANAGEMENT

Top 5 ICIP County Wide Projects

| <i>Resolution 2013-101</i> | | 2014 - Option 1 | | 2014 - Option 2 | | 2014 - Option 3 | |
|--|--------------|--|--------------|--------------------------------------|--------------|------------------------|--|
| Upgrade Santa Fe County Fair Grounds | \$ 1,500,000 | Upgrade Santa Fe County Fair Grounds | \$ 890,000 | Upgrade Santa Fe County Fair Grounds | \$ 890,000 | | |
| RECC Facility Expansion | \$ 750,000 | Stanley Cyclone Center | \$ 2,621,000 | Stanley Cyclone Center | \$ 2,621,000 | | |
| Quill Plant Upgrades | \$ 500,000 | Los Pinos Road | \$ 271,000 | Los Pinos Road | \$ 271,000 | | |
| Upgrade Santa Fe County Public Housing Sites | \$ 900,000 | Arroyo Alamo West | \$ 1,500,000 | Arroyo Alamo West | \$ 1,500,000 | | |
| Equip all SFC Fire Stations to Solar Power | \$ 1,300,000 | Equip SFC Facilities including fire Stations, community/senior centers, health offices, ... to Solar Power | \$ 2,618,000 | TL6S (All Segments) | \$ 4,954,709 | | |

August 26, 2014

2016 – 2020

Community Based Project Requests

Revised August 25, 2014

2016 - 2020
Community Based Project Requests
Revised August 25, 2014

Roads

- Calle Debra and Paseo Real Bridges / CR 56 Drainage Improvements
- Los Pinos All Weather Arroyo Crossings
- Entrada La Cienega Road Improvements
- Camino Capilla Vieja Drainage and Road Network Improvements
- Jornada County Road Improvements in Eldorado
- County Road 84 Upgrade Improvement Project in the Pojoaque Valley
- County Road 84C Upgrade Improvement Project in the Pojoaque Valley
- Traffic Study for Lopez Lane and Agua Fria
- Develop new and widen existing sidewalks along Lopez Lane
- Construct improvements to Calle Po a Pi
- Chimayo Bridge Safety Assessment and Improvement Project
- NM14 and CR 44/45 Intersection Traffic Calming Improvements
- NM344 and Heartbreak Hill Road Traffic Calming Improvements
- San Pedro Abandoned Road Survey and Reclamation Project
- Bishops Lodge Road Improvement Project to include Bicycle Relief Lane
- Bishops Lodge Road Traffic Calming Improvements Project
- Henry Lynch Road and Agua Fria Street Intersection Roundabout
- San Ysidro Crossing Road Improvement Project
- Tesuque Bridge Safety Assessment and Improvement Project
- Pedestrian connections and crossings in the Village of Tesuque
- NM 14 and the Village of Cerrillos Main Street Improvement Project
- Village of Galisteo Streetscape Improvement Project

Utilities/Water/Wastewater

- La Cienega Community Water/Waste-Water Feasibility Study
- Improvements to the La Cienega Watershed
- Construct Sewer Line Along W. Frontage Road from 344 East, and West of Cactus Road in Edgewood
- New Sewer Line Expansion along NM to Section 16 in Edgewood
- Wastewater System Study for the Pojoaque Valley
- Broadband infrastructure improvement for the State Road 592 corridor which includes: Rio en Medio, Chupadero, Lower Pacheco Canyon, Rancho Encantado, Las Caminitos, Vista Redonda, and Upper Pacheco Canyon, including the Rio En Medio / Chupadero Community Center

- New Waster Water System in San Ildefonso Pueblo
- New Utility Building for the Pueblo of San Ildefonso
- Development of a Broadband and Fiber Optic Project for the Pueblo of San Ildefonso
- New Administration Building for the Pueblo of San Ildefonso
- New Recreation Complex and Community Center for the Pueblo of San Ildefonso
- Acequia/Irrigation System for the Pueblo of San Ildefonso
- Chimayo Wastewater Treatment Improvement Project
- Santa Fe County/Rio Arriba County Comprehensive Storm Water and Flood Control Infrastructure Improvement Project
- Development of a Broadband Network for the Village of Galisteo
- Upgrades to the Galisteo Domestic Water Supply Infrastructure
- Village of Galisteo Clustered/Satellite Wastewater Treatment System
- Supplemental tank for the Village of Cerrillos
- Repairs to the El Vadito Water System
- Village of Cerrillos Waste Water System Feasibility Study
- Stormwater Management Plan for the Village of Madrid
- Stormwater Management Plan for the Village of Tesuque
- Village of Tesuque Waste Water System Feasibility Study
- Village of Agua Fria Water Utility Expansion Project
- Village of Agua Fria Waste Water System Feasibility Study
- Village of Cerrillos Solid Waste Feasibility Study

Facilities

- La Cienega Community Center Improvements
- Interior/Exterior Improvements including an addition to the Bennie J. Chavez Community Center
- Improvements to the Park at Bennie J. Chavez Community Center
- Interior/Exterior Improvements to the Edgewood Senior Center
- ADA Compliance Improvements for All Community Centers in Santa Fe County
- Improvements to Chimayo Head Start to develop a Wellness Center
- Southside (Santa Fe) Boys and Girls Club
- Santa Cruz River Bosque Interpretive Learning Center
- Chimayo Community Cultural Center and Business Incubator
- Village of Chimayo Center/Plaza
- Village of Madrid Visitor Center, Community Center and Library Feasibility Study
- Improvements to the Oscar Huber Park to include playground equipment, and signage
- Pojoaque Valley Community/Senior Center

- San Marcos Community Center Feasibility Study
- Village of Tesuque Community Center Feasibility Study

Parks/Trails

- La Cienega Triangle Park Development
- La Cienega and La Cieneguilla Trail and Park Development Study
- Walking Path/Trail along Caliente Road between Avenida Eldorado and La Tienda Shopping Area
- Development of Trail Head at Bennie J. Chavez Community Center
- Petroglyph Hill Management and Access Plan
- Acquisition of the Jacona Land Grant for a Community Center/Park Area to include a Trail from the Jacona Land Grant to the La Tierra Area
- Master Plan for a Trail System in the Pojoaque Valley
- Trail Plan and Construction Along the Pojoaque River
- Chimayo Traditional Community Agricultural Demonstration Site
- Chimayo Wellness Trails Master Plan
- Santa Cruz River Picnic Area Master Plan
- Chimayo River and Riparian Restoration Project
- Install irrigation system for the Phillip C. Watts Park in the Village of Galisteo
- Install Public Restrooms for the Phillip C. Watts Park in the Village of Galisteo
- NM 76 Pedestrian Improvements to include bicycle and pedestrian paths
- Juan Medina Pedestrian Path Improvement Project
- Galisteo River Restoration Project in the Village of Cerrillos
- San Pedro Abandoned Well Survey and Decommission Project
- Parking Area for Windsor Trail to include signage
- Village of Tesuque Park Feasibility Assessment
- Tres Arroyos Del Poniente Trails Network Feasibility Analysis
- Santa Fe Rail Trail Trailhead and Parking Area at Santa Fe Southern railroad tracks and US285 South
- La Junta del Alamo Historic Trail Development
- Historic Galisteo Acequia Community Trail Development
- CR42 Multi-purpose Trail development
- La Cienega and I-25 Frontage Road Trail Development
- Madrid Greenbelt and Wilderness Management Plan

Equipment / Furnishings

- **Purchase ADA Van for Senior Center in Eldorado**
- **Purchase Bathos Sound Barriers for The Ken and Patty Adams Senior Center in Eldorado**

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 08/20/2014 BY 60322 UCBAW

CODE OF ETHICS

Every employee of the Santa Fe County Clerk's office is required to follow the provisions of the Governmental Conduct Act (Section 10-16-1 through Section 10-16-1 8, NMSA 1993) that apply to public employees.

Pursuant to the Governmental Conduct Act, as public employees, each employee of the clerk's office shall:

- * Treat his or her position as a public trust;
- * Use the powers and resources of the clerk's office only to advance the public interest and not to obtain personal benefits or pursue private interests incompatible with the public interest;
- * Conduct oneself in a manner that justifies the confidence placed in him or her by the people, maintaining the integrity and discharging ethically the duties of the clerk's office;
- * Fully disclose real or potential conflicts of interest, and avoid undue influence and abuse of his or her public service with the clerk's office;
- * Accept no money or anything of value that is conditioned on or in exchange for the performance of his or her official acts;
- * Use no confidential information acquired in performance of his or her employment with the clerk's office for personal or any other person's private gain;

In addition to adhering to the provisions of the Governmental Conduct Act, employees of the county clerk's office are to strictly follow office policy.

Employees of the county clerk's office are prohibited from:

- * Engaging in political activities during work hours or in the office of the county clerk; or
- * Accepting or displaying political literature related to an election being conducted by the county clerk's office.

While employees are encouraged to participate in political, social and cultural activities, these activities must not conflict with the ethical performance of their professional duties.

CODE OF CONDUCT

The Office of the County Clerk’s Code of Conduct provides principles and examples of good workplace conduct for all employees. We have an obligation to adhere to all rules, regulations, laws, policies and procedures.

A productive work environment depends upon each of us modeling behavior consistent with the Code and effectively holding each other and ourselves accountable.

OUR FOUNDATION

Consistent with the fundamental principles of honesty and fairness, in all our interactions, we will demonstrate professional, knowledgeable service to the public, integrity, openness, passion for excellence, personal accountability, respect for others, and teamwork.

GUIDING PRINCIPLES OF WORKPLACE CONDUCT

- Work as a team to develop the best qualified staff.
- Recognize that inclusiveness and diversity are essential to success.
- Acknowledge that a range of perspectives are essential to success.
- Recognize that all successes and failures reflect on the entire staff.
- Treat co-workers with respect and common courtesy.
- Avoid engaging in any interoffice gossip as it is damaging to individual confidence and office morale.
- Act as responsible stewards of our customers’ funds and resources.
- Adhere to all laws, regulations and the requirements of our mission statement.
- Make decisions and provide suggestions to supervisors based on solid demonstrable information.
- Perform job duties with the highest integrity in accordance with recognized standards and procedures.
- Recognize and respect those who have contributed to the success of the entire county.
- Never compromise safety for personal or operational needs.
- Minimize risk to public health and respect the needs and well being of one another, including the use of the proper tone of voice and respectful sharing of space.

Santa Fe County Clerk's Office

Open House

The Bureau of Elections has received new voting equipment and we are eager to show off!



Be the first to see this new equipment!

**If you have any questions
please contact the
Bureau of Elections
at the Santa Fe
County
Clerk's Office
505-986-6280**



Come by our warehouse and test vote the machines and see how they operate.

We want this to be as easy a transition as possible for everyone since the new machines will be in operation for the November 2014 General Election.

Our warehouse is located at 2600 Galisteo Street. Our doors will be open from 1:00 p.m. to 5:00 p.m., Monday, August 25th through Friday, September 5th [Closed September 1st for Labor Day].



THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY

ORDINANCE NO. 2010-12 2014-

AMENDING AND RESTATING ORDINANCE 2010-12 AS AMENDED

AN ORDINANCE ENACTING A SANTA FE COUNTY CODE OF CONDUCT; DEFINES TERMS USED IN THE CODE; DESCRIBES CONFLICTS REQUIRING DISCLOSURE AND REQUIRES DISCLOSURE OF CONFLICTS; CREATES A FIVE-MEMBER ETHICS BOARD AND ESTABLISHES THEIR DUTIES; DESCRIBES PROHIBITED ACTIVITY; CREATES COUNTY'S CONTRACT ETHICS OFFICIAL POSITION TO PROSECUTE CHARGES; PROVIDES MECHANISM FOR PUBLIC COMPLAINTS, CHARGING AN INDIVIDUAL FOR VIOLATIONS, AND DETAILED PROCEDURES FOR CONDUCTING A HEARING TO DETERMINE VIOLATION OF CODE; PROVIDES PENALTIES FOR VIOLATIONS OF CODE; AND REPEALING ORDINANCE NO. 2004-3 AND ORDINANCE NO. 2011-9

BE IT ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY:

SECTION 1. SHORT TITLE.

This Ordinance may be cited as the "Santa Fe County Code of Conduct."

SECTION 2. DECLARATION OF POLICY.

The proper and effective exercise of the democratic process and of democratic government requires that Elected Officials, Appointed Officials, Employees and Volunteers of Santa Fe County government be independent, impartial and responsible to the people; that decisions of the government and development of policy are made fairly, legally and as the result of a fair and open process; that public office or the pursuit of public office should not be used for personal gain or influence; and that the public have and maintain confidence in the integrity of government. To assist in attaining these goals, this Ordinance establishes a code of conduct and establishes minimum standards for ethical behavior for all Elected Officials, Appointed Officials, Employees and Volunteers of county government. This Ordinance also establishes the highest guidelines for standards of ethical behavior for all Candidates for elected office, Elected Officials, Appointed Officials, Employees and Volunteers, by setting forth explicit standards of conduct and ethical behavior, explicitly describing acts which are inconsistent with these standards, and by requiring candidates for elected office, Candidates, Elected Officials, Appointed Officials, Employees and Volunteers to disclose personal interests, financial or otherwise, in matters of the County, and to remove themselves from decision-making when such interests exist.

SECTION 3. RESPONSIBILITY OF PUBLIC OFFICE AND EMPLOYMENT.

Elected Officials, Appointed Officials, Employees and Volunteers hold office or employment for the benefit of the public. They are bound to uphold the Constitution of the United States and the New Mexico Constitution and the Laws of the State of New Mexico; to observe the highest standards in the exercise of the powers and duties of office or employment; to impartially carry out their duties; to discharge faithfully the duties of office regardless of personal considerations; and to recognize that the public interest must be the prime objective.

SECTION 4. DEFINITIONS.

A. **“Administrative Action”** means action based upon the application, or interpretation of a County Ordinance or a state statute, or a proceeding involving a license, permit, franchise or development use.

B. **“Anything of Value,” “benefit” or “thing of value”** includes all matters, whether tangible or intangible, that could reasonably be considered to be of advantage or worth, use or service to the person to whom they are conferred, and, except for transportation and related travel expenses, having an aggregate market value of over \$25 if received from any one person or entity at one time, an aggregate value of more than \$50 if received from the same person or entity in a single calendar year, and any alcoholic beverage regardless of its value. **“Anything of value,” “benefit” or “thing of value”** further includes, if having an aggregate market value over \$25: (i) money, including campaign contributions or pledges; (ii) products or merchandise; (iii) works of art or collectibles; (iv) stocks, bonds, notes or options; real property or an interest in real property; contracts or a promise of a future interest in a contract; (v) an interest or a promise of a future interest in a business; (vi) meals whose total value exceeds twenty-five dollars (\$25), non-alcoholic beverages or lodging, excepting meals provided in connection with an event produced by a non-profit charitable organization or a public event where the person attending is serving in a political an official capacity; (vii) transportation and related travel expenses not to exceed fifty twenty-five fifty dollars (\$5025 50) per trip; (viii) services, including loaned employees; (ix) loans, loan guarantees or co-signing; (x) loans at below market interest; (xi) forgiveness of a debt; (xii) discounts or rebates not extended to the public generally; (xiii) preferential treatment; (xiv) tickets of admission; (xv) paid compensation not commensurate with the fair and reasonable value of the services rendered; (xvi) free or discounted use of office equipment and facilities; (xvii) intentional overpayment or knowing duplicate payments for expenses or costs; (xviii) radio or television time which is not paid at fair market value; (xix) promise or offer of present or future employment; (xx) use of autos, boats, apartments, or other recreational or lodging facilities; (xxi) intangible rights such as a cause of action; (xxii) licenses, patents, intellectual property, copyrights, or an interest in them; and (xxiii) any other item, tangible or intangible, having economic value. “Anything of value,” “benefit” or “thing of value” does not include political endorsements, support in a political campaign or a promise of an endorsement, political activities, or political support. “Anything of value,” “benefit” or “thing of value” does not include political endorsements, support in a political campaign or a promise of a campaign contribution, an endorsement, political activities, political support or a campaign contribution. It also does not include conference-related items such as a tote bag given to all attendees at a conference paid for by the County; nor does it include reimbursement of food, lodging and transportation expenses paid for by the New Mexico Association of Counties

(NMAC) for attendance by Commissioners of the Board of County Commissioners at NMAC's statewide conferences or for their attendance at National Association of counties conferences.

C. **"Appointed Official"** means a person who is not an Elected Official or County Employee and has been appointed by the Board of County Commissioners to serve on a County Board, Commission, or Committee established by the Board of Commissioners, or to perform other functions at the request of the Board of County Commissioners.

D. **"Board of County Commissioners" or "Board"** means the Board of County Commissioners of Santa Fe County.

E. **"Candidate"** means a person who: (i) has filed a declaration of candidacy for a position as an Elected Official of Santa Fe County; ~~A Candidate is a Candidate from the time of filing the declaration of candidacy until the election. A person is also a Candidate under NMSA 1978, §1-19-26(€) (E) of the Campaign Reporting Act if that person: (i) (ii) has received contributions or made expenditures of one thousand dollars (\$1,000) or more for the purpose of seeking election to office, or (iii) has authorized another person or campaign committee to receive contributions or make expenditures of one thousand dollars (\$1,000) or more for the purpose of seeking election to a County office. A Candidate is a Candidate from the time of filing the declaration of candidacy until the election.~~

F. **"Confidential Information"** means information that has been classified as confidential by law or practice is not available to the public.

G. **"Conflict of Interest"** means a situation in which a person exercising a duty has an interest, financial or otherwise, that potentially conflicts with the exercise of the duty or that may be perceived as conflicting with the exercise of the duty.

H. **"Contract"** means an agreement between two or more parties, whether express or arising by operation of law.

I. **"County's Contract Ethics Official ("CCEO")** a licensed attorney under contract with the County who investigates ethics complaints, and if substantiated and charged by the Ethics Board, administratively prosecutes the individual charged with violation of the Code of Conduct.

J. **"Employee" or "County Employee"** means a person who is employed, in any capacity, by the County of Santa Fe.

JK. **"Elected Official"** means a member of the Board of County Commissioners, the County Clerk, the County Treasurer, the County Sheriff, the County Assessor, the County Surveyor, including a Candidate for those positions, but does not include the County Probate Judge.

KL. **"Ex parte communication"** means a direct or indirect communication with a party or the party's representative outside the presence of the other parties concerning a pending

adjudication that deals with substantive matters or issues on the merits of the proceeding. *Ex parte* communications do not include statements that are limited to providing publicly available information about a pending adjudication or solely related to the status of the proceeding.

LM. "Family" means an individual's spouse, domestic partner, parent, child, sibling and like in-laws, by consanguinity or affinity, those relatives within the third degree as determined by the common law, and persons, related or unrelated, living within the household. Those related to someone in "the third degree" usually refers to great-grandparents, great-grandchildren, aunts, uncles, nieces and nephews whether by blood or by marriage.

MN. "Financial Interest" means any interest of an Elected Official, an Employee, an Appointed Official, a Volunteer, that is: (i) an ownership interest or other interest in any contract or prospective contract with the County; (ii) an interest in the sale of real or personal property to or from the County; (iii) a financial relationship with a person or business whose interests may be affected by the County; (iv) any employment or prospective employment for which negotiations have already begun where the prospective employer has an interest in the sale of real or personal property to or from the County; or (v) any other interest that may be affected by the County. An interest held in joint or concurrent ownership with by the Elected Official's, Appointed Official's, Volunteer's, or Employee's spouse or minor children shall be considered an interest of that person the Elected Official, Appointed Official, a Volunteer, or Employee for purposes of this Ordinance.

NO. "Immediate Family" means a spouse, domestic partner, child of a sibling, a parent, a grandparent, a grandchild, like in-laws, and like step-relationships.

OP. "Non-public Information" means information that is obtained in the course of an Elected Official's, Appointed Official's, Employee's or Volunteer's duties and is subject to public inspection under state law, but that, because of its nature, is not readily accessible to the public; and if used or disclosed, a personal benefit or advantage is likely to result.

PQ. "Party" or "Complaining Party" means a person who has submitted to the County an application seeking affirmative relief; a person who has filed a formal ethics complaint or protest; a complaining party who has submitted an ethics complaint is considered a party once the County Ethics Board issues a notice of hearing to the respondent named in the ethics complaint. person who is the subject of a formal complaint or investigation; and members of the general public who participate in a pending adjudication.

QR. "Pending adjudication" means any application, petition, complaint, protest, investigation or other administrative adjudicatory proceeding requiring decision or action by the Board of County Commissioners, the Land Use Administrator or the County Planning Commission.

RS. "Personal benefit" means the obtaining or the promise of obtaining anything of value.

S. "Political action" means conduct in which Elected Officials or Appointed Officials use their official positions to exercise influence on County Employees, Elected Officials or Appointed Officials; the phrase includes intervention on behalf of constituents with a governmental agency, and endorsement, pledging support, or actively supporting a County governmental matter, a nominee or a candidate for public office.

T. "Respondent" means a person named in a formal ethics complaint that has been submitted to the County Ethics Board by a Complaining Party;

FU. "Volunteer" means a person who provides services to or on behalf of the County without being paid and without expectation of payment, and includes a volunteer firefighter or emergency responder (notwithstanding receipt of reimbursement for expenses pursuant to the volunteer recruitment and retention incentive program), a volunteer member of the Sheriff's reserve, any other volunteer who is not supervised or monitored by a County employee or Elected Official, a volunteer who has the authority to make decisions that affect County business, or a volunteer who has the ability to purchase goods or services with County resources.

SECTION 5. NON-PARTISANSHIP.

All actions, decisions and votes on matters relating to the County government shall be made on the merits. Decisions shall be made objectively, and without party or political partisanship considerations, and without facts which are not directly and properly related to the matter requiring action.

SECTION 6. PUBLIC TRUST.

A. Elected Officials, Appointed Officials, Employees and Volunteers shall Act according to the highest principles of representative democracy to ensure that County government is worthy of public respect, trust and support.

B. Elected Officials, Appointed Officials, Employees and Volunteers shall not engage in conduct that they know or reasonably should know is likely to create in the minds of reasonable, objective, fair-minded observers the perception that they have used their public positions improperly, unethically or otherwise have not conducted themselves in accordance with the standards of conduct of this Ordinance.

SECTION 7. CONDUCT AVOIDING THE DUTY TO AVOID IMPROPRIETY.

A. Elected Officials, Appointed Officials, Employees and Volunteers shall avoid conduct that creates the appearance of impropriety or that is otherwise unbecoming a public official.

B. Elected Officials, Appointed Officials, County Employees and Volunteers shall not knowingly engage in conduct that violates the rights of others to be treated fairly and with dignity and respect.

C. Elected Officials, Appointed Officials, Employees and Volunteers shall use the powers and resources of public office/public employment only to advance the public interest and not to obtain personal benefits or pursue private interests, and shall conduct themselves in a manner that justifies the confidence placed in them by the people, at all times maintaining the integrity and discharging ethically the high responsibilities of public service. refrain from engaging in conduct, even if lawful, where personal gain or advantage is involved in a way that creates a reasonable inference that such office has been used for private benefit.

SECTION 8. LIMITATIONS ON EMPLOYMENT WITH AND APPEARANCE BEFORE THE COUNTY FOLLOWING GOVERNMENT SERVICE.

A former Elected Official, Appointed Official or Employee shall not represent a person in dealings with Santa Fe County government on a matter in which the former Elected Official, Appointed Official or Employee participated personally and substantially while an Elected Official, Appointed Official or Employee for a period of one year following termination of service or employment. An Elected Official, Appointed Official or Employee participates in a matter personally and substantially for purposes of this Section when the Elected Official, Appointed Official or Employee is in a decision-making capacity during the government service and has the capacity to affect the outcome of the matter while an Elected Official, Appointed Official or Employee. Incidental contact with a matter, or supervisory control over persons with direct control over a matter, is not personal and substantial for purposes of this Section.

A. A former Elected Official, Appointed Official or Employee shall not for pay represent a person in dealings with Santa Fe County government for one year after leaving County service or employment.

B. A former Elected Official, Appointed Official or Employee shall not ever represent a person in dealings with Santa Fe County government after leaving County service or employment on a matter in which that person participated personally and substantially while a County Official or Employee.

C. Santa Fe County government shall not enter into a contract with or take action favorably affecting, any person or business that is:

1. Represented personally in the matter by a person who has been was serving as a County Official or Employee within the preceding year, if the value of the contract or action is greater than one thousand dollars (\$1,000) and the contract was a direct result of an official act by the County Official or Employee; or

2. Assisted in the transaction by a former County Official or Employee of the County whose official act, while in service of or employment with the County, directly resulted in the County making that contract or taking that official action.

SECTION 9. PROHIBITED FINANCIAL INTEREST IN COUNTY BUSINESS; DISCLOSURE.

A. No Elected Official, Appointed Official, Employee or Volunteer may have a Financial Interest, as defined in Section 4 of this Ordinance, if the Elected Official, Appointed Official, Employee or Volunteer is in a decision-making capacity with respect to the Financial Interest.

B. Elected Officials, Appointed Officials, and County Employees who have any Financial Interest shall disclose such interest by filing a Disclosure of Interest Form as described in Section 1819 of this Ordinance and recording same with the County Clerk and by disclosing the interest as also otherwise provided in Section 19 this Ordinance or by Law, and shall thereafter be disqualified from participating in any debate, decision or vote relating thereto.

SECTION 10. CONFLICTS OF INTEREST; DISCLOSURE.

A. Elected Officials, Appointed Officials, Employees or Volunteers shall strictly avoid transactions and relationships that create a Conflict of Interest. Where a Conflict of Interest is unavoidable, the Elected Official, Appointed Official, Employee or Volunteer shall have an affirmative duty to disclose the Conflict of Interest and shall have an affirmative duty to subordinate the conflicting interest to the public interest.

B. A Conflict of Interest for purposes of this Section includes receipt by an Elected Official, Appointed Official or employee of Anything of Value from a person or business doing business with the County, contracting with the County, regulated by the County, has having an application pending before the County, or having an interest that whose interests may be affected by the County. It shall be sufficient to determine whether a person or business is doing business with the County if the Elected Official, Appointed Official, Employee or Volunteer: (i) asks the person or business to verify if they are doing business with the County, or (ii) asks the County Procurement Manager to verify if the person or business is doing business with the County. Either method of verification should be documented in writing.

B. Elected Officials, Appointed Officials, Employees or Volunteers shall exercise their duties, powers and prerogatives without prejudice or favoritism to hire, promote, or simply to reward family members, relatives, friends, or political supporters, or to hinder or punish enemies and opponents.

C. Elected Officials, Appointed Officials, Employees or Volunteers shall assure that constituents and others who may be affected by decisions of the County have a fair and reasonable opportunity to express their concerns, grievances, and ideas without regard to their willingness or ability to provide personal benefits or political support to the Elected Official, Appointed Official, Employees or Volunteer.

D. Elected Officials, Appointed Officials, Employees and Volunteers shall not engage in any conduct that could create in the mind of a reasonable observer the belief that persons will receive better or different service if gifts, personal benefits or political or charitable contributions are provided.

E. Elected Officials, Appointed Officials, Employees and Volunteers shall not solicit or receive gifts, personal benefits, favors, gratuities or political or charitable contributions, or Anything of Value under circumstances that create a reasonable belief that special access, services, favors, or official or unofficial actions will be provided as a result. Nor may Anything of Value be solicited or received from a person or business doing business with the County, contracting with the County, regulated by the County, has an application pending before the County, or whose interests may be affected by the County.

F C. This subsection governs the acceptance of things of value and campaign contributions from County contractors and prospective contractors.

1. Subject to the considerations listed below, Elected Officials, ~~Appointed Officials~~ or their Employees shall not accept Anything of Value from a person, business, or other entity when the Elected Official, ~~Appointed Official~~, or Employees knows or reasonably should know that said person, business, or entity does any business with the County, desires to do business with has submitted procurement documents to be awarded a contract with or purchase order by the County, or contracts with the County, is regulated by the County, has an application pending before the County, or whose interests may be affected by the County. Also,

2. An elected County Official, or that Official's employees, are subject to certain prohibitions set forth in Section 13-1-191.1(E) of the Procurement Code. That section prohibits a prospective contractor, a representative of a prospective contractor, a family member of a prospective contractor, or the owner of a prospective contractor, from giving a campaign contribution or other thing of value to an Elected County Official or to that Official's employees during a set time period. For purposes of these prohibitions and the set time period:

a. a "prospective contractor" is a person or business that has submitted a competitive sealed proposal in response to the issuance of an RFP, or is not required to submit a competitive sealed proposal for a contract with the County because that person or business qualifies for a sole source or small purchase contract;

b. the prohibitions are applicable during the pendency of the procurement process, or during the pendency of negotiations for a sole source or small purchase contract; and

c. "pendency of the procurement process" is the time period starting with the public notice of a Request for Proposals (RFP) and ending with award of the contract, or cancellation of the RFP.

3. Elected Officials or their Employees shall not accept a campaign contribution that in the aggregate totals more than \$100 from a person, business, or other entity when the Elected Official or their Employees know or reasonably should know that said person, business, or entity has been awarded or is under a contract with the County.

4. Appointed Officials and those Employees not under the direct supervision of an Elected Official, shall not accept Anything of Value from a person, business, or other entity when the Appointed Officials and those Employees not under the direct supervision of an Elected Official know or reasonably should know that said person, business, or entity has submitted procurement documents to be awarded a contract with or purchase order by the County, or is under contract with the County.

5. It shall be sufficient due diligence to determine whether a person or business is doing business with the County if the Elected Official or their Employee: (i) asks the person or business to verify if the person or business has submitted procurement documents to be awarded a contract with or purchase order by the County, or is under contract with the County; (ii) asks the County Procurement Manager to verify if the person or business has submitted procurement documents to be awarded a contract with or purchase order by the County, or is under contract with the County. Either method of verification shall be documented in writing. Any such due diligence determination and disclosure shall be completed within seven (7) calendar days of receipt of Anything of Value, or alternatively, the Elected Official or their Employee may return the thing of value or campaign contribution within seven (7) calendar days of receipt.

D. This subsection governs the acceptance of things of value and campaign contributions from those with a pending application before the county or an appeal.

1. Elected Officials, Appointed Officials or Employees shall not accept Anything of Value from a person, business, or other entity when the Elected Official, Appointed Official, or Employee knows or reasonably should know that said person, business, or entity does any business with the County that requires the filing of an application for either a license, permit or other land use approval and the application for issuance of that license, permit or other land use approval is pending before the County or under appeal.

2. It shall be sufficient due diligence to determine whether a person or business has an application for a license, permit or other land use approval pending before the County, if the Elected Official, Appointed Official, or Employee: (i) asks the person or business to verify if they have an application for a license, permit or other land use approval pending before the County, or (ii) asks intake persons in the County Land Use Office to verify if the person or business has an application for a license, permit or other land use approval pending before the County. Either method of verification shall be documented in writing. Any such due diligence determination and disclosure shall be completed within seven (7) calendar days of receipt of Anything of Value, or alternatively, Elected Official, Appointed Official, or Employee may return the thing of value within seven (7) calendar days of receipt.

SECTION 11. PROHIBITED ACTIVITIES.

A. Elected Officials, Appointed Officials, Employees or Volunteers shall exercise their duties, powers and prerogatives without prejudice or favoritism to hire, promote, or simply to reward family members, relatives, friends, or campaign contributors political supporters, or to hinder or punish enemies and opponents. All hiring or promotion shall be based upon documented merit about a person and not upon that person's relationship or friendship with an Elected Official, Appointed Official, Employee or Volunteer.

B. Elected Officials, Appointed Officials, Employees or Volunteers shall assure that constituents and others who may be affected by decisions of the County have a fair and reasonable opportunity to express their concerns, grievances, and ideas without regard to their

willingness or ability to provide personal benefits or political support to the Elected Official, Appointed Official, Employees or Volunteer.

C. Elected Officials, Appointed Officials, Employees and Volunteers shall not engage in any conduct that could create in the mind of a reasonable observer the belief that persons will receive better or different service if gifts, personal benefits or political or charitable contributions are provided.

D. Elected Officials, Appointed Officials, Employees and Volunteers shall not solicit or receive gifts, personal benefits, favors, gratuities or political or charitable contributions, or Anything of Value under circumstances that create a reasonable belief that special access, services, favors, or official or unofficial actions will be provided as a result.

SECTION 1112. CONFIDENTIAL INFORMATION AND MISUSE OF NON-PUBLIC CONFIDENTIAL INFORMATION.

No Elected Official, Appointed Official, Employee or Volunteer shall disclose or use Confidential Information maintained by the County without proper authorization, and such information shall not be used to advance the financial or other private interests of said person. No Elected Official, Appointed Official, Employee or Volunteer shall use Confidential Information for personal benefit. This provision should not be construed, nor is it intended, to prevent any employee from exercising that employee's rights under engaging in conduct set forth in NM SA 1978, § 10-16C-3(A) – (C) of the Whistleblower Protection Act.

SECTION 1213. DUTY TO REPORT IMPROPER OFFERS.

A. Elected Officials, Appointed Officials, Employees and Volunteers who receive an offer of a Gift or Anything of Value that reasonably appears to have been intended to improperly influence County governmental action shall firmly and unequivocally reject the offer and caution the person making it about a possible violation of bribery laws.

B. If the attempt to improperly influence is clear, the A person receiving the offer shall is encouraged to report it to law enforcement authorities, or if a County employee, to that person's supervisor.

SECTION 1314. MISUSE OF COUNTY PROPERTY AND RESOURCES FOR PRIVATE GAIN OR PERSONAL ADVANTAGE.

A. An Elected Official, Appointed Official, Employee or Volunteer shall not use public property for any private purpose or nongovernmental purpose except as specifically provided by law. Public property includes public funds, time, facilities, property, equipment, mailing lists, computer data, services or any other government asset or resource. This section does not prohibit the occasional and limited use of County property and resources for personal purposes if:

1. the use does not interfere with the performance of public duties;

2. the cost or value related to the use is so nominal that reimbursement procedures would not be justified; and

3. the use does not create the appearance of improper influence; and

4. the use is otherwise in accordance with applicable law and policy.

B. No Elected Official, Appointed Official, Employee or Volunteer shall seek, accept, use, allocate, grant or award public funds for a purpose other than that authorized by law or make a false statement in connection with a claim, request or application for compensation, reimbursement or travel allowances from public funds.

C. Unless authorized by the County Human Resources Handbook, no County Employee shall be asked or permitted to perform personal services for an Elected Official or Appointed Official. An Elected Official or Appointed Official shall not require a County employee to perform personal services or assist in a private activity. ~~except in unusual and infrequent situations where the person's service is reasonably necessary to permit the Elected Official or Appointed Official to perform official duties.~~

SECTION 1415. MISUSE OF COUNTY PROPERTY OR RESOURCES FOR POLITICAL PURPOSES.

A. ~~Public resources, including funds, facilities and County personnel and County resources~~ may not be used to further partisan campaign purposes or to promote or hinder a particular candidate for public office. However, County facilities that permit community activities and use may, if available, be used for partisan campaign purposes upon payment of applicable fees and compliance with all applicable facility policies. Elected Officials, Appointed Officials, Employees and Volunteers may also use these County facilities for partisan campaign purposes, provided they also pay all applicable fees and comply with all applicable facility policies and other applicable policies, rules, and regulations. ~~or to influence the outcome of an election, except for an election on a question proposed by the County such as whether a tax should be imposed or a debt contracted for in which case public resources may be used for the limited purpose of educating voters about the details of the question.~~

B. ~~A Candidate or an~~ An Elected Official shall not use or authorize the use of public funds, time, facilities, equipment, mailing lists, computer data, services or other government assets or resources for the purpose of political fundraising, campaigning, or influencing an election. This section does not prohibit the use of mailing lists, computer data or other public information lawfully obtained from a government agency and available to the general public for nongovernmental purposes.

C. ~~A Candidate, an~~ An Elected Official, another person on behalf of a Candidate or Elected Official, or a campaign committee of a Candidate or Elected Official, shall not solicit or accept or authorize the solicitation or acceptance of a campaign contribution in a facility or office ordinarily used to conduct County government business. This provision applies to

telephone conversations, personal meetings, and solicitations by mail. If such a contribution is offered **in a facility or office ordinarily used to conduct County government business**, it shall be refused or returned promptly. If an unsolicited contribution is received in the mail **in a facility**, or a lawfully solicited contribution is misdirected to **a facility or office an office ordinarily used to conduct County business**, if otherwise lawful, it may be accepted, but it may not be processed in that office, and it shall be delivered promptly to an appropriate location.

D. An Elected Official, a Candidate, or a campaign committee or another person on behalf of an Elected Official or Candidate, shall not distribute or post literature, placards, posters, or other communications intended to influence the election of a candidate in an election in a facility or office ordinarily used to conduct County government business.

SECTION 1516. USE OF CONFIDENTIAL INFORMATION FOR PRIVATE GAIN.

An Elected Official, Appointed Official, Employee or Volunteer, or a former Elected Official, Appointed Official, Employee or Volunteer who terminated County service within one year, shall not use or disclose Confidential Information to obtain a benefit for the Elected Official, Appointed Official, Employee, Volunteer or former Elected Official, Appointed Official, Employee or Volunteer, or another person, including a person with whom the Elected Official, Appointed Official, Employee, Volunteer or former Elected Official, Appointed Official, Employee, or Volunteer is associated or has negotiated prospective employment. This section does not allow the disclosure of information made confidential by law **or practice which is not available to the public**.

SECTION 1617. MISUSE OF TITLE OR PRESTIGE OF OFFICE FOR PRIVATE GAIN OR PERSONAL ADVANTAGE

A. An Elected Official, Appointed Official, Employee or Volunteer shall not use, induce, cause, or encourage others to use the authority, title, official letterhead or prestige of the Elected Official's, Appointed Official's, Employee's or Volunteer's office or service for his or her own private gain or personal advantage.

B. An Elected Official, Appointed Official, Employee or Volunteer shall not solicit **or solicit** or accept Anything of Value under terms and conditions where the compensation is not commensurate with the services performed or where a reasonable person would believe that the authority, title or prestige of office had been exploited. Nothing in this section prohibits the use of official title of an Elected Official, Appointed Official, Employee or Volunteer as a part of a political campaign or political endorsement.

SECTION 1718. POLITICAL ACTIVITY.

A. No Candidate, **Elected Official, Appointed Official, Employee or Volunteer** shall compel, coerce or intimidate any Elected Official, Appointed Official, Employee or Volunteer to make, or refrain from making, any **political campaign** contribution. No Candidate, Elected Official, Appointed Official, Employee or Volunteer shall solicit or obtain by coercion any political contribution from Employees. Nothing in this subsection shall be interpreted to provide

that an Elected Official, Appointed Official, Employee or Volunteer is precluded from voluntarily making a contribution or receiving a voluntary contribution.

B. ~~Effective November 3, 2010, no~~ No Candidate, ~~Elected Official, Appointed Official, Employee or Volunteer~~ shall ~~not~~ accept or solicit any campaign contribution in excess of \$ 2,300 per primary, general or special election, or in violation of any federal, state or local statute, law, rule or ordinance. A loan by the candidate to the campaign is not a campaign contribution for purposes of this paragraph.

C. ~~No Employee with contract management authority, property management authority or land use authority shall serve as a paid political consultant, a campaign treasurer, or as a member of the political fundraising committee of any Candidate for federal, State, city or County office, or Elected Official~~ No Elected Official, Appointed Official, Employee or Volunteer shall directly or indirectly coerce or attempt to coerce another Elected Official, Appointed Official, Employee or Volunteer to pay, lend or contribute anything of value to a party, committee, organization, agency or person for a political purpose.

D. Neither Elected Officials, Appointed Officials, ~~nor Employees~~ shall ~~not~~ perform any political activity during any compensated time.

E. A Candidate, Elected Official, Appointed Official, Employee or Volunteer shall not require an Employee to perform political activity: (i) as a part of the Employee's duties, (ii) as a condition of County employment; or (iii) during any time off that is compensated by the County.

F. An Employee shall not be required to participate in any political activity.

G. ~~An Employee shall not be awarded additional compensation or employment benefit in any form to engage in as a part of the Employee's official County employment duties or activities that are undertaken by an Employee on a voluntary basis as permitted by law.~~

H. ~~Nothing in this section prohibits an Employee from engaging in political activity on behalf of the County or, consistent with Section 1718(C), engaging in voluntary political activities of the Employee's choosing when not on duty.~~

I. ~~No Candidate shall engage in any conduct that would, to an objective third-party, constitute an undue threat to an Employee's continued employment.~~

JG. Pursuant to NMSA 1978, §Section 10-16-4.2 of the Governmental Conduct Act, Employees that County employees employed by a Candidate who receive compensation or reimbursement from a Candidate, or political campaign committee, or political action committee, on behalf of a Candidate in excess of \$250 shall report this outside employment in writing to be required to report such compensation or reimbursement to the County Manager, which shall include disclosure of the nature of the compensation or reimbursement.

SECTION **1819**. DISCLOSURE.

A. Within ten (10) days after the swearing in of any Elected Official, the Elected Official shall file a statement of economic interest with the County Clerk on a form provided by the County. Amended statements of economic interest shall be filed on an annual basis or before the 11th day of January of each year.

B. Within ten (10) days of assuming duties as an Appointed Official, Employee or Volunteer, each shall file a statement of economic interest with the County Clerk on a form provided by the County. Amended statements of economic interest shall be filed on an annual basis or before the 11th day of January of each year.

C. The following information shall be provided:

1. A description of all parcels of real estate within the County in which the person owns any interest including an option to purchase.

2. All interests in any business organization, either as owner, part owner, partner, or shareholder, in which such individual owns more than two percent of the outstanding stock or more than two percent ownership interest of any other business that is doing business with the County in an amount in excess of \$7,500 annually.

3. The identity of each person from which the individual who is required to file received, directly or indirectly, any gift or gifts having an aggregate value of more than \$250 within the taxable year proceeding the time of filing, except that such disclosure is not required for any gift from a parent, grandparent, child, grandchild, brother, sister, parent-in-law, grandparent-in-law, brother-in-law, sister-in-law, uncle, aunt, niece, nephew, spouse, boyfriend, girlfriend, domestic partner, fiancé, or fiancée.

D. Any person required to file a statement hereunder shall not be required to file an amended statement unless that person undergoes a change in those economic interests that are required to be disclosed by this section. Such persons shall file the amended statement in the manner prescribed above within ninety (90) days of the date of any change in circumstances requiring filing thereon.

E. All persons required to file a statement hereunder shall comply with the provisions of this section within thirty (30) days after the requirements hereof are imposed upon such office or position.

SECTION 1920. PROPER USES OF CAMPAIGN FUNDS.

Campaign funds for County elected office shall be used only to advance the interests of a campaign. Campaign funds may properly be expended for any otherwise lawful purpose intended to influence voters to elect or reelect the Candidate to an elected office, including payment of staff and consultants; rental of space and equipment for a campaign office; purchase of media time and space; printing and distribution of campaign materials; postage; taking polls and interpreting them; advertising and promotional materials; and travel and related expenses for the Candidate and members of the Candidate's staff or immediate family.

SECTION 2021. PROHIBITED USES OF CAMPAIGN FUNDS.

A. A Candidate shall not:

1. use funds raised and designated as campaign funds for the personal benefit of the Candidate or for payment of attorneys' fees and other legal expenses arising from civil, criminal, or administrative actions based on conduct not directly related to the campaign or official duties;
2. convert surplus campaign funds or interest earned on campaign funds to personal income;
3. seek or claim a personal tax deduction or other economic benefit for surplus campaign funds disbursed to a charity; ~~or~~
4. borrow from campaign funds or lend them to another person or group; ~~or~~
5. use campaign funds in a manner contrary to NMSA 1978, § 1-19-29.1 of the Campaign Reporting Act.

B. A Candidate, or another person on behalf of the Candidate or a campaign committee of the Candidate, shall not knowingly pay more than the fair market value for goods or services purchased for the campaign.

C. Campaign funds shall not be paid to a member of the ~~Candidate's immediate family~~ Immediate Family of the candidate as an employee ~~or for~~ Goods, goods or services ~~shall not be provided to the Campaign by a member of the Candidate's immediate family~~ unless the amounts paid do not exceed the fair market value of the goods or services provided.

D. A Candidate or a committee controlled by a Candidate shall not use campaign funds to make a contribution to another Candidate running for office or to a committee supporting an opposing Candidate for office.

E. Campaign funds shall not be used to pay fines or other monetary penalties or costs assessed against a candidate by a court or other body, unless the fine, penalty, or cost is specifically related to the campaign or the County-elective office. ~~is assessed as a result of prescribed actions by a member or employee or a campaign committee or another person acting on behalf of the Candidate under circumstances where the candidate did not know of or have reason to know of those actions.~~

F. In addition to the state Campaign Reporting Act set forth at NMSA 1978, §§ 1-19-25 to 1-19-36, candidates shall comply with any current written campaign finance guides issued by the New Mexico Secretary of State's Office regarding the permitted and prohibited use of campaign funds.

SECTION 2122. DISBURSEMENT OF SURPLUS CAMPAIGN FUNDS.

A. If a Candidate ceases to be a Candidate or if there remains a balance in the account of the Candidate or a committee controlled by the Candidate after the date of the election, unexpended funds in excess of the amount allowed under this section may only be used as provided in this section or to pay for a victory or thank you party. Within sixty (60) days after the end of the candidacy or the election, unexpended funds shall be:

1. used to retire bona fide loans supported by written documentation, including loans made to a campaign by the candidate or a member of the candidate's immediate family provided that all other outstanding loans are paid first;
2. returned on a pro rata basis to those who have made contributions in excess of one hundred dollars (\$100) in the aggregate a year during either a primary or a general election;
3. donated to the County general fund;
4. donated to one or more organizations that qualify as charitable organizations; provided that the charity is not one that is controlled by the candidate or a member of the candidate's immediate family or in which the candidate or a member of the candidate's immediate family is personally involved as a director, trustee, member of the board, officer or other position of responsibility; or
5. transferred to an ongoing political account controlled by the candidate or another candidate, but only in the amounts and according to the requirements set out in this section.

B. Funds carried over under subsection A of this section may be expended for any political purpose for which campaign funds may otherwise be properly used.

SECTION 2223. COERCION

A. An Elected Official shall not, directly or by authorizing another to act on his or her behalf, state or imply that the Elected Official's willingness to meet with a person, is dependent on the person making a campaign contribution, donating to a cause favored by the Elected Official or providing a thing of value to the Elected Official.

B. An Elected Official shall not directly, or by authorizing another to act on the Elected Official's behalf:

1. agree or threaten to take or withhold any County governmental action, as a result of a person's decision to provide or not provide a political campaign contribution;
2. state or imply that the Elected Official will perform or refrain from performing a lawful constituent service as a result of a person's decision to provide or not provide a political campaign contribution;

3. agree to or participate in a scheme or plan intended to evade the requirements of any applicable state ethics statutes, this Ordinance, or another financial disclosure provision of state or County law; or

4. knowingly accept a campaign contribution given or offered in violation of any applicable state ethics statutes or this Ordinance.

SECTION 2324. REPORTING AND RESOLVING ETHICS VIOLATIONS OF THIS ORDINANCE.

A. Any Elected Official, Appointed Official, Employee, or Volunteer, or member of the public person, except a member of the County Ethics Board, may submit a complaint of alleging unethical conduct a violation of this ordinance to the County Ethics Board, by delivering to the County Attorney's Office a signed sworn complaint sworn to under penalty of perjury to be true, that alleges alleging facts which, if true proven, would constitute a violation of this Ordinance. Such complaint shall contain a valid mailing address, email address or telephone number for the person submitting the complaint so that the complainant can be contacted. Complaints filed or submitted more than one (1) year after a violation of this Code is alleged to have occurred shall be beyond the jurisdiction of the Ethics Board and shall be dismissed with prejudice. As to ethics complaints submitted by County Ethics Board members:

1. Any County Ethics Board member submitting an ethics complaint shall submit a letter to the County's Contract Ethics Official ("CCEO"), together with their complaint, that recuses him/her from participating in any discussions, deliberations or voting on the merits of their complaint.

2. Because of the prohibitions in this Ordinance against *ex parte* communications, during the pendency of the complaint, such complaining Ethics Board member shall not formally or informally discuss the merits or substance of his/her ethics complaint with any other Ethics Board members unless: (a) the CCEO has dismissed the complaint because it failed to state a claim and the Ethics Board member has not appealed the dismissal; or, (b) the County Ethics Board has issued a final decision on the complaint after a hearing.

3. If any member of the County Ethics Board petitions the Ethics Board for a hearing and advice regarding his or her own conduct or the conduct of others, such member shall not be eligible to sit in such cases.

B. The County Attorney's office will forward all such signed, sworn complaints, in whatever method received, to the County's contract ethics official CCEO, who will determine whether the complaint states a claim under this Ordinance.

C. The County Attorney's office will not forward un-sworn complaints to the CCEO, but will instead process them in accordance with the County's records retention policy after determining whether law enforcement, the County Manager or the Human Resources Director should be notified. However, all complaints addressed to the County Ethics Board or a member

of the Board, whether sworn or not and whether anonymous or not, shall be forwarded to the County Ethics Board as well as to the CCEO. The form of complaint shall also be noted whether it is an email, letter, phone message, etc.

D. For any complaints forwarded or submitted directly to either the CCEO or to the Ethics Board, the procedures for processing complaints in Subsections A to E of this Section 24 shall be followed. The Ethics Board shall take no action nor discuss at an open meeting a complaint it receives directly or is forwarded to it by reason of the complainant's having addressed the complaint to them, but shall turn such complaints over to the CCEO for processing and investigation if it is sworn and it states a claim. The CCEO shall neither discuss nor share with members of the Ethics Board any sworn complaints except as provided in Subsection H.

E. The County's contract ethics official CCEO shall refer all employment matters any sworn complaint involving a County employee alleged to have committed an ethical infraction prohibited by this Ordinance to the County's Human Resources Department for investigation and appropriate action pursuant to the Human Resources Handbook or collective bargaining agreement, as applicable. A sworn complaint making ethics allegations about both a County Employee and an County Elected Official, Appointed Official or Volunteer shall, if the CCEO determines the complaint to state a claim under this Ordinance, be investigated by the CCEO as to the allegations against the County Elected Official, Appointed Official or Volunteer only. The remainder of such complaint involving an County Employee shall be investigated by the Human Resources Department pursuant to the Human Resources Handbook or handled according to a collective bargaining agreement as applicable. The Human Resources Department may also rely on acts or practices prohibited by this Code of Conduct because County employees must comply with the prohibitive provisions of Consistent with Section 6 of the Human Resources Handbook, County Employees are bound by and must comply with this Ordinance.

F. If the sworn complaint fails to state a claim under this Ordinance, the complaining party shall be so informed in writing by the CCEO who shall dismiss the complaint and the complaint shall be dismissed, subject to a right of appeal to the County Ethics Board within seven (7) calendar days solely on the issue of whether the complaint stated a claim under this Ordinance. The Ethics Board may reverse a dismissal of a complaint if it determines that the ethics official's CCEO's dismissal was arbitrary or capricious, such as the reasons given for dismissal did not properly interpret the Code of Ethics, or the reasons given misapplied the prohibitive provisions of the Code to the facts alleged in the complaint. The Ethics Board may also reverse a dismissal of a complaint based upon newly discovered evidence not previously submitted for consideration, provided that the newly discovered evidence is clear and convincing and its truthfulness is sworn to in writing by the complainant or otherwise deemed reliable by the Ethics Board. Newly discovered evidence whose truthfulness is not sworn to in writing and which does not support an allegation of violation of this Ordinance, shall not form the basis of reversing a dismissal of the complaint. If the Ethics Board reverses a dismissal of a complaint, they shall remand the matter back to the CCEO for further investigation and the setting of the matter for hearing, with notice to the complainant and person(s) named in the sworn complaint.

G. If the complaint states a claim under this Ordinance, the County's ethics official CCEO shall investigate the allegations, prepare a report and recommendations to either dismiss the complaint or proceed to a hearing, and shall present the same to the County Ethics Board for consideration at its next available meeting after completion of the investigation for further proceedings.

H. The County Ethics Board shall conduct a public hearing on the merits prior to taking any of the actions described in Section 2425(H) of this Ordinance. At its next meeting after completion of the investigation, the County Ethics Board shall review the report and recommendation to either dismiss or proceed to a hearing, and either:

1. determine where and when a hearing should take place for which it shall provide advance written notice to the Respondent person(s) named in the sworn complaint, in which case the Respondent person(s) named in the sworn complaint:

a) may be represented by counsel at their the Respondent's own expense, who is licensed to practice law in this sState;

b) shall within 10 days of making a written request have a right to a list of witnesses of these intended to be called at the hearing by the CCEO, and must provide the CCEO with a list of witnesses he/she intends to call during the hearing within 10 days of receiving a written request;

c) shall within 10 days of making a written request have a right to receive copies of all documents not privileged that were obtained by the CCEO during his/her investigation and intends to use during the hearing, and must provide the CCEO with copies of all documents he/she intends to use during the hearing within 10 days of receiving a written request;

d) shall have a right to the issuance of an administrative subpoena a notice by the County Ethics Board compelling the attendance of witnesses at hearings and the production of documents.

2. ~~dismiss recommend dismissal of~~ dismiss the complaint without further action other than to notify the person(s) named in the sworn complaint and the complainant in writing of the dismissal; or

3. ~~dismiss recommend dismissal of~~ dismiss all or part of the complaint because, while it did state a claim under the Code of Conduct, the conduct complained of is too insignificant or seemingly unintentional to warrant a formal hearing.

I. A determination by the Ethics Board to dismiss a complaint shall be final and not subject to appeal, re-determination, reconsideration, further review, or resubmittal by the complainant or any other complainant on the same issue involving the same person(s) suspected of charged with the ethics infraction. Provided that any Respondent whose complaint is recommended for dismissal shall be given a notice and an opportunity to be present at the Ethics Board to receive an explanation from the Board why the complaint is being dismissed. At this meeting, the Respondent may provide any additional information to assist the Ethics Board in its decision.

J. A Respondent whose complaint is recommended for dismissal shall be given a notice and an opportunity to be present at the Ethics Board to receive an explanation from the Board why the complaint is being dismissed. At this meeting, the Respondent may provide any additional information to assist the Ethics Board in its decision.

JK. In order to provide a full and fair hearing under this Ordinance, a Section 2425(H) public hearing on the merits shall proceed as follows:

1. all persons present to give testimony must be sworn before testifying and shall leave the hearing room until they testify;

2. the CCEO shall proceed first by calling witnesses and submitting documents into evidence;

3. the Elected Official, Appointed Official or Volunteer (hereafter "Respondents") suspected of the ethics infraction Respondent shall have the right to cross-examine any witness called by the CCEO;

4. any Ethics Board member, after seeking acknowledgement to proceed from the Chair, may ask any question a witness about questions related to the that witness's testimony or related to the documentary evidence that was introduced;

5. after the CCEO has rested, the Respondent(s) may proceed with a defense of the allegations set forth in the sworn complaint by presenting witnesses and documentary evidence, subject to cross-examination by the CCEO and questioning by members of the Ethics Board;

6. while the technical rules of evidence shall not apply, the Chair may rule on the admissibility of exclude irrelevant, immaterial, unreliable, unduly repetitious, or argumentatively presented evidence and may require substantiation of statements or records tendered where their accuracy or truth is in reasonable doubt, so long as any final decision of the Ethics Board is supported by a legal residuum of competent evidence;

7. hearings shall be recorded and at least 7 days prior to a hearing the CCEO and respondent shall exchange witness lists and copies of documents they intend to use as evidence during the hearing;

8. after testimony is completed and both sides have rested, the Ethics Board may permit closing statements from both sides;

9. the Ethics Board may deliberate but not vote on their its disposition of the case in executive session as an administrative adjudicatory deliberation after which they the Board must return to an open session to vote on the disposition of the ethics case; and

10. after deliberating on the merits of the case before them, the Ethics Board shall issue a written decision consistent with their its vote and containing findings of fact and

conclusions of law, which may: impose one of the consequences permitted by Section 2425(H) upon the Respondent if they find a violation of this Ordinance has occurred, decline to impose one of the consequences even if they find a violation is found, impose a consequence less severe than those permitted by Section 2425(H), or find no violation of this ordinance has occurred in which case the complaint shall be dismissed. The burden of proof for finding a violation of the Code of Ethics shall be by a preponderance of the evidence. A copy of the Ethics Board's written decision shall be delivered or mailed to the Respondent, the CCEO and the Office of the County Clerk.

KL. Prior to the hearing on the merits, either the Respondent or the CCEO may file motions related to continuance of the date set for hearing or for issues related to discovery. The Ethics Board may consider any such motions at a special meeting. The Ethics Board shall not be required to consider dispositive motions filed by Respondent, such as motions to dismiss or for summary judgment.

SECTION 2425. COUNTY ETHICS BOARD.

A. There shall be created a Santa Fe County Ethics Board that shall consist of ~~three~~ five members who shall be appointed by the Board of Commissioners. At least one citizen member shall be appointed; the citizen member shall not be affiliated with County government in any capacity, including, but not limited to, employment (including employment for which the salary is in any way funded by or through the County), appointment, election, or serving as a volunteer. The members of the County Ethics Board may not hold elected public office or office with any political party within the County. Each member shall serve a two year term, subject to reappointment thereafter.

B. The County Ethics Board shall elect its own chair and vice-chair. If any member of the County Ethics Board petitions the Ethics Board for a hearing and advice regarding his or her own conduct or the conduct of others, such member shall not be eligible to sit in such cases, and an alternate member shall be seated when the need arises.

C. The jurisdiction of the Ethics Board is limited to acting within the scope of matters covered by this Ordinance as they relate to Elected Officials, Appointed Officials and Volunteers of Santa Fe County government, but may periodically review and recommend amendments to this Ordinance. In addition, the Ethics Board shall have authority to make recommendations to the Board of County Commissioners regarding ethics training.

D. Upon the sworn complaint of any person alleging facts which, if true, would constitute a violation of this Ordinance, and pursuant to the procedures set forth in Section 2324 which require an investigation, unless it recommends dismissal of the case, the County Ethics Board shall conduct a public hearing on the allegations of the complaint.

E. The County Ethics Board shall adopt rules of procedure for conducting hearings pursuant to this Ordinance. The rules of procedure shall be consistent with the rules for conducting administrative hearings in Santa Fe County. [Reserved]

F. The County Ethics Board shall have the power to issue administrative subpoenas compelling to compel the attendance of county employees as witnesses at hearings and the production of documents, and the authority to seek enforcement of those subpoenas by the First Judicial District Court. A notice to attend will be delivered through the employee's chain of command.

G. If the County Ethics Board finds that an Elected Official, Appointed Official, or Volunteer violated any provision of this Ordinance, the County Ethics Board, upon a majority vote of the entire membership, shall forward its written findings of fact and conclusions of law to the County Manager or, as appropriate, the District Attorney, for appropriate action.

H. If the County Ethics Board finds, upon a majority vote, that a candidate, Elected Official, Appointed Official, or Volunteer has violated this Ordinance, the County Ethics Board may impose any of the following penalties after the entry of written findings of fact and conclusions of law:

1. a civil fine not to exceed \$300; or
2. a written finding of censure; or
3. a referral to the District Attorney or appropriate governmental office for commencement of criminal or other proceedings.

I. No action may be taken by the County Ethics Board on any complaint that is filed later than one year after a violation of this Ordinance is alleged to have occurred or that is filed more than six months from the date of the discovery of the alleged violation, upon due diligence by the complaining party, of the facts constituting a violation, whichever event occurs later. [Reserved]

J. The County Ethics Board may also provide advisory opinions regarding the applicability or interpretation of the provisions of this Ordinance upon the request of any Elected Official, Appointed Official, Volunteer or County Employee. If any member of the County Ethics Board petitions the Ethics Board for a hearing and advice regarding his or her own conduct or the conduct of others, such member shall not be eligible to sit on the Board in such cases.

K. The Ethics Board shall meet as often as necessary to carry out its work, but not less than quarterly. On a quarterly biannual basis, the Board of Commissioners shall be provided with a report prepared and approved by the County Ethics Board that updates its activities and states the number of complaints that were submitted alleging a violation of this Ordinance.

L. A member of the Ethics Board may be removed by the Board of County Commissioners for just cause, which shall mean a reason that is related to an Ethics Board Member's administration of this Code Ordinance or any other reason that implicates an Ethics Board member's continued fitness to serve on the Ethics Board.

M. A vacancy on the Ethics Board shall be filled in the same manner as the initial appointment and the appointment shall continue for the remainder of the unexpired term of the departing Board member.

N. Members of the Ethics Board shall not receive any salary or compensation for services.

SECTION 2526. RIGHT OF APPEAL .

Any decision of the County Ethics Board finding a violation of this Ordinance, with respect to an Elected Official, Appointed Official, Employee or Volunteer, may be appealed to the First Judicial District Court pursuant to NMSA 1978, Section 39-3-1.1 (1998, as amended); provided, however, that any decision regarding an Employee shall be covered by the terms of the Human Resources Handbook or collective bargaining agreement, as applicable.

SECTION 2627. NON-RETALIATION.

A. The Board of Commissioners does not tolerate retaliation, workforce discrimination, intimidation or harassment of any kind against any person who has reported a violation of this Ordinance in good faith. This non-retaliation provision applies whether the complaint is ultimately determined to be well-founded or unfounded. All Elected Officials, Appointed Officials, Employees and Volunteers are specifically prohibited from taking any adverse employment action, engaging in workplace discrimination or harassment of any kind, or other retaliatory action against anyone for reporting a good faith claim in good faith of a violation. Anyone who believes that they have been subject to workplace discrimination, intimidation or harassment of any kind or who has been retaliated against in violation of this Ordinance should submit a sworn complaint to the Ethics Board or the Human Resources Department setting forth the claim. Any employee who engages in workplace discrimination, harassment or intimidation against anyone in retaliation for filing an ethics complaint pursuant to this Ordinance, for testifying at a hearing or for cooperating in an investigation described herein of an ethics violation, may be disciplined up to and including termination.

B. This non-retaliation provision is not applicable to claims that were not submitted in good faith and for which the County Ethics Board finds that the complaint was frivolous. An employee who knowingly files a false an ethics complaint containing false statements or allegations may be disciplined, up to and including termination, and may not rely on a claim of retaliation as a defense if disciplined.

SECTION 2728. EX PARTE COMMUNICATIONS.

A. EX PARTE COMMUNICATIONS PROHIBITED.

1. An Elected Official or Appointed Official designated to hear preside over an administrative adjudicatory matter pursuant to the County's Land Development Code or any other County ordinance, shall not initiate, permit or consider a communication directly or

indirectly with a party or the party's representative outside the hearing and outside of the presence of all other interested parties concerning the pending matter.

2. An administrative adjudicatory matter is one that involves the use of a discretionary standard, as specified in the Land Development Code or other County ordinance, to an application for discretionary approval.

3. Notwithstanding the provisions of Subsection 1, above, *ex parte* communications for procedural or administrative purposes, during emergencies, or that do not deal with the merits of the application, shall not be prohibited if the Elected Official or Appointed Official reasonably believes that no party will gain an advantage as a result of the *ex parte* communication and promptly notifies all other parties of the substance of the *ex parte* communication.

4. An Elected Official or Appointed Official who receives or who makes or knowingly causes to be made a communication prohibited by this Ordinance shall disclose the communication to all parties and give other parties an opportunity to respond.

B. RECUSAL.

1. An Elected Official or Appointed Official shall recuse himself or herself in any pending administrative adjudicatory matter in which the official **has a financial interest or** is unable to make a fair and impartial decision or in which there is a reasonable doubt about whether the official can make a fair and impartial decision, including:

a. when the official has a personal bias or prejudice concerning a party or its representative or has prejudged a disputed evidentiary fact. For the purposes of this paragraph, "personal bias or prejudice" means a predisposition toward a person based on a previous or ongoing relationship, **a direct financial interest, or a conflict of interest**, including a professional, personal, familial or other intimate relationship, that renders the official unable to exercise his or her functions impartially;

b. when the official **or anyone in the official's immediate family household** has a **pecuniary or** Financial Interest in the outcome of the proceeding;

c. when, during previous employment, the official served as an attorney, adviser, consultant or witness in the matter in controversy; or

d. when the official announced how he or she would rule on the adjudicatory proceeding or a factual issue in the adjudicatory proceeding.

2. The Elected Official or Appointed Official recusing himself or herself shall disclose the specific reason for a recusal contemporaneous with the recusal.

23. An Elected Official or Appointed Official shall not be required to recuse himself or herself in any pending administrative adjudicatory matter merely because the official

possesses and discusses general viewpoints on public policy that an application may raise. Similarly, an Elected Official shall not be required to recuse himself or herself in any pending administrative adjudicatory matter merely because the Elected Official made representations during a political campaign on viewpoints on public policy that an application may raise.

34. If, prior to the hearing, an Elected Official or Appointed Official fails to recuse himself or herself when it appears that grounds exist, a party member of County staff or fellow Official shall promptly notify the Elected Official or Appointed Official of the grounds for recusal. If Elected Official or Appointed Official declines to recuse himself or herself upon request of a the member of County staff or fellow Official party, the eOfficial shall provide a full explanation in support of his refusal to recuse himself or herself.

45. If, during the hearing, an Elected Official or Appointed Official fails to recuse himself or herself when it appears that grounds exist, a party member of County staff or fellow Official shall promptly notify the Chair of the grounds for recusal. If the Elected Official or Appointed Official declines to recuse himself or herself, the Chair may entertain a motion to excuse the eOfficial from further participation in the matter. If the motion is successful, the official shall be excused from further participation in the matter.

6. An Elected Official or Appointed Official who fails to recuse him/her-self after being notified of the grounds for recusal as set forth in Section 28 B by reason of a financial interest, may be considered to have committed a violation of this Code of Conduct.

SECTION 2829. RESTRICTIONS ON THE BOARD OF COUNTY COMMISSIONERS; ADMINISTRATION OF THE PERSONNEL SYSTEM, MANAGEMENT.

A. The Board of County Commissioners shall not perform, collectively or individually, an executive function in the administration of the personnel system, except for employment and removal of the eCounty mManager, making collective recommendations to the County Manager on general personnel policy, approving or disapproving collective bargaining agreements and county personnel policies, or approving any proposed reorganization which creates or abolishes a department.

B. The Board of County Commissioners shall not perform, collectively or individually, general executive management functions in the administration of county government; these functions shall be delegated to the County Manager. This paragraph shall not apply to matters of policy, the responsibility and authority of the Board of County Commissioners to approve budgets and expenditures, contracts outside the signature authority of the County Manager, and matters that, in the discretion of the Board of County Commissioners, while they may involve management issues, are of County-wide importance.

SECTION 2930. PENALTIES.

A. County Penalties

A person who violates this Ordinance is guilty of a misdemeanor and is subject to one or more of the following:

A1. a fine of up to three hundred dollars (\$300.00) for each separate violation of this Ordinance;

B2. a public reprimand;

C3. a recommendation from the County Ethics Board to the District Attorney that the violation be pursued in criminal or other proceedings, or that it be pursued if the violation is also a crime violation of the Criminal Code or constitutes a common law crime; and and

D4. proceedings and penalties pursuant to the Santa Fe County Personnel Handbook, where appropriate; and

4. proceedings and penalties discipline, up to and including termination, pursuant to the Santa Fe County Personnel Handbook, or any applicable collective bargaining agreement, if the violator is a County employee; and

545. a recommendation to the District Attorney that proceedings to remove the person from elected office be commenced pursuant to NMSA 1978, § 10-4-1 et seq. (1909, as amended).

B. Other Penalties

The Governmental Conduct Act, NMSA 1978, Chapter 10, Article 16, was made applicable to officials and employees of local government on July 1, 2011. Knowing and willful violation of that Act is a misdemeanor and any person found guilty can be punished by a fine of not more than one thousand dollars (\$1,000) or by imprisonment for not more than one year or both. Any such prosecutions would be handled by a district attorney or the Attorney General. [Section 10-16-1 to 10-16-18, NMSA 1978]. These other penalties could apply where conduct prohibited by the Santa Fe County Code of Conduct also constitutes conduct prohibited by the Governmental Conduct Act.

SECTION 3031. REPEAL.

Santa Fe County Ordinances No. 2004-3 was repealed and Ordinance No. 2011-9 are is is hereby repealed.

SECTION 3132. EFFECTIVE DATE.

This Ordinance shall become effective as of the date provided by law.

THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY

By: _____
DANIEL W. MAYFIELD, Chair

ATTEST:

GERALDINE SALAZAR, County Clerk

APPROVED AS TO FORM:

STEPHEN C. ROSSGREGORY S. SHAFFER, County Attorney

DRAFT 8-25-14

REC'D CLERK RECORDED 10/25/2014