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

**September 10, 2013**

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:07 pm by Chair Kathy Holian, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

Following the Pledge of Allegiance and State Pledge led by Peter Olson and Lupe Sanchez, roll was called by County Clerk Geraldine Salazar and indicated the presence of a quorum as follows:

**Members Present:**

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

**Members Excused:**

[None]

**V. MOMENT OF REFLECTION**

The Moment of Reflection was given by Silvia Ortiz from the Health and Human Services Department.

**VI. APPROVAL OF THE AGENDA**

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- B. Tabled or Withdrawn Items**

CHAIR HOLIAN: So what are the changes to the agenda, Katherine?

KATHERINE MILLER (County Manager): Madam Chair, the changes to the agenda from when it was originally published last Tuesday are item XII. A. 1, the public hearing on the ICIP was added and item XIII. B. 1 that item was tabled by the applicant.

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I would move for approval and I have a comment I'd like to make if I get a second.

COMMISSIONER STEFANICS: Second.

COMMISSIONER ANAYA: Madam Chair, I'd like to thank you and the Manager for the adjustments to the agenda. We had a discussion about having some of those

items towards the front of the meeting; we'll see how that goes. We even talked about modifying the meeting if necessary to get some of those administrative functions out of the way but I appreciate the changes that were reflected in the agenda.

CHAIR HOLIAN: Thank you. Katherine, did you say it was XIII. B. 1 that was changed? It's really XVIII.

MS. MILLER: Sorry, Madam Chair. You're right. XVIII. I'm not reading my Roman numerals correctly.

CHAIR HOLIAN: Any further changes, Commissioners? Okay, we have a motion and a second for approval of the amended agenda.

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

**VII. APPROVAL OF CONSENT CALENDAR**

**A. Consent Calendar Withdrawals**

CHAIR HOLIAN: I will note that there are no resolutions. Are there any withdrawals? Is there a motion?

COMMISSIONER CHAVEZ: Move for approval.

COMMISSIONER STEFANICS: Second.

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

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

**VIII. APPROVAL OF MINUTES**

**A. August 13, 2013**

CHAIR HOLIAN: Any changes?

COMMISSIONER STEFANICS: I'll move for approval.

COMMISSIONER CHAVEZ: Second.

CHAIR HOLIAN: Okay, I have a motion and a second for approval of the August 13, 2013 BCC meeting minutes.

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

**IX. MONTHLY REPORTS**

**A. Human Resources Monthly Report**

BERNADETTE SALAZAR (Human Resources Director): Good afternoon, Madam Chair, members of the Commission. This is actually the monthly report for July that

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was from the last meeting and so the highlights for the month of July in the HR Division, talking about the training that was conducted. We coordinated and conducted eight training sessions. The training included for the month of July the New Mexico EDGE courses that were hosted here in Santa Fe at our own Rancho Viejo fire station. During this training session our County Manager Katherine Miller taught the course CPM 111, which is Knowing your Government, and our Public Works Director taught CPM 156 improving your writing skills.

So we were proud that many of our employees took advantage of these courses, being that they were near their work sites and we actually have the next set of EDGE classes that are taking place right now down in Albuquerque and we had a good turnout of employees who registered, so I'll be reporting that in the next month or two once we get all those numbers finalized.

In the month of July we also finalized the fire union contract negotiations for their financial reopener. We feel that the wage reopener that we negotiated resulted in a good working relationship again with the union and the County and resulted in salary increases and enhanced benefits for union employees.

Lastly, we have secured the date for the second annual Public Safety Day. This is an event that takes place – we had our first one last year – takes place for members of our community who are interested in obtaining jobs in public safety and for them to get some information on what is involved in the testing process and actually to try the physical agility tests and the written portion of the testing and a lot of information of what's entailed in those jobs. We have Corrections, our Fire Department, our Sheriff's Office and our RECC that help put that together. So the date is September 28<sup>th</sup>. Flyers have already gone out. We've started the public information campaign on that and if any Commissioners would like to join it's on a Saturday. It's from 8:00 to I believe 1:00. We'd really like to see you out there if you can make it. And with that I stand for any questions.

CHAIR HOLIAN: Thank you, Bern. Any questions? Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. Thank you for the report. Could you talk a little bit about when a staff member applies to go into an EDGE course, when that might be approved or not approved?

MS. SALAZAR: Madam Chair, Commissioner Stefanics, yes. Any time we have EDGE courses that are available, whether they be in Santa Fe or Albuquerque or maybe another city, we put out the notification. There's a whole process and the step by step process is given to County employees via email and then distributed to administrative support staff for people who don't have access to email explaining what they need to do to register. Basically, the only reason why someone would be turned down is if there's any disciplinary issues in the last six months. Other than that every other request is approved.

COMMISSIONER STEFANICS: Okay. So I'm assuming they would have to have their application in on time.

MS. SALAZAR: Yes. There's a deadline.

COMMISSIONER STEFANICS: No disciplinary issues. What about probationary employees?

MS. SALAZAR: We are allowing probationary employees to attend EDGE courses and the reason why we are doing that is that we feel it will help them better perform their job duties.

COMMISSIONER STEFANICS: Do we limit the numbers?

MS. SALAZAR: For EDGE courses? We have not put a cap on the number of EDGE courses that an employee can take. No. They can take as many courses as they would like to.

COMMISSIONER STEFANICS: Okay. Thank you very much.

MS. SALAZAR: You're welcome.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Madam Chair. Thank you, Bern. Two questions about our educational outreach to expand on what Commissioner Stefanics was asking. Tell me about what are we doing – when you say we put it to the employees, what are we doing to encourage employees to attend school? And how do we do our outreach? Tell me that.

MS. SALAZAR: Madam Chair, Commissioner Anaya, are you speaking about tuition assistance or college credit courses?

COMMISSIONER ANAYA: I'm speaking about tuition assistance for college courses, New Mexico EDGE or what I'm going to elaborate on, other skills training that we might afford our employees. How do we convey that to the employees?

MS. SALAZAR: Madam Chair, Commissioner Anaya, the way we do our outreach for continuing education like EDGE, and then tuition assistance for college credit courses is first of all we start by informing employees when they come through new employee orientation and letting them know what's required. And then of course when we have EDGE courses coming up we put out the information, when the courses will take place, what the process is, and what the deadlines are.

COMMISSIONER ANAYA: And Madam Chair, Bern, what other programs or coursework are we affording to individuals who maybe don't want to take college credit, or maybe New Mexico EDGE classes don't apply to their function? What are we doing for our skilled – people in craftsmanship type jobs? We used to do welding classes with Northern New Mexico Community College. Are we doing anything with the Community College relative to other skills-related jobs that employees are working on day in and day out?

MS. SALAZAR: Madam Chair, Commissioner Anaya, we are, and it depends on which section of the County you work in. Those are going to be coordinated through your actual divisions and an example would be recently, I would say probably within the last four months we had training through the Community College on green cleaning. So some of our maintenance staff were able to attend that training. It was no cost to the County but it was

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helpful and informational and some of our staff were able to go. Another example is our Utilities Division, we send our employees, the County pays for their training to get their certifications in water and wastewater, and that's coordinated directly through that division as well. Once they take the training they take the test and they get their state certification. So that occurs in various departments and divisions such as Utilities, the Fire Department, the RECC, so there's many of those functions occurring at the same time as tuition assistance and the EDGE program.

COMMISSIONER ANAYA: Great. Madam Chair, Bern, what I would suggest is we have a conversation about all of us – the Commission and staff is about – and maybe we ask the employees. We figure out a way to survey the employees to understand what their perspective is. But I think we need to – I know that my colleagues on this Commission have always been very supportive of educational programs and outreach for our employees. So I'd like us to see if we maybe could expand and think about the scope of people we're reaching across the entire spectrum from people that are in college to people that may want to go into workforce development or expansion type training – welding, electrical, heating and air conditioning, industrial arts – those are some of the things that came to mind, but there are many others. But if we could have maybe a discussion about that and then could keep that on the agenda. I know during the budget cycle we talked about maintaining or even expanding the resources. Where are we at in the way of people that are enrolling in school and our resources? Are we seeing an increase or are we the same as where we were last year? Where are we at?

MS. SALAZAR: Madam Chair, Commissioner Anaya, with the tuition assistance requests, we have not seen an increase. It's pretty much been the same and we can give those numbers. I can present that at the next monthly meeting. But those have remained pretty constant. What we have seen an increase in is the requests to go to EDGE courses and more and more employees who are actually going to be graduating with their certification at the various levels. So we've had multiple County employees who have already received their certified public official certification and now they're going on to their supervisory and eventually get to their certified public management certification. So that's where we've seen the increase.

As far as the other training, like the Utility training and things of that nature, those go through the department but I can work with the directors to see what kind of increases we've seen in those areas.

COMMISSIONER ANAYA: And Madam Chair, specifically what I'm getting at is we've had Northern New Mexico College here, we've had discussions constantly with Santa Fe Community College. We have quite a few employees who travel from other counties, San Miguel County, where you have Luna Community College, New Mexico Highlands University. People that come from Moriarty and Torrance County in our Corrections and other areas that I think cover all facets. So if we can have some conversations with those folks as to making sure we have a full understanding of what's

available to our employees and then allowing and letting our employees know it's not just about getting maybe a college degree but getting some additional certifications in welding or other areas. So if there could be a conversation and maybe if you guys could bring us back some thoughts on outreach and whether or not we're getting to all the base of employees we have. I think that's what I'm looking for.

The other question I have – I know the County used to have time off for educational leave during working hours as well as – I remember we used to have time for people to do fitness to stay in shape or get in shape and activities. Do we still do that at Santa Fe County and if we do, how are we doing that, offering that to the employees?

MS. SALAZAR: Madam Chair, Commissioner Anaya, the time to attend courses, accredited courses through our tuition reimbursement program is still within our policy, so basically, eligible employees are granted up to four hours to attend classes during the normal, regular business hours upon approval according to our policy. So that's still in place and many employees who utilize the tuition reimbursement plan also utilize the educational leave. As far as fitness time, that's not in our policy right now but we're in the process of talking with our County Manager on some ideas and strategies that we have relative to that function.

COMMISSIONER ANAYA: Madam Chair, Bern and the public and people listening in, obesity is a huge problem here in the state and in this country and illness such as diabetes and others are a direct result of lack of physical fitness and exercise, so I think that's definitely a component that used to be in place that the State of New Mexico I believe still has. I don't know. They used to have it for a long time but I think we should have a discussion about that here at the County. So I'm glad to hear you guys are talking about it. So thank you for answering those questions, Bern. Thank you, Madam Chair.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, thank you. Ms. Salazar, thank you. Great presentation. You also recently – I don't know if you were involved with it but there was a campaign on public safety recruitment. I don't know if you saw that. It was give to us a couple weeks ago. So on that recruitment, what are I guess – and I have those numbers, what is our vacancy rate within those departments?

MS. SALAZAR: Madam Chair, Commissioner Mayfield, I don't have those numbers right here with me. I believe there's some numbers from July in your packet but I can get the more updated numbers for you at the next meeting if you'd like.

COMMISSIONER MAYFIELD: Okay. So on this program that you're going to be offering as far as Public Safety Day, is that also to do recruitment for those positions?

MS. SALAZAR: Madam Chair, Commissioner Mayfield, yes. It's for recruitment and also just to let the public know what's entailed in actually testing for those positions and what they would need to prepare for before they actually go into the actual test. So it's just kind of like an example for them to understand what they'll be having to do.

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COMMISSIONER MAYFIELD: And those positions are with our Sheriff's Office, within our RECC, within our Fire Department, both career, I guess, and volunteer, if individuals choose to volunteer with Santa Fe County. What other positions?

MS. SALAZAR: Our Corrections Department as well.

COMMISSIONER MAYFIELD: Okay. Do we have hiring freezes right now in those departments? Or are we actively hiring within those departments?

MS. SALAZAR: Madam Chair, Commissioner Mayfield, we're actively recruiting for those positions within those departments.

COMMISSIONER MAYFIELD: Okay, so there is not any hiring freezes in those departments right now.

MS. SALAZAR: Correct.

COMMISSIONER MAYFIELD: Okay. Thank you.

CHAIR HOLIAN: Any further questions?

COMMISSIONER MAYFIELD: No, that's all I have. Thank you.

CHAIR HOLIAN: Thank you, Bern.

MS. SALAZAR: Thank you.

#### **IX. B. Corrections Department Monthly Report**

CHAIR HOLIAN: Pablo and Warden.

PABLO SEDIILLO (Public Safety Director): Good afternoon. Before you you have the power point presentation but I will go ahead and highlight some items that we have here. The purpose of the memo is to provide you with information relative to our Santa Fe County Corrections Department for the month of July. During the month of July the detention officer vacancy rate was 17 percent with 33 vacant positions and five new hires. There were 782 bookings with 826 releases. The Adult Detention Facility conducted Corrections Emergency Response Team, what we call CERT, training to our staff; it was very successful.

Our perimeter fencing project has been completed in its entirety at the Adult Detention Facility. We have a new program at our corrections facility. It's called Labyrinth. It's a new program that is offered to our inmates for the month of July and basically what that is is a stress reduction for both males and females, some life skills issues within them. I really recommend some of our staff to attend those as well.

CHAIR HOLIAN: And the Commissioners as well.

MR. SEDILLO: And the Commissioners. An estimated total \$432,323 was billed for the month of July. We have 74 percent of revenue billed has been received for FY13. \$5,850,475 was billed \$4,337,745 received.

With our Youth Development Program, summer school was conducted for detention and our day reporting center. We have completed our emergency response quality assurance

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procedures, ensuring that all needed emergency equipment was easily accessible and transportable. An estimated total – this is a typo - \$34,393.55 was billed for the month of July. It indicates \$69,000 but that is an error. 86 percent of our revenue billed has been received for 2013 with \$703,863 was billed and \$602,110 received for the month of July.

Our electronic monitoring, in the process of hiring additional staff which was approved by the Board of County Commissioners, we're in the process of hiring that position. Our BI, Incorporated costs continue to be under \$25,000 as you realize it has been averaging over \$30,000 so we have cut that considerably. The average population for electronic monitoring was at 252 for the month. Revenue received from July was \$11,164. We're continuing to increase our revenue on that, receive from billing on that, and we just instituted a new policy, in regards to the electronic monitoring where they are now being assessed a fee of \$25 for the initial hookup for that. So that's an additional revenue that we will be receiving. I will stand for questions at this time.

CHAIR HOLIAN: Thank you very much, Director Sedillo. Commissioner Anaya, then Commissioner Stefanics.

COMMISSIONER ANAYA: Madam Chair, thank you, Mr. Sedillo for your report. A couple questions. What type of discussions do we have with our other counties in the state of New Mexico and in particular Bernalillo, Dona Ana, San Juan and Sandoval? Have we been engaging discussions with them? What is our communication and coordination with them look like here in Santa Fe County with those entities?

MR. SEDILLO: Madam Chair, Commissioner Anaya, I can tell you this, that we have been in negotiations with MDC out of Bernalillo County. We do have some of their inmates currently. We are looking at anticipating having an additional 48 more inmates this week from them, so we've been in discussions with them and we have entered into a contract with them. The other counties we have sent out the contracts for them but they have not been amenable to sign those contracts at this time.

COMMISSIONER ANAYA: Madam Chair, Mr. Gallegos, did you have anything you wanted to add relative to that?

MARK GALLEGOS (Warden): Madam Chair, Board of County Commissioners, Commissioner Anaya, one thing is I sit on the Training Advisory Committee with the NMAC, the New Mexico Association of Counties. When answering the question, what do we do with other counties? We put together an advisory board to implement policy and procedures in regard to all counties following the same detention standards so our communications with the rest of the counties have been great in that aspect. So all department heads from different counties are coming together as a joint effort to secure and have a training curriculum for all the counties in the state of New Mexico.

COMMISSIONER ANAYA: Madam Chair, Mr. Sedillo, Mr. Gallegos, thank you for that response and I am appreciative that we have started some discussions. One of the things that the Association has been talking about in particular and this Commission has been having some off-line conversations about is how we might better coordinate with our Class A

counties in the state of New Mexico. We all know and fully understand that our public safety aspect, specifically Corrections, is the largest single financial drain on County government and that the Class A counties in New Mexico run into very similar frustrations and challenges and maybe have similar opportunities. So I just want to put that on the table as something to provide some thought about. I think it's something we'll continue to have dialogue at the Commission level as well as with the Association as to how we might spend more time, not just communicating about inmate population and how we might assist another county, but all those aspects that each of us run into as challenges with incarceration and specifically Corrections. So I just wanted to put that out there.

The other thing I wanted to – and I appreciate that Mr. Gallegos said he's on that Training Advisory Council. I know that in the last Association meeting we had some discussion. Actually, Workman's Comp meeting we had some discussion about having the same standardized listing, if you will, checklist of items that Commissioners look at when they go through our Correctional Facility, those things are helpful not just for the Class A counties but all counties. So I appreciate what work we might do on that.

The other question I have is we had a presentation a few months ago in the study session relative to the medical component, and I think there were many things discussed in there that may be opportunities to maybe basically not turn our system upside down but to basically augment and improve what we're doing in the facility. Have you or staff given any more thought to the feedback that came about as a result of that study session and those discussions and have you provided some of that information to the Correctional Advisory Committee? And kind of where are we in relation to those discussions?

MR. SEDILLO: Madam Chair, Commissioner Anaya, we have extended our invitation those individuals who came to the study session to look at our medical department. At this point no one has responded to that open invitation. We are continuing to get better at our medical department. Our staffing was a big issue. As you saw, we were spending roughly \$30,000 of agency amount, that we billed the agencies for them to help us do our staffing pattern. We are now around \$11,000, \$12,000 a month, so we have, thanks to the Commission, we have got our staffing. We're lacking one RN and one LPN for our staffing pattern. So this has really helped us quite a bit.

With our medical procedures we have worked closely with the Association of Counties in regards to that as well, so we are pretty much on board of what we're doing with our policies and procedures on that. Right now we're continuing to work on our medical department on that and I think we're doing a very good job on that.

COMMISSIONER ANAYA: So, Madam Chair, Mr. Sedillo and Ms. Miller, I don't think we had a discussion, because we were critiquing what the Corrections Department and specifically medical may be doing wrong. I think what we were looking for were maybe opportunities to find other efficiencies that might be out there. I know database issues came up as a huge item that potentially has helped the facility. So I'm speaking for myself. Don't look at it as a critique on what we're not doing right; look at what other

opportunities, what might we have to enhance what we're doing. So we'll just leave that at that.

CHAIR HOLIAN: Commissioner Anaya, Katherine wanted to add something about that.

MS. MILLER: Madam Chair, Commissioner Anaya, we actually did have an RFP out and we encouraged for medical services director, we actually invited all of those companies that were here to propose on that and none of them did. So it's a little bit frustrating. We said we're not ready to contract out our whole operations but we invited them at that particular time to oversee the facility. If they had some recommendations of what we might be able to look at doing, an RFP for services and in addition we had an RFP for medical services director and none of them responded to it. So I think where we're struggling a little bit is we have quite a few staff doing many of the services but we were hoping we would get some response from them in the areas where we do contract out currently, and then help us look at are there better ways to do things. And we didn't get a lot of response from that. I think that one of the things it kind of felt like is they're looking to take over the whole works, even though they indicated that, oh, no. We do certain parts, areas that we actually have an immediate need for they did not respond. So I think it's a matter of looking at how would we do the next step if they're not willing to help us where we've got some needs right now.

So I just wanted to let you know that because we actually put it back out again hoping to get some response from them. Why aren't you helping us in this area? Doctors?

COMMISSIONER ANAYA: Is that all right now?

MS. MILLER: Did we re-advertise again?

MR. SEDILLO: Madam Chair, Commissioner Anaya, County Manager Miller, we advertised for our medical director. That is advertised as of now.

COMMISSIONER ANAYA: Right now?

MR. SEDILLO: Yes, sir.

COMMISSIONER ANAYA: Okay. Thank you, Madam Chair. Thank you, Ms. Miller, for that update. You made a comment that I want to clarify on the record and for the public. We as a Commission, based on the direction of this Board, all of us advocated for the advisory committee and wanted to see it put in place. We asked for the advisory committee to be put in place so that we could provide them items we wanted them to work on and help us with and we understand they went through a lot of the structural organizational things and now they're going to start getting to work, but if review or looking at the medical aspect is something that we've asked to do then you as the Public Safety Director need to work with them to have a meeting centered around that very topic and provide them the background information that they need and have a collective tour if that's what it takes to be able to get them to give feedback.

It sounds like maybe you're a little frustrated that they maybe didn't get back to you but I think that as our advisory committee, if there's specific things you're wanting feedback on then we need to establish that agenda and have them actually meet at the facility and go through that so that they can provide us feedback. That's one of the reasons that we appointed them as a Commission to help us, is to provide feedback. So I just wanted to say that.

MR. SEDILLO: Madam Chair, Commissioner Anaya, the advisory committee has taken a tour at our adult facility and through our medical department last month. They've taken a tour through our youth facility as well. They will be meeting Thursday and I think that's part of the agenda that they'll be speaking about.

COMMISSIONER ANAYA: Great. Thank you, Madam Chair. Thank you, Mr. Sedillo, Mr. Gallegos.

CHAIR HOLIAN: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. Thank you, Mr. Sedillo. The issue of billing for 2013. Do you have somebody in your office that just does billing?

MR. SEDILLO: Madam Chair, Commissioner Stefanics, yes, we do.

COMMISSIONER STEFANICS: Okay. So I see that you've received – no, you've billed \$703,000; you received \$602,000. So who does any of the follow-ups?

MR. SEDILLO: Madam Chair, Commissioner Stefanics, we have a staff member that follows up on those billings. As a matter of fact we just received a check yesterday from Rio Arriba that was for July. So sometimes our call-ups and our continuous letters to them does work.

COMMISSIONER STEFANICS: So, Madam Chair, Mr. Sedillo, what would be some of the reasons that another entity would not pay?

MR. SEDILLO: I will defer that question to Steve Shepherd who has been spearheading those efforts to get the revenue from those other entities.

COMMISSIONER STEFANICS: And while he is coming up, let me give you my second question and I don't know if you're going to answer it or he will. You indicated that on electronic monitoring there was a \$25 hookup fee. And then I'd like to know what fees there are after that, and what happens if a person is not able to pay due to poverty level.

MR. SEDILLO: Madam Chair, Commissioner Stefanics, we just revamped our policy in regards to that. The \$25 hookup fee is going to be consistent with everybody who is placed on electronic monitoring. We discussed that with the judicial system, with magistrate and district court. They are in support of that effort. We do have a system in place now that we do a thorough check on those individuals, financial check on those individuals. We do have a sliding scale for those individuals who cannot pay the monthly, daily billing for that device itself.

COMMISSIONER STEFANICS: Okay. Thank you. So let's hear Mr. Shepherd on reasons people wouldn't pay.

STEVE SHEPHERD (Public Safety Department): Madam Chair, Commissioner Stefanics, a number of the reasons are that we've got issues between BIA and the pueblos of one entity saying that the other entity has got to pay and that's kind of a continual battle with them. We've got some entities that just won't pay. They cite a state statute that says they don't have to pay. And some are just very slow pays. And the folks that do the billing also try to do the collections as well.

COMMISSIONER STEFANICS: So, Madam Chair, Steve, who are all the entities that say they're not required to pay? I mean just examples.

MR. SHEPHERD: Well, one of the examples that stands out is San Juan County. Doña Ana County has told us the same thing. And non-MDC Bernalillo County has told us the same thing.

COMMISSIONER STEFANICS: That they're not required to pay us.

MR. SHEPHERD: That's correct.

COMMISSIONER STEFANICS: So, Mr. Ross, could you check into this? This doesn't seem quite right that one county would not pay another county.

MR. ROSS: Madam Chair, Commissioner Stefanics, we have checked into it. I've written a long memo to Mr. Sedillo. It's just those counties in my view are misreading the statute. The statute does say that if we are temporarily housing somebody who is either picked up here or on their way from one place to another we have to house them, but that's limited to just a few days. It's not months and months and months.

COMMISSIONER STEFANICS: So we're not talking about long term.

MR. ROSS: No. We shouldn't be. But I think that's part of the misinterpretation of the statute that's going on by some of those other counties.

COMMISSIONER STEFANICS: So, Madam Chair, Mr. Ross, if this is an issue that needs to be resolved legally, often times it's not a staff person that can do it. Sometimes it's County Attorney to County Attorney to hash it out. Are we at that level?

MR. ROSS: Well, potentially, if we want to offer contracts to those entities they're not going to sign them given this particular statute. I could call up County Attorneys in those various counties and talk to them about the statute but our opinions about what they say are completely different. So given that, I don't see those entities signing contracts with us and housing folks in our facility because there's this issue with payment that's unresolved.

COMMISSIONER STEFANICS: Okay. Thank you, Madam Chair.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, and I thank Commissioner Stefanics for bringing this up. I was going to ask you all to flip a couple pages in so as far as agencies billed for July 13, as you brought it up, it's the second slide that you have, you have from 2008 through 2014 and you're showing the collection percentages. And it's in line with what Commissioner Stefanics was asking. So if we look at the percentages here and we have an overall collection percentage to date of a little better than -- well, 86 percent if we round

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up. But if we look at 2008 as an example, and I don't know how much further back we go from when that jail was built. But if we're looking at 94 percent collection in 2008 and then a 93 percent collection, and hearing what Mr. Ross just stated, why are we then continuing to house inmates from these counties that aren't paying for whatever reasons? Maybe that's where we say – if somebody's passing through for this day or for this time, we'll do that housing for a short time and that's maybe just where it is. We have the transportation costs to take them back to the originating county. But if it's an issue with racking up a lot of jail medical I think that's where a huge cost of these medical charges, these costs we're incurring could be. But if we're looking again, going back through all these years, that's where a lot of these charges are racking up on, I'm going to say bad debt collection as we as a County look at it. And I would have to defer to our County Attorney that this is his or a County Attorney's position, or if it's a different County Attorney's position from another county, well, then we have to escalate that to a different level and have somebody make that decision.

MR. SEDILLO: Madam Chair, Commissioner Mayfield, you're absolutely correct, and what we've been doing is we don't accept those inmates that we do not have a signed contract with. Some of the issues we get into is if they arrest an individual with a foreign warrant, and what I mean by foreign warrant is the Santa Fe County Sheriff's Department arrests somebody for a warrant out of San Juan County that is arrested in Santa Fe County, we will take that individual, even though we do not have a signed contract with San Juan County. At that point it's our responsibility as well as the arresting agency's responsibility to notify that particular county on that particular warrant to see if they're extraditable. At that point we do follow up fairly diligently in regard to getting those individuals back to the originating county where the warrant came out of.

Now, those individuals, sometimes it takes a couple of days to get done but what we've been doing and I've instructed the warden to do is if we have no response from those counties then we will transport them to that particular county, to that jail, so we won't incur those costs of housing and medical costs and such.

So I think we're doing a pretty good job in regards to those individuals. If somebody tries to bring someone from a different county to our facility and we don't have a contract we won't accept that.

COMMISSIONER MAYFIELD: Thank you, Director Sedillo, and maybe this is for our attorney. Looking at this spreadsheet in front of us, in 2011 we have a collection rate of 87 percent. I don't know where all these counties are coming from or this population is coming from. Maybe it's the US Marshal Service or others, but that's a pretty low collection rate for 2011. So where is that bad debt coming from? Do we know? That breakout?

MR. SEDILLO: Madam Chair, Commissioner Mayfield, 2011 – I'd have to look at all the contracts that we have at that point. Because we updated all our contracts in 2012.

COMMISSIONER MAYFIELD: Okay. Again, I appreciate you all looking into it but I would just – that's still a lot of money that's left on the table. Right here we're looking at better than \$2.5 million from this graph that's in front of me that's still out there uncollected. And how further back would we go than 2008? Do we know? What our history tells us right now?

MR. SEDILLO: Madam Chair, Commissioner Mayfield, I don't know at this point but I will look into that. And you have to understand, for the 2013 and 2012, we're still collecting money for 2012 as well.

COMMISSIONER MAYFIELD: Okay. Thank you, Director Sedillo.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Mr. Sedillo, we didn't even get through the item and a primary item came up as a result of Commissioner Stefanics' question relative to Class A counties. So we're talking about a discussion for January where we have broader discussions with the Class A counties and two agenda items that I wrote on that are potential items are housing of inmates and billing and collections. So I think the more we can communicate with our Class A counties, and as Commissioners, I wouldn't just say this to you as the Director of Corrections, I'd say it to all the department heads and the Manager. We've had discussions about this item. As items evolve that pertain to other counties, whether they're bordering our county or issues that are in common to other counties, as Commissioners it's important for us to be aware of those as soon as we can and that way we might be able to assist in the coordination and communication between other Commissioners or other elected officials in other counties, because we're continually talking with them at the New Mexico Association of Counties and other venues. So if things like this arise, if you could let us know what those challenges are we might be able to have discussions with our colleagues on other Commissions and maybe work out, help work out policy issues that can help us out. Thank you, Madam Chair. Thank you, Mr. Sedillo.

CHAIR HOLIAN: Commissioner Chavez.

COMMISSIONER CHAVEZ: Thank you, Madam Chair. Mr. Sedillo, one final question. In your Adult Detention Facility you're estimating that you have 74 percent of revenue billed has been received for fiscal year 2013, and then for Youth Development you're estimating that it's 86 percent of revenue billed you've received. It's not a big gap between the two. 86 is a pretty high number. Is there a standard in the Corrections industry that one would shoot for? I know that we don't want to look lightly at that debt. We don't want to ignore that debt but I think there's a certain portion that will always be uncollected. Can you touch on that for just a minute?

MR. SEDILLO: Madam Chair, Commissioner Chavez, I'd like to see 100 percent, totally. But I think anywhere from 12 to 15 percent in regards to collections.

COMMISSIONER CHAVEZ: Would be uncollectible?



MR. SEDILLO: Uncollectible items would probably be reasonable, but I would shoot for 100 percent. I think that we're providing a service to these entities and we should be paid for those services that we do provide.

COMMISSIONER CHAVEZ: No, no. I agree, but there's a point of no return, and if we have to accept that 12 or 15 percent that's uncollected and we write that off – I think at a certain point you're spending staff time for money that you're not going to collect. So I think you need to determine when that threshold is and what percentage of uncollected debt we would have to write off. I just wanted to touch on that for a minute because I think the 100 percent is optimum, but is that realistic. So anyway, just in final closing I want to temper that a little bit. Thank you, Madam Chair.

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I appreciate Commissioner Chavez' comments. One thing that comes into my mind right off the top is we had an issue with Rio Arriba County associated with some of the collections. Commissioner Mayfield was involved, as I recall, with some of the discussions. We had a discussion on this bench about needing to have some coordination and there was some simple communication that went on between staff going to Rio Arriba County and Commissioners on this bench that led to us working through some of the issues relative to some of that collection. Am I right?

MR. SEDILLO: Madam Chair, Commissioner Anaya, you are absolutely correct. We've worked very diligently. Steve Shepherd and Sam Montoya from the Finance Department have met on several occasions with Rio Arriba. I've passed that information to County Manager Miller in regards to that and I can let Mr. Shepherd kind of expound on that because he was directly involved in those discussions.

COMMISSIONER ANAYA: You don't need to expand on it. My point is this. Sometimes it's not a complicated, long, drawn-out process that involves hours and hours of staff time. Sometimes it's an awareness or lack of awareness that exists on this Board where we might intervene and help you get through it. So that's my point. It's not to chase down money in perpetuity for years and decades. But if there's some simple things that haven't been done or communications that we might be able to assist with, which I think we can as it relates to Commissioners and other counties then we might get to it. But if there's uncollected debt from 20 years ago or 15 years ago, yes, there is a point in time when you have to cut bait and move on. But I think there's still some stones that we have to turn over before we make those conclusions.

CHAIR HOLIAN: Katherine.

MS. MILLER: Madam Chair, Commissioners, one of the things I want to point out in 2011 why there's such a large collection rate. When I got here it was fiscal year 2011. I asked to see all the contracts. We did not have contracts with many entities. So it's very hard to tell an entity, oh, you owe us some amount per day when we don't have a contract with them. So a lot of those were let to expire. When the current warden and director

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came in one of the things we set out to do is create an actual business unit and get contracts to every entity that may or may not house with us so that there's an actual contract with them that says if we house one of your inmates here's what we agree to pay us. It's very hard, so some of the billing that you see here is based upon – okay, we had a body in there. We sent a bill, and they said well, we don't have a contract to pay you. We didn't agree to pay that amount nor do we even agree that we owe you because of this issue of short-term holds.

So the staff has really cracked down on that, so that's why you see a big improvement too. When you go even further back we had one main contract with the State of New Mexico, so we didn't take a lot of these little ones. We had a guaranteed flat amount. So you'll see these variations based upon the type of population that's in our facility, what contracts are in existence at the time and a lot of the things that we've done. We're still working with Rio Arriba County for some of those same issues but we're setting up – we've gone through and set up really a lot of good procedures to make sure that we won't have anybody – I even get phone calls from County Managers from other entities: Hey, can we send you a contract right now because we have this unusual situation to put a juvenile in your facility right now. And so we might execute them that day because the staff is not taking inmates where we don't have agreements. That was one of the biggest issues of just letting people in, and then it was questionable, well, do they owe us or don't they? Because it just wasn't clear. So you'll see a lot of those things are improving and they're getting even better at that so there's no confusion up front, then it's clear. If it's a drop-off, like on a warrant like Pablo said, or call them and get them out everyday – we get a report every day who's in there. I even see it every day and I say, hey, we don't have an agreement; move them out. Are we getting them out of there? So you've got a lot of eyes looking at that kind of stuff as well, so we're a lot tighter on the business side of the operation, not just the security side of the entire operation.

CHAIR HOLIAN: Thank you, Katherine.

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I think the other thing that I'm saying is that many times, what feedback you're getting from another county hasn't made its way to the governing body. So a lot of discussions that we have with Commissioners sometimes about what's reasonable or unreasonable, sometimes the Commissioners feel, well, what we think is reasonable is something to approach, whereas their staff may see it otherwise. So I think there's opportunities for that communication to weed through some of that information and help us along with the process. Because at the end of the day our goal is to help other counties, help ourselves and help other counties as well. Correct, Mr. Sedillo?

MR. SEDILLO: Madam Chair, Commissioner Anaya, absolutely.

COMMISSIONER ANAYA: Thank you, Madam Chair.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, thank you, and Manager Miller, thank you for that explanation. As Commissioner Anaya just has stated, that's a reasonable explanation and if we have something on the books because we didn't have the proper agreements executed and we can't even determine that is actual debt owed to us then let's not keep that liability on our books anymore. And maybe then we need to, as Commissioner Chavez alluded to, we need to write this off so we do not show that on our books in a negative way. Because then – I don't know if, and you can educate me on this, but I don't know if that will hurt us on our bond ratings later on down in the future.

MS. MILLER: Madam Chair, Commissioners, actually, we are looking with Finance. I keep going back through on some of these older ones. Instead of carrying that we've been really coordinating between Finance and Corrections and even the Manager's Office about, okay, is it something we need to raise up? So let's say Rio Arriba County. There was still this issue and I've just talked to the Manager and said, are you aware that these issues are still going on? That we still haven't resolved some of these? So we'll go through that. But it does take a process of sometimes inmate by inmate, day by day, them checking their records, us checking our records, going back through.

If it's truly determined that these are uncollectible then we have written some of those things off from way back when, but I've told Finance, I want to get that off the books. If it's completely unrealistic, we had no contract, there's discrepancy in the records of who – they say they left on such and such a day; we say they left on another day, if those are not going to be paid and we've tried all avenues, there isn't a point in keeping it on our books. We should write it off as an uncollectible, particularly between government entity to government entity. It's another issue if it's a private entity, but government to government we can clean those up and we have been working to do that. It's just good financial management to reflect what's a true receivable versus what's an unrealistic receivable.

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

CHAIR HOLIAN: Thank you. Thank you, Director Sedillo. I have a question on a completely different topic. I've noticed that you've implemented, or you're implementing a going green recycling program, and I'm wondering what that consists of.

MR. SEDILLO: Madam Chair, I'll let the warden talk about that. He sits with the Deputy Warden on the committee.

MR. GALLEGOS: Madam Chair, Board of County Commissioners, we are in that process. We have contacted Waste Management for them to deliver the containers. We're going to put it into our facility up to and including the housing units, all areas of the facility. We're waiting for those bins to be delivered and once they get delivered we will go green. And I would anticipate that within about two to three weeks.

CHAIR HOLIAN: Great. Thank you, Warden. That's positive. Commissioner Stefanics.

COMMISSIONER STEFANICS: Madam Chair, there was an article in the newspaper recently about a system that is collecting food to take it into a compost and the Santa Fe Public Schools are doing it for a – they had a pilot for a couple of weeks. Have you considered looking into something like that? With all the food that comes back from the lunches or the dinners or the breakfasts?

MR. GALLEGOS: Madam Chair, Commissioner, we have looked into that as a result of that. That is ongoing as we speak right now, so I would like to get more information in regard to it and do a follow-up on it.

COMMISSIONER STEFANICS: And I understand – I'm not asking us to do anything outside the procurement process, but I understand that they allow a couple weeks of demonstration use. Steve, would that be something that would not be legal to do? To accept a couple of weeks of a demonstration of a product?

MR. ROSS: Madam Chair, Commissioner Stefanics, yes, that's – we can do it?

COMMISSIONER STEFANICS: It's allowed?

MR. ROSS: Manager Miller is just telling me that the estimate is too high for us to actually do it, but that we had discussed that.

CHAIR HOLIAN: Katherine.

MS. MILLER: Madam Chair, Commissioner Stefanics, we did look into this and the place that we could put the composter, we actually would have to run all new electric and everything and it was several thousand dollars – \$12,000 so it wasn't really a free demo. We were going to have to rewire in order to actually try it. We got a quote to do that, to see if it was something that we could do and try, but it was, I think \$12,500 to redo the electrical to where we could put this composting machine.

COMMISSIONER STEFANICS: So, Madam Chair, Ms. Miller, are you saying that the public schools are equipped with something high tech electrical that we don't have?

MS. MILLER: Madam Chair, Commissioner Stefanics, it's not a matter of not having electricity in our building, it's having it in a place in the sally port where you could actually put the unit. So we could put the unit inside the facility. It's the unit that rests outside, but we're a security facility and Pablo could speak to that more directly but there's only a couple of locations around the building you could actually put it where you could have inmates or staff putting compost into it, and there weren't any locations where we had electricity that you could just plug this thing in. So we had to actually run electrical to one of those locations and in order to do that it was going to cost about \$12,000.

COMMISSIONER STEFANICS: Okay, so Madam Chair, I just want to clarify. The estimate is \$12,000 to even accommodate the composter.

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MS. MILLER: Madam Chair, where they elected to accommodate it, in one of the locations we could put it, yes. And so we couldn't do a free demo because we didn't have a place that we could actually locate it without running electricity to it.

COMMISSIONER STEFANICS: Thank you very much.

CHAIR HOLIAN: Thank you. Any further questions?

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Commissioner Stefanics, I'd be willing to put in some of my resources to help get us to the point where we could try something like that if you're interested.

COMMISSIONER STEFANICS: Well, Commissioner Anaya, I think it's something worthwhile for us to consider, and if that's just a demonstration that's an issue. If it's something long term, and I really think it might be worthwhile looking at the reports from the Santa Fe Public Schools to see if they're satisfied, if they think it's unique, if they think it's worthwhile. I don't know how many competitors there would be out there. I understand we might need to do a competitive bid. But I think it's worth looking into. Thank you.

CHAIR HOLIAN: Thank you, Commissioner. I just would like to add a note of caution on this, because I know that this unit takes a huge amount of electricity and you have to keep in mind that that electricity is coming from a coal-fired power plant, so you really have to do the calculation as to whether you're really ahead of the game both money-wise and even in an environmental sense for this particular product. So I think that before we went ahead I would like to see some kind of an analysis.

COMMISSIONER STEFANICS: Solar.

CHAIR HOLIAN: Solar is a possibility, but when you're using electricity it takes a huge amount of electricity to create heat. Just a word of caution. Well, thank you very much, Director Sedillo, Warden and Steve.

#### **IX. C. Financial Report for the Month Ending July 31, 2013**

TERESA MARTINEZ (Finance Director): Madam Chair, again, as you stated, you have the July 31<sup>st</sup> report before you. We had recurring revenues of \$7.2 million and recurring expenditures of \$7.5 million. So expenditures were slightly higher than revenue, and again, in the early year until we hit our heavy months of property tax collections that is when we rely on our budgeted cash balances to make up that difference.

We had some non-recurring expenditures, mainly capital expenditures. Those type of expenditures that are funded from one-time sources. For the month of July we had a total of \$2.5 million. Some of the capital projects that were being worked on, obviously the judicial court complex, \$487,000, the Santa Fe County Fire Station being constructed in the Town of

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Edgewood, \$317,000, Edgewood open space, \$55,000. There was a Caja del Rio extension, \$512,000.

I also provided for you the major revenue sources, so you have the summary of the property tax revenue collections. We had collections of \$1.3 million to the end of July. This exceeded the budget of \$975,000 by \$370,000, so we're above budget for the month of July, and the collections were also \$130,000 greater, or ten percent greater than the prior year's collection for the same time period.

The GRTs for the month of July total \$3.3 million and they came in \$387,000 or 13 percent above the budgeted amount of \$2.9 million and the collections for July were also in excess of the prior collections by seven percent or \$243,000 for the same time period. And the unincorporated GRTs which consistently fell below budget for fiscal year 12 and began rebounding in 13, so far in the month of July they were above budget by \$5,900 and they exceeded the prior year's collections by eight percent. So this is a good sign that hopefully the GRTs in the unincorporated area will hold their own in fiscal year 14. And I stand for questions.

CHAIR HOLIAN: Thank you, Teresa. Any questions? Well, thank you, Teresa.

**IX. D. Public Works Monthly Report and Projects Process Update**

ADAM LEIGLAND (Public Works Director): Good afternoon, Commissioners. I have kind of a two-part presentation here, and what I'd like to do is just maybe focus on some of the updates from when this was originally submitted. Some project updates, for instance the Edgewood Fire Station, we said that it was going to be completed on August 21<sup>st</sup> and that is true. We got the certificate of occupancy. We're going to have the final punchlist walk-through tomorrow. The Madrid ballpark grandstands, we actually haven't started that. We think we'll get the first submittal for the design on September 23<sup>rd</sup>. The Vista Grande Library expansion is proceeding. The foundation and the retaining wall have been placed. We're progressing on the design of the Ken and Patti Adam Senior Center, the La Cienega Fire Station #2 addition renovation design.

COMMISSIONER MAYFIELD: Madam Chair, where are you, Adam? Off the bullets?

MR. LEIGLAND: Yes. I'm just going down some of the projects in the bullets, Commissioner Mayfield.

COMMISSIONER MAYFIELD: You're skipping?

MR. LEIGLAND: Yes. I'm sorry.

COMMISSIONER MAYFIELD: No. That's fine. Just so I can keep up with you. Thank you.

MR. LEIGLAND: And then the final project update I was going to give you was the Rabbit Road trailhead. That has started as projected here.

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A couple other items I'd like to update on. The City has transferred about 60, 55 percent of the customers in the area to be annexed on the solid waste service, and the reason they haven't been able to get the full 100 percent is because they're working with some of the private contractors, in particular Waste Management. So this is an update I received from the City. So that is going pretty well, but I think they're having a little bit of trouble with Waste Management. That contractor does not want to necessarily want to let some of these individuals out of their contract with them and so I think we'll have to wait. The City believes they'll have to wait until annexation actually occurs.

Then I'd like to direct your attention to the last bar chart which is projected utility revenues. With these new customers from annexation we believe that we'll finally be in the black on the utility, that the utility will be 100 percent self-sufficient. That's with taking on the water supply for the state pen and all these new customers so that's great news. And we have pretty much transferred all the new customers in annexation which what that meant was getting them in our billing system and putting on meter readers that we can read.

CHAIR HOLIAN: Adam, I just have a quick question. On swapping out the meters, the reason we're doing it is we have a different system in the county from the city?

MR. LEIGLAND: Madam Chair, that's correct. It's not actually the meter itself it's just the electronic transmitter that transmits the signal and we just had a different brand. And so we had to change it so that our guns could read the new signal.

We requested 12 different new points of delivery of wholesale water delivery under the 2005 water resources agreement. That's been sort of a source of contention but about three weeks ago the City said they would approve those administratively, which is what we've been hoping for, and actually as of last Friday we got the first three approvals back so that process is working, but we're still having a little trouble with the connection at Las Campanas. We had a meeting with the City yesterday, so that's not quite as smoothed out as we would like.

We met last night with the Chupadero mutual domestic to update them on the process to take them over. In early July we had finished the asset inventory but because they're – I don't know if the correct term is litigating but they're talking about some water rights with the Office of the State Engineer, so the State Engineer had asked us to kind of wait a little bit to progress with that process until that's resolved and my understanding is that that was going to be resolved by the domestic last night. So I think we're going to start negotiations as the next step on Friday.

So I'll stand for any questions on the public report, and if there are no questions I'll press to just the process, the capital project delivery presentation.

CHAIR HOLIAN: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. Mr. Leigland, we have – some of us have been contacted by a constituent or two who are concerned about the changeover in the water meters. And I'm wondering if you could comment on the differences between the City's water meters, our water meters that we're installing, and our past water meters.

MR. LEIGLAND: Madam Chair, Commissioner Stefanics, in general the meters broadcast a signal so that we can read them remotely. So just forgive me if this is a repetition of what is already known. But what it allows us to do is we drive the car slowly with sort of a gun, we can read the meters remotely. This presents us from having to get out and walk to the meter and do a manual reading. So not only does this electronic meter reading save time but it's also accuracy because you don't have to verify that a mistake was made when you transcribed the numbers, for instance. So this sort of electronic meter reader is standard in the utility industries. Not only water but also gas and electric and what not. And as a side note, actually eventually we'd like to get to the point where it transmits back to a central monitoring station so we don't even have to go out there at all.

But right now we have a system where there's a small transmitter that sits on top of the meter and it broadcasts a signal that our gun can pick up and read. And it's a push system, which is to say that this system transmits continuously and we just pick up as opposed to having to ping it, so it's transmitting somewhat frequently. The difference – the City has the same system. The difference really between the City's and ours is just the signal so it's just like it's broadcasting a slightly different frequency with a different encoding, which is really proprietary so that our brand doesn't accidentally pick up the signal from a different brand, so to speak. So there's really no difference other than just the nature of the electronic signature.

And we have these electronic meters also in our utility. When we took over the new customers with annexation we had to replace the meters so the frequency of the signal can be picked up by our guns.

COMMISSIONER STEFANICS: So, Madam Chair, I'm hearing this is a work necessity. If any customers have some questions or concerns, who may they contact about this?

MR. LEIGLAND: Madam Chair, Commissioner Stefanics, they can contact me or they could contact the interim utility director Rusty Rodke, so those are the ones. Mr. Rodke is the one who's actually managing the process of actually swapping out the meter readers.

COMMISSIONER STEFANICS: Thank you very much.

CHAIR HOLIAN: Commissioner Chavez.

COMMISSIONER CHAVEZ: Thank you, Madam Chair. Adam, on the same topic, could you expand just a little bit on the difference between the equipment that the City's been using and ours relative to the frequency, because I've also been led to believe that the frequency in these units is less than that the City was using, and that there are ways that the individual can insulate using pumice block and other things, insulate to some degree the frequency that's going to that house. Can you touch on that just a bit?

MR. LEIGLAND: Madam Chair, Commissioner Chavez, my understanding is the difference between the City's meter's or transmitters, if you will, and the ones we're using is just really simply a matter of the frequency and it's not because one frequency is necessarily better, but you need some differentiation in frequency so that – it's just like a radio station. Different radio stations are operating at different frequencies in order to get

differentiation on the dial. It's the same thing. So say for instance, the City's transmitting at 101 megahertz, so only 101 megahertz receivers can receive that signal, and we're transmitting at 928 megahertz, for instance. So it's really just a matter of frequency so you can differentiate.

And yes, I understand that you can do some shielding. The meters sit underground in a meter can and there's a small transmitter on top of the meter with a small antenna and so you want to make sure that if it is shielded that the signal can still reach the street or where we're reading it.

COMMISSIONER CHAVEZ: Would you have suggestions on how to screen that?

MR. LEIGLAND: Madam Chair, Commissioner Chavez, I think it's a pretty low power signal and so it's not going to take much to block it. It really only needs to get the 100 feet to the street. And you also have to make sure that you don't get interference from one meter to the next, so the signal cannot be that strong.

COMMISSIONER CHAVEZ: Okay, so Madam Chair, I appreciate Commissioner Stefanics bringing this up because we have gotten those calls and those concerns and maybe what you can do is share the information you have with the public as much as possible now while we're installing these and then continue after just to be sure that we're okay. Thank you, Madam Chair.

CHAIR HOLIAN: Adam, these are radio wave frequencies, right?

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

CHAIR HOLIAN: Not microwave. So those aren't really harmful to people. And I will also point out to people that the strength of the wave falls off as one over  $r^2$ , that is as you get twice as far away you get one-fourth the amount of radiation.

MR. LEIGLAND: Madam Chair, these are the same waves that a cell phone uses, so it's much, much less than you get from a cell phone.

CHAIR HOLIAN: Or from a microwave tower for example. Any further questions? Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, thank you, and Mr. Leigland, thank you for attending that meeting with me in Chupadero last night. It was very beneficial for all involved and I know the residents were very happy with that. But on that note, and this might be a question for our Legal Department. The different terms under water rights, and that was one question that came up last night with the residents and now with what the OSE is asking. There's rights to use water and then there's ownership of the actual water rights. So that's kind of what they're determining. So what's the term, Mr. Ross, in New Mexico for somebody who has the right to use water but they're actually not the owner of the water right where they could move it around, say from point A to point B? If you draw a permit today from, say, the Office of the State Engineer to drill a well you have the right to use this water on your private land for certain purposes but you actually don't own that water to sell it somewhere else, right?



MR. ROSS: Madam Chair, Commissioner Mayfield, are you talking about a 72-12 well?

COMMISSIONER MAYFIELD: Yes, 72-12 well.

MR. ROSS: I call that a license.

COMMISSIONER MAYFIELD: A license. It's a license or just a right to use it right there for an intended purpose. But it's a license. Okay. Now, Adam, as far as the folks on that water system, and I know we're going to approve another license later today – I shouldn't say license. That's not what's in dispute though on that particular situation. These individuals own those water rights, and that's what they're just figuring the amount of water rights that they own?

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, I don't have the details and some of it that you saw last night they're keeping as pretty close hold and they're treating as confidential but my understanding is the conflict arises that all the individual members of the system tried to transfer their individual rights into the well and what the system thought they were transferring into the well and what the OSE thought when they started looking at all the individuals, there was a big difference. I think it kind of gets to the question you had last night about is it the system or the individuals and I think what the OSE is adjudicating on is how many of the individual rights actually got put into that well.

COMMISSIONER MAYFIELD: Okay. And just a note on Mr. Rodke. So Mr. Rodke is now our acting Water Utility Director?

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, that's right.

COMMISSIONER MAYFIELD: But again, when Mr. Rodke came on board it was through the money, through the funds available that were given to us by the BOR the sale of Top of the World pertaining to the Aamodt.

MR. LEIGLAND: That is correct.

COMMISSIONER MAYFIELD: And we had a big discussion on this bench that those dollars were going to be protected, so there will be no co-intermingling of those funds. I just want to establish that very clearly.

MR. LEIGLAND: That is right. Mr. Rodke is now currently being paid for by the utility and so the Top of the World water right money is not paying for his salary. So we are explicitly addressing the commingling of funds.

COMMISSIONER MAYFIELD: Thank you. And thank you for this presentation. But Adam, I'm going to ask, because we kind of went through all the bullet points and we went through them fairly fast and I guess that's great. Let's go into the Pojoaque Fire Station. I'm glad that we're doing the remodel for the volunteers that's much needed for the services that all of our volunteers provide. How is that – is that being paid out of our fire GO bonds that went to the voters or how is that remodel being done? Just so I know.

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, I believe that's coming out of districts funds. They have funds, which are also the funds, for instance, we're using for the La Cienega Fire Station #2 design.

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COMMISSIONER MAYFIELD: So in the future for me, is there a way that I could – and again, for my benefit. I don't know if it would be the other Commissioners' benefits, so I could see how the breakout is coming for different funds for these type of projects. And I guess also, and I know it's come up on this bench before, because I know we on this bench have approved startup cash and how we're timing projects, but I've seen a lot of startup money that we've allocated on this bench and some of those projects are still sitting in limbo, where a lot of other projects, through either GO money that has just been approved this July has already started moving. When we approved quick start money over a year ago and those projects haven't even made it through design phase yet. And I'm kind of wondering why. And I know I've had this conversation with you and Manager Miller time and time again. And I'm going to just say it. It was like is District 1 getting forgotten about? And I'm going to say it now on this bench, because I'm really tired of saying it privately with you and privately with Manager Miller.

So I want to see why projects aren't moving timely, and I'm the first one to say that I want them well designed and I want them properly planned out. But I want to see a breakout of how projects are being distributed equitably and moving and I would hopefully like to see how the cost allocations are moving for all projects and how we're timing them out. And I'm just going to ask for that.

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, are you asking for some sort of response right now or –

COMMISSIONER MAYFIELD: No, no, no. We'd be here all night because we have a lot to this packet. But I was just going to ask for that and we're going to have probably have that in our meeting that we're going to have. But I really need to see what's going on with some of this quick start money that this bench has approved I think it was a year ago, a year and a half ago, because I have a lot of dollars that were allocated again for District 1 but projects haven't been moving and we've talked about this. So I appreciate it and thank you for your work, Adam. You do a great job for us. I want you to know that.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Stefanics.

COMMISSIONER STEFANICS: Well, in relation to Commissioner Mayfield's last question, I just wanted to ask in the capital projects status update chart, is this – would this help us identify completion dates and start dates and things like that?

MR. LEIGLAND: Madam Chair, Commissioner Stefanics, exactly. So this list is a list of all active procurements, if you will.

COMMISSIONER STEFANICS: Okay. So my next part, Madam Chair, would be as follow up to the quick start projects. Is there a way to ID which of these were the quick starts?

MR. LEIGLAND: Madam Chair, Commissioner Stefanics, yes. We could add a column here. It would be a simple matter of identifying what was funded when and what fund source.

COMMISSIONER STEFANICS: Well, I think that my issue around his question might be if it was successful to do something like a quick start then perhaps we'd do it again. If it was treating a project just like any other project then perhaps we just take our time. So that's where I'm going with my question. Thank you, Madam Chair.

CHAIR HOLIAN: Adam, I have a couple questions. How do you decide what order to put things on this list? Is it by priority?

MR. LEIGLAND: Madam Chair, Commissioners, this list is a list of all things that are active procurement so there's no prioritization on this. The order here, you could sort it any different way. I chose to sort this one just by completion percentage. You could sort it by title, you could sort it by date that it was entered. At the risk of getting ahead of myself we have a number of lists. This is a list of actual procurements, contracts that we have, so it could be a design contract, it could be a study, it could be the survey, it could be the actual construction. So you'll see there's about 101 line items on this list. That 101 line items only represents about 74 different projects. And so for instance, the Caja del Rio repaving project, there's on this list you'll see the construction contract, you'll see the contract for design services, you'll see the contract for inspection services. So there'll be three separate line items on this list for one particular project. And that can be reflected in the project's number.

So in order to get an idea of what procurement is tied to what project, every project has an individual identifier, so another way to sort this list would be by project number. And then you would see, for instance, you'd see maybe three projects numbers in a row because that is representing the three contracts associated with that. And so some contracts, some projects will have multiple procurements. We need to do an archaeological study. We need to do other things and in others it could just be simple construction. So this list, there's no prioritization to get on this list other than it's gone through the process, it's been funded, we have a proper scope, we went through the procurement process and it ended up here.

So the prioritization to get on this list really happens when this Board prioritizes how they want their money spent. So just to remind you, back about a year ago we had – right between the bond and the GRT we had about \$60 or \$70 million to prioritize. We wanted to get some jump-started because we realized those take a bit longer to do so we allocated money, some quick start, and that was to jump-start the rest of it. And then when we got the bond funds, the bond funds weren't available until the beginning of this fiscal year, and so all those projects – and plus this represents previous year's projects, so there's stuff that the Commission approved several years ago that's still in construction. So it's still an ongoing procurement. It hasn't fallen off the list yet, so that will be reflected on this list as well. So really this list which represents about probably about \$70 million, \$20 million of it is previous year obligations, GRT, and so on.

So the prioritization is not on this list and when I get to my next presentation you'll see where the prioritization happens.

CHAIR HOLIAN: Okay. Thank you, Adam. One think that I would be interested in seeing on this list flagged in some way is if a project really significantly changes in scope one way or another, if it's color-coded or something like that so we can easily see

that something has changed dramatically in scope. Because those might be the kinds of things we would be interested in knowing about.

MR. LEIGLAND: Madam Chair, yes. Ideally, we would have a series of thresholds. You would have a budget and then during the design, if the scope changes during design or the budget changes during design we'd want to come back because this Commission made decisions based on an estimated design amount. And then during construction the same thing. So there's a number of points where you'd want to evaluate to make sure that it's conforming with the decision makers' expectations.

CHAIR HOLIAN: Great. Thank you. Commissioner Chavez.

COMMISSIONER CHAVEZ: Thank you, Madam Chair. Adam, there's a couple of projects that the County will be working on. I'll just point to one: construction of South Meadows open space. This is phase 1, and we have allocated some money I think for design on that open space. But that's within the presumptive city limits so at some point here in the near future we'll be transferring that over to the City, so I think that is a project that could be in that special list category that could be flagged so that we're sure that our investment, that the City will be able to build on our investment and not leave that just fallow and undeveloped. And I think you're working with City staff to be sure that that's placed on their list.

MR. LEIGLAND: Madam Chair, Commissioner Chavez, that's correct. Actually, I just talked to the City staff just yesterday about this project and also about the River Trail, which is a similar case.

COMMISSIONER CHAVEZ: So those projects that we're sharing, you've identified those projects and you're communicating with our City counterparts so that those projects will move forward in a timely and equitable fashion.

MR. LEIGLAND: That's correct.

COMMISSIONER CHAVEZ: Thank you, Madam Chair.

CHAIR HOLIAN: Adam, I will just note that the number of projects that have been executed has been steadily going up over the last three or four years and so I'm very pleased to see that. Anyway, maybe now you will go on to part 2 of your presentation. Oh, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Mr. Leigland, on these receipts of projects, and I think it's piggybacking off what Commissioner Holian, our chair just said. We were in a down economy in the United States and across the state of New Mexico we were also part of that and had to take actions prior to even my sitting on this bench that were difficult actions to streamline the budget and to maintain core services. If you're going to do it in your next presentation I'll wait but I'd like a total dollar amount of projects budgeted that are going to go under construction. What is it? How many millions of dollars?

MR. LEIGLAND: Actually, Madam Chair, Commissioner Anaya, that is in my next presentation but I'll just jump ahead and give you those numbers. So we have currently about \$63.7 million of projects that are in the queue to be executed. Those are the ones the Commission has already allocated funds for the project concept, but they haven't

made it to a point where they could be executed yet, and then we have \$47.7 million in projects actually going on right now. So in total the amount of work is about \$110 million is our total capital package. That represents the funds that this Commission approved this last cycle plus monies that have been brought forward.

COMMISSIONER ANAYA: So \$110 million of actual in-hand resources that the County is going to be executing and \$47 million that we're executing as we speak that's happening throughout Santa Fe County. That's a lot of economic impact. A lot of jobs created internally and externally for public and private sector business. Thinking forward, as we bring other presentations back let's key in on that. I know you have it in your upcoming presentation; I look forward to hearing it, but let's also talk about the impact of those dollars in future presentations, work with Mr. Griscom and others at the County so we can talk about the economic impact that those resources that are all resources generated from taxpayers, that taxpayers provided and voted to approve for improvement in Santa Fe County. Thank you, Madam Chair. Thank you, Mr. Leigland.

CHAIR HOLIAN: Mr. Leigland.

MR. LEIGLAND: Madam Chair, Commissioners, at your request there was a concern about – not concern but some questions, one about the organization of Public Works and two, just about how the process about how to get projects on to this list, how that happens. So what I put together is a little presentation and I called it getting it on the train, because that is a term that we're starting to use internally and it's kind of become a shorthand for the way the process works and you'll see how I refer to that. But we often talk about our goal is to get the project on the train. We talked about the stops along the way.

So this is the power point that's in your booklet and I'll just walk through the slides very quickly. The Public Works mission statement is to deliver, operating and maintain County capital assets. So that's our job. That mission statement has informed the reorganization we've undertaken. And just to remind you, the County has \$600 of capitalized assets in the ground now. We're building \$110 million now; we already have over \$600 million, and that's our roads, that's our County facilities, that's our water rights that we have to operate and maintain right away.

This presentation is focusing on how we deliver those, so we had this idea about delivering. If you go to the next slide you'll see a circle chart with some red circles. This is the capital asset lifecycle and this is a standard chart, but it talks about how we've organized Public Assets along delivering capital assets as opposed to being a long program. So we thought as a way to speed up delivery and as the Commission already noted the amount of workload we have has increased, and that's just because there are more resources available.

COMMISSIONER ANAYA: Madam Chair, if I could, just quickly, because it's not something we want to gloss over; it's something we want to highlight because it's also taxpayer assets. You said \$600 million – over half a billion dollars in existing assets, including the \$110 million in play, or not including the \$110 million?

MR. LEIGLAND: Madam Chair, Commissioner Anaya, not including.

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COMMISSIONER ANAYA: So close to three quarters of a billion dollars in completed assets once we're done with the projects in the queue right now. That's a lot of resources and that's a lot of project operations management and that's a lot of economy infused into Santa Fe County and the state.

MR. LEIGLAND: Madam Chair, Commissioner Anaya, I totally agree, and I think that's why I think our first priority should be to operate and maintain that three-quarters of a billion dollars that we already have.

Returning to the presentation you'll see that we've organized the department along this idea of operating and maintaining capital assets as opposed to being delivering specific programmatic assets. So instead of being road-aligned, here's the roads from cradle to grave, open space, cradle to grave. We've organized ourselves along this idea of a capital asset. So you'll see the new org chart on the next page. And after that you'll see a capital assets flow. So you'll see that we're focusing on this idea of a need. Capital projects are really a tool for implementing County policy because the County has a program for providing some level of community services and in order to provide that level of services a capital need is identified, that they need a senior center, say, of a certain size.

So we always like to start with the need and we link that need to an existing program which is where the real policy decisions are made. Based on that need we create a concept and we call it a concept because at the early stage we have no idea – it's not something we can give to a contractor to build, which is the ultimate goal. We don't know if it's going to be a 5,000 square foot facility or a 10,000 square foot facility. We just know that we're going to need some sort of facility. So we call it a concept and we put that concept on the capital improvement plan, which is a total list of all the County needs and as you'll see later in the presentation we have about 320 identified needs. We know that the County can't meet all that need. We could probably only do about five percent of that in any given time, so that has to be some prioritization process and that's what really steps 4 and 5 are.

The policy makers have to say, well, we have these 320 items on this and we can only do ten this year; what are the ten we want to do? And then step 6 is when the policy makers say these are the ones we want to fund, and that was the process we went through last year. And then we have to flesh them out into something that can be built and then we build them.

The next slide, you'll see some cartoon characters and this is just the idea of getting on the train. I thought this was useful because it has proven very useful internally as a shorthand to say where's that particular project? Oh, it's at the station, which is to say it's funded but we're still doing planning and development on it. We haven't quite got the construction ready to put it on the train. So we've found this to be a useful shorthand way, and that's why I put it in this presentation. To get to Commissioner Anaya's earlier question, you'll see on the red, yellow and green bars, you'll see where each one of those dollar amounts are, so the County had 318 – actually this is old. With the ICIP process we probably have closer to 400 items on our CIP now, probably approaching \$400 million. Of that the Commission has already funded, has already allocated funds for 80 – this is from last year, for a total of \$63.7 million. So that's projects that are still in the queue, but we haven't got to

the point and if you remember we presented last year a four-year execution schedule for those, and then ongoing is \$47.7 million.

CHAIR HOLIAN: Commissioner Chavez, you had a question on that?

COMMISSIONER CHAVEZ: Yes, thank you. Adam, I want to go back a couple of slides to the operation and maintenance. You estimated that it would \$5 million for operation and maintenance in the County?

MR. LEIGLAND: Madam Chair, Commissioner Chavez, \$5 million –

COMMISSIONER CHAVEZ: On that capital asset lifecycle sheet, you have number 1, O&M. That's not a dollar amount?

MR. LEIGLAND: No. Commissioner Chavez, this is just in the life of a capital asset, say, for instance a road, this is sort of a standard process for how it's managed. So first in the planning stage is where you identify that you need a road. The programming stage is where you say it needs to be a road of a certain size and it's probably going to cost a million dollars. And then design and construction are self-evident and then once it's constructed it's transferred to the operations and maintenance, which is step 5, and the reason there's a link back to step 1 is because over the lifecycle of that road we're probably going to have to do some more capital investment. Through maintenance activities we can keep it up 20 years, but at some point we're going to have to do some major capital investments. So that's why it's a cycle.

COMMISSIONER CHAVEZ: So then it would be a different scenario and a somewhat different cycle for, let's say a building like this, or an HR building or whatever other buildings we have where we're housing our County employees.

MR. LEIGLAND: Madam Chair, Commissioner Chavez, that's correct. We have some parametric measures. We know for instance this County spends about \$5,000 a mile on maintenance of roads, for instance. If you look at nationwide, it costs about \$2 per square foot to operate and maintain a facility and that includes utilities and custodial and that sort of thing. So you can break out your operation and maintenance cost.

COMMISSIONER CHAVEZ: I appreciate that and I wanted to touch on that for just a minute because I think after we hear from the public that when it comes to a public facility that's paid for with taxpayer dollars, and they're right, but we don't always have enough in that budget for the ongoing operation and maintenance. That's where we really struggle in many cases. So I just wanted to touch on that for just a minute. And then on the capital project flow, on step 5, you're stating that we would prioritize items for the fiscal year, and I think that's necessary, but then we can't deviate from that either by changing or adding to that because then that's going to affect the timeline on that list of priorities, because we have limited staff time unless we're going to start subcontracting more out.

And then we also have what I'm going to call our special district projects that may not be on that list of priorities and sometimes they're smaller projects but sometimes they can be a larger project, like remodeling the HR building or maybe an equestrian center that both will have ongoing operations and maintenance. So I think I see two lists of projects. I don't know how you see that but that's something that you have to manage, not necessarily us up here at

the dais, nor does the public manage that. It's really staff that manages those projects and so as we add to that we have to be, I think sensitive to the demand that we're placing on staff, based on either our expectations or the expectations of the public. So I just wanted to touch on that for a little bit. Thank you, Madam Chair.

CHAIR HOLIAN: Thank you. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. On that point, I think our staff is supposed to be all whiz kids so they can just do anything we toss to them, right? But on what Commissioner Chavez is bringing up, what happens when we start identifying projects in our district that are the small projects we are dealing with, our community funds? How does that work itself into the overall issue, the overall work flow?

MR. LEIGLAND: Madam Chair, Commissioner Stefanics, that's a good question.

COMMISSIONER STEFANICS: Say today I just said, stop the building. Put something else on this. How are we going to do this? You can even use that as an example if you want.

MR. LEIGLAND: Well, first of all what I'd like to say is that regardless of the dollar amount of the project there are certain steps that take the same amount of time, and that's what I'll talk about right now. So the first thing we do is just to comply with our County procurement ordinances. We make sure the project is on our CIP, because we can't do capital unless it's on our CIP. So we first create the project and that would be on step 3. So we first go – steps 1 and 2 and what has been articulated to us. Step 3 is we create the project concept and then we have to flesh it out into something that is executable, if you will. Something that can actually be put on the street. And that can take quite a bit of time because say, for instance, we are told to build a road. Well, you need to know there's a lot more than just building a road. You have to know how long it's going to be, how wide it's going to be, those sorts of things. And then you have to develop that because the contractors have to have very specific guidance on what's being designed.

So we go to step 7 on the capital projects flow which is really where we try to flesh out exactly what's being asked and maybe a good example would be the playground that we're doing in Oshara. So the request is for a playground, but what is a playground? Well, we want this piece of equipment, this piece of equipment. Then we probably need a bench and then we'll maybe need this and that. And then, by the way, we have to look in terms of child safety. We have to worry about fire protection. So then we have to make sure we get the fall zones and all sorts of things. So we have to make sure that's all covered for something for somebody to design and/or construct. So that happens in step 7. As I'm getting ahead of ourselves, that's been one of the obstacles for timely execution is that step has kind of been a gray zone in our process, because we get a request but we didn't have anyone who could really flesh out the request. So actually one of the things we try to do is put more resources to that step – dedicating staff to sit down with in your case the Commissioner or your liaison to say, okay, what exactly is wanted here? Well, we want a slide, we want a swing set. That sort of thing. So you can flesh out a project.

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Or another example might be the multi-use trails we're working with the ECIA on. The talk is more trails, but when it comes down to it, well, we have to worry about drainage because the area they're concerned about is actually a trail that already exists but it has some drainage problems. So then that's the programming stage. So we try to spend a lot of time there so we have a good project, so that when it comes time to be constructed we're not doing changes in the field, because as you know that's very expensive. We try to get as much done as possible so we can keep costs under control.

So when we get a request from you we go to step 3, we create the project concept, we put it on CIP. We try to get as much information as possible on step 7 to flesh out, to turn it from just a concept into something that can actually be put onto a contract that we can hire a designer to design and hire a builder to build. That's probably the most time-consuming step. And then once we have an idea of cost then we have to actually allocate the funds for that and you'll see two such requests on today's agenda allocating funds towards a project, and then at that point it just goes to normal procurement stage of awarding a design if necessary and then once the design is complete awarding the construction based on that design.

So it may be a long-winded way of answering the question but we try to adhere to the capital project flow, just maybe jump a couple of the steps.

COMMISSIONER STEFANICS: Thank you.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Leigland, thank you for that explanation and Commissioner Stefanics, thanks for even asking that. And I think this even dovetails into our code and hopefully we'll get our new code done some time. But again, each district is unique and I'm going to speak about District 1 specifically. Within District 1, Adam, you and I addressed many road issues up there and you and I looked at our drainage issues, saying yes, some of these roads need to be improved and we need to talk to our community and some want them improved for some reasons and some don't want them improved just so they can have equestrian use on them. But anytime we touch a road then we have long-term problems once we touch a road because somebody potentially might be getting flooded and we have all these other issues. We might even talk about, okay, what are we going to do with bar ditches? Why aren't we putting in storm management?

And then, I'll be the first one to say, hey, we've got to do a lot more proper design before we even look at this road. But my point earlier to that earlier question was that doesn't mean I want District 1 projects to be put in abeyance or put on the back seat because we have a long-term design project. I was meeting with the individuals this morning and their issues respecting the sovereign nations that I work with and the sovereign entities I work with, where we have to look at other boundaries and easement issues. That's unique definitely to District 1. That takes a lot more time and I understand that and I respect that, but because that's on hold it doesn't mean maybe – and I'll speak specifically for District 1, well, let's put the District 1 projects on hold and we'll start moving here and then when it comes to District 1 and there should be a policy decision on this bench, well, now we're going to revamp the whole system so everything that was District 1 because they didn't move their startup money

they're going to maybe change a whole policy if other district projects got moving.

So I hope that's taken into consideration if we're going to rechange this process. Because again, each district is unique with their needs in their individual districts. And Adam, I do appreciate the time and effort you give that into consideration. Building a playground or a local community center – there's some things that internally they're just not moving. I'm just going to say my belief is because of internal communication issues within this organization. And I would just hope that we could facilitate that. It's not just on your part, [inaudible] legal. That's just my observation. And I just hope that those things could happen, if we could just keep those lines of communication working. And I just – I'm going to say that and just if we could facilitate those processes.

I would hope that in getting on the train that somewhere on this diagram there's internal communications with other departments, because I think that's a big part of this, to make it a little easier on your department. Because your department has a tough job, Adam. It really does, but there has to be some internal communication component in here also. That's just how I see it from my seat, but thank you.

COMMISSIONER MAYFIELD: Thank you, Commissioner. Please proceed, Adam.

MR. LEIGLAND: Madam Chair, Commissioners, so if you look on the second to the last slide you'll see just a report card, so you'll how many projects we delivered, and then you'll see a snap shot of going back to our getting it on the train analogy that we have, \$49.2 million that are earmarked for future projects but those projects aren't yet active and what I mean by that is we haven't started design or we haven't fleshed out – we haven't been doing a study. We have \$31 million in projects at the station, which is to say actively in planning and design and then we have 48 projects on the train, which is in construction.

So to answer Commissioner Mayfield's question, I totally agree that communication is an issue and actually we've identified probably – and this is getting to the next slide, obstacles to timely delivery – we've identified that communication gap and so we tried to secure staff resources specifically to bridge that communication gap because we realized things were languishing, not because – once they're in the process, they'll move, and that's actually why we came up with this idea of on the train. Once on the train they move. Now, not every train is a bullet train. Sometimes it's just a milk run. But once it's on the train it moves and it's pretty regular and we can predict it.

So we were having trouble getting things on the train and we identified that as a communication gap and so we directed staff resources to try to bridge that. So if you look at some of the other obstacles we identified as maybe not meeting expectations for delivery. One is that it's not exactly sure. We have trouble scoping. It's hard to put something on the street to build if it's not exactly sure what's being built, so developing that scope. Project needs design. A lot of times it's actually really in Commissioner Mayfield's district. In my personal opinion things were constructed that probably needed more design and now we are paying the consequences. An example of this would be the Arroyo Alma West project. That's

a very complicated situation and I'm not comfortable just building something. I feel we need a very detailed analysis. Unfortunately, that adds time to the process and actually that design and that analysis is ongoing right now and hopefully it will produce a series of solutions that are implementable.

We have multi-agency projects. We have easement issues, unwilling sellers. This is what's slowed down for instance like the River Trail. Multiple landowners involved. Multi-agency coordination – the Glorieta mutual domestic project. It's going to be a very successful project but we had a Water Trust Board Grant, we had CDBG grant, we had Forest Service involved. So we had to get everyone at the table in order to make sure that it was going to be a well executed project. So that project, the contract is finally before the Board today for approval. It took us a long time to get there because we had many steps in the coordination process.

Funding issues – to get back to design. A lot of time as the project progresses and I think the one here that comes to mind is the courthouse, that project just grew and grew and so it takes time to find money. And it's kind of a balance, and this Board allocates resources, it's a fine balance because on the one hand, you want to get as much money as you can for projects but on the other hand you can't have it so finely allocated that you have no room for contingency. So you want to strike a balance and typically you want to have, say, 120 percent of a project cost, 120 percent allocated towards that so you have room for unforeseen type conditions and what not. If you have exactly 100 percent and you do run into something or there's a request to change it, a user request to change, you want to have the flexibility. Because you don't want to allocate too much money because that's money that's just sitting there that's not usable. So you have to really strike a balance.

Different site conditions – I think that's self-evident. And then emergencies take priorities as Commissioner Stefanics asked. Sometimes something is inserted. And we have ten project managers right now. They can handle, say, ten projects at a time. We have our workload projected. We've presented to you a five-year, a 60-month execution schedule. We've allocated staff resources based on that but if there's an insert we have to rearrange things and so –

I didn't mean to speak that long. I know it's a full agenda today but with that I'll stand any questions.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Yes, and Adam, just speaking along and we also defer staff's presentations and I'm glad Commissioner Anaya asked for this to come up front so it just is what it is. But a lot of these things, like we're doing the expansion on 98, Juan Medina Road up in District 1. I'm glad we're doing it. That was asking for – and I think your staff had a big part in it. Some individuals went for some grant money, federal money. That all went out for an RFP. That's contracted out through third parties too. Again, staff time puts a lot of effort to that. There's staff coordination. But let's also let it be known that it's just not totally staff resources that are doing this. There's a lot of individual staff time and allocation, but a lot of these projects are still contracted out independently.

So when you have project managers – I know Manager Miller has asked for project managers and you've asked for project managers. So a lot of these projects are then RFP'ed and brought out by independent people to do this work. So let's let that be known also, that it's just not strictly Santa Fe County staff who are executing a lot of these projects.

MR. LEIGLAND: No, Madam Chair, Commissioner Mayfield, in fact every project on this list is being actually done by a contractor, and so what project managers do is they manage the contractors. They approve payments. They approve design submittals. If there's a question out in the field someone has to go out and say, well, we didn't see that. There was a culvert there we didn't know about. We have to do it. So that's why one particular project manager can probably manage about ten projects because really he's managing ten individual contractors but managing a contractor is time-consuming.

COMMISSIONER MAYFIELD: Okay, so how many project managers do you have on board right now?

MR. LEIGLAND: We have slots for ten, but we have three vacancies that we're actively filling and in fact I even –

COMMISSIONER MAYFIELD: So you have seven, so you could be managing 70 projects right now countywide.

MR. LEIGLAND: Exactly. So if you look on our list we're about 74. We probably – but we're not managing as many as we could, so I think with ten we'll be in a good place as long as we subject our workload and we manage it over time. So we have a pretty good idea. We have \$110 million to execute over 60 months, so I think with the resources we have we've come up with a schedule we think balances that.

COMMISSIONER MAYFIELD: Sure. And then I know the County has made great efforts to beef up your staffing levels internally and also to put as much capital dollars as we can into equipment, into road resources. So that I know this Board has also done. So I just want that also to be known for our listening public and our audience and to your staff to know that we have done that also. Thank you. That's all I had, Madam Chair.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Mr. Leigland, I appreciate the presentation and the detail. I also appreciate the fact that there's ongoing desire to continually improve the process. I want to, before I go further, I want to thank this Commission and prior Commission because they made a shift in expenditure. Like you said earlier, we were in a down economy and we did many things that had not been done in many, many years. In addition in the last couple years it has dealt with road construction and road improvement. This Commission made a conscious and deliberate decision to request of the voters of Santa Fe County, in addition to the gross receipts tax that we have for projects, we made a deliberate decision to request the citizens, do you want to invest more money in road construction in Santa Fe County? It had never been done before to that level and it was a priority that was long overdue.

And I want to say that if you look at the project history, not just in the last two years, but if you go back the last decade and you look at road construction and the capacity to get a

project from concept to design to construction, this County has been exceptional about design concept, design and construction of road projects. There's a few exceptions of design issues that have come about as a result of a lot of the rains that we've been receiving in the last few months, but overall, when you look at what we've done as a County with infrastructure and roads, we finally now, in the last several years and based on this bond issuance over the next 60 months as you put it, will be able to invest in roads that have been neglected for many, many years.

You mentioned earlier the cost of maintenance, ongoing maintenance. Well, one of the problems that this County faced for many years was you didn't have a road that was upgraded to a standard that you could spend some preventative maintenance on to keep it for long-running years. So I completely concur with my colleague Mr. Chavez here and Commissioner Mayfield mentioned it on the need to not only construct them but to provide the necessary preventative maintenance that we need to to keep them going forward in upcoming years.

Last comment I'll make, tied back to roads again. When I got on this bench, the first weeks of being a Commissioner, I said we as a County need to work on roads. Commissioner Mayfield and my entire list of colleagues also supported that initiative. Now we're seeing the fruits of that work. So I want to tell you that as you revamp and retool and reconfigure how we do business, take a close look at what you're doing in your road shop and how you're doing it because that's been one of the highlights. And it's not just here in Santa Fe County. At the Department of Transportation and Department of Transportations across the country, road projects are typically those projects that once they're selected, the scope is defined, they're typically those projects that you can get in, design, complete and get out.

So I want to thank the Commission, the public in particular. \$110 million in economic investment. We don't need to slow down. We have priorities established that we can continue to follow through on, but we need to follow through on. Because engineers, electricians, plumbers, contractors, road crews, financial and support staff in all sectors, public and private, have benefited from the infusion and we need to continue that infusion. So let's continue to work on tweaking the project management for vertical construction. Let's continue to expand and do good work associated with the roads, but I think it's just an ongoing work in progress and thanks to staff and the public, and all those private contractors out there that have complimented our staff and worked to help get those projects completed. It's important. Thank you.

CHAIR HOLIAN: Thank you. Any further questions? Well, Adam, thank you very much for your presentation. Obviously, this is a topic of great interest to the Board. I just want to say how much I personally appreciate the thought and effort that you and our County Manager and staff have put into improving the process as to how we complete our capital improvement projects. I thank you very much.

MR. LEIGLAND: Thank you, Madam Chair.

CHAIR HOLIAN: I think at this point I am going to call a 10-minute recess. We have been here for two hours now. So we will reconvene at 4:12.

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[The Commission recessed from 4:02 to 4:20.]

CHAIR HOLIAN: I'd like to call this regular meeting of the Board of County Commissioners back to order. It is 4:20, well after the 4:12 deadline that I had, but we will proceed.

**X. PROCLAMATIONS AND PRESENTATIONS**

**A. Presentation by Eric Blinman, Acting Chair, La Bajada Ranch Steering Committee, on an Update to Commissioners on Activities and Progress of the La Bajada Ranch Steering Committee**

CHAIR HOLIAN: Welcome, Mr. Blinman, and thank you very much for your perseverance in staying here. I know you were here at 1:00 even.

ERIC BLINMAN: All based on my own mistake in reading the times of the meeting. Thank you very much, Madam Chair, members of the Commission. I wanted to give a brief update on the activities of our steering committee. We first started meeting on February 15<sup>th</sup> and set our generally scheduled meeting for the fourth Thursday of each month. We've had one committee meeting here, within these chambers, one committee meeting up at the Nambe Community Center, and the rest of our meetings have been held, thanks to the tremendous generosity and hospitality of the people of the La Cienega at the La Cienega Community Center. We've had, if I remember correctly, we've had one resignation from our committee; Richard Czoski has been unable to continue working with us. I don't know that there's been any replacement yet for Richard on the committee but we've got one short.

A couple committee members have had difficulty meeting with us regularly due to the time and we're trying to adjust the time of our meetings to get more and more of our committees present. We had a little bit of distractions earlier on. I see you're going to address the final piece of those on the agenda today over the complications of the long-range planning for the La Bajada Ranch area, which is not really of our purview but there's enough community interest and enough sort of spill-over things that that issue dominated our discussions for part of it.

We have held one retreat and we felt that was necessary because too much of the discussions among the committee seemed to be very, very tightly agenda-bound and we really didn't have an opportunity to get to know each other. I think the entire committee, I know I can speak for myself, found our one session in the retreat incredibly useful in terms of learning the diversity of experience that is brought to the table by the members of the committee. I think I only knew one member of the committee prior to getting on it and I'm really impressed at the diversity and talents of everybody and their commitment to the overall goals of the process and what we've been charged to do by the Commission resolution.

The sentiment of the committee is that we need to become far more productive than we've been up till now. The mechanism for moving in that direction is going to be focused

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subcommittee work. I think we're probably going to have one more retreat where we better define the boundaries of those subcommittees and what they really need to focus on. Right now we have two subcommittees that have been identified working on details of soliciting projects from the public of Santa Fe County and trying to find ways to make sure we communicate with all of the people who will choose to express an interest in how this property can be used to the benefit of the community and come up with ideas and sort of more concrete proposals for our consideration. And then the second subcommittee is an evaluation committee, which is really charged with taking the criteria that are set forth by the Commission in Resolution 106 and making sure that we fully understand how to really both implement those internally but also to communicate those to the public.

It's been an interesting process for me. I have not personally been involved in County politics or countywide issues in my career and residence in the county and so I'm impressed with how the complexity and sophistication of all of the communities that we're dealing with. We hope to get our committee meetings out to other portions of the county through the course of the year. I think our experience in Nambe was the best time to do that is when we have issues that are really going to appeal to the members of the community so that there's a reason for them to come to the meeting as opposed to holding a committee meeting at a community center without necessarily having any community involvement from the people who live in that area.

So we've got a fair amount of territory ahead of us. I'm actually pretty optimistic we're going to be moving forward and accomplishing things really in the next six-month time frame.

CHAIR HOLIAN: Thank you very much, Mr. Blinman. Questions?  
Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair and thank you, Mr. Blinman for your volunteer time on this. You indicated that the committee has two subcommittees and that one of them has – is seeking proposals for ideas?

MR. BLINMAN: Madam Chair, Commissioner Stefanics, it's looking to try to find the best way to reach the communities, and that's the solicitation process. Right now it's not what to solicit for but how do we make sure that we effectively reach out to different members of the community.

COMMISSIONER STEFANICS: Okay. I had misheard you. Because one of the things I'd like to let you know is that probably each and every one of us have been approached by one or more projects for what could be done on the property. For example I have at least two or three sitting in my email file, and I'm happy to forward them to whomever when it's time but I wanted to clarify that we have not set up a process for that yet? Or we have?

MR. BLINMAN: There's an entry process in the County's website for suggestions and feedback and that's one means of doing it. But we want to be more proactive and more aggressive in recruiting those sorts of proposals. And that's where I think this group



is going. By all means forward them. Actually Commissioner Holian is part of the committee. By all means forward them on. If you only have two or three –

COMMISSIONER STEFANICS: Well, Madam Chair, I thought we weren't having any Commissioners on this committee anymore.

CHAIR HOLIAN: Commissioner Stefanics, no. I think the decision was made that a Commissioner would not be the chair of the committee, but the committee did make the decision that they did actually like having the Commissioners on the committee for input.

COMMISSIONER STEFANICS: So, Madam Chair, who is the staff person for this committee?

CHAIR HOLIAN: It's Mark Hogan.

COMMISSIONER STEFANICS: Okay. So perhaps what we should be doing is forwarding ideas that we receive to Mark Hogan, the staff person. I'm seeing Mark nod yes, so I will do that. I'll search my files and forward them to Mark. Thank you very much. That's all.

CHAIR HOLIAN: Commissioner Chavez.

COMMISSIONER CHAVEZ: Yes, thank you, Madam Chair. I'm glad you brought that up, Commissioner Stefanics, because I have been approached by a couple of individuals and one had a really well thought out and what seemed to be a very well prepared presentation with a long list of letters of support indicating there was already federal – some level of federal support for whatever project they were working on. And so now that we have the committee in place and you'll be the clearing house, so to speak for all of those proposals, that then sort of takes us out of the equation just a little bit so that these projects can be presented in the forum that you're suggesting and that they can all be vetted and then the community would decide what's the best project for the La Bajada area.

The one person that came to me had a visitors center and a schematic and drawings and all kinds of stuff. So I hope that those don't get too far ahead of the committee and mislead people to think that's what's going to happen. But I hope that those don't get too far ahead of the committee and mislead people to think that that's what's going to happen when the process has not really been defined yet. So I'm glad that all that's working out and any information or anyone that approaches me I will definitely suggest that they meet with Mark Hogan and with the committee. Thank you, Madam Chair.

CHAIR HOLIAN: Thank you. Any further questions?

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Madam Chair. I want to just clarify for Commissioner Stefanics because we had a couple different discussions on the bench associated with participation. I removed myself as the chair and made a decision that I shared with this Board that I would participate on the committee but be a little bit more arm's length communications with the committee. Mr. Barela is going to attend the meetings that I brought up and discussed at the last meeting. But I did want to comment on some of the comments that were made on the bench here to provide some clarify that the direction is set



forth in the resolution that established the committee, and the clarity in that is there are recommendations that are going to come from the committee but there's still going to be work that we're going to have to do as a governing body associated with that committee's work. It's not a unilateral decision that's going to come from the committee and then we're just going to stamp it.

The other comment I would make for the committee that the committee is well aware of in their work is that there is a combination of things that are being deliberated. There's not any one project. There's a balance of things that are suggested in the resolution. There was some generation of revenue that the Commission had talked about that was opportunities for economic development, education, there's a whole gamut of things, so I'm excited that we're going to continue to allow the committee to do it's work and that we're going to get a balance of things across the spectrum that can help us achieve many goals, not any one particular goal. So I appreciate the committee's work, and thank you, Madam Chair, for allowing me to make those comments.

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

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, thank you, and Commissioner Anaya, thank you for your points. I have a copy of the resolution and Mr. Blinman for your services as acting chair. And Madam Chair, and I know I have made the very initial meeting. I know there was some questioning of that; they thought there was a potential quorum sitting at an unnoticed meeting when I went. And that's okay. But I went because I wanted to read in 2012-106 when this Board elected to create the La Bajada Steering Committee. And again, my emphasis on that was that it was bought with \$7 million of general fund money that were taxpayers' dollars. And as Commissioner Anaya alluded to, here is a whole slew of intended purposes of what we were asking the committee to look at from potential economic development to the recognition of agricultural practices and such going all on that property. So I just do hope that that is being looked at and being considered at this property.

But also we did ask for some reports to come back to this Commission within a certain timeframe. So I don't know if this Commission needs to relook at that reporting period or if we have to extend that date or change that date.

But then also as far as the retreats, we still have to comply with the Open Meetings Act and those requirements, and we have to make sure that the public process is afforded and that if there is an offsite retreat it can't be just done with the members. This County Commission, this Board experiences that all the time. We cannot go have an offsite meeting without the public being able to be in attendance. And every committee that we appoint are bound by those same requirements. And I did have a committee member call me and say, hey, can we be doing this? And I said, no. You guys can't be doing that if it's not properly noticed. And I've asked the Legal Division, has to make sure that they're monitoring these type of things and these type of activities. Because the public has a right to attend these

meetings and to hear the discussion of what is going on, because again, the public are the individuals who paid for the acquisition of this land, from Edgewood all the way to Espanola. Santa Fe County goes into Espanola and everywhere in between.

So again, I would just ask that the committee respectfully reads in Resolution 2012-106 at the next meeting and sees what the Commission did. I'll show up and I'll read it in again, and I would just hope that it's properly noticed in case three Commissioners show up or are there and I have no problem doing it. I'm not going to take the time to read it in tonight because I know we have a lot to do tonight, and I would just state that for the record. And that we would just respect that this was bought with all Santa Fe County taxpayer dollars. And there is a big gamut of what we would maybe like, or maybe not like done with that ranch. And respecting the community's interest also, because this is in their backyard and I definitely have that consideration. And that's really all I have, Madam Chair. But I know that there may be some members of the public here that also would like to comment and I don't know if we could afford them that opportunity.

CHAIR HOLIAN: Mr. Blinman, you had a comment?

MR. BLINMAN: Madam Chair, Commissioner Mayfield, we've been trying to make sure that the concept of the retreat does fit within the structure so we've been working with staff on that. And I did notice specifically that the noticing of our meetings has now included the wording that it's a BCC meeting so that if a Commission chooses to come it doesn't create the quorum problems, so that that's open. You can treat yourself as a member of the public and come and join us for this.

Also, we are intimately familiar with this. This is the bible we go back to when someone, including myself, will stray off thinking that it would be nice to pursue a particular angle. We always come back to the resolution and we're very, very aware of the breadth of competing potential uses for this property and really the breadth of interest that the public of Santa Fe has in this. When it's all said and done the decision making comes back to the Commissioners. You are the decision makers and we only make the recommendations. So we're in some senses scouts, eyes and ears. We're trying to make sure that no one voice becomes overly loud just through opportunity or aggressiveness and that we arrange the diversity. Again, I'll always go back to my favorite proposed use so far is a kite park. So we keep the lighter side always there as well.

COMMISSIONER MAYFIELD: And Madam Chair, Mr. Blinman, I appreciate that, but even what I've heard on this bench, you all are a huge conduit and a funnel. So if every proposal that could potentially come to any one of us individually gets pushed to you all it may not have come to us all individually or collectively. So I may not have seen something that went to one of my colleagues, or if you all chose, and if I don't go back and read every minute I may not even see a proposal that went to you that may have not made it to me when it finally comes up to us to make a decision on this. So that's – and I am a final decision maker here. But there may have been a great idea that I would have thought was a great idea that never even makes it to me as it gets vetted out to your committee. It may

not have been a great idea and I would think it wasn't a great idea and that sure is a charge that you all have.

But there's no bones about it, and I've made this and I've said it. That was bought with taxpayer dollars and I definitely want to see the taxpayers see a return of \$7 million for the investment that they made for that ranch. And I've made that very – I've stated it very publicly and I will say it time and time again, as long as I sit on this bench. I do want to see the return of the investment that was made for the acquisition of that ranch. That's my position. I'm just one individual sitting here. And again, I will say it, and I will say it loud as long as I'm here.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Commissioner Stefanics, I definitely have a palate to change the resolution to remove the Commissioners if you do.

COMMISSIONER STEFANICS: I am fine to do that. I was thinking about this earlier, Madam Chair. And Commissioner Anaya just made a comment which is pretty accurate. No matter what the task force or the group comes up with it's still going to come to us to make a decision. And if – but if County Commissioners want to be involved, if somebody here is really saying I want to stick with this I'm not opposed to that either. So I could go either way, depending upon the majority of the colleagues here.

COMMISSIONER ANAYA: Madam Chair, that's why I asked the question. I said it two meetings ago. I said it two meetings in a row. I'll say it three now. It's not my interest to hinder, hamper, however you want to say it, deliberations and discussions in an advisory committee that's going to give us recommendations might have and if even just the presence, even if not a word came out of a Commissioner's mouth, the presence of them sitting at the table could hinder or have that impact. So I think I'm comfortable bringing back a resolution for discussion and possible action to just go ahead and remove that and maybe add appointments from Commissioners to the committee to help the discussion process continue. Thank you, Madam Chair.

CHAIR HOLIAN: Thank you. Well, thank you, Mr. Blinman. I'll just say, from my point of view as a member of the committee right now, I'd say that I'm very encouraged by the progress that the committee has been making recently and the most important part of that is that I feel that the committee has really come up with a process and a timetable and I really feel like it is possible to probably get to an end result within six months. So I am very encouraged by that and thank you for your report and I hope that we'll have another report in several more months perhaps. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, do we keep – and I guess I asked this at the onset of the meetings. Do we keep active minutes of these meetings? Are they – I'm not going to say verbatim but to what depth are the meeting minutes on this committee?

CHAIR HOLIAN: Commissioner Mayfield, I believe they're summary minutes.

COMMISSIONER MAYFIELD: Summary minutes.

CHAIR HOLIAN: As with SWMA, for example.

GERALDINE SALAZAR: You may find those, Madam Chair, Commissioner Mayfield, you may find those recorded in our office. So they're there for you whenever you need them.

COMMISSIONER MAYFIELD: Thank you, Madam Clerk. And who summarizes the minutes? Is staff summarizing them? Is there an appointed secretary?

MS. SALAZAR: One of our recorders that we hire.

COMMISSIONER MAYFIELD: Okay. Thank you.

MS. SALAZAR: You're welcome.

CHAIR HOLIAN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, on that point, who difficult would it be to just put those on line? Especially with the steering committee, just put those minutes on line on our website? Could we do that?

CHAIR HOLIAN: Mark, I think they perhaps are on line.

MS. MILLER: Madam Chair, Commissioners, we put all our minutes for our committees on line, that are open meeting minutes, that have minutes that are recorded. Those go on line.

CHAIR HOLIAN: Okay.

CHAIR HOLIAN: Mark, did you have something to add?

MARK HOGAN (Public Facilities): Madam Chair, I would just add we usually wait until they're approved at the next meeting before we put them up.

CHAIR HOLIAN: Thank you. Thank you, Mr. Blinman. Thank you for your patience.

MR. BLINMAN: Thank you, Commissioners.

COMMISSIONER MAYFIELD: Madam Chair, are we going to afford anyone from the public?

CHAIR HOLIAN: Oh. This is not a resolution but is there anyone here from the public who would like to comment on the work of the La Bajada Steering Committee. Please come forward, Governor.

CHARLIE DORAME: Good afternoon, Madam Chair and members of the Commission. My name is Charlie Dorame. I'm from the Pueblo of Tesuque. I'm former governor and lifetime tribal councilman, and I'm also the interim tribal historic preservation officer. The concern that the Pueblo of Tesuque has in any kind of development in Santa Fe County or in other counties is that we have religious sites, cultural properties that have long been – we've been owners of those sites, even though they are within federal lands and public lands. And we need to somehow incorporate our concerns. We need to be communicated and collaborated with on issues of findings of sacred sites and cultural properties.

There are laws that protect these sites. If these committees are not aware of these then they need to be. But again, somehow the tribes need to be notified as the law requires. I for one receive daily messages, either on email or through the mail about even cell towers going up and asking us if we have any cultural concerns or are they digging in a religious site that

they're not aware of. And we try to answer as many of them as we can, but for one person, that's pretty hard, and I am a one-person office right now. But we're trying to educate people on the laws themselves. There's the Native American Repatriation Act and there's NAPRA, which actually protects these sites, which Congress passed back in 1979.

We are facing some destruction of these sites or ruins as you all know them by property owners that are not aware or are aware that they're there, so just like anything else we'd like to protect our history and the only way we can do that is to work together collaboratively. And that's all we're asking for. We're not trying to halt anything. We know they're out there. We're not at liberty to go out there and point to where they're at because that only enhances grave robbers and people that want to desecrate these sites. So if I may ask the Commission to take that into consideration I would greatly appreciate it.

CHAIR HOLIAN: Thank you, Governor, and I'll just say that being on the committee we've had a lot of discussion about the archaeological sites and I think there's awareness on the part of everybody on that committee that there are some very important sites out there and that they need to be protected. But you make a very good suggestion that we should be in contact with the pueblos directly. Thank you. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. I was just going to ask the Governor, are you saying that there are some specific sacred sites there that you have concerns about?

MR. DORAME: Madam Chair, Commissioner Stefanics, yes. There's sites there where there's – well, they're in plain sight. There's a lot of petroglyphs out there. But those petroglyphs to us are sacred. And they were put there for a reason. That was one of the main routes to get from our pueblo to the pueblos of Cochiti and Santo Domingo. So we've used that route, and those are places where we've gone to rest and pray. So they're out there; they're visible.

COMMISSIONER STEFANICS: So, Madam Chair and Governor, one of the entities that has approached us about an idea is around a federal monument area. Is this something that has been proposed to you all for consideration? And if so, do you have an opinion about that?

MR. DORAME: I'm not aware of the proposal. If they have they probably have asked all the tribes to participate. My opinion is that the less that we identify where these sites are the better off everybody's going to be.

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

CHAIR HOLIAN: Thank you, Governor.

MR. DORAME: May I make another comment?

CHAIR HOLIAN: Yes. Please.

MR. DORAME: There was a case in Utah in 2006 where 23 defendants were caught desecrating burial sites and they stole from some of these ruins. And after a lengthy undercover investigation of three years the perpetrators were actually given a slap on the hand and no fines. Even with federal laws in place they're not strict enough. So we've taken it

upon ourselves, Tesuque Pueblo, to make sure that we make it known publicly that we are intending to make sure that these laws are a lot stricter and the fines are a lot heavier and more jail time.

CHAIR HOLIAN: Thank you. Thank you very much, Governor.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, this is a question for Attorney Ross. There is not an issue of anybody who would approach us, I guess for economic development out on that property or send us an email? If an individual says that we have a great idea. We want to maybe pitch something to you, a potential economic development of that property, would that compromise any Commissioner if we would later then potentially have to vote on this?

MR. ROSS: Madam Chair, Commissioner Mayfield, this is a legislative issue, not an administrative or adjudicatory, so you can receive comments on all kinds of issues.

COMMISSIONER MAYFIELD: I hear that, Mr. Ross, but I know there's folks out there who perceive things and say things. That's why I just wanted it to be stated right now by the attorney. Thank you.

CHAIR HOLIAN: Mr. Dickens.

CARL DICKENS: I'm Carl Dickens, president of La Cienega Valley Association. I just want to compliment the steering committee on the work that they're doing. We've been very impressed. We think it's a group of outstanding people doing some very thoughtful work, and we deeply appreciate it and look forward to their findings. Thank you.

CHAIR HOLIAN: Thank you, Mr. Dickens. Is there anybody else who would like to comment? At this point I just want to make an announcement to our listening public. There is a public hearing that is noticed for this meeting that is noticed for occurring after 5:00. I just want to warn everybody out there that it's probably going to occur well after 5:00. We still have quite a bit to go on our regular agenda before we get to the public hearing so I just want the public to know out there that it will probably be at least 7:00 or 8:00 until we get to the public hearing.

COMMISSIONER CHAVEZ: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Chavez.

COMMISSIONER CHAVEZ: Could you please elaborate in case the public may want to attend this public hearing in the next hour or two, the specific topic on that agenda item?

CHAIR HOLIAN: Okay. The items under the public hearing are number 1, the Public Works Department, there is a public hearing on the County's ICIP, that is infrastructure capital improvement plan, which will be submitted to the Department of Finance and Administration. There is CDRC Case regarding the Cielo Colorado Subdivision. There's a CDRC Case that is regarding the Windmill Water Variance, a master plan and preliminary development plan. And then there are two BCC Cases, one for a Santa Fe Canyon Ranch time extension and then the second one that is noticed if for the La Bajada

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Ranch master plan amendment. And these will I'm sure will begin no earlier than 7:00, or I would be very surprised if they do, but for those of you who would like to attend these public hearings, if you can watch on TV to see how we're progressing you can get a better feel for when the public hearing might start. Commissioner Mayfield, then Commissioner Anaya.

COMMISSIONER MAYFIELD: On that note, how much time are we going to need on Matters XVI and XVII, because maybe we could do an adjustment to our agenda or perhaps just let the public know we are not going to start any sooner than 8:00 or 9:00 on those matters.

COMMISSIONER STEFANICS: Madam Chair, are you talking about XII?

CHAIR HOLIAN: You mean Matters from the County Manager and Matters from the County Attorney?

COMMISSIONER MAYFIELD: Yes. Will we need an hour on those matters? Half an hour on those matters?

CHAIR HOLIAN: Katherine, under Matters from the County Manager?

MS. MILLER: Madam Chair, Commissioners, I'm guessing an hour for both of those, but I can't predict how much time. I've actually been trying to go through and make an estimate of time and it really just depends on the amount of questions and concerns Commissioners have or whether other people speak from the public. So I think those could be done pretty quickly but then again, I don't want to set expectations that we won't meet.

CHAIR HOLIAN: That's true, because it also depends on how many questions the Commissioners have, because you can't predict that.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Well, I'll defer to Commissioner Anaya but then I'm going to ask for a suggestion relative to the agenda.

COMMISSIONER ANAYA: Go ahead, Commissioner, sorry.

COMMISSIONER MAYFIELD: Madam Chair, with that being said, I would just ask that we would move through our agenda but we would move Matters from the County Manager and from the County Attorney to after our public hearings. I don't know if the Commission would entertain that. So we could just not keep our public hearings here all night.

CHAIR HOLIAN: Commissioners?

COMMISSIONER STEFANICS: Madam Chair, at some point I would request a break, even if it's ten to fifteen minutes.

COMMISSIONER MAYFIELD: Oh, you're right. Okay.

COMMISSIONER STEFANICS: So we can eat and do the necessities if we're going to pay attention this evening.

CHAIR HOLIAN: Commissioner Stefanics, I strongly agree with you. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I would concur on a brief break, but I would say we move the executive discussion to the end of the meeting, if we just had a



break instead of having it all in there. Maybe we could get through part of it during that break, but that we spend no more than 20 minutes in there.

The other thing that I would suggest, Madam Chair, and this is just a friendly word of caution. I don't know that we want to forecast that we wouldn't be done or we wouldn't be back till 7:00. I don't think that's a good precedent. I think we have an agenda and we have many items that come up and I would be real cautious about forecasting that we wouldn't be there by 7:00. So I'd rather – my feeling is to work with what Commissioner Mayfield suggested and Commissioner Stefanics as you say and just say a limited, brief 20-minute break and then move the balance if there's more to be discussed we can reconvene the executive at the end of the BCC meeting.

CHAIR HOLIAN: Commissioner Anaya, well we'll see how we progress and see if we need to make adjustments. The reason that I was announcing that is that I've had direct requests from the public to warn them when the land use cases are going to be heard later than what is noticed on the agenda. So I'm just really trying to respond to a request that I got from the public. So with that we will hopefully make a little progress here.

## **XI. MATTERS FROM ELECTED OFFICIALS**

### **A. Clerk's Office**

- 1. Introduction and Possible Action on Resolution No. 2013-84, a Resolution Amending the Boundaries of Voting Precinct 86 and Creating a New and Separate Voting Precinct 89 as Required By Section 1-3-1 (B) NMSA 1978, and Associated Waiver of Requirements of Resolution 2013-26**

CHAIR HOLIAN: If we want to vote on this tonight we need to vote for an associated waiver of the requirements of Resolution 2013-26.

COMMISSIONER STEFANICS: Madam Chair, I move the waiver.

COMMISSIONER CHAVEZ: Second.

CHAIR HOLIAN: Okay. I have a motion and a second for the waiver.

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

CHAIR HOLIAN: We will vote on this tonight. Madam County Clerk.

MS. SALAZAR: Madam Chair, first I'd like to make a correction on the agenda. It should state NMSA 1978, rather than 1987.

CHAIR HOLIAN: Duly noted.

MS. SALAZAR: Would you like to bring our map, Eric? Madam Chair, Commissioners, we will bring this map. Once we get approval then I would like your signatures on this map before we submit these two maps to the Secretary of State. So first of all, by statute in Section 1-3-1(B) NMSA 1978 requires that any precinct that goes over 800 votes we must create another precinct. So in the 2012 general election, at Precinct 86 there



were 976 in-person votes that were cast at that precinct. So that requires us to create another precinct. Our new precinct will be 89 to accommodate those additional voters.

So we had a tremendous turnout at the polls in this area. This precinct will not leave the district it originates from. It's in District 3, Commissioner Anaya's district, so no changes in the district. All we need is your approval this evening to approve the new precinct.

CHAIR HOLIAN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, one of the largest single population growth areas in the county. The additional precinct will afford more voting access, bottom line.

MS. SALAZAR: Absolutely.

COMMISSIONER ANAYA: For our public and our voters. I move for approval.

COMMISSIONER CHAVEZ: Second.

CHAIR HOLIAN: Okay. I have a motion and a second. This is a resolution, however. First of all I will ask is there anyone here from the public who would like to comment on this resolution? Seeing none, is there any further discussion? Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair and Clerk Salazar, thanks for bringing this forward. I know we've had this many times in the past, based on state law, but just a couple clarifying questions I guess for myself and maybe the listening audience. Will this change anybody's voting site?

MS. SALAZAR: The original site where many people intended to vote was the Ortiz Middle School, so this new precinct will go to the Cesar Chavez Elementary School.

COMMISSIONER MAYFIELD: Okay. And I know you'll give all that proper notice.

MS. SALAZAR: All of that will be taken care of. And I want you to know also that our GIS staff and the Clerk's staff worked very diligently to get this all together. We have actually resources within the County to get this accomplished.

COMMISSIONER MAYFIELD: And then just for District 3, would this have any impact on, say any of the legislative Senate seats or the House seat districts?

MS. SALAZAR: None that I'm aware of but you can ask Eric. Did you see any?

ERIC BARRAZA (Elections Bureau): Madam Chair, Commissioner Mayfield, no it won't affect any districts.

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

CHAIR HOLIAN: Any further discussion?

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Just a comment. I appreciate the work of your

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

## **XII. MATTERS FROM THE COMMISSION**

### **A. Resolutions**

#### **1. Introduction of a Resolution Supporting the Creation of a Regional Water Authority or Authorities for and within Santa Fe County (DISCUSSION ONLY, FIRST HEARING)**

CHAIR HOLIAN: I will just make a few introductory remarks and then I will ask Adam Leigland to come up should there be any technical questions. I think that regional water planning is a very important principle for a community, and a community that looks at water as a regional resource is always a lot better off than communities that have different governmental entities and private entities competing for those same resources. And we all have to keep in mind that what is happening here is that we're all sharing a common resource: water. I think everybody gets that in our community.

So we can either compete for that resource or we can plan to get the most out of resource. We can plan together and the way that we can get the most out of that resource is by conservation or water re-use, things like that. We can also plan the maximum diversification of our water resources to back up each other. And I will also note that all recent plans that have been done in this area, in this county that have anything to do with water whatsoever have actually called for the creation of regional water authorities. For example, the Sustainable Growth Management Plan, the Jemez y Sangre Regional Water Plan and even the Estancia Basin water plan have all called for regional water authorities.

Now we are in a time of less rain, less snowpack, and it's more critical than ever because our area is under a lot of stress. Now, the BDD, the Buckman Direct Diversion, can actually be the impetus for creating a regional entity for the Santa Fe Basin. According to the JPA for the BDD, the current project management agreement with the City as the manager of the BDD expires in December of 2015. Now, the next project manager actually could be a regional entity. It could either be the City, it could be the County or it could be a regional entity. And I'll point out that the BDD board did pass a resolution creating a working group that is investigating whether the next project manager for the BDD – who it should be and how to transition to that project manager.

This resolution that is before us for discussion tonight, number one, supports the creation of a regional water authority ultimately in the Santa Fe Basin at least. It endorses the goal that the regional water authority be formed in time to succeed as the Buckman Direct Diversion project manager. It also urges other water service providers to consider being part of this regional water authority but it doesn't actually require it. It just says that they ought to consider that. And number four, it encourages the State Legislature to pass enabling legislation.

Now this legislation would not really be specific to the Santa Fe Basin and it would not mandate the creation of regional water authorities, but rather it would enable basins to be able to create regional authorities if they so chose. Now, I would like to turn this over to

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Adam Leigland to answer questions and also to outline the ways in which regional water authorities are created and options for how they might be governed. Actually, first I should ask, Commissioner Mayfield, would you like to add anything?

COMMISSIONER MAYFIELD: Well, Madam Chair, I appreciate it. You did ask me to sign on with this with you and I did and I still have a few other thoughts. I spoke with Adam on them. They didn't make it totally into the resolution, but I'll just let Adam – maybe he'll incorporate some of them in his statements. If not I'll defer them till afterward. Thank you.

CHAIR HOLIAN: Commissioner Chavez.

COMMISSIONER CHAVEZ: Thank you, Madam Chair. You touched on this a little bit in your introduction, but I did want to raise another concern and Adam, there'll be a question with this concern because also, there's been some discussion about this. I support the concept of a regional water authority, but we've also, to that end, we are also anticipating appointing a Water Policy Advisory Committee with the specific mandate to explore the concept of an independent regional water authority or authorities. So we've given them that charge. I don't think I that committee, the Water Policy Advisory Committee is in place yet, and so in respect – and we had this discussion I think in a prior issue, where we want to respect the committee process and let them do their work and make their recommendations and then bring those recommendations to us.

So I see this as being a little out of sync, but maybe Adam, you can talk about the appointments for that Water Policy Advisory Committee and how this might dovetail with the work that they're anticipating.

MR. LEIGLAND: Madam Chair, Commissioners, several questions here. First let me answer Commissioner Chavez' questions first, just about the Water Policy Advisory Committee. Yes, if you recall, that committee had 12 different posts on it of various different areas of expertise so it took us a while to get a full complement of people who met all the qualifications. We finally have that so we expect to bring the 12 nominations back to the Board for approval at the next BCC meeting.

So to turn to the idea of the regional water authority, there are currently probably four models of a regional authority that the County could look at statewide. There are three in the state. There are currently three regional water authorities. There is the most famous one, which is the Albuquerque-Bernalillo County Water Authority which covers as the name suggests the entire Bernalillo County. There is the Eastern New Mexico Regional Water Authority which covers from Fort Sumner and then it goes through Curry County to Portales, Clovis and all the way to the Texas border at Texaco. And the last one is called the Lower Rio Grande Regional Water Authority which covers five small systems way down in the south of Doña Ana County.

Each one of those is set up slightly differently. They were all created by state statute. That's not the only way that a regional authority can be created but in New Mexico all regional water authorities to date have been created by state statute. They all have different

governance. The Lower Rio Grande, for instance, has five districts, five commissioners that are elected from five independent districts, very similar to a school board. The Albuquerque-Bernalillo County is comprised of four county commissioner, four city councilors and the mayor. And then the Eastern New Mexico one is sort of a mix. It has some appointed members from the cities and the counties and also some elected members.

So a regional water authority in Santa Fe County could look like any one of those. It could also look similar to a regional body we already have, which is SWMA, the Santa Fe County Solid Waste Management Agency. So we've looked at all four of these possibilities and they all have pluses and minuses. I will say in the case of the three regional water authorities, in all cases all assets were combined under this new authority, so if it were created in Santa Fe County this new authority would have the assets of whichever partners were part of it. That would include the water rights.

To get to Commissioner Chavez' second question, he asked what role the Water Policy Advisory Committee would have in this. I see them as ironing out the various details that would be involved in trying to create a regional authority in this district. So you'd have to look at – first of all you'd have to say what are the service areas? What would be the service area, because for instance Albuquerque-Bernalillo County Water Authority, the state enabling legislation said that the authority would cover the physical extent of the infrastructure at that time, and actually as it turns out there are parts of that system that are outside even Bernalillo County. They're in adjacent counties.

The Eastern New Mexico Water Authority was slightly different. It said the physical extent of the cities but then it also added new customers along the way. So that's one of the things the Water Policy Advisory Committee could advise. And who are the advised parties they could talk about? Is it best to do it as a JPA from the ground up? Or is it best to come from the top down as a state statute, which again, both of those methods have pluses and minuses.

So I think even though this resolution may seem like it's getting ahead of the Water Policy Advisory Committee, I think that that advisory committee has a very strong role in ironing out what best meets the needs of Santa Fe County, if they were to continue going down this road. Santa Fe County has a very strong rural component. We have to look at how we're incorporating each of the mutual domestics, for instance. It may be outside a continuous service area but it still makes sense to be part of this water authority. So there are plenty of questions to be answered but in my mind it doesn't necessarily diminish the importance or the benefit to the rate payer, which is really what the ultimate benefit is of a regional authority.

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

COMMISSIONER CHAVEZ: Thank you, Madam Chair and I appreciate that, Adam, and actually in going through the resolution again I do notice that you referenced Resolution 2013-42 which created the Water Policy Advisory Committee. So as long as we're making those connections and that the committee is aware of that I agree that we have

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to have the discussion. It's not going to be an easy discussion but the longer we postpone it the harder it's going to be so I think it's better that we're continuing that discussion now and if there's a deadline we don't want to wait for that deadline to have this discussion. But I just wanted to bring those concerns up. Thank you, Madam Chair.

CHAIR HOLIAN: Thank you. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, again, I would like to hear Mr. Leigland's presentation [inaudible]

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, I was just prepared to field questions.

[Audio difficulties.]

COMMISSIONER MAYFIELD: If it's – will it then be set up when they're going to start charging the residents. So the voters, as I look at it, and Teresa, you could probably explain this to me and to the listening public a lot better than I could, but how I look at it is they've already incurred debt on this through the GOB bonds, correct? So they're paying this back to us right now until we sold the bonds, I'm assuming we've sold all the bonds, so we've invested back now into the BDD. So until that debt is retired early, the way I look at it that's still taxpayer money. And then now, as far as the operations and maintenance side of it, if whoever the third party operator is – call them a third party operator now – determines that the cost will go up, they could start charging – those costs could potentially go up more.

So I look at it now, they might be getting charged twice or in lieu of more money. And then did we use any severance money for this also? Did we get any appropriations from capital from our local legislative body for this? And it's all here so you guys can actually go through all of that. So we put close to \$100 million from the County side.

MR. LEIGLAND: Yes, in capital expenses.

COMMISSIONER MAYFIELD: Okay. And we have outstanding principal there – I'm looking at this rough math right now, \$27 million, then you have another \$19 million, then you have another \$9 million and then a very small amount, on a loan. So we still have a lot in debt service that we have pay off on this, and we're going to turn that over. We're not turning that over. We're still going to as a County be paying that until this is gone or are we going to potentially turn this over to the operators also?

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, that's a good point and that is somebody that would have to be resolved. I think just sitting here right now I think the most equitable way to do it would be to have – because these are paid for by the full taxing ability of the County. And so it sounds like what your concern is is then if we had a regional authority who is supposed to cover their entire cost through rates, if they are suddenly saddled with the debt service here, that would be an unfair double taxation of just the ratepayers. And so I think way to do that is for the County to continue to service this capital debt and so everyone who's paying for it now would continue to pay for it but the ratepayers of this regional authority would not have to pay for it.

COMMISSIONER MAYFIELD: Okay. I appreciate that being said. Now how about – now let's look at our water rights. So we have native water rights that come down the Rio Grande. The City may have some San Juan water rights. Do they own them? Are they leasing them?

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, yes. That was the second question and actually about 20 minutes ago I was delivered the final report. So just to let you know, so the County has –

COMMISSIONER MAYFIELD: Just so you know I was hoping – I shouldn't say hoping. I was thinking of getting to this at the next cycle.

MR. LEIGLAND: We could present it in the next cycle. The City owns 5,000 acre-feet of San Juan/Chama water. The County has 380 acre-feet of San Juan/Chama. The County has 612 of Rio Grande native rights. The City has no Rio Grande rights. And so the total portfolio on the BDD is 7,000 acre-feet and that's just a conglomeration of all the parties.

COMMISSIONER MAYFIELD: Okay. And right now, we kind of pool that water together and we don't say well, who's using – as my understanding the BDD operates, from my time that I do sit on it and listen, we kind of pool that water. And we don't say, well we're using this water today and that water tomorrow, but we're just kind of pooling it.

CHAIR HOLIAN: Commissioner Mayfield, if I could answer that as a member of the BDD.

COMMISSIONER MAYFIELD: Sure.

CHAIR HOLIAN: Actually, we don't pool it. The County delivers water to its customers from the water rights that it has and the City delivers to its customers, the BDD customers, from the water rights it has. Now, sometimes we back each other up. In other words, if one or the other of the water sources is curtailed for some reason or other, the County will lend water, essentially to the City or vice versa.

COMMISSIONER MAYFIELD: Okay, Madam Chair. And I do sit as an alternate and do try to keep up with the minutes, and when they didn't even tell us they shut it down for operations for many months and there was a curtailment on the San Juan water, and they weren't even directing. I don't think they disclosed all of how that water was being used and that's why I thought there was definitely pooling going on of water at that time last year. So maybe – so that's something I will kind of – well, I guess it's not going to matter because that's how I thought the water was being used as it was kind of being pooled and there wasn't direct metering to say we're using native rights or if they were using the San Juan water rights, especially during turbid seasons and everything else, and when they weren't turning it on because it was too high for the electrical use to run the system. And that's just my recollection from when I was sitting up there on that board.

But that's okay. So, Adam, so again, as far as the water commingling, I think though – I guess my point is is that we then would be turning over all of the water rights that the County has acquired. That's in lieu of the cash that was spent on this, correct? So every water right that we've acquired we would then be turning over to this authority also?

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, that has not been determined, but I think that if it were to be a truly functioning regional water authority that you would want to do that, because then that gives you the maximum flexibility. And I can tell you that in Albuquerque-Bernalillo County example that is what happened. All the entities, all the Bernalillo County and the City of Albuquerque and all the other smaller entities that were wrapped up into that gave their water rights to this new regional entity, because they had no need for them. The City of Albuquerque is no longer in the utility business it has no need for water rights.

COMMISSIONER MAYFIELD: Okay, but my colleagues have proposed maybe taking a line extension down Highway 14 to supply those residents down there. We can do that now and we can make that determination now as a County Commission. It could be very costly to do that but we could work with our local delegation to do that. This water authority board, once it's created, could say, now wait a minute. That's pie in the sky thinking. We don't want to even want to broach that or touch that. County, you guys still go try to do that with your utility system. So what assurances would we, if we created this authority, because they're still within the Santa Fe Basin I believe, going down Highway 14. I could be wrong. I don't know how far – where that basin changes into the Estancia Basin, but what assurances would we have that this new authority would say, okay. We'll consider that. Right now we can do that based on a past resolution. What was that resolution we passed? We can elect to do it. We've just done it with Cañoncito. We've done it with where we were at last night in Chupadero.

So that's one of my other worries. This board could balk and say, no, we're not going to do it. It's too costly. So help me think this one out right now.

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, you bring up a good point, a great point. And in answer to your question, you would have no assurance, because this would be an independent board that makes their own decisions, just as – but if the board were structured such that County Commissioners were members of the board, such as in Albuquerque-Bernalillo County, or like BDD now, or SWMA now, that's how you have your voice. But it would be an independent board. It would be it's own, as the state enabling legislation says for Albuquerque-Bernalillo says, it's a body politic, a subdivision of the state.

So you would have no assurance. So then if the County – and again, we're just doing a thought experiment here, but if the County wanted to do something that the utility itself chose not to do maybe the County could go to the utility and say, hey, we think this is important. We'll still put our resources toward something you wouldn't have gotten to on your own. I mean, that would be a possibility. I think that if this regional authority were created you would have to think hard about how to incorporate County interests. Because County interests are very different from City interests. So you'd have to have provisions to make sure that we take care of the La Bajadas, for instance, and the Chupaderos, which aren't something that the City thinks about.

COMMISSIONER MAYFIELD: Well, and Mr. Leigland, you bring up a great point. We would definitely have to make sure the rural areas that are outside the service area

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of the BDD that are still in the Santa Fe Basin are protected. As it is we don't even have a line extension. We don't have a distribution system going out of that core area. So I would just want to make sure that we have those interests who we all serve are protected. But right now, as the board is set up, if the City says, you know what? 2015? We still are going to fight you tooth and nail to keep the authority under us. We still say, okay, that's fine. But we want to take water to La Bajada. We want to take it to down Highway 14, because we have enough water in our portfolio to service them. And from what I've been told by our Utility Department, we're already in the black and every time we can expand with that utility we're going to be that much more -- I guess we're going to be expanding our utility to be that better off. That's how I've understood it as being presented to me.

MR. LEIGLAND: Yes, Madam Chair, Commissioner Mayfield, that's correct. Right now the utility is expanding. We project to be in the black because we just gained 800 new customers. But a true utility when it makes a financial decision it takes into the capital costs of expansion and our County utility has not had to do that because it's been subsidized through the BDD. The BDD at this point is purely a water supply point. It just produces water and it sends it to us, and as you said, we can do whatever we want with it. We have plenty of water rights. We just bought the diversionary capacity shortly, so we have plenty of space in the pipe to deliver water to what the County utility wants to deliver it.

So the cost allocations will be different. The financial calculus will be different, because the utility is going to have to be covered completely by rates, but with a much bigger rate base, which is what a large utility has you have much more ability to make capital decisions. That's one of the things we're seeing with the small systems, a rate base of 55 people as we saw last night it's hard to make any kind of capital decision. But if you have a rate base of 70,000 you have good opportunity to do targeted capital investments.

COMMISSIONER MAYFIELD: And I hear that. But these 70,000 potential customers will be through a third party that aren't even the City's or the --

MR. LEIGLAND: They will be the customers of the regional authority.

COMMISSIONER MAYFIELD: Right. And I just want to make sure how we get, what's the general population of greater Santa Fe County? 40,000? 43,000 apiece, right?

MR. LEIGLAND: I believe the most recent statistic I saw was for the Santa Fe metro region, however that's defined, has about 80,000 people.

COMMISSIONER MAYFIELD: Okay. So how do we make sure we make sure those other 10,000 are protected [inaudible]. Because they may say Santa Fe County, we ain't picking them up. You guys figure it out. And then we'd be back in the red again, because we wouldn't have the utility distribution service to serve them, and if we've talked about regionalizing folks on water, then I guess are we taking one step backward for those outlying areas if this utility chose not to serve them?

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, I think the way to deal with that would be to ensure that when the authority is created that one of the specific mandates is to address that. And that's one reason why I think it's important to stay ahead of it as opposed to having it imposed from above. And I think there's a model for that. The

Lower Rio Grande Regional Water Authority is actually five geographically dispersed systems that aren't physically interconnected.

COMMISSIONER MAYFIELD: On that note. And I don't know – I don't know any of the policies because I don't know anything about the system, but why do I always hear down either the south valley or the north county they can't even get water down in Bernalillo? I just hear that all the time on the news. We don't have a water system. That's kind of in – I think the incorporated area. That's neither here nor there. But it just seems like I hear that on the news all the time. But Adam, I appreciate – I hear and I appreciate Commissioner Holian brought this forward but again, in the discussion phases, I just – I would still be a little apprehensive if we brought this back in two weeks to say let's vote on it, because I still think this is a dialogue. I don't even see an FIR on it. As a matter of fact I see the FIR and it says nothing.

I would think there would even be some costs incurred on this unless this is just the discussion phase, but even to turn this over – again, for every point that I just stated, we would have to see what would be the potential cost to us if this authority decided not to take over the areas on the – how can we make that decision? And then one – and I'm sorry the Manager is not here, but I know I talked to Commissioner Holian about this, on the therefore, on bullet point four, we're encouraging the state legislature to promulgate some enabling legislation. My understanding, as I know this – it was done in Albuquerque because they couldn't agree. If the City and us, if we could sit down and talk about this I think that's different.

There's different lobbies out there. And I respect our lobby as a County and then I respect the City's lobby. And if the legislature is being lobbied, potentially we could be on the losing end of this also. And I think that should be said. We may not be but we may be. And we could be giving up a lot of assets on this that maybe we shouldn't be that our county residents have paid for. I just want that to be stated. So why would we want the legislature to dictate to us something that hopefully we could mutually agree on?

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, the reason we put that in there is because the precedent in New Mexico is that it comes from the state. All three regional authorities, even though two of them are totally cooperative, the Eastern New Mexico and the Southern Rio Grande, have come from state enabling legislation. So it could be done as you said, a JPA, in which all the bodies agree to share power and delegate powers, which is how the two regional entities now – BDD and the Solid Waste Management Agency have been created through JPA. That's definitely a possibility.

But just looking at how the other three in the state were created it looks like the best way forward was state enabling legislation. There are pluses and minuses to both. I will note that in Albuquerque-Bernalillo County area the only two players were not the county and the city. There were other smaller systems too. And so a state – and maybe it was decided at that point than rather to have it a 20-part JPA they said let's just have the state come down and say everybody in this circle that they circumscribe on a map is going to be part of that.

So I don't know the whole history of that but –

COMMISSIONER MAYFIELD: Okay. Fair enough. And then going up to Commissioner Chavez' point, and I'm on the second page, third whereas from the bottom up, the approval of Resolution 2003-42. Our Water Policy Advisory Board hasn't even been presented to us yet, and I do think this is why that Water Policy Advisory Board was also created was to vet this. As a matter of fact I think that was even in the resolution, to kind of vet proposals like this, and I think this would be a great starting point for them. And again, conceptually I do want to consider this and I am on board. I want Commissioner Holian to know that.

And then also though, going to the therefores, the Board of County Commissioners supports the ultimate creation. Yes, but I still think this is in the conceptual stages of design, because as you said, I want to kind of really see fleshing out the operating agreement, what this authority is. My thoughts is is that it's not appointed by the Commission, that it's elected by the electorate out there. Because if they're not happy with what's going on with their rates or anything else, they're accountable to the voters, because we may be gone one of - I know we're all going to be gone one of these days. Maybe some sooner than others. But they need to have some accountability and who they're going to be accountable to are the voters. Because they could just go out there and raise rates for whatever reason.

The way I look at this Board up here, we're basically like a non-profit board. We're here not to be building cash reserves on top of cash reserves on top of cash reserves. People are entrusting us with their public dollar and hopefully we should be operating at a level to provide them the services and hopefully keeping a fair reserve but not just building up cash and cash and cash. And I just would hope that there would be a board responsible for that, and I think the way that that board is done is by being elected by the people. So that's one thing that I'll say. But I appreciate the time you gave, Adam. I really appreciate the work you put into this and the time you had with me, Commissioner Holian. I do appreciate the time you've put into this. Thank you.

CHAIR HOLIAN: Okay. Thank you, Commissioner. Any further comments or discussion? Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I'm not going to restate a lot of the comments that have been made. Commissioner Chavez made some and Commissioner Mayfield did as well. What I will restate is that I supported a resolution with you to create the advisory committee for water. And before we were going to adopt it I requested of this Commission that we all, all of us, analyze the membership so that we would encompass a body that has just about every interest impacted by water. And we did that as this Board. We included the Estancia, the Central, the Northern water districts. We included representatives from the mutual domestics. We included the Soil and Water Conservation Districts. We included the acequia system and we added other members that would also be beneficial to the discussion and the recommendation.

I like the spirit of the resolution but I think it pre-empts the work that we just spent a lot of time on trying to create the advisory committee. And I think we should allow this discussion that we did, that you sponsored, that I co-sponsored to happen before we start

having another discussion.

The other thing I think we need to be cautious of and I think in the language you touch on it a little bit, but the Estancia Basin is way different than the Santa Fe Basin. And the Estancia Basin is not just going to be the Town of Edgewood. It's going to be all the representatives that are going to sit on this advisory committee that they appointed one member to come speak on their behalf. Bud Hagerman, I believe, is their recommendation. So I would just ask you, Madam Chair, if you would yourself reconsider bringing in this today and making this a discussion for the advisory committee. That's what I would request of you.

CHAIR HOLIAN: Okay. I guess, any further discussion? Thank you very much, Adam, for all your work on this. I will note that this is a resolution. Is there anyone here from the public who would like to address the Board regarding this resolution? Okay, seeing none, we will move on. I will bundle the next eight items into one item. These are resolutions –

COMMISSIONER STEFANICS: No. They're not supposed to be bundled.

CHAIR HOLIAN: Oh. Sorry.

COMMISSIONER STEFANICS: Maybe next time for the vote but not now.

CHAIR HOLIAN: Okay. I was just going to bundle them for discussion, but no? Okay.

**XII. A. 2. Introduction of a Resolution Supporting Property Tax Equity  
(DISCUSSION ONLY, FIRST HEARING)**

COMMISSIONER STEFANICS: Thank you, Madam Chair. This and the successive ones through item 9 are positions from the New Mexico Association of Counties. Every year, every affiliate of the New Mexico Association of Counties throughout the year identifies issues that they would like support from from the 33 counties so that we can identify legislative priorities. Usually, the New Mexico Association of Counties only identifies five to seven top priorities, so what you see here are those top priorities from the Association. Today we have with us Paul Gutierrez, the executive director of the New Mexico Association of Counties and we have Santiago Chavez, also our Chief Financial Officer for the Association. I've asked some elected officials to attend who can speak to or answer questions about any of these because there have been questions or dialogue in the past.

The intent was to flesh it out for any issues or discussion today and then to take a vote at the next meeting. That's why there's not a waiver. We are not really at liberty to change these resolutions; we're really voting them up or down at the next meeting because these are the New Mexico Association of Counties resolutions.

The first one is the tax lightning bill and I don't know if Domingo Martinez, our County Assessor would like to speak, or Paul Gutierrez, or both of you. So would either one

of you like to – Paul, why don't you come forward and give like a two-sentence review and then we can get into dialogue about this if people want to or not. This is something that was presented last year. We did have a vote on this and it was not a unanimous vote last year.

PAUL GUTIERREZ: Madam Chair, members of the Commission, thank you for allowing me to be here today. This resolution is asking for the property tax equity, to address the three percent cap and the tax lightning phenomenon as it is known. Know that the residential prices have fallen do we want to address this issue before it starts to go up again? When you have sales of existing homes that come in at current and correct, and anybody that holds their home can only go up three percent, we're trying to find a solution to eliminate that cap and to give those homeowners that are in their homes still a tax break and at the same time collect those revenues for the counties.

And so we do have one proposal that was out there. We have a tax committee that works on this. We have engaged with the Realtors Association and the Apartment Owners Association on this. So the exact bill may look a little different than we had in the previous session introduced. And we're still working through those.

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

CHAIR HOLIAN: Is there any discussion? Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Commissioner Stefanics, Mr. Gutierrez, I appreciate the discussion and the debate and the agreement to disagree on this item over the course over the last several years in particular. But I want to commend the Assessors Affiliate for their diligence and their desire to come up with something that's more of a compromise that accounts for longevity for people living in their homes, and also accounts for seniors as well, which this bill now does. So it provides Assessors with a tool to get true and correct value but also provides opportunity to provide benefit for those long-standing citizens of the state as well as seniors. So I look forward to having the discussion next week and am supportive of the change and modifications that were worked through based on a lot of discussion and debate from around the state of New Mexico. Thank you, Madam Chair.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Gutierrez and Domingo, thank you for your work and Assessor Martinez, excuse me, thank you for your work on this. But Mr. Gutierrez, just help me though understand. Are there – has this gone through any interim committees right now?

MR. GUTIERREZ: Madam Chair and Commissioner Mayfield, it has not gone through any interim committees. We are actually scheduled to present to the Revenue Stabilization Tax and Policy Committee on October 21<sup>st</sup> or 22<sup>nd</sup>. So we're trying to go to the counties to have this adopted by the counties so we have some feedback before we go to the interim committee so that we can then let them know kind of the feedback we're getting from our own counties. So it will be scheduled in October.

COMMISSIONER MAYFIELD: And Director Gutierrez, so how does the

process work for the Association of Counties and say you're all lobby efforts at the session if the bill changes drastically mid-session. And say you do have support from all the Assessors and say, various counties, and I think you'll probably get a unanimous vote from counties. But this bill just kind of – you can't call an emergency meeting and you're mid-session and this thing has changed. You already had support, and then our Board has to try to meet and – how do you all deal with that at your level?

MR.GUTIERREZ: Madam Chair and Commissioner Mayfield, what we do is we actually have a mid-session board meeting and we have weekly telephone conference calls with the executive committee. If this bill were to go through and it were to get amended and were to be radically changed, we would then send that bill back out to the Assessors, make sure, since they're the main sponsors of this resolution, to make sure that they're comfortable with it. If they were not comfortable with that we would then make recommendation to the board that we would not support the bill and not push it forward. And then the board would take action one way or the other. But we do have telephonic calls and we have one board meeting during the session.

COMMISSIONER MAYFIELD: Okay. Thank you.

COMMISSIONER STEFANICS: On this point, Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Stefanics,

COMMISSIONER STEFANICS: On the Commissioner's question, there are also times during the session that we back off of a bill totally. That we don't take a pro or con position and we just say it's gotten much more different – that's bad English, but anyway, different than what we initially proposed or at this point we don't want to go up against a particular legislator or any number of reasons.

MR.GUTIERREZ: Correct.

COMMISSIONER MAYFIELD: And Madam Chair, this is going to be a lot faster session, 30-day session, so – Thank you, and just on a different note, Mr. Gutierrez, thank you for your service to the state of New Mexico and you will be very much missed in the state of New Mexico. So best of luck in your new endeavors.

COMMISSIONER STEFANICS: I did not indicate, Madam Chair, that Mr. Paul Gutierrez has been with the Association of Counties I think six years. He has taken a position in Washington, DC and he will be leaving us October 18<sup>th</sup> to work with the Rural Electric Co-op as their senior policy advisor. And he has been able to work both sides of the aisle and as I can tell from sitting on the board and those of you who've been there, the board is very different, county by county, and he is able to work with all of us on our issues. Thank you very much, Paul. You're going to be very, very much missed. But don't go away. We have more issues tonight.

CHAIR HOLIAN: Thank you. And Paul, I just want to say how much I'm going to miss you and good luck in your new job and I hope you'll come back and visit at least. I've really enjoyed working with you.

Before we go any further, I want to just make a little suggestion about the schedule, because I know that there are a lot of people here in the audience who would like to speak

during the public hearing. So my suggestion is that we now finish all the items through XIII, Matters of Public Concern, and then we go into executive session where we will allocate 20 minutes for essentially dinner and some items of discussion in the executive session and possibly we can even finish that off. Then we come back, go into our public hearings, do all of the public hearing items and then finish the rest of the agenda afterwards. Is that acceptable to the Commission?

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, at the last meeting we had a discussion relative to staff that has been present at the meetings and trying to conclude their business, so I don't know that those items under XV are going to take a long time but I think we'd be counterproductive to what discussed relative to that. What's your suggestion?

CHAIR HOLIAN: Katherine, do you want to comment on that?

MS. MILLER: Madam Chair, Commissioners, there's several people here to comment on ICIP, and then we've got three cases. I don't think they'll take a long time. One of the thoughts is that staff could go have some dinner and then come back for all of the staff items. So that was what we were thinking.

COMMISSIONER ANAYA: I'm fine with it if they're fine.

CHAIR HOLIAN: Katherine, so we're suggesting that when we come out of executive we go to the ICIP item, then finish off the other items, then do the rest of the land use cases. Correct?

MS. MILLER: Madam Chair, either that or do the ICIP item, then go into executive, then come back and do the other land use cases and then come back for all the administrative stuff. That would give staff a chance to go grab some dinner and come back.

CHAIR HOLIAN: Okay. Do we need a motion? Or can we just agree? Okay.

**XII. A. 3. Introduction of a Resolution Supporting Non-residential Real Property Sales Disclosure (DISCUSSION ONLY, FIRST HEARING)**

COMMISSIONER STEFANICS: Thank you, Madam Chair. This comes from the Assessors Affiliate once again. This is one of the top priorities and I'll turn it over to Mr. Gutierrez.

MR. GUTIERREZ: Madam Chair, members of the Commission, the Assessors are asking that all real property be disclosed. Currently right now the residential properties, when they sell one, they are disclosed to the Assessor. It's not a public document; it is only disclosed to the Assessor for valuation purposes and at least giving him an idea of the market. We would like to extend that to all property, including commercial properties. The two areas we're exempting is agricultural properties and mineral leases. There was some concern even though we wouldn't have that disclosure on mineral leases. The Oil and Gas Association has

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objected to the bill, so we would carve that out as an exemption. Agriculture is a special valuation and you can figure that out just by knowing prices and harvest. That's basically the gist of that resolution, full disclosure of all real property sales.

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, just a comment. I appreciate the way Commissioner Stefanics you put the items on the agenda and I hope you'll do the same thing next meeting. Because although the last item I think there was compromise associated with the discussion and on this item I can't agree. I think it's important that each Assessor in the state of New Mexico still has statutory obligations to do assessment and appraisal of property. A sale of the property doesn't necessarily equate to a comparable value for the property and I still think those Assessors have that statutory obligation to do that job and don't support full disclosure of all properties. But I appreciate what they're trying to achieve but I still think that the job of the Assessor statewide is to provide and use their Assessors to get that value and that sometimes when you just hand over the value it doesn't get applied appropriately. And so I think values sometimes get overescalated and people that are long-standing members of a community sometimes get priced out of their environment and they have no intention of selling and would never sell. So I appreciate it but I wouldn't be able to support it. Thank you, Madam Chair.

CHAIR HOLIAN: Any further discussion?

**XII. A. 4. Introduction of a Resolution Supporting Notice of Liens  
(DISCUSSION ONLY, FIRST HEARING)**

COMMISSIONER STEFANICS: Thank you. Madam Chair, this resolution comes from the Clerks Affiliate and so I would turn it over to Mr. Gutierrez and our Clerk for any comments.

MR.GUTIERREZ: Madam Chair and members of the Commission, the Clerks bill promotes good government. Before right now anybody can file a lien on your property.

COMMISSIONER STEFANICS: Thank you, Mr. Martinez, for being here.  
Thank you, Domingo.

MR.GUTIERREZ: Right now, currently, anybody can file a lien on your property. You don't have to have notice. You could go in, have your property free and clear and you go to sell it and then all of a sudden you have a lien against your property which you never knew occurred. And what we think is that the property owners ought to be notified that they're going to have a lien filed against them so they can say whether it's legitimate or not. And so this could cause problems if you had any transactions going forward and you came up and you didn't know that this lien was filed against you. So that's the gist of it.

CHAIR HOLIAN: Thank you, Paul. Madam County Clerk, do you have anything to add?

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MS. SALAZAR: This is an excellent resolution supporting County Clerks throughout the state to require language in legislation that a property owner be notified. Because this is an issue when you're in the County Clerk's Office and someone comes in and they have a lien against their property where there has been no notification. So this is appropriate and I think it will assist your constituents also in this matter.

CHAIR HOLIAN: Thank you. Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, I fully support this. I think it's great. But in fairness to the Clerks in our state, who is going to provide the notice? Is our Clerk going to have to incur this expense or is the individual filing the lien going to need to send the certified notice to the homeowner?

MR. GUTIERREZ: I haven't talked to the Clerks who developed this legislation. I would assume that it's going to be the person filing the lien that would be responsible, not the County. At least that would be my recommendation, the way we'd go to do that.

COMMISSIONER MAYFIELD: Yes, I would have that recommendation. Otherwise they would incur expenses.

COMMISSIONER STEFANICS: Madam Chair, it actually says that this would be supporting legislation that would require the liens to contain language that notice of the lien was sent to the property owner prior to filing of the lien.

COMMISSIONER MAYFIELD: Okay. I think that should be certified notice.

MR. GUTIERREZ: There would be a certification, that they actually had to send certified mail.

COMMISSIONER MAYFIELD: Okay. Thank you, Mr. Gutierrez. Thank you, Madam Chair.

CHAIR HOLIAN: Any further discussion?

**XII. A. 5. Introduction of a Resolution Supporting Suspension of Medicaid Benefits in Lieu of Termination Upon Incarceration in County Detention Centers for Youth and Adults (DISCUSSION ONLY, FIRST HEARING)**

COMMISSIONER STEFANICS: Thank you, Madam Chair. I don't know if we've had a lot of discussion about this. We have talked about this in our Indigent Board meetings. This would allow – we're asking the state to only suspend, not terminate so that our County jail can continue to provide Medicaid benefits until they are adjudicated.

CHAIR HOLIAN: Any discussion.

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, if an individual is incarcerated and they lose their benefits and they are on medication due to mental illness or some other

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ailment and are unable to receive those medications it poses many, many challenges, both within the facility as well as if they're released from the facility, if they've gone off their meds and don't have the opportunity to sustain those meds. It creates more of a revolving door and it compounds the problem; it doesn't make it any better whatsoever.

CHAIR HOLIAN: Any further discussion?

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: And maybe this would be a question for Director Sedillo. I don't know if he's out there. My eyes are killing me so I can't see that far. But – or maybe Commissioner Stefanics could answer this. So if somebody's on – receiving medical – I guess prescriptions, meds, and if let's say – how do I ask this question? If they're receiving a prescription medicine and we have to provide them to them if they're incarcerated and they have their own insurance, could they receive it directly, say, if it's a – if it's a pharmacy provided benefit through Medicaid? Couldn't it be provided to them directly through a mail order pharmacy, as long as it was vetted through our –

COMMISSIONER STEFANICS: That's the purpose of this. If somebody's on Medicaid and they have not yet been proven guilty, that they could then still receive Medicaid benefits. At this point our County and our County jail is picking up the entire tab financially for these medications and treatment. So that is exactly the purpose.

COMMISSIONER MAYFIELD: Great. Thank you.

CHAIR HOLIAN: Any further discussion?

**XII. A. 6. Introduction of a Resolution Supporting County Correctional Facility Gross Receipts Tax (DISCUSSION ONLY, FIRST HEARING)**

COMMISSIONER STEFANICS: Thank you, Madam Chair and this came from both the detention administrators and the Commissioners Affiliate and I'll turn it over to Mr. Gutierrez. I believe it's enabling legislation.

MR. GUTIERREZ: Correct. Madam Chair and members of the Commission, this is seeking authorization for another increment of the gross receipts tax for the jail GRT. There's 24 counties I think that have enacted both 1/8s and 1/16s that are in place and there's no more room within that increment. So we're asking for a new authorization for an additional increment to allow the counties to implement this if they need it for their budget.

CHAIR HOLIAN: Any discussion?

**XII. A. 7. Introduction of a Resolution Supporting Delinquent Property Tax Payments (DISCUSSION ONLY, FIRST HEARING)**

COMMISSIONER STEFANICS: Thank you, Madam Chair. This comes from

the Treasurers Affiliate and it supports the delinquent property tax payment as a legislative priority. Mr. Gutierrez.

MR.GUTIERREZ: Madam Chair, members of the Commission, the Association of the Treasurers Affiliate is actually working with the Property Tax Division. TRD, Tax and Rev Department Deputy Secretary, and DFA-Local Government to address this issue. We're trying to address it both regulatorily and statutorily if necessary. Right now, the Treasurers feel very solid and firm that they should be the ones receiving all tax payments. When a property becomes delinquent for three years and it goes up to the state it goes in on installment agreement the state then collects those taxes. The taxpayer normally pays those taxes at the County level and the County Treasurers feel that because they're known and that's where they've made their tax payments before, that's where it should be kept, at the local level. And that they can also keep the record of those installment agreements. So we're working through that right now, as to how it would work. We have a meeting set up later this month, but this would then allow those payments to be collected at the County level, not at the state level.

CHAIR HOLIAN: Any discussion?

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Gutierrez, and I'll continue reading through this, but also, does it allow the Treasurer some more discretion of setting up extended payments. Because the way I understand it, once Tax and Rev grabs it they can put somebody's home or direct our State Treasurer to put their home on the auction block. Or put their home for sale on the County doorsteps. And once it's in that process the State Treasurer then has no authority to say, okay, I can try to work out a tax payment schedule with you.

MR.GUTIERREZ: The County Treasurer, once it's turned over to the state, the state will then have these delinquent property tax bills, which was one of our resolutions last year, and they're asking that they have these bills every year. It would then be the Tax and Rev Department. The only way that that could be stalled, that sale could be stalled is payment in full, or if the taxpayer then coming to the Tax and Rev Department with an – and negotiate an installment agreement, which is actually written in statute. It has to be paid over a 36-month period. There's some other financing that has occurred, some other regulations that have allowed for contracts to be put in place, but it would be the Tax and Rev Department that would enter into that agreement, not the County, to stop that tax sale.

COMMISSIONER MAYFIELD: Okay. Thank you.

CHAIR HOLIAN: Any further discussion?

**XII. A. 8. Introduction of a Resolution Supporting Delinquent Property Tax List (DISCUSSION ONLY, FIRST HEARING)**

COMMISSIONER STEFANICS: Thank you, Madam Chair, and again this

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comes from the Treasurers Affiliate. Paul.

MR.GUTIERREZ: Madam Chair, members of the Commission, this again is working with the Property Tax Division and the Treasurers to maintain these property tax delinquent lists that go up to the state. Once they've been put on this list and have been over a three-year period they then become the property of the state. You may have some taxpayers that come in that pay this – that pay on the property. If they pay on the property and they don't pay it quite current but they're still less than three years, there's some confusion. Is that now property off the delinquent property list because they are less than three years? Or does it stay off until such time that they pay everything current? And so there's some confusion as to what that is, from county to county and within the state. This is one of the issues that we're trying to work through regulatorily, through regulations to try to clarify that. Some counties have been – if it's on the list once, then it stays on the list forever. Other counties, if they come in and pay almost current, they don't then report that because they're not over three years delinquent. So we're trying to address that. And that's what this is asking for, clarity.

COMMISSIONER ANAYA: Madam Chair.

Ca: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Mr. Gutierrez, clarity for everyone involved, but for the taxpayer in particular so they know exactly what their obligation is and whether or not it's completed or not, and right now there's confusion between what the counties are conveying and what the state is conveying? Is that the bottom line?

MR.GUTIERREZ: It's really more between the counties and the state as to the confusion as to when these properties come on and off that list. And when the money actually comes back to the counties to be distributed to those entities that receive the money. So right now that money is held until the property is actually paid current and it doesn't come back to the counties or the other taxing entities. So there's just confusion as to if it's almost paid current at the state level or can it then come back to the counties and it would be put back to those entities that are taxing. And so it's really – I mean it could be to the taxpayer, but it's really more of an internal operation between the counties and the Property Tax Division.

COMMISSIONER ANAYA: Thank you, Madam Chair.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, and I don't know if it's just Santa Fe County or all counties, but my understanding was that it's the state of New Mexico who picks it up from – or at least from our county. It's not our county that reports it. So if there is an individual who, say, is two years and going to hit that three years in arrearages, then it's the state who comes and looks at I guess our books and they pick it up. It's not so much us that are reporting it.

MR.GUTIERREZ: The County, when they don't pay on these taxes they then, again, when it's at the three-year mark, that's when it then goes up to the state level. And there's actually – we're having a meeting with the different software companies as to how

they put in this flag and when that flag goes into place that then indicates to the Property Tax Division that, hey, this is a delinquent property. So it's that communication up to the state – this is a delinquent property for more than three years; you need to put it on your list for property tax sales. So it's an upload into the state. Then the state then takes it over if they see that flag that this is more than three years delinquent.

COMMISSIONER MAYFIELD: And then, Madam Chair, Mr. Gutierrez, if the state gets that from whatever – well, we're talking about Santa Fe County with that three years delinquency, does the state send out at least one notice saying, hey, look. You need come true and correct on your taxes or we're going to put your property up for sale?

MR.GUTIERREZ: They then send the notice to them to pay, that they're going to foreclose on their property for all intents and purposes and sell it for the tax lien.

COMMISSIONER MAYFIELD: And that money reverts back strictly to the state. And that's what one of these earlier pieces that you asked us, that that would come back to like local government?

MR.GUTIERREZ: It comes back to the state. The penalty and interest goes to the state, and then the actual tax would then go back to the County for them to distribute to those taxing entities that get the tax.

COMMISSIONER MAYFIELD: And Madam Chair, Mr. Gutierrez, going back to the notice the state send out to a delinquent property taxpayer, do they do a big push – because I have hear this, that maybe a neighbor gets it, a friend or relative gets that delinquent notice, and I guess maybe they're just trying to do that to pay – to put that homeowner or property owner on notice. Look. Try to come correct on your taxes or we're going to maybe put this on the auction block. Do you know if that's the case or they're just trying to find that person?

MR.GUTIERREZ: Madam Chair, Commissioner Mayfield, I don't know that practice. I don't know if they send it out to their neighbors. I know that they send it out to their known address but I've not heard that.

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

CHAIR HOLIAN: Any further discussion? Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I just wanted to also thank Mr. Gutierrez for his work at the New Mexico Association of Counties and wish him the best of luck at the Rural Co-op as a senior policy analyst and just let him know that he's a New Mexican through and through and that we're lending you to Washington, DC but that you'll always have that connection back to us here and help us where you can with the counties throughout the state of New Mexico.

MR.GUTIERREZ: Thank you.

**XII. A. 9. Introduction of a Resolution Supporting the 2014 Legislative  
Priorities of the New Mexico Association of Counties  
(DISCUSSION ONLY, FIRST HEARING)**

COMMISSIONER STEFANICS: Madam Chair, this is the compilation of all the items and so that would come forward for a vote next time. And we will vote on items individually and then I don't know, Paul, is it that important that we have a combined one?

MR.GUTIERREZ: Not necessarily. We'll compile them into one. It just depends on how you want to – most counties have actually been compiling them into one. For example, San Juan County just had the same presentation. The notice of liens issue was a concern for their county, so they put that aside and they compiled all the other ones and passed that as one resolution. So I guess it just depends on how the Commissioners want to go on record, if they want to vote against one and make that known. So I'm not exactly sure how that works technically.

COMMISSIONER STEFANICS: Okay. Thank you. Well, we're going to deal with the vote next time so we can divide it out if we want. But Paul, thank you very much for coming. Santiago, thank you very much for sitting here all day. And Paul also had an illustrious career in DC and you might just share with people some of the different jobs you had at the federal level before coming back here.

MR.GUTIERREZ: Well, I was the assistant deputy administrator for farm programs for the Farm Service Agency, and then from there I moved over to be the deputy assistant secretary for civil rights for the entire department of the USDA. And then came back for a bit, moved back to Washington, DC and helped establish the Office of International Programs in Intergovernmental Affairs for the Consumer Products Safety Commission, and I was the deputy director of that, that office that was split up. And then returned here and have been here 6 ½ years. It is bittersweet. I've thoroughly enjoyed my time at the Association knowing the staff that works there. They're truly dedicated to helping move New Mexico counties, all the volunteers – we've seen many Commissioners at our meetings and classified employees, all elected officials. It's a great organization. They have I think really moved New Mexico forward.

I would say the one thing that I think overall has hurt New Mexico and hurt New Mexico participancy purposes has been term limits. Because you have to start every eight years. There's not one person on my board of directors right now that has been there when I was hired. In fact 16 out of the 33 members are brand new since January. It's just getting everybody up to speed. So that's one thing that I think really has hurt our state. But I will miss working with the counties. I think I'm going to be working just in a different capacity because there are numerous rural electric cooperatives here in the state of which I'll be trying to help. And I've already figured out the flights. There's a 5:15 flight from DWI that gets in here for dinner at 7:15. So I'll be coming back often. And if there's ever anything that I can do for you in Washington, DC, please let me know. My cell phone number is going to stay the same. And I'm there; I can do whatever I need to to help you out. But thank you.

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CHAIR HOLIAN: Thank you. Thank you very much, Paul, and best of luck in your new position.

**XII. B. Commissioner Issues and Comments**

CHAIR HOLIAN: We will now do Commission Issues and Comments. Then we will go to Matters of Public Concern. Then we will go to the ICIP public hearing. I just want to let people in the audience know – is there anyone here who is here for a land use case? Can I see a show of hands? I just want to warn you that it may be a while till we get to the land use cases. So if you want to go out for a dinner break, I think that would be a good idea. We are now on Commission Issues and Comments. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I have an item that I brought up in the past that's an item that I'd like to have brought back at the October meeting at the end of the month. Two follow-ups to ongoing discussions. We've had numerous discussions about the Santa Fe County water utility and its impacts in and around the Santa Fe Basin. So I'd like Karen or somebody from Public Works to come back and do a presentation relative to the water utility, where we have branched our utility out and what plans we have for potential expansion of our water utility. That fits right in line with the discussions were going to have on the Water Policy Advisory Committee.

The other thing that is a recurring item that's come up ever since I set foot in the door at Santa Fe County has to do with water metering in the county, and also requirements associated with hooking up to the Santa Fe County water utility. We regularly place conditions on developments that are in proximity to our water utility to hook up to Santa Fe County services. I think it's within 200 feet is the typical condition. And so we've had this long-standing condition. We now are branching out with our utility so I'd like some feedback and I know I've asked in the past of Legal and Ms. Ellis-Green. She's already done a lot of the due diligence on the number of plats, but in and around the Santa Fe Basin in particular I'd like some feedback on which parcels and general areas have those plats with those conditions, and then I'd like to engage in a discussion about how we begin trying to plan for branching out the utility in sectors.

So I would ask staff – I've already had some preliminary discussions with Land Use as well as our Legal staff, Mr. Ross, so it's something that we've talked about before. It's something that we've done work on but that I would like to bring back up and make sure we try and provide some direction or some feedback to staff on. Thank you, Madam Chair.

CHAIR HOLIAN: Commissioner Chavez.

COMMISSIONER CHAVEZ: Thank you, Madam Chair. I would like to at this time send condolences to the Romero family. Amarante Romero was laid to rest last week, September 6<sup>th</sup>. Amarante Romero was born in Santa Fe, New Mexico on October 6, 1920. He dedicated many years to the Agua Fria Village and the Greater Santa Fe area. It's estimated that he volunteered for a minimum of 35 years dedicated public service to the area and to the Democratic Party. And so he will be greatly missed in the area. He did a lot of



work regarding water, road issues, planning for the area and so I'm going to read a little poem that I'm sure a family member wrote on his behalf and then I'm going to ask for a moment of silence.

He was cared for by his family at home. Did not have to go to a nursing home and so he had that comfort of his family and friends to take care of him and this is the poem. It reads, it's titled Adelante con Amarante. A legend in time he was wont to serve his Village of Agua Fria, the County of Santa Fe, the City of Santa Fe, his family, friends and future generations. So then my condolences to the Romero and Tercero family, especially to Frank and Arlene Tercero, and I would like to ask now for a moment of silence.

Thank you, Madam Chair.

CHAIR HOLIAN: Thank you, Commissioner, for bringing that forward.  
Commissioner Mayfield.

COMMISSIONER MAYFIELD: I have nothing, Madam Chair. Thank you.

CHAIR HOLIAN: Commissioner Stefanics.

COMMISSIONER STEFANICS: Nothing this evening. Thank you.

CHAIR HOLIAN: I would just like myself to recognize the untimely death of Token Adams, the Forest Service Engine captain who lost his life while going out to investigate a fire in the Jemez Mountains, and I want to express my deepest condolences to his wife, who is expecting a baby, to his son and to his other family and to his friends. It was a real loss for the community of Jemez.

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

CHAIR HOLIAN: Is there anyone here from the public who would like to address the Board on an item that is not on our agenda? Seeing none, we will now go to the first public hearing item.

### **XIV. CONSENT CALENDAR**

#### **A. Final Orders**

1. **MIS 02-5054 Sonterra Master Plan Extension. Great Western Investors (Richard Montoya), Applicant, Scott Hoeft, Agent, Request an Extension of a Previously Approved Master Plan for a Mixed Use Development (Residential, Commercial, Community) in a Village Zone Consisting of 520 Residential Units and 29,117 Sq. Ft. of Commercial Space on 245 Acres. The Property is Located Off Vista del Monte East of Valle Lindo Subdivision with the Community College District, within Section 30, Township 16 North, Range 9 East (Commission District 5) Vicente Archuleta, Case Manager (Approved 5-0)**

2. **CDRC CASE #V13-5140 Robert Garcia Variance.** Robert Garcia, Applicant, Requests a Variance of Ordinance No. 2008-5 (Pojoaque Valley Traditional Community District), § 12.5 (Density Standards) to Allow Two Dwelling Units on a Proposed 1.46 Acre Lot and a Variance of Article III, § 2.4.2b.3(a) (Road Access) to Allow a Road Access Width of Less Than Twenty Feet (20') to Access Three Lots. The Property is Located at 13A Old Pueblito Road (C.R. 84), in the Vicinity of Pojoaque, within Section 7, Township 19 North, Range 9 East (Commission District 1) Miguel "Mike" Romero, Case Manager (Approved 5-0)

#### **XVIII. PUBLIC HEARINGS**

##### **A. Public Works Department**

1. **Update and Public Hearing on the 2015-2020 Infrastructure Capital Improvement Plan (ICIP), Due to Department of Finance & Administration (DFA) By September 30th, 2013 [Exhibit 1: Supporting Material]**

JOSEPH GUTIERREZ (Public Works): Madam Chair, members of the Commission, we have a brief update but before we do the update I know there's members of the public that would like to make some comments, so if you want to do that first and then we can – I guess it's just a two or three-minute update on what's happened so far.

CHAIR HOLIAN: Okay. So Joseph, thank you, and I would like those members of the public who would like to comment on this to come forward. Steve, I have a procedural question. Do people have to be sworn in for comments in these kinds of public hearing?

MR. ROSS: Madam Chair, no.

CHAIR HOLIAN: Okay.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Gutierrez, this is also a request meeting also where people can bring capital requests to this meeting, isn't that how it works?

MR. GUTIERREZ: Madam Chair, Commissioner Mayfield, basically, that's what it is. Typically, we haven't had much of a response but it looks like we're going to have it tonight. Basically, these individuals would be making requests to the County to put projects on the ICIP plan and we'll take notes.

COMMISSIONER MAYFIELD: That's what I understood, that this was an actual meeting for requests for ICIP projects. Thank you.

CHAIR HOLIAN: Okay. So please come forward, one at a time, and identify yourself for the record.

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MARIEL NANASI: Good evening, Madam Chair and members of the Santa Fe County Commission. My name is Mariel Nanasi and I am the executive director of New Energy Economy. I'd like to read a letter to you and then give you copies of it. I just want to say in advance that this letter has been signed by 15 organizations, mostly in Santa Fe but a couple in Albuquerque that are statewide organization and represent thousands of people literally in New Mexico.

Dear Santa Fe County Commissioners, As you know, energy from fossil fuel produces harmful health and environmental effects. Furthermore, the environmental effects of burning fossil fuel exacerbates global climate change. Scientists have linked climate change to increased duration, intensity and frequency of wildfires, posing significant environment, health and economic threats to the communities of New Mexico. Record wildfires in recent years have resulted in the loss of life and property, devastating environmental effects, significant strain on firefighters and a great toll on public funds.

It is of vital importance to support firefighters as well as offset the potential for further devastation to our community by shifting our sources of energy from fossil fuel dependency to renewables, particularly with our abundant solar resources here in Santa Fe.

One of the ways we can simultaneously reduce our contribution to climate change and invest in the protection of our firefighters is to transform our electricity purchases to solar. We applaud you for your unanimous support of the solarization of the first fire station in the county earlier this year. We now urge you to extend the benefits of solarization to all fire stations in Santa Fe County. A capital improvement plan that calls for the installation of solar systems on the fire stations in the county has the benefit of improving the government's infrastructure, fiscal responsibility, spurring local economic development and investing in a more stable climate.

These capital improvement projects will enable fire stations throughout Santa Fe County to replace their current energy demands with self-generated, onsite, renewable energy production enabling them to repurpose funds towards fire safety and protection equipment.

We, the undersigned organizations urge you to add solar to all of the Santa Fe County fire stations and prioritize it for your list for infrastructure and capital improvement projects. So on behalf of New Energy Economy, I'll just say that other organizations, Citizens' Climate Lobby, Climate Change Leadership Institute, Conservation Voters New Mexico, Earthcare Youth Allies, Food and Water Watch, New Mexico Interstate Power and Light, New Mexico Green Chamber of Commerce, League of Women Voters of Santa Fe County, New Mexico Environmental Law Center, Physicians for Social Responsibility, New Mexico Chapter, Warehouse 21, Western Resource Advocated, Wild Earth Guardians and 350 New Mexico. And I have a copy of the letter, and if I could approach just to hand them to you.

[Exhibit 2]

CHAIR HOLIAN: Thank you, Ms. Nanasi. Perhaps you can give it to our staff and they can hand it out to us.

MS. NANASI: Thank you. And all I'd like to add to that is that we're requesting that you put this as a priority on the infrastructure and capital improvement

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projects and that you commit – that Santa Fe County commits \$500,000. We're hoping then we can leverage this amount of money and have the State of New Mexico Legislators match that amount of money. But regardless if the legislature and the Governor sign a capital outlay bill, we're hoping that you will commit these funds. I just will tell you that after the first fire station was solarized, the bill for the first month, and it didn't include the entire month, just 80 percent of it, went from more than \$100 to \$2.50. And if the whole month would have been included it would have been money back to the County. So I want to tell you that we believe that this is not only cost-effective and prudent and a wise investment, but as you have yourself acknowledged, that this is leading by example. So I really urge you to put this on your list and to consider appropriating \$500,000 in the next year to do all the fire stations. Thank you so much.

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

MADDY BOYD: Good evening, Madam Chair and County Commissioners. I'm a senior at Santa Fe Prep and an intern with New Energy Economy. I've been involved in fundraising efforts from people in Santa Fe for our solarization projects, including the Tesuque Fire Station. One of the ways we raise money is by creating partnerships with local restaurants to give us a portion of the proceeds from a day's sales. This is a win-win for the restaurant owner, employees and for us as we can do more and more solar projects. What I'm encouraged by is the outpouring of support for our work. People in Santa Fe want solar and come out to help us fundraise to install solar.

I am here tonight to urge you to continue this momentum by responding to the needs and desires of Santa Fe who want to transition our energy sources from fossil fuels to renewables. Please put the solarization of all Santa Fe fire stations on the infrastructure and capital improvement list. [inaudible] to solarize all fire stations makes an enormous statement about our community. We support firefighters, we educate our population and you lead our county towards an environmentally and economically sound path. This is an investment in my generation. Thank you.

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

JOSE [inaudible]: Good afternoon. My name is Jose [inaudible] I'm a local hip-hop artist and a member of Earthcare Youth Allies and I'm a junior at the Academy for Technology and the Classics. And I'm just here to testify and say that I'm a concerned teenager. I'm concerned about the environment and my future and not just my future but also my siblings' future. I have three younger brothers that are the future of this world and I'm here to basically say that if we put solar panels on these fire stations we could protect the air and water, which is a very precious resource in our state and we can also protect the land we love. Thank you.

CHAIR HOLIAN: Thank you, Jose.

GERARDO PINEDA: Hello, Commissioners. My name is Gerardo Pineda. I'm from Capital High School and part of Youth Allies Earthcare. I'm here supporting the solarization of the fire stations. I think it's [inaudible] for the County Commission to solarize these. It will save money. It's going to make a difference in the state, in Santa Fe County and

the city. It's going to make everyone step and look to our future about saving our air and helping people not to get sick because of the cold in the cold [inaudible]. Thank you.

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

GLENN SCHIFFBAUER: Madam Chair, Commissioners, my name is Glenn Schiffbauer. I'm the executive director for the Santa Fe Green Chamber of Commerce. I think it's apparent that it's the right thing to do for our environment and for the young people in our state is continue with the solarization of anything we can do, especially anything that's owned by the County. As the Santa Fe Green Chamber of Commerce we strongly support the solarization of these fire stations and for maybe a different aspect of it than what we've heard so far. We feel as a business organization that the local economic development aspect of jobs and putting the solar panels up would be terrific for our economy. But there's also one other aspect that businesses that are members with the Green Chamber look at and also something that we came out in support of at a citywide level was the plastic bag ban, and that is that Santa Fe has been viewed as a very progressive and sustainable and green community, much like Austin and Boulder and some other cities, and we think that it is very important that we continue to do as many things as possible to keep that brand going for our community and for our business. Thank you.

CHAIR HOLIAN: Thank you, Mr. Schiffbauer. Would anybody else like to address the Board? Joseph.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Just on this note, and I don't know who all received it, but we've also received a letter from Teresa Seamster and also Norma McCallan, co-chairs of the Northern New Mexico Group of the Sierra Club, strongly endorsing this Commission for placing solar panels on our fire stations and other County buildings. So I just wanted that to be known for ICIP.

CHAIR HOLIAN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I want to take this opportunity to congratulate Commissioner Mayfield on his work with the Tesuque Fire Station. Mariel, I did not forget and I have this as a priority for District 3 and I'm going to use some of my resources to help make it happen in a pilot project that we've talked about. But I just want to say there is nothing like – and I think this is what this was – thoughtful, responsible, researched, organized pressure. And it's well taken and well appreciated. So I want to thank everyone that provided their input.

CHAIR HOLIAN: Joseph.

MR. GUTIERREZ: Madam Chair, members of the Commission, we will take this project and put it on the ICIP plan. This is the last meeting that we're having. We have nine meetings. We had 150 counting tonight that attended these meetings. I just want to make one special note, that we did attend the Edgewood Town Council and they were very complimentary of the County for making that initiative there. It was well received at that

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list. There's not a ranking order there but it has to be on that list. So we take a snapshot of that once a year. We do that once a year.

The County's CIP plan is something that we take requests all year long and we compile a list and we evaluate them and when there's funding available we bring you recommendations. Maybe the top ten percent of those projects go into potential funding. September 30<sup>th</sup>, the state's ICIP and the County's CIP will mirror each other. Until October 1<sup>st</sup>, October 2<sup>nd</sup>, up to that point, we will continue to get requests and we'll update the County's CIP plan and then we update the state's ICIP plan on an annual basis. So basically, they're the same plan but we do the state once a year. The County CIP plan we work on all through the year. And at any point in time we'll take input from the public in terms of a project request. We do ask that it's related to a County-owned property at that point.

COMMISSIONER MAYFIELD: Thank you. And again, just for Ms. Nanasi and everybody who's here, as far as what the County has implemented, we have implemented clean energy standards in our resolutions. So one of the projects that's moving forward that Mr. Gutierrez just said is on our County facilities, right there Rodeo Road. A lot of people drive down Rodeo Road and see it. So any work that we do out there now, when it goes out for RFP, we ask for the design to have water reclamation. We ask for the implementation of solarized use, for recycling. So any project now that comes in front of Santa Fe County from construction, even for retrofitting, we ask that it all be designed executing and incorporated into the project when it's being scoped out. So I want everybody to also know that. So not just our fire stations. This is for any project that's now coming in front of Santa Fe County. Just so everybody knows that. And I do think with the great work of everybody on this bench that Santa Fe County is leading the charge on this. And I want to thank staff and Manager Miller for this also. So I think we are trying to provide for everybody out there. So thank you all, and thank you for your great work also, and for the new generation that's coming up. Thank you all for your efforts in getting up here and speaking to us. It's very important that you guys keep us on our toes. Thank you.

CHAIR HOLIAN: Commissioner Chavez.

COMMISSIONER CHAVEZ: Yes, thank you, Madam Chair. Joseph, I had an afterthought follow-up question on the list of priorities for this year. Number 5 is the RECC, that's the Regional Emergency Communication Center?

MR.GUTIERREZ: That's correct.

COMMISSIONER CHAVEZ: And would we be expecting a match from the City, since we share that facility?

MR.GUTIERREZ: At this point this request doesn't require that. That's something that could be discussed.

COMMISSIONER CHAVEZ: Okay. Thank you, Madam Chair.

CHAIR HOLIAN: Any further discussion? Commissioner Mayfield.

COMMISSIONER MAYFIELD: On that point, Madam Chair, Manager Miller, are we like fully funding the RECC operations? That's a great subject, Commissioner Chavez. Can we ask the City to put the match on that?

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MS. MILLER: Madam Chair, Commissioner Mayfield, at the moment they have not come forward with any match on the capital side of it. This isn't just on RECC; we need to expand that whole building. They never did pay for the original facility. It's our building so they have not paid into that facility. They own capital, radios and equipment that goes in. The City splits that part of the JPA 50-50. With Edgewood up to 20 percent or a cap I think of \$20,000.

As far as operations go, we still fund all the operations of the RECC except we do get funding from the Town of Edgewood for their participation in it. But on capital, the actual building itself is a County building and we have never had any of the other parties pay for the building itself.

COMMISSIONER MAYFIELD: Madam Chair and Manager Miller, again, could we though maybe ask for a letter of support for our ICIP if we're going to go to our legislative delegation for improvements for that building, from our partners? The Town of Edgewood's doing it. If the City of Santa Fe would at least at a minimum join on again for a letter of support going to our legislative delegation I think that could be very well received by our local joint delegation if we are asking for that type of funding.

MS. MILLER: Madam Chair, Commissioner, I think that's a good suggestion. We'll do that.

COMMISSIONER MAYFIELD: Thank you. Thank you, Commissioner Chavez, for bringing that point up.

CHAIR HOLIAN: Okay. Well, thank you, Joseph and I want to thank you and Craig and Rudy for hosting the County capital project meetings and getting the input from the public, and I also want to thank all the members of the public who came here tonight to testify at our public hearing. And we will take this under consideration. Thank you very much.

Now, I would like to talk about scheduling. What our County Manager has suggested is that we go into executive session now, a short executive session where we will also be able to have dinner and a break. Then we finish off the rest of the Growth Management Department cases, then we finish the rest of the agenda after that and in the meantime our County Manager will send staff out for a dinner break. Is that correct?

MS. MILLER: Madam Chair, yes.

CHAIR HOLIAN: Okay. Steve.

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

### **A. Executive Session**

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

##### **i. County Manager Performance Evaluation and Contract Amendment**

MR. ROSS: Madam Chair, on the executive session, this Roddy Leeder matter, we thought it was going to be ready but it needs one more issue resolved before we



actually consider that, so we can table that item, which is both an action item and a discussion item and just handle the County Manager's issue tonight.

CHAIR HOLIAN: Okay. So do we have a motion to go into executive session?

COMMISSIONER CHAVEZ: Motion to go into executive session to discuss limited personnel issues.

CHAIR HOLIAN: I'll second that.

**The motion to go into executive session pursuant to NMSA Section 10-15-1-H (2) to discuss the matter delineated above passed upon unanimous roll call vote with Commissioners Anaya, Chavez, Stefanics and Holian all voting in the affirmative. [Commissioner Mayfield was not present for this action.]**

CHAIR HOLIAN: We will now go into executive session and we should return at approximately 7:00 pm.

[The Commission met in closed session from 6:40 to 7:30.]

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

COMMISSIONER STEFANICS: Madam Chair, I move that we come out of executive session having discussed only limited personnel matters and in attendance were the five County Commissioners, the County Manager, and for a portion of it our Human Resources Director.

COMMISSIONER CHAVEZ: Second.

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

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

**XVII. C. Consideration and Approval of Amendment No. 2 to the Personal Services Agreement with Katherine Miller to Serve as the Santa Fe County Manager**

CHAIR HOLIAN: Is there any discussion? Is there a motion?

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Anaya.

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COMMISSIONER ANAYA: Madam Chair, I would move to extend the contract, the agreement with Katherine Miller, note that we had good discussion about opportunities that we have before us as a County, and that we look forward to taking on those opportunities with her leading as our County Manager.

COMMISSIONER CHAVEZ: Second.

CHAIR HOLIAN: Okay. So, Commissioner Anaya, your motion is to approve amendment #2?

COMMISSIONER ANAYA: It is.

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

**The motion passed by unanimous [5-0] voice vote.** [Commissioner Mayfield's vote was recorded after the fact. See below.]

- XVIII. B.      2.      CDRC Case # Z/S 12-5450 Cielo Colorado Subdivision. Cielo Colorado, LLC, Applicant, Jim Siebert, Agent, Requests Master Plan Zoning Approval for a 24-Lot Residential Subdivision on 246.30 Acres + within Tract 15A-2 of the Eldorado at Santa Fe Subdivision. The Property is Located on the East Side of US 285, Off Camino Acote, within Sections 21 & 22, Township 15 North, Range 10 East (Commission District 4)**

JOSE LARRAÑAGA (Case Manager): Thank you, Madam Chair. On February 21, 2013, the County Development Review Committee met and acted on this case. The decision of the CDRC was to table this case so that the Applicant could have further conversations with the community. The Applicant has had several meetings with the community and as a result has amended the Master Plan submittal to accommodate the concerns of the adjoining property owners.

On July 18, 2013, the County Development Review Committee met and acted on this case. The decision of the CDRC was to recommend approval of the Applicant's request for Master Plan Zoning for a 24-lot residential subdivision. The CDRC also approved two cul-de-sacs to exceed 500 feet in length.

In the original Master Plan Zoning Application the Applicant requested a 67-lot residential subdivision with the lot sizes ranging between 2.50 and 7.29 acres on 257.16 acres. The proposed subdivision would have been developed in nine phases over a nine-year period with an anticipated start date of 2015.

The Applicant is now requesting Master Plan Zoning for a 24-lot residential subdivision with the lot size ranging in size between 2.54 and 16.16 acres on 246.30 acres. The proposed subdivision will be developed in four phases over an eight-year period with an anticipated start date of 2014.

Tract 15 A-2 was created as part of the Eldorado at Santa Fe Subdivision. A Master

Plan for Cielo Colorado was approved by the Board of County Commissioners in 1995. The Master Plan included 91 lots with an average density of 3.79 acres on 344.58 acres. 25 of the 91 proposed lots were platted in 1995. An amended Master Plan, recorded in 2000, eliminated four lots totaling 12.5 acres. In 2002, the Master Plan was vacated to allow the platting of larger lots at the east end of Tract 15A-2. This Application for Master Plan includes the remainder of the property that has not been platted within Tract 15A-2.

Building and Development Services staff has reviewed this project for compliance with pertinent Code requirements and has found that the following facts presented support the request for Master Plan Zoning: the Application is comprehensive in establishing the scope of the project; the review comments from State Agencies and County staff has established that this Application for Master Plan, is in compliance with State requirements, Ordinance No. 2005-8 and Article V, Section 5, Master Plan Procedures, of the Land Development Code.

Staff recommendation is for approval for Master Plan Zoning for a 24-lot residential subdivision on  $\pm 246.30$  Acres within Tract 15A-2 of the Eldorado at Santa Fe Subdivision subject to the following conditions. Madam Chair, may I enter these conditions into the record?

[The conditions are as follows:]

1. Master Plan with appropriate signatures shall be recorded with the County Clerk, as per Article V, § 5.2.5.
2. The Applicant shall address the requirement for all weather access on Camino Acote with the Preliminary Development Plan.
3. A detailed water budget and water restrictive covenants shall be submitted prior to Preliminary Development Plan.
4. An analysis of appropriate liquid waste disposal setback shall be required for the first sustainable phase of this development prior to Preliminary Development Plan.

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

CHAIR HOLIAN: Are there any questions for staff? Seeing none, is the applicant here? Will you please be sworn in?

[Duly sworn, Jim Siebert testified as follows:]

JIM SIEBERT: Madam Chair, my name is Jim Siebert. My address is 915 Mercer. Let me first say that we began with 67 lots and faced a considerable amount of neighborhood opposition and what you have before you tonight is really kind of the culmination of about six different neighborhood meetings that we've worked on this project.

But let me give you a little background on this. This is Lot 15 in the Eldorado Subdivision which is this kind of area here. The area outlined in black is the area that we're proposing for the subdivision. The area in red is actually the area that has a paved road and utilities in it. This area right here is the first subdivision that took place within Lot 15. There are 25 1/2-acre lots and all utilities including Eldorado water are already within the area outlined in the red.

This is the subdivision. The entry off 285 – we've met with the neighbors here to make sure that they're in agreement with the lot layout. We had originally 14 lots at the entry that didn't seem to fly. We're down to two now, and a large area that will remain as common open space for the entire development. There is very little new construction that needs to take place. The distance from the road to the end of the cul-de-sac here will be new construction. This cul-de-sac here would be new construction and the lots as laid out can be served off the existing roadways and existing utilities.

In all, we're in agreement with conditions as stated by staff and I'll answer any questions you may have.

CHAIR HOLIAN: Thank you, Mr. Siebert. Are there any questions for Mr. Siebert? Seeing none, this is a public hearing. Is there anyone here from the public who would like to speak about this case, either in favor or in opposition? Seeing none, the public hearing is closed. Are there any questions for either the staff or Mr. Siebert?

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Siebert, I do have a question now on the archaeological zone. So as far as water and it will be serviced by the Eldorado water utility?

MR. SIEBERT: That's correct.

COMMISSIONER MAYFIELD: And staff – a question for staff now, please. Based on the diagram all the infrastructure is already there for the water utility hookups?

MR. LARRAÑAGA: Madam Chair, Commissioner Mayfield, they will have to extend some of the waterlines and of course improve the extended roads and the roadways, but yes, the infrastructure is already in, and there are some fire hydrants in place.

COMMISSIONER MAYFIELD: Okay. And there's no issues with low water pressure or anything else with that system out there?

MR. LARRAÑAGA: Madam Chair, Commissioner Mayfield, not that I am aware of.

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

CHAIR HOLIAN: Are there any further questions? What are the wishes of the Board? Commissioner Chavez.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR HOLIAN: Yes.

COMMISSIONER STEFANICS: I'll move for approval with staff conditions.

COMMISSIONER CHAVEZ: Second.

CHAIR HOLIAN: Okay. I have a motion and a second for approval of CDRC Case Z/S 12-5450, Cielo Colorado Subdivision with staff conditions.

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

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COMMISSIONER CHAVEZ: I have a follow-up question, Madam Chair, for staff.

CHAIR HOLIAN: Yes.

COMMISSIONER CHAVEZ: For staff. Are these conditions of approval, are they recorded anywhere on the plat or how are they documented, Mr. Larrañaga?

MR. LARRAÑAGA: Madam Chair, Commissioner Chavez, they are documented on the final order, of course which is the final decision and then the follow-up would be getting the master plan recorded with the proper signatures and so on.

COMMISSIONER CHAVEZ: Got it. Okay. That was really more for my clarification but I wanted just to be sure that we were tracking that. Thank you, Madam Chair.

- XVIII. B.      3.      CDRC Case # V/Z/PDP 13-5080 Windmill Water Variance, Master Plan & Preliminary Development Plan. Diana & Leon Richter, Applicants, Jim Siebert, Agent, Request Master Plan Zoning & Preliminary Development Plan Approval to Allow a Small Scale Commercial Use Consisting of a Domestic Water Supply Service. This Request Includes a Variance of Article VII, Section 6.4.1d (Requirements for Water Availability Assessments). The Applicant Also Requests That Final Development Plan Be Approved Administratively. The Property is Located at 2042 Old U.S. 66, Near the Town of Edgewood, within Section 34, Township 10 North, Range 7 East, (Commission District 3)**

MR. LARRAÑAGA: Thank you, Madam Chair. On June 20, 2013, the County Development Review Committee met and acted on this case. The decision of the CDRC was to recommend approval of the Applicants' request for a variance of the requirement to demonstrate a 100-year water supply, Master Plan Zoning, Phase I and II Preliminary Development Plan and to allow the Final Development Plan, for Phase I and II to be reviewed and approved administratively.

The Applicants request Master Plan Zoning approval to allow a small-scale commercial use consisting of a domestic water supply service to be completed in two phases. The request also includes Preliminary Development Plan approval for Phase I and II. Phase I consists of a 2,200 square foot residence, a 1,064 square foot garage, a 100 square foot shed, a 1,188 square foot bottling plant, a 224 square foot office, a 5,000 gallon storage tank, a 50 square foot self-serve dispenser structure, a domestic well and a well registered with State Engineer as a commercial well. Phase II will consist of a 1,200 square foot addition to the existing dwelling to be utilized as an office. The site is located within the Edgewood Traditional Community where commercial zoning may be approved anywhere provided the performance standards and criteria set forth by the code are met. The Applicants' request includes that the Final Development Plan, for Phase I and II, be reviewed and approved

administratively.

Windmill Water is currently operating under a Home Occupation Business License issued by Santa Fe County in 1995. The property is within the proposed infill annexation of the Town of Edgewood where Santa Fe County currently maintains regulatory jurisdiction.

On December 21, 1995, the Land Use Administrator approved a home occupation business license, subject to conditions, for Windmill Water. On March 2, 2010, a notice of violation was issued to Windmill Water for exceeding the home occupation business license criteria. On May 6, 2010, Leon and Diana Richter submitted a letter of intent and documents requesting a modification of the existing home occupation business license. On May 18, 2010, the LUA denied the request by Windmill Water for modification of the existing home occupation as it no longer met the criteria for a home occupation as set forth in code. In a letter, dated May 26, 2010, the agent on behalf of Windmill Water requested an appeal of the LUA decision to the CDRC. On May 19, 2011 the CDRC denied the Applicants' request.

Windmill Water operates as a bottling and distribution domestic water supply service. The Applicants currently reside on the property. The request for Master Plan and Preliminary Development Plan includes a use list which is consistent with the guidelines for types of permitted uses within a small scale commercial district.

The Applicants are also requesting a variance of the requirement to demonstrate a 100-year water supply as per Article VII, Section 6.4.1.d. The well utilized for this development is registered with the State Engineer as a commercial well. The variance requested by the Applicant applies to a domestic well. Although the property is currently zoned residential, the State Engineer allowed a commercial well to be utilized for the business. The Land Development code does not address the use of an existing commercial well on a residential parcel of land. Staff has determined that the use of water for this non-residential development is essentially a community water system because it is being distributed to the community for consumption and water quality may impact the community. Therefore, the well being utilized for this development is subject to the requirements of Article VII, Section 6, Table 7.4 and Article VII, Section 6.4.2 which require a water availability assessment. Nevertheless, whether you consider staff's determination or the request made by the Applicant under a different code provision both would require proof of water availability, and a variance would be needed.

The Applicants state the following reasons to allow the variance: cost of preparing a geo-hydrological report; the property will be annexed to the Town of Edgewood and compliance with County Code is not required; business is borderline eligible for a Home Occupation Business; the well could not be used for several days during the hydrologic testing, which jeopardizes the viability of the business; the well has a 1.78 acre foot water right associated with it and can be increased up to three acre-feet.

Staff Response: monetary constraints are not considered a hardship by the code; Santa Fe County currently maintains regulatory jurisdiction of this site; it has been established by the CDRC that this business exceeds the Home Occupation criteria; the Applicants shall demonstrate a one hundred-year supply to support the use of 1.78 acre feet water per annum.

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Building and Development Services staff has reviewed the Applicants' request for a variance of Article VII, Section 6.4.1.d. for compliance with pertinent code requirements and has found that the following facts presented do not support the request: a geo-hydrologic report is required to demonstrate that groundwater sufficient to meet the maximum annual water requirements of the development is physically available and can be practically recovered to sustain the development for a continuous period of one hundred years; the Applicants shall demonstrate a one hundred-year supply to support the use of 1.78 acre foot water per year; a variation or modification of this section of the Code may be considered more than a minimum easing of the requirements.

Building and Development Services staff has reviewed this project for compliance with pertinent code requirements and has found that the following facts presented support the request for Master Plan and Preliminary Development Plan: the Application is comprehensive in establishing the scope of the project; the proposed Preliminary Development Plan substantially conforms to the proposed Master Plan; the Application satisfies the submittal requirements set forth in the Land Development Code, with the exception of the water availability element of the request.

The review comments from State Agencies and County staff have established that this Application, for Master Plan and Preliminary Development Plan, is in compliance with State requirements, Article III, Section 4.4, Development and Design Standards, Article V, Section 5, Master Plan Procedures, but is not in compliance with Article V, Section 7 Development Plan Requirements of the Land Development Code regarding Section 7.1.2.y, Water Supply Plan-Water Systems.

Staff recommends denial of the Applicants' request for a variance of Article VII, Section 6.4.1.d. Requirements for Water Availability Assessments. Staff has determined that without proof of adequate water availability, staff cannot support the request for Master Plan Zoning and Phase I and II Preliminary Development Plan.

If the decision of the BCC is to approve the variance request and approve the request for Master Plan Zoning and Phase I and II, Preliminary Development Plan, to allow a small-scale commercial use, consisting of a bottling and distribution domestic water supply service on 2.84 acres and Phase I and II Final Development Plan to be reviewed and approved administratively, staff recommends the following conditions be imposed. Madam Chair, may I enter these conditions into the record?

[The conditions are as follows:]

1. The Applicant shall comply with all review agency comments and conditions as per Article V, § 7.1.3.c.
2. Master Plan with appropriate signatures, shall be recorded with the County Clerk as per Article V, § 5.2.5.
3. Final Development Plan for Phase I shall be submitted within a timely manner, meeting all criteria set forth in Article V, § 7, to be reviewed and approved administratively.

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

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

COMMISSIONER STEFANICS: Thank you, Madam Chair and thank you, Mr. Larrañaga. Have you been the staff on this case along or did you pick this up in the second cycle?

MR. LARRAÑAGA: Madam Chair, Commissioner Stefanics, I've been the case manager on this case.

COMMISSIONER STEFANICS: For years.

MR. LARRAÑAGA: Well, not in 1995, but yes, when they got the notice of violation.

COMMISSIONER STEFANICS: Okay. Madam Chair, Mr. Larrañaga, could you comment on why the CDRC found in favor of the applicants?

MR. LARRAÑAGA: Madam Chair, Commissioner Stefanics, I believe the finding of the CDRC was that they didn't – it wasn't required that they prove water availability since they had, I believe proscriptive rights to the water, to 1.78 acre-feet from the State Engineer.

COMMISSIONER STEFANICS: So Madam Chair and Jose, if – in the new code, would this be approved? Or would this still be a big question?

MR. LARRAÑAGA: Madam Chair, Commissioner Stefanics, I believe either Steve Ross or Penny could answer that a lot better than I could.

COMMISSIONER STEFANICS: Okay. Penny, do you want to cover?

PENNY ELLIS-GREEN (Growth Management Director): Madam Chair, Commissioners, I have not reviewed the new code to see whether or not – or seen this project to see whether or not it would allow this and Steve may –

COMMISSIONER STEFANICS: Mr. Ross, do you know anything about it?

MR. ROSS: Madam Chair, Commissioner Stefanics, maybe I should run up there and get it. My memory is the whole community water system concept has not been perpetuated in the new code so there's obviously commercial uses, residential uses, as long as you establish that you have enough water in SDA 2 and 3 you're okay. But maybe I should go up there and grab it because I can do that in a minute and you can proceed.

COMMISSIONER STEFANICS: Okay. Well, let me just go on with a couple other questions. So, Madam Chair, Jose or Karen, whoever wants to comment on this, it's because there was not a 100-year study done?

MR. LARRAÑAGA: Madam Chair, Commissioner Stefanics, yes. In the table under Section 7 any commercial development that comes in has to come in under a quarter acre-foot or prove water – have a water availability assessment done to prove the – to support the water use that they're proposing for 100 years.

COMMISSIONER STEFANICS: So what's the division, Madam Chair, between 100-year study and a 40-year study? Who qualifies for which one?

MR. LARRAÑAGA: Madam Chair, maybe Karen might have the answer to that one.



COMMISSIONER STEFANICS: Karen or Penny? Somebody.

KAREN TORRES (County Hydrologist): Madam Chair, Commissioner Stefanics, your question was the difference between a 40-year plan and a 100-year plan or 40-year availability of water?

COMMISSIONER STEFANICS: Availability. Who needs a 40-year? Who needs 100-year?

MS. TORRES: Okay. So for our code, 100-year supply is standard for folks that were outside of what used to be called the metropolitan area of the county. So really close to the city in certain areas required a 40-year water availability horizon. Outside of that it was 100 years, unless they were – the source of supply was a municipal water system, which required just a letter saying they were ready, willing, and able, and then a community water system, there is several different steps for water availability. It's not necessarily a 100-year supply in the first step. It's a demonstration of storage, water rights, those types of things.

COMMISSIONER STEFANICS: So, Madam Chair and Ms. Torres, except for the 100-year water availability, did the applicant meet other water requirements? In terms of storage and sustainability, etc.?

MS. TORRES: Well, the applicant didn't submit any information on the amount of storage that they have. This is a slightly unique situation where it is a commercial operation and many of the criteria associated with a community water system is really geared towards your standard of going to serve residences and commercial and have storage for fire and all those types of things. This is self-contained so they don't necessarily require fire protection for the bottling purposes. They may not have to have a water supply that meets a certain pressure and those types of things.

They do have sufficient water rights for what they are proposing. My review was primarily looking at that and they do have a water right that has been permitted exactly for this purpose for this business and it is in place and ready to go. Many times with different developments they have water rights. Maybe they own them. They don't necessarily have them permitted right there ready to go. So these are actually – this is a little bit unique because they are onsite, permitted, recognized by the state with a beneficial use.

COMMISSIONER STEFANICS: Thank you, Madam Chair. I might have questions later.

CHAIR HOLIAN: Any further questions for staff?

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair and staff, Mr. Larrañaga, in your presentation and you're summary, I'm going to go to, I guess, the second page of your summary. I'm going to go to the fifth paragraph down, as far as this well being registered as a commercial well, a 72-12-3 well with the State Engineer's Office. I know our attorney's out looking for something. But our code is currently not addressing I guess a commercial well through our variance process, as I understand it. But help me understand, I guess, this

applicant. They're serving the community need though. Who's stopping by and getting water from them?

MR. LARRAÑAGA: Madam Chair, Commissioner Mayfield, where they do sell the water, they do have a self-serve where people drive up and pay, I guess, by coin, to their credit card, whatever, to get water. The code doesn't necessarily not address commercial wells. It's usually the projects – most of the projects that I take forward are using a well. Once it's residential and they zone it commercial then they will register it as a commercial well with the State Engineer. So this is rather unusual because it was already approved by the State Engineer as a commercial well.

COMMISSIONER MAYFIELD: So how did the applicant obtain the commercial well status?

MR. LARRAÑAGA: Madam Chair, Commissioner Mayfield, I believe he just went to – he didn't come to our department. He went straight to the State Engineer to register this well as a commercial well.

COMMISSIONER MAYFIELD: So then I would ask the applicant that question.

COMMISSIONER MAYFIELD: Mr. Siebert, I believe you've already been sworn in, so I think you can proceed.

MR. SIEBERT: All right. Madam Chair, I'll just put my name in for the record. Jim Siebert, 915 Mercer. I'm sorry. The question was –

COMMISSIONER MAYFIELD: Well, the applicant has a 72-12-3 well, a commercial well on this, on a residential piece of property. So did they go and ask for that from the State Engineer's Office or how did they get that permit?

MR. SIEBERT: It was something that they proved a beneficial use over a period of time with the State Engineer's Office and the State Engineer allocated 1.78 acre-feet of water. And as they continue, if they go beyond that they continue to apply for additional beneficial use from the State Engineer.

COMMISSIONER MAYFIELD: Thank you. So, Madam Chair, I guess for our County Attorney – well, I'll ask staff another question. Thank you. So back to staff. So again – or maybe this is for our applicant. So they're serving a community need, I take it the community residents out there stopping by, or who's stopping by to obtain water?

MR. LARRAÑAGA: Madam Chair, Commissioner Mayfield, yes, it's the community, people who want to buy potable or use their water are stopping by to buy the water.

COMMISSIONER MAYFIELD: Okay. So then can I assume maybe then other community residents aren't using their own water that they're entitled to at their residents, if they getting potable water from these individuals, the applicants?

MR. LARRAÑAGA: Madam Chair, Commissioner Mayfield, I don't know the answer to that. Maybe they just want to buy this bottled water just for drinking water.

COMMISSIONER MAYFIELD: Okay. Santa Fe County would have the closest water delivery system down on Highway 14 by I guess our Public Service – by our

County jail? Would that be our closest water system to them? Santa Fe County, I guess there might be another water system by another provider closer, but Santa Fe County, if the residents from that area wanted water they would have to come there to get water?

MR. LARRAÑAGA: Madam Chair, Commissioner Mayfield, I believe you're correct, yes. Out on 14. It wouldn't be bottled, treated water, it would just be the water that we –

COMMISSIONER MAYFIELD: Okay. Let me ask a question for the County Attorney. Madam Chair, Mr. Ross, if an applicant goes to obtain a permit from the OSE, we don't know if they're obtaining a commercial well permit or a domestic well permit, regardless if they have, I guess, a home use business license from us? Would that be before they acquired that business license from us or subsequent to acquiring that business license from us?

MR. ROSS: Madam Chair, Commissioner Mayfield, you mean when they acquire the right from the OSE?

COMMISSIONER MAYFIELD: Yes, because in our new code – maybe that's what you went in to obtain, but what we're going through now is our home business license permitting. And again, we're doing all this with this bottled water, but we're going to have to address maybe how wells are being used also now that the subject's coming up. So if somebody goes and says, look, I have a home occupation license and I would like to obtain maybe a commercial well use, because I have a home occupation license from Santa Fe County, will the OSE recognize that this is maybe a commercial use and give them a commercial well permit?

MR. ROSS: Madam Chair, Commissioner Mayfield, yes, for what I call light commercial, the State Engineer readily gives permits for those rights of use.

COMMISSIONER MAYFIELD: And would that increase the .25 that Santa Fe County has put the limitations on?

MR. ROSS: Well, it takes it out of the residential context and into the commercial context. I think that's what you're asking.

COMMISSIONER MAYFIELD: So then we at Santa Fe County would just have to recognize that, that greater water consumption.

MR. ROSS: Well, Madam Chair, I don't know what the – the current code is very weak on the whole commercial zoning issue. So I don't know if it differentiates. Probably Penny would know the answer to that better than I would. I don't know that the current code differentiates between commercial and residential uses as well as it could. But for a commercial use, obviously a business like this whose actual business is water it wouldn't make any sense to have a quarter acre-foot limitation.

COMMISSIONER MAYFIELD: Right. And again, I know this is getting off the subject but that might be something else we have to address in our code now. That's all I have, Madam Chair. Thank you.

COMMISSIONER MAYFIELD: Okay. Jose, I have a question. My understanding is it's quite likely that this property might be incorporated into the Town of

Edgewood in the future?

MR. LARRAÑAGA: Madam Chair, I believe that – maybe Steve can answer that, but there was the infill annexation that was appealed and was going to be heard and I don't know what the latest legal issue is with the infill annexation. I know Rachel, the Assistant County Attorney had kept up with this.

CHAIR HOLIAN: Steve?

MR. ROSS: Madam Chair, I think it's up on appeal, but if this is in that area I think the town intends to annex it. It's just a matter of doing it right so the courts are satisfied with it.

CHAIR HOLIAN: And if this property were annexed into the Town of Edgewood, the requirement for proving a 100-year water supply would not exist?

MR. ROSS: I guess there's a timing question there. If it got permitted as the application hopes it would go into the Town of Edgewood with those vested rights, and if it weren't permitted by that time they would have an opportunity to meet a wholly different set of requirements that would be under the Edgewood Town code. So it's a timing issue.

CHAIR HOLIAN: Okay. Thank you. Is there applicant here? Mr. Siebert. I believe you've been sworn in. Do you have a presentation for us?

MR. SIEBERT: Yes. Let me just state that if you take a look at the Sustainable Growth Management Plan today, one of the foundations of that plan is the exact business that you're considering tonight. This is a husband and wife, Diana and Leon Richter, that began this business in 1995 and have grown it over the last 18 years. There was a question from Commissioner Mayfield as who do they serve? Well, they serve – and the Richters will discuss this in their presentation, but they serve a pretty broad segment of the population there, and the reason is that there is a community water system provided by Edgewood, but the quality of that water is so bad that people don't drink it for domestic purposes. And they provide that kind of a product that's excellent drinking water to the community.

I'll let them discuss that some more. But Commissioner Stefanics was asking why did the Planning Commission approve this with this need for a variance. And the response is that one of the Commissioners, who is Frank Katz, who is an attorney and was City Attorney for several years, his understanding of the County code is that with a commercial water right, this is totally distinct from the 72-12-1 domestic well, a right granted by the State Engineer's Office, the variance really wasn't needed. And if you take a look at the minutes – I don't know if it's in the minutes but his opinion was that if it isn't granted, just to be on the safe side, but his opinion is it was really not warranted in the first place.

So I think that's the answer of how the commission decided on this particular case. I'm going to give you a little background, and hopefully somebody is in side that cubicle. The Richters have prepared a power point that we have sent to the County and they were going to play it tonight. Last time I looked I didn't see anybody in that cubicle.

COMMISSIONER MAYFIELD: They're there.

MR. SIEBERT: Right. Let me give you a little background and they the Richters are going to do a presentation. This is State Road 333, the old Route 66. None of

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these areas have been annexed currently and so for those of you who may not have the background on this whole annexation issue is that they were included in the infill annexation. Under the town's regulations they would have been a permitted use. That would have been the end of it. They wouldn't have had to spend the thousands of dollars that they've had to spend to get this point today.

Some of the activities that are surrounding them, this is a sand and gravel operation here, commercial – various commercial uses along the highway. Duke's raspberry farm here. That's not too different, it's kind of a mom and pop operation. Self-storage units. So then they're surrounded pretty much by vacant land.

They are located off the road. They're bottling operation takes place here. The do distribution by truck and van to the various clients within the community. And I think I'll let the – maybe we could start the power point presentation now. I'll let the Ricters do that. Thank you.

CHAIR HOLIAN: Okay. Mr. and Ms. Richter, would you like to come forward? And I believe you need to be sworn in. And state your name for the record. Our County Clerk is here. I believe she does the swearing in.

MS. SALAZAR: Thank you. We had a medical emergency with one of my staff, so excuse me. Please state your name for the record.

[Duly sworn, Diana Richter testified as follows:]

DIANA RICTER: Greetings to all County Commissioners and County staff. Thank you for your support and attention. The business you are dealing with tonight is our livelihood and sole means of support and has been since we started business 18 years ago. Leon and I started Windmill Water in 1995 and our sample bottles hit the streets in October of 1996. We began by canvassing homes door to door in Albuquerque by leaving our half-gallon returnable bottle with a brochure at each doorstep. Two days later we'd return to pick up the bottle and hopefully a new customer order, and so began the process of establishing our delivery routes.

Our children were in second grade and kindergarten when we started the business. They're first question off the school bus most days was do we have to bottle today? Every Saturday was spent doing bottle drops. Their days off school were spent in a delivery truck with us. We worked this way until the tragedy of 9/11. Then people were afraid to drink something left on their doorstep. So Leon began canvassing with a free case offer, knocking on doors and offering to leave a trial case for two weeks. This continued until our delivery routes were established.

We have always proposed to do everything right and to comply with all regulations. It was not and is not our intent to avoid complying with Santa Fe County. However, we've been between a rock and a hard place. The County of Santa Fe and being annexed into the Town of Edgewood, and making the best decisions in these very tough economic times when business is decreasing and attempting to conserve the few dollars a small business has. We just have a little presentation to show you our business and what we do.

[Previously sworn, Leon Richter testified as follows:]

LEON RICTER: Our family then – we started – you can see the kids sleeping in the route truck. The truck is full of half-gallon case water. And then we could place in the state fair trades about 1997 as a young family. This is our family today – a daughter at school at A & M in Corpus this December, and a son and family and wife in up in Williston, North Dakota, visiting our bottling plant recently.

Our products consist of our five-gallon bottles, no-spill water guard, three-gallon, and then our signature half-gallon cases, all purified by reverse osmosis.

This is the day our bottles hit the streets in Albuquerque, October of 1996, dropping sample bottles. That's the first truck we had then too. This is the inside of our bottling plant where that machine there is a 1954 milk filler from Wisconsin where I'm from originally, and it fills our half-gallon bottles and caps them. My son and myself getting new customers. This was a way of life, starting our business on Saturdays. A little progress – we bought an old Frito-Lay potato chip truck and the late Ross Wood added our graphics to his truck. And that was our first big delivery truck, if you want to call it big.

The topics of myself and my daughter Leanne are working with myself and Collin with us on the bottom there. That's our self-serve water machine where people come up 24 hours a day, seven days a week. It was a grand opening where, like Mr. Siebert explained, the water in the area is not is not so favorable, and so we have a purified bottled water plant where the water is purified and then people can drink, reverse osmosis the native water.

Here is our first – the lease of used equipment allowed us to load by forklift, not back lift and to load racks of three- and five-gallon bottles. We purchased a used delivery truck. That picture on the bottom there is our first delivery truck that we used. A little participation in community events. We favor that Bikes Across America, honoring 9/11 victims and with activities that we got to participate in, were invited at on the left side.

We try to employ local high school students as a grooming for life, and that's one thing I really enjoy doing because I see a lot of myself there. If I can help high school kids get a little bit of work ethic, a lot of great joy for us. We recycle and reuse all cardboard, plastics and aluminum. We reuse all half-gallon, three-gallon and five-gallon bottles [inaudible] sanitized and reused. The rinse water in the half-gallon and five-gallon bottlers is saved and reused for the next wash cycle.

This is our home we purchased in 1992. That's our current bottling on the upper left. Our current self-serve on the upper right. Our office on the lower right, and then our water delivery truck on the lower left.

Here's a few quotes from our customers. Our hardworking professionals who regularly give back to our community, both of them left well paying jobs to start this small business. Our community has benefited in several ways by having their business here. Not only is the water a benefit but the service, their involvement in the community, and the honesty are all benefits. These are hardworking folks with good morals, ethics, strong values that the parents, Leon and Diana, have passed on to their children. They have been fine citizens, neighbors, good stewards of the land and their property. Leon and Diana have been neighbors for 18+ years. They are conscientious business owners and operators. They are fair,

ethical and a credit to our community. Their operations have never imposed any hardship on our neighborhood. It is a quiet, clean business. Over the years I have not observed an increase in activities, so if they qualify for a home business occupation use permit from Santa Fe County they should still be classified that way.

Quotes from our employees: In this world of corrupt, dishonest, unethical and shoddy business practices, it is truly heartwarming to know that one business that holds to the highest of ethics practices honesty on a daily basis. I never had to wonder if what I was asked to do was dishonest, illegal, or unethical. This is a business run by honest, moral people. And the last – thank you guys for everything you have done for me, for giving me my first job. Thanks for helping me mature and grow into the high school graduate that I am today.

Why are we here today? We operated since inception in 1995 under home occupation and business license. We were annexed into the Town of Edgewood as a part of infill annexation. With the town's legal battle with the Municipal Boundaries Commission currently at the Supreme Court. Santa Fe County master plan zoning versus variance to operate as we have been. And we're all familiar with the in and outs of the annexation, with the infill project that is going on currently.

The last, we've got three choices in life: Give up, give in, or give it all you've got, and that's why we are here. Thank you.

CHAIR HOLIAN: Thank you, Mr. and Mrs. Richter. Are there any questions for the applicant? Okay. This is a public hearing. Is there anyone here who would like to speak on this case, either in favor or in opposition? Seeing none, the public hearing is closed. Are there any more questions for staff or the applicant? Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I appreciate the presentation. There's definitely a supply-demand associated with the business. I don't believe that the Richters or anybody else should have to apologize for being successful. I think they've worked hard with their home occupation, they've evolved and they're doing well. I think that's something that needs to be clearly stated. They're doing well, and that's a good thing. Product, professionalism, service, supply and demand. All those boxes get checked off. A lot of other additional ones that deal with family and perseverance and hard work and other lessons, but I think those speak for themselves. I would move for approval with staff conditions.

COMMISSIONER MAYFIELD: Second, Madam Chair.

CHAIR HOLIAN: Okay. I have a motion and a second for approval of CDRC Case V/Z/PDP 13-5080, Windmill Water Variance Master Plan and Preliminary Development Plan. Is there any further discussion. With staff conditions.

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

CHAIR HOLIAN: Thank you, Mr. and Mrs. Richter, and thank you for all you do for your community. Clearly it's very valued.

COMMISSIONER STEFANICS: Madam Chair.

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CHAIR HOLIAN: Commissioner Stefanics.

COMMISSIONER STEFANICS: I'd like to make a generalized comment, and this is about the code coming up. I hope we will have a distinction in there about commercial versus domestic, because I think that is where my decision fell on that issue. Thank you very much.

- XVIII. B.      4.      BCC Case # MIS 13-5240 Santa Fe Canyon Ranch Time Extension. Santa Fe Canyon Ranch L.L.C. and Santa Fe County, Applicants, Request a 24-Month Time Extension of the Previously Approved Master Plan for a Residential Subdivision Consisting of 162 Lots (174 Residential Units) on 1,316 Acres to Be Developed in Three (3) Phases. The Property is Located Off of Entrada La Cienega Along Interstate 25 in the La Cienega/La Cieneguilla Traditional Historic Community, within Sections 1, 2, 10, 12, 13, Township 15 North, Range 7 East and Sections 5, 6, 7, 8, Township 15 North Range 8 East (Commission District 3)**

VICENTE ARCHULETA (Case Manager): Thank you, Madam Chair. On September 9, 2008, the Board of County Commissioners met and tabled the master plan until the September 30, 2008 BCC meeting. On September 30, 2008, the Board of County Commissioners granted Master Plan approval for a residential subdivision consisting of 162 lots, 174 residential units, on 1,316 acres to be developed in 3 phases.

The Applicants are requesting a two-year time extension of the Santa Fe Canyon Ranch Master Plan approval under Article V, Section 5.2.7.b of the County Land Development Code. The Applicant states: Santa Fe County is currently working with the community and the La Bajada Ranch Steering Committee to review and amend the master plan. This time extension will allow staff additional time to complete this process.

Article V, Section 5.2.7.b of the Code states, Master Plan approvals may be renewed and extended for additional two-year periods by the Board at the request of the developer. The time extension would render the Master Plan approval valid until September 10, 2015.

Staff recommendation is approval for a two-year time extension of the Master Plan for the Santa Fe Canyon Ranch Residential Subdivision. Thank you, Madam Chair.

CHAIR HOLIAN: Thank you, Vicente. Are there any questions for staff?

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, so let me just ask this of our attorney, please. So are we now asking to roll the two together? The County property and I guess the – let me ask this question a different way. The County purchased a parcel of the greater master plan when the County acquired its portion of it. Correct?

MR. ROSS: Yes. Madam Chair, Commissioner Mayfield, there are now two owners of this master plan. Ourselves and the sellers and this is an alternative to the

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following agenda item. This one proposes that the status quo be completely accepted. The next case is the one that you heard last month and it proposed to separate the two parcels based on ownership. So this one would retain the original master plan and simply extend it for two years.

COMMISSIONER MAYFIELD: Okay. So you're going to help me going back to the acquisition of this original ranch when the County decided to purchase it. So when the County decided to originally purchase this property, the County ordered an appraisal, correct?

MR. ROSS: Right.

COMMISSIONER MAYFIELD: And that appraisal included the whole master plan as the acquisition price? Or did it include – and was that part of the value of that acquisition price? Or was it when it was to be separated as the County's portion of that acquisition of what we actually acquired?

MR. ROSS: Madam Chair, Commissioner Mayfield, the appraisal was done with about three or four different scenarios.

COMMISSIONER MAYFIELD: Okay. So the County – so did the whole master plan have any value to it?

MR. ROSS: Madam Chair, Commissioner Mayfield, I don't understand.

COMMISSIONER MAYFIELD: Okay, well, there was a master plan that came with the whole piece of property at the time, correct? When the County went into negotiations to acquire this property?

MR. ROSS: Madam Chair, Commissioner Mayfield, yes. It was master planned.

COMMISSIONER MAYFIELD: And that's what we're looking at right now to extend.

MR. ROSS: Right.

COMMISSIONER MAYFIELD: So, when the County purchased its portion of it, it separated – so what is that separation? What does the County again now own and what does, I guess, the private owners own?

MR. ROSS: Madam Chair, Commissioner Mayfield, the County owns about a third of it.

COMMISSIONER MAYFIELD: Okay.

MR. ROSS: Of the original property.

COMMISSIONER MAYFIELD: So and now you're proposing to put it all together again and ask in this proposal – I'm not saying you, Mr. Ross, but staff is asking to join it together and ask for a full extension, a two-year extension.

MR. ROSS: Madam Chair, Commissioner Mayfield, it's all part of one master plan right now. The following application separates it into two pieces but right now it's all one master plan. So what this application would do would be to simply preserve the status quo ante which is a master plan on parcels owned by two different owners.

COMMISSIONER MAYFIELD: Okay. Again my question though is when

the County acquired this property was there any value of the whole intact master plan?

MR. ROSS: Madam Chair, Commissioner Mayfield, I –

COMMISSIONER MAYFIELD: Well, let me ask the question this way, Steve, Mr. Ross. There was an approved master plan at one time on this property as a whole. Correct?

MR. ROSS: Madam Chair, Commissioner Mayfield, it still exists on the property.

COMMISSIONER MAYFIELD: Still exists on the property.

MR. ROSS: But then the property was split and the County bought whatever portion the County purchased. Well, I know what it purchased. I have it in front of me. So how can you split a master plan in half at the time and why didn't the County take that into consideration when it split that, when we – I want to say we even though it was before I got on the bench. But when that acquisition happened, why wasn't that master plan at that time addressed?

MR. ROSS: Madam Chair, Commissioner Mayfield, it's very common to have master planned communities owned by different owners. Very common. So it wasn't considered to be an unusual circumstance.

COMMISSIONER MAYFIELD: Okay. So I know, when an individual sells a property and a new individual acquires it, in this case the County acquired it, is there any value to have, when you acquire a piece of property, to have an already approved master plan from Santa Fe County? Let me ask you this question, Mr. Ross. Did that factor into the appraised value of the acquisition of this ranch, when the County purchased it?

MR. ROSS: Madam Chair, Commissioner Mayfield, I'm not sure it played any part in the purchase price but it certainly did in the appraisal.

COMMISSIONER MAYFIELD: I'm sorry. Could you repeat that please?

MR. ROSS: An appraisal, obviously, of a property with an entitlement is affected by that entitlement.

COMMISSIONER MAYFIELD: Okay. So it had a value as a whole, approved master plan. Correct?

MR. ROSS: Well, it has value because it has an entitlement on it – development potential.

COMMISSIONER MAYFIELD: Explain the entitlement to me then.

MR. ROSS: It has some degree of development approval.

COMMISSIONER MAYFIELD: Okay, so what was the degree of development approval?

MR. ROSS: Well, it had a master plan on it that called for a number of residential properties on the property. But it wasn't a complete entitlement because it was only a master plan development at that point that had not been platted.

COMMISSIONER MAYFIELD: Had not been platted. And let's talk about the water also. There was also a potential of taking County water out to that property at that time? Or there was an existing well at that property? Because the County did not acquire any

water rights with that property. As a matter of fact I don't think the County left the water rights on the piece it did not acquire. Correct?

MR. ROSS: Madam Chair, Commissioner Mayfield, the County did not acquire the water rights.

COMMISSIONER MAYFIELD: They left that on the part they chose not to take, correct?

MR. ROSS: In a sense, yes.

COMMISSIONER MAYFIELD: Explain in a sense.

MR. ROSS: Well, water rights are transitory, movable pieces of property. They could have easily been acquired and moved off the property. They're appurtenant to sources like groundwater or surface water, but that's not really part of the thinking, not acquiring the water rights.

COMMISSIONER MAYFIELD: That's all the questions I have for now, thank you, Madam Chair, Mr. Ross.

CHAIR HOLIAN: Any further questions? I believe that since the applicant is Santa Fe County I do not have to ask the applicant to come forward. So this is a public hearing. Is there anyone here who would like to speak on this case, either in favor or in opposition? A show of hands then. Please come forward.

COMMISSIONER MAYFIELD: Madam Chair, may I ask a quick question.

CHAIR HOLIAN: Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: This is a joint applicant. There's not just Santa Fe County as applicant. Is the other applicant here also? That's how I'm reading this. Joint applicants.

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, on this point, it's a good question. It's a question I asked at the last meeting before we heard this. The applicants would have to apply for the extension. The County being one applicant and the owners being the other, the other parcel. Did they apply for this extension?

MR. ROSS: Madam Chair, Commissioner Anaya, yes.

COMMISSIONER ANAYA: Thank you.

CHAIR HOLIAN: Did you have something to add?

MR. ARCHULETA: Madam Chair, the applicants gave Santa Fe County the approval to go forward with the master plan.

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

COMMISSIONER MAYFIELD: Madam Chair, let me just ask that. Is that -- does Santa Fe County represent the other applicant and can Santa Fe County do that? And that's a question for the attorney.

MR. ROSS: Madam Chair, Commissioner Mayfield, they signed the application and have agreed to go forward with us to see this approval. We're not

representing them but they are co-applicants.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Stefanics.

COMMISSIONER STEFANICS: I think I'm a little confused. So on this case, not the next one, but on this case, Santa Fe County and the other owner would both have extensions for two years.

MR. ROSS: Madam Chair, Commissioner Stefanics, yes. The entire master plan would be extended for two years, preserving the status quo which currently exists.

COMMISSIONER STEFANICS: And Madam Chair, I guess I would ask staff, but maybe I'll wait to hear from the community about their concerns. Thanks.

CHAIR HOLIAN: Okay. Thank you, Commissioner. Please come forward and please be sworn in and state your name and address for the record.

[Duly sworn, Carl Dickens testified as follows:]

CARL DICKENS: I would like just to say – as chair of the La Cienega Valley Association I would like to say that our association supports the extension of the master plan. Thank you.

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

[Duly sworn, J.J. Gonzales testified as follows:]

J.J. GONZALES: Commissioners, Madam Chair, I'm a resident of La Cienega. I'm also an adjoining property owner. I own a piece of property next to the development. We would like to ask the County to extend this master plan and eliminate a big controversial amendment of changing the source of water for this development. Years ago, the past Board of County Commissioners, back in 2008, they denied water service to this area three separate times. This amendment I think goes against a lot of what we have in the community, the La Cienega, La Cieneguilla community plan and to preserve the status quo I would ask each and every one of you to grant the two-year extension to this master plan. Thank you very much.

CHAIR HOLIAN: Thank you, Mr. Gonzales.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Madam Chair and Mr. Gonzales, thank you for your testimony. You're also on the CDRC, correct?

MR. GONZALES: Yes, sir.

COMMISSIONER MAYFIELD: Did you take a position on this on the CDRC?

MR. GONZALES: I recused myself.

COMMISSIONER MAYFIELD: Okay. Just so we have that on the record also. Thank you.

MR. GONZALES: Thank you.

CHAIR HOLIAN: Is there anyone else here who would like to speak on this case? Please come forward.

[Duly sworn, Kier Careccio testified as follows:]

KIER CARECCIO: My name is Kier Careccio. I live close to La Cienega in a little valley called El Cañon. It's a whole community that's there and I'm also the vice president of the La Cienega Valley Association. And I'd like to urge you all to approve the amendment – not the amendment, the extension. It's way too confusing to go down the amendment road at this time. I think it needs to be thought out in great detail and I think the two-year time frame would give some time for that to happen. Thank you.

CHAIR HOLIAN: Thank you, Mr. Careccio. Is anyone else here who would like to speak? Please come forward.

[Duly sworn, Nick Jones testified as follows:]

NICK JONES: I recently moved to La Cienega a few years ago and I'd just like to say how impressed I am with the La Cienega Valley Association and the amount of work they do down there and the amount of work they put into the original master plan and working on that with the County Commissioners. And I'd hate to see any of that work go to waste, so I fully support the extension.

CHAIR HOLIAN: Thank you, Mr. Jones.

[Duly sworn, Robert De Young testified as follows:]

ROBERT DE YOUNG: I'm Robert De Young. I'm a La Cienega resident and I too support the extension and oppose the amendment and to keep it brief I have no additional comments.

CHAIR HOLIAN: Thank you, Mr. De Young. Any further comments?  
Commissioner Mayfield, and then Commissioner Anaya.

COMMISSIONER MAYFIELD: Madam Chair, I've already had a say so I'll defer to Commissioner Anaya.

CHAIR HOLIAN: If there are no further comments this public hearing is closed. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I wrote an entire page of comments that I was going to make but then I looked at the clock and I summed it up in one sentence, because I think it's getting late. And that sentence is this. We agree, we disagree. We listen and we learn and we act. That goes for this Commission. That goes for staff. That goes for communities at large. What I would say in addition to that is I think from time to time all of us find ourselves making missteps associated with what we may do or think about doing. But it's not a matter of whether we disagree with one another or we need to have debate. It's how we engage that debate and have that conversation. Staff, over this issue, I think by some were put in the position of being terrible rotten people that didn't know what they were doing. I think that maybe some of those remarks came out of passion, but however they came about they engaged all of us in a thought process and some critical analysis.

And from that, I think we find ourselves in this position and from that I'm appreciative of those comments and remarks that were made that provided some insight I think to all of us. I would say as we progress and we make other decisions that we all be mindful that no malice exists when we're trying to make decisions. We just try and do the

best we can and as being living beings from time to time all of us maybe make wrong decisions on how we might choose a path.

But I'm here to defend the community. I'm here to defend the staff, and for us to take those disagreements and debate and have a real candid discourse and get to some decisions that make sense. And I think this is one of them. I would move for approval.

COMMISSIONER CHAVEZ: Second.

CHAIR HOLIAN: Okay. I have a motion and a second for approval of the Santa Fe Canyon Ranch Master Plan extension. Any further discussion?

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair and Commissioner Anaya, thank you for the comments. I really do appreciate them and I appreciate the public. Just so I can have some clarification, and this is for our County Attorney. So if it was not – if the extension did not happen for two years, what would happen?

MR. ROSS: Madam Chair, Commissioner Mayfield, if we didn't have an extension or the next action the master plan would expire.

COMMISSIONER MAYFIELD: Okay. And what happens if the master plan expires? Then there would be the potential development of the 162 lots would just be null and void right now, correct?

MR. ROSS: Correct.

COMMISSIONER MAYFIELD: And then we would just have to look at that whole area again as split up individually to the applicant and then the Santa Fe County's portion would not have to go through new master planning individually.

MR. ROSS: Or collectively.

COMMISSIONER MAYFIELD: Or collectively. I guess collectively. Well, they would be individual parcels now, so we own our piece and they own their piece, right? That master plan would go away.

MR. ROSS: That's the situation on the ground, but like I said before, you can combine parcels and master plan them if you want to.

COMMISSIONER MAYFIELD: Okay. I appreciate that.

MR. ROSS: As a result of the planning process you'd come up with something that's proposed and you'd have to start at ground zero again with a master plan, although the new code kind of does away with master plans, but –

COMMISSIONER MAYFIELD: Sure. So even the County's portion – now let's just talk about the County's acquisition, La Bajada or Santa Fe County Ranch. So if this was not null and void and then the second action item that we have in front of us, whatever action happens there, the County then would start with I guess day one on our acquisition piece, knowing that we had a discussion earlier with our La Bajada Steering Committee of what we would do with that piece of property. Correct?

MR. ROSS: Are you saying if the master plan expires and then we go through a process and that results in a plan, then we'd have to start with that, yes. That's where we'd start.

COMMISSIONER MAYFIELD: I just wanted that out there. So now let's go one – I'm just going to go to the summary. So on Santa Fe County's Canyon Ranch, right now it consists of 162 lots. So on the 162 lots, it was approved – again, it's still conceptually the master plan. There's a lot more phases it has to go through. But it was done in three phases. Phase 1 consisting of 80 lots on 200 acres. Steve, just help me out. Was that 80 acres on what we acquired in our piece or was that on the other piece?

MR. ROSS: Madam Chair, Commissioner Mayfield, there some high-density residential on our piece and low-density residential on the other piece, and I don't remember how they parsed out in Phase 1.

COMMISSIONER MAYFIELD: Can somebody answer that question for me, where Phase 1 and Phase 2 of 76 lots, and then Phase 3, please.

MR. ARCHULETA: Madam Chair, I didn't get that question from you.

COMMISSIONER MAYFIELD: Okay. So right now, we're doing an extension and the extension consisted of 162 lots, 174 dwelling units, and I'll just read the paragraph as it's stated, which will be developed in three phases, Phase 1 consisting of 80 lots on 200 acres, Phase 2 consisting of 76 lots on 199 acres, and Phase 3 consisting of six lots, three dwelling units per lot on 912 acres. I know we don't own 912 acres so where is Phase 1 potentially, and where is Phase 2? Is that on the piece that Santa Fe County acquired or is it on the other applicant's piece?

MR. ROSS: Madam Chair.

CHAIR HOLIAN: Yes.

MR. ROSS: I found that in the packet, Commissioner Mayfield. It's page 6 in the packet. It shows – it lays out –

COMMISSIONER MAYFIELD: Tell, me. Is it Santa Fe County's piece or the applicant's piece?

MR. ROSS: Phase 1 is half of the high-density residential on the County's piece.

COMMISSIONER MAYFIELD: Okay. And Phase 2?

MR. ROSS: Phase 2 is the other half of the high-density residential on the County's piece, and Phase 3 is the lower density residential on the part that we don't own.

COMMISSIONER MAYFIELD: Okay. And again, I know this is a potential extension for two years and we're all vetted out and I appreciate all the public's testimony, so this will still be a vetting process and we have our steering committee who is going to vet out a lot of other potential requests that will come to this piece of property. But now going in for the BDD water extension, knowing that Santa Fe County did not acquire the water rights with that piece of property out there, and that factored in I think into the acquisition price, as far as I guess what I'm seeing and when we acquired this, and I do again, I appreciate what Commissioner Anaya said.

And I'm not passing judgment on anybody. I want that to be known. Staff, and I know staff put a lot of work into this. But I do know a lot of taxpayer dollars were spent on this money. A lot of taxpayer money was spent on this acquisition. And now we're talking about potentially taking our waterline out to this property and that's fine. I mean, to potentially develop this property you have to have water out there. Otherwise we won't be able to develop this property if we don't have water on it. And as it is today, Santa Fe County does not have water on the piece that we acquired.

So I recognize that. But also though how would a potential second piece of property, if this development would go through in phases, they also now would then be able to interconnect with potentially the BDD water also, correct?

MR. ROSS: Madam Chair, Commissioner Mayfield, are you talking about the third phase, owned by the other –

COMMISSIONER MAYFIELD: Well, again, I don't know what phases it's in. Maybe it's part of Phase 2, maybe it's part of Phase 3.

MR. ROSS: I can't really tell from the map. The La Cienega Ordinance says that if you're within 200 feet you have to hook up. And I don't know whether it's 200 feet between the boundary of Phase 2 which is on the County property, and the lower-density residential on the other parcel. It looks to me to be more than 200 feet, so if that's the case there would be no obligation to do that.

COMMISSIONER MAYFIELD: But again, our ordinance as it states right now is if we take it out to our property, and if that second phase is within 200 feet, they would be required to have to hook up their development into also, correct?

MR. ROSS: Madam Chair, Commissioner Mayfield, I don't think that's clear from this diagram, because there is a large lot that the County acquired in between Phase 2 and the low-density residential lot that's still owned by the original owners.

COMMISSIONER MAYFIELD: And again, when we acquired this piece, we acquired it with no water rights. And now, I'm seeing all the water rights for sale out there, because I see it on the highway when I'm driving, all the water rights are for sale on the highway piece. So I guess that might be just, well, an opportunity to know they could hook up to the BDD water system, right? If the waterline goes out there.

MR. ROSS: Madam Chair, Commissioner Mayfield, like I said, I don't know whether the requirements of the ordinance are satisfied given the situation on the ground here as depicted on this page 6. To me it looks like it's more than 200 feet, in which case there would be no obligation to move the water. It's not our obligation. It would be the obligation of the owners to hook into the BDD water and cross that dead space between the two parcels, which is its own separate lot.

COMMISSIONER MAYFIELD: But again, hearing my colleagues, this extension and the members here, the community members will allow us this opportunity to vet this out over the next couple years. Steve, excuse me, Madam Chair, Mr. Ross, how close is the BDD line to our portion of the property?



MR. ROSS: Madam Chair, Commissioner Mayfield, it's in County Road 50, which means it abuts the property on that long, skinny piece that goes to the north. And it's also on 50-F, up by Las Lagunitas, up by the interstate exchange which is roughly 500 feet away.

COMMISSIONER MAYFIELD: So if we wanted to just to help me just get a visual, and everybody who's listening, who understands the property, if we wanted to take BDD water to the actual residence that is on the piece of property that we own, how long would the connection to that be? Where are BDD line is?

MR. ROSS: Madam Chair, are you talking about the ranch?

COMMISSIONER MAYFIELD: The home, the home, the ranch that's on that.

MR. ROSS: Oh. Oh --

COMMISSIONER MAYFIELD: It may be a question for staff.

MR. ROSS: It's a ways.

CHAIR HOLIAN: Vicente, can you tell us about how far that is?

MR. ARCHULETA: Madam Chair, Commissioner Mayfield, off of County Road 50 you're looking at probably 2,000 feet from County Road 50 to where the houses would be.

COMMISSIONER MAYFIELD: Okay.

MR. ARCHULETA: That may even be longer, farther. And then from the Las Lagunitas, you're looking at a lot further than that.

COMMISSIONER MAYFIELD: That's on that other piece of property. So we could relatively get our water to that front side of the property relatively quick. For potential development on the County's piece. Okay. That's all I have. Thank you, all. That's all I have.

CHAIR HOLIAN: Any further discussion? There is a motion and a second to approve the Santa Fe Canyon Ranch master plan extension.

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

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- XVIII. B. 5. **Z/S 13-5130 La Bajada Ranch Master Plan Amendment.** Santa Fe County, Applicant, Requests a Master Plan Amendment for a Previously Approved Master Plan (Santa Fe Canyon Ranch) to Amend the Water Supply Plan and to Provide Consistency with the Current Property Owner Boundaries. The Amended Master Plan Will Allow for 156 Residential Lots on the 470.55 Acres That the County of Santa Fe Now Owns. The Amended Master Plan Will Utilize the Santa Fe County Water Utility (Instead of the Previously Proposed New On-Site Community Water System). The Property is Located Off Entrada La Cienega Along Interstate 25 in the La Cienega/La Cieneguilla Traditional Historic Community within Sections 1, 2, 10, 12, 13, Township 15 North, Range 7 East and Sections 5, 6, 7, 8, Township 15 North, Range 8 East (Commission District 3)

CHAIR HOLIAN: I believe that given the vote in the last agenda item that we can withdraw this case. Is there a motion to withdraw?

COMMISSIONER CHAVEZ: Motion to withdraw.

COMMISSIONER ANAYA: Second.

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

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

CHAIR HOLIAN: I am now going to call a ten-minute recess since we still have a fair amount on our agenda. We will reconvene at 9:00 pm.

[The Commission recessed from 8:50 to 9:05.]

**XV. STAFF ITEMS**

**A. Finance Department**

1. **Request Authorization of the Use of District 1 Capital Funds, per Capital Outlay Policy, Allocating \$14,000 for Engineering Services at the Intersection at County Road 84/84J**

CHAIR HOLIAN: I would like to call this regular meeting of the Board of County Commissioners back to order. It is 9:05 pm.

MS. MARTINEZ: Madam Chair, Commissioners, you have before you an item that is already budgeted and we stand before you today asking for the use of those funds for the engineering services at the noted intersection. And I stand for questions.

CHAIR HOLIAN: Any questions? Commissioner Mayfield.

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COMMISSIONER MAYFIELD: Madam Chair, Ms. Martinez, thank you all for staying late tonight to address these items. I guess this question would be for Mr. Leigland, Ms. Martinez. 84 and 84J, this is grazing out on 84J –

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, right by the Home Run Pizza.

COMMISSIONER MAYFIELD: Yes, but what's the intersection with 84J. I know that we just have a lot of water pooling, a lot of road indentions and we've talked about –

MR. LEIGLAND: There's [inaudible] work and there's probably some traffic improvements. We need to do some safety stuff.

COMMISSIONER MAYFIELD: And just water management. Because I know we've talked about that. So thank you very much. If there's no other questions I would move for approval.

CHAIR HOLIAN: Is there a second?

COMMISSIONER CHAVEZ: Second.

CHAIR HOLIAN: I have a motion and a second for approval of authorization for use of District 1 capital funds.

**The motion passed by unanimous [5-0] voice vote.** [Commissioner Anaya's vote was recorded after the fact. See below.]

**XV. A. 2. Request Authorization of the Use of District 1 Capital Funds, Per Capital Outlay Policy, Allocating \$35,000 Each for Playground Equipment at the Cundiyo Community Center and El Rancho Community Centers for a Total of \$70,000.**

MS. MARTINEZ: Madam Chair, Commissioners, again, this money is already budgeted and this is for recognized use of \$70,000 between the two community centers noted, and I'll stand for questions.

CHAIR HOLIAN: Any questions?

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, and Mr. Leigland, thank you. But as far as each – I know we've spoken to the community in Cundiyo. Cundiyo is a very small area and there's going to be very little equipment they can put up there. Maybe Mr. Hogan – he may have left, but can we be a little flexible on those amounts, even if we don't have to spend up to that amount. Because I know they're going to maybe try to put a basketball hoop if it could be configured, and I just don't want to make it just specific for those dollar amounts. If they're less, if a little more has to go into El Rancho area –

MS. MARTINEZ: Madam Chair, Commissioner Mayfield, that would be fine. I'll recognize the \$70,00 and spread it as needed between the two centers.

COMMISSIONER MAYFIELD: Thank you. I would move for approval, Madam Chair.

COMMISSIONER STEFANICS: Second.

CHAIR HOLIAN: We have a motion and a second for authorization for the use of District 1 capital funds for playground equipment.

**The motion passed by unanimous [5-0] voice vote.** [Commissioner Anaya's vote was recorded after the fact. See below.]

**XV. A. 3. BCC Written Order Setting the Tax Rates on the Net Taxable Value of Property [Exhibit 3: Mill Rates Spreadsheet]**

MS. MARTINEZ: Madam Chair, Commissioners, we received this from the Department of Finance and Administration on September 5<sup>th</sup>. You'll see that the letter is dated September 3<sup>rd</sup>. We immediately coordinated with the Assessor's Office and any other entities. Finance and Assessor's both did their own review for accuracy and assuring that the values were correct. And we have a requirement to issue the order within five days so we've submitted that before you. We will note that there have been minor changes. The biggest change would be to the Española School District where there was a \$2 per each \$1,000 of valuable property enacted or a mill enacted if you will, and it's part of the public school capital outlay. So that would be the most significant increase in rates for the Española area. And I'll stand for questions.

CHAIR HOLIAN: Thank you, Teresa. Any questions?

COMMISSIONER STEFANICS: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Stefanics.

COMMISSIONER STEFANICS: I know it's late, but could you identify in Santa Fe unincorporated, for example, the increase? Because this isn't showing increases or decreases. And I'm sure you analyzed that.

MS. MARTINEZ: We did. What we did is we broke it down for each district. For Santa Fe County out/residential, there was a difference of – an increase of .293. For county out/non-residential –

COMMISSIONER STEFANICS: Wait a minute. I'm sorry. An increase?

MS. MARTINEZ: An increase.

COMMISSIONER STEFANICS: Of point –

MS. MARTINEZ: .293. Okay. And in the county out/non-residential there was a decrease of .003.

COMMISSIONER STEFANICS: .003 decrease. Okay. Thank you very much.

CHAIR HOLIAN: Any further questions?

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair and Ms. Martinez, thank you.

I had an opportunity to speak on the phone with Ms. Jaramillo and I just appreciated that conversation. And we spoke, and Teresa, you could probably articulate this a lot better than me or even Ms. Jaramillo, but just so our listening public knows, we're basically just the facilitators of this, and these are just different taxes that are imposed by either – well, the voters, really are approving these and also different municipalities, different school districts. Could you just kind of let our listening audience and our television viewing audience know this, Teresa, how this is implemented through different taxing authorities? Carole, if you want to just kind of recap briefly our conversation. I think I was on the phone with her phone about an hour. So maybe a two-minute summary.

CAROLE JARAMILLO (Finance Department): Madam Chair, Commissioner Mayfield, when we spoke on the phone we did go over the different districts and the different mill rates that were associated with those. To just speak to it broadly, we have to impose the different mill levies for other entities besides Santa Fe County. That would be the state's debt service. We have municipal operational and debt mills if the taxpayer is within the municipal boundaries of Española or Santa Fe. There are school district operational mills as well as a variety of debt and capital mill rates for school districts, and then there's the Community College mill rate, if you live in the Community College District, and a variety of special assessment districts that may or may not apply to your particular residence or piece of property.

So those are very complex. The bottom line though is that Santa Fe County doesn't control any of those other rates that are imposed. The voters approve mill levies for specific things, as in the case of Española. They approve GO bonds that may increase the debt service for the county or for the state. But we don't control those. So if the rates are going up it's not something that the County did. It's merely something that happened at another level that we are now required to collect on behalf of the other entities.

COMMISSIONER MAYFIELD: Madam Chair, Ms. Jaramillo, that's a great explanation and thank you so much. And also, and I want to thank you ladies for doing this. You guys have put together some great pie charts and like you say, I think there's like 70 different kind of scenarios based on what taxing authority you fall within. And I know we have a lot of different graphs out there and there's only so much information we can have, but if people kind of drill down within our system and within your all system we have those charts that kind of show where your property tax dollars are going and that's pretty available and so I just wanted our listening audience to know that too. But thank you all. And this is something that we're mandated to do by state statute and we are on a tight timeframe to do it. So thank you.

CHAIR HOLIAN: Any further questions? Commissioner Chavez.

COMMISSIONER CHAVEZ: Madam Chair, I'd like to move for approval, hope that we have a second –

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COMMISSIONER STEFANICS: Second.

COMMISSIONER CHAVEZ: And then we can have further discussion.

CHAIR HOLIAN: Further discussion.

COMMISSIONER CHAVEZ: Yes, thank you, Madam Chair. Following up on Commissioner Mayfield, we have a deadline that's imposed on us by the state. Can you touch on that for a minute?

MS. JARAMILLO: Yes, Madam Chair, Commissioner Chavez. Based on state statute the County is required to issue its rate-setting order and deliver it to the County Assessor's Office within five days of the issuance from the DFA of the certificate of property tax rates. So it's a very, very short window.

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

CHAIR HOLIAN: Any further discussion?

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair and Ms. Jaramillo and Ms. Martinez, I hate to do this, but could you like summarize in writing – not today – but maybe over the next month of what you just oriented up there really nice so if we ever get these questions we can kind of have that and hand out to people. But thank you so much.

CHAIR HOLIAN: There is a motion and a second to approve the written order setting the tax rates.

**The motion passed by majority [4-1] voice vote.**

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I would like the record to reflect that I would have voted aye and would like to have that reflected for items 1 and 2 in support of the allocation of resources from District 1. Can I do that?

CHAIR HOLIAN: Yes. I believe so.

COMMISSIONER ANAYA: Is that okay, Steve?

MR. ROSS: Madam Chair, Commissioner Anaya, you guys are in charge of the minutes so go ahead and do it now and it will save us some time.

COMMISSIONER ANAYA: Thank you.

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**XV. B. Administrative Department**

**1. Request Approval for a Waiver From Section I of Ordinance No. 2012-5 to Purchase Twenty-One (21) Police Pursuit Ford Interceptor Sedans in the Amount of \$488,019 Utilizing the State of New Mexico Purchasing Agreement and Authorizing the County Manager to Sign and Execute This Purchase Order**

ERIK AABOE (County Manager's Office): Madam Chair, Commissioners, Bill Taylor was unable to stay until this time. This item is to request your approval to waive the requirements of 2012-5, which mandates Board of County Commissioner approval for use of price agreements. And so the Sheriff's Office is requesting buying 21 Pursuit Ford Interceptors and this will allow them to surplus out some of the gray and blue vehicles; they'll be black and whites. And so I'll stand for any questions.

CHAIR HOLIAN: Any questions?

COMMISSIONER STEFANICS: I'll move for approval.

COMMISSIONER ANAYA: Second, Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Those cars sound pretty slick.

CHAIR HOLIAN: I have a motion and a second.

COMMISSIONER ANAYA: Madam Chair, there's no comment from the presenter on that?

MR. AABOE: Madam Chair, Commissioner Anaya, yes. I'm imagining that they can catch anything that I drive.

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

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Also, I was out when we came back from executive session but have the record show that I support the amendment to the Manager's contract also please.

CHAIR HOLIAN: Thank you, Commissioner Mayfield.

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**XV. 2. Request Approval of Amendment No. 2 to Agreement No. 2011-0270-CORR/MS Pharmaceutical Services and Supplies with Diamond Pharmacy Services in the Amount of \$500,000, Exclusive of GRT**

MR. AABOE: Madam Chair, members of the Commission, this amendment will allow the Corrections Department to acquire pharmaceuticals, which is amendment #2. It's my understanding that \$280,000 has been expended on this contract. With this amendment and an increase in \$280,000 this will bring the total to \$500,000. It's important to note that the expenditure from this contract has been going down even as the – correct me if I'm wrong, Steve – even as the Correctional occupancy has been going up because of tighter management and so please approve this amendment. I'll stand for questions or I can get some support on that.

CHAIR HOLIAN: Any questions?

COMMISSIONER STEFANICS: I'll move for approval.

COMMISSIONER CHAVEZ: Second.

CHAIR HOLIAN: I have a motion and a second for approval of amendment #2 for an agreement with Diamond Pharmacy services in the amount of \$500,000.

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

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: I have a question and I'm not going to go back on my approval but do we look at, when we go out for the RFP, of a local pharmacy, if they could provide the services. And I'm seeing that there are some local pharmacies that we have. I'm not talking about the national chain pharmacies that we have but there are local pharmacies that we have in Santa Fe, in the county. I shouldn't just say Santa Fe, but well, Santa Fe County.

MR. AABOE: Madam Chair, Commissioner Mayfield, I'm not sure about this particular procurement. I have spoken to Bill about that in the past, and he says it's very difficult to get uptake from a local firm, from Santa Fe County firms on this, but that's something that they do actively attempt to solicit, to bring in local firms wherever they will be responsive.

COMMISSIONER MAYFIELD: Okay. Thank you.



**XV. B. 3. Request Approval of Award of Agreement No. 2013-0246-PW/MS  
Great Glorieta MDWCA Regional Water Quality and  
Infrastructure Phase I, Glorieta Estates/Village of Glorieta  
Waterline Connection to Done Right Construction, LLC, in the  
Amount of \$535,000.08, Exclusive of GRT**

CHAIR HOLIAN: Erik, are you taking this or Adam?

MR. AABOE: Madam Chair, Commission, I will take Bill's part. We're requesting approval of this. The design has been completed and using the invitation to bid this firm from, I believe, Pecos, New Mexico, Done Right Construction, is the low bidder. So I'll stand for questions or Adam's here if you have any more technical questions.

CHAIR HOLIAN: Thank you, Erik. I just have one questions. Where did the eight cents come from?

MR. AABOE: Madam Chair, times are tough and every penny counts.

CHAIR HOLIAN: Good answer.

COMMISSIONER STEFANICS: Madam Chair, I move for approval.

COMMISSIONER CHAVEZ: Second.

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: What were the sources of funds on this?

MR. AABOE: Madam Chair, this is a relatively – my understanding is that primarily, this was a CDBG grant and a Water Trust Board grant. So there is a small match from the County in the neighborhood of \$40,000, \$43,000.

COMMISSIONER ANAYA: Madam Chair, thank you for that clarification. What I want to say is this is a monumental step forward for a community that has long struggled with water resource issues and coordination. It speaks to the communication and coordination efforts of the chairperson, Commissioner Holian, and a community of interest that came together for a good purpose. So that's my comment. Thanks.

CHAIR HOLIAN: Thank you, Commissioner. Commissioner Chavez.

COMMISSIONER CHAVEZ: Well, just to build on that, Commissioner Anaya, not only is it helping the community realize their day to day needs but it's also helping – I think there's more than one mutual domestic in this area so we will be helping those mutual domestics who have been trying to provide that service that are having a hard time now and now I think it's our time to step in and help them, because if not, those mutual domestics I think would probably disband and their work then would just fall to the wayside. So we can build on what they've built on and keep that water system going, so I just wanted to mention that. Thank you, Madam Chair.

CHAIR HOLIAN: Thank you. And I too really want to thank staff. First I want to thank Katherine, because she is the one who came up with the idea of the CDBG in the first place when the people from Glorieta approached me asking for help. And I really want to thank Rudy and Hvtce for helping with that application. I think that they did some

public meetings and that sort of thing and Adam and all the other staff that helped make this a reality. And I also want to thank the people of Glorieta. They worked a lot on making this happen as well – Anna Hamilton and Pamela Lindstrom and Marian Markham and Lily Sanchez, and I also just want to close by saying that this is really a model of how a community can come together and regionalize and end up with a more robust system. So there is a motion and a second for approval of the agreement with Done Right Construction.

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

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Our colleagues on the Commission bench made this a priority on CDBG and made it a priority that we set aside other priorities, so I want to thank the fellow Commissioners for helping make this happen. Thank you.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Did we vote yet? It's getting late.

COMMISSIONER MAYFIELD: It is, but may I ask a general question really quick?

CHAIR HOLIAN: Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: And I don't mean to backtrack. This is for Mr. Leigland. But this does go back to another resolution that we had proposed tonight. So, Mr. Leigland, on the creation of the independent Water Authority Board, so how would this play into that? And I'm going to ask that – these individuals in this water system would not at this time be hooked into the BDD water. Correct? Because we don't have a line going out there.

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, yes. The idea is that it would come down to at some point the boundaries of this regional water authority would have to be drawn. I don't think it would make sense to bring these in because they would be too far, if the goal of the water system is just to be surface water.

COMMISSIONER MAYFIELD: No, no. And I hear you. So I guess my point is though, so but this new authority would still be under County operation, but if we then turned everything over to a centralized system, and we want to make sure that we stay in the black, and if there's not enough customers in this one base, that's just – and we can talk about this later, but that's just what I'm trying to weigh out. If we give away everything that we have and we have a few outlying pockets, how can we operationally sustain all these outlying pockets? We can have this discussion a lot later, Adam, but that's what I'm going to need you to help explain to me.

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

COMMISSIONER MAYFIELD: Thank you.

COMMISSIONER MAYFIELD:

**XV. C. Growth Management Department**

**1. Introduction of Resolution 2013-85, Sponsorship for the Transportation Alternatives Program (TAP) and Maintenance Commitment Declaring the Eligibility and Intent of Santa Fe County to Submit an Application to the New Mexico Department of Transportation for Federal Fiscal Year 2014/2015 TAP Funds for the Santa Fe County Rail Trail Project**

CHAIR HOLIAN: I will note that if we want to vote on this resolution tonight we first have to waive the requirements of Resolution 2013-26.

COMMISSIONER CHAVEZ: Madam Chair, I'll make a motion to waive the requirements.

CHAIR HOLIAN: Is there a second? I'll second that.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Stefanics.

COMMISSIONER STEFANICS: We didn't notice waiving.

CHAIR HOLIAN: No, we did not notice it. Steve, can we – if we don't notice it are we allowed to waive the requirements?

MR. ROSS: Madam Chair, is this time-sensitive?

CHAIR HOLIAN: Yes, it is time-sensitive.

MR. ROSS: Well, my suggestion would be to go ahead and waive it and we'll ratify it next time. It's not time-sensitive? Oh, okay. It would probably be better not to then.

CHAIR HOLIAN: Okay.

COMMISSIONER CHAVEZ: I'll withdraw my motion.

CHAIR HOLIAN: Okay. So if we vote on it at the next meeting that would still be sufficient time? Okay. Thank you. All right. This is for discussion only, tonight. Adam.

MR. LEIGLAND: Madam Chair, Erik Aune had to leave so he asked me to cover this for him. This is, as the resolution states, this is an application for federal funding, out of the most recent federal funding bill. The Transportation Alternatives Program is the program under the federal transportation funding bill that funds multimodal, pedestrian and bicycle related projects. The application is to fund segment four of the Rail Trail, which would be, if you see the attached map, is the section within the community of Eldorado. The grant request is for \$96,000, almost \$97,000. We have a budget for that section of \$471,000, so this will be applied to that. I will note that the County already has the budget for the project. This would just be to relieve our burden, if you will, by almost \$100,000.

So the funds for this project, for segment four of the Rail Trail are already budgeted. We have the funds available. This is just an application for federal funds to allay County funds. With that, I'll stand for questions.

CHAIR HOLIAN: Thank you, Adam.

COMMISSIONER ANAYA: Madam Chair.

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CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I guess my colleagues have to indulge me. We just went to MPO and had this discussion to get additional money to take care of this. Why on earth would we not want to take care of this business right now? I mean, it's more money in our basket. Now, I've been sitting quietly on this resolution and I'm two times publishing and all that business but it seems ludicrous for us to not seize the opportunity and move on to the next phase to say publish it again. It just makes no sense. I'd like a response. It makes no sense.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Stefanics.

COMMISSIONER STEFANICS: When we passed the resolution for two hearings we have to waive and we didn't waive here. It's a public notice issue.

COMMISSIONER ANAYA: We've been waiving almost every meeting. We've been waiving the requirement. And we said in the resolution that if there was a financial impact or if there were issues related to money we would do it. That was my recollections of the minutes. I know it's late but it doesn't make rational sense to say we said we're going to do two times when we're talking about more money in our box to offset County resources. I'm all for noticing and that but we talked about it in the discussion and we shouldn't be going down this road on an item like this. It just doesn't make any sense. It doesn't make any common sense whatsoever.

CHAIR HOLIAN: Commissioner Anaya, I just want to say that I want to make sure that there are no glitches. I want to make sure that we pass this resolution appropriately so that it doesn't come back to haunt us later. So if I am totally convinced that we can waive the requirements of Resolution 20122-26 I'm willing to consider that, but only if I'm absolutely, 100 percent convinced. Because if it comes back to haunt us and we lose that money because of a stupid procedural thing that would not be good.

COMMISSIONER ANAYA: But Madam Chair, if I could.

CHAIR HOLIAN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: When we passed the resolution I explicitly remember conversations about funding streams and resources that we get in our coffers and not wanting that resolution to pre-empt those types of things.

CHAIR HOLIAN: Katherine.

MS. MILLER: Madam Chair, Commissioner Anaya is actually correct. This is a little odd but we did have an exemption in that resolution for budget adjustments and I do believe grants. In essence, even though the word grant isn't in there that's what it is to apply for funding, which is a grant.

CHAIR HOLIAN: So Katherine, what you're saying is we don't even have to waive the requirements of 2013-26.

MS. MILLER: That would be correct. Now, part of it is that the language that comes in these application packages, staff will take them right off of the application and use the language that's there and since it didn't have the word grant it was it was seen as

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something different, but it is actually applying for a grant. So I don't think that to vote on it today you're in violation of the resolution.

CHAIR HOLIAN: We will take that advice. Is there a motion?

COMMISSIONER ANAYA: Madam Chair, I'd move for approval.

COMMISSIONER CHAVEZ: Second.

CHAIR HOLIAN: I have a motion and a second.

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

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: I apologize for getting animated. But when we passed the resolution I sat back and said, fine, if we want to publish more to give the public input, that's a good thing. Lately, in the last five meetings, we've been doing all these waivers before we have discussion. So can we take the resolution back out, re-review it again, and then maybe have some more feedback with our colleagues and maybe retool it, so that – because I think the perception that comes across to the public is, oh, wait, they passes a resolution and now they're waiving the resolution or not waiving it. So maybe we just need to get it back out, look at it again, and maybe recraft it to fit the intent and purpose that I think we're after, which was assuring we get adequate public participation. But not in creating hurdles, I guess for obvious things that shouldn't need it.

MS. MILLER: Madam Chair, we are doing that, at the direction of Commissioner Chavez and Commissioner Mayfield, asked us to take back to the two resolutions, one that had the request for public hearing on resolutions and the one that asked for an introduction and a second meeting on them. So we've taken both of those because they were two separate resolutions and staff has been working on it and in particular has been working on trying to retool that in a way, to either rescind those two and bring back one that actually gets to what everybody was trying to do in those two resolutions.

CHAIR HOLIAN: Thank you, Katherine. Fine idea.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Did you ask for public comment?

CHAIR HOLIAN: Oh, yes. We have just considered a resolution. Is there anyone here from the public who would like to comment on this resolution? Seeing none, we will now move on.

**XV. D. Public Works Department**

**1. Approval of Lease Agreement Between Santa Fe County and Española Public School District**

MR. AABOE: Madam Chair, members of the Commission, I'm standing in for Agnes in this case. We request that you approve a dollar a year lease with the Española School District for the property on which the Bennie J. Chavez Senior and Community Center sits.

CHAIR HOLIAN: Any questions?

COMMISSIONER MAYFIELD: Madam Chair, I'll move for approval and hopefully I'll get a second.

COMMISSIONER ANAYA: Second.

COMMISSIONER MAYFIELD: But I do have a question.

COMMISSIONER ANAYA: Madam Chair, I have a comment as well.

COMMISSIONER MAYFIELD: When did it come to the County's attention that we were not the owners of this property?

MR. AABOE: Madam Chair, members of the Commission, probably in 1979 when we originally had a lease with the County that was renewed in 1987. Agnes discovered this, I believe, that the lease was close to expiring in April of 2012.

COMMISSIONER MAYFIELD: So the County knew that we had a lease or the County – I was always under the impression that we thought we owned this building.

MR. AABOE: Madam Chair, Commissioner Mayfield, a lease was executed between the Board of County Commissioners and the Española schools, actually Public Education District 2 in 1979 and then it was renewed in 1987. I don't know who knew what until 2012.

COMMISSIONER MAYFIELD: Let me ask this question of Manager Miller. Manager Miller, can you answer that question, please?

MS. MILLER: Madam Chair, Commissioner Mayfield, I think for the reason we also did the property inventory per your resolution in January was this type of issue where it's kind of unclear because the actual property includes a building that we did build on there. So we own one of the buildings, which is the substation that the State Police inhabits that nobody can find any documentation on how it is the State Police came about having them. I have my suppositions on that but either way, so one of them we built and the school district says, no, that's your building, but this one's our building. We've since done quite a bit of research of our own staff and it's even unclear from the school district. After this came forward we asked for an extension to the lease and they did not want to do it under the terms of the existing lease. So we have been negotiating back and forth and we requested that we at least have a one-year extension so that we can clarify ownership, the property boundaries, the improvements that we've put in and whether they would compensate us for that and whether

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they would sell it to us or lease it a long term again. So I was sort of in confusion on absolutely everybody's part on this particular property for many, many years.

COMMISSIONER MAYFIELD: And, Madam Chair, and I appreciate that, Manager Miller, but also so this Commission is aware, we also went out to the voters with a GOB bond request to do improvements to this property. So I also want that stated. And that's why I did ask for a resolution to be passed so Santa Fe County can identify what we own. And I think that's of critical importance. I'm not trying to pick on anybody, but again, I think that's critical. Here we're going out to our voters asking for them to approve stuff that potentially we don't even own. So we're sitting on – what? \$250,000, \$300,000 to potentially improve a piece of property that we may not even own. Can now we maybe even use that –

MS. MILLER: It was \$260,000. That was to do a park. We have another requirement in the area, a federal requirement that we provide park facilities in that area. Staff recommended that site at the time they were bringing the capital package. The staff that recommended that site did not know that the lease was expiring. So it did get – that was one of the identified parks. We have since, since we realized we did not own it, looked at alternatives down at the Headstart facility, whether we could do that. The bond language is broad enough and our federal requirement is broad enough that as long as we do some park facilities in that area we would still be able to meet both, I guess you'd say obligations. One for the bond question and two for the federal requirement in that area.

COMMISSIONER MAYFIELD: Madam Chair, Manager Miller, and thank you. I appreciate your work on this and I know you inherited this as I have and this is just a community center and senior center that's just very close to the community's heart and I just hope that we can do everything to maintain and continue this property under the County's current existence and its structure and its inventory. And I just hope that again, with our asset inventory list that we truly do identify. I know that we're still working on that asset inventory list, and I know it's a work in progress but for these issues, if we're putting things out to the voter or whatever else we're doing that we do identify what we truly own. I see Mr. Trujillo sitting back there. He was with our Risk Management Department before, but if somebody gets hurt on a piece of property again, that we can't even identify if we own it or not. I think that's critical that we know what we own in Santa Fe County. And I don't mean to harp on this but again, I think it's important. But thank you, and again, I know there's a motion on the table but I'll leave it at that. Thank you.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, my question was answered.

Thank you.

CHAIR HOLIAN: There is a motion and a second for approval of the lease agreement between Santa Fe County and the Española Public School District.

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

**XV. D. 2. Resolution No. 2013-86, a Resolution Adopting the Santa Fe County, County Improvement District Policy and Application Procedures for the Evaluation and Approval of Applications for the Formation of County Improvement Districts in Santa Fe County**

MR. LEIGLAND: Madam Chair, Commissioners, if you recall, a month ago I introduced this resolution. This creates a policy to implement the state statute for the creation of county improvement districts. County improvement districts allow a community to get together, ask for some improvements and then essentially tax themselves for the construction of those improvements. When we were here last time I presented to you kind of a three-step process. I thought we could come back in two weeks but we found that we needed to tweak it a little to make it conform with the state statute. The state statute actually allows several ways for a CID to be created and this policy only addresses the petition method. So we had to change it to make sure that we didn't inadvertently or give the impression that the other method was off the table, which is a provisional order method.

So that was kind of the bulk of the changes and we also clarified the applications. So there's a preliminary application, which is evaluated, and the Commission will have three times in which to make a decision of whether or not to proceed with the county improvement district. So that summarizes the changes we've made between the last time and this time. And with that I'll stand for any questions.

CHAIR HOLIAN: Thank you, Adam. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, this was brought up at the last meeting. I think it's a tool in the toolbox, especially for communities that have the capacity to pool their resources and help pay for a district and fund a project. I'd move for approval.

COMMISSIONER CHAVEZ: Second for discussion, Madam Chair.

CHAIR HOLIAN: Yes, discussion. Commissioner Chavez.

COMMISSIONER CHAVEZ: I think this is a good thing and it will help the County to provide services because it will augment our budget which is sometimes rather thin. But communities – I don't want to mislead people because if it is to work, Adam, our communities have to submit a petition and they have to have support. What level of support do they need to have?

MR. LEIGLAND: Madam Chair, Commissioner Chavez, they need to have 66 2/3 percent of property owners within the district by evaluation, so in theory if there was one property owner who owned 50 percent of the properties by value but 66 2/3 by evaluation.

COMMISSIONER CHAVEZ: So there's going to be some work behind it and the communities have to agree to that and obviously, rightly so because they're going to be imposing a tax on themselves for certain improvements that they're interested in and I just wanted to touch on that for a minute. Thank you, Madam Chair.

CHAIR HOLIAN: Are there any other questions? This is a resolution. Is there anyone here from the public who would like to comment on this resolution? Seeing none,



well first of all, I'll say thank you, Adam, for all your hard work on this. I'm really pleased that we now have an orderly process for this defined. We have a motion and a second.

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

**XVI. MATTERS FROM THE COUNTY MANAGER**

**A. Miscellaneous Updates**

CHAIR HOLIAN: Katherine, any chance that this can be done in 15 minutes?

MS. MILLER: Oh, not at all. It's going to take a long time, so sit back. No, actually, I have quite a few updates but none of them take very long and I will be ask quick as possible. And I could just say you're saving the best for last, right.

First of all, this morning at our public safety building, we put together an emergency operations center. Essentially Martin Vigil set up a multi-jurisdictional operations mock drill of what we would do in the case of an emergency. We had people from Colorado on the phone. We had I think Arizona, New Mexico, and this was if we had serious flooding. And we even called in the rain for the weather just so we could actually have a real experience. Several County staff were in there. New Mexico Gas staff participated. We had people from the federal government, DOE participating. It was a really good exercise. I didn't get to stay to the very end because I we had to come over here. There was kind of final evaluation, but hopefully Martin is going to present that at a later date, but I would like to say that staff really got into it. We had a lot of the directors involved, Sheriff's Office, RECC, Pablo and Legal. We had a policy team, a logistics team, planning team. I know I'm forgetting one. But operations – those were the guys on the ground.

So it was really informative. I think it was stuff that we would really have happen. And people taking roles that they would really take in case of an emergency, similar to what we have when we had when we had the snowstorms in 2006. So since we haven't had an emergency of that level to have our EOC activated, we had a drill that way. So I just wanted to let you know about that and have a – you'll hear from Martin later but it was very good and that's where a lot of the staff was this morning.

Also, I wanted to update you on a couple of informational things as far as our public information. You saw the public safety campaign for the public safety employees. We'll be starting that advertising with commercials over the next three months and also bus wraps and signage throughout bus stops and so you'll see all of the materials that were provided to you last meeting coming out over the next three months.

Also the County has been working with the Santa Fe New Mexican and the Breast Cancer Association on helping sponsor the Breast Cancer Awareness Month, the month of October. There you'll see our logo on quite a few of the ads about breast cancer awareness.

We are having County Day next week. We're participating in the New Mexico Association of Counties County Day at the fair, Thursday, the 18<sup>th</sup> and we will have a booth with all kinds of information from all the departments. Things like our Maternal Child Health,

our Coast to Coast prescriptions, the jobs that we have, job openings, the public safety campaign, DWI, energy initiatives, teen court initiatives, affordable housing and anything else that any of the departments are providing staff to go down and staff that table.

Let's see. I believe that you have received copies of the townhall meetings that the City is having relative to annexation. They're doing different townhall meetings throughout the city to address a lot of the questions that the different areas – Area 12, 7, what is it? 2, 5 and 1 that will be affected by the annexation. They'll have all of the materials in English and in Spanish and I know that some of the Commissioners have put that information out in some of their newsletters. But the next – actually, one's tonight for Areas 5 and 7, and then next one's this Saturday for annexation Areas 1 and 12, Saturday, September 14<sup>th</sup>, 1:00 to 3:00. And they're answering a lot of the questions of when services will transition and what not. So that's the last one that they have advertised. But they have sent out their notification letters for the early neighborhood notification on the city-initiated annexation.

Then also this Thursday we're having day one of our economic development introduction and vision and goals. That's here at the County. So I believe you've all been sent invitations to that but I just wanted to remind everybody. We have that one this Thursday. There'll be another one – the next one is on October 3<sup>rd</sup>, and then there'll be one more after that.

Let's see. Saturday, September 28<sup>th</sup> at the County Fairgrounds from 8:00 to 12:00 we will also be doing a public safety day as we did last year to encourage people to come try different things of what it would be like, the tests you have to go through, mock tests if you apply for some of our public safety jobs.

Let's see. Also, our budget was approved by DFA. Our fiscal year 14 budget – we submitted all of our final documentation to DFA and we did receive a letter notifying us that our budget has been approved by DFA and I want to make sure that that has been notified to you and on record.

The last quick update and then I have one more item on the applicants for District 50. Last BCC meeting we went over the example of the citizen survey that we were doing. We did make changes that were requested. We did fit in a question about minimum wage and they helped us craft one that's kind of more general to the state minimum wage, local minimum wage and something in between type question. We – just to let you know, survey materials will be mailed between September 13<sup>th</sup> to the 27<sup>th</sup>. One of those being the pre-notification postcards September 13<sup>th</sup>, the first wave of surveys sent September 20<sup>th</sup> and the second wave of surveys will be sent on September 27<sup>th</sup>, and then data collection, surveys received and processed for the County would be between September 20<sup>th</sup> and October 25<sup>th</sup>. So we should have something back in probably mid-November timeframe of getting the survey analysis and report finished.

And then my final update, in front of you you will find five applications received so far or letters of interest from individuals interested in applying for a recommendation from this Commission for the District 50 legislative seat. [Exhibit 4] Also there were some questions as to what some of the language relative to the legal requirements, so hopefully there's some clarification as to who could apply and what that language means, although it is a little bit

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confusing, but hopefully that will help relative to who can apply, who's eligible and who's not eligible.

And then the last thing is I was looking for some feedback on how you would like to proceed. What we did send out was a press release that said we would accept applications till yesterday. The reason I put a deadline in that, which we can extend if it's requested. We did that in order to try to get people to actually apply. We have not received a time at which the Governor's office would like the recommendation from this Commission so what we were trying to do is at least time it so that if it was required before the end of the month we would be able to address it at our next BCC meeting.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, on that point, and we had a brief discussion about this earlier outside of the meeting, but when I was asked by the papers specifically the *East Mountain Telegraph* and the *Independent* way early on in the process, I said provide an application, your résumé to the County Manager's Office. I didn't provide any dates associated with my comments and I didn't realize that we had put a date, so I think we shouldn't have a prescribed end date for that and would ask that we still allow people to submit applications based on that fact, because they did publish those remarks and I don't think there's a timeline that's been set by the Governor as you stated. So that's my take.

The other comment I wanted to make was kudos to Willie Brown. I like the memo format that he did a lot. I think that he sets forth the issue and he talks about the conclusion right up front, and then he gets into the analysis. It's clean and it gets to the actual information. So maybe this is something you guys can talk about as a tool, but for me as a Commissioner it really helped me and I want to give kudos to Mr. Brown for how he set it up.

CHAIR HOLIAN: Commissioner Chavez, and then Commissioner Stefanics.

COMMISSIONER CHAVEZ: Thank you, Madam Chair. So on the vacancy for the legislative position, even though the Governor has not specifically set a deadline we would assume that we would want to make this appointment before the next legislative session starts. Is that accurate?

MS. MILLER: Madam Chair, Commissioner Chavez, I did have a discussion with the Governor's office, not the Governor specifically, but someone in the Governor's office about did they have a time frame. I think that their intention of course is to do it before the legislative session but they also noted that that wasn't for a few months. So I think they were trying to indicate, although they had not set a specific time, they knew we had some time to consider it. I just asked if they did have a deadline that they wanted to consider all four counties' recommendations by that they would let us know in ample time to review applications that you had received and have time to deliberate to make a good recommendation to the Governor's office.

COMMISSIONER CHAVEZ: Right. Right. Because we don't want that window to be too closed at that end either so I think we need to gauge that time and at some point we're going to have to say, okay, applications are no longer being accepted. We have to

decide, get that decision to the Governor and then see what happens there. Thank you, Madam Chair.

CHAIR HOLIAN: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. I would prefer that we have a deadline and if we want to extend, that's fine with me. But I would prefer that we have a deadline for applications that this Board consider and put forward our nomination like some other counties have done so that those individuals who are applying can get on with their lives. While they are in applicant stage they are in limbo and so I just think out of respect for people who are seriously considering this that we could take a step to say, yes, we will make a decision and move on and not let this take over our other business. Thank you.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, thank you. And I'm just kind of reflecting back to when we had our last, as a County Board, our last nomination process. And I guess I'm going to go back to the actual nomination process, and I know that we did have I guess I'm going to say a split vote on who we nominated. But I would just ask for this Board to entertain amongst the five of us a process of how we're going to nominate somebody. If you remember, the last time there was just the motion made and saying this is who we're selecting and there wasn't an opportunity for maybe other names to come forth, if I recall how that worked.

So I would just like us maybe to have at least a little dialogue of how we're going to afford the nomination process to come to this County. I don't know if that has to be defined in perpetuity but at least for this Board as we work together.

CHAIR HOLIAN: Commissioner Mayfield, do you have a suggestion?

COMMISSIONER MAYFIELD: Well, I guess my suggestion would be if any one of us wants to bring someone forward we do it and if there's a second, like any other board. That would be my suggestion. If we all – hopefully we all could agree on one individual. But that would be my suggestion, is bring a name forth. If you all want to interview your people individually, or interview all applicants, I would hope we would do that. We might get – we have five; we could maybe get 50. But I just would hope – again, last time I think there was a recommendation for one individual, and that's fine, but at least I know I wanted to bring another name forth and I think the Commission afforded us the opportunity to bring another name forth but the vote was already taken on one individual's name without a second name being able to be brought forth.

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Are you finished?

COMMISSIONER MAYFIELD: Yes, Madam Chair. I'm done.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, maybe just a tweaked version of what Commissioner Mayfield just said, but I think it's a good idea for us to provide more time. I'm okay with a date certain, maybe three to four weeks was a suggestion thrown out, but maybe we should ask some key questions relative to the position as well. When you said what

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you said at the beginning I was thinking, well, yes. Where are you in relation to water? Where are you in relation to local government issues, coordination with the County and other tribal entities? Where are you – things that apply to the work that they'll do as a representative but also that apply in connection with who we are as Commissioners. But as far as bringing up a name, I think that that's fine too as well, but I think if we encourage people to apply that want to apply but then we have some critical questions that we ask them that might be a combination of the two. I don't know.

CHAIR HOLIAN: So, Commissioner Anaya, are you suggesting that we each submit questions we're interested in having answered by the candidates to our County Manager?

COMMISSIONER ANAYA: Yes. Maybe we could come up with one list that we collectively have some input in and we're not looking for a thesis but maybe five key questions or something that we can even get feedback from staff to say what questions are there that pertain to how we do business. That's why I think it's prudent and helpful, Commissioner Mayfield, on a process, instead of, well, we read their résumé and we move this individual.

CHAIR HOLIAN: Commissioner Anaya, I think we should have a deadline of when we submit the questions that we're interested in to the County Manager. Say, one week?

COMMISSIONER ANAYA: Madam Chair, that sounds good to me. It's time that we could provide. And then I think Commissioner Chavez and Commissioner Stefanics are correct as well as far as an end date. So maybe if we figure out that end date for overall applications and then finish the questions by next week we'll give everybody an ample window to respond to.

CHAIR HOLIAN: Commissioner Stefanics, you brought up the idea of an end date first. Do you have a suggestion?

COMMISSIONER STEFANICS: Madam Chair, if we don't want to deal with this at the next Commission meeting I would suggest dealing with it at the first meeting in October. At some point in time we're going to be asked for a nomination and to prolong this, as I indicated, does put the individual applicants hanging out there. The other issue I have about nominating people without them applying is they might not really be wanting that responsibility.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, I want you to know that I had no – my thought was never to nominate anybody who did not apply. So I want you to know that also.

COMMISSIONER STEFANICS: I see.

CHAIR HOLIAN: Is everybody in agreement with considering this at the first meeting in October?

COMMISSIONER ANAYA: Yes. And I would suggest a September 30<sup>th</sup> date for applications and questions to be answered.

CHAIR HOLIAN: Katherine, do you have enough instructions at this point, or do you need more decisions?

MS. MILLER: Madam Chair, let me make sure I have this correct. You will submit questions you would like the candidates to provide written answers or answers that come forward to you. You'll submit those to my office by September 20<sup>th</sup>, plus you would take some recommendations from staff. We'll put together a questionnaire and simultaneously we will extend the time for interested individuals to September 30<sup>th</sup>, and we'll put that questionnaire together so we can get that back from those individuals by September 30<sup>th</sup>, October 1<sup>st</sup>, somewhere in that timeframe, and then put this on the first meeting in October for you to deliberate and make a recommendation.

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I think you hit the nail on the head but the suggestion I would have is that we not have 20 questions, that we come up with maybe five, and at the next Commission meeting we can finalize those five questions as a Board and then they'll have that period of time before our selection to answer them, maybe a week, so that we can get them back. So that's my suggestion. Thanks, Madam Chair.

CHAIR HOLIAN: Any further comments? Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. And as far as the memo provided by Willie Brown, I appreciate it. There were some more questions I had. I know Mr. Brown's not here; County Attorney Ross is here. But as far as – and I don't if he has the document or not. But on the analysis on Article IV, Section 3 of the state constitution, and I'm just going to ask for Mr. Ross' – what he interprets this to mean. No person shall be eligible to serve in the legislature who had the time of qualifying holds any office of trust or profit. So at the time of qualifying, does that mean when they're sworn in? Does that mean when they're applying? What's your legal opinion of that, Steve?

MR. ROSS: Madam Chair, Commissioner Mayfield, I believe that's when you're sworn in.

COMMISSIONER MAYFIELD: Okay. And I'm not by any means discouraging any of my colleagues, or encouraging, because I enjoy serving with all of you, but so if a current County Commissioner wanted to apply for this job, because I know the way our advertisement went out it said nobody who serves – who holds this office of trust, do not apply. So if somebody does hold an office of public trust, and it's well defined in this, they can apply. Right? They have to just basically make that decision of giving up one of the jobs. And again, I don't know what anybody's intent is.

CHAIR HOLIAN: Steve.

MR. ROSS: One second, Madam Chair.

COMMISSIONER MAYFIELD: If you go to the back there's an Attorney General's opinion. We could go to that later.

CHAIR HOLIAN: Commissioner Mayfield, if I might suggest, this issue could be addressed at our next meeting.

COMMISSIONER MAYFIELD: Maybe it doesn't have to be addressed. Maybe nobody holds an office of trust it looks like. But if they're discouraged from applying by the way that press release went out.

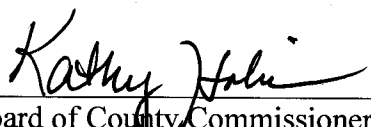
MR. ROSS: Madam Chair, we'll look into this.

CHAIR HOLIAN: I suggest that we tackle this issue at the next meeting.

**XIX. ADJOURNMENT**

Having completed the agenda and with no further business to come before this body, Chair Holian declared this meeting adjourned at 10:10 p.m.

Approved by:


  
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Board of County Commissioners  
Kathy Holian, Chair

ATTEST TO:

  
GERALDINE SALAZAR  
SANTA FE COUNTY CLERK 10/8/2013



Respectfully submitted:

  
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