

SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING

September 30, 2014

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



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC MINUTES
PAGES: 153

I Hereby Certify That This Instrument Was Filed for
Record On The 3RD Day Of November, 2014 at 08:52:22 AM
And Was Duly Recorded as Instrument # **1749895**
Of The Records Of Santa Fe County

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

FILED
RECORDED
NOV 3 2014
SANTA FE COUNTY NEW MEXICO

SANTA FE COUNTY

REGULAR MEETING

BOARD OF COUNTY COMMISSIONERS

September 30, 2014

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 11:15 a.m. by Chair Danny Mayfield in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

B. Roll Call

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

Members Present:

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

Members Excused:

None

- C. Pledge of Allegiance**
- D. State Pledge**
- E. Moment of Reflection**

The Pledge of Allegiance was led by Leilani Ringkvist, the State Pledge by Chanelle Delgado and the Moment of Reflection by Jennifer Romero of the Community Services Department.

F. Approval of Agenda

KATHERINE MILLER (County Manager): Mr. Chair, Commissioners, we have a few changes to the agenda. I. H. 4, recognition of the 2014 breast cancer awareness campaign has been added. Then under Action Items, III. D. 7, a budget adjustment has been added to the agenda.

Also, under Executive Session, item VI. A. 2, discussion of limited personnel matters related to the managerial employees, has been added. Then two items under Executive Session, items 4 and 5, will not be needed, so those are withdrawn, and the other thing that's actually not on the copy you have that I would suggest is that we – because we have such an extensive agenda that we actually go into Executive Session at

lunchtime and my suggested target point for that would be at the end of the first four areas of action items, that's III. D. 7, so at the end of that go into Executive Session for lunch and we could deal with executive session items and then go back to the other action items.

CHAIR MAYFIELD: Thank you, Ms. Miller. Commissioners, that's going to work for me. I had a quick discussion with Ms. Miller. There are a couple resolutions I wanted to wait on until after Executive Session if it's determined to be needed and those were resolutions under E. Other, 1 and 2.

And then also, Commissioners, at your pleasure – and I'll defer to Ms. Miller really quick on this. There's a presentation later on today and it's on Santa Fe County water supply and water commitments. We have a lot of water issues on our agenda that we may or may not take action on. Is this presentation needed before?

MS. MILLER: Mr. Chair, I don't think that that presentation is related so much to the Aamodt water system or Pojoaque water system and water rights relative to that. It's mostly the County at the BDD. But of course if you would like to hear that before we go to the resolutions on the Aamodt we could ask Claudia to do that right after lunch and then you could go into the others. But reading through the presentation and the discussions that I've had with Adam and Claudia it's mostly related to our BDD water commitments and growing the BDD system.

CHAIR MAYFIELD: Thank you. And Ms. Miller on that, there is a Consent item, Request approval of a project for the greater Glorieta water project pipeline, would that have any impact on the BDD? Because I am going to ask to pull that off for discussion. I just don't know if that presentation would warrant being done before.

MS. MILLER: Mr. Chair, no, that item doesn't have anything to do with it. That item is based upon a CDBG project that we already have, although we do note in the presentation the amount of water rights that are related to that project. But it's really about just accounting for a grant that Glorieta already received and showing that in the overall budget.

CHAIR MAYFIELD: Thank you, Ms. Miller. Commissioners, if I haven't clouded that enough is there a motion to approve our agenda?

COMMISSIONER HOLIAN: So moved.

COMMISSIONER CHAVEZ: Second.

CHAIR MAYFIELD: We have a motion, a second, as amended?

COMMISSIONER HOLIAN: As amended.

CHAIR MAYFIELD: Thank you.

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

I. G. Approval of Minutes

1. Approval of August 26, 2014 BCC Meeting Minutes

COMMISSIONER STEFANICS: Mr. Chair, I'll move for approval.

COMMISSIONER HOLIAN: Second.

CHAIR MAYFIELD: We have a motion and a second. No discussion.

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

I. G. 2. Approval of August 27, 2014 BCC Special Meeting Minutes

CHAIR MAYFIELD: Commissioners, we also have in front of us our August 27, 2014 BCC special meeting minutes.

COMMISSIONER HOLIAN: Mr. Chair, I move for approval.

COMMISSIONER STEFANICS: I'll second.

CHAIR MAYFIELD: We have a motion and a second. Any discussion?

COMMISSIONER STEFANICS: Yes, Mr. Chair.

COMMISSIONER CHAVEZ: One abstention. I was not able to attend that meeting.

CHAIR MAYFIELD: Okay. Commissioner Stefanics.

COMMISSIONER STEFANICS: I'd like to make a comment, and rather than wait till later in the day for the Commissioners' comments. It's about the meetings we've been having, Mr. Chair. And I think that in the last three months I'm going to speak to we've had a lot of public participation. But some of the public participation has become rude or divisive in its discussion nature. And we've had some sensitive issues being discussed among communities. We've had some issues discussed between landowners. We've had comments directed at Commissioners and I really appreciate the public's participation, but I also think that when – and this is only me speaking – but when we sink to abusive language or demeaning others it does not help the cause or the goal of moving forward.

And I do believe that every Commissioner here has the goal of moving forward. And I would just like the public to know that their comments often, as I've watched my colleagues, could change our colleagues' votes to not support the public sometimes. And we want the public to continue participating but I would ask the public to approach some of their emotions in a more subtle manner. Thank you very much, Mr. Chair.

CHAIR MAYFIELD: Thank you. And on that point and note, I think I have asked staff specifically on our growth management plan, our land development code plan and also our zoning meetings that we've had throughout the county and even here in this chamber, if they could produce to us I guess the timeline of how many meetings we have had, of the amount of comments that we have had, of course respecting Commissioners' time, also the public's time and staff's time, but I would say at least in the zoning meetings – and Commissioners, thank you, the other night; you gave us a three-hour-plus meeting here by the County Fairgrounds. We've had to have at least I would assume 24 hours continually of meetings on at least the zoning map alone, public meetings. So if staff can just do that please. And thank you for those comments, Commissioner.

So we do have a motion and a second in front of us.

The motion passed by unanimous [4-0] voice vote with Commissioner Chavez abstaining.

I. H. Employee Recognition
1. Introduction of New Employees

MS. MILLER: Mr. Chair, I just would note, because I don't think any of them are here but if there's any of the new hires from the County from August and September – I don't have the specific sheets.

CHAIR MAYFIELD: Penny Ellis-Green, can you introduce them for us?

MS. MILLER: If you could do me a huge favor – and I don't have the specific ones that are here.

CHAIR MAYFIELD: Ladies, why don't you just stand up and introduce yourselves.

PENNY ELLIS-GREEN (Growth Management Director): Sure, Commissioners, our two new community planners, Erin and Amy. Do you want to just tell the Commissioners where you came from?

AMY RINCON (Planning): So I'm Amy Rincon and I'm the new community planner, and I'm living in the Rio Rancho area.

CHAIR MAYFIELD: Welcome, Ms. Rincon.

ERIN ORTIGOZA: Hi. My name is Erin Ortigoza. I'm a new community planner and I was previously working as a coordinator for the Santa Fe Food Policy Council. Thank you.

CHAIR MAYFIELD: Welcome. Thank you all.

MS. MILLER: Mr. Chair, thank you. I knew that there were several others. If you look in your packet there are about 20 new hires, most of them are Public Safety Department, detention officers. We had six new hires as detention officers, LPNs, electrician supervisor, forestry technician, maintenance technician and in Public Works, equipment operator. So I just wanted to make sure that you noted those and welcome the staff that's new at the County.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR MAYFIELD: Commissioner Holian.

COMMISSIONER HOLIAN: Mr. Chair, I would like to say welcome to all of our new employees and I know that we are especially busy in our Growth Management Department so a special welcome to Amy and Erin. Thank you for joining us.

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

MS. MILLER: Thank you. Mr. Chair, the next item was the recognition for years of service for Santa Fe County employees as well. In your packet, I just wanted to note, as I said a couple months ago, in July we started a new program recognizing employees on a monthly basis who have completed years of service and while I know that we've had plenty of people that are passed these increments we started going forward

when we hit those anniversaries of recognizing them and thanking them for their years of service. So the employees that have hit their five years of service this month are Jessica Rodarte in the Sheriff's Office, that's a records supervisor of five years. Axel Hernandez in Public Works, a heavy equipment operator. And Peter Roybal in Corrections, a detention officer. And they all had their anniversaries this month, five-year anniversaries.

Then in the ten-year anniversaries, you know him better as Greg Smith, Ken Smith in the Health and Human Services, Community Services, he's now the Senior Services program manager. He hit ten years. And then Brandon Smith, a lieutenant in our Fire Department. And then two long-timers that I know you know, 15 years, Marlene Garcia, administrative services as a systems analyst supervisor, and Teresa Martinez, our Finance Director. So I just want to thank them and congratulate them for their years of service at the County.

CHAIR MAYFIELD: Thank you all for your commitment to Santa Fe County.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR MAYFIELD: Commissioner Stefanics.

COMMISSIONER STEFANICS: I would like to ditto your thanks, because sticking with the County in a workplace and learning and giving more and more to the entity that you're working for is only of value to us. So thank you very much.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR MAYFIELD: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you. And I would also like to say ditto. Thank you to all of you who have spent a significant portion of your lives helping us here as well as the people who live in the Santa Fe community. And I would like to say a special thank you to Teresa Martinez. As Finance Director, you have really kept on top of our budget. You've been thorough, detail-oriented, honest, and above all you've performed your job with the highest ethical standards making life very good. Also I want to thank you for organizing the MS Walk in Santa Fe over the years to raise funds and awareness for medical research for MS. That has been a huge gift to our community. Thank you so much, Teresa.

CHAIR MAYFIELD: Thank you, Ms. Martinez.

MS. MILLER: Mr. Chair, I did want to note, you're aware, on the point of Teresa Martinez that she will be retiring soon, so those 15 years of service at Santa Fe County are only a portion of her 25 years at working at some component of the State of New Mexico's government structure. So we're going to miss her. We're working actually, looking out right now looking for her replacement because that retirement will come sooner than we hope for.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR MAYFIELD: Commissioner.

COMMISSIONER HOLIAN: And Teresa, I hope you'll still help with the MS Walk. Thank you.

I. H. 3. Recognition of the Accomplishments of the 2014 Grant Funded Youth Conservation Corps (YCC) Wildland Hand Crew

CHAIR MAYFIELD: We have with us – thank you all. Please come on up. Chief Sperling.

DAVE SPERLING (Fire Chief): Thank you, Mr. Chair, Commissioners. I very much appreciate the opportunity to introduce to your our 2014 YCC hand crew and some of their supervisory staff as well as just a quick review of some of their accomplishments. This is our fourth consecutive year of participating in the Youth Conservation Corps grant program and for your information we were awarded a fifth beginning next April, so we're very pleased about that.

These fine young men and one woman will be coming off our books effective this Friday when their six-month grant term expires. They have done an outstanding job this year in helping Santa Fe County manage its wildland. They've done some fire suppression. Not as much as we originally anticipated as we had a relatively quiet year but they were an outstanding group. Some of their accomplishments this year include a rigorous training program. They did a three-mile work capacity test to become members of the crew and part of our agreement with YCC is that they take a basic wildland firefighting course of 32 hours and they receive a certificate for that. They take chainsaw training and receive a certificate for that program as well. They go through a firehouse and fire department orientation, receive training in firefighter first aid, CPR and patient packaging in the field. Some of those skills they used during this six-month period. They take a certified emergency vehicle operator class to learn how to drive fire apparatus, driving for the fire service and they receive a certificate for that, and an awareness and operations for road rescue class. They received a state fire academy certificate and they also used those skills this year in a couple of their wildland backcountry rescues.

They also go through a program by the Forest Guild on how to monitor fuel mitigation plots. Some of the fires they participated in this year was a seven-day deployment to the Diego fire in the Jemez Mountains. They worked 106 hours each over that seven-day period. They participated in a Cordoba fire in Santa Fe County. They assisted with a search for a missing hiker on the Windsor Trail as you remember about a month ago at the ski basin, over 18 hours in two days, and they assisted with the rescue of a patient who was injured in a fall in the Turquoise Trail area.

They participated in a controlled burn in the Madrid community just a couple weekends ago. I heard really good things about that, and their project work included this year Little Tesuque Creek where they mitigated 3 ½ acres of hazardous fuel. Little Tesuque Creek is off the Ski Basin Road and backs into a wildland-urban interface area for us. And the San Pedro area down in the southern part of the county, 15+ acres of hazardous fuel mitigation.

They also do public outreach. This year they participated at Camp Stoney interacting with kids during the month of July to show them what it's like to be a wildland firefighter. The intention of the Youth Conservation Corps program is to give these young men and women an opportunity to learn what it is to be associated with a fire

department, in particular a wildland division of a fire department, what it means to receive the training necessary, how to participate in hazardous fuel mitigation projects, how to participate in wildland fire suppression, how to work in the prevention arena and really give them a steppingstone if they wish to become an employee in any of the career associated departments – municipal fire, county fire, state agencies, federal agencies.

We've had good success in the past. A number of our previous YCC candidates have moved on to employment with the Santa Fe County Fire Department. Some have remained as volunteers with the County. Some have moved on to other agencies are remaining with wildland firefighting.

So with that I'd like to introduce our crew this year. To my left, Justin Maestas. Justin is in his third season with the Black Canyon hand crew. He is one of our squad bosses, one of two, and he's also been a volunteer firefighter in the La Puebla District for the last six years. Bobby Garcia, second season with a hand crew and also our lead sawyer, chainsaw operator this year. Remington Gillam, this is his first season with the Black Canyon hand crew. He previously worked for the US Forest Service and has been a volunteer in the Turquoise Trail District for three years. He's also a member of the technical rescue team, swiftwater rescue technician for Santa Fe County.

Norbert Francis. This is his first season with Black Canyon and has been a volunteer in the Hondo Fire District for one year. Darrien Gonzales, second year with Black Canyon and has been a Pojoaque volunteer for four years.

To my right, Leslie Lujan. This is her first season with Black Canyon and has been a Pojoaque District volunteer for nine months. Matthew Tucker, his first season with Black Canyon and Justin Naranjo, also his first season with the Black Canyon hand crew.

Two of our members are missing today. Aaron Western, who is our second squad boss, and Adrian Webber. Both could not make it today. And on our far right are two Santa Fe County full-time employee leads for this program. This is the fourth year that they've done an outstanding job keeping our crew safe and making sure that they take care of business. And that's Walter Dasheno. On the right and Jerome Tafoya. Again, they do a great job and we're so pleased to have them part of Santa Fe County.

And then in the back, Captain Mike Feulner. Captain Feulner oversees the Wildland Division for Santa Fe County Fire Department and it's his responsibility to provide guidance and to make sure that we're meeting the provisions of the grant agreement we have with the YCC. And also joining us today, I'm very pleased, is Wendy Kent. Wendy is the executive director of the Youth Conservation Corps and it's her responsibility to oversee some 40+ programs around the state. And I think, from what she's told me she has a special fondness for Santa Fe County's program and I very much appreciate that. With that, I'd be happy to stand for any questions you may have and I appreciate your support so much of this program.

CHAIR MAYFIELD: Thank you. Real quick, a round of applause for everybody. Thank you all. Commissioner Stefanics, then Commissioner Chavez.

COMMISSIONER STEFANICS: Chief Sperling, these young individuals who are going through the training and learning skills, if we had a wildland fire would they actually participate in the fire management?

CHIEF SPERLING: Mr. Chair, Commissioner Stefanics, yes, absolutely. And we didn't have too many in-county fires this year so it was kind of quiet for them. They did participate in the Cordova fire and I believe maybe there was one other around Santa Fe County. In past years, the three previous years they were exceptionally busy and are instrumental really in helping us mitigate wildland fires that do arise throughout Santa Fe County and regionally as well.

COMMISSIONER STEFANICS: Well, I would like to thank you all and I hope you utilize the skills that you continue to learn or that you just learned in your future work. Thank you very much.

CHAIR MAYFIELD: Thank you. Commissioner Chavez.

COMMISSIONER CHAVEZ: Yes, I would also want to personally thank you for your commitment to our community and the Chief's presentation – I didn't count how many times you used volunteer but it was at least a dozen times. So that tells me that there's a lot of volunteer effort in this group. You're doing things that you're not compensated for but I'm sure there are other rewards that you see along the way. And so you're volunteering, you're giving of your time and that takes away from your personal time, your family time, I would assume your work time. So I really want to commend you for that. And then to build on what Commissioner Stefanics said about work skills and building blocks that you can use now to benefit the community at the next fire event, or you can take those skills with you into other careers if you take a different career path, but you can take those skills with you.

And so wherever you go I'm sure you will continue to make that contribution to your community. So thank you for being here today and thank you for the work that you do.

CHAIR MAYFIELD: Thank you all. Commissioner Anaya, please.

COMMISSIONER ANAYA: Chief Sperling and all of your fine individuals, I fought hard and continue to fight hard to make sure that this program gets continued and expanded. I tried to get it expanded even this year even further than what it is now. You have our back and I can assure you I have your back and I will do everything in the coming year to try and do that, to try and extend that program and want to put that on the record today as I've done in the past. Your work is invaluable. It's priceless. There's a lot of things that you've done in this season.

Chief, you mentioned that it was not a busy year associated with fires but it provided these fine individuals and yourselves an opportunity to do other things, to do prevention work, which is one of the things that I was pressing during the budget hearings, that we have many, many of these areas that we can get in and try and clear and I'm going to work hard and I'm going to fight for you to get some more resources. If there's anything that I can do personally, if there's opportunities that you can't get here at the County, if there's anything I can do to try and help you make contacts in other fire departments, in other counties and other cities, please call me. You can come see me right when you get out and go see Chris in the back and I'd be happy to do whatever I could to help see that you guys get opportunities in other counties and municipalities if there's not any opportunities here. And I can't tell you any more words how much I appreciate what you did and what you continue to do, those of you that have come back more than one

year. So thank you very much.

CHAIR MAYFIELD: Thank you. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I too want to thank you for all of your hard work and I think I can say with some confidence that you've learned a lot of skills, both in fighting fires and also in the area of wildfire mitigation. And I can also safely say that I think that there's going to be more of a need for those kinds of jobs in the future. There's just no question about it.

And I am very hopeful that in the future that we will concentrate even more on land restoration and fuel mitigation activities so that we can reduce the number of catastrophic fires that you will have to fight in the future in our county. I'll also say that I know of some non-profits out there that are starting up and I think that they also want to use the services of the Youth Conservation Corps teams to help, be able to do fuel mitigation, not only on public lands, which you can do through the county, but also on private lands as well and so that should really expand the opportunities for all of you.

So again, thank you very much for your efforts. I'm very impressed.

CHAIR MAYFIELD: Also, I'd like to thank you and just ask that you please be safe out there. I know our community respects and appreciates what you do for us. You put your lives on the line for us every day and that needs to be noted. Chief, let me ask this. Is this a potential opportunity? I would assume without any pre-selection of a career path into our permanent Fire Department for these folks?

CHIEF SPERLING: Mr. Chair, Commissioners, this provides a door-opener for career path in other municipal fire departments, county fire departments, including Santa Fe County. And we have in the past hired several people off of previous YCC hand crews. Of course they have to go through the process that anyone else applying for a position would be required to go through, but it really does give these individuals a sense for what it is to be associated with a fire department, the hard work that it entails and the discipline that is necessary to be a competent and safe firefighter. And that really I think gives them a leg-up on other individuals who may be coming without that kind of experience and background.

CHAIR MAYFIELD: Great. Thank you. Ms. Kent, Captain Feulner, would you can to say anything please?

WENDY KENT: Just a quick word on behalf of the YCC Commission and staff, I'd like to thank the County for supporting this program. I am very proud of what's been accomplished here in the County. I'd like to thank the Chief and the Captain for such quality work. I'd also like to, well of course, thank the Commission and also thank all of the people who are involved in the paperwork, because paperwork makes the work go around. So thank you once again. Appreciate it.

CHAIR MAYFIELD: Thank you so much. Captain.

MIKE FEULNER (Fire Department): I'd just like to reiterate we're proud of these young individuals and I really want to step back and bring her back because I've seen this lady stand up in front of many people and her passion for the youth is just phenomenal. And I can't say enough about here and I hope more people recognize this lady for her hard work in this state for this program. So that's all I have to say. Thank you.

CHAIR MAYFIELD: Thank you all. Thank you, Commissioners. Shall we get a quick picture?

[Photographs were taken.]

I. H. 4. Recognition of the 2014 Breast Cancer Awareness/Pink Ribbon Shirt Campaign by the Santa Fe County Firefighters Association with all Proceeds going to the YWCA-Middle Rio Grande Chapter

CHAIR MAYFIELD: Chief, do you want to do some introductions, please?

CHIEF SPERLING: Thank you, Mr. Chair, members of the Commission. I'd like to introduce Firefighter Ornelas and Firefighter-Paramedic Ramirez who will talk about the program as it stands.

ESTEBAN ORNELAS: Hello, Mr. Chair, Commissioners. Thank you for having us. I am representing Santa Fe County Local 4366, the Firefighters Association. This is our 30th year doing our breast cancer awareness campaign and like everything it has grown greatly. The first year we did this we just – all the firefighters wore pink shirts and everybody loved it. The second year we decided to start selling it and we didn't have anybody that we were tied with. So we ended up donating the money to a couple of firefighters who had cancer.

This year we are happy to have partnered with the YWCA and their breast cancer and cervical cancer early detection program this year. It is a great program. It will help women in Santa Fe County and throughout New Mexico get the early detection they need to hopefully prevent them from having any issues or any extensive issues with cancer and hopefully get it seen and taken care of right away. The Local 4366 would like to present the Commissioners and the County Manager and County Manager Assistants each with a shirt. These are the for-sale shirts that we will be selling out to the public.

There's two different shirts this year. There's the one I'm wearing, which is the for-sale shirt, which is what you guys will get, and then Paramedic Ramirez is wearing the one that the on-duty firefighters will all be wearing this year and for the next couple years. But we would like to thank you and as a token we are going to give you guys each a shirt.

CHAIR MAYFIELD: Thank you. You will also take donations from the Commissioners or the County Manager, correct?

MR. ORNELAS: Yes, sir. Anything. Or if they do not fit please go ahead and contact Fire and they'll get a hold of me and I will get you guys the right size, or more if you need them.

CHAIR MAYFIELD: Thank you. Commissioners? Commissioner Stefanics.

COMMISSIONER STEFANICS: Mr. Chair, I think that this group has formalized the process from past years. I'm very happy that they're continuing to support breast cancer awareness and the early detection program for breast and cervical cancer is very important. And so thank you very much and this is something that the volunteer

firefighters or the staff firefighters are participating in?

MR. ORNELAS: It's all put on by the paid firefighters. We're with the union. It starts with us and it works between the entire Fire Department. We all put a part in it. We're with the union and we put it all together and then it goes into our administration who will also be wearing pink shirts on certain days. Our volunteers also, they purchase them and wear them very proudly as well.

COMMISSIONER STEFANICS: Great. So the volunteer firefighters and volunteer fire chiefs are involved with this as well.

MR. ORNELAS: Yes, ma'am.

COMMISSIONER STEFANICS: And I understand that Fridays are pink shirt days. Is that correct, Ms. Miller? Here at the County?

MS. MILLER: Mr. Chair, Commissioner Stefanics, yes. All for the month of October.

COMMISSIONER STEFANICS: Thank you so much for doing this. Thank you very much, Mr. Chair.

CHAIR MAYFIELD: Thank you. Commissioner Chavez.

COMMISSIONER CHAVEZ: Yes, just a personal thanks to our Local 4366 because I know this is something that goes above and beyond the call of duty, right? In bringing awareness to breast cancer. I know that for me it's touched my family. I know it's touched a lot of our families. And just congratulations to bringing awareness to this and hopefully people will with early detection maybe suffer less and be able to manage it in a better way. So thank you for your efforts.

CHAIR MAYFIELD: Thank you. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Thank you for helping to raise awareness of this very important issue and I just want to ask you, are you participating on the walk on Saturday?

MR. ORNELAS: We're actually on duty on Saturday. We're both on B-shift. We're at different stations but we're both B-shift and it just so happens to be during the walk. I believe there was a team of some of our firefighters who were going to participate, but we are not able to.

COMMISSIONER HOLIAN: Great. Well, I want you to know I've made my donation already. Thank you.

CHAIR MAYFIELD: Commissioner Anaya.

COMMISSIONER ANAYA: My colleagues couldn't have said it any better and I thank you for your work and keep it up. Thank you very much.

CHAIR MAYFIELD: Also I want to thank you. Thank you for your commitment to this campaign. It's very needed through our community, throughout the nation. Thank you all. Chief Sperling, do you want to close up?

CHIEF SPERLING: Thank you, Mr. Chair, Commissioners, for those kind comments and I would in particular like to thank Firefighter Ornelas and Paramedic Ramirez for really stepping the program up this year and organizing a solid effort in getting the shirts distributed early on, getting everybody rallying behind this effort and it's generated a lot of enthusiasm and I know that they're selling quite a few shirts to the public and all that money will be donated to the appropriate charity. So a very fine job so I thank them both and the union in particular.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR MAYFIELD: Thank you, Chief. Commissioner Stefanics.

COMMISSIONER STEFANICS: Chief Sperling, maybe – do you need some sponsors to buy some of these for all the graduates back here who are ending their work this next Friday? So that they are truly a part of the Fire Department?

CHIEF SPERLING: Mr. Chair, Commissioner Stefanics, I wouldn't say no.

COMMISSIONER STEFANICS: Okay. Thank you very much. We'll look at trying to help with that.

CHIEF SPERLING: Thank you.

CHAIR MAYFIELD: Thank you all for the work you do.

II. CONSENT AGENDA (Public Comment)

A. Final Orders

1. CDRC CASE # Z/V 13-5131 Ranch at Santa Fe Canyon.

Ranch at Santa Fe Canyon LLC (formerly known as Santa Fe Canyon Ranch LLC), Applicant, Request a Master Plan Amendment to the Previously Approved Master Plan (Santa Fe Canyon Ranch) to Remove Six Tracts of Land (Containing 845 Acres) from the Approved Master Plan which Consisted of a Total of 1,316 Acres. The Request also Includes a Variance of Article VII, Section 6.6.2g (Water Budgets and Conservation Covenants) and Ordinance No. 2007-1 (Swimming Pool Ordinance) to Allow the Installation of one Swimming Pool on the 845 Acres Utilizing Permitted Water Rights and to Amend the Water Restrictive Covenants to Reflect the Allowance of a Swimming Pool and to Specify that Water Restrictions for Landscaping and Irrigation Restrictions shall apply to 72-12-1 Wells Only. 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) (Approved 5-0) Vicente Archuleta, Case Manager

2. BCC CASE # PCEV 14-5120 Heather McCrea Vacation of Easement. Heather McCrea, Applicant, Request Approval to Vacate a Platted Twenty Foot (20') Wide Private Ingress/Egress and Utility Easement on One Lot Totaling 2.50 Acres. The Property is Located in the Traditional Community of Chupadero at 64A Paseo Encantado NE, within Section 6, Township 18 North, Range 10 East, (Commission District 1) (Approved 3-1) Miguel "Mike" Romero, Case Manager **ISOLATED FOR DISCUSSION**

B. Finance

1. **Resolution No. 2014-90, a Resolution Requesting a Budget Increase to the Capital Outlay GRT Fund (313) to Budget**

Cash Carryover to Install a Fence Along County Rd 98 / \$12,500 (Finance Department/Teresa Martinez)

2. **Resolution No. 2014- 91, a Resolution Requesting a Budget Increase to the Law Enforcement Operations Fund (246) to Budget Six (6) Grants Carryover Balances from NMDOT and United State Marshals Services / \$34,813.87 (Finance Department/Teresa Martinez)**
3. **Resolution No. 2014-92, a Resolution Requesting a Budget Increase to the Fire Operations Fund (244) to Budget a 2015 NMAC Grant for the Rancho Alegre Firewise Project / \$9,803.00 (Public Safety / Fire/Teresa Martinez)**
4. **Resolution No. 2014-93, a Resolution Requesting a Budget Increase to the Fire Operations Fund (244) to Budget the FY-2014 Available Cash Balance for the 2014 YCC Grant / \$36,436 (Public Safety / Fire/Teresa Martinez)**
5. **Resolution No. 2014-94, a Resolution Authorizing the Donation of Fixed Assets in Accordance with State Statute (Finance Department /Teresa Martinez)**

C. Miscellaneous

1. **Request Approval of Revised New Mexico State Land Office Agricultural Lease Renewal for Thornton Ranch Open Space, Lease No. GO2406 (Public Works Department/Adam Leigland)**
2. **Request Approval of Amended CDBG Project Budget for the Greater Glorieta Waterline Project. (CDBG No. 12-C-NR-I-01-G-36) (Purchasing / Bill Taylor)**

CHAIR MAYFIELD: Commissioners, you have all had an opportunity to look at the agenda. Is there anything that you would ask to be pulled? First Commissioner Chavez.

COMMISSIONER CHAVEZ: I have a quick question on C. 1.

CHAIR MAYFIELD: That will be less than five minutes, Commissioner?

COMMISSIONER CHAVEZ: It's a real quick question.

CHAIR MAYFIELD: Okay.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR MAYFIELD: Commissioner Stefanics.

COMMISSIONER STEFANICS: I have a question on II. A. 2, which will be very quick, to the legal.

CHAIR MAYFIELD: Okay. II. A. 2. Great. I had the same question, Commissioner. Commissioner Anaya, anything?

COMMISSIONER ANAYA: II. B. 4 and 5.

CHAIR MAYFIELD: Okay. Those would be quick? Commissioner Holian?

COMMISSIONER HOLIAN: Nothing, Mr. Chair.

CHAIR MAYFIELD: Thank you. And then myself, I will ask for C. 2. So with that, Commissioners, we'll read these in and then I'll read everything else in if we think something may take discussion longer than five minutes we'll just push that to later on in our agenda. I'm just going to go on the order that I have them on my sheet here.

II. A. 2. BCC CASE # PCEV 14-5120 Heather McCrea Vacation of Easement.

CHAIR MAYFIELD: Miguel, before you start, Mr. Romero, and Commissioners, if I may. Katherine, I just kind of had a quick email on this case specifically. I'd like to defer either to Mr. Romero or our County Attorney.

COMMISSIONER STEFANICS: Well, Mr. Chair, my question might clarify very quickly. Mr. Shaffer, once a final order is approved, what is the timeline for it going into effect and everything being completed?

GREG SHAFFER (County Attorney): Mr. Chair, Commissioner Stefanics, if the question is a timeline for the applicant to take certain steps such as filing a plat you would default back to any deadlines set forth in the land development code. In this particular case I'm not aware of any that would apply so it would be something that would be specified or could properly be specified in the order in terms of a deadline for that action to be taken, if that was your question.

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

CHAIR MAYFIELD: Thank you. I guess along similar lines without going into too much discussion. If I do just stop me, Greg and we can push this down a little later. But the email that I received, would we potentially be tweaking what we discussed when we approved this?

MR. SHAFFER: Mr. Chair, I think the proposed order represents staff's understanding of the basis for the Board's decision as well as what the Board's decision was. I don't believe that it would be inappropriate for the Board, when presented with an order to move that it be modified in some respects. In this particular case it is unusual to receive a communication from one of the parties to the matter on the eve of the Board's consideration of the order.

So if the Board were to consider modifying what's in the packet my recommendation would be that it table the matter, given that you did receive this communication unsolicited, such that the staff could work with the applicant to determine what sort of process might be appropriate for the applicant to have an opportunity to comment on the proposed order as well, if that makes sense. But if the Board is content with the order as it was prepared and drafted by staff I don't think there's any problems with you moving ahead, notwithstanding the unsolicited communication.

CHAIR MAYFIELD: Thank you. Commissioners, anything else?

COMMISSIONER ANAYA: Mr. Chair.

CHAIR MAYFIELD: Commissioner Anaya.

COMMISSIONER ANAYA: I haven't read the communication, Mr. Shaffer. I was just going to ask a question. So the applicant has questions associated with – concerns associated with the order and would like a modification to the order?

MR. SHAFFER: Mr. Chair, Commissioner Anaya, it's actually not the

applicant who was commenting on the order but parties who appeared either in person or through their agent at the public hearing on the matter in opposition to the request.

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

CHAIR MAYFIELD: Thank you. So Commissioners, we're going to move on to item II. B. 4.

II. B. 4. Resolution No. 2014-93, a Resolution Requesting a Budget Increase to the Fire Operations Fund (244)

COMMISSIONER ANAYA: Mr. Chair, Chief, if you could just give us a snapshot as to what this does and what we're doing here I'd appreciate it.

CHIEF SPERLING: Mr. Chair, Commissioner Anaya, I think I'll turn this over to Teresa Martinez to take care of your initial question.

COMMISSIONER ANAYA: Thank you.

TERESA MARTINEZ (Finance Director): Commissioner, I apologize. I was having a separate conversation. Can you repeat your question?

COMMISSIONER ANAYA: What are we doing in this resolution?

MS. MARTINEZ: Okay. Mr. Chair, Commissioner Anaya, this is basically taking a remaining balance that was unspent last year and budgeting it so that we could use it this year. So it's an available balance unbudgeted.

COMMISSIONER ANAYA: So given that it's tied to the grant that we just had discussions about, what – was it unbudgeted money? Was it budgeted? Why wasn't it utilized, I guess is my first question, and then where are we budgeting the dollars to utilize going forward given that the term just was completed by the group that was just here?

MS. MARTINEZ: Mr. Chair, Commissioner Anaya, what typically happens in a lot of the grants is they may or may not allow for overtime, so the money was budgeted as salaries and benefits, and then it's hard to forecast if it will all be used by the end of the fiscal year. So if it's unused it drops to cash on June 30th if it hasn't been used. And they're proposing to use it for forest management, fire ecology and watershed health for the remaining term of the grant. So it could be just specifically a reclassification to the right line items.

COMMISSIONER ANAYA: Okay. I don't have any more questions today but, Chief, maybe you can get with Chris and set up a time that you and I can visit a little more about this particular grant and going forward. Thank you. Thank you, Mr. Chair.

CHAIR MAYFIELD: Thank you, Commissioner.

II. B. 5. Resolution No. 2014-94, a Resolution Authorizing the Donation of Fixed Assets in Accordance with State Statute

COMMISSIONER ANAYA: Once again, Teresa, if you could provide a background as to who we're donating to for the public's edification that don't have a packet in front of them. That's a lot of times what I'm doing in my questioning here. There's times when people don't have access to the packet or they may be listening or

watching. So I'd just like to give some background for the public as to who's the donation to and what are we donating.

MS. MARTINEZ: Okay. Mr. Chair, Commissioner Anaya, absolutely. This is a donation of voting equipment, basically. [Exhibit 1] These are voter booths and the auto karts associated with the booths. We're donating 65 auto karts and 80 voter booths that we're no longer using and they are going to the County of Rio Arriba.

COMMISSIONER ANAYA: Mr. Chair, Ms. Martinez, Madam Clerk, I very much appreciate the fact that we're able to do this and work with our neighboring counties when they're in need. Food for thought, Madam Clerk, maybe something that you've helped in the past with providing education and outreach to students that are in the high schools and I know that they do classes and training, especially in their government and civics courses on elections and if there's a way in the future that we might continue your efforts to work with them and work with them on specifically booths and voting machines. I know that there are many opportunities in the course of a school year where they've received help from your office and I've tried to help them where I can as well. But maybe you and I can have a conversation about if we have additional opportunities, how we might continue the linkage that you've already provided to the schools to enhance their educational opportunities around what we do here in local government and specifically what you do with elections. So, Madam Clerk, if you'd like to say or add anything I'd defer to you.

GERALDINE SALAZAR (County Clerk): First I'd like to say absolutely. That is one of our missions, part of our mission is to reach out to students, because in 2010 the law changed where 16-year-olds and 17-year-olds can participate as poll workers and they get paid just as much as the adults that participate and they're in public service as elected poll workers. So this is something that we always work with and we also work very close with the League of Women Voters to go out into the schools and register students who are eligible to be registered, their age is appropriate to be registered as registered voters, and then also register the 16- and 17-year-olds who aren't eligible yet but will be held in a file until they turn of age, but they can participate to be poll workers.

And in addition to that, we have done in the past where we go to elementary schools and run their little mini-election so that they have that direct experience of what goes on during an election. And we're willing to do that again.

COMMISSIONER ANAYA: Thank you, Mr. Chair, Ms. Martinez and thank you, Madam Clerk.

CHAIR MAYFIELD: Thank you, Commissioner Anaya. Commissioners, I think our last one, and correct me please if I'm wrong, is item C. 2.

II. C. 2. Request Approval of Amended CDBG Project Budget for the Greater Glorieta Waterline Project

CHAIR MAYFIELD: I don't see Mr. Taylor. I just want – Tony, it's pretty self-explanatory in the email that was provided but just a quick recap so the community can here.

TONY FLORES (Assistant County Manager): Mr. Chair, Commissioners,

this BAR basically brings in project funds that weren't previously brought into the project and it's a matter of cleanup for getting close to close out. So it's an administrative process to make sure that the budgets that the County have and the Department of Finance and Administration and the grant are aligned. And I stand for any questions.

CHAIR MAYFIELD: Okay. Thank you. Commissioners, Tony, really quick, how can other communities work with the County to apply for such grants?

MR. FLORES: Mr. Chair, excellent question. Once this project closes out, which we are anticipating within the next 30 days, the County will initiate Community Development Block Grant public outreach process in anticipation of applying for funds in the January funding cycle. So we'll actually have to do an official close-out with the Board for this grant, and then at the same time bring the schedule together for public input on potential CDBG projects for the next funding cycle. So that will happen in the timeframe of October, first part of November.

CHAIR MAYFIELD: The CDBG projects are – I don't want to say contingent but based on income of the area?

MR. FLORES: Mr. Chair, yes. Community Development Block grants are based upon low to moderate income levels. Remember, these are HUD funds that come through the state to improve communities, to remove blight, that type of issue so there are some requirements associated with that. Surveys, survey methodology to determine applicability.

CHAIR MAYFIELD: Thank you very much, Mr. Flores. And I apologize, Commissioner Chavez. I overlooked C. 1. I'm sorry, Commissioner Anaya. On this point.

COMMISSIONER ANAYA: Yes, I had some questions.

CHAIR MAYFIELD: I apologize, Commissioner Anaya.

COMMISSIONER ANAYA: That's okay. Since you had asked I just was going to wait till you were done. Mr. Flores, a couple things, I think you could probably do it. You could probably look back to your staff if you can't. But can you talk about first on this project, the greater Glorieta waterline project. Let's tell, once again, for the listening audience and viewing audience, I want you to give me total project cost and expenditure of what we did in Glorieta and then I'm going to ask you a couple questions about past CDBG projects.

MR. FLORES: Okay, Mr. Chair. If you give me one second to pull that information.

COMMISSIONER ANAYA: Okay. That would be fine. And just while you're getting that information I would just let the people that are listening and watching know, and even people that are here that might not know, we have an opportunity to pursue projects in and a coordinated way this Commission has focused our energies around one project at a time with CDBG and actually put our energies behind that project and been able to be successful over the years in achieving funding for projects.

MR. FLORES: Mr. Chair, Commissioner Anaya, the total project for the Glorieta water, or mutual domestic water consumers association project was a little over half a million dollars, \$551,000. And that funding was made out from sources from CDBG, from the local water association and County match. So that project was a little over \$551,000 in total.

Previous projects, to the second part of your question, during my previous tenure here Community Development Block grants included La Familia Medical Center, that you were instrumental in in the south side, the youth shelters facility on lower Agua Fria which was a Community Development Block grant program, as well as my previous life here, the Nancy Rodriguez Community Center. And those were all programs that were successfully completed under your tenure and mine, through previous CDBG programs.

COMMISSIONER ANAYA: Thank you, Mr. Flores. The teen center up north was another project that the County worked on and I even think Abedon Lopez way back then was a project that received money many years back. But truly beneficial. I know Commissioner Holian is probably going to add more associated with the good work that is done but it essentially helped sustain a water system and combine some efforts around a common goal. So I appreciate that summary. That's all I have, Mr. Chair.

CHAIR MAYFIELD: Thank you, Commissioner. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I just want to recognize all the hard work of the people in the Glorieta community to actually make this happen. The first thing that they had to do was to merge three mutual domestics into one, which they call the Greater Glorieta Community Regional Mutual Domestic Water Consumers Association. I never can quite memorize that. And then, what they did was to – the reason that they did that was to be able to diversify their water sources in the area and they worked long and hard to plan what needed to be done to make that water supply safer and also more secure in the long run, and then they had to prioritize what they were going to do when.

The work is not finished by a long shot but I think that the Greater Glorieta Community Regional Mutual Domestic Water Consumers Association is well on its way to making things significantly better in that community. And I really think that this can be a model for other communities for how they can approach this in the future, joining forces to accomplish bigger things. And I really want to thank some specific people who worked really hard on this: Anna Hamilton, Louise Sanchez, Pamela Linston, Marian Markham and I'd also like to thank Melanie Delgado, who was the community services coordinator for the NMED construction program. She really played a huge role in making this happen. And I'd also like to thank Rudy Garcia and Hvtce Miller for how much help they gave from the point of view of the County. So thank you, also.

CHAIR MAYFIELD: Thank you all, Commissioners.

**II. C 1. Request Approval of Revised New Mexico State Land Office
Agricultural Lease Renewal for Thornton Ranch Open Space**

COMMISSIONER CHAVEZ: Yes, question to staff. I did go through the lease agreement. The lease is between the County, Public Lands. It's a lease dated October 1, 2014, entered into by and between the Commission of Public Lands and the New Mexico State Land Office, State of New Mexico, hereinafter called the lessor and the County of Santa Fe is the lessee. I went through the lease. There's a lot of clauses in the lease, hold-harmless, things like that but I did not see a dollar amount in the lease. So I don't know if there is a dollar amount, if it's a dollar a year or what.

MARK HOGAN (Public Works): Mr. Chair, Commissioner Chavez, I

don't have the lease amount in front of me. The amount I think is a nominal amount. It's not really designed to be an income-generator. It's just something to hold –

COMMISSIONER CHAVEZ: I didn't think it would – that was my guess but just not seeing a dollar amount anywhere in the lease raised a question and I was just wondering if it would be appropriate to have that mentioned in the lease. It talks about permitted use. It talks about –

MR. FLORES: Mr. Chair, Commissioner Chavez, let us have an opportunity to take a look at that. I understood that this was a restatement of a previously approved document, but give us the opportunity to go back and take a look at that.

COMMISSIONER CHAVEZ: I just – unless I'm missing it. I read through it twice. I see no dollar amount in the lease. All the other terms are there but no dollar amount.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR MAYFIELD: Commissioner Stefanics.

COMMISSIONER STEFANICS: Since we don't have an answer maybe it could just be put later on our agenda if they can discern an answer.

CHAIR MAYFIELD: Sure. So we'll just –

COMMISSIONER CHAVEZ: postpone it until later.

CHAIR MAYFIELD: Move it back to our later agenda item and we'll ask those questions to be answered. Commissioner Anaya.

COMMISSIONER ANAYA: Appreciate the question and waiting but I can assure all of us listening and watching that it's a deal, whatever that amount is, to sustain the State Land Office lease, but let's wait and see what we get back. But knowing the relationship that we've established with the Land Office for decades at the County, whenever we can hold on to parcels that we have leases for and uses it's always a good thing. So I look forward to seeing that. I just wanted to say that.

COMMISSIONER CHAVEZ: No, I would agree with that, but not knowing what that dollar amount is it's definitely an asset that we need to continue to manage. It's appreciated by the community. There's a lot of history there. But in signing that lease we also have a liability. There is a clause in there for liability. And so all of those areas are addressed but only the dollar amount. So I think it's just a minor detail.

CHAIR MAYFIELD: Thank you. So, Commissioners, with that, I think discussed everything that we wanted to at this time off our Consent Agenda items. I'm just going to read in all of the quick Consent items and then go to the public for any discussion that we have recently had or any discussion on what we are going to approve under Consent. [Commissioner Mayfield read the Consent items.] Is there anyone from the public wishing to address any of these items? Seeing none, do we have a motion to approve our Consent?

COMMISSIONER HOLIAN: Mr. Chair, I move for approval of the Consent Calendar, minus the one pulled item, which is II. C. 1.

CHAIR MAYFIELD: Okay. Thank you. Tony, do you have an answer for us on that one item?

MS. MILLER: Mr. Chair, it's \$192 a year.

COMMISSIONER CHAVEZ: That is a good deal.

CHAIR MAYFIELD: Great deal. \$192.

COMMISSIONER CHAVEZ: Now it will be part of the lease, right? The dollar amount will be written into the lease?

MS. MILLER: Mr. Chair, the dollar amount is based on the formula that's in the lease. We just had to go calculate it.

COMMISSIONER CHAVEZ: The formula was there but not the dollar amount.

MS. MILLER: Because it changes each year. It can change based upon the formula I think.

COMMISSIONER CHAVEZ: Right.

MS. MILLER: But it's only a one-year contract. We can put it in there; we can add it. But that's what it is. It's \$192.

COMMISSIONER CHAVEZ: Well, I did see the formula but I wasn't going to be able to figure that formula out to arrive at the dollar amount, so that's why I felt I needed to ask the question.

CHAIR MAYFIELD: Thank you. Commissioner Anaya, do you care to – so we will also –

COMMISSIONER HOLIAN: Mr. Chair, I include all of the Consent Calendar.

CHAIR MAYFIELD: Okay. And that is item C. 1, request approval of revised New Mexico State Land Office agricultural lease renewal for Thornton Ranch open space. We have a motion.

COMMISSIONER STEFANICS: Second.

CHAIR MAYFIELD: And a second. Do we have public discussion? Please.

ALANNA BURKE: Hello, my name is Alanna Burke. I'm not sure if this is the moment when it's appropriate for me to speak. I wanted to speak to you about the vacation of our easement. That's the item that you received an email about [*Exhibit 2*] And the reason I sent an email is because the County, the Board of County Commissioners is about to sign a final order vacating our easement against our protests and it depends upon a couple of conditions and one of them is that the applicant, Heather McCrae, submit a plat restoring the easement. However, there is no due date on that. So what I was requesting was that there be some sort of – at least some sort of outer limit for this to happen because already the easement to our land has been in question for four months, which effectively means that our property has been without value for four months. And I would like to think that our value would be restored at some later date, not too much later. And as the order stands there is no limit on when that plat has to be created.

CHAIR MAYFIELD: Commissioner Anaya. Thank you.

COMMISSIONER ANAYA: Mr. Chair, Mr. Shaffer, it sounds like a reasonable request associated with what's being asked. Can you comment as to whether – is there an outer limit or what parameters are in place? And not just for this case but for any case associated with the request that she just put forward.

MR. SHAFFER: Mr. Chair, Commissioner Anaya, as I alluded to earlier, in some instances the land development code establishes specific deadlines. In other instances it does not and this would be one such instance. That would be the first point

that I'd try to make. The second is that the contents of the deadline for the filing of a plat and what would be reasonable under the circumstances, as I recall, and I'm looking to Rachel Brown, the Deputy County Attorney for confirmation. It wasn't an item that had been discussed at the hearing and that's why it was not proposed to be included in the order, so we're trying to implement our understanding of the Board's decision.

And the third point I would make is that if it is something that the Board would like to consider, given the fact that the comments did come in the day before the meeting, again I would suggest that the appropriate course would be to table this item so that the applicant could also have an opportunity to weigh in as to what would be a reasonable time frame.

COMMISSIONER HOLIAN: Mr. Chair.

COMMISSIONER ANAYA: Commissioner Mayfield, this is in your district. I guess I would defer to you. I'm trying to be reasonable as a Commissioner. I'm deferring to your expertise and frankly, sometimes I think – and I respect your job, but frankly, sometimes I think we maybe make things more complicated than they need to be. Is this a very complicated request that's in front of us? I mean to put it in simple, layman's terms. Is what's being requested far more complex than I'm understanding at this point or did I just miss something? And it's very possible that I missed a lot. And I would defer to you, Commissioner, Mr. Chair.

MR. SHAFFER: Mr. Chair, Commissioner Anaya, I guess what I was trying to allude to is the fact that, number one, this issue was not discussed as I recall at the hearing in terms of what would be reasonable. And so for the Board at this point in time to decide upon what that date is – is it 30 days? Is it 60 days? Is it 90 days? Is it a year? Without any input from the applicant, that's what's giving me – that's what I'm suggesting would be a reason to delay is that the applicant has had no input into what that date might be.

CHAIR MAYFIELD: This is definitely taking a little longer than Consent so what I'm going to do is ask that, if Commissioner Holian will amend her item to remove this from Consent and then we can go into a little more detailed discussion on it please.

COMMISSIONER HOLIAN: Yes. I agree to do that.

CHAIR MAYFIELD: Thank you. Is there a second on that?

COMMISSIONER CHAVEZ: Second.

CHAIR MAYFIELD: Okay. So we have a motion and a second in front of us. So we will be pulling this one case off and go into further discussion on it. All those in favor or our Consent Agenda as it was stated and read please say aye.

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

III. ACTION ITEMS (Public Comment)

A. Items from Consent Agenda Requiring Extended Discussion or Consideration

- 2. BCC CASE # PCEV 14-5120 Heather McCrea Vacation of Easement. Heather McCrea, Applicant, Request Approval to Vacate a Platted Twenty Foot (20') Wide Private Ingress/Egress and Utility Easement on One Lot Totaling 2.50 Acres. The Property is Located in the Traditional Community of Chupadero at 64A Paseo Encantado NE, within Section 6, Township 18 North, Range 10 East, (Commission District 1) (Approved 3-1) Miguel "Mike" Romero, Case Manager**

CHAIR MAYFIELD: Commissioner Holian, I'm going to go back to you if you have any questions on this.

COMMISSIONER HOLIAN: Mr. Chair, well, perhaps on this particular item, somebody from Land Use could comment as to what would be a reasonable time limit for the plat.

COMMISSIONER STEFANICS: Mr. Chair, I think there is a procedural question here that Mr. Shaffer brought up earlier, and Mr. Shaffer, I'd like for you to tell me if my interpretation is wrong and I won't have any hard feelings about it. I understand that we consider this as a land use case and we took extensive testimony and time to come up with a decision and I don't believe that we're allowed to just amend a final order. I think we would have to – if we're going to change anything, table it and go back to either rewriting the final order to what we agree to taking it back to a land use decision. So, Mr. Shaffer, I'd like for you to clarify for us a process.

CHAIR MAYFIELD: Mr. Shaffer, if I may, this Commission has amended a final order at one time or another from where we're sitting. And I respect what Commissioner Stefanics is saying but if my recollection serves me right we have done that in the past.

MR. SHAFFER: Mr. Chair, Commissioner Stefanics, yes, I think that the Board can amend the final order in that it's the first time the Board is considering a final order, which again is an effort by staff to put together the basis and the actual decision reached by the Board. Having said that I think that you have now a situation in which comments were being provided by one of the parties to the matter and those comments came the day before the hearing and in that particular context that's where my recommendation would be if you're going to modify the order in light of what is being proposed or if you're going to consider comments by the opponent to the application that you table it such that the applicant would have an opportunity to weigh in on this

particular issue as to a timeline or deadline for filing the amendment plat.

CHAIR MAYFIELD: Thank you. Commissioner Stefanics, thank you. Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, the reason that I raised the question in the first place is having to do with being as practical and pragmatic as we possibly can, and given the circumstances, having feedback from you that gives us some level of comfort as to whether or not this might change the integrity or the intent of the decision itself or whether or not it's not that substantial to the overall decision we made and maybe we should just wait another two weeks, bring it back and put it on. That's what I was looking for. I wasn't looking for a very complicated legal response, and I say that respectfully. If we had a final order that came in on a case that we, as Commissioner Stefanics just said, took extensive debate on and is going to change the intent of what we decided as a Commission, that's one thing. But if we had a feedback on something we missed, or something that isn't as substantial of an issue, then maybe it's a phone call and a discussion with the applicant and then a recommendation that says, based on this comment.

So I wouldn't discourage anyone in the public process from coming in and providing feedback, even at the eleventh hour. Not to turn a decision but if it offers something that makes sense for us collectively as a Commission going forward with other decisions then maybe we should look at it. So if you could respond. Because this – we surely don't want to get into a pattern, I will say this publicly, of making a land use decision, getting to a final order and then turning these things over and trying to start over. So I concur with where Commissioner Stefanics is going. But if there's something that might enhance how we do it at the end and afford that same opportunity to anyone else then I guess I'm not as adverse to making a change if it's insubstantial to the decision itself.

MR. SHAFFER: Mr. Chair, to be as pragmatic and cut to the chase as quickly as I can, we have, as this conversation has been going on reached out to the applicant. We've – he's indicated that he would be here in ten minutes and can state on the record in terms of what would be a reasonable time frame from his perspective. So I think in terms of your request from some pragmatic action that we took that while this conversation was going on and hopefully the applicant will be here within ten minutes and we can come up with a number that everyone agrees is reasonable and that can be incorporated into the Board's decision. If that would be acceptable to the Board.

CHAIR MAYFIELD: Commissioner Chavez.

COMMISSIONER CHAVEZ: I think that would be fine. I'm going to read some language if I could. It's the final order. It's a little out of context, but it deals with the idea to vacate, amend, private platted easements should be handled administratively if uncontested. So if there's a question there then I think that it does open up the case for further discussion to clarify one or two points and then move on.

CHAIR MAYFIELD: Thank you. So Commissioners, what we will do – you have done some outreach to the applicant. I know we have one of the other parties with us today. I don't believe there's any other parties involved in this case. I'm not going to commit that we're going to hear it in ten minutes. That will not be a commitment

that I'll make, but we will hear this late in today's agenda at a later time, if that's okay with the Commissioners. Thank you. . [See page 37.]

So, Commissioners, we are now onto – Commissioner Anaya, please.

COMMISSIONER ANAYA: Mr. Chair, just a question. We have our Assessor-Elect here and the Deputy Assessor. What – I know you as a chair have been, and our prior chairs have been trying to deal with our elected officials as soon as we could in the agenda but is there a specific item that they're here for? I was just curious, Mr. Chair.

CHAIR MAYFIELD: Mr. Perez? Oh, the resolutions.

COMMISSIONER ANAYA: Oh, the Association resolutions. Okay.

CHAIR MAYFIELD: Thank you. So, Commissioners, along with Commissioner Anaya's point, I think Assessor-Elect Martinez and Mr. Perez, we're definitely probably not going to get to that agenda item for at least an hour and a half. You guys go to lunch if you need to. Or anybody who wants to meet with our County Assessor-Elect and our Deputy County Assessor here they are; just go talk to them. Thank you, all.

III. B. Appointments/Reappointments/Resignations

1. Request Appointment of AnnaMaria Cardinalli (District 1) to Health Policy and Planning Commission

PATRICIA BOIES (Community Services Department): Mr. Chair, I'm here today to recommend the appointment of AnnaMaria Cardinalli to one of the District 1 positions on the Health Policy and Planning Commission. Ms. Cardinalli is a Santa Fe native and she has multi-generational roots to the community. She is a veteran who has served both on the field and in intelligence work in Iraq and Afghanistan where she was wounded. Ms. Cardinalli is here today with both her mother and her father, and she currently heads up a private investigative agency. And we believe that the Health Policy and Planning Commission and the County would benefit from her participation on the HPPC.

CHAIR MAYFIELD: Thank you, and I'm going to just kind of take the honor of, number one, moving this recommendation and hopefully look for a second.

COMMISSIONER HOLIAN: Second.

CHAIR MAYFIELD: Thank you. And Commissioners, if you haven't, and I'm sure you have, she has a very accomplished and remarkable résumé. I was very proud and honored when I met her and just fortunate enough to get to know here a little bit and do a little bit of google-searching. It's just amazing. She's an accomplished musician, opera singer, if that, Ms. Cardinalli, if you care to come on up and speak or if your father would, your mother. We have them both in attendance with us today. I like to put people on the spot.

ANNAMARIA CARDINALLI: You're all so kind and the things you've said to me have been very generous, but really, the fact of the matter is I'm a poster child on many counts. Poster child for being just a member, a real Santa Fe member of this community and also, I'm a veteran. That kind of deals with all the troubles that come from returning from these current wars, dealing with the VA, dealing with the healthcare

system within the military and outside of it, dealing with just returning.

So I love the veterans community. I love Santa Fe, and if I can help kind of merge those understandings by serving on this and help the people who [inaudible] I'd really be honored to. So I'm very, very grateful to you. Thank you.

CHAIR MAYFIELD: Thank you. Commissioner Chavez.

COMMISSIONER CHAVEZ: I'd just like to personally thank you for being willing to serve, because I'm sure you probably could be doing other things, right? But this is – and we're fortunate to have a Health Policy and Planning Commission that is a function of the County and the role that you will play in interfacing, not only with the veterans but with the others that need help in our community is vital. So I just wanted to personally thank you for your commitment.

CHAIR MAYFIELD: Thank you. Commissioner Holian.

COMMISSIONER HOLIAN: Ms. Cardinalli, I wanted to also thank you for being willing to volunteer our time and effort on this very important committee, and I think as has been noted, you will bring a unique perspective to it. And I too was blown away by your résumé.

CHAIR MAYFIELD: Thank you all so much. With that, Commissioners, we have a motion and a second in front of us on the appointment.

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

III. B. 2. Request Appointment of Anna Hamilton to the District 4 Seat on the Water Policy Advisory Committee

CLAUDIA BORCHERT(Utilities Director): Good afternoon, members of the Commission, Mr. Chair. I would like to make the suggestion that Dr. Anna Hamilton be appointed to the District 4 seat on the Water Policy Advisory Committee. You have in your packets her résumé. She has over 40 years of experience as a water professional. She's an aquatic ecologist. She currently works for Tetrattech here in town, which is a consulting company. She's a senior scientist for them. And in particular, her focus recently has been on climate change and because water will be largely impacted by climate change I think we are very lucky to have her interested in this position on the board. She's been recommended by Commissioner Holian for the replacement of Neal Schaeffer who resigned a few months ago.

CHAIR MAYFIELD: Thank you. Commissioner Holian.

COMMISSIONER HOLIAN: Mr. Chair, I move for approval. Then if there's a second I would like to make a few comments.

CHAIR MAYFIELD: Second. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you very much, Claudia. Dr. Hamilton also has a very impressive résumé and she has done research in water in a lot of different categories that I think can be very useful to this committee and I don't believe she's here today. She's probably working. But in any event. I would really like to thank her for giving back so much to her community and I'll just note that Dr. Hamilton has recently completed training to be a firefighter and now she's actually also a member of the Glorieta Pass Volunteer Fire Department. So she's a very busy woman. Thank you.

CHAIR MAYFIELD: Thank you so much, Commissioners.

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

COMMISSIONER ANAYA: Mr. Chair.

CHAIR MAYFIELD: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, on this particular committee, I was a cosponsor of the resolution that created it along with Commissioner Holian that was the primary sponsor I believe. But we had a lot of discussion when we set up this Water Policy Committee. And I knew when we were setting up the committee that it would be tough work. When you include as many people as we did, encompassing as many areas as we did, including acequias, water associations and all the varied members that we have. I would like you, Claudia, to have discussion with Katherine about a presentation back to the Board because I knew there was going to be hard work and I knew there was going to be conflict and there is conflict. There's disagreement. And that's fine.

But I also know that we wanted to have some recommendations coming forward and some cohesion over time, and I know it's going to take more time to even work through I think even just the understandings of what each of those members that sit on that board bring to the table. And so we don't necessarily need any feedback today but I know the feedback that I'm getting is that there's factions, for lack of a better word, of perspective. Which is great, but we need to figure out what are our goals going forward with this committee as a Commission, and then work with the committee to help us get some substantial work done. And so I know there's some disagreement on there and I know there's some that have approached me and flat-out said they don't feel they're getting anywhere, to be point-blank.

So I think we need to refocus and maybe have some discussion as Commissioners and you as staff to figure out where are we headed and how do we collectively get there. And so I would just make those comments associated with this particular committee, knowing full well it was going to be a challenge and it was important to have all those members around the table.

CHAIR MAYFIELD: Thank you. I'm going to go to Commissioner Chavez and then Commissioner Holian.

COMMISSIONER CHAVEZ: Thank you, Mr. Chair. Commissioner Anaya, I agree with you. This committee, the Water Policy Advisory Committee is very critical. Water policy or lack of policy can I think really get us in trouble. So I think if we do need to refocus the advisory committee there is work I think that they could do to help staff and the community determine in time of limited resources, especially water, where we would want to allocate that resource. So I can see that as being one of their primary duties and responsibilities.

The committee is still lacking one representation and that's from the Estancia Basin Water Planning Committee and so it is going to take time for the committee to be in place, to have all the members in place and for them to gel as a committee and really understand what their mission is. If they're getting mixed messages from us then we need to work on that. So I concur with many of your points but then I did want to ask staff if

you have anything to share with us regarding the one vacancy that is left, once this appointment is made.

CHAIR MAYFIELD: Commissioners, let's do this. Can we take first on the appointment of the member and then we can go to the discussion?

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

CHAIR MAYFIELD: The appointment passes unanimously. Claudia, if you can answer Commissioner Chavez' question please.

MS. BORCHERT: Mr. Chair, Commissioner Chavez, I'm not sure I followed whether you're asking what the task of the committee is now?

COMMISSIONER CHAVEZ: I just wanted to reinforce some of the comments that Commissioner Anaya made regarding the mission statement and the purpose of the advisory committee and if there is a question, if we are sending mixed messages then we can work on clarifying that. I don't know where we are on that but I think that I'll just leave that as a statement. And then the other question I had thought was having to do with the one vacancy that's left and that's the Estancia Basin Water Planning Committee member. Do you have anything to share with us on that appointment?

MS. BORCHERT: Mr. Chair, Commissioner Chavez, I have communicated with Rita Loy Simmons, asking her. She serves on the Estancia Basin Water Planning Committee and I asked her if she would please follow up with that group and find somebody who'd be willing to serve in that spot. So she's looking for someone for that position. And any other recommendations you would have from anybody you know that serves on that committee, I'm happy to follow up with those too.

COMMISSIONER CHAVEZ: But the committee has been meeting even with these vacancies, right?

MS. BORCHERT: The Estancia Basin Water Planning Committee has been meeting. The Water Policy Committee, they've been meeting almost quarterly and a little bit more. Further on the agenda today is their first work product, which is around regionalization, so there's a resolution on the agenda for their first work product. Right now they are tackling aquifer storage and recovery. And I do believe the group is diverse and that they are working to understand some of the big tasks they've been assigned. I also feel like maybe they initially felt like they were not understanding their tasks but in the last couple meetings I feel that they have started to gel and started to appreciate what each individual member brings to the group.

So my impression is that they are gelling and that they are moving forward and feel comfortable knowing what their assignments are. They've brought forward the work assignment for the 2014 year early this year and so after they finish the aquifer storage and recovery part for October and come to you in January they'll also bring forward a new work plan, and they usually tackle two issues in a year so they have six months to work on each and so it will be with your approval that they decide what those two issues are for 2015.

COMMISSIONER CHAVEZ: Thank you, Mr. Chair.

CHAIR MAYFIELD: Thank you. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Thank you, Claudia. I was going to make that point as well. I think that the Water Policy Advisory Committee has been working very hard on studying the regionalization issue. It's a complicated issue. It's really not completely set out how you regionalize in the state, and so they've been doing a lot of study on different methods for doing that. And they actually did make a recommendation to the Board which led to this resolution that we are considering later on in the agenda. So I just wanted to point that out and also thank them for all their hard work.

CHAIR MAYFIELD: Commissioner Anaya, please.

COMMISSIONER ANAYA: Mr. Chair and Commissioner Holian, I appreciate those comments and would say to you, Claudia, if you have a vacancy, we have people from the Estancia Basin that are participating on the committee that have come to me and expressed their concern about maybe some of the polarization on the committee specifically. And so as we refocus I want to make sure that the core – because one of the things that we talked about when we set up the committee is we know how committees function and we know there are some people that have other priorities and can't invest maybe the time or the energy into the committee that they should, but we have many, many mutual domestic water associations and many soil and water conservation districts and so if we have gaps then I would ask you to call me and say, Commissioner, there's nobody from Estancia that's coming or has expressed any more interest and I'll be happy to find you somebody with a lot of energy around water and specifically the Estancia Basin.

So I think refocus is probably the best work and make sure that they understand that we're supportive of their efforts but that we want to make sure that they all stay around the table moving forward on those water policies. My fear is that one segment or one perspective might stay interested, involved, and then the others might not participate anymore. The challenge is keeping all of them at the table so that they can work through the initiatives together. And that's what I'm after. Thank you, Mr. Chair.

COMMISSIONER CHAVEZ: Mr. Chair.

CHAIR MAYFIELD: Commissioner Chavez.

COMMISSIONER CHAVEZ: So Claudia, in the memo I just noticed there's five bullet points that are tasks that are assigned to the Water Policy Advisory Committee and they're listed in order. Make recommendations related to water policies in the land development code, make recommendations related to County water and wastewater utility growth, assist the County in addressing proposed aquifer storage and recharge activities, explore the concept of regionalization and regional water authorities, and recommend updates to the 40-year water plan and the conjunctive management plan.

So those are the tasks that they're working on now, but they're focusing on the regionalization first?

MS. BORCHERT: Commissioner Chavez, these five bullets come right out of the resolution that formed the Water Policy Advisory Committee and so it would be the third and the fourth bullets that they are tackling now.

COMMISSIONER CHAVEZ: Third and fourth. Okay. And then the work plan that you mentioned earlier will bring another one or two items for the next year?

MS. BORCHERT: Mr. Chair, Commissioner Chavez, that is right.

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

CHAIR MAYFIELD: Thank you, Commissioners. Thank you, Claudia for that update.

MS. BORCHERT: Thank you.

III. C. Purchasing

1. Request Approval to Utilize the Statewide Price Agreement to Purchase Eighteen (18) Police Interceptors and Vehicle Accessories for a Total Sum Amount of \$608,507.35 and Authorizing the County Manager to Sign and Execute the Purchase Order

BILL TAYLOR (Purchasing Director): Thank you, Mr. Chair, Commissioners. Again, we're asking authorization to utilize the state price agreement for these 18 vehicles that are going to replace outdated, high-mileage vehicles at the Sheriff's Department. With that I'll stand for any questions.

COMMISSIONER ANAYA: Mr. Chair.

CHAIR MAYFIELD: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, Mr. Taylor, we have members of the Sheriff's Department here, if you guys could come forward briefly. Major Johnson, if you could come forward. I have a specific question for you. Could you speak to – this is a very substantial investment that we make on an ongoing regular basis on behalf of the taxpayers and I would like you to speak to the vehicles. I'd like you to give the public just a little bit of better understanding about how many miles generally are being put on these Public Safety vehicles, their use and the replacement of these vehicles and why it's so crucial and necessary to assure that you all have the most safe and most technologically advanced vehicles that we can put in your hands to provide the safety and service that you do. If you could just do that briefly, Major, I'd appreciate it, and introduce your colleagues for us. I know them well, but introduce your colleagues first and then give us a snapshot so the public can understand how important this investment really is.

KEN JOHNSON (Sheriff's Office): Mr. Chair, Commissioner Anaya, this is Sgt. Lucero and Cpl. Nathan Segura. It is very important that we maintain our fleet. As you know, our officers are working 24 hours a day responding throughout the county which is in excess of 2,000 miles. So in doing that we put thousands of miles on each vehicle and in order to be able to continue to respond to emergency calls and calls for service throughout the county we need to maintain our fleet and keep them up to date.

And as with technology every year increases, by us staying up to date with this technology it gives us the tools that we need to be able to provide the best law enforcement services to our constituents in the Santa Fe County.

COMMISSIONER ANAYA: Thank you, Major. Could you speak, or anyone, whether the sergeant or the corporal, if you'd like to come forward and just talk about briefly as well, add on to the Major's comments about the number of miles that a deputy will typically put on in a day's work or maybe coverage area and how that works, associated with these vehicles.

DIEGO LUCERO (Sheriff's Office): Mr. Chair, Commissioner Anaya, to put it in perspective we have some 2013 vehicles that already have in excess of 65,000+ miles on them. Typically, in any given shift, a deputy could put easily up to 200 miles in any given shift covering, as the Major advised, we have 2,000 square miles within Santa Fe County and sometimes, depending on the volume of calls for service, we could have deputies going from the east side of the county all the way to the north end of the county and that's where they rack up the miles. Absolutely.

COMMISSIONER ANAYA: Mr. Chair, I just want to restate that. Some vehicles have 65,000 miles.

SGT. LUCERO: And those are just the 2013 models.

COMMISSIONER ANAYA: 2013 models. Does this request also speak to – is this only the cars? Are you guys going to give another presentation at a later time associated with other vehicles that you're going to propose that the Sheriff wants to utilize as well?

COMMISSIONER STEFANICS: That item is later.

MR. TAYLOR: I'm sorry, Mr. Chair, Commissioner, there is a list of the items they're going to get. They're canine units, sedans and SUV police cruisers.

COMMISSIONER ANAYA: And tell the public one time, Mr. Taylor how many vehicles we're replacing?

MR. TAYLOR: Mr. Chair, Commissioner, 18 vehicles total.

COMMISSIONER ANAYA: Thank you. They're going to be coming back with another item later, but I appreciate the expanded information. I think it helps the public understand just how much work and how many miles are put on these vehicles that you are in day in and day out. Thank you.

CHAIR MAYFIELD: Thank you. Commissioner Chavez.

COMMISSIONER CHAVEZ: So, Mr. Taylor, the list of vehicles that I'm looking at that's in the memo is one canine unit, eight police interceptor sedans, one transport van, three SUV police Explorers, four sedan interceptors and one Explorer interceptor. The \$608,000 includes the purchase of those 18 vehicles and the emergency equipment to radios and other things that are needed for those vehicles.

MR. TAYLOR: Mr. Chair, Commissioner Chavez that is correct.

COMMISSIONER CHAVEZ: And it's all broken down. Why is there a different – are we buying some from Richardson Ford and some from Chevrolet?

MR. TAYLOR: Mr. Chair, Commissioner, that's correct. For those particular those are the vendors at the best price on the price agreement.

COMMISSIONER CHAVEZ: Okay.

COMMISSIONER ANAYA: Move for approval, Mr. Chair.

COMMISSIONER HOLIAN: Second.

CHAIR MAYFIELD: Commissioners, thank you to our Sheriff's Department for all the outstanding work that you do in providing safety for our communities and you all be safe also.

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

III. D. Finance

1. Resolution 2014-95, a Resolution Requesting a Budget Increase to the Fire Operations Fund (244) to Budget the FY- 2014 Available Cash Balances for Various Fire Districts Revenue Funds / \$112,936

MS. MARTINEZ: Mr. Chair, Commissioners, what you have before you is a resolution for basically budgeting, carrying forward numbers from the previous fiscal year and these are by district. I stand for questions.

CHAIR MAYFIELD: Commissioner Chavez.

COMMISSIONER CHAVEZ: Thank you, Teresa. Thank you, Mr. Chair. The question I have, it seems that this equipment will be used on wildland, fire and movie production sets. So when it's movie production standby. So could you explain that function to me and to the public? And then also I would imagine that there would be a fee assessed for that standby, right?

CHIEF SPERLING: Mr. Chair, Commissioner Chavez, the revenue that's raised is raised during movie production standby and wildland deployment. And then those funds are reverted back to the districts that provide those services and those funds are used to maintain and/or upgrade their district equipment and apparatus.

COMMISSIONER CHAVEZ: Okay. That does it. Thank you.

CHAIR MAYFIELD: Thank you.

COMMISSIONER STEFANICS: I would move for approval.

COMMISSIONER HOLIAN: I'll second.

The motion passed by unanimous [5-0] voice vote. [Commissioner Anaya voted after the fact.]

III. D. 2. Resolution 2014-96, a Resolution Requesting a Budget Increase to the Fire Tax ¼% Fund (222) to Budget Available Cash Balance for the Pojoaque Fire Station Remodel Project/\$153,000

MS. MARTINEZ: Mr. Chair, Commissioners, this is basically budgeting cash to be used for this project specific in the amount of \$153,000.

CHAIR MAYFIELD: Thank you, and Commissioners, I think this helps. I think we did a full remodel and build on our career Fire Department. They then have moved over into that adjacent facility and now we're going to do some remodeling for our volunteers, correct?

CHIEF SPERLING: Mr. Chair, that's correct. We're going to be

remodeling the volunteer portion of that fire station as well as adding on a space in the back to get our physical fitness equipment out of the apparatus bay. That space will accommodate that equipment for both career and volunteer staff.

CHAIR MAYFIELD: Thank you. And just since I have the mike, seeing our Deputy County Manager in the back, Mr. Flores, a marquis on that location informing the community of events within Santa Fe County in District 1 as we've discussed would very much be appreciated if we could get moving on that also please. Thank you. Commissioners, I will move for approval.

COMMISSIONER STEFANICS: Second.

CHAIR MAYFIELD: We have a motion and a second.

The motion passed by unanimous [5-0] voice vote. [Commissioner Anaya voted after the fact.]

III. B. 3. Resolution No. 2014-97, a Resolution Requesting a Budget Increase to the GOB Series 2013 Fund (351) to Budget Cash Carryover to Construct Improvements to Roads on the 2012 Capital Improvement Plan / \$510,000

MS. MARTINEZ: Mr. Chair, again, Commissioners. This is the use of cash for project-specific totaling \$510,000. Again, road projects.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR MAYFIELD: Commissioner Holian.

COMMISSIONER HOLIAN: I move for approval.

COMMISSIONER STEFANICS: Second.

CHAIR MAYFIELD: We have a motion and a second, Commissioners.

The motion passed by unanimous [5-0] voice vote. [Commissioner Anaya voted after the fact.]

III. B. 4. Resolution 2014-98, a Resolution Requesting a Budget Increase to the Law Enforcement Operations Fund (246) to Budget One (1) Grant Awarded Through the New Mexico Department of Transportation for Highway Safety Projects in the Amount of \$119,466

MS. MARTINEZ: Mr. Chair, Commissioners, this is a combination of carryover as well as a new grant. Carryover to the tune of just under \$50,000 and new grant at \$75,000. Again, very specific to our DWI program. And I'll stand for questions.

CHAIR MAYFIELD: Thank you, and thank you all for the great work you do with that DWI program. Commissioners, is there a motion?

COMMISSIONER CHAVEZ: Move for approval.

COMMISSIONER STEFANICS: Second.

CHAIR MAYFIELD: Motion and a second. Discussion? Seeing none.

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

III. D. 5. Requesting Approval to Change a Current Temporary Clerical Position to Term as Funded by a Grant Awarded Through the New Mexico Department of Transportation (NMDOT) for the DWI Seizure Program

MS. MARTINEZ: Mr. Chair, Commissioners, this position is associated with the previous grant you just approved. There was insufficient money to secure through September 2015, so we're trying to take it from a temporary to a term position and at the end of that time hopefully this would be a position that would be absorbed by the DWI seizure program.

CHAIR MAYFIELD: Thank you.

COMMISSIONER STEFANICS: Mr. Chair, I would move for approval.

COMMISSIONER CHAVEZ: Second.

CHAIR MAYFIELD: We have a motion and a second. Ms. Martinez, if you know, would this position be eligible for benefits now that it's moving to a term?

MS. MARTINEZ: Moving to term, yes, sir.

CHAIR MAYFIELD: Okay. Great. That's great.

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

III. D. 6. Resolution No. 2014-99, a Resolution Requesting a Budget Increase to the Law Enforcement Operations Fund (246) to Budget the Proceeds from the Sheriff's Fleet Auction / \$45,225.00

MS. MARTINEZ: Mr. Chair, again, the Sheriff's Office is asking to use the proceeds generated from an auction to purchase a motorcycle at the total amount of \$45,225.

COMMISSIONER ANAYA: Mr. Chair.

CHAIR MAYFIELD: Commissioner Anaya.

COMMISSIONER ANAYA: I'd like to have the Sheriff's Department come forward again if they could. Major Johnson, if you could provide a snapshot as to what the department and the Sheriff and Undersheriff and yourselves are wanting to do I'd appreciate it.

MAJOR JOHNSON: Okay. Mr. Chair, Commissioner Anaya, with this we're looking to help it a motorcycle for our traffic unit and with this motorcycle we'll be able to do some traffic enforcement throughout the county. As you know, the county has

many hundreds of miles of paved roads and we're continuously getting complaints for traffic enforcement and requests throughout the county. And this would be just another tool in our tool box to help us get out there into the county on some of these smaller roads where the maneuverability of the motorcycle will be able to help us conduct this enforcement.

COMMISSIONER ANAYA: Mr. Chair, Major Johnson, I'd like to also hear from the sergeant as well as the corporal. I'm going to make some additional comments but I'm going to let them make some more comments as to the usefulness of this particular addition and then I'll make some comments before I – in fact I'm going to go ahead and move for approval before I even let him comment.

CHAIR MAYFIELD: Second. Motion and second. Sergeant, please.

SGT. LUCERO: Mr. Chair, Commissioner Anaya, we feel that the addition of a motor unit would be a great benefit to the Sheriff's Department. As Major Johnson did state, we have several hundred miles of highway throughout Santa Fe County and we do receive numerous complaints from concerned citizens in regard to traffic complaints. This is another tool for us to go and address those concerns. It also allows us the use -- it's a recruiting tool as well. Several departments have gone to the bikes. Farmington Police Department, Dona Ana County, Hobbs Police Department, Las Cruces and the Cuba Police Department. They've had great success as well in regards to community policing as well with these bikes. It enables us to participate more with special events, escorts and parades. So we're already participating in those aspects and we feel that the bike would definitely help us expand in those areas.

COMMISSIONER ANAYA: Thank you, Mr. Chair. Corporal.

CPL. SEGURA: Mr. Chair, Commissioners, as the major and the sergeant have said I think it would be an invaluable asset to our DWI traffic program as I do receive several complaints throughout the county with reference to speeding, concerned citizens about speeding and traffic enforcement in their community. And again, the maneuverability of these motorcycles I think would be a great asset in assisting to curb bad driving habits in the communities, making the roadways of Santa Fe County safer for the motoring public.

COMMISSIONER ANAYA: Thank you, Mr. Chair and Mr. Chair, and my colleagues on the Commission, I've begun to learn more and more about these particular units, questions that I've asked of the Undersheriff as well as the Sheriff but I think this is a new step for the department in a very progressive direction and I want to commend the Sheriff, the Undersheriff and yourselves for bringing this forward. I also, in those same questions have come to find that typically, these units work in pairs and that helps them to work their shift and accommodate all those things and safety needs that you brought up. And I know the City of Santa Fe and Commissioner Chavez probably knows more about that than any of us because he worked as a Councilman for many years at the City and understands that aspect better than we do or I do in particular anyway. But I would like to ask my colleagues for us to maybe challenge ourselves and the Manager to see if we can find other avenues. I don't believe we can use our capital dollars for motorcycles or correct me if I'm wrong. Can we or can we not, Ms. Miller?

MS. MILLER: Mr. Chair, Commissioner, not our quarter cent GRT. It's

not for vehicles. It's for buildings and public facilities and equipment within those facilities when we're renovating or building them.

COMMISSIONER ANAYA: So just on that point I'd like you to take a look and like I said I'd like to ask my colleagues to give this some consideration for if this passes in trying to get two, so that they could work in pairs. And like I said, I think it's a progressive step for the department. I commend you for what you do. It doesn't add additional deputies. It's deputies that we have that would be trained and it's my understanding you're already working towards an individual or a couple of individuals that would work the unit. Corporal, do you want to comment on that? Or Major?

MAJOR JOHNSON: Mr. Chair, Commissioner Anaya, yes, we do have individuals that are already trained in motorcycle enforcement so we'll have these individuals ready to plug into these positions.

COMMISSIONER ANAYA: And my last comment would be this and I apologize for taking a little extra time, Mr. Chair. I just think it's a progressive step and important, but when you think about small communities that we have, urbanized areas in and around the city, small communities like Eldorado and Galisteo and up north in La Puebla and Agua Fria Village and La Cienega. There's many, many areas that if we had these units would help these guys do your jobs and another tool as you said in the toolbox. So thank you for those efforts and I'm going to work hard with my colleagues up here and the Manager to see if we can't figure out a way to try and get two so we have your guys working in pairs when you're working on these units. Thank you, Mr. Chair.

CHAIR MAYFIELD: Thank you. Commissioner Chavez, then Commissioner Stefanics.

COMMISSIONER CHAVEZ: Well, I just wanted a little bit of clarification for myself and for the public because I think what you're trying to do is, if I'm understanding this right, is to build or to start a new motorcycle fleet program within your department.

MAJOR JOHNSON: Yes, sir.

COMMISSIONER CHAVEZ: And this will be the first purchase for that motorcycle fleet.

MAJOR JOHNSON: Yes.

COMMISSIONER CHAVEZ: And then in this first purchase, the purchase that's the \$42,000 but it also includes the equipment, decals, radio and all the other things that you need for that to be put in service.

MAJOR JOHNSON: Yes, Commissioner. That's correct.

COMMISSIONER CHAVEZ: And you mentioned earlier that you would like to use it as a recruiting tool and I was thinking, well, why Harley Davidson? Well, that's the recruiting tool. And it's American made.

MAJOR JOHNSON: Correct.

COMMISSIONER CHAVEZ: So I'll just leave it at that. Thank you.

CHAIR MAYFIELD: Thank you. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. I have nothing against motorcycles. My brother and sister-in-law ride Harleys. But – and I'm going to

support this measure – but I’m not going to jump to the conclusion that we’re going to keep increasing it until we see some statistics on – I’m concerned about accidents. I’m concerned about the road conditions that we actually have here in Santa Fe County, whether it’s going through the mountains, whether it’s dirt roads. Whether we are solely using it in small communities. But I will look forward to a report before I would even consider increasing to another item. Thank you.

CHAIR MAYFIELD: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, I very much agree with Commissioner Stefanics. What I’ve learned about these particular units is they do typically work in pairs and they do typically work together when they’re doing their initiatives and their enforcement efforts and it was a matter of resources associated with getting two. And so I completely concur that in no way would it be wise for us to rush into expansion beyond that but I do think, based on the statistics that I’ve heard about – I need to read more about it and please provide those to me, but if these individuals work together that it would be a good, better system and a better use of services. But I completely concur beyond that. But I would like to see if we could try and get those two and then evaluate the usefulness and effectiveness through data. Thank you, Mr. Chair.

MAJOR JOHNSON: Mr. Chair, Commissioner Anaya, I think one thing, one benefit that we would see in having a pair is officer safety-wise. We’d have two officers that are able to work together in the rural areas that there would be more officer safety and it would be a good presence to have two.

CHAIR MAYFIELD: Thank you. Gentlemen, I would just add I agree on the tandem. I think it’s needed for safety. We do have rural areas within our county. Granted, not every road is paved in Santa Fe County and there might be something going on in an arroyo or on a back side of a field that might provide you all easier access through a motorcycle. With that, I would even suggest the purchase of a trailer in case you would need to trailer the use of vehicles anywhere else. Maybe you have a truck that could do it. And if we could, I would just respectfully ask that our County Manager through your department and through Kristine Mihelcic do a little bit of a media campaign on this, bring awareness now that – if it’s approved. We do have motorcycle officers. Also we have motorcycle members in our community who use motorcycles and again, just acknowledgement that there are motorcycles in our community and you need to be safe and observant of them. With that, Commissioners, I think that’s all the discussion. A motion and a second is on the floor.

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

MAJOR JOHNSON: On behalf of the Sheriff and the Undersheriff I just want to say thank you to the Commission for your continued support of the Sheriff’s Office.

CHAIR MAYFIELD: Thank you all. Appreciate the work, Major Johnson.

III. B. 7. Resolution No. 2014-100, a Resolution Requesting a Budget Increase to the Fire Protection Fund (209) to Adjust the Budget for the Current Year Allocation to the Actual Distribution Amount and to Carry Forward the FY-2014 Available Cash Balance for Expenditures in FY-2015 for a Total Amount of \$1,507,827

MS. MARTINEZ: Mr. Chair, Commissioners, again, this is a general housekeeping item. This is something where we don't know the final award number and we're through June 30th still doing activities. So we're at a point where we have the final carryover and the final award number and we are budgeting it by district for capital projects, for contracts, for various services.

COMMISSIONER ANAYA: Move for approval, Mr. Chair.

COMMISSIONER HOLIAN: Second.

CHAIR MAYFIELD: Motion and a couple seconds.

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

CHAIR MAYFIELD: Commissioners, really quick, if I can. I just want to go out to the public. Is there any public members who would care to comment on any of these resolutions that were in front of us today. Seeing none, Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, I stepped out for a brief moment, if the record could reflect on those resolutions that I voted in the affirmative I would appreciate it.

CHAIR MAYFIELD: Thank you. Commissioners, really quick. I see that we have one case that we pulled off of the agenda for later discussion and that was on Consent. I know there was a request to go into executive session if needed. I'd like to have this case addressed now before we go there if that's okay with the Commissioners.

**III. B. 2. BCC CASE # PCEV 14-5120 Heather McCrea Vacation of Easement. Heather McCrea, Applicant, Request Approval to Vacate a Platted Twenty Foot (20') Wide Private Ingress/Egress and Utility Easement on One Lot Totaling 2.50 Acres. The Property is Located in the Traditional Community of Chupadero at 64A Paseo Encantado NE, within Section 6, Township 18 North, Range 10 East, (Commission District 1) (Approved 3-1) Miguel "Mike" Romero, Case Manager
[Continued from page 23.]**

CHAIR MAYFIELD: So, Mr. Shaffer, I'm going to defer to you really

quick for procedurally. Again, we had a Consent item of an action that the Commission took in the past. We received an email last night that some of the Commission were apprised of today sitting up here and see that we have also the applicant and one of the interveners here just to afford equitable time you all contacted – I don't want to speak for you, Mr. Shaffer, so can you just bring us up to speed where we're at on this?

MR. SHAFFER: Mr. Chair, so again, to recap. In light of the request made in writing and repeated again here today by an opponent to the application to vacate the easement staff did reach out to Mr. MacCreight, the applicant to make sure that he was aware of that request and could be present to offer his views on the request of a deadline with respect to filing the plat, which would vacate and relocate the easement. So now Mr. MacCreight is here and I think the appropriate step would be to allow him the opportunity to address that issue.

CHAIR MAYFIELD: Thank you, Mr. MacCreight. Did you have an opportunity to see the email that was provided to us?

JAMES MACCREIGHT: I just found out about this this morning. I spoke to my attorney and he's still pursuing further investigation on how to proceed forward with this because if I may, Mr. Chair, I'd like to just go over what really took place, and that was I purchased a home on a piece of land that had an existing easement through it and then through further investigation, because we wanted to move that easement we found out that the original easement was never vacated when they created the second easement. And so we had an easement going through our house and we wanted to move that easement. The people who are receiving that easement did not agree to where we wanted to move it. They wanted to stick to what was their original easement, which they thought was the original easement, which was null and void because no one had ever vacated the first easement through the County Commission.

So it is case law that you are allowed to move an easement without the recipient of the easement's permission and my attorney is looking further into going forward with this and to find out. I don't know anything about this meeting until – I think it was somewhere around 10:00 this morning someone contacted me and then Ms. Brown from the Legal Department and said that the meeting was going on, could I come in and I was down the road. So I spoke to my attorney and he said we're still investigating different avenues to go forward.

So I think if we were forced into giving a timeline on something that wouldn't create that we would be denied our due process in order to go forward in the courts and take issue with what was resolved.

What happened was that the County Land Use came up with what they thought would be something that they recommended but that wasn't in line with what we were asking for.

CHAIR MAYFIELD: Thank you, Mr. McCraight. Commissioner Stefanics.

COMMISSIONER STEFANICS: Mr. Chair, I move to table this final order.

COMMISSIONER HOLIAN: Second.

CHAIR MAYFIELD: We have a motion and second to table. I guess we can't have discussion on our procedural rules. Well, there's a motion and a second in

front of us to table.

The motion to table passed by majority [3-2] voice vote with Commissioners Anaya and Mayfield voting against the motion.

CHAIR MAYFIELD: This is tabled now, Commissioners. Commissioners, if we do want a discussion on this now if there's needed to be discussion.

COMMISSIONER STEFANICS: Mr. Shaffer, what do you recommend as the timeline and next step for reconsidering anything related to this?

MR. SHAFFER: Mr. Chair, Commissioner Stefanics, I don't have any recommendation specifically at this time. I think obviously you have some interested parties who are here and it would not be inappropriate for staff to consult with them before we make any firm recommendations on the record. I think the action that you've taken today suffices at this time.

COMMISSIONER STEFANICS: Thank you very much.

CHAIR MAYFIELD: Thank you. I voted no. It was 3-2. Thank you. So this will be tabled for a later date. Commissioners, before I go to communications, I just want to bring something up, I guess not case specific but in generality specific. Mr. Shaffer, when we're given an email – I'm going to say it – the day before. Granted that all parties need to be apprised and they can look through our noticing requirements. I just want to know, I think this question was asked a little earlier by two of my colleagues. How are we going to – are we setting a precedence? How are we going to proceed in the future because this kind of just throws something else I believe into the mix of the way this Commission is going to conduct business. If you want to come back at a later date, if this needs to be addressed in the code, in our operating rules.

MR. SHAFFER: Mr. Chair, I think that it is something that warrants a larger discussion outside the context of the specific case. I think that this particular scenario has obviously brought the issue to the forefront and it does warrant additional consideration by Land Use staff as well as the Legal Department as to what might be processes that should be followed to deal with the situation which an order comes after the Board has announced its decision.

CHAIR MAYFIELD: Great. Thank you. Maybe that's another suggestion is in the final order there could be that recommendation that the Commission votes on it at that time. Thank you. This matter has been tabled to a later date and from what I heard staff is going to meet with both of you, I think.

MR. MCCRAIGHT: Thank you, Commissioner.

CHAIR MAYFIELD: Thank you both. Commissioners, with that, we have asked – we were asked a little earlier by our County Manager to move up executive session.

VI. MATTERS FROM THE COUNTY ATTORNEY

A. Executive Session

1. Threatened or Pending Litigation, as Allowed by Section 10-15-1(H)(7) NMSA 1978

- a. **In the Matter of the Application of Public Service Company of New Mexico for Approval to Abandon San Juan Generating Station Units 2 and 3, Issuance of Certificates of Public Convenience and Necessity for Replacement Power Resources, Issuance of Accounting Orders and Determination of Related Ratemaking Principles and Treatment, Public Service Company of New Mexico, Applicant, Public Regulation Commission Case No. 13-00390-UT**
- b. **Threatened or Pending Litigation Concerning the Adult Detention Facility**
2. **Discussion of Limited Personnel Matters Related to Managerial Employees, as Allowed by and Defined in Section 10-15-1(H)(2) NMSA 1978**
3. **Discussion of the Purchase, Acquisition or Disposal of Real Property or Water Rights, as Allowed by Section 10-15-1(H)(8) NMSA 1978**
 - a. **Sale of Top of the World Farm**
 - b. **Lease of Santa Fe County's Top of the World Farm Water Rights for Irrigation at the Top of the World Farm Until They are Needed for the Regional Water System to be Created Pursuant to the Aamodt Settlement Agreement**

CHAIR MAYFIELD: I'll go first to our County Attorney. Is there a need for executive session, Mr. Shaffer?

MR. SHAFFER: Mr. Chair, yes, I would respectfully submit that there is. There were some specific items that were listed on the amended agenda. I would just suggest that any motion specifically at least incorporate them by reference. There's the matter of the replacement energy case, Public Regulation Commission Case #13-00390-UT. There's a specific item concerning threatened or pending litigation concerning the adult detention facilities, as well as discussion regarding managerial employees. And then under the acquisition or disposal of real property or water rights, two separate items. One, the sale of the Top of the World Farm and then second, the lease of Santa Fe County's Top of the World water rights of irrigation. So I do think that executive session on those items is warranted.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR MAYFIELD: Commissioner Holian.

COMMISSIONER HOLIAN: I move that we go into executive session where we will discuss threatened or pending litigation as allowed by Section 10-15-1(H)(7) NMSA 1978, specifically one case regarding the PRC Case #13-00390-UT, and also threatened or pending litigation concerning the adult detention facility. We will also discuss limited personnel matters related to managerial employees as allowed and defined in Section 10-15-1(H)(2) NMSA 1978. Also, discussion of purchase, acquisition or disposal of real property or water rights as allowed by Section 10-15-1(H)(8) NMSA 1978, specifically, sale of Top of the World farm and also lease of the Santa Fe County's

Top of the World farm water rights.

CHAIR MAYFIELD: Thank you, Commissioners.

COMMISSIONER STEFANICS: Second.

CHAIR MAYFIELD: We have a motion and a second. Just again, for our listening audience or viewing audience, there were two items that were removed from executive session. That was items 4 and 5, so that will not be discussed today. Mr. Shaffer, approximately how much time do you believe we would need?

MR. SHAFFER: Mr. Chair, I'd estimate an hour to be safe.

CHAIR MAYFIELD: Okay, so just the way this Commission usually conducts itself let's plan on being here at 3:15. So again, give or take. I'm going to say 3:15 so everybody has the opportunity to eat lunch. Just recognize Mr. Ortiz – Mr. Ortiz, what board are you on, or the 12 boards you're on please?

So Commissioners with that, we are going to take a quick roll call.

The motion to go into executive session pursuant to NMSA Section 10-15-1-H (7, 2 and 8) to discuss the matters delineated above passed by unanimous roll call vote as follows:

Commissioner Mayfield	Aye
Commissioner Anaya	Aye
Commissioner Stefanics	Aye
Commissioner Holian	Aye
Commissioner Chavez	Aye

[The Commission met in closed session from 1:40 to 3:50.]

COMMISSIONER ANAYA: Mr. Chair, I move we come out of executive session. The Commissioners were present, the County Attorney, the Deputy County Attorney, County Manager were present and that the only items discussed and listed on the agenda were discussed in executive session.

CHAIR MAYFIELD: Thank you. We have a motion, Commissioners. Is there a second?

CHAIR MAYFIELD: Motion and a second.

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

III. E. Other Resolutions

1. Resolution No. 2014-101, a Resolution Articulating County Policies for the Planning, Design, and Construction of the Aamodt Settlement Agreement Regional Water System

CHAIR MAYFIELD: I'm just going to really quick, Adam. There are a few people in the audience that I believe were waiting for this item. Is everybody here? Because I see one gone. Okay. Fair enough. So let's go ahead. I'd give him a few minutes to show up but that's okay. Thank you. Mr. Leigland.

MR. LEIGLAND: Good afternoon, Mr. Chair, Commissioners. We have a resolution regarding Aamodt design, but before I get into it I'd like to remind the Commission where we are in the Aamodt process and talk about in particular some of the statutory milestones, because I think that has some relevance to this resolution.

So to remind the Commission, there were sort of four tracks or four processes that are going on with Aamodt right now and these processes need to have been in parallel and not in series in order to meet some statutory milestones. So the first one is the federal process itself, the actual settlement agreement. That is being handled by the federal court and the that is the – the objections were filed earlier this year and the judge, the court is now evaluating those objections and the end result of that process, when it does happen would be the setting of the final decree, which is accepting the settlement agreement, however that process ends up.

The settlement agreement, the federal law says that that has to happen by September 2017, so that is one track and that is one milestone.

The other track that is ongoing is the actual design and construction of the regional water system itself. So the regional water system is just one pillar of the settlement agreement, one of many pillars. It has to be designed and constructed and the federal law says that the design has to be completed by November 2017 and the system has to be physically complete by 2024. So there are some milestones that have to be met for the design and construction of that regional water system.

The other track is all the various operating agreements that have to be formalized and it includes the joint powers agreement for the board of the regional water system. There's an operating agreement that specifies how the system will be operated. There's also a contributive cost agreement. So there's a number of agreements. Also the watermaster rules, rules and regulations for how the water will be administered in the basin, that has to happen, and there are some milestones in the state law and the federal law that has to be done. And then finally, there also has to be – the EIS has to be complete and that has to be complete by 2017 as well.

So a number of tracks that have to be done and in order to meet the statutory milestones they have to be done at the same time. And the reason I mention this is it could be perceived that making decisions about the design of the system now is putting the cart before the horse and someone might ask, well, the federal decree hasn't even been entered yet; why are we thinking about design of the system? Well, in order to meet these statutory milestones we need to have a design complete by November 2017 and that isn't even two months after the final decree has to be entered according to the state law. So we can't afford to wait until the final decree is in order to finalize the design.

Another reason that we want to worry about the design at this point is we need to give the citizens of the basin an idea of what the service area is going to be. The service area is different from the settlement area. And we also need to know what the final costs are going to be because the settlement act also requires that all monies be appropriated by 2017 as well, and so unless we know what the system is going to look like and have an estimate of construction costs we can't appropriate those funds.

So there are a number of tracks that have to go on in series in order to meet these milestones. So what you have before you today, Commissioners, is a resolution that gives

staff guidance in our interactions with the BOR who are responsible for the design and construction of the regional water system, give staff guidance as they make design decisions, and it's allowed to make the design process as expeditious as possible.

So as the BOR has progressed in the design they've identified a number of questions that they think that the County needs to answer. These are questions about where waterlines would go, about operational practices, about how land would be acquired and what not, and they gave us this list and staff took this list and distilled it into four overarching – five overarching categories. What you see before you is these five categories, plus some staff recommendations for how the County should treat these five categories. So let me just go over those real quickly.

The first one concerns service connections, so the BOR is asking where the service connections – where do you want us to run pipelines? How will the infrastructure be sized? So the policy recommendation staff is making is that the County go into this with the idea that we'll maximize the number of potential service connections. So essentially what that means is we'll run pipes as close to as many parcels as we can within economic limits.

CHAIR MAYFIELD: Mr. Leigland, just really quick, to interrupt you. Again, for our listening audience and television audience and knowing that not everybody's here, will you read in the Therefore's as you're discussing the five requests please?

MR. LEIGLAND: All right, Mr. Chair. Do you want me to read the recitals or the actual terms the resolution – the action items in the resolution? Because the – the Therefore's? Okay. The first recommendation is to maximize service connections and that in the resolution is shown as item 1.a. And so we're recommending that when we interface with the BOR we tell them to design the system to maximize the potential number of service connections. And so what that means is we'll make every attempt to have a service line within reachable distance of a parcel, knowing that maybe that particular parcel is not going to connect right away, but that line is there.

Kind of jumping ahead a little bit to item 1.c that will also impact how fire protection is treated. So the item 1. a about service connections recognizes that not every possible parcel in the service area, potential service makes sense to reach. It just may be too expensive. And so this implements a 20-year return on investment criterion which is to say if this service connection doesn't recover the costs in 20 years then it doesn't make economic sense for the County to serve them.

CHAIR MAYFIELD: Again, Adam, I'd like you to read it in because anything that's written in the resolution as Therefore can be interpreted by many parties as explained. So I want it to be –

MR. LEIGLAND: Okay, so Mr. Chair, so item 1. a. Maximize service connections. Regional water system infrastructure will be designed to maximize the number of potential economically feasible non-Pueblo service connections. Service connections shall be deemed economically feasible if the County/State capital costs incurred to make the service connections available can be recovered in 20 years or less through the estimated revenue that could be collected from the service connections. The cost recovery model can be applied to individual service connections or to service areas

as appropriate and as determined to be necessary to maximize the number of service connections for the lowest capital cost. The cost recovery model will not be applied to any service connections otherwise required by other agreements.

CHAIR MAYFIELD: So I'm going to ask for a quick explanation as we go along. So the recovery in 20 years – I mean, you could recover the costs if you raise the rates to an exorbitant amount of money, so where's the line on that?

MR. LEIGLAND: Well, Mr. Chair, that's a great question. The 20-year model wasn't something – that was something that investor-owned utilities applied to their line extension policies. But the presumption is that you will have a cost of service – that there is a reasonably determined rate that you would apply to that. Also, implicit in that is that you will have a rough idea of what it would cost to do that, the capital costs. So you'll have to develop some linear costs, for instance. This much per meter of line, or something like that.

CHAIR MAYFIELD: Thank you. And I'm just going to state this for the record, because I think there's been a correction to maybe a staff presentation in the past that's gone out in the Aamodt settlement area. They were saying rates would be no higher at one time than what is currently being paid by all of our County customers, which I believe might be \$45.

MR. LEIGLAND: Mr. Chair, yes. If you look at the current average County customer bills, about \$45 a month. What you may be referring to in 2012, a presentation was made to the Commission looking at economic feasibility and in that presentation an assumption was made that the average customer in the service area would pay equivalent to a County customer. Now, it's impossible to say it will be exactly the same but if you look at rates across the entire basin, all the different public utilities you'll see that the County rates are equivalent – they're all roughly equivalent. So the rates in the service area would be roughly equivalent. So I think \$45 to \$50 a month estimate is a good estimate.

CHAIR MAYFIELD: Thank you, Adam. Commissioner Chavez.

COMMISSIONER CHAVEZ: Thank you. I want to just add a comment here, and it may be out of context just a little bit or not directly related and maybe it's just in the presentation or how the public is understanding this regional water system. This regional water system that we're talking about, it really will benefit the Pojoaque Valley. That's who it's designed for. Is that accurate? Is that correct?

MR. LEIGLAND: Mr. Chair, Commissioner Chavez, yes. This is the Pojoaque Basin.

COMMISSIONER CHAVEZ: So the fear is that this is being designed, it will be constructed. There's a certain acre-feet attached to the project. There's a number that's for pueblo and then a different number for non-pueblo, and it will be allocated appropriately.

MR. LEIGLAND: Mr. Chair, Commissioner Chavez, that's correct. So the settlement agreement says that the regional water system will deliver up to 4,000 acre-feet of water per year. And just to give you an idea that's about half what BDD is designed for. And of that 4,000, 2,500 is allocated towards the pueblos and 1,500 acre-feet per year, 40 percent, is allocated toward the non-pueblo customers.

COMMISSIONER CHAVEZ: So here's the fear that I'm hearing from some residents in the Pojoaque Valley. They're worried that that water is going to come into our system for Santa Fe County and for the City of Santa Fe if you will. So there's the fear that this system is being designed not to benefit only them, but that there's a notion that our system, our Buckman Direct Diversion system and this Pojoaque Valley regional water system will intersect at some point. But that's not how this is being designed, right?

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

COMMISSIONER CHAVEZ: Okay. I just wanted to point that out for the record because that's one fear that I'm hearing from people, and I don't know if you've heard that, Commissioner Mayfield, but that's one concern that I've heard from a few people and I just thought I would put that on the record at this point in time.

CHAIR MAYFIELD: Thank you. Adam, or I don't know, our water hydrologist or whoever's here. Correct me if – this is paper water. I mean we could put a diversion point at the BDD if we're not pulling it out there at the Aamodt diversion point. Top of the World water rights, that basically is just – it's a paper water transfer.

MR. LEIGLAND: Mr. Chair, that's correct. This is the water rights so this is the size of the bucket we're allowed to use. There still has to be the wet water to fill that bucket and wet water to fill the bucket is going to be coming out of the Rio Grande for the most part. There's also going to be coming – there's some groundwater allowances, but you're right. So when we talk about the water rights we're talking about the allowable size of the bucket, if you will, but there still has to be the wet water to fill that bucket.

CHAIR MAYFIELD: And Commissioner Chavez, thanks for bringing that up, and Mr. Leigland, again, not trying to speak out of knowledge or for lack of knowledge but you indicate there is the water rights that are afforded to the pueblos. There's a water allocation of rights that are afforded to Santa Fe County. So what guarantees do we have – and maybe you'll talk about this four-piece mechanism you just talked about – that none of this water will be wheeled out of that valley for future use? Or until needed use by the Pojoaque service area?

MR. LEIGLAND: Well, Mr. Chair, the settlement agreement does allocate the water to the pueblos and to the County and there are different categories and I'm just going to see if I can find them really quickly here for you. So there is an allocation to the pueblos for existing use, to the pueblos – each pueblo gets a certain amount for future use and then they also get what's known as economic development water and they also get supplemental water. So there's all those different categories that the pueblos [inaudible] And they have a lot of self-determination of how they want to use that water.

So the 2,500 acre-feet that's going to the pueblos, they will have varying degrees of ability to use that water as they see fit. The water that's coming to the County, the 1,500 acre-feet, that water is coming from two different places. Half of it is going to be coming from existing groundwater rights in the basin, so when someone hooks up to the regional water system their groundwater right gets transferred into the system as a surface water right. And so that's going to be a net balance. To serve that customer we'll use that right, so that's water that if we want to serve that customer cannot be wheeled. And

finally, the County has 611 acre-feet of water at Top of the World and that's to be used for future development because there is the possibility for future growth in the basin. These are people that obviously don't have a groundwater right now to transfer into the system, so then the County can bring these surface water rights from elsewhere to meet that need.

So the settlement agreement does say that the County can use that water for other purposes until needed in the basin. So if we have a need in the basin that water has to be used in the basin. So Mr. Chair, does that answer your question?

CHAIR MAYFIELD: I just wanted that clarification that it can be used potentially until it's needed.

MR. LEIGLAND: That is correct.

CHAIR MAYFIELD: And even the pueblos, I believe again – I don't know what the pueblos' use allowances are with that but I believe it can be used wherever they elect to use it until it's needed. But regarding the – you mentioned the 611 that's available for Santa Fe County from Top of the world. The 700+ that we sold to –

MR. LEIGLAND: 1,100+.

CHAIR MAYFIELD: Thank you for that correction. 1,000+. Is that for – who's share of allocation was that 1,100+?

MR. LEIGLAND: Mr. Chair, that was to provide the 2,500 acre-feet for the pueblos.

CHAIR MAYFIELD: Thank you.

MR. LEIGLAND: So moving on, Mr. Chair. The next item on the resolution, the next policy was to minimize operation and maintenance costs. And so I think the desirability of that criterion is obvious, but what it means is there might be a decision to have higher, one-time capital costs in order to decrease the operation and maintenance cost. And the best example of that would be if we choose to solarize all the pump stations. So in order to provide photovoltaic electricity, such as we just did at BDD, in order to reduce our ongoing electric costs for pumping, if we make initial capital costs during construction to put photovoltaic it would increase the one-time capital costs but it would decrease on ongoing operation and maintenance cost over the lifecycle of the project. So this design criterion says when possible make decisions that would minimize operation and maintenance cost, even if it does mean a one-time increase in the capital cost.

CHAIR MAYFIELD: Mr. Leigland, on that note, where are we planning on siting this PV?

MR. LEIGLAND: Well, Mr. Chair, it's really too early for that. I think we need to figure out where the pump stations are. We need to look at if it makes sense to solarize. Those design decisions haven't been made yet but with this policy recommendation we can go into that better prepared to make that decision.

So moving, Mr. Chair, the third criterion is to design for fire protection in the Pojoaque Basin. So this is something that has really emerged as a community priority. The Aamodt agreement does not specifically address fire protection but since we're going to be designing a water system it only makes sense to design for fire protection at the

same time. It's cheaper. It also makes sense because fire protection and important design parameters will govern the system and make it easier to design for more service connections. So what this will mean is we'll have to make sure that the line sizes are appropriate, the pump sizes, and also that there are hydrants at the appropriate locations. So this will improve the community's ISO rating so that their insurance rates will go down.

CHAIR MAYFIELD: And Adam, again, I ask that you read them in as they're written.

MR. LEIGLAND: Excuse me, Mr. Chair. Improving and increasing fire protection in the Pojoaque Basin. Regional water system infrastructure will be designed to provide the maximum economically feasible hydrant protection in accordance with the provisions of the International Fire Code, 2003 edition, or later edition if later edition establishes a higher standard than the 2003 edition and such higher standard is justified in the opinion of the Fire Marshal in light of the other criteria in this Paragraph 1. Hydrant service shall not be deemed economically feasible if the infrastructure necessary to provide the hydrant does not meet the terms of Paragraph 1.a of this resolution or if other provisions of the International Fire Code trigger significant capital improvements such as the widening of a road.

CHAIR MAYFIELD: Mr. Leigland, quick question on that and hopefully it's on topic. I know I've asked this in the past, but as far as the fire service area or the Aamodt settlement area, who has to contribute to those water rights that are going to our fire station and the use of those water rights? Is that going to be shared collectively amongst all parties? Is that going to be just the County's contribution? Is the County going to be the only entity paying for those waters that are going to our fire departments?

MR. LEIGLAND: Mr. Chair, if I understand your question correctly, if the fire department hooks up their trucks and puts out a fire and they used –

CHAIR MAYFIELD: They're training all the time.

MR. LEIGLAND: Or training and they use – however many gallons they use. I know that they buy water – well, actually, I probably have to defer to the Fire Chief, but my understanding is that if we take water from a mutual domestic, that's just the mutual domestic's responsibility to provide that water. So it just comes out of the water system's – in fact a water system is designed to have design parameters for emergency water. Also operational water. There is – it's called unaccounted for water. So there are provisions for that.

CHAIR MAYFIELD: Thank you. I'll defer that and ask the Chief, please. Thank you, Mr. Leigland.

MR. LEIGLAND: Mr. Chair, Commission, the next item is item 1. d, and that is maximize potential for interoperability with other area systems. The idea behind this one is that we're making decisions about, for instance, type of pumps, type of valves, meters. It makes sense to make them work the same way as we're currently doing in the rest of our County utility so that our operators have some consistency, spare parts. We don't have to maintain just a wide inventory of spare parts. It's just easier to operate. So this is just maximizing interoperability both for procedures and for spare parts and what not. So to read it, Mr. Chair. Maximize potential for interoperability with other area

systems. The regional water system shall be designed for the maximum future interoperability, both physical and operational, with the existing County utility and the Buckman Direct Diversion project.

And finally, the last one is minimize capital costs during construction. Again, after all these other ones are considered we take steps to minimize the total capital cost. The regional water system shall be planned, designed and constructed to minimize land acquisition, to minimize disturbance to paved roads and to otherwise minimize construction costs.

So other examples when this may come into play is that instead of opting for architecturally compatible pump stations, which could be expensive you design for the bare minimum. For instance, just a matter of building with a chain link fence.

So again, Mr. Chair, those are the five criteria. The idea is that with this policy guidance staff can interface with the BOR and ensure that the design and timelines are met according to the statutory milestones.

Now, Mr. Chair, Commissioners, I know that some public – you recently received some comments from the public with regard to this resolution. If I may, I would like to address some of them. The public has concern that the price tag and the cost share portion of this agreement is outdated. The cost share that's reflected in the staff memo comes straight out of the cost share and system integration agreement. Those are 2006 dollars. The settlement agreement does say that those costs are indexed to account for inflation. The BOR has come up with a schedule using an estimate of a 3.9 percent annual inflation which is a very conservative number. I think inflation has been about 3.25 percent for the last seven years. So we have a pretty good idea of what the costs are.

But we won't know the true costs until the design is finished. So we have estimates at this time but until the design is finished, until some decisions are made we won't know what the final costs are.

Now, the community has said the joint powers agreement is unacceptable. This is known. That's a separate track as I mentioned earlier and I will say that staff is working on that to address those concerns.

The community says that they would rather spend the money on a sewer system as opposed to a water system. The Aamodt settlement agreement is about water rights. At the end of the day it's about adjudication of water rights, so a sewer system is a very worthwhile goal but we have systems such as you see in the Pojoaque Valley where you have a built up community, it's actually cheaper to do water treatment – to treat the water than it is to treat the sewer at this point. I think we're starting from scratch. It would have been cheaper probably to build a sewage treatment plant but at this point it's cheaper to treat the water.

I happen to believe that the best way to deal with sewer in that area is to create a concept that UPA has been promoting for the last several years which is a septic tank district. So that is a worthwhile goal but I think it's outside the scope of this settlement agreement.

Also, there's some question about where the water system users are coming from. As I mentioned earlier there's a bit of a chicken and egg question. The Pojoaque Basin residents have not formally been asked if they're going to hook up yet.

CHAIR MAYFIELD: Could you repeat that please?

MR. LEIGLAND: The Pojoaque Valley residents, the settlement area residents have not been formally asked if they will join the system yet. That is a decision that is known as the well election. That is where they formally elect to join the system or not. They have the choice. That will be a decision they will have to make in a very formal way and that hasn't been presented to them yet. So we don't know how people will choose, but I do think that if we make it as easy for them to choose and we have as many questions answered as possible when they choose we will get more people to hook up. And that's why I think the resolution before you is so important, because that will enable us to answer a lot more questions by the time these people are asked to make that decision.

CHAIR MAYFIELD: Mr. Leigland, on that note, respecting existing wells and private property ownership, there's a provision in our code that mandates hookup to a centralized water system if it's within so many feet proximity to their home. Is there not?

MR. LEIGLAND: Well, Mr. Chair, that applies to if the water system is there and then you develop the property so it's – yes. There's that provision. If it's within 300 feet you have to hook up to that waterline. But if the waterline comes after you're already there that's a different matter.

CHAIR MAYFIELD: What if you just need to do some existing or maintenance repairs to your well? Are you going to get the permit from the County to do that or are you going to have to be mandated to hook onto the system?

MR. LEIGLAND: Well, Mr. Chair, as part of the settlement agreement or as part of the land use? That would be a land use policy that the Commission would have to decide on. Is it different in this basin or not? What's being contemplated now is that the system would be built. People who are part of the settlement agreement, which is a well owner in the basin today, get to formally decide, are they going to hook up or not? And then the infrastructure will be built accordingly.

And so some other questions I know the Commission has received is again, the service area – what exactly the service area is and that's what the purpose of this resolution is is to nail down that service area definitively through the design decisions. There are questions about how much it will cost the County. The cost sharing and system integration agreement says the County has to pay \$7.4 million in 2006 dollars with indexing, but again, as I mentioned earlier, we don't know what the final cost will be until the system is designed but the County's going to be actively involved in the design to manage costs. And there will be design decisions made at every point in order to manage those costs. So it's not something that will be just sprung on the County at the last minute: Here's what you have to pay. We'll be actively involved, and again, that's what this resolution is designed to allow us to do.

There is a question of whether or not the County staff already have the authority to do these things in the resolution. Staff felt we did not, which is why we're explicitly bringing it to you. We felt these were of such import that they needed policy guidance before we dealt with the Bureau. And so some people feel that this is putting the cart before the horse but I believe that this will enable to get the questions answered so people can make a good decision.

So Mr. Chair, Commissioners, that's my presentation. I'll stand for any questions. I know the Fire Chief wanted to say a few words.

CHAIR MAYFIELD: Thank you. A couple quick questions then I'll go to the Chief. One, you indicated I believe that BOR had a set of questions?

MR. LEIGLAND: Yes, Mr. Chair. They called it the design criteria and so actually I brought the most recent list with you if you're interested. I can tell you what some of those decisions are.

CHAIR MAYFIELD: I'd like to hear them.

MR. LEIGLAND: So for instance, one of the questions they're asking is in our pump stations, do we want to do off-the-shelf standard sizing or do we want to do custom sizing? And there are pluses and minuses to each one of those. Standard sizes of course are cheaper to install but they may not be operationally the best. And so they're asking us do we want to do standard or custom sizing.

They're asking up backup generators. Do we have a backup generator at every pump station? There's an operational expense to that because you have to maintain those generators, fuel them and test them and what not. Or do we just have provisions for generators that we can take out into the field through staff. So that's one where we'll have to balance operations versus capital.

They're asking security requirements. Do we want to put cameras at these pump stations or do we just want to put fences around them? Architectural – are we going to have architectural compatibility standards for these pump stations that are located in our communities?

Let's see. They asked about the spacing of hydrants, which we would have guidance on. So these are some of the design questions that they're asking us and again, we went through this whole list and broke it down into those five types, the five categories that I mentioned.

CHAIR MAYFIELD: Thank you, Mr. Leigland. Last question really quick and then I'll go to the Commissioners. We have heard this from the community, at least a good majority of the Pojoaque Valley service area community and we've experienced it personally within this county. I believe it might be, and I'll even defer to Mr. Shaffer if it is or if it isn't but the cost of system integration agreement, is there going to be any easement issues with the distribution or transmission lines once this is designed out?

MR. LEIGLAND: Well, Mr. Chair, it's a good question. The settlement agreement says that public rights-of-way will be used to the extent possible, and so that's tribal, that's County, that state have those easements and the system designs that I have seen to this point maximize the use of public easements for rights-of-way. Roadways, essentially.

CHAIR MAYFIELD: Mr. Leigland, I had to cut you off or cut you short but I think public rights-of-way are even in dispute or in question right now within that valley.

MR. LEIGLAND: Mr. Chair, that is correct. So that would definitely have to be settled. You're right. But the settlement agreement says the public rights-of-way will be used to the extent possible. But there will be places where private rights-of-way

will have to be acquired, either through fee-simple acquisition or easements or other ways. For tank locations, for siting pump stations, for the lines and so these design criteria will help us navigate those decisions, if we need be. So if, in order to maximize service connections a private easement through several landowners needs to be acquired we have the guidance to undertake that.

CHAIR MAYFIELD: And let's hypothetically assume they're not on private claims; they're on pueblo lands. Do we have clear, definitive answers that there won't be any dispute or any associated costs with easements? Whoever wants to answer that please.

MR. LEIGLAND: Well, do you want to take this?

MR. SHAFFER: Mr. Chair, it's actually a term of the cost sharing and system integration agreement. As I understand the question we're talking about easements and necessary rights-of-way across pueblo land and there's a very express provision. It's 2.3.2 that provides that the pueblos are contractually bound to consent to the granting of those easement and in consideration of the federal funding – I'm paraphrasing; I'm happy to read it into the record if you'd like – that they'll do so at no cost. So in essence the easements are part of the overall transaction and are being granted in exchange for or in recognition of the federal funding for the overall settlement.

CHAIR MAYFIELD: Thank you. Mr. Shaffer on that note though, it hasn't been signed though; the cost sharing agreement is still being worked on. So it is definitive?

MR. LEIGLAND: Mr. Chair, that was signed in March 2013.

CHAIR MAYFIELD: So it's a non-issue. Thank you. Commissioner Chavez, please.

COMMISSIONER CHAVEZ: Thank you, Mr. Chair. Adam, you talked a little bit earlier about the joint powers agreement and that's not part of this document but it's one of the major pieces that we'll need as we move down the road. And there's been a concern about the draft joint powers agreement and what it implies. And the joint powers agreement says that there will be a creation of a regional water system board. They'll define the duties, powers of the board, and that that board will then be responsible for the operations of the regional water system. And right now, the management, the joint powers agreement says that the management will be with the four pueblos and the County, right?

MR. LEIGLAND: Mr. Chair, Commissioner Chavez, right now the draft JPA that is in circulation for review specifies a five-member board and each pueblo will have a board member and the County will have a board member.

COMMISSIONER CHAVEZ: And so what I'm hearing from some of the residents in the Pojoaque Valley is that maybe an at-large resident position on that board might help with maybe the communication or maybe establish a better working relationship with the community at large. Maybe give people some buy-in to what we're trying to do.

MR. LEIGLAND: So, Mr. Chair, Commissioner Chavez, you're suggesting as for instance the BDD board has a community at-large member. Something like that.

COMMISSIONER CHAVEZ: Right. Right. SWMA has – the Solid Waste Task Advisory Board has both a city at-large resident and a county at-large resident on that board. Or on that committee. So some representation from a citizen of the Pojoaque Valley, citizen of El Rancho, that has expertise in – maybe just common knowledge of water and maintenance of wells and things like that would maybe go a long way to smooth things out a little bit.

MR. LEIGLAND: Mr. Chair, Commissioner Chavez, we are going through that draft JPA right now so we can definitely look at the membership of that board.

COMMISSIONER CHAVEZ: Thank you, Mr. Chair.

CHAIR MAYFIELD: Thank you. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair, and I'm sorry. I missed the opening remarks and you might have covered this but I'll bring it up again. I discussed this with Ms. Miller and Mr. Shaffer recently. And I brought this up at prior meetings, is that as protestants move ahead, are we secure with Santa Fe County moving ahead to fill its role in the agreement? So could you just – either you or Mr. Shaffer respond?

MR. LEIGLAND: Mr. Chair, Commissioner Stefanics, if I understand your question it's are we doing our part to make sure that the milestones are being met?

COMMISSIONER STEFANICS: No. That's a good question and I think that's very relevant to our responsibility, so, yes, I think that would be appropriate to share with the public. But I'm also asking whether or not there's any reason, legal reason for us to slow down our work.

MR. LEIGLAND: Mr. Chair, Commissioner Stefanics, to answer the question that I posed, I think this resolution in front of you is very critical to us meeting our requirements to meet statutory milestones. So then we have to have the design finished by November 2017, the design has to be finished, so we need to make sure that that is met. We can't delay things, delay the BOR in getting questions answered.

As far as a legal reason to slow down, again, I believe that we – again, we are in danger of violating a number of milestones that the settlement act requires in order for the settlement agreement to actually go into effect.

The other thing I meant to mention earlier is that the design at this point, the federal government is proceeding at risk. So they are providing all the money to pay for design at this point. The County is not going to be asked to contribute their share until the earliest at 2018. That's under our draft contribution schedule that the Board was presented back in May. So by 2018 the design will already be finished. Construction will be started. The EIS will already be done. The final decree will already be entered. And so the County actually had no risk at this point. So it's only in our interest to finalize the design so we can nail down the County cost share. And it's not until 2018 that the federal government is going to expect us to contribute our cost.

So I believe that again, for that reason, there's no reason to slow down. I think we should press expeditiously on the path that we are already on.

COMMISSIONER STEFANICS: Thank you, Mr. Chair.

COMMISSIONER CHAVEZ: Mr. Chair, can I –

CHAIR MAYFIELD: Please, Commissioner Chavez.

COMMISSIONER CHAVEZ: So to follow up on that question, Adam, then will the Bureau of Reclamation be managing at that point the system until we're ready to take over the operation and management of that system?

MR. LEIGLAND: Mr. Chair, Commissioner Chavez, that's a great question. Yes. So the system is going to be built out over a period of probably breaking ground in I would estimate 2018 and not finishing until 2024. So there is going to be a five- or six-year period where parts of the system will be in operation. In fact the idea is that as soon as a certain area becomes operational it will. And so under the settlement agreement, the BOR will be operating the system while it's – until it's 100 percent complete. In fact there is federal funding allowed for the operation of the system in this six-year interim period. So they'll start in 2018. They'll build the diversion. They'll build the treatment plant and they'll build the San Ildefonso distribution system and serve those customers. That will be complete and operational. Then they'll move on to Pojoaque, Nambe, Tesuque and Bishop's Lodge. And so by the time Bishop's Lodge's construction is starting San Ildefonso will have had an operating water system for, say, up to five years, four or five years, under contract with the BOR.

And so they will be operating it and it's only once the entire system is complete all the way down to the last customer in Bishop's Lodge that the entire system will be conveyed to the five members of that regional water system, the County and the four pueblos. That's when the title to the infrastructure will be conveyed to us and that is when we take over the operation and control.

CHAIR MAYFIELD: I'm sorry. I'm going to cut in. It hasn't been determined Santa Fe County is going to take this on as operation and control, has it?

MR. LEIGLAND: Well, Mr. Chair, we will at least have operation of the County portion of it because that will be given to us and we'll have to operate that. It hasn't been determined that we will have operation of the entire system. That's what the JPA draft supposes at this point, but you're correct; it hasn't been determined.

CHAIR MAYFIELD: I respect what you're saying but respectfully it hasn't been determined if a third party operator would operate this system for everybody.

MR. LEIGLAND: Mr. Chair, that is correct.

COMMISSIONER CHAVEZ: Well, and Mr. Chair, I didn't exclude that from my thought process. I was just trying to understand the management in the early stages of the system, and then how that management might transfer either to the County, a public utility system or to a third party that we would contract with. But in the initial two or three years I guess it would be the Bureau of Reclamation and then it would transfer to another entity, either the County or someone else that would operate that water system. But anyway, I just wanted to ask those operational questions. I know it's down the road a little bit, but people are asking those questions now. They're thinking ahead a little bit. Maybe they're not real comfortable with what they're hearing but at least they're asking the questions and trying to think ahead a little bit.

MR. LEIGLAND: Well, Mr. Chair, Commissioner Chavez, you're right. And one of the agreements that still has yet to be approved is what's known as the

operating agreement, and that would be an operating agreement between the four pueblos and the County on how this system would be operated day to day and there are some certain requirements in the state law. But that system – that agreement can't be finalized until we know what the system looks like, physically, so we know how to operate it. So that's another reason we need to have the design done in an expeditious way.

CHAIR MAYFIELD: Commissioners, let me ask two more questions then I'll go to Commissioner Holian and go to our public please. One, the JPA. I think, and again, I'm just trying to think what I heard. A draft circulation of the JPA is going around. I know I've asked that we have public input on this JPA. I think it warrants this Commission even having a study session on this. But when you say the draft JPAs aren't going around for discussion, who was it floating around? I've seen a past JPA agreement proposed, but I also know that I've asked that we have public input on this JPA. So where is there a draft JPA?

MR. LEIGLAND: Mr. Chair, the draft JPA I referred to is the same one that you've seen. It was the one that was presented to this Board in May. And so at this point staff is reviewing it as was directed by the Board. We're going over it to see some of the operational characteristics of it. The pueblos, the Northern Pueblo Tributary Water Alliance has asked us to continue that process, to get back to them, because they're the ones that drafted – it did come from them. So staff is collecting our comments right now and we can then decide how to move forward from that.

But the draft JPA that I'm referring to is the one you've already seen. It's the one that was presented in May and the one that was presented to the County back in September.

CHAIR MAYFIELD: So when is staff proposing a recommendation to go out to the public and present this draft JPA for discussion?

MR. LEIGLAND: Mr. Chair, I don't think we've established that yet. We were still kind of compiling what our own internal comments were that are going to be more like operational things. Like, just to give you an idea, there's some language about employees, who the employees work for. That seems like a very basic, sort of a pragmatic thing to be worked out. We're also applying lessons we've learned from the BDD which has a similar agreement and we're looking at things that worked in that agreement that may not work here, just on a cost accounting basis. But we can come back and decide how we want to reach out to get public outreach.

CHAIR MAYFIELD: And Mr. Leigland, has it been determined where the backup water supply will be coming from for this system when it's down, when the diversion is down?

MR. LEIGLAND: Mr. Chair, no. I think that the – we'll learn more, actually in a week and a half when we have the design workshop at the BOR but at this point ASR wells I think are off the table, just because the geology does not support it, so that lends to just having conjunctive use wells.

CHAIR MAYFIELD: Thank you. Thank you. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I apologize for this question, Adam. I probably should know the answer to it but I don't and I'm going to ask it. Is it envisioned that this water can be used for agricultural purposes as well as

residential purposes? Or only residential? Or is it different for the pueblos versus the other Pojoaque Valley residents?

MR. LEIGLAND: Mr. Chair, Commissioner Holian, are you talking out the water that's –

COMMISSIONER HOLIAN: Coming out –

MR. LEIGLAND: The 4,000 acre-feet water in the water system?

COMMISSIONER HOLIAN: Yes. Correct.

MR. LEIGLAND: It's intended for household use. But household use typically envisions some sort of exterior irrigation use, so –

COMMISSIONER HOLIAN: Would people in the Pojoaque Valley still be limited to a quarter acre-foot per residence? Or half an acre-foot?

MR. LEIGLAND: Mr. Chair, Commissioner Holian, that gets us back to one of Commissioner Mayfield's earlier questions is that there are some existing land use policies and then there are some water policies in the settlement agreement that do need to be rectified because they may differ in some cases. So the settlement agreement does have some provisions about usage in a well. It does say that if you hook up to the water system that you donate half an acre-foot from the well to the system. It says if you've elected to keep your well you have to reduce 15 percent off historic beneficial use but go no lower than half an acre-foot. So there's some different provisions in there that need to be squared with other County policies.

COMMISSIONER HOLIAN: Thank you, Adam.

CHAIR MAYFIELD: Mr. Leigland, on that, I believe with our former County Attorney we indicated that the potential settlement agreement would trump any County land use policies. There were individuals who signed on to this, I don't know, maybe potentially signed on to an agreement in 98/99 that said, look, we'll get 7/10 of an acre-foot if we sign that we will accept this. So I just want to make sure that that's still in place.

MR. LEIGLAND: Mr. Chair, I would defer to the Legal Office for that.

CHAIR MAYFIELD: Thank you, Mr. Leigland. Is that it for your presentation?

MR. LEIGLAND: Yes. As I mentioned the Chief did want to say something.

CHAIR MAYFIELD: Chief Sperling. Thank you.

CHIEF SPERLING: Thank you, Mr. Chair, members of the Commission. I just wanted to express my enthusiasm as Fire Chief for the possibility of bringing fire protection water to the diverse areas of northern Santa Fe County. And I do think it's wise to define some of the system parameters, utilizing what is contained in code in regards to providing fire protection water and the system requirements that are necessary to do so. And I do think that I agree with Mr. Leigland that it will never be less expensive than what we're talking about right now to design in and construct those improvements. In the long run it will improve the ISO or Insurance Service Organization ratings for those areas that are protected by fire protection water, as well as those adjacent areas. The firefighters will not have to travel quite so far to hit a bona fide water system.

Improved ISO ratings translates into reduced fire insurance rates for residential and in particular for commercial establishments and residences. And I do think, just in general terms that it is an important public safety improvement to those areas and will lead to efficiencies in our operations. We will not have to, in areas that are protected by hydrants, run an almost entirely separate operation, aside from putting water on the fire but to bring water to the fire. And that can be quite involved and is labor-intensive and also requires quite a bit of additional apparatus and equipment to pull off.

So again, I'm enthusiastic about the possibilities here and I appreciate the time to make a few comments, Mr. Chair.

CHAIR MAYFIELD: Thank you, Chief Sperling. Commissioner Chavez.

COMMISSIONER CHAVEZ: Yes. I'm going to ask this question one more time. I think you asked it, Commissioner Mayfield, but Adam, I want to direct this to you if I could. And it goes to the operational and the ownership of the physical infrastructure. And I'm going to read the paragraph and then I just want you to explain it one more time. It reads, In accordance with the settlement agreement once the regional water system is complete and operational ownership of the physical infrastructure will be conveyed to the five partners according to their respective service areas, and as detailed in the current draft of the joint powers agreement, the operation of the regional water system will fall to the County.

It's the third paragraph in the memo. And so you touched on it earlier because I think – well, clarify it and then I'll make a comment if I was confused in what you said earlier.

MR. LEIGLAND: So, Mr. Chair, Commissioner Chavez, the system will be built by the Bureau of Reclamation and it will be built over a period of several years, and while it's being built the infrastructure put in the ground will belong to the federal government, to the Bureau of Reclamation. So as they're building it they will be putting infrastructure in the ground. They'll be operating it because behind them, as they finish parts of the system the system will be operational. Then they will roll out the system over a period of about six years. In fact they have to be done by June 30, 2014, according to federal law. So by June 30, 2024 they have to have physically completed the system and it has to be operational.

But it's going to take them, as I mentioned, probably six years to build it. And so up until – we'll assume, since this is government that they will finish on the last day – assuming that they finish on June 30, 2024, up until that point, the system itself, the actual infrastructure will belong to the federal government and they will have operated it, and they are anticipating operating under contract. So it would be operated.

And then on June 30, 2024 they will convey title of this infrastructure to all five partners. So on the pueblos, they will get their systems, whatever share as the tribal customers. The County will get whatever is serving the non-pueblo customers, and there will actually be a conveyance of title to this infrastructure. And actually what I was looking for is the settlement act that discusses that actual conveyance. And conveyance of title is the term that's being used. And they will have operated it.

And then also on that day the operation of it will have to pass from this federal contactor to somebody.

COMMISSIONER CHAVEZ: So at that point in time, if it was decided that the County would assume ownership – well, we would assume ownership and take over the responsibility of operating that regional water system. Would we be responsible for the pueblo and non-pueblo part of that water system? Or only for the County?

MR. LEIGLAND: Well, Mr. Chair, Commissioner Chavez, I think you're hitting on exactly what Commissioner Mayfield was asking earlier. So I think the JPA, the draft JPA contemplates that these four partners will own their systems – excuse me, five partners. That they will contract with the County to operate it. So it's very similar, if you will, to the BDD. The BDD is owned jointly by the City and the County. But the BDD board has hired the City, through what's called the PMFSA, the fiscal management and fiscal services agreement, to operate it day to day. And so the analogue here would be you have a regional water system board that owns the diversion and the treatment plant, and then you have these various partners owning the rest of it, and that board will choose – again, this is according to the draft JPA, but as Commissioner Mayfield mentioned, it could be determined totally differently, to enter into a contract with the County to do the operation of the entire system, including the pueblo portions.

You'll have to have one entity doing the day to day operation of the utility and it's anticipated at this point that the pueblos will be wanting the County utility to be doing those day to day things. But under contract, if you will, to them. Again, that's how the BDD is operating now.

COMMISSIONER CHAVEZ: Well, that clarified it. For me that clarified it a little bit more. And we do have some options that it could be the County or another third party that would manage, that would be responsible for the operation and management of the system once it's completed.

MR. LEIGLAND: Mr. Chair, Commissioner Chavez, that's correct. And that would be hammered out in the JPA or other ways.

CHAIR MAYFIELD: And Adam, on that note, it's not the County that's going to make that decision solely.

MR. LEIGLAND: Mr. Chair, you're exactly correct. It would be this board that's created.

CHAIR MAYFIELD: We haven't even decided the composition of this board.

MR. LEIGLAND: You're exactly right, Mr. Chair. That's correct.

CHAIR MAYFIELD: So I am going to ask a question, and thank you, Commissioner Chavez, for pointing out that paragraph. So when we say the regional water system is complete and operational, again, hypothetically, you believe it might take six years to complete, if we identify all of our connections. How are rates going to be established? Are people going to be coming on to the system once it's completed out? Or, again, if this settlement is approved by the courts. Let's not make that predetermination yet, that it's even been approved by the courts yet because it hasn't.

So if an individual connects today, how are they going to be assessed the rates or is it after six years in totality where we're going to start saying, okay, let's start assessing these rates?

MR. LEIGLAND: Well, Mr. Chair, that's actually going to be a policy decision I think this Board will have to make, because the settlement agreement contemplates that if people, if residents elect to join the system when they're presented with the formal well election that any connection fees would be paid for by – through the project. And not only would it be paid for but the work would be done during construction, which as I alluded to earlier is the best time to do it, because they're already mobilized and they're already out there.

But the Commission will have the opportunity to say we will extend that period to whatever time in the future. Maybe you want to reach some customer base or maybe you want to extend that to some point in the future to other people, so maybe they elect not to join now but they've obligated their successor in the property and the Commission decides, well, we will honor that commitment for that person as well. So that's something the Commission gets to decide and there will be fiscal implications associated with that, because you will have to have the cash available to make that connection and what not. And that also will affect service rates because the service rates, if it's done through a cost of service study will take into account the number of customers and the costs and what not.

So that's going to be a policy decision this Commission will make. And I think we'll have to balance the costs that are reflected in the cost sharing and system integration agreement assume that everyone who can hook up in the basin will, and so that's kind of projected what that total cost is and that's why when you see some of the numbers for the County's share it's assuming that the total number of customers will hook up. We don't know that yet, how many will.

CHAIR MAYFIELD: Thank you. Commissioners, I'm going to go out to the public but let me ask one last question of our Manager. Has there been identified dollars set out already or set aside for Santa Fe County for this project?

MS. MILLER: Mr. Chair, Commissioners, currently we have water rights that were sold for \$5.4 million. There's about \$4.8 or so million dedicated towards the project, and then if we sell the Top of the World I would recommend dedicating that towards this, as well as starting to set aside each year a portion of our capital outlay gross receipts tax. When that actually went to the voters one of the things we said is that we would dedicate a portion to that, to water systems and we put it to BDD. And then if we still, depending on how we want to finance over time, if there were a gap there's capacity in one of our taxes to do a small bond to fill in the last gap.

So I think that's on our GRTs, not on property taxes.

CHAIR MAYFIELD: I think I heard a bond so who's going to be paying for that bond? All of Santa Fe County?

MS. MILLER: It would be the gross receipts tax. Those are the four sources that we've identified. Right now it wouldn't require any increase in any taxes or other existing revenue sources, and that's what we've been looking at. We haven't put it in specific dollars to you, because a lot of it does depend on the design as to what the total dollar amount is. But that's what we've been looking at. So we have a percentage of it already identified but we need to continue to add to that.

CHAIR MAYFIELD: Thank you. I'll just close, Commissioners, seeing

no other discussion. But I think again this definitely warrants a study session by this Commission. We have Commissioner-elect Roybal here. I think it warrants him to be a participant of that, the community, before any action is taken by this Commission. We don't even know what's going on with approval of a settlement at this time or not. Unless you all have some insight. I don't know if our Legal Department, I haven't heard from Mr. Utton on that. I'm just making that as a statement unless there is some insight of what's going on with the settlement right now.

MR. SHAFFER: Mr. Chair, at a high level, the federal court has entered a case management scheduling order that sets forth timelines for the parties to characterize or categorize and respond to the objections that have been made to the settlement. Those in favor of the settlement, I believe have until early November in order to submit their arguments and papers to the court in favor of the settlement. I believe that those who have objected to the settlement have 60 days thereafter – I'm paraphrasing the order – to respond. And then those in favor have 30 days after to respond.

So all told, as it's currently scheduled the briefing and the arguments to the court should be wrapped up by the early part of calendar year 2015. Can't predict from there the timeline for the court's decision after that briefing's been done, but that's the scheduling order that's been entered.

CHAIR MAYFIELD: Thank you. Commissioners, no other discussion? I'm going to go out – thank you, Mr. Leigland and Chief Sperling for the presentation. We're going to go out to the public. I think there might be a few members here wanting to comment. Mr. Ortiz, welcome. Mr. Gutting, welcome. Mr. Roybal, welcome, if you care to comment. Come on up, please.

DAVID ORTIZ: Mr. Chair and members of the Commission –

CHAIR MAYFIELD: School board member. School board president, correct? Pojoaque Valley, Mr. Ortiz. Welcome.

MR. ORTIZ: Thank you. Thank you for the opportunity to comment in general on the original water system and in particular on the resolution that's before you. First of all, I've been involved in the water rights adjudication known as the Aamodt settlement or Aamodt lawsuit, water rights suit, since 1978. My grandfather was the first one, one of the first ones to be served in the water rights settlement and after than my father. They both have passed away without a resolution. I hope that I will be able to see a resolution to this water rights settlement.

The regional water system is a critical piece of the settlement because the whole point of the adjudication is to restore the aquifer and to allow for sufficient water on a priority basis. And as you know, the pueblos are here first. The acequias were here second, and all the well users were here after. So the whole point of the settlement is to provide water for all uses. And without a regional water system the aquifer will continue to deplete where there won't be enough water for priority purposes. So someone's going to have to suffer and the latest ones will be the ones to suffer which are the domestic users.

So the regional water system is critical, not only to a settlement of the water rights but to the future of northern Santa Fe County and the Pojoaque Valley and the Tesuque Valley which is included in the basin. So again, there is also some misconceptions and

some misunderstandings in the valley and some very emotional issues where they're confusing the real benefit of this water system with government sovereignty, with property rights, etc. But again, I think if you look into the future and you clearly see that this regional water system is a source of safe, potable and reliable water supply for the future and that is very important to the people I have talked to. I think the settlement has made certain concessions where if people want to keep their wells their entitled to do so, but they're going to have to reduce their usage in order to replenish the aquifer.

So again, we look to Santa Fe County as the responsible government agency to provide for the health and welfare of the Pojoaque Valley and by supporting this regional water system and by planning it as has been suggested in this resolution to meet everybody's needs, including the fire safety of the region I think is very beneficial to the residents of the Pojoaque Valley.

The other thing that I wanted to talk about was the question on agriculture. That is a key issue in this because again, our position is that we want to restore the character or maintain the character of the Pojoaque Valley as an agricultural community. And by not having a reliable surface water supply we're endangering that character. So again, this settlement I think and the regional water system will ensure that we have – that the Pojoaque Valley maintains that character into the future. So again, I stand in support of the settlement of the regional water system and the resolution in particular. Thank you, Mr. Chair.

CHAIR MAYFIELD: Thank you. Mr. Ortiz, President Ortiz. Just one question. Is the Pojoaque Schools signing on to be a user of this system when it comes on line and if it comes on line?

MR. ORTIZ: The Pojoaque School has elected to hook up to the regional water system.

CHAIR MAYFIELD: Okay, so they'll become a customer.

MR. ORTIZ: Yes. Again, Mr. Chair, Pojoaque Schools is in the business of educating kids. They're not in the business of operating a water system. So again, we look towards that feasibility as we did with the wastewater system. If you recall, Mr. Chair, that the Pojoaque Schools entered into an agreement with Pojoaque Pueblo to manage our wastewater system, which again, put us out of the wastewater management system and again, I believe that Santa Fe County is in the best position to be the provider and operator of a regional water system.

CHAIR MAYFIELD: Thank you. And if you have this answer, or if Mr. Leigland does, and if either of you don't, that's fine. What's the amount of acreage, water acreage allocation that's going to be given over to Santa Fe County when they sign up? Pojoaque Schools.

MR. LEIGLAND: Mr. Chair, how much they use will be how much they give to the system. So it's –

CHAIR MAYFIELD: Do you know how much they're using?

MR. LEIGLAND: Mr. Chair, I don't know.

CHAIR MAYFIELD: That could be answered –

MR. ORTIZ: I do know we have several wells.

CHAIR MAYFIELD: Thank you, Mr. Ortiz. I still will go to public comment. Quick question though, and it's related to the BDD. How many times is the BDD off-line that we're having to use backup wells to fulfill our water requirements between us and the City. Do you know?

MR. LEIGLAND: Well, Mr. Chair, there is over the course of the year and it's going to be off over short periods of time and as you know, in the very first year of operation it was down a long time and then this year it's been off very little, and that's been a reflection of better or more knowledgeable operation. It's getting a handle on it and also just water conditions.

CHAIR MAYFIELD: Thank you. The reason I ask that question and in respect to what Mr. Ortiz said, we don't want our aquifer to be pumped out. There's no guarantees that the aquifer is not going to be the primary backup for the diversion on this system. And I've been hearing that the aquifer is going to be the primary backup for this system.

MR. LEIGLAND: Well, Mr. Chair, that's conjunctive management, yes. So the groundwater is backup to the surface water. At this point the surface water diversion is going to be much different up there than it is at the BDD. At this point it's expected to be a Raney gallery. It's above the Pajarito Mesa so the water quality will be totally different and it will be treated in a different way. So it's anticipated that operationally it will just be open much longer.

CHAIR MAYFIELD: Thank you, Mr. Leigland. Thank you, President Ortiz. Mr. Gutting.

JOHN GUTTING: Good evening. Another Tuesday night with the County Commission. I missed you, Mr. Chavez, the last two weeks. Glad to see you tonight. Robert, we missed you last week out at the Rodeo Grounds. I'm here to – I came into this meeting tonight in a rather negative point of view but thanks to your two hours of behind the doors talking Mr. Leigland and I had an in-depth conversation as to his intent to the resolution that he's put before you.

I too believe that what Adam is asking is very necessary so that the completion of the engineering and design work can happen. That needs to be done. I was assuming, before I talked to Adam, that he had that direction from you people already but he says that he wanted it in a more formal way so now he's asking for it and I must support him for that, because I don't think that he can fairly go forward and do the job for which he's been hired to do without having that ability to make those comments and discussions with the BOR.

However, I think that it is imperative that before this all gets voted on there needs to be some feasibility figures brought to the community. We've been asking for feasibility commitments from this Commission before all of you were on it. I think the first time we were here and talked about it Liz hadn't even – wasn't even on the Commission yet. I think she was voted in right after – her first year was right after we had our first meeting with the Commission.

So throughout this process the group that I have been primarily connected with have been asking the tough questions about feasibility. How many customers do you really need to have in order to make the system operable at a price that the County of

Santa Fe can afford, not to mention the people of the Pojoaque Basin can afford. Those numbers have changed. They change every time there's a little addition put on it. I understand that but many of the people in the valley have a very difficult time of figuring out, well, why does it have to be so expensive? Why does it have to take so long? I think we're getting to the point that with 18 months Adam is probably going to have to ask the community as to how many people are going to have to really want to hook up to this system, because he'd going to have to start making the hard decisions.

Do we take everybody from the river to halfway to Pojoaque and they're going to have a water system? Everybody beyond that isn't going to have it because we've run out of money from the government, from the state, from the County, from the individuals in the basin?

At one of the implementation meetings that we had about 2 ½ years ago with the BOR, the main person that is doing this project, the chief project manager, the assistant district officer for the BOR, asked the group how far is it you want me to go with this system? Do you want me to get one pipe all the way to the end or do we just want to have the system with everything going halfway between San Ildefonso and Pojoaque when I run out of water.

So there's questions that the other four entities are having to play into this as far as system design in concerned. They're all entertaining their same things. The thing that finally got through my rough head over this whole thing is that there are four Indian systems, a County utility system and a regional water authority that is going to provide water to those four systems.

And the four tribal systems are being built now or have been built. There's been no – there's very little money in this settlement agreement to upgrade those systems. Most of those systems are in place are under improvement right now. The County water utility is non-existent in most of the basin. There's some County water utility or some domestic water utilities with the basin that I think are having conversation with the County of possibly taking these over after the water system is in so it will be an all-county system.

There are some areas within the basin that are not going to be served. There's some county people on the west side of the Rio Grande River that are within the system service area but they've never been considered part of the system. There's some customers in the Chupadero area that I'm well aware that the County and Mr. Leigland and the Public Works Department are working on trying to improve that domestic water system and may improve it.

There's a domestic water system at the opera area, San Juan area. There's a domestic water system just over the top of the hill from Santa Fe, and then there's the Tesuque domestic water system. I have no idea whether there's been any conversations made with those people but I think that those people are part of the basin that need to be entered into the conversation. I see those as great opportunities for new customers for the County because those systems are already there. It would be easy to run a line over and pick up a number of customers and eliminate a number of shared wells or wells that are to individual properties.

I don't know that that has been entertained. I think that that is something now that

we're getting down to the [inaudible] we need to entertain that.

And with that I'll leave myself tonight on Tuesday night before dark. I'm going to get out of the Commission chambers and let you go on. But I will agree that what Adam is asking for is very necessary for the completion of the many points that he's put forward. However, the JPA, the operating agreement, the cost sharing – or not the cost sharing agreement but whatever the watermaster rules and regulations are, those are still things that are precedent on the minds of most of the non-Indian users in the basin. And until we know all of those fine indices, I don't think there's going to be a real big move towards using this system, but I think if we get the right information, and I'm confident that Adam and his staff can provide that, I'm confident that this Commission and the Commission going forward, and before this is all over and done with there will be couple of people that are sitting up there now that can't come back. Maybe Robert will be there and maybe Michael will be there for the finish in 2017 or 2018.

But I know that none of us will probably be there for the big faucet in 2024. And with that, thank you for your indulgence.

CHAIR MAYFIELD: Thank you. Is there anybody else from the public wishing to provide comment at this time? Commissioners? Commissioner Chavez.

COMMISSIONER CHAVEZ: Mr. Chair, I'd like to make a motion to approve a resolution articulating County policies for the planning, design and construction of the Aamodt settlement agreement regional water system.

COMMISSIONER HOLIAN: And I'll second that.

CHAIR MAYFIELD: Further discussion?

COMMISSIONER ANAYA: Mr. Chair.

CHAIR MAYFIELD: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, since we've been meeting on this particular issue I've been consistently asking multiple questions about the system and every time I asked questions today I didn't because they've already been answered, or unanswered, actually, to be quite frank. I've consistently not endorsed moving forward with transfer of water and acquisition of properties because in every meeting it's interesting to find in this meeting that some of the individuals that made comment actually made comments that were different and contradictory to comments that they had previously made. I'll just leave it at that.

But I've asked questions that are unanswered and I think I heard misconceptions and misunderstandings with each item that I've been asked on this Commission. You can go consistently look back at what I've said. I've been consistent that there has not been items addressed, and it's no fault of yours, Adam. You've taken a document that was a congressional act that was the culmination of multiple decades of discussion and deliberation and done what you have been asked to do. It doesn't have anything to do with what your work's done. You're doing what is pertinent to the agreement.

But some of the questions associated with how much is this going to cost? And have those well issues and other misconceptions and misunderstandings been addressed? Well, they haven't. And what I continually here is, well, Commissioner Anaya – and I'm not saying I hear it from my colleagues on the bench but I hear it from the legal

framework, well, you cannot change that. It's already been predetermined. But yet we've had hundreds of comments of feedback of concerns related from not only residents in the northern part of the county but throughout the county as to not only the funding of the project but the overall long-term sustainability or viability.

Regional water system, we're going to have a resolution from Commissioner Holian coming up that speaks to regionalization. Regionalization? Absolutely. Where you have communicated, coordinated and shared interests and a community that aligns itself around a common interest to achieve that end. Well that makes a whole lot of sense. But there's still a lot of people both in the northern area and throughout Santa Fe County that are going to be impacted by every single decision that we make but yet in every request that's come before me it's almost like, well, trust us, Commissioner Anaya. We can't change this. We're just following the letter of the act.

I wasn't here. I wasn't here sitting on this bench but I'm here now. And as we advance and try and culminate a project and do the right thing I want to make sure that people at the root understand the core premise of what's already been decided. And do I think that's the case in this case? It's not. It's not from my perspective. Not when you have 200, 300 people showing up to multiple meetings raising the same concerns or concerns that they had over many, many years.

You're fine. You're fine. I'm saying that consistently I've said we still have unanswered questions and unanswered work. Mr. Shaffer, you're doing the same thing that we're asking you to do and you interpret the letter of the settlement and the law and I respect that. It doesn't have any personal bearing on your capacities or anybody in this room. But there still has not been addressed those functional, primary issues related to well usage and transition and as you say, details to be worked out. Those are substantial details and substantial resources that are going to impact the entire county for years and years to come.

So I'm not in a position right now. I'd be more inclined to follow suit with what Commissioner Mayfield had suggested and provide some more clarification and discussion so instead of advancing yet another decision I think this is – I want to say this is the third timeline that I've had to vote on on this Commission associated with this project in the last three years and every single one has been, well, you have to do it. Well, frankly, I don't have to do anything but make sure I represent the interests of District 3 and make sure that before I advance a recommendation or a decision that I have thoroughly and consciously am comfortable and understand and those people affected understand what's going to happen. And we don't have that with this particular situation.

We have pockets of people that have advocated and that have achieved an end, and then we have others that are still grasping for even the fundamental root understanding of the overall settlement agreement. So I don't think we're there. I don't think we're there and I think we still have questions that need to be answered and I actually don't think – I'm not sure where your perspective is, Commissioner Mayfield, but I actually think we do need to advance those conversations. We just came from a meeting up north. You suggested conversations that we had that we said we're going to engage in continued dialogue, not only associated with the zoning map but associated with the water issues and Aamodt.

We just said that. But yet here I am two weeks in and I'm being asked again, well, you have to advance this determination today. Trust me, Adam, you're doing what – you're following in the letter of the settlement agreement.

So I can't in good conscience sit here and look any of you in the face and say, yeah, I'm comfortable. Let's just go ahead and proceed and we'll just push those other comments and concerns to the next meeting but yet advancing the progress of the expenditure of resources and the deliberate movement of the project that's not just going to impact the north, but it's going to impact the whole county. We haven't even touched on the conversations associated with how does that capital investment – Ms. Miller mentioned utilizing the resources from the quarter percent for a water purpose. Well, how does that impact the balance of the county? And what individual colleagues that are sitting on this bench now and in the future in determinations on projects they may want to have in advance?

How are we going to allocate those discussions and those dollars so that all taxpayers in the county have benefit to those uses of funds? We haven't had that discussion. That's a pretty complex conversation that's going to have to be had. Because there's well beyond the Aamodt settlement associated with water projects that this Commission needs to deal with. Highway 14, that is predominantly in Commissioner Stefanics' and my district is a huge area of concern associated with the expenditure of tax base and water resources for a given area. And that's just one.

And so I can't sit here in good conscience and say here's my stamp and let's just go forward. I can't. And I say it respectfully, and I say that on behalf of residents in the northern part of the county, the central part of the county and the southern part of the county. It's a lot of money; it's a comprehensive project, and there's still a whole lot of unanswered questions. Thank you, Mr. Chair.

CHAIR MAYFIELD: Thank you, Vice Chairman Anaya. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I do recognize that there are a number of issues to resolve but I feel that it's really important that we move forward. Because this is going to be a significant new source of water for the Pojoaque Valley. And as we speak, the Bureau of Reclamation has started to design the system. So I think it's really vital for the County to be involved in this design process to represent the interests of all of the people who live in the valley, not just the pueblos, but all the people who live there. And what we are talking about here tonight is not exactly what the final system will look like exactly, or how it will be managed, but what we are talking about are what are our principles as far as designing the system as we go forward in the future. We're just talking about our principles.

And I think that all the principles that were enumerated really make sense to me. I'm very supportive of them. And I think that until we start getting the outline of the design of the system in place we cannot begin to really answer all the questions that are being asked of us right now. So we have to do something to go forward so that we can answer those questions. So I am very supportive of this resolution. I think we're not really committing ourselves to anything but what our principles are and I think that we need to make that next step. Thank you, Mr. Chair.

CHAIR MAYFIELD: Thank you. Commissioner Chavez.

COMMISSIONER CHAVEZ: I want to respond just a little bit to the observation that Commissioner Anaya made regarding Highway 14 and that's not to be ignored. I would put Highway 14 at the top of my list of next projects, not because I represent the area but because I have family that live in the Highway 14 corridor and are hauling water. And that's not right. So we do need to fix that. But I don't think that moving forward with this should take anything away from Highway 14 and that service area that needs a lot of work. So if we can do this and do it to the best of our ability we ought to be able to organize ourselves and put Highway 14 on the top of our priority list for the next five or six years, if that's how long it takes to do a water and a sanitary district for that area. Because it's desperately needed. So I don't think the two have to compete against each other necessarily, but that they should be on a level playing field and that we should be working on them at the same time. Thank you, Mr. Chair.

CHAIR MAYFIELD: Thank you. Just a quick couple questions, one specifically to the resolution, and then as a matter of fact then I'll be adding something to the resolution or trying to. So Adam, Mr. Leigland, on the Therefore, I. d, I'm just going to read it in so I have a thorough understanding. Maximum potential for interoperability with the other area systems, the RWS regional water system shall be designed to provide for the maximum future interoperability both physically and operationally with the existing County utility and the Buckman Direct Diversion project. How is that going to be – why is that even being contemplated? Isn't this a standalone system?

MR. LEIGLAND: Well, Mr. Chair, that's a good question. As I explained earlier the idea behind this is we wanted to minimize, for instance, the range of spare parts that the new system will have. So if we can specify in the design process that the type of valves will be type X, which is the same type of valves we use elsewhere in the system. Or the control systems, for instance, the operational control system have the same software so we don't have incompatibility.

One of the things we realized with annexation, to give you an example, is the City had electronic water meters and we have electronic water meters but they're different brands and they weren't mutually legible and so we had to swap them out. Well, we need to make sure that if we take over this system we don't do the same thing. Make sure that we use the same brands so that we don't have those sort of interoperability problems. So that's what's anticipated here. And then operationally it's just the management of pumps. There's some decisions you can make in your pump houses about the kind of pumps and we want to make sure that those are operated the same way as other utilities are operated. So that's the intent.

So they will be physically separated but those sorts of physical things with parts and what not, and then operational with, as I mentioned, pumping is what is intended in this.

CHAIR MAYFIELD: Great. So just again, for my clarification, edification, respecting both systems are independent. Understanding the Otowi gauge, as we understand the Otowi gauge of how we can transfer water above and below, there will be no wheeling of water between these two systems.

MR. LEIGLAND: Mr. Chair, yes, that's in fact we've been told by the

BOR that that's not – that we cannot do that.

CHAIR MAYFIELD: Okay. Adam, is there a provision in here, in your resolution of what you're asking for to have public participation? Commissioner Anaya alluded to it. We've been through various community meetings, communities have been in these chambers talking about this. I've been dealing with this issue on this bench for three-plus years now. I'll continue to deal with it. So why in this resolution isn't there a request to have community or public outreach?

MR. LEIGLAND: Well, Mr. Chair, there are a couple of comments. One is as Commissioner Holian said, this is just an articulation of design principles. It is being brought forward in this setting for public hearings but there will be ample opportunity to review the system. So this just allows us when we visit the BOR to give them time and information on design decisions.

COMMISSIONER ANAYA: Mr. Chair.

CHAIR MAYFIELD: Please.

COMMISSIONER ANAYA: Mr. Chair, Mr. Leigland, going back to my comments earlier, because the interest of this Commission has been seek and obtain as much feedback and input as possible and you've been one of the staff people that's gone out and taken input on ICIP projects, road projects, community centers, senior centers. And just about everything. What would be the harm in not even necessarily a study session, but do you see any harm in having a meeting where you would explain and isolate the design principles in their entirety and in fact do what you've done for others individually and provide a presentation and lay a framework out and say, here's exactly what I'm going based on the framework of the settlement agreement and what is impacted by my request in this resolution. Do you see any harm in doing something like that and then affording people the opportunity to ask you questions associated with those design principles?

Separating, if you will, and I think that's what we're all trying to do. This Commission, we've been making comments are recent meetings about we are hearing emotion and frustration but at the end of the day we're trying to separate the emotion and say, well, what are the facts and what are the items that we need to isolate and communicate to the public so that they can grasp what's happened and then provide input on things moving forward?

MR. LEIGLAND: Mr. Chair, Commissioner Anaya, I would have two responses to that. The first one is is that as you mentioned, I have been extensively involved in the outreach of this and I have a pretty good idea of what the questions – or I think I have a good idea of the major questions that the community is asking. And so the questions that we're being asked are, how much, if I do hook up, how much is it going to cost? Am I in the service area or am I not? If I want to hook up, is that going to be available to me? What's going to happen with the water? Is it going to be available?

So the questions that I – also, is there going to be fire protection involved? So those are the questions that we have heard. There are a lot of other questions about the composition of the board, what's the operating agreement going to look like, what's the watermaster rules going to look like. Those are all valid questions outside the context of the physical design of the system.

So my feeling behind this is that the sooner we can answer – we need these design questions answered before we can go back and answer the questions that people are really asking.

COMMISSIONER ANAYA: Let me just, if I could, Adam, let me just stop you and say this. We had probably 200 people in Pojoaque. 150, 200 people that showed up. And I think some of them did cross the line. I think some of them took the issue into a personal realm and it's personal because it's their water. It's their water and access issues and maybe got out of the scope of what we were trying to attain from them. I'll say that and I said that – I say it here and I'll said it there. That being said, where you're talking about is nothing to do with some of the frustrations that some people have organized to appeal. What you're talking about is design standards, engineering standards and processes for efficiency of a system once it's in place.

Now if you went into a meeting and you separated those two and said, you have these unanswered questions and frankly you have things that I'm not going to resolve today, and you're appealing some of these, some of you, and you separate those and you say, that's not why I'm here today. But in the spirit of what we said we would do at that same meeting, said let's just talk about the system itself. Structurally, it has to function. Structurally it has to pair up with other systems and complement other systems. I just want to isolate that with you. There's an organized group over there that said they were meeting and said they were trying to be part of the process and wanted to be part of the process.

If you just sat down with even that core group and said this is what I'm after. I'm not trying to solve these. It would go a long ways in my opinion and perspective to building some better trust and better transparency to get the harder issues dealt with. That's all I'm saying. I mean if we took a breather and took a deep breath and said help me. I'm here to give you information as you requested but I'm separating the two. I think it would go a long way. I really do. Because what I'm afraid of is this advances and we advance the resolution is yet again we'll get feedback and criticism about how people might say, well, we weren't aware and you just told us two weeks ago we were going to be engaged and now here you are two weeks later advancing a primary decision on design.

You might find – there's some very, very knowledgeable people in that corridor and many of them were sitting in that same school the other day that might surprise you and I think they would on the design aspect framework.

So for what it's worth. I think sometimes in the interest of advancing and trying to get ahead of the curve we end up going too fast or making decisions too quickly and then we end up having to retrace our steps and back up. And our code is a good example. We were moving at a fast pace and then we found we needed to slow down and absorb some of the input before we could really take progressive steps forward.

So that's what I'm asking you to give thought to you. And is it right now, Commissioner Holian and Commissioner Chavez? If a meeting happened of that nature and focused on the design efficiency aspects, is there going to be real harm to the time and the process? I don't think so.

MR. LEIGLAND: Mr. Chair, Commissioner Anaya, just one thing to add

is the BOR has convened what they call the design workshop and that's scheduled for October – not next week but the week after. And they had actually been holding off on that. This will be the second time they're rescheduled it, waiting for us. So my intent is to get this done ahead of that workshop. That's the only timeline that I have is so I wanted to feel comfortable going into that meeting that the BOR has convened and that's going to be held up at the Camel Rock Casino. But other than that I fully understand what you're asking.

CHAIR MAYFIELD: Thank you. Commissioner Chavez.

COMMISSIONER CHAVEZ: Well, Commissioner Anaya, I guess if I have to answer your question straight up I would say the time is probably the best that it's going to be, and it's only going to get more expensive the longer we wait. If we're concerned about the cost. The first Whereas in the resolution reads, Whereas, on April 25, 2006 the Board of County Commissioners of Santa Fe County approved the settlement agreement in the case of New Mexico State Engineer vs. Aamodt. So this has congressional action. It's different than Highway 14. It's different than anything we've ever done or that we'll ever do I think in the future. This is probably a once in a lifetime deal.

I think, as Mr. Ortiz pointed out, this is the third generation that's worked on this. So I don't know if the time will ever be right for everyone, but I think for me right now it's the right time. I know that a lot of the residents in the Pojoaque Valley and in El Rancho are concerned because they have a vested right in their wells. They have a permitted right in those wells and they're worried about their future. And I don't blame them. But I do agree with Mr. Ortiz in his observation that if we keep doing what we're doing now, do nothing, ignore Congress, ignore the Aamodt settlement suit, I don't think we would be doing – we would be working in the best interest of future county residents.

So I'm trying to look ahead a little bit more than maybe just looking at a snapshot in time, what's good for me now. It's not an easy decision. It's not going to be – it's going to be expensive but I think it's the investment that we need to make for that part of Santa Fe County. Thank you, Mr. Chair.

CHAIR MAYFIELD: Thank you. Let me just state something really quick. And again, to Mr. Leigland or to our County Attorney or County Manager, Adam, thank you for all your work that you and staff have put into this. My discussion is no reflection on you. I appreciate and value the work you do for Santa Fe County. I want you to know that. I want that on the record. Ms. Miller, as far as who we initially sold, I guess what? 70 percent of our water rights from Top of the World to? It was the BIA, not BOR, correct?

MS. MILLER: Mr. Chair, that's correct.

CHAIR MAYFIELD: Okay. So now the BIA and even Santa Fe County's remainder of 611, plus or minus acre-feet that we have to meet our obligation for this system in the future, it's not a secret that Taos is going to protest this transfer. If they already have, if there's a court action on this. Do we know what the disposition of that is? What the status is of that? Again, BIA's on – I guess they're dealing with that individually. What about us with our extra 611 acre-feet.

MS. MILLER: Mr. Chair, to my knowledge we have not applied to

transfer. That's one of the issues later on in the agenda is to whether you want to authorize me to do that.

CHAIR MAYFIELD: Thank you. So has the BIA petitioned to transfer those water rights yet, or they're not needed at this time?

MR. SHAFFER: Mr. Chair, no, they have not. The applications, as I understand it, for the transfer of the diversion rights for all of the water rights for the regional water system would be filed at one time. They have not been filed to my knowledge. Well, I know they haven't been filed as of this point in time.

CHAIR MAYFIELD: So we don't even know if there is a protest. There's no protest yet by Taos.

MR. SHAFFER: That's correct, Mr. Chair. There would be no protest prior to the application to transfer the diversion point for the water rights being filed. It would be that application that triggered people's rights to protest.

CHAIR MAYFIELD: Thank you. Again, I believe this warrants numerous work sessions by this Commission and all interested parties. I know that there's a motion and a second on the floor. Procedurally, Mr. Shaffer, if I want to make a substitute motion, what's the procedure on that? I just want to respect that there's a motion and a second on the floor.

MR. SHAFFER: Mr. Chair, at this point you do have a motion and a second so under the Board's rules of order you can make a friendly amendment motion, is where you're at, but that motion to approve is what has precedence.

CHAIR MAYFIELD: So thank you. So I can't – I think we've done it in the past, make a substitute motion to table this.

MR. SHAFFER: Excuse me, Mr. Chair. I thought you were making a substitute substantive motion. So yes, you can make a secondary motion to adjourn, to table, to limit, extend or end debate or a motion to call the question on the primary motion.

CHAIR MAYFIELD: Okay. Thank you, Mr. Shaffer. Thank you, Commissioners, for your indulgence on this. Again, Commissioners, I think this resolution – again, I appreciate all the work staff's put into this, Mr. Leigland, you in particular, warrants definitely a public study session with this Commission, on this and numerous issues that have been discussed tonight, and I would like to offer a tabling motion at this time.

COMMISSIONER ANAYA: I'd second that, Mr. Chair.

CHAIR MAYFIELD: Thank you. With that, Commissioners, we have a motion and a second on table.

The motion to table failed by 2-3 voice vote with Commissioners Anaya and Mayfield voting in favor and Commissioners Chavez, Holian and Stefanics voting against.

CHAIR MAYFIELD: We have two ayes on a tabling motion. Now I'll call for the question. We have a motion and a second to approve the resolution in front of

us. I did ask or I will ask for a friendly amendment to have included in this resolution that there will be public outreach and discussion. Seeing nobody taking that up as far as affording public outreach and discussion on arguably one of the biggest purchases Santa Fe County is going to engage in.

COMMISSIONER CHAVEZ: [inaudible] And I'll explain why. It's not to eliminate public participation. We've encouraged that. We've had countless meetings for the land use code and the map. Adam, do you remember how many residents have protested this settlement?

MR. LEIGLAND: Mr. Chair, Commissioner Chavez, there were about 800 objections that were filed and then there were about 300 people that were in favor.

COMMISSIONER CHAVEZ: Right. So I firmly believe that for those that have wanted to engage, to educate themselves and engage in a positive way in the public participation process they have. I know that the County will continue to encourage that and there will be ample opportunity for that because this is just the design. That's it. It's a big step, but the governance, the operations and those details that will be worked out later, that's I think when the public will be more involved and maybe more relevant when we have more of the information we need once the design is done. So I'm comfortable with moving forward with this portion of the settlement agreement to see if we can get the design done and answer the other questions that we need to move forward. Without the design we can't do it. We're going to be spinning our wheels for another two or three generations and I don't want to see that happen. I think there are some decisions we have to make respecting the public and hoping that we're acting in their best interest and I think we're doing that now.

CHAIR MAYFIELD: Thank you, Commissioner Chavez. Two quick questions of staff – Mr. Shaffer, Ms. Miller or Mr. Leigland can answer this. Quick point. As far as Commissioner Chavez stating I think there were 700 to 800 individuals that objected to this. How many do we know that did not receive proper notice of this? I know that was a big issue that was being contemplated out there of who did not because of inadequate addressing within that service area.

MS. MILLER: Mr. Chair, I don't know. That was the state's requirement to send out those notices, so I don't have their specific numbers. I don't know if you remember but it was the State Engineer that sent out the noticing.

CHAIR MAYFIELD: I believe there were numerous returns. Again, I'm going to say in the hundreds if not more than that. I stand to be corrected. Second, it might be the same answer. As far as individuals who received a letter I believe from the Bureau of Reclamation, if staff has the answer for this, and individuals who were non-responsive to that request to allow them to do surveying on their property, design looking on their property – do we know how many objected to that or how many of those responses came unanswered or were not answered?

MR. LEIGLAND: Mr. Chair, I don't know. They haven't told us how many total non-responses they've received. I do know that all parcel owners were asked and we have a general idea of areas that surveys were not allowed because maps that we've been shown by the BOR show those areas in yellow. So we've known those areas. They haven't – BOR is currently about the Buffalo Thunder area. That's about where

they are in the surveying, so they've done – and now they're working their way south. So just off the top of my head I would guess, just thinking about the number of parcels that they told us they have not been on I would guess that there were 80 or 90 parcels that they weren't able to get to, just on the maps that I've seen.

CHAIR MAYFIELD: Thank you. And again, we're asking to proceed with design. I think it's imperative that we get communications with everybody but at minimum those people who have not even answered.

There is a question on the table, Commissioners.

The motion passed by majority 3-2 voice vote with Commissioners Chavez, Holian and Stefanics voting in favor and Commissioners Anaya and Mayfield voting against.

CHAIR MAYFIELD: And I will ask this. I've asked this on the past. Will you reflect my vote on that resolution? Because I will be signing that under signature of the chair.

CLERK SALAZAR: It's noted on the record.

CHAIR MAYFIELD: But I would also like it on the [inaudible] page, that the Commission vote was 3-2 please. Thank you. If there's no objections.

III. E. 2. Resolution No. 2014-102, a Resolution Authorizing the County Manager to Execute all Applications and other Documents Required to be Filed with the New Mexico Office of the State Engineer in Connection with the Transfer of Water Rights Pursuant to the Aamodt Litigation Settlement and for Continuing the Interim Use by Santa Fe County of its Top of the World Farm Water Rights for Irrigation at the Top of the World Farm Until Needed for the Regional Water System

MR. SHAFFER: Mr. Chair, the various agreements contemplate that various sources of supply and water rights will be transferred from their current points of diversion to the point of diversion on the Pueblo de San Ildefonso and that the parties will cooperate in the applications necessary to effectuate that transfer. So this is an item that the County has through past action agreed to undertake in terms of cooperating in the applications to transfer those water rights. What those agreements don't clearly articulate and delegate is the authority to anyone at the County to sign the necessary applications and documents to be submitted with the Office of the State Engineer.

And so what this resolution does is clearly delegate that authority to the County Manager so that the County could effectively and efficiently further the commitment it has made to cooperate in the transfer of the various water rights that are being brought together in order to provide an adequate supply for the pueblo and non-pueblo portions of the regional water system. With that I'll stand for any questions.

CHAIR MAYFIELD: Thank you. Commissioner Stefanics.

COMMISSIONER STEFANICS: Mr. Chair, I understand there might be

some discussion but I'll move for approval.

COMMISSIONER HOLIAN: Second.

CHAIR MAYFIELD: Thank you. We have a motion and multiple seconds. Discussion? I have a quick discussion as I alluded to a little earlier, Mr. Shaffer. As far as the application to transfer the water rights, which staff will undertake, knowing that we're going to allow permissible use still at Top of the World until such time as needed for those water rights. The State Engineer is a party in the Aamodt case? That's a question but I think I know the answer to it. I know I know the answer to it.

MR. SHAFFER: That would be correct, Mr. Chair.

CHAIR MAYFIELD: Is there any conflict by the State Engineer, knowing that they are a party to the Aamodt and we are requesting them for approval for transfer of water rights?

MR. SHAFFER: Mr. Chair, it's a matter I'd want to research in greater detail before operating an opinion.

CHAIR MAYFIELD: Fair enough. Could we just ask that question of the State Engineer? You will ask that question of the State Engineer?

MR. SHAFFER: Mr. Chair, it's something that we would research to see if in fact there is a conflict. If the direction of the Board is to formally ask the State Engineer that's something we could do but my thought and my answer was to research the issue and then provide advice to the Board.

CHAIR MAYFIELD: That's fine. That's sufficient. Thank you. Commissioners, we have a motion and a second on the table.

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

III. E. 3. Resolution No. 2014-103, a Resolution Endorsing the Concept of Regionalization of Water and Wastewater Services for and within Santa Fe County

CLAUDIA BORCHERT (Utilities Director): Mr. Chair, members of the Commission, as we spoke earlier, this is the resolution that resulted from the Water Policy Advisory Committee report on regionalization and regional water authorities that was presented to you last month, and there were recommendations in that report and at your direction, staff has incorporated those recommendations into this resolution and I stand for questions.

CHAIR MAYFIELD: Thank you. Commissioners, do we have any questions? Do we have a motion?

COMMISSIONER HOLIAN: Mr. Chair, I move for approval.

COMMISSIONER STEFANICS: I'll second.

CHAIR MAYFIELD: We have a motion and a second. Thank you.

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

not present for this action.]

III. E. 4. Resolution 2014 - _____, a Resolution Adopting Policies and Procedures for Proposing Weight Limits on Asphalt Paved Roads Maintained by Santa Fe County

CHAIR MAYFIELD: Mr. Leigland, can I do this? Commissioners, I'm going to have discussion on this. Can we just kind of roll over this one a little bit and allow the rest of the Commissioners to get back for this one please? Is that okay? Thank you. Just roll over this one till a little later if that's okay.

COMMISSIONER HOLIAN: Oh, thank you, Mr. Chair.

III. E. 5. Resolution No. 2014-104, a Resolution Encouraging New Mexico Association of Counties (NMAC) Member Counties to Ensure that Their Risk Management Staff Participates in NMAC Risk Management Trainings and Initiatives, and Adopt Comprehensive Risk Management Policies and Procedures

COMMISSIONER ANAYA: Thank you, Mr. Chair. This is a very straightforward resolution. As you all know, my colleagues on the bench, we are now both in Workman's Comp insurance pool as well as the multi-line pool. This resolution's simple intent is to create a better focus on our risk management. We have a strong risk management system here at Santa Fe County. I would put it at the top of all the counties in the state. We have an excellent staff that does our risk management for us. And so this resolution is something I'm carrying as a Commissioner for Santa Fe County but also as a representative on the Workman's Comp pool to encourage other counties to follow suit and put more emphasis on risk management which keeps our liability costs down and ultimately saves taxpayers money. Mr. Chair, I would stand for questions.

CHAIR MAYFIELD: Thank you. Commissioner Chavez.

COMMISSIONER CHAVEZ: And the other thing I think that this provides, Commissioner Anaya, would be a safe work environment.

COMMISSIONER ANAYA: Absolutely. Absolutely.

COMMISSIONER CHAVEZ: So I think this is a good resolution.

COMMISSIONER STEFANICS: So, Mr. Chair, after you move I'll second.

COMMISSIONER ANAYA: Motion for approval.

COMMISSIONER STEFANICS: Second.

CHAIR MAYFIELD: Thank you. Just a quick discussion, Commissioner Anaya. Thank you for bringing this resolution forward. Just a general question to staff.

Knowing that I have had the opportunity to sit on the multi-line pool and from what I've learned on the multi-line pool is all the training that they offer to all counties within the state of New Mexico. I just want to know what our Santa Fe County's participation is in those trainings, if you have that answer. Ms. Miller, I know I put you on the spot.

MS. MILLER: I'm sorry, Mr. Chair. I was asking the Clerk a question. What was that?

CHAIR MAYFIELD: Just what is our staff doing and are they participating in all the training opportunities that are afforded? I know they had some great trainings in the Corrections Department, risk management, and I just want to make sure that Santa Fe County is also taking full advantage of all those trainings.

MS. MILLER: Mr. Chair, to the extent possible staff does go to the Association of Counties' trainings as well as we do additional trainings through the program that was established between NMSU and the Association of Counties to the EDGE programs. So we actually – that's one of the priorities is trying to make sure that our staff attends more trainings and we make that available as long as the schedules afford that. But we definitely try to send somebody to each one of the Association of Counties' trainings if not more than one person.

CHAIR MAYFIELD: Thank you for that, Ms. Miller. We have a motion and second on the floor.

The motion passed by unanimous [5-0] voice vote. [Commissioner Holian voted after the fact.]

COMMISSIONER ANAYA: Thank you, Mr. Chair and members of the Commission and Commissioner Stefanics, who represents us on the Association board. I did speak with Mr. Lujan who was here earlier from risk management and I want to acknowledge his work and the work of the entire staff and I appreciate, Ms. Miller, I know that we have – I think we're the – we might even be the top county associated with participants in EDGE and the EDGE classes. If we're not at the top we're pretty close to the top and I really appreciate that because it's through education and outreach with our staff that we become and maintain our status as a high performing, professional county. So thank you for doing that and thank my colleagues for passing the resolution.

III. E. 6. Resolution No. 2014-105, a Resolution to Support the New Mexico Association of Counties' Resolution to Maintain the Southwest Chief Amtrak Service

COMMISSIONER STEFANICS: Thank you, Mr. Chair. Commissioners, if you will look at the front page memo for each of these resolutions, it actually – we can go through them pretty fast but 30 counties were present to vote out of the 33 counties. Each county was given six votes for all the resolutions that came forward from the affiliates and different policy committees. At the bottom of the memo for each one you will see the total number of votes. So no resolution received 30 votes; they all were less. So we're starting with the highest here. This received 22 votes and all I'm asking is if we

support the NMAC resolution or not, because they were just reporting back from Santa Fe County as part of the whole. If we want to have a separate resolution I have no problem with that, but we're just deciding today whether to support NMAC in their resolution, because we have to report it out next week. A week from now, ten days from now in Artesia. Thank you.

COMMISSIONER ANAYA: Mr. Chair.

CHAIR MAYFIELD: Thank you. Commissioner, really quick if I can please. I just want to recognize Susan Mayes from the Association of Counties. Thank you for being here today.

COMMISSIONER STEFANICS: Oh, I thought she left. So maybe Susan wants to come up and do some presentations on these.

CHAIR MAYFIELD: Sure. But let me go to Commissioner Anaya first.

COMMISSIONER HOLIAN: Mr. Chair, actually I have a comment to make on the resolution that you passed while I was out of the room. I would just like the record to reflect that I voted for it.

CHAIR MAYFIELD: Sure. Thank you, Commissioners. And then, Commissioners, let's do some housekeeping really quick while Susan comes on up. Commissioner, we had this resolution, a resolution authorizing the County Manager to execute all applications. That passed 4-0. I don't know if you want to reflect.

COMMISSIONER ANAYA: I don't, Mr. Chair.

CHAIR MAYFIELD: Fair enough. Thank you.

COMMISSIONER ANAYA: Thank you.

CHAIR MAYFIELD: Commissioners, also, really quick, just for housekeeping for myself. If there's anybody or any member of the public wishing to provide any comment, knowing that I will get to some of our elected offices on some of these resolutions, just please raise your hand on any of the past resolutions or the other resolutions we'll be discussing. Thank you. Commissioner Anaya.

COMMISSIONER ANAYA: I'm going to speak to this quickly, but I would defer to Susan Mayes from the NMAC.

COMMISSIONER STEFANICS: We're on the Southwest Chief resolution.

SUSAN MAYES: Okay. Thank you, Mr. Chair and Commissioners. On the Amtrak Southwest Chief, this comes through Lamy, which is in Santa Fe County, so this should be something that you would want to support.

COMMISSIONER STEFANICS: Susan, we have – so let me explain.

MS. MAYES: Okay.

COMMISSIONER STEFANICS: I would request that you do an NMAC presentation. We have our own resolution on the Southwest Chief and so does the MPO. So all we're doing here is deciding whether to support NMAC on their resolution.

MS. MAYES: Okay. This is basically the resolution states to support the continuation of Amtrak Southwest Chief and create reasonable funding alternatives.

CHAIR MAYFIELD: Thank you. Commissioners.

COMMISSIONER ANAYA: Mr. Chair.

CHAIR MAYFIELD: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, as Commissioner Stefanics just stated, this is something we've been supportive of and very vocal of, all of us, and I would move for approval.

COMMISSIONER CHAVEZ: Second.

CHAIR MAYFIELD: Motion and a second.

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

COMMISSIONER CHAVEZ: So, Mr. Chair.

CHAIR MAYFIELD: Commissioner Chavez.

COMMISSIONER CHAVEZ: I want to expand a little on the MPO resolution. There's three of us here that are on the MPO. The MPO did pass a resolution that's very similar to the Association of Counties so I think that's – we're like in good company and we want to send the message to Congress that we want to keep this service in place. We would hope that the federal government would help with more of the revenue to keep this service intact, but I think what's most important is that we keep the service intact and then we figure out the funding as we go along.

CHAIR MAYFIELD: Thank you, Commissioner, for that.

III. E. 7. Resolution No. 2014-106, a Resolution to Support the New Mexico Association of Counties' Resolution on the Safety Net Care Pool

COMMISSIONER STEFANICS: Okay, so thank you, Mr. Chair. The memo shows that out of 30 counties voting this resolution garnered 21 votes. NMAC does have some policy committees. This came out of the Health Policy Committee. It's also been supported by the healthcare affiliate, which is now the health and senior services affiliate?

MS. MAYES: Mr. Chair, Commissioner, it's health service affiliate.

COMMISSIONER STEFANICS: Health services affiliate. It includes senior services as well as the Tax Policy Committee. I think that might be it. So, Susan, do you want to add anything?

MS. MAYES: Yes, Mr. Chair and Commissioners. I would like to add that NMAC lobbyist, just to update, Brian Moore is one of our new contract lobbyists for NMAC. He met with Keith Garner and their staff on the fourth floor of the capitol. They discussed this proposal, this resolution. Also, Steve Kopelman, Tasia Young, Brian Moore met with the Hospital Association president, Jeff Dye, HSD Deputy Secretary Brent Ernest, and LFC Deputy Director Charles Sally. We're trying to get all the parties to the table to work together for the best solution for the counties. And there's some options that they discussed but nothing has been settled because they're just starting the discussions. And that's taking counties out of the funding and giving it back to the state.

They also discussed maybe reinstating the sunset clause to buy time to work out the issues and they will have further meetings. Our executive director, Steve Kopelman will do an update at the next board meeting in Artesia on October 17th.

CHAIR MAYFIELD: Commissioner Chavez.

COMMISSIONER CHAVEZ: Yes, I'm going to just expand a little bit on what you just said but I'm going to read the Whereases. There's five Whereases in the resolution and I'm going to read them for the record and for the public because I think this is really where – this is really the crux of it.

Whereas, the New Mexico Association of Counties has a resolution that would result in legislation that would accomplish one or more of the following: increase the state budget to fully fund the new safety care net pool and amend Senate Bill 268 to remove counties' responsibilities to fund the safety net care pool; two, transfer the new county 1/12 gross receipts GRT tax to the state to fund the safety net care pool; three, consolidate particular existing county local option GRT increments that are in many cases unused and unusable and de-earmark others; four, authorize a state hospital bed tax, the proceeds of which would be used to fund the safety net care pool to be matched with federal funds; five, to develop solutions that would remove the financing of Medicaid from counties and place that responsibility with the state.

So if the Association of Counties could result or could develop legislation that would hit each of those points –

COMMISSIONER STEFANICS: One of those points.

COMMISSIONER CHAVEZ: One or more, so if they could do, right, all five, maybe we would be in a much better position but I guess that's to be determined. But I just wanted to read that into the record for that. It's pretty specific. It's pretty broad but that would help our County anyway to build that fund and to know that we're secure in that. Thank you, Mr. Chair.

CHAIR MAYFIELD: Thank you. Commissioner Stefanics.

COMMISSIONER STEFANICS: Mr. Chair, I'll move approval.

COMMISSIONER CHAVEZ: Second.

CHAIR MAYFIELD: Motion and a second. Further discussion? Seeing none.

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

CHAIR MAYFIELD: Also real quick, just recognize the executive direction of the New Mexico Association of Counties and former County Attorney, Mr. Kopelman. Hope you're doing great. Thank you.

III. E. 8. Resolution No. 2014-___, a Resolution to Support the New Mexico Association of Counties' Resolution on a Memorial Creating a Public Lands Task Force

COMMISSIONER STEFANICS: Thank you, Mr. Chair. The coversheet indicates that 21 out of 30 counties supported this and I'll turn it over to Susan Mayes.

MS. MAYES: Thank you, Mr. Chair, Commissioners. This, the tax roll

corrections resolution is to have the assessors and treasurers work collaboratively in making these changes instead of just the treasurer.

CHAIR MAYFIELD: This is the land one, isn't it.

MS. MAYES: Oh. Sorry. I got the wrong one. Okay, on the public lands. This is a memorial to bring stakeholders to the table and to study the public land issues. This is a complicated issue. It's a preliminary – it's to collect preliminary data such as getting stakeholders at the table, like state agencies, the counties, State Land Commissioner, tribes and pueblos, land grants, acequias and the like. And it's a preliminary, exploratory kind of memorial.

CHAIR MAYFIELD: Thank you. Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, I would actually ask Mr. Kopelman to come forward. I'd appreciate it if you don't mind, on this particular resolution. I don't want to put you on the spot but I just want to ask you a clarifying question. I've raised concerns before this Commission about this particular resolution. It talks at the beginning of the resolution about the amount of resources and federal land and money that's in the state of New Mexico. But the crux of this resolution, because I've been around it for a little while is the last Whereas.

Whereas, there have been proposals for the state and counties to take a more active role in federal land management including the potential transfer for certain federal lands to the state. And that's the provision that I think is the crux of it and the most complicated provision. The question I wanted to ask you, Steve, is in being on the board, I remember seeing the listing of the stakeholders and Susan just read them off. But the Forest Service was not one of the stakeholders that was previously listed on the list that we had at the board meetings or BLM. Did any of the members of the Commissioners' committee or members on the Association board add them in as stakeholders on the list that's contained within the Association packets? Because they weren't before?

STEVE KOPELMAN: Mr. Chair, Commissioner, I think the list of stakeholders is still open-ended. And I think there'll be a lot of entities that maybe weren't originally contemplated. So I would think that certainly at some point we would need to have some of the federal agencies also participate.

COMMISSIONER ANAYA: And I'm glad you provided that clarification that it's open-ended but in my mind, as a Commissioner, and this wasn't you that put those there. You follow the direction of the board and the different committees, but they should have been at the top of the list, the Forest Service and Bureau of Land Management if there's discussions about potential transfer of lands. So that's the one aspect in this resolution that I think raises concerns.

In prior meetings I've said that our federal lands, not only in the state of New Mexico but across the country are lands that we not only access here in New Mexico but we can cross state lines and have access to those properties. So I have big concerns associated with that and maybe as time progresses or if there's some additional language that engages all of the stakeholders from the onset I would feel more comfortable but at this time I can't support it and I would move that we not support this resolution at this time, hopeful that they might make some adjustments in future resolutions.

COMMISSIONER HOLIAN: And I'll second that.

CHAIR MAYFIELD: We have a motion and a second. Any further

discussion. Seeing none, we have a motion and a second to not support this resolution.

The motion to not support the NMAC resolution passed by unanimous [5-0] voice vote.

III. E. 9. Resolution No. 2014-107, a Resolution to Support the New Mexico Association of Counties' Resolution on County Treasurers as Agents of the Property Tax Division

COMMISSIONER STEFANICS: Thank you, Mr. Chair. This resolution garnered 19 votes out of 30 from the board of directors, so I could let our Deputy County Treasurer or Susan -

ERIC LUJAN (Deputy County Treasurer): Thank you, Mr. Chair, Commissioners. I want to thank Commissioner Stefanics for aiding us and helping us through the affiliate and the Association board. And also on behalf of the affiliate chairman, our own County Treasurer, Patrick Varela. He was involved in a car accident Saturday and is still under doctor's care so he is unable to be here this evening so on behalf of him I apologize.

Basically, in a nutshell, what this resolution is going to do is give more responsibilities to the county treasurers as far as delinquent taxes are concerned. Currently the state holds about 700 contracts with delinquent taxes. Santa Fe County, we have about 14 of those 700 accounts. So we're not heavy but what makes a difference between Santa Fe County and other counties is that we're able to keep in house two full-time delinquent tax specialists. And what those two specialists would do in the other counties would give them the authority to take the payments at the county level to deal with county staff rather than the state staff.

The state right now is understaffed and to understand the situation at the Property Tax Division they are subsidized solely by all the penalties and interest they gain from taxpayers that are delinquent. Now, every three years we are obligated by state statute to provide the Property Tax Division three years back delinquent taxpayers within our county. Last year they proposed 20 properties within Santa Fe County that ought to be auctioned off. Through the efforts of Santa Fe County, our staff in the Treasurer's Office, we were able to bring those people to the table and get those taxes caught up and none of the properties that were going on the auction block were auctioned off. So that's great for our staff and Santa Fe County but we'd like to provide that statewide and that's what this resolution does.

CHAIR MAYFIELD: Thank you. [inaudible]

COMMISSIONER ANAYA: Move for approval.

CHAIR MAYFIELD: Second.

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

III. E. 10. Resolution No. 2014-108, a Resolution to Support the New

**Mexico Association of Counties' Resolution on a Study of
Housing Options and Service Delivery for Detention Inmates
with Special Medical and Mental Health Needs**

COMMISSIONER STEFANICS: Thank you, Mr. Chair. This garnered 16 votes but it came from the detention administrators affiliate. Santa Fe County is in a much better situation than other counties in it being able to provide some healthcare, psychological care and psychiatrist's care in our detention facility, but many counties do not have that and this resolution would address that particular issue.

COMMISSIONER ANAYA: Mr. Chair.

CHAIR MAYFIELD: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, Commissioner Stefanics, or Mr. Kopelman or anyone, was there discussion as to why there was not a desire to support at a greater level this aspect from the board? Was there comments as to why?

COMMISSIONER STEFANICS: Mr. Chair and Commissioner, I think we had so many resolutions to consider and we were allowed six votes. And so as you see we start getting spread out. The other issue in my mind is we took on more resolutions this year than we normally do. We usually take on five and I think you're looking at eight here today. So that's the only reason I can give you.

COMMISSIONER ANAYA: If I could, Mr. Chair and Commissioner Stefanics, what was the reason to only afford six votes, given that you're our representative on the board and we would want your perspective reflected?

COMMISSIONER STEFANICS: Well, usually – I thought this one was an important one, but usually we're only given five votes. And so some of the resolutions actually receive a higher vote than 22. So the fact that we had 30 counties and we only had a high of 22 people started spreading out a little bit too much. And so if we had had five or even less votes you really would have gotten some top vote-getters out of this. So we're starting to decrease here.

COMMISSIONER ANAYA: So essentially, people ran out of votes and they couldn't vote on some of the latter resolutions.

COMMISSIONER STEFANICS: That's right.

COMMISSIONER ANAYA: All right. Thanks, Mr. Chair. I would move for approval.

COMMISSIONER CHAVEZ: Second.

CHAIR MAYFIELD: Motion and a second.

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

III. E. 11. Resolution No. 2014-109, a Resolution to Support the New Mexico Association of Counties' Resolution to Clarify the Authority and Reasons Necessary for Tax Schedule Changes

CHAIR MAYFIELD: Mr. Perez is here. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. This one came from the assessors affiliate and it garnered 15 votes. And I'll turn this over to Gary.

GARY PEREZ (Deputy Assessor): Thank you, Mr. Chair. Thank you, Commissioner Stefanics. Good evening, Commissioners. Thank you, Commissioner Stefanics, for bringing this forward for approval. Just to give you a little bit of background, this resolution came out of the assessors affiliate because the assessors have the responsibility of creating the tax roll or the tax schedule and turning it over to the Treasurer's Office by October 1st of each year, what we're doing right now. Once the tax roll has been developed, generated and turned over to the Treasurer, there's only certain reasons where it can be changed. And the reason why we have brought forth this resolution was to attempt to clarify those reasons for changes to the tax roll because the current statute is pretty ambiguous and we are trying to make it a little more clear.

So what we've done is we've put together a committee of assessors and came up with some language. We ran it through the Treasurer's Office or the treasurers' affiliate. They have also endorsed it. They had a few issues with it but we worked those issues out the week before last with the chairman. And I'm also the chairman of the assessors affiliate.

So we now have here a draft, proposed draft. You don't have it before you but what it does is simply clarify the language and allows us to make tax roll corrections for two additional items, and those would be to fix errors in the value of property subject to property taxation by county assessors, and to fix errors in the application of eligible and qualified exemptions. We've also added – we've also done a little bit of cleanup language. In the current statute it says that the Treasurer has the authority to correct obvious clerical errors. The clerical had always been a stickler for most people in the Property Tax Division. They often said, well, what is within the definition of clerical errors. So we are looking to strike the work clerical and just leave the words obvious errors into the statute.

Also, we are adding another sentence into the draft that says obvious errors – as used in the section, obvious errors do not include errors in the method used to determine the value for tax purposes or a difference of opinion in the value of the property subject to valuation. So we want to make it clear that a difference in opinion and if somebody misses their protest deadline for protesting their property value and they have a difference of opinion, a different opinion than that of the Assessor that that's not a reason to change the tax roll. A reason to change the tax roll is that if we find errors, certain errors, we are allowed to change those errors so that we don't have to send the taxpayer off to district court to file and pay \$135 for court fees, that the Assessor, along with the Treasurer, has the authority to make the change. And the Treasurer would be the final authority on the changes.

CHAIR MAYFIELD: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, and I'm going to ask you this question coming from the notion of separation of powers and shared responsibilities. The Treasurer can work with the Assessor to work through any changes. Is that correct? The Treasurer has the sole authority – that's what I read here on the top. Is that correct?

MR. PEREZ: Mr. Chair, Commissioner Anaya, there's only certain reasons currently, under 7-38-77. There's three different reasons and there's various other reasons but there's three different reasons right now that the Treasurer has the authority to make changes. The process starts in the Assessor's Office, usually, and 99, I would

99.9 percent of the reasons that an error occurs from the valuation side, which is in the Assessor's Office. So right now, the Assessor initiates that tax roll correction process and hands it over to the Treasurer's Office, and then they either agree or disagree. And if they agree, they'll process that tax roll correction and it has to be within the statutes.

COMMISSIONER ANAYA: But they work with the – they still work with the Assessor –

MR. PEREZ: That's correct.

COMMISSIONER ANAYA: To ultimately make the change. So what was the impetus to make the change? Were there some treasurers that weren't working with other assessors and they wanted more control, for lack of a better work? Is that what was going on? Were there some assessors that weren't getting along with the treasurer?

MR. PEREZ: Mr. Chair, Commissioner Anaya, really, the real reason is because Property Tax Division, who has general supervisory authority over the assessors, they do an annual evaluation of the assessors' offices and one thing that they review is tax roll corrections and whether or not they conform to the statute. There was a difference of opinion between the Property Tax Division and some assessors throughout the state on whether or no they should be making any particular tax roll corrections and if they're within the meaning of the law. So that was the impetus.

They had told us first to let them know what we thought clerical errors was, what should be defined as clerical errors. We took it a step further end we thought we should change – try to get the law changed.

COMMISSIONER ANAYA: So, Mr. Chair, Mr. Perez, did you say that the treasurers affiliate had voted and supported this resolution?

MR. PEREZ: that's correct.

COMMISSIONER ANAYA: And what other conversations occurred? Because what's giving me a little heartburn, to be quite honest is the fact that we don't have what those clarifications are in your working through the draft of those, to be quite frank. We don't know what that is. Do you have those? Are you going to bring those back to us and show them to us, or what?

MR. PEREZ: Mr. Chair, Commissioner Anaya, it's basically what I just told you know. If you like for me to read it word for word I can go word for word. But there's many lines that have been stricken and there's a few new lines added. But I basically gave you the gist of the changes.

COMMISSIONER STEFANICS: Mr. Chair, on this point.

CHAIR MAYFIELD: Commissioner Stefanics.

COMMISSIONER STEFANICS: Mr. Chair, Steve Kopelman, could I ask you a question please? Has the affiliate brought you changed language for the resolution?

MR. KOPELMAN: Mr. Chair, Commissioner, the affiliate chair met the assessor's chair, the treasurer's chair, they worked through the language. So the resolution itself wasn't changed but they have collaborated on language in the bill itself.

COMMISSIONER STEFANICS: You're talking about language in statute being changed, not language in the resolution.

MR. KOPELMAN: Yes, that's correct.

COMMISSIONER STEFANICS: So Mr. Kopelman, is there anything else you want to say about this resolution. The division about the powers here might be an

SBC
CLERK
RECORDED
11/13/14
11:33 AM

issue.

MR. KOPELMAN: Right. Mr. Chair, Commissioner Stefanics, I think the bottom line is, again, it would require collaboration that the assessors will now be a part of the process legally, and so it should clear up some of the ambiguities with the Property Tax Division. And again, the treasurers and the assessors did work a pretty long period of time to get the language correct and to negotiate how this would work.

COMMISSIONER STEFANICS: Mr. Chair, could I ask one more question? Steve, is this similar to a resolution from last year?

MR. KOPELMAN: Mr. Chair, Commissioner, no. This is new for this year.

COMMISSIONER STEFANICS: Okay. So this isn't something that Tax and Rev has reacted to publicly yet.

MR. KOPELMAN: No.

COMMISSIONER STEFANICS: Okay. Thank you.

CHAIR MAYFIELD: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, Mr. Perez, or Mr. Lujan, associated with the taxpayer, from the Treasurer's perspective why don't you tell me. How, in your estimation does this benefit the taxpayer associated with corrections that would need to occur? Is this a benefit to the taxpayer or – give me a perspective.

MR. LUJAN: Mr. Chair, Commissioner Anaya, yes, it does benefit the taxpayer. It just depends on the situation as it comes from the Assessor's Office. We do work well with our Assessor's Office and we have met up with situations such as this where it's going to affect the tax rolls. And you always have to err on the side of the taxpayers, at least from our office's perspective. Every day you're dealing with different situations as it affects the tax roll but also when you're dealing with it and if it's going to require a refund, that's going to come from the general budget, from the general operation fund that the Treasurer is going to have to release if we do find an error. It also affects the distribution because that money's already been sent out to whatever area, whatever public schools, whatever entity, whatever – City of Santa Fe, City of Espanola, Town of Edgewood. Whoever we distribute that money to – the Espanola Public Schools, the Edgewood-Moriarty Public Schools. It all comes out of our distribution monthly.

So it doesn't affect it all the way around. So we're very careful how we go through it and as Mr. Perez said, we do follow the statute very closely. Go to Legal for that advisement as well. They have their in-house attorney that we also meet with when situations like this arise and yes, Commissioner, Mr. Chair, Commissioner Anaya, these situations arise and in fact we're dealing with two of them right now that have just come up.

COMMISSIONER ANAYA: So Mr. Chair – and I appreciate that presentation from both of you. The item that – I'm going to go ahead and support the resolution but the item that I guess I'm going to want more questions answered at a later date is if the statutory responsibility falls with the Treasurer and the Treasurer has the ability to raise questions or do changes ultimately, then that exists. If you're adding language that didn't exist, this just says that you're part of the process but puts the onus still on the Treasurer's Office. I guess I'm trying to figure out the real need for it or did Property Tax Division say, Mr. Perez in the Assessor's Office can't be involved? And

that's where some of the angst was?

My assumption is it's a collaborative process anyway and occurs aside from the changes. But I guess what you're telling me is they're intervening and not affording you the opportunity to coordinate in that process? The Property Tax Division specifically?

MR. PEREZ: Mr. Chair, Commissioner Anaya, it is a collaborative effort. But the assessors are not named anywhere in the current statute that we are to collaborate with the treasurers. So we initiate the process. The majority of errors that come out that need to be corrected are because of the Assessor's Office, because it's on the valuation side. And so we felt like we should be named somewhere in the statute as having a part of the tax roll correction process. And we have not – the language that we first proposed to the treasurers, they felt like we were infringing upon their authority. So that's why we ended up working it out and we've changed it. The only place where the assessor is named in the proposed change is in one sentence where it says that there shall be no correction to the tax roll except – and this is new – by the County Treasurer to correct obvious errors by the County Assessor in – and then there's four different things, two of which were already in the statute and then two which are new which I already mentioned. So we're just named in the process. That's all.

But the major reason was to get a couple of things in there like if there's an error in the value of the property subject to taxation by the Assessor's Office such as if we make – if we're supposed to have capped a property, a property stayed capped and let's say that there was a husband and wife and they divorced and they transferred the deed to the wife. We made the change but we took the capped value off. In that case that was an error and if the tax bill went out and the value went – say it was supposed to be at \$103,000 and the value went to \$150,000, that was an error.

In the current statute it was so ambiguous that we felt like it might not possibly have been covered, so we wanted to make sure that it's covered and that's why we stuck this in here. And we have other situations, like if we don't apply a freeze. If somebody applies for a freeze on value and they qualify but maybe a clerk or somebody didn't enter it into the system, or somebody applied for ag status and they got it reduced to special method of valuation for their ag land, then if we made an error, we need to be able to correct that after the tax bill had been sent out.

That was not really – it's pretty ambiguous and we always used the category of the description of the property, but this makes it clearer. And also, as an example, the new sentence under D, is that to correct errors in the applications of eligible and qualified exemptions. So for instance, if a person has applied this year for the very first time for a veteran's exemption and they got \$4,000 off their taxable value, we received it, they applied on time, but it didn't get keyed into the system, the tax bill comes out and that exemption is not noted on the taxes, they got a higher tax bill. We want to be able to correct that.

Otherwise, the language in the current statute doesn't really allow for it. We've been pushing it through under the description of property but this makes it clearer, and it prevents them from having to go file, because the other method of protesting your valuation once you miss that protest deadline in the Assessor's Office is to file within district court. And it costs people money to file in district court. That's why it's advantageous to the taxpayer.

CHAIR MAYFIELD: [inaudible]

MR. PEREZ: I'm sorry, Mr. Chair. I didn't hear that.

CHAIR MAYFIELD: Could you give an example, maybe of if and when there would ever be – when they're not in agreement?

MR. PEREZ: Mr. Chair, Commissioners, when the Assessor and the Treasurer are not in agreement? We very rarely disagree on these types of situations. When we propose a tax roll correction we have developed a form. We put it in writing and we present it to the Treasurer for advanced approval. If for some reason the Treasurer does not approve of it we don't change anything on our side, because then we'd have to go fix it again. So we wait till we get the pre-approval from the Treasurer's Office and then we proceed with it and send over the paperwork and do the correction on our side. So we can ask Mr. Lujan to verify that but there's very few situations that we have disagreed on.

CHAIR MAYFIELD: Fair enough. That's kind of what I thought. Thank you. Commissioners, is there a motion please?

COMMISSIONER STEFANICS: Mr. Chair, I'll move to approve.

COMMISSIONER ANAYA: Second.

CHAIR MAYFIELD: Motion and a second.

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

III. E. 12. Resolution No. 2014-111, a Resolution to Support the New Mexico Association of Counties Resolution on County Industrial Revenue Bond Act Improvements

COMMISSIONER STEFANICS: Thank you, Mr. Chair. This came from both the managers affiliate and the Commissioners affiliate. It garnered 13 votes so maybe Ms. Miller, who stepped out of the room could talk about it.

CHAIR MAYFIELD: So let's do this. Let's move on till she gets back.

III. E. 13. Resolution No. 2014-110, a Resolution to Support the New Mexico Association of Counties Resolution on Increased Detention Facilities Funding

COMMISSIONER STEFANICS: Thank you, Mr. Chair. This came from the Commissioners and the detention facilities. This has to do with the funding that comes from the state to the counties for detention facilities taking care of those individuals that we are holding for the state. Over the years the funding has been eroded and we have been working year after year to get this funding back in. I think that we should just go ahead and support it.

CHAIR MAYFIELD: Thank you.

COMMISSIONER ANAYA: Move for approval, Mr. Chair.

COMMISSIONER CHAVEZ: Second.

CHAIR MAYFIELD: Motion and a second.

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

III. E. 12. Resolution No. 2014-111, a Resolution to Support the New Mexico Association of Counties Resolution on County Industrial Revenue Bond Act Improvements

COMMISSIONER STEFANICS: Maybe Steve or Susan could start the discussion on the IRBs.

CHAIR MAYFIELD: Okay. Let's do that.

MR. KOPELMAN: Thank you, Mr. Chair, members of the Commission. These proposals are really pretty simple. One aspect is to actually increase the list of projects that would be eligible for industrial revenue bonds. It would include housing developments and I think that's something that's important. It's not presently allowed under the current statute. The second part of the proposed change would put counties in the same equal footing as municipalities. Right now there's a provision that if the counties are bringing forward an IRB and there is an allegation from another company that it improperly competes with them it stops the whole process. They go to the Board of Finance and it pretty much kills the initiative. There's no similar provision for municipal IRBs. And so this is really just for equity to put counties on an equal footing with municipalities.

CHAIR MAYFIELD: Thank you. Commissioner Stefanics.

COMMISSIONER STEFANICS: Mr. Chair, I do want to point out the reason I could not get excited about this is because it wanted the IRBs to include not just housing development but the extractive phase of mining and energy development. So I just want to point that out before the Commission takes it up. Thank you.

CHAIR MAYFIELD: Thank you. Commissioner Chavez.

COMMISSIONER CHAVEZ: That's good to know. Thank you, Commissioner Stefanics. I have a question, Steve, about the language here that says it's going to expand the list of projects eligible for an IRB and I guess that list of projects and the type of projects should be discussed, for industrial revenue bonds. And then it goes on to say, and removing the complaint process for certain IRB projects. Could you expand on that a little bit?

MR. KOPELMAN: Sure. Mr. Chair, Commissioner Chavez, the list of eligible projects, that just means if the County Commission votes it wants to go forward with it they would be able to. It's not mandatory of course. It's all – but in terms of the complaint process, that's what I was talking about, putting counties and cities on an equal footing so that you couldn't stop a county IRB because there's a company that says this is unfair. They can pretty much come up with any reason to protest it. It stops the process. It has to go to the Board of Finance then and in most cases – the only time that I'm aware – maybe Katherine or Greg or others are aware of others – it pretty much stops the project.

So this is after the Board of County Commissioners has already decided that this is a project they want to support and that this type of economic development is something that's positive for the County. So it second guesses a Commission decision and there's no similar provision that allows somebody or a business to second guess a city council's decision to move forward.

COMMISSIONER CHAVEZ: But there would be – I would assume there would be a process to vet these projects that would be applying for consideration for an industrial revenue bond, right?

MR. KOPELMAN: Mr. Chair, Commissioner, it has to go through public hearing process, absolutely and it would be vetted by the Commission at a public hearing.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR MAYFIELD: Commissioner Chavez?

COMMISSIONER CHAVEZ: I'll yield the floor.

CHAIR MAYFIELD: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, I think the last point is the operative point for myself, associated with the use of industrial revenue bonds. If Santa Fe County chooses not to use revenue bonds for mining or a purpose that was outside of the realm of this Commission so be it, but if Lea County had a process by which the public was afforded feedback and so supported that then I'm not going to get in the way of that and I believe in the authority of those local entities to make those determinations with their public process in place. So those are my comments. I think it's another tool for a local government and entity to be able to potentially access resources that they deem appropriate in their given community.

CHAIR MAYFIELD: Thank you. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. While I support IRBs in general, and I certainly support the concept that counties should be on the same footing as municipalities, I do not support the use of IRBs for the extractive phase of mining and energy development. I don't think that the taxpayers need to subsidize those two industries anymore. They're doing quite well on their own. So I will not be voting for this.

CHAIR MAYFIELD: Mr. Kopelman, and I appreciate the comments, Commissioners, right now what is – I guess gas, mining, doing for our permanent fund in the state of New Mexico? Do you know?

MR. KOPELMAN: I'm sorry, Mr. Chair.

CHAIR MAYFIELD: Where some of these mining operations, in the south and up in the north, what are they doing for our permanent fund? Just, again, I just want people to know that that's how we are in a surplus of funds right now.

MR. KOPELMAN: Mr. Chair, that's true. I don't have the statistics but I understand that the amount of revenue that's generated for the state and for county government as a result of the extractive businesses is quite large and probably our two counties now that are doing best financially are probably Eddy County and Lea County at this point. But that money goes for education. That money is distributed statewide.

CHAIR MAYFIELD: Thank you, and again, just appreciating what all of my colleagues say, Commissioner Anaya, each county is going to make their own decision. Santa Fe County already has ordinances in place on this, if it does move forward or if it doesn't move forward. That would allow this or afford this or would not. Is there any other discussion, Commissioners? Seeing none, do we have a motion?

COMMISSIONER ANAYA: I'd move for approval, Mr. Chair.

CHAIR MAYFIELD: And I'll second that, Commissioners. We have a motion and a second. Commissioner Chavez, you have a question?

COMMISSIONER CHAVEZ: Just one more question. The notion that we would remove the complaint process from certain IRB projects – how do you separate the projects?

MR. KOPELMAN: Mr. Chair, Commissioner, county-sponsored IRBs.

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

CHAIR MAYFIELD: Thank you. We have a motion and a second.

The motion passed by majority 3-2 voice vote with Commissioners Anaya, Chavez and Mayfield voting in favor and Commissioners Holian and Stefanics voting against.

MR. KOPELMAN: Thank you, Mr. Chair, members of the Commission.

CHAIR MAYFIELD: Thank you both for being here

III. E. 4. Resolution 2014 - ____, a Resolution Adopting Policies and Procedures for Proposing Weight Limits on Asphalt Paved Roads Maintained by Santa Fe County

CHAIR MAYFIELD: We'll give Adam a second to get here. Commissioners, do you need to take a stretch break? Okay. Let's have a five-minute stretch break but please make it five minutes.

[The Commission recessed from 6:38 to 6:50.]

III. E. 4. Resolution 2014 - ____, a Resolution Adopting Policies and Procedures for Proposing Weight Limits on Asphalt Paved Roads Maintained by Santa Fe County

CHAIR MAYFIELD: Commissioners, thank you. We are now on III. E. 4.

COMMISSIONER ANAYA: Mr. Chair.

CHAIR MAYFIELD: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, I know Commissioner Holian is sponsoring this and has had discussion on it, as have all of us. But I have some – and I've read the resolution, understand the resolution. But I have some specific things I'd like to discuss with the rest of the Commission, in particular Commissioner Holian and staff that deal with agricultural purpose and hay trucks and other agricultural use and so in that vein and in the spirit of bringing it back I'd like to move to table this item until the next meeting.

COMMISSIONER HOLIAN: Mr. Chair, and I will second that. I'm in agreement. I'll be willing to do that.

COMMISSIONER ANAYA: Thank you, Commissioner Holian. And then one question I would have is –

CHAIR MAYFIELD: Real quick. We have a motion to table and we'll go to discussion afterward. So, Commissioners, if we could take a vote on the motion to table at this time.

COMMISSIONER HOLIAN: Mr. Chair, before we vote, can I clarify it that we're tabling it till which meeting?

COMMISSIONER ANAYA: The next administrative meeting, if that's okay.

COMMISSIONER HOLIAN: Okay. The next administrative meeting.

COMMISSIONER CHAVEZ: And that's to clarify some details that are in the existing resolution?

COMMISSIONER ANAYA: Yes, Mr. Chair. Specifically around agricultural use and other common uses in the county so that maybe we don't end up with some conflicts right off the bat. And just – did Road Advisory review the resolution?

MR. LEIGLAND: Mr. Chair, Commissioner Anaya, the Road Advisory Committee hasn't met because there's not enough people to meet a quorum and so we were going to bring it back at the Road Advisory Committee.

CHAIR MAYFIELD: Okay, well, let's take care of the motion to table and then we'll have a little discussion after.

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

CHAIR MAYFIELD: I'll go to a little discussion please.

COMMISSIONER ANAYA: Yes, I think we need to have an expanded discussion on Road Advisory. Could we have a discussion about Road Advisory at the next BCC meeting? Not the administrative meeting but the next meeting. I don't want us to lose sight of that committee. It's very important to this County and this community and maybe in the interim Commissioners can meet with you individually. I'd actually like to sit down and talk with yourself and Mr. Martinez on Road Advisory specifically. So that's all I had, Mr. Chair.

CHAIR MAYFIELD: Thank you. And Mr. Leigland, on this resolution also, some of my concerns again, in line with Commissioner Anaya's but even our road maintenance equipment, how we address that in this. So if you could take that – maybe you already have a proposal under an ordinance but I want to make sure that we're able to maintain any roads that we have weight limit requirements on. Thank you, Commissioners.

III. F. Ordinances

1. Request Authorization to Publish Title and General Summary of an Ordinance Entitled, "An Ordinance Adopting the Solid Waste and Recycling Management Ordinance and Repealing Ordinance Nos. 2010-5, 2012-7, 2013-3, and 2014-6"

MR. LEIGLAND: Mr. Chair, Commissioners, at the last administrative meeting on August 26th the Board of County Commissioners approved the Solid Waste Task Force recommendation, actually several recommendations. One was to increase the number of mandatory recycling materials. One was to choose the permit structure away from a 24 to a six and a twelve, and one was to adjust the fees to gradually increase revenues.

So at that meeting I said that I would come back to you with the relevant ordinance change and so that's what's before you today. In addition to implementing those changes we also took the opportunity to clean up. As you'll notice, there's several amendments to the original Solid Waste Ordinance, 2010-5. I just remind you 2012-7 was to put a hold on the original fee increases that were in the original ordinance and that was for our Solid Waste Task Force. 2013-3 was to incorporate the changes as part of annexation, and 2014-6 was to make permits not expire.

So we took all those amendments and wrapped it up and they are reflected in this revised ordinance. The other changes we've made, as I explained, they increase the amount of recycling categories. They also implement the new permit fee schedule. And this is permission to publish title and general summary. You'll see the permit schedule is reflected in the staff memo.

CHAIR MAYFIELD: Thank you. Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, I wasn't here on the last discussion. I have reviewed the resolution that was passed by the Commission. I have some questions that I think will be addressed in the public hearing phase of the ordinance and I look forward to that. I've had many constituents that want to make comments associated with the ordinance changes, and so I'm going to just go ahead and move for approval to publish title and general summary on the ordinance and afford two public hearings within that motion.

CHAIR MAYFIELD: Thank you, Commissioners. We have a motion.

COMMISSIONER HOLIAN: And a second.

CHAIR MAYFIELD: And a second. Commissioner Chavez.

COMMISSIONER CHAVEZ: Thank you, Mr. Chair. Adam, could you explain the concept behind gradually increasing to 30 percent the share of solid waste program funding received from fees over – I guess this is over a five-year period? So explain that and then I may have a follow-up question.

MR. LEIGLAND: Mr. Chair, Commissioner Chavez, one of the mandates of the Solid Waste Task Force was to look at the revenue collection of the solid waste program. So, to remind you, the solid waste program that the County runs has three main revenue sources. Revenue from permit sales, which currently comprise about 15 percent of the total program costs; environmental GRT, which comprises about 30 percent, and the remainder is from the general fund. And so the Solid Waste Task Force was asked to look at that revenue split and possibly increase the amount of revenue received from permit sales.

So the Solid Waste Task Force recommended that they essentially double the amount currently received from permit sales which was 15 percent, double it slowly to 30 percent over a period of five years. And so the idea is that the total Santa Fe County solid waste program costs about \$2.5 million a year to operate, and that includes paying the landfill for tipping fees, vehicle operations, fuel, salaries and what not, and so the idea is about 30 percent of that will be recovered through permit sales.

COMMISSIONER CHAVEZ: In a five-year period.

MR. LEIGLAND: Over a five-year period. Gradually increasing so in the fifth year, calendar year 19, is when you receive that 30 percent in cost recovery.

COMMISSIONER CHAVEZ: So then what you're saying is that the Solid

Waste Division in the County is only recouping right now 15 percent of the cost in providing those services?

MR. LEIGLAND: Mr. Chair, Commissioner Chavez, that's correct. So of that \$2.5 million revenue currently permit sales only cover 15 percent of that.

COMMISSIONER CHAVEZ: Well, and I don't know – so the rest of the money is coming out of the general fund? How is that being subsidized?

MR. LEIGLAND: Mr. Chair, Commissioner Chavez, no. Thirty percent is covered by the environmental GRT, so the Commission has a GRT increment for environmental GRT that can be used either for wastewater or for solid waste and the Commission has allocated that to solid waste. That's about 30 percent of the total. It's about \$800,000 a year. And then the remainder is from the general fund.

COMMISSIONER CHAVEZ: So what would the balance be if you did the math, roughly? What's the gap?

MR. LEIGLAND: Mr. Chair, Commissioner Chavez, if we doubled the amount received from permits, there's an assumption of some inflation, by calendar year 19 the costs – there will be a little bit of inflation, but you could assume that we would go from about \$450,000 received through permits to about \$900,000 received through permit sales.

COMMISSIONER CHAVEZ: Okay, well I guess the only other comment I would have is that I think the public is fortunate to have the service that they have. It's not fully paid through permit fees, and so I guess we have to accept that for now but maybe in the future we can turn that around. I was hoping that we could maybe increase the 30 percent but shorted the time period from five years to maybe three, but we can revisit that hopefully at a later time to see how this new fee structure is working and I the public is really going to engage in the new recycling programs that we're hoping to provide. Thank you, Mr. Chair.

CHAIR MAYFIELD: Thank you and again, appreciating Commissioner Chavez' comments, knowing that there is some agreement to disagree on this as far as the 30 percent recovery by Santa Fe County. I am totally opposed to that. I believe that property tax assessments do cover the use of our transfer stations. But that can go out when we have our public hearings. Adam, I guess one question, but I'll just throw this out to the Commissioners also, knowing that – where are all of our transfer stations? Just for our listening audience?

MR. LEIGLAND: Mr. Chair, we have seven transfer stations and we have an unstaffed recycling center. So starting from south, going to north, we have a transfer station in Stanley, we have one in San Marcos, which is off County Road 42. We have one in La Cienega. We have one in Eldorado, which is our second largest by volume but largest by recycling volume. We have one in Tesuque. We have one in Nambe. And we have one in Jacona, which is our largest by volume and second largest by recycling.

CHAIR MAYFIELD: Thanks, and Commissioners, you've indulged me in the past and I appreciate it but again, I would just respectfully ask that if we're going to publish title and general summary, when we take that vote that we have some of these public hearings throughout the district where these transfer stations are located. Mr. Leigland, quick question. As far as the current permit structure, if an individual today needs to come to our Treasurer's Office or to one of our satellite offices, what type of

permit are they purchasing today?

MR. LEIGLAND: Mr. Chair, currently they are purchasing a 24-punch permit that costs \$75.

CHAIR MAYFIELD: Okay. And with that being said, once that permit is purchased and acquired we've already passed a provision that says that permit will be afforded till it's exhausted. Correct?

MR. LEIGLAND: That's correct.

CHAIR MAYFIELD: Okay. Thank you. Commissioner Holian.

COMMISSIONER HOLIAN: Mr. Chair, I would just like to confirm what date the first public hearing will be.

MR. LEIGLAND: Mr. Chair, Commissioner Holian, so if we get permission to publish title and general summary the public hearing would be at the next administrative meeting, so October 26th.

COMMISSIONER HOLIAN: Thank you, Adam.

CHAIR MAYFIELD: Thanks. And where is that going to be?

MR. LEIGLAND: Mr. Chair, I would imagine it would be here.

CHAIR MAYFIELD: Commissioners, again, I just would respectfully ask that we go out to the south, the north, knowing that we've asked for two public hearings. If it's Eldorado, if it's – Commissioners, I'm going to ask it. That's the majority of my constituents that call me and talk to me about this issue so I would ask for one of the hearings at least, if one's in downtown Santa Fe, we could flip a coin to figure if it's down south or up north, or even in Eldorado for that matter. I don't know if I have support from that but if I do I'd appreciate it.

COMMISSIONER ANAYA: Mr. Chair, I would support it.

MS. MILLER: Mr. Chair, there's a legal issue on that. I'll let Greg address that.

MR. SHAFFER: Mr. Chair, we are talking about the adoption of an ordinance of general countywide applicability. By state statute meetings are to be held in the county seat or the most populous city except when you're dealing with matters of local interest only. And so given that this is an ordinance of countywide applicability that adopts fees for all County transfer stations I would just submit that the hearings and meetings would be properly held here in the City of Santa Fe.

CHAIR MAYFIELD: Fair enough. Thank you, Greg. Commissioner Anaya please.

COMMISSIONER ANAYA: Mr. Chair, respecting statute and that interpretation, that might be one of the legislative things that we pose as a priority. The populous area in Santa Fe has no relevance to solid waste transfer station areas because it's the City of Santa Fe that has its own solid waste delivery. So that might warrant some further investigation and possibly a statute change to accommodate discussion and not centered around this issue but any issue of this type of relevance where you have a municipality that controls that populace or has the predominance of policy and yet we're impacted for input by that policy. That's all I have right now, Mr. Chair. Thank you.

CHAIR MAYFIELD: Thank you. Commissioners, we have a motion and a second to publish title and general summary.

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

CHAIR MAYFIELD: Motion passes 5-0. Vice Chairman Anaya.

COMMISSIONER ANAYA: Mr. Chair, I made the motion for public input and on the ordinance. I too have concern as you do with the 30 percent increment increase. One of the things that this Commission talked about in the time I've been sitting on this bench had to do with offsetting revenue from curbside in the urbanized area to offset expenditure of solid waste and haven't heard a whole lot more discussion on that. Also the senior removal of discount and only the discount provided for low-income individuals. I think our seniors warrant consideration and continued discount and that it not be a determinant factor just because they're low income but rather that we're sending back a message to those seniors in our community that we value their contributions that they've made through their collective life and that they should have a benefit associated with that as well. So I look forward to the conversation and the public input that we're going to receive on the hearing, but I do want to note those two items for the record. Thank you, Mr. Chair.

CHAIR MAYFIELD: Thank you. I guess I have a question for myself, because I am a transfer station user.

COMMISSIONER ANAYA: Mr. Chair.

CHAIR MAYFIELD: Sure.

COMMISSIONER ANAYA: The other thing I was going to add, Mr. Chair, was on ordinances, as we go forward, this is a huge ordinance if you're in the rural area of Santa Fe County. It impacts those rural residents outside of the municipalities. I would greatly appreciate it if Ms. Mihelcic, as she goes out in her radio talk show, as well as a notice on the website on the front, on ordinance changes, and then emails out to our leadership that we have in the various communities, that they're made aware of not only this ordinance but any and all ordinance changes that are in effect law on county residents, that they have a clear understanding of what the current ordinance is and maybe a postcard of some kind and what the changes are. And so that they can see it and understand what's going to happen and potentially when. So that we encourage them to come on either side. I know we'll have various residents that have already been here on the supportive side that were part of the Solid Waste Task Force but I think we need to have a more varied range of input and so by letting them know on the radio and wherever else we can I think it will be helpful. And I know we have shows that we're doing that we can maybe fit this item in. And any ordinance change. So, thank you, Mr. Chair.

CHAIR MAYFIELD: Thanks. And again, Mr. Shaffer, just for disclosure, I am a rural residential user of our transfer stations. I asked Mr. Leigland a question. I will be purchasing a 24-punch permit unless there's any objection by this Commission or by legal counsel. And I would suggest everybody out there listening to buy one right now. Commissioner Chavez.

COMMISSIONER CHAVEZ: But I do – this is a service that doesn't come cheap. We're talking about a \$2.5 million operation annually, right? And that cost is not going to go down; it's going to go up. So I think that we can encourage or suggest that there be free service or reduced service but there will be a fiscal impact to the County and I think we have to be aware of that. Somebody's going to have to fill that gap. I just

point that out.

And two, in the public participation, the Solid Waste Task Force has already reviewed this resolution and is in support of this resolution? And those members, I think, represent different parts of the county?

MR. LEIGLAND: Mr. Chair, Commissioner Chavez, yes. There was one appointee from each district.

COMMISSIONER CHAVEZ: So I hope that the task force is thinking along the same lines as we might be up here as far as being efficient in the service that we're providing, being reasonable in the fees that we charge for that service. I pay property tax, Commissioner Mayfield, but I don't receive the benefit of a transfer station, but I do have BuRRT that I can go to. So I don't think our property taxes are going to pay for all of those services that the public is expecting and deserves.

So I would imagine that in the public participation process that the Solid Waste Task Force would be engaged still in that process. They're not going to disconnect completely, are they?

MR. LEIGLAND: Mr. Chair, the task force was a term, and once they produced the report and made the recommendation to the Commission, which they did in the spring. They presented their final report to you in August. And so now the task force itself is not meeting but they are still engaged. In fact when we brought the first set of recommendations for you a number of them did come to the meeting.

COMMISSIONER CHAVEZ: At SWMA we just made reappointments for the Solid Waste Task Force Committee so I was under the impression that they were going to continue.

MR. LEIGLAND: Mr. Chair, Commissioner Chavez, that is the Solid Waste Management Agency's Advisory Committee. And then the County had convened its own Solid Waste Task Force. And so the Solid Waste Task Force was set with a term and it met and there's a separate regional Solid Waste Task Force.

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

CHAIR MAYFIELD: Thanks. And then also, Commissioner Chavez, I sat on the Solid Waste Task Force along with Commissioner Holian. By no means do I understand that that report was unanimous that came to this Commission. And as a taxpayer also there was an issue that was dangling out there recently, appreciating recyclables within the county but how heavily they are subsidized by our general fund that warrants some discussion also. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. Mr. Chair, and Mr. Shaffer, if we wish to amend the ordinance, are we going to do it on the second public hearing? Will we bring printed amendments? How will we handle it?

CHAIR MAYFIELD: Commissioners, we have an ordinance in front of us tonight and I believe there's some amendments even prior to the public hearing. So I think Commissioners can push that out as we've done in the past, and correct me please, Mr. Shaffer if I'm wrong. If there is proposed amendments and they can be addressed at any time during the public hearing process. Again, during the public hearing, typically that's hopefully why we're having the public hearing is we may hear from our constituents that say, wait a minute, you guys need to amend this. Greg, do you want to comment on that?

MR. SHAFFER: I think there are two different questions. In terms of the timing of the adoption, and I think that the amendments would properly be in order at the second hearing, which is the adoption hearing when the Board will actually be scheduled to take action on the ordinance. So I think that would be the proper time at which amendments would be formally acted upon by the Board. So in other words, in the noticing that we give when there are two public hearings, it's the second hearing that is noticed as being the adoption hearing required by law, at which the Board will take formal action on it. So that would, again, would be where I would submit that it would be appropriate for the Board to formally adopt language changes to the ordinance.

In terms of a process, just quality control and making sure that we're prepared, I would just note that if individual Commissioners are aware of amendments that they may want to propose that they can always ask the Legal staff to work with them as well as with Public Works to get the form of the proposed language change in order before it's actually adopted and acted on by the Board. I hope that answers the questions.

COMMISSIONER STEFANICS: Thank you.

CHAIR MAYFIELD: Thank you. Mr. Shaffer, so if this Commission has acted, as far as allowing the current permits to go unexpired, can this ordinance trump that? If there's a suggestion to that ordinance to do it?

MR. SHAFFER: Mr. Chair, it's something that I would want us to more thoroughly analyze and research before offering an opinion on that, which is obviously a very important question.

CHAIR MAYFIELD: Thank you. Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, I'm going to look to my colleagues and make a suggestion. Just looking at the presentations in front of us, one in particular is, I think going to warrant –

COMMISSIONER STEFANICS: I still have something on this.

COMMISSIONER ANAYA: Oh. Sorry.

COMMISSIONER STEFANICS: That's all right.

CHAIR MAYFIELD: I thought we were still on this ordinance. I apologize. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. Mr. Shaffer, I actually just purchased my new 24-punch pass and the gentleman at the window at the Treasurer's Office of course knew me and smiled and said, you know you get to use this for as long as it lasts. And then following me there were two or three other people who came to purchase their passes. So I do think that if we are telling somebody one thing we need to take that into account before we would change policy on it. So as you're formulating your theory please keep that in mind. Thanks.

CHAIR MAYFIELD: Thank you. Commissioner Stefanics, that's kind of where I was at. I just made a statement for everybody, suggest everybody go buy a 24-punch pass.

MR. LEIGLAND: Mr. Chair, if I may, preserving the non-expiration of permits is in the draft ordinance. So that –

CHAIR MAYFIELD: Mr. Leigland, it was stated that any Commissioner can offer an amendment and can we have that amendment that trumps what we took past action on?

MR. LEIGLAND: Oh, I see. And then, Mr. Chair, just to answer a question Commissioner Anaya had earlier about the franchising and curbside pickup, that is the next recommendation we're going to bring to you. Our plan was to bring that to you at the October meeting. So you'll see that at the next meeting.

CHAIR MAYFIELD: Thank you. Katherine, do you have anything? Thank you. Okay, Commissioners. I think we've beat this issue to death. Commissioner Anaya, you have some questions?

COMMISSIONER ANAYA: Just a suggestion.

CHAIR MAYFIELD: Sure.

COMMISSIONER ANAYA: The presentation on water supply is going to take a lot of questions and dialogue and I don't know that today, that we'll do it justice. And I'm also looking at the other informational items on item VII. relative to the meeting and I'm going to suggest tabling. Before I make a motion I'm just going to suggest it to see what the pulse of the Commission is on the presentation of the water supply and water commitments as well as the informational items.

CHAIR MAYFIELD: Commissioners, discussion? Commissioner, do you have a motion to change our agenda?

MS. MILLER: Mr. Chair, I would only offer one comment. I don't know that you need to table the informational items. We really just put those reports in your packet for the record, so that they're available to you and to the public. So if you have specific questions staff will always be available to answer those whether we're in the meeting or not.

CHAIR MAYFIELD: Thanks.

COMMISSIONER ANAYA: I appreciate that, Mr. Chair, but on the water supply, I don't know. My perspective is that's going to take some time. I don't know. That's just a thought.

COMMISSIONER STEFANICS: Mr. Chair, I would agree that we need the water presentation at the next meeting.

CHAIR MAYFIELD: Okay.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR MAYFIELD: Commissioner.

COMMISSIONER HOLIAN: I'm fine with that as well.

CHAIR MAYFIELD: Okay. So, Claudia, I guess you get to go home along with all the division directors if you care to. Thank you.

III. F. 2. Request Authorization to Publish Title and General Summary of an Ordinance Entitled an Ordinance Amending Ordinance 2011-3 Pertaining to Affordable Housing Roof Repair or Replacement

STEVE BRUGGER (Affordable Housing): Mr. Chair, Commissioners, I bring forward this ordinance to improve utilization of the roof repair and replacement program and to better focus resources to those most in need. We do this by proposing three changes to the existing ordinance. One is to increase the limit of assistance from \$10,000 to \$15,000. Most of our bids are coming in over \$10,000, which creates a

roadblock for us moving forward.

Second change is increasing the affordability period from the Mortgage Finance Authority minimum of five years to ten years, which is also the term of the deferred payment loan that we take back to secure the assistance that we do. This should not be a problem for long-term residents.

Third change is to limit the eligibility to low-income households, rather than the current low- and moderate-income households. I think we have more than enough folks out there that make under 80 percent of area median income which is about \$52,000 for a family of four, where we can better focus our resources.

As is required through programs that we do, we had approval of the Mortgage Finance Authority after receiving a review from the Attorney's office. That approval letter is in your packet. With that I'd stand for any questions.

CHAIR MAYFIELD: Thank you. Commissioners, questions?

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR MAYFIELD: Seeing none, Commissioner Holian.

COMMISSIONER HOLIAN: I move to publish title and general summary of an ordinance amending Ordinance 2011-3, pertaining to affordable housing roof repair or replacement.

CHAIR MAYFIELD: I'll second that. Multiple seconds. Commissioner Chavez, please.

COMMISSIONER CHAVEZ: [inaudible]

MR. BRUGGER: Mr. Chair, Commissioner Chavez, it applies to all homes in the unincorporated areas of the county, so privately held, not just public housing.

COMMISSIONER CHAVEZ: So private homeowners then [inaudible]

MR. BRUGGER: Yes.

CHAIR MAYFIELD: Thank you. Commissioners, we have a motion and a second.

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

IV. DISCUSSION/INFORMATION ITEMS/PRESENTATIONS

A. Presentations

1. Presentation on the International Mountain Biking Association (IMBA) Silver-Level Ride Center Award

DAVID GRISCOM (Economic Development): Mr. Chair, Commissioners, what you have before you is a memo that highlights a little bit of the history around the development of trails leading up to this award. But essentially, the long and short is the International Mountain Biking Association, which is the premiere mountain biking trade association has awarded Santa Fe a silver level ride center. And what this means is that we are now becoming a mountain biking destination and IMBA, as a worldwide organization will market Santa Fe on its website and in its marketing collateral material throughout the world.

So it's a significant achievement for us. We got here via initially having hosted

the 2012 world summit here in Santa Fe. That kind of alerted everyone as to the trails infrastructure that we have here in Santa Fe. And I want to just quickly remind you that the outdoor recreation/ecotourism is a target industry that was identified in the SGMP and subsequently identified in the economic development plan. It's one of our five target industries and it's an emerging and growing target industry.

There's a significant amount of time and energy being put into this target industry including business recruitment efforts. We've attended several trade shows in Salt Lake City. We're focusing on a sales mission coming up with the New Mexico Partnership, which is the business recruitment arm of the Economic Development Department. We're planning a site selector familiarization tour next spring for site selectors that focus on outdoor recreation, outdoor products companies. And we're planning on inviting the Outdoor Industry Association to host its annual rendezvous conference, hopefully in Santa Fe sometime in 2016. The rendezvous conference is worldwide gathering of all the top CEOs, captains of industry, from the outdoor productions companies to talk about the latest and greatest. We're hoping to host them here in 2016, potentially 2017.

So all that to say that Santa Fe is now one of the premiere and elite mountain biking destinations in the world, and we are one of only ten silver designated ride centers. There's only one gold and that's Park City, Utah. And there is a resolution that was put forth by the City to go after gold level status calling for collaboration between the City and County staff to achieve that. And so we've been dialoguing on that.

So this is really just a celebration, nothing more. I just wanted to alert you to this. We were fortunate enough to have Katherine go up to Steamboat Springs for the world summit in August to receive the award in partnership with the local Fat Tire Society, which is the IMBA chapter here in Santa Fe. It's really a representation of collaboration between the City, County, and the local club in terms of developing this infrastructure. With that I stand for questions.

CHAIR MAYFIELD: Commissioner Anaya.

COMMISSIONER ANAYA: Congratulations to all parties, Mr. Griscom. I think it's exciting to have the opportunity to go after the gold award. The new funding that looks like we're going to get for the Camino Real de Tierra Adentro will be, I would say a huge plus for where we're headed and I would just say what else can we do to bring the resolution? I'd be happy to carry the resolution associated with going after the gold award and bringing in even more of the mountain bike community to the meeting when we do that and talking about how we enhance our work and connect our trails and utilize new potential trails like that trail we're pursuing on the Camino Real

So, good work. It's exciting and look forward to carrying that resolution and then pursuing other opportunities. Thanks for your presentation.

MR. GRISCOM: I appreciate that, Commissioner Anaya, and we did have a member of the Fat Tire Society scheduled to be here today but the meeting dragged on so he couldn't – he had to go for a ride. It was a standing Tuesday afternoon ride so – but just note that the Fat Tire Society is very eager to collaborate with the County and with the City to do more trails infrastructure. I will bring forth a draft resolution for you to review.

COMMISSIONER ANAYA: Absolutely. Thank you.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR MAYFIELD: Thank you. Commissioner Holian.

COMMISSIONER HOLIAN: I would just like to say great achievement, and it sure was nice to get some good news tonight. Thank you, David.

MR. GRISCOM: Absolutely.

CHAIR MAYFIELD: Thank you. Commissioners? Thank you. And there's an award going around, Commissioners.

COMMISSIONER STEFANICS: Mr. Chair, could I ask – this is kind of light-hearted but Ms. Miller, do you only hire bikeriders?

MS. MILLER: Mr. Chair, Commissioner, I'm working on that. I'm trying to get as many as I can.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR MAYFIELD: Commissioner Holian.

COMMISSIONER HOLIAN: I demand equal opportunities for horseback riders.

MS. MILLER: And since I'm both, I'm for that.

CHAIR MAYFIELD: And everybody listening, this is just in jest that those statements were made.

IV. A. 2. Presentation of the Santa Fe County Advertising & Promotional Efforts Summary from Impressions Advertising

MS. MARTINEZ: Mr. Chair, Commissioners, this is the time of year when we bring back for you an annual report from our Lodgers Tax Advisory Board and the contracted agency for advertising. Apologies are extended by current chair, John Birkenfeld, he had another commitment so he couldn't make it, but Russ is here to give you the update. Okay? Thank you.

CHAIR MAYFIELD: Mr. Rountree.

RUSS ROUNTREE: Thank you, Teresa. I'm Russ Rountree. I'm president of Impressions Advertising. We are the contractor for promotion of tourism to Santa Fe County. And as per usual our annual report of our efforts that we have had on behalf of the County. As you know, 2,000 square miles of territory, we have all range of attractions and opportunities for visitors to see Native American communities, historical communities, agricultural communities, outdoor recreational opportunities. Horseback riding, mountain bike riding, hiking. We have a wide slate of things to promote and we're very fortunate for that.

Within the county boundaries we have almost 14 lodging properties and they range from high-end resort properties to small mom and pop B&Bs. And we've lost a couple over the years due to the annexation. Some of our larger properties, Inn at Santa Fe was taken by the City and then Sunrise Springs shut down about a year or so ago so we lost some rooms there.

But those 14 properties raise approximately \$400,000 in lodgers tax throughout the year. And as you can see, even in light of the fact that we lost some of those inventories we had a record high for lodgers tax collection this last year, finishing up one percent over the previous fiscal year. The properties funded \$426,000+ to our promotional efforts and other activities that that fund is in charge of.

The occupancy rate for the county increased this year, 5.5 percent. The annual occupancy for county properties in fiscal year 14 was 67.8 percent and that compares with an overall average of the entire city of Santa Fe or region of Santa Fe at 63.5 percent, so you can see we're doing pretty well there.

We also increased the web user sessions by about seven percent over this past fiscal year. Our budget is about \$300,000, or it is exactly \$300,000 and of that, because there's no department of tourism within the County as you know, we handle everything. The difference being a situation like the Santa Fe City has with the Convention and Visitors Bureau they actually have a staff that handles this sort of thing. As your contractor on that we pretty much do everything. We have a liaison with the Finance Department who acts a reporter to the Board as well as our monthly reports but we plan it, we place it, we answer the phone calls, we handle to fulfillment. That's in partnership with the Santa Fe CVB. We forward some of those inquiries to the CVB and they mail out their visitors guide with which the county has some presence in that.

If a visitor has told us they are going to be thinking about travel with a pretty short time period we don't forward those inquiries; we send them out a brochure right away first class mail, because the brochures or the visitors guide from the City goes out bulk and it takes quite a while to get there.

Our theme for this last year has been Find it in Santa Fe County, kind of dovetailing with what I mentioned. The wide range of attractions and opportunities for recreation that we have. Beauty? You can find it in ss. Excitement? You can find it in Santa Fe County. It puts the viewer who's looking at these ads in the moment. It gives them an authentic travel experience, something that would say, wow, I'd like to try that. I'd like to do that, or I'd like to find out more about it. And if they'd like to find out more about it they go to our website where there's much more information available.

These are samples of some of the ads. Real memories, find it in Santa Fe County. Real beauty, find it in Santa Fe County. You can see that we have a wide range of things that we can feature in our advertising.

Where do the ads go? They go in a wide selection of national and regional publications – *New York Times T Travel*, *Southern Living*, *Sunset* magazine, *Oklahoma Today*, *Texas Monthly*, just some of the publications that carry our message out there.

We also have a television campaign that runs primarily in-state to try to get people within the state of New Mexico to come visit Santa Fe. We use cable, cable outlets throughout the state to promote that message. We've got some samples of those TV commercials and we'll show them to you at the end of this presentation here.

The website is our main delivery for giving information to the visitors and obviously it's the thing that we can update quickly. Brochures, as soon as you print them, they're locked in with the information. If we've got information that is needing to be updated it get updated through the website. We continue to find new content to place on that site as well. This is a screen-grab of the website and you can see that they mention what David just told you about, the IMBA silver level ride center is front and center on here, promoting this designation that we received from this prestigious opportunity.

We are online marketing, various social networks that we're involved in, we email newsletters. We have regular news updates when things happen. Thankfully, we didn't have to put out any fire awareness information this last summer. That was a good

thing. Hopefully we'll have a lot of snow and ski information that we'll be able to send to potential visitors. We have web banners and email blast sponsorships primarily in Dallas, Oklahoma City and Denver that we run.

This is a screen-grab from the Facebook page for the County, constantly updated with things happening throughout the county or things that the county is involved in. These are some samples of some of the online ads that we run that I mentioned in Oklahoma City and Dallas and Denver. We have cooperated quite thoroughly with the Convention and Visitors Bureau in the last couple of years. Most recently funding two press familiarization trips this past year. Two separate groups of about six to eight writers each came in, and the County Lodgers Tax Advisory Board helped fund that as well.

We have been involved in funding of New Mexico True TV, the Tourism Department's new television program. We were asked by the City, the CVB to help with that and Katherine's office was able to kick in a little bit so that we've got some presence in that. We also, the Board has been quite good about helping fund events that have come to them asking for funding and City-only events. The one that comes to mind is the annual Folk Art Market.

We will explore continued film tourism opportunities that we can get the word out there on places people can go to see where things were filmed as more and more things are filmed around our area. Those opportunities grow. We look to have more fam trips with the City for bringing those writers in. It's a very cost effective way to get the word out about the many opportunities that we have in the area. We are looking to up the amount of user content on our social avenues, things like blogs and podcasts to be added to the website.

So that's just a quick, brief overall look at some of the things that we've got going for you, and I think, Ted, can you roll those TV ads then. These are brief 15-second ads here that have been running throughout the state.

[Videos were shown.]

Thank you, Mr. Chair, and members of the Commission. I thank you for your time this evening. If there's any questions I'd certainly look to answer them at this time.

CHAIR MAYFIELD: Thank you and thank you for your patience tonight. Commissioners? Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you. Thank you very much for the presentation. Recently Bishop's Lodge had a yoga conference at the lodge over a weekend, over Labor Day weekend in fact. And it was a national or international gathering. There was a lot of biking and a lot of other people coming in. What is the role of our lodgers tax and your advertising for an event like that?

MR. ROUNTREE: I'm not sure what our goal, Commissioners, would be actually, but we promoted – a lot of the times when I would get emails from either the event organizer or the property themselves, we would turn around and kick that back out to the subscribers of our social channels. We don't – because we don't have a conference center or anything like that we're not really looking to go after that conference business. That's kind of left up to the individual properties that have facilities to do that. So I guess our goal is to help promote the awareness of activities like that when they're booked. But as far as helping them get here or anything like that, we're not really involved in that aspect of it.

COMMISSIONER STEFANICS: Okay. I don't think my question is being answered. I might have an offline conversation with Ms. Miller. Thank you.

CHAIR MAYFIELD: Thank you. Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, just a brief question and I don't know if this is anything anybody's done with lodgers tax, but you spoke to the fact that we've lost some of our lodging in Santa Fe County. If we had targeted areas that were primed for lodging, is that something we could utilize with a contract person like you to help us entice somebody that does lodging to come and locate in those areas? Kind of looking at the other end of the need? There's areas in and around the city in particular that are literally across the 599 area or the freeway where we might focus infrastructure potentially or based on our land use map. Is that something you've ever seen an entity do, to try and entice lodging to locate their business in in an area?

MR. ROUNTREE: Mr. Chair, Commissioner Anaya, members of the Commission, I don't really think that is a part of our purview. We have – there have been some inquiries from real estate – I guess they're realtors, that are looking to advertise and promote properties that they feel are, as you point out, opportunities for a lodging property to go in there, and we've supported them through supplying them with historical information about lodgers tax, occupancy rates, these types of things. I think this perhaps might be something that David's department and economic development might be a little bit more tailored to address, to help facilitate that kind of inquiry or pro-active action to see about development of those. We're really charged with promoting those that are here, so not really trying to bring in new hotels to the area, although once they are established then they would come into the fold that we would promote them as part of our aggregate group.

COMMISSIONER ANAYA: Mr. Chair, I appreciate your response and absolutely, Mr. Griscom would be an integral part of that, but Ms. Martinez, if you could look into other potential uses of lodgers tax resources and maybe we could come up with some designated areas throughout the county that we would actually target people to come and relocate their business here. So if you guys could look into that I'd appreciate it. Thanks.

CHAIR MAYFIELD: Thank you. As far as you working with other municipalities, other towns such as Edgewood, how are you doing that? City of Espanola, City of Santa Fe?

MR. ROUNTREE: The Town of Edgewood, Commissioner Mayfield, since they incorporated they have – I think there's one or two properties there, and their lodgers tax, it's my understanding goes to the immediate municipality. So we don't – we no longer promote their properties. When they had their Wild West Fest down at the park down there we of course put information up about that. We tie in with other areas – Chimayo, Galisteo, that have activities, but we don't – and you've kind of touched upon an area that has been a little difficult for us to be able to get information from these communities on activities that are promotable that fall within the purview of what we should be doing and what we're happy to promote.

So it will actually happen – once they have an ad or they've got a newspaper article, that's when we're finding out about it as opposed to if we were finding out about it a month preceding that, we could have put it out at our press releases. So at that point

then we go back to those entities and say, you know, look. Here's what we do. Here's who we are. Here's where we are. Next year or the next time you get ready to do this event please make sure to let us know ahead of time so we can help you promote and get the word out about your activities.

CHAIR MAYFIELD: And recently I tried to get a hotel here in Santa Fe and they were pretty packed because of the Wine and Chili Festival. So are you going out – and I'll just bring up Rancho Chimayo. I don't know if they were participants or not. One restaurant I know that's in Santa Fe County. Are you doing outreach to these individual businesses to promote them also? Most of the lodgers I guess are staying in Santa Fe but even Rancho Chimayo, they have a B&B right there. So I guess also how I want to look is how are we promoting our local, rural businesses within Santa Fe County?

MR. ROUNTREE: Mr. Chair, members of the Board, all businesses that are tied into or have a potential to be of interest to visitors – these would be things like galleries, weaving shops, restaurants, those are promoted via the website. So they're all listed. All the hotels are listed. So when a visitor goes to the website and perhaps coming in this past weekend they couldn't find a room here in Santa Fe proper, they went to our site, they could go to these other entities to see if they had rooms available. It's kind of a clearinghouse or a repository if you will of the businesses that cater to the traveling public outside the city limits.

CHAIR MAYFIELD: And also our local wineries, are you promoting –

MR. ROUNTREE: Yes, sir.

CHAIR MAYFIELD: Our local wineries as part of this. Okay. Thank you. Commissioners, anything else? No. Thank you for your time.

MR. ROUNTREE: Thank you.

CHAIR MAYFIELD: Thank you, Ms. Martinez.

IV. A. 3. Presentation on Santa Fe County Water Supply and Water Commitments

CHAIR MAYFIELD: We have moved item 3 to our next meeting, or our next administrative meeting. [See above.]

IV. B. Matters of Public Concern

CHAIR MAYFIELD: Is there anybody here from the public wishing to talk about any issues that weren't on this agenda tonight? Seeing none, we're moving right along.

IV. C. Matters from the Commission

1. Commissioner Issues and Comments

CHAIR MAYFIELD: Commissioner Holian.

COMMISSIONER HOLIAN: Nothing, Mr. Chair.

CHAIR MAYFIELD: Commissioner Anaya.

COMMISSIONER ANAYA: I have nothing right now, Mr. Chair.

CHAIR MAYFIELD: Commissioner Chavez. That's easy. Commissioner Stefanics.

COMMISSIONER STEFANICS: I'll be very brief.

CHAIR MAYFIELD: I'll be briefer than you.

COMMISSIONER STEFANICS: I would like to recognize the Pinon awardees who are going to be receiving their award next Tuesday evening from the Santa Fe Community Foundation, and you all graciously signed the certificates of recognition, but I'd like to read them for the record. The Food Depot for the Tried and True Pinon Award; the Creative Santa Fe for Courageous Innovation Award; the Nature Conservancy of New Mexico for Visionary Award; Santa Fe Public Schools Adelante for Quiet Inspiration Award; the Brindle Foundation for Philanthropic Leadership Award; and the Ruth M. Ortega Philanthropic Leadership Award.

I'd like to recognize that the Food Depot has programs, food for kids' backpacks. The AARP and Santa Fe Community College. They even have it for pets now. They have a diaper depot. They're doing a neighbor to neighbor food drive. Santa Fe County was involved with the Fury Sierra Buick is doing something for them, and C.G. Higgins Chocolate. So there are quite a few community endeavors going on. That's all. Thank you.

CHAIR MAYFIELD: Thank you, Commissioner. Communication from myself. We had a little discussion tonight on ordinances. What I'd like to know, a presentation at the next Commission meeting of what outstanding ordinances that we have published title and general summary for are kind of still hanging out there? I know for one definitely is our ordinance on animal control. And then I would ask our County Attorney on that is once we ask to publish title and general summary on an ordinance, how long do we have to take to dispose that? Is it indefinite? Is there any time constraints on this Commission to do it? And it's no secret I'll be leaving this bench pretty soon and I just want to make sure that anything that I have authorized to publish title and general summary on will be discussed at this Commission before I leave. So if you could have that for me and/or if we have to have something at the next Commission meeting on those ordinances I'd be more than happy to entertain those. Thank you, Commissioners, for that.

IV. D. Matters from the County Manager

1. Miscellaneous Updates

MS. MILLER: Mr. Chair, Commissioners, I wanted Erik to give you an update on where we are on the FLAP grant and we had sent a letter to the City requesting their participation and Erik was instrumental in working with the City on that, so Erik.

ERIK AABOE (Deputy County Manager): Thanks very much. Mr. Chair, Commissioners, as you know, the Board approved going forward with the local match portion for the El Camino Real de Tierra Adentro retracement trail that's at the Federal Lands Acquisition program. We submitted a letter to the City because they were reprogramming some funds from the Alameda/St. Francis underpass. They reprogrammed \$2 million worth of funds and we were successful in getting them to approve \$150,000 from that reprogramming to act as match for this project.

In addition, Mr. Steve Burns from the Park Service submitted an application to the Connect to Trails program, the Connect Park to Trails program and so the Park Service, while they have gotten informal confirmation that they will be receiving those funds, those also will qualify for the local match. So for this anticipated \$3 million project that we've gotten confirmation that as soon as the current federal fiscal year is over and they get us the paperwork they will be sending some documents for us to – a project agreement form, reimbursable agreement form, and in addition, part of that local match, instead of \$450,000 from the County it will probably be more like \$200,000 once we've executive agreements with both Parks and the City.

So we're really looking forward to this project. It's a great project that connects the River Trail all the way up past the Municipal Recreation Complex all the way up to the BLM trailhead at Diablo Canyon and so we're excited about this project. So I just want to let you know that's some good news we've gotten. Thanks very much.

CHAIR MAYFIELD: Thank you, Mr. Aaboe. Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, Mr. Aaboe, appreciate the update. This is an item that continues to get better and better. We have more good news, Commissioner Holian. But we all took a chance on this project and we did it on the spur of the moment, and it's continuing to bear fruit. So thanks for finding other partners and continuing to expand it. It's a good thing.

CHAIR MAYFIELD: Thank you. Ms. Miller.

MS. MILLER: Mr. Chair, no good deed goes unpunished. I'd said hey, it never hurts to ask the City to participate so later on their agenda they asked us to participate in something. I have basically, at a staff level, when their request came to me initially was that we did not have money for this in our budget, had not anticipated something. But the City, if you've read any of the newspaper articles, and state, put money towards getting the episode of The Bachelor to Santa Fe. And they were successful. I think the City put up \$50,000, the state put up \$50,000 and then the question later on the agenda at the City Council, and the reason I'm bringing it to you, was because it did come from a City Councilor. They said, well, is the County going to participate in this and offset a portion of ours?

I have read some of the feedback on it and I think it's mixed as to whether the community thinks that's good use of funds or not. As I said, my statement at the state level prior to that was we did not put in our budget and our economic development nor our advertising budget, and they did not go to the Lodgers Tax Board and request it, so it's kind of one of those things where it didn't really fit and I said, if it was something you had done sooner and went through the lodgers tax process maybe that would have been an area to request funding, but they didn't. So I have not, other than kind of informally responded, but I thought it was only right that I actually bring it up to you since it was a request of at least one of the City Councilors at that last meeting and see if there was any appetite from the Board at participating in that program.

CHAIR MAYFIELD: Vice Chairman Anaya please.

COMMISSIONER ANAYA: Do we have any idea as to what the benefit? Is that something that we can get from Mr. Griscom or someone else as to what the economic benefit would be? I'd be willing to at least look at it to see what an episode of The Bachelor or anything else has drawn into the community. Dave, do you want to

respond?

MR. GRISCOM: Mr. Chair, Commissioner Anaya, the benefit is essentially 14 million sets of eyes viewing the episode.

COMMISSIONER ANAYA: That being said, is that something from your perspective that would be of value for us to look at?

MR. GRISCOM: I actually share the opinion of the County Manager that it's a bit of a mixed bag. The viewership of this show is declining. Nonetheless, there are still significant numbers of viewers on this. They will paint Santa Fe in a very rosy, romantic picture, and that always helps. Whether or not that translates directly into more tourism for the city remains to be seen.

COMMISSIONER ANAYA: They're running out of roses, Dave?

MR. GRISCOM: Correct.

COMMISSIONER ANAYA: I think – which Councilor? Who brought it up?

MS. MILLER: Mr. Chair and Commissioner Anaya, my understanding was that it was Councilor Bushee who made the request. And it was – like I said, it was one of those things down the agenda and I saw her last Thursday informally and she said, does the County have any interest? And I said this wasn't something that I had a formal request in or that we budgeted, but I will bring it up at my next Board meeting. So that was the reason.

I think one of the things Randy Randall, who is the one over that part of their funding is that they were looking at something of us partnering on this and them partnering with us on something else and I said, I think perhaps the train has left the station on this one. Maybe the next one you could ask us a little sooner and in a little more of a formal perspective. So I kind of left it that if it was something you wanted I could go try to pursue that and look at whether that would even really work for us, but if it wasn't something you had strong feelings about participating in I would look at some other effort, which one of my next items on the agenda was looking at some of the things they're requesting going forward relative to the joint meeting and a joint film office which would have a funding request behind it as well.

COMMISSIONER ANAYA: Mr. Chair.

CHAIR MAYFIELD: Commissioner.

COMMISSIONER ANAYA: I would say the FLAP funding was a comprehensive effort for collective benefit of the community and if there's other initiatives we could find that have that same fervor and the same support from a broader range of the Council that we should look at it.

CHAIR MAYFIELD: Thank you.

MS. MILLER: So that's all I had on miscellaneous update. I think, Tony, do you want to give the – I just wanted to give you the latest version too of the Manager's memo. [Exhibit 3] This just went out. As I said, this is something I do monthly and I sent to you for your newsletters, but it highlights things that we are either – that have past and that we've done, so you can see there's the IMBA award being presented in Steamboat, and then some of our other efforts, and Santa Fe bike-related events and the things that we're doing along that area of outdoor recreation. And so this one, we really did focus a lot on our outdoor recreation, items that we have going on. So I wanted to make sure you

had a hard copy of this so you could see some of the things that we do have going.

And then also, just a reminder about tomorrow. We have our Santa Fe County mobile health van and Christus St. Vincent Medical Center Behavior Health Department providing free mental health screenings to anybody on Wednesday, October 1st, from 10:00 am to 2:00 pm at the Santa Fe Community College Administration Building entrance. So I did want to just remind people to look for the mobile healthcare van at the Community College tomorrow, and stop in if they want any information, even on mental health screenings.

IV. D. 2. Legislative Update

MR. FLORES: Thank you, Mr. Chair. I'll be brief. Commissioner Stefanics has provided a great analysis on the work on the safety care net pool program. I actually attended that meeting in Elephant Butte and it was an interesting discussion that Commissioner Stefanics had provided the backup on.

A couple of items that are pending that rise to the level of having interest, at least piqued the interest of County staff: the LFC in the October 29th through the 31st will actually be hearing two items. One is the evaluation of the county-financed healthcare and local DWI programs. This is based upon the audit that LFC recently completed and will be presenting those findings to LFC. There's also a Department of Health 16 appropriation review at that same hearing time. I'll be sending that meeting out on my weekly agenda.

A couple of the other items that are of interest. On October 6th and the 7th in Las Vegas, at New Mexico Highlands, the Water and Natural Resources Interim Committee has what I consider four interesting topics for the County. The first one is the New Mexico Acequia Communities and Associations program update. The second item on there is the Indian Water Rights Settlements and Issues update. Santa Cruz Irrigation and Santa Cruz dam program update. And then a Regional Water Associations update. And those are very important topics for the County.

One other item that has actually occurred today under the Rev Stabilization and Tax Policy Committee is they were preparing or presenting their FY 16 revenue forecasts, which go in line with what Chairman Mayfield brought up earlier about the mining, the oil and gas industry and what that has brought into the state, as well as discussions on gaming compacts and revenue sharing at the state level.

The only other item that is of note, I know Ms. Katonak from the County Manager's Office has sent out an email blast on a couple of different occasions. Santa Fe County will be hosting a Santa Fe County Day at the legislature this year and that is scheduled for January 29, 2015, between 8:00 and 1:00 pm. And Ms. Katonak has submitted the application. We received the approval and she's working right now with different departments and elected officials to have representation there at Santa Fe County Day. And that would include the Board of County Commission. So over the next few months we will be having discussions on how we can coordinate that and best meet the needs of this Commission for that day.

One other item, Mr. Chair, Commissioner Anaya brought up earlier about legislative initiatives outside and separate from capital outlay and outside and separate

from the resolutions that we're in support of, Association of Counties night. One of them was possible legislative language look at where we can hold our public meetings relative to ordinances. We would like to have that discussion in October, start the dialogue with the Commission, see if there are other substantive legislative initiatives that you would like some analysis on in preparation to the session so that we can come back with a plan and that analysis for the Commission as policy makers to direct us to actually look at that type of legislation. And with that, Mr. Chair, I'll stand for any questions.

CHAIR MAYFIELD: Thank you, Mr. Flores. Commissioners? Seeing none, thank you for the presentation.

IV. D. 3. City County Meeting

MS. MILLER: Mr. Chair, the next item that I have and David is here as well to discuss this is if you recall back, oh, gosh, several months ago, the Commission has asked that we start having or try to engage the City in some more joint meetings. And some of the things that they've been bringing up and some of the things that have come up on our side, whether we'd like to try to collaborate are in the areas of economic development. So this is a shot at the first agenda for a joint City-County meeting with the new Mayor and the new Councilors and to look at some of the economic development initiatives. *[Exhibit 4]*

We have set the morning of October 20th. I think that the majority of the Commission was able to make that as well as the majority of the City Council and the Mayor offered to host it at the Convention Center, which was a nice offer, considering we hosted every single one of the annexation meetings, so I was happy to let them volunteer on that level. And we're looking at 9:00 to 12:00. I think there has been kind of a 10:00 to 12:00 but typically, we take about a half hour to all get into the room so we can really get into the substance of the agenda. So we were thinking we should propose 9:00 to 12:00 on October 20th.

And then this was what David Griscom and Kate Noble from their Economic Development Department have come up with for an agenda, and then just yesterday had an opportunity – I think it was yesterday. Yes. Just kind of talked a little bit with the Mayor and Councilor Lindell whether this would be something they were interested in as well, since both managers and staff have been working on it but we hadn't had a chance to run it by any of the elected officials yet.

So this is what is currently proposed, based upon staff's stab at it and one shot by the Mayor and one of the City Councilors, and then yesterday, and then this with you today. So I just wanted to get some feedback, so if there's any issues, concerns or different things you'd like to see on the agenda we could communicate that back to the City. But keeping in mind we have two to three hours.

CHAIR MAYFIELD: Thank you. Commissioners? Ms. Miller, I'd just add I appreciate this being done. Just again, cognizant, the City of Espanola, if we could have some joint meetings potentially with them for economic development, Edgewood. It may not be at this meeting but I just think if we're going to do this we should do it with all of our stakeholders. Thank you.

MS. MILLER: Mr. Chair, I did want to comment to you, I think there's actually a couple of items on here that you actually were hitting on earlier with our contractor on advertising. The item III. C, OTAB/LTAB. One of the things with the City, they've often requested how could we coordinate our advertising efforts. They get about ten times what we receive in lodgers tax funding. We get about \$400,000 a year for advertising. Our contract runs about \$300,00 and some odd with tax, and then we have a little bit that's used for these individual events that we jointly work with or that we do just for the County. They get about \$4 million is my understanding and spend, I want to say a million something of that on their advertising contract.

So it's come up since I've actually been back at the County a few times other ways that our LTAB and OTAB could work together. In the past it's been kind of a – we advertise different things than you; we have a different focus, but I don't know if we've ever really brought the discussion up to the policy level and I think one of the things about timing on it for us right now is a contract with our contractor for advertising. We're actually in our fourth year of four years. So at the end of this fiscal year or towards the end of this fiscal year we will have to go out for an RFP. So if we wanted to do something different from a policy perspective that the Board, rather than just going out for a contractor that advertises just on behalf of the County, based upon the LTAB priorities then this would be a good timing for that.

So I thought, although it's kind of come up it's never really come up in the perspective of economic development and tourism and jointly working together.

COMMISSIONER STEFANICS: Mr. Chair.

COMMISSIONER ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: I think that based upon past City-County meetings, I think that the conversation or the agenda needs to be set with general parameters so that we can explore ideas, and so some of this agenda does that. III. A. 1, jointly funding a 501(C)(3) for film, I think has jumped the gun, because we haven't even had a generic conversation about what we might be interested in working together. So that to me sounds like a very specific idea coming from a very specific person. So I would support a City-County meeting as long as we kept the agenda for general discussion. Thank you.

CHAIR MAYFIELD: Thank you. Commissioner Anaya, you have the floor.

COMMISSIONER ANAYA: Mr. Chair, Commissioners, I think I'm excited about the opportunity to engage in a discussion. I guess what I'm thinking out loud about is this doesn't touch on any of the items that we talked about associated with challenges and so I guess I'm a little – I'm excited, but I guess I want us to talk about challenges we have on the burner.

And so give me some feedback. There's a new Mayor and some new Councilmen and we want to definitely engage in a dialogue but as recent as three days ago I know there was some discussions associated with the annexation agreement in particular and that there's some challenges. And so I guess I'm just wondering what's your thought on those and it would seem to me that we would want to think about, if not this first meeting the very second meeting to get into those. So help me understand how we ended up with

this.

MS. MILLER: Mr. Chair, Commissioner Anaya, you're actually right on point and that is that all those issues that we kept requesting to have meetings on when we were having the annexation meetings, we received zero receptivity to a meeting, but I'll say that was with a different Mayor and a different makeup of the City Council. So what we were hoping to do is find some stuff that we could really actually move on and have a meeting where there was some specific outcomes and things that we can work on, and then to have the second meeting on some of those more difficult issues. But not to start the very first joint meeting of the new Mayor and City Council on what are, like you said, the annexation issues, the RECC funding, the BDD and joint water authority, because there just doesn't seem to be a lot of responsiveness. It was even hard for me to get responsiveness of we'd like to have a joint meeting.

So this I think was the effort at trying to get everybody back at the table. Maybe it's even as an outcome and maybe you're kind of hitting on something of how do we then structure for future meetings. Because we still have a JPA for an RPA but the City just stopped appointing people so we don't have a mechanism to meet anymore. Maybe that's something to add to this as we'd like to set a formal structure of setting some joint meetings. Because I think that's been one of the hard things is finding some common ground to come together for a meeting that everybody would like to have some discussion on and then move from there to some of the harder issues that we maybe don't always want to get together on.

CHAIR MAYFIELD: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, I would say from my perspective, and I would ask that – I'll carry it myself as well, but from my perspective I think that we had a good dialogue and will continue to have a good dialogue. There's many of the same Councilmen in place and I think if the idea is to bridge the gap with the new Mayor and new Councilmen with this and then move into others then I would suggest we talk about both meetings now, what we're trying to do on this first meeting and then talk about some of those issues on the next meeting and agree to that agenda as well so that we have a basis to build a discussion. But I absolutely think that it's going to be important for us to get into those tougher communications as soon as we can as professionals and representatives of citizens on both sides. So that's my take.

COMMISSIONER ANAYA: Thank you. Commissioner Chavez.

COMMISSIONER CHAVEZ: Well, I do appreciate Commissioner Anaya bringing up the annexation question or debate because we didn't finish it. There's an area that was left out. I know there's other details about the annexation that was done and that's fine. We can have that discussion but I think for me, I'm going to want to have the larger discussion about Area 1 that was left out and when – I think it was within five years that we were supposed to revisit that. But I don't think we should wait five years to do that, personally. So if we can start broaching that question now I think that would be in our best interests.

Because if we're talking – if we're going to talk at the first meeting about high-wage, high-mobility job creation, skilled workforce, work collaboratively and regionally, that takes us back to that annexation issue that's not yet finished. And so I guess we can

talk about these other lighter issues but we can't ignore the ones that are heavier and harder to deal with. So I appreciate your comments on that and I think that we do need to lay out a framework for what the first meeting, the second meeting, and if we're going to work in that spirit of collaboration, I don't think we can do it only when there's a crisis or when we need something from the City or they need something from us. Right? So I think that needs to be done on an ongoing basis. It needs to be done with respect and with equity from both sides.

So I'm interested to see where this goes. There's one bullet point on here that reads Build on brand and unique assets. The County did appoint a Cultural Art Committee and they're talking about these very topics. So when we're talking about – for me, anyway, when we're talking about our brand and unique assets that goes to the cultural and heritage tourism and the products that are produced in the area by hand. We're talking authenticity. We have products here that are produced in the area, both traditional and contemporary, that would compete with any region of the country but we're not really aggressively branding those items. They're not, in the presentation from Impression Advertising, we saw people with ristras. We saw people dancing. I didn't see any artists and craftsmen producing their work. I didn't see a weaver. We talked about the weaver but we didn't see the weaver actually doing something.

So we have those products, we have those ingredients and the assets. We don't have to fabricate. We don't have to – they're there. All we have to do is respect them, appreciate them and have them part of our economic development. So I think that we could go somewhere with this but it can't be only in bits and pieces and sound bites. It has to be done on a regular basis.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR MAYFIELD: Commissioner Stefanics.

COMMISSIONER STEFANICS: I want to throw out an idea for everybody to kind of chew on over the next couple weeks or a month. We could, as the County, take the RPA agreement, rewrite it to include the whole of both bodies to meet on a quarterly basis with four or five large tenets. And we had already started breaking down into subgroups. Economic development, which is related to this, energy, affordable housing, annexation, and I don't know if we'd want to throw in open space or not, but we could pick some topics, throw it into an RPA, recreate it, send it over to them, see how they feel about having a formal entity that works together on certain topics. I know it's late so I don't really want to belabor the point but just an idea. Thanks.

CHAIR MAYFIELD: Thank you, Commissioner.

COMMISSIONER ANAYA: I think anything we can do along the lines of formalizing a committed engagement of discussion is a good thing. So I like the thought to mull over.

CHAIR MAYFIELD: Thank you. Ms. Miller, is that it from your matters?

MS. MILLER: Yes. So also, what I'll do then on this is add an item along the line of possible structure for moving forward for all the other meetings and just kind of leave it broad but throw down a couple ideas and we'll add that to kind of the conclusion of the meeting. If that would be okay.

CHAIR MAYFIELD: Commissioner Anaya.

COMMISSIONER ANAYA: Yes, I think as you grasp and think about concepts on how to put it together, I don't think we need to engage – if we go down the road of doing some type of joint planning group or modifying the RPA, I don't think we need to get into a situation where we get into hiring a director and all that business. I think that's where we get log-jammed on some of our other issues and maybe in the past, our past experiences will help us. I think that's something that the managers should utilize with their staff if we go down that path.

MS. MILLER: Okay. Mr. Chair, Commissioner Anaya, thank you for that. And I believe that's all I have. Thank you.

CHAIR MAYFIELD: Thank you, Ms. Miller.

VI. MATTERS FROM COUNTY ATTORNEY

B. Action Regarding Stipulated Settlement in Public Regulation Commission Case No. 13-00390-UT

CHAIR MAYFIELD: Commissioners, we're going to go back to item VI. and we're going to go to VI. B and C and just for our listening audience and for the record, these were items that were discussed in executive session that we were going to take later action on.

MR. SHAFFER: Mr. Chair, if I could just set the stage for this action item, I would offer the following: First, Santa Fe County intervened and has focused its resources on the issue of stranded assets, namely who pays for them, investors or ratepayers, and if ratepayers in part, over what period of time. Second, the terms of the stipulated settlement being negotiated are not public at this time. They are confidential and thus should not be disclosed in a public meeting. Consequently, the forms of motion should be structured so as not to disclose the terms of the draft stipulated settlement but speak at a level of generality that would allow the Board to give staff direction if that was its inclination to do so.

And I would offer the following by way of possible motions that would fit within those parameters. First, the motion could be made that the County take no position on the stipulated settlement at this time since it hasn't been finalized. Another alternative would be move to join the portion of any stipulated settlement concerning stranded asset recovery if investors absorb at least 50 percent of the cost of stranded assets. Another alternative would be to move to oppose the portion of any stipulated settlement concerning stranded asset recovery if any costs of stranded assets is recovered from ratepayers.

And so again, those forms of motions would allow the Board to give staff direction as to how to proceed if the stipulated settlement is finalized and filed but would not disclose the specific terms of those settlement terms being negotiated. With that I would stand for any questions but that would be my advice as to how to proceed, given where we're at at this time.

CHAIR MAYFIELD: Thank you, Mr. Shaffer. Commissioners, any discussion or a motion? Vice Chairman Anaya.

COMMISSIONER ANAYA: I don't know what the pleasures of the

Board but I don't know that we're in a position to provide this direction today. I don't think I am.

COMMISSIONER STEFANICS: I'll make a motion, Mr. Chair.

CHAIR MAYFIELD: Commissioner Stefanics

COMMISSIONER STEFANICS: I move that we oppose the stipulation unless the – no. I move that we oppose the stipulation if the stranded asset recovery is placed upon the ratepayers. Is that clear enough, Greg?

MR. SHAFFER: So it would be a motion that we oppose the portion of any stipulated settlement concerning stranded asset recovery if any cost of stranded assets is recovered from ratepayers?

COMMISSIONER STEFANICS: That's what I meant to say.

COMMISSIONER CHAVEZ: I would second that motion.

CHAIR MAYFIELD: Thank you, Commissioners. We have a motion and a second. Discussion?

COMMISSIONER ANAYA: Mr. Chair.

CHAIR MAYFIELD: Vice Chairman Anaya.

COMMISSIONER ANAYA: I think the issue is far more complex than that and we actually, from my estimation, made some headway in reducing the impact to the ratepayer. I think the issue is way more complex than simplifying it that much in the motion. That's my perspective.

CHAIR MAYFIELD: Thank you, Commissioner Anaya. Any other discussion? Commissioners, we have a motion and a second.

The motion passed by majority [4-1] voice vote with Commissioner Anaya casting the nay vote.

V. C. Resolution No. 2014-112, a Resolution Authorizing the County Manager to Negotiate the Sale of the Top of the World Farm and Lease of Santa Fe County's Top of the World Farm Water Rights and Execute all Documents Necessary to Consummate Such Transactions

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR MAYFIELD: Commissioner Holian.

COMMISSIONER HOLIAN: I move for approval.

COMMISSIONER CHAVEZ: Second.

CHAIR MAYFIELD: Thank you. One second. Commissioner, excuse me, Ms. Miller, just a quick question. How long do you think this would take? Would you know?

MS. MILLER: Mr. Chair, Commissioners, Greg and I were just conferring on that. We were thinking sometime in the first quarter of 2015. So anywhere from a five-, six-month timeframe.

CHAIR MAYFIELD: Thank you. Commissioners, we have a motion and a second. Vice Chairman Anaya.

COMMISSIONER ANAYA: Mr. Chair, I know we did an assessment on this property or assessed value associated with a market analysis, appraisal. And it's my

feeling that we should raise some questions with our counterpart in Taos County as to a potential interest in the parcel. I don't think we've done that and I think it could be a potential open space or some other use for them to consider acquisition. So is that something we can do? Is that something we can amend this motion with or is that something that the Commission doesn't have the palate for? Because I really think that we should approach Taos County.

MS. MILLER: Mr. Chair, Commissioner Anaya, my only concern with that is we actually moved forward with the entity based upon previous direction and I'm a little nervous that in our letter of intent from them. In other words I had requested previously of the Board if I could have direction to move forward to interested parties and I did, based upon that, and this was the interested party that came out meeting the conditions set forth at that time. So I'd be a little concerned about whether we're in any – and I'd have to ask Greg about that, whether that puts us in any bad position with the interested party because we did indicate, okay, we accepted your letter of interest and moving forward with you.

So I just – I feel a little bit like, well, we didn't bring that up about five months ago when I could have said, well, we need to go out and look at other public entities. That's my only reason for having hesitation on it, just because of how we had proceeded forward based on – and Commissioner Anaya, to your credit you were not here at the meeting that that occurred.

COMMISSIONER ANAYA: I made my interest known on the record and if I'm going to be asked to vote I'm going to abstain since I wasn't part of that decision, and that would be my reason for not voting.

CHAIR MAYFIELD: Thank you. Commissioners, Ms. Miller, Mr. Shaffer, I have one question based on a previous action that we've taken tonight. Again, this is asking that we lease Santa Fe County's Top of the World farm water rights in part of this action. But we passed an earlier resolution that we're going to apply to the State Engineer to move those water rights down here, knowing that if that application is successful or not, based on the questions that I asked that I will be waiting for the Attorney to get back to me on, potential conflict. What happens if we file that application, and we've already approved to file that application, and it's acted on? Would they have to be transferred immediately or can they still be leased out?

MR. SHAFFER: Mr. Chair, the resolution concerning the application actually was written broadly to allow a companion application to allow the continued interim use of the County's Top of the World water rights at the Top of the World farm. So basically, continuing with what we're doing now. That would be part of the package that would be going to the Office of the State Engineer. So it would be to have that flexibility in terms of the timing of the transfer to the requested diversion point. So that would be part of what the County would be requesting from the Office of the State Engineer.

And then with respect to the actual lease documentation, we would just have to be very careful to carve out or spell out the limits of our commitment and that the water rights maybe be diverted when needed for the regional water system. I hope that answers your question.

CHAIR MAYFIELD: It does, Mr. Shaffer. Thank you. And I guess we

could say maybe, but arguably they will be at one – if this settlement that we've discussed extensively, that I discussed extensively earlier, is approved. Correct? These Top of the World water rights were for the Aamodt settlement.

MR. SHAFFER: Mr. Chair, that's correct. The settlement agreement and the Act of Congress definitely contemplate that the Top of the World water rights will be used for the regional water system.

CHAIR MAYFIELD: Thank you. Thank you, Commissioners.
Commissioners, we have I believe a motion and a second.

The motion passed by unanimous [4-0] voice vote with Commissioner Anaya abstaining.

MR. SHAFFER: Mr. Chair.

CHAIR MAYFIELD: Yes, sir.

MR. SHAFFER: If I could, so that we have a good, clean record on this point, item III. E. 1, which the Board had approved on a 3-2 vote, this is the design criteria for the regional water system. As I understand it, there is a desire by you, Mr. Chair, to have the vote reflected on the face of the resolution.

CHAIR MAYFIELD: We've done that in the past. Clerk Salazar and I –

MR. SHAFFER: I would just – again, I'd maybe make a motion to revisit that item so that it's clear that what is going to be recorded is going to differ from what was in the packet. And so what I would propose is the language would be, Passed, approved and adopted this 30th day of September 2014 on a vote of 3-2, with Commissioners Chavez, Holian and Stefanics voting for the resolution and Commissioners Anaya and Mayfield voting against, so that you have a record that what is in the packet is going to differ from what's actually going to be signed and recorded.

And secondly, I noticed a typo in paragraph 1.d of the resolution. It states that if the later edition of the International Fire Code establishes a higher standard ~~that~~ than the... The that should be a than. So if we're going to revisit it, if we could clean that up as well. So that would be my recommendation. So again, we have a clear record of the fact that what's going to be recorded as the Board's final action differs from what was in your packet.

CHAIR MAYFIELD: I support that recommendation. Thank you for bringing that to our attention. And then the Clerk will get that document for me to sign at a later date. Do we have to vote on that?

MR. SHAFFER: Yes. If you could make a motion to amend that resolution as I stated and then if we could take action on that then I think you would have that clean record.

CHAIR MAYFIELD: We're going to have to go to one of the parties that supported that resolution, because I voted against it.

COMMISSIONER STEFANICS: Mr. Chair, having voted in the affirmative, I move that we reconsider item III. E. 1 with a correction in the body of the language and the notation of the voting in the final language.

COMMISSIONER CHAVEZ: I'll second that.

CHAIR MAYFIELD: Motion and a second.

COMMISSIONER ANAYA: Mr. Chair, can you clarify that motion again?

CHAIR MAYFIELD: Commissioner, they're basically just going to place on the order that we'd be signing that you and I voted against it and the other three Commissioners voted for it by name.

COMMISSIONER ANAYA: Okay Thank you.

CHAIR MAYFIELD: And kind of an erratum correction I think.

MR. SHAFFER: That's correct. Replacing the word that with than.

COMMISSIONER STEFANICS: I think we have to vote to reconsider and then vote on the motion.

CHAIR MAYFIELD: Okay. Great. Thank you, Commissioner Stefanics.

COMMISSIONER STEFANICS: So I'd move to reconsider.

COMMISSIONER CHAVEZ: I'll second that motion.

CHAIR MAYFIELD: We have a motion and a second to reconsider.

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

COMMISSIONER STEFANICS: And then I move that we have a language correction in III. E. 1 as well as noting the names of people on each vote at the end of the resolution.

COMMISSIONER HOLIAN: Second.

CHAIR MAYFIELD: Motion and second.

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

CHAIR MAYFIELD: I'll just throw this out there real quick. I know other counties record individual Commissioner's votes when they do resolutions or ordinances. Just food for thought. They record.

CLERK SALAZAR: Please say that again.

CHAIR MAYFIELD: Other counties do record Commissioners' votes on the resolutions or ordinances. Let's say it's 3-2, 5-0, 4-1. They'll just record who was yea and who was nay. That might be future discussion.

CLERK SALAZAR: Right. We haven't done that in a very long time.

CHAIR MAYFIELD: I know. I just see it at other counties. Thank you.

Thank you, Mr. Shaffer.

VII. INFORMATION ITEMS

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

H. Intergovernmental Report

These items are presented for information and possible questions from the Commission.

VIII. PUBLIC HEARINGS

A. Ordinances

1. **Ordinance No. 2014-___, an Ordinance Amending and Restating Ordinance 2012-12 as Amended, an Ordinance Enacting a Santa Fe County Code of Conduct; and Repealing Ordinance No. 2011-9 (First Public Hearing)**

CHAIR MAYFIELD: I just want to recognize our chair of the Ethics Board, Mr. Baca. Thank you, and thank you for your patience tonight in coming back. So with that, Mr. Brown, and Mr. Baca, I'll go to you in a second.

ESTEVAN BACA: Good evening, Board, Mr. Chair, Commissioners.

CHAIR MAYFIELD: We're going to go to Mr. Brown and then – thank you. Thank you for being here tonight.

COMMISSIONER STEFANICS: Mr. Chair, before we begin, when we get to the next – this is the first public hearing.

CHAIR MAYFIELD: First public hearing.

COMMISSIONER STEFANICS: When we get to the next one, could we get rid of all the colors, because it's divisive.

CHAIR MAYFIELD: Commissioner Stefanics, and I appreciate that comment but my only question would be based on recommendations by Mr. Shaffer on earlier ordinances. We're going to have to then individually vote up and down each one of these.

COMMISSIONER STEFANICS: Well, if you read through it, I think there's some things that if we want an ordinance that we're voting for for the public, I think we should be putting forward what we want to vote on – not – but anyway, let's hear.

CHAIR MAYFIELD: Thank you. I'm going to defer Mr. Brown to the Commissioners first. Commissioner Anaya.

COMMISSIONER ANAYA: I just want to say at the onset that I'm going to take a little time to meet with the chairman of the Ethics Committee. I have some questions and understandings that I want to speak with him on personally. But I guess, just going to what Commissioner Stefanics said, I'm just going to listen tonight and then I'm going to do some of my own analysis individually with the Ethics chair. What I would say in the onset is volunteers and how we craft language associated with volunteers and people that used to participate in County government have become more and more leery about participating in County government in a volunteer capacity and some of it, frankly, has come from some of what we're requiring them or asking them to sign off on. And I don't think it's because they're bad or malicious people in any way,

shape or form. But that's one thing I want to put out there that we're getting feedback on on a regular basis associated with participating in those boards. So I'll just stay quiet and then I look forward to meeting with you, Mr. Chair, to have a one-on-one conversation about this and the previous ordinance, this proposed ordinance and potential changes. Thank you, Mr. Chair.

CHAIR MAYFIELD: Thank you. And Commissioners, again, we had this come to us a month or so ago as far as the request to publish title and general summary. Mr. Brown gave us a pretty comprehensive cover memo, and I understand it has three color coordinations. But tonight's the first public hearing. I have not approached staff. I've talked to staff on some of my suggested incorporated changes that I'd like to see, but tonight was a public hearing where I was going to do that. Hearing what Mr. Shaffer advised on an earlier ordinance, we're going to wait for the up or down vote at the last public hearing, but there already have been some incorporated changes in this document from our public discussion a month ago. So I just want some clarification on – or at least I view some incorporated changes in this document from a discussion when we were just asked to publish title and general summary.

MS. MILLER: Mr. Chair, that is correct. There were some items that the Board requested or brought forward when we did the discussion to publish title and general summary. So we did try to incorporate some of the recommendations. But to note, they even came out the wrong color because they were our recommendation, not the Ethics Board and I don't even know if the Ethics Board saw all of those changes since our last –

CHAIR MAYFIELD: Well, respectfully, really quick, Ms. Miller, and/or the Commission's suggested changes. Maybe there needs to be a different color code for the requests the Commission's making up here.

MS. MILLER: And Mr. Chair, this particular ordinance and how it was changed has been really long in the making and a lot of changes. So it's made it a little hard to try to provide for you a mechanism to track changes. Because it's been worked on I think by the Ethics Board for over a year, and then there were a number of things that needed to be worked through with staff because it conflicted with things they had concerns with. So that's why all the color coding is a little bit complicated. Because we did want to make sure we reflected what the Ethics Board had recommended and where maybe staff did not agree with that recommendation so you had both perspectives.

CHAIR MAYFIELD: Thank you. Commissioner Anaya.

COMMISSIONER ANAYA: I was just going to suggest that if we need more hearings that we have them. That's going to affording our own Ethics Board the opportunity to absorb those changes whatever they might be or suggested changes before we rush to adoption.

MR. BACA: Mr. Chair, Commissioner Anaya, the Ethics Board was made aware of the changes. I believe it's really early on. We have not had a meeting yet to vote on them, to approve them, but the consensus from the board was that we were okay with the change.

CHAIR MAYFIELD: Mr. Baca, what changes did you guys have consensus on?

MR. BACA: Willie, can you help me here? I believe it was this one, right?

WILLIE BROWN (Assistant County Attorney): Mr. Chair, Commissioners, the only change since the last meeting in August, and I was going to present on that. I don't know if you want my presentation now.

CHAIR MAYFIELD: Let's just go to Mr. Brown.

MR. BROWN: And I'll try to be as smooth and seamless as possible in my presentation. Since the August presentation where I presented key changes both from staff and from the Ethics Board we have made two changes based on the last meeting. And before I even go to those – there are just two; they're very kind of simple changes. I want to reiterate what the colors denote.

Green is the 2011 amendment to the ordinance so you've already made that change. So that was the second Code of Conduct Ordinance. So green is already in there and that's what green means, as your change. Yellow is the amalgamation of the joint agreement between staff and the Ethics Board, so that's where after over a year and a half of deliberations and meetings we came to consensus. So yellow represents a joint effort.

Turquoise are changes where primarily there was not consensus, so it's staff recommendation. That's what turquoise means. And the two changes that were made were – two I guess requests came in at the last meeting and the first comes on page 2. And by the way, we are now on the version that has a watermark of 9-3-14. So September 3, 2014. That's the one in your materials. We're not on the August one anymore. And as I've indicated, the only two changes are if you go to page 2, at the very bottom, there was a suggestion that Commissioners who attended a conference hosted and paid for by either the New Mexico Association of County or the National Association of Counties be permitted to accept an alcoholic beverage during a conference. So this shows up in the anything of value definition, which takes about three-quarters of a page. So the turquoise at the bottom captures that proposed change. So that's the first today that you will have seen that.

The second one, a Commissioner wanted the oath of office for elected officials to be reflected in the code and that's over on page 5. You'll see the turquoise at the bottom. It's subsection C under Public Trust. And that is derived from the New Mexico constitution. It's even quoted where that comes from. It's Article XX of the New Mexico constitution.

CHAIR MAYFIELD: Thank you.

MR. BROWN: Then I have a brief presentation that should take about, I guess maybe ten minutes, and I'll try to breeze through it.

CHAIR MAYFIELD: But these were the two changes that the Commission suggested at the publish title and general summary.

MR. BROWN: So all the other turquoise was in the last version that you had. During the August 26th meeting a number of issues were raised by the Commissioners, by your Board, and I'm not going to address all of those questions. I will address just two, because I'm going to give sort of a general presentation on hot button issues that you raised that I could see was of concern to some Commissioners. And one of the questions that was asked was whether a person who represents a party could donate to a campaign. And then the further explanation was, as I understood it was in the context, if there was a pending land use case. It wasn't clear to me what was meant by a person who represents a party, so in my mind I went to whether that was an agent, a

2014 SEP 30 PM 3:53

lawyer or a spouse. And the shorthand answer, and I thought that what the question was getting at was if they could on their own donate money to a – I guess a campaign of a candidate for an elected office within the County. And the shorthand answer is yes, if that was the question.

And then the ordinary things come into play that's in the code under disclosure, if it's over \$250 you must disclose it in your County disclosure form. So that was one of the questions.

Another question that was raised was whether a candidate for an elected office in the County had to disclose a campaign contribution made by a governmental entity and the example that was given was supposing it's an Indian tribe or a pueblo. So this generated or will generate a two-part answer. The first would be under the Campaign Reporting Act, a 30-section state law. And the answer to that is yes, because under that act, the Campaign Reporting Act, they don't discern who gives the money. They just discern that a candidate receives money. That's how I look at it. And then there's all those permutations whether it's a statewide office, whether it's a non-statewide office, so different amounts apply, and then the ordinary rules and procedures for reporting on the schedules supplied by the Secretary of State, those would apply.

So under the CRA, the Campaign Reporting Act, yes. It doesn't matter if it's an Indian tribe, governmental entity, it has to be reported. And then under this code, the answer is also yes, that it would have to be disclosed, particularly – and this is page 14 of the code, if it's greater than \$250. That's I guess the point of reporting on that disclosure form.

CHAIR MAYFIELD: Vice Chairman Anaya.

COMMISSIONER ANAYA: [inaudible] When we receive a contribution as a candidate over \$100 you have campaign reporting requirements of name, address, occupation. I think it's a hundred bucks. I do it for a hundred bucks. If it's \$250 it's \$250. We already have that requirement. So am I reading this that in addition to that public reporting requirement that I got to go now extrapolate that information off the public record of the Campaign Finance Report that I do on the state and then regurgitate it on the County form now? Because – is that what I'm reading? Did I miss something? Because if it is, then I think, why? I would say if we have a Campaign Finance Report that we're obligated to do a report, and that's posted and it's on the web, and then we're now saying, well, now we have to go take that off and put it on to the County report. I guess I just – I'm all for ethical standards but I just don't see the point. If it's happening. Did I miss something?

MR. BROWN: Mr. Chair, Commissioner Anaya, I guess the shorthand answer is yes, but this is already in the code and the Campaign Reporting Act, it's the law that applies. So you're already required or have been required to do that.

COMMISSIONER ANAYA: So public awareness, I didn't go to my campaign finance report when I got elected and take any contribution I had over 250 bucks and transfer that over to the document. Straight up. And so if we were to report that – I don't know. I've glanced at my colleagues' reports, I haven't looked at them in detail but I don't know that anybody's doing that.

CHAIR MAYFIELD: Mr. Brown, let me ask a question too. I thought it was reporting a gift over \$250. Can you take me to the section of this ordinance where it

says campaign contribution?

MR. BROWN: Let's see, Let's go to page 14.

COMMISSIONER ANAYA: And trust me. We want to make it clean and workable, Mr. Chair, if I could. We want to be – but I just don't want us to recreate or create additional confusion, for lack of a better word.

MR. BROWN: It does say gift.

COMMISSIONER ANAYA: If someone says, Commissioner Anaya, I read the Campaign Finance Report online with the Secretary of State and it doesn't jibe exactly with your disclosure. If you're telling me I had to do that on my campaign contributions, well, I didn't do that. Straight up. I didn't do it last time and I didn't do it this time. But it's disclosed as to who gave me the money, what their occupation is. You get what I'm saying?

MR. BROWN: Yes, sir. And Mr. Chair, you're correct – it does say – I'm on page 4. It does say gift.

CHAIR MAYFIELD: It does say gift. Not campaign contribution.

MR. BROWN: That is correct.

COMMISSIONER ANAYA: Okay. That's different.

MR. BROWN: And you're right. They are a different world. They converge at times but they are different policies.

CHAIR MAYFIELD: Thank you, Mr. Brown.

MR. BROWN: Okay. There was another suggestion made at the August 26th meeting where a Commissioner expressed a suggestion that if there was some way to know about – let's see. If the County could develop a list of pending applications, this list which would be made applicable to members of the public. And then there was another part to this suggestion which was whether or not the County could create a database for public review that contained all applications submitted at County and whether the matter was pending administratively, pending before the CDRC or the BCC and whether such information could be placed on the County's sunshine portal.

And I won't at this juncture answer that question because I will get back to that. I'll end my presentation with responding to that suggestion, because I have kind of a thorough answer. What I did hear at the last – on August 26th was that there was a lot of concern about the niceties and requirements of conflicts of interest and financial interests and how those play into responsibilities and recusals and so on. And so I've taken a look at, let's see, five specific sections, and some will require like one or two-sentence explications and some a little bit longer to describe these concerns that you raised.

The first one would be on section 9 which is found on page 7, and that is prohibited financial interest in County business, disclosure. I'm going to give you the titles first and then go to each one. The second one was section 10, which is found on pages 7 through 9, and that's conflicts of interest, disclosure. The third one is section 11, and that is found on page 9 through 10, and those are prohibited activities. The fourth one, the next one is section 19, which is found on page 14, and that's disclosures, and the last one that was mentioned, which is section 28 on pages 24 and 25 are ex parte communications.

So the first one on section 9, page 7, prohibited financial interest in County business, and then the ensuing disclosure. I first want to say that this is not a new

2014 SEP 30 PM 4:53 PM

provision and staff, if you go to that page, page 7, what we did – and I remember some of these suggestions came some months ago when former County Attorney Steve Ross was here was to make it more logical, the code, and move things around, bunch them up. So you see a lot of crossing out but what happened is we moved some of those sections to other sections that made more sense. So that's – and made it clearer. So section 9 prohibits not just elected officials but all appointed officials, County employees and elected officials who are in a decision making capacity from having a financial interest as that term is defined in the Code of Conduct, so that definition is found, as all definitions are found, in Section 4 of this code, and specifically, this one as a financial interest is found on page 4 and it's rather lengthy as you can see, about five or six lines long. And the subtext, as I look at this provision is that this definition is looking at areas where a person might have something to benefit, I guess in a pecuniary or financial way, and that's what the concerns are, and you see the small Roman numerals in there, what a financial interest is.

Now, when there is a financial interest, and we just had a brief discussion on that, those must be disclosed on the County disclosure form, and I'll talk a little bit more about that when we get to disclosures. So that is required in another section, that these must be disclosed. And furthermore, if someone, whether it's an employee or an elected official in the County has a financial interest, they are, and I'm quoting, "disqualified from participating in any debate, decision or vote relating thereto." This is already in the code. And again, this is to I guess, avoid a person from benefiting personally by an official act or action, and that's why you have disqualifications if you have a financial interest in a matter.

The next section is section 10 and that's conflicts of interest, and it also has a subtext of disclosure, and that's pages 7 through 9. And in the first thing, what is a conflict of interest. And what we see on page 3, it's an existing definition; we didn't change it, a conflict of interest is a situation in which a person exercising a duty has an interest, financial or otherwise, that potentially conflicts with the exercise of the duty or that may be perceived as conflicting with the exercise of the duty.

When I read or when I see "perceived" I read in this is the appearance of impropriety and much self-policing must go into that. When people have to ask themselves does it appear that I have a conflict? As you know, the Ethics Board, one of their responsibilities is to issue advisory opinions or I guess interpret the code of conduct. But certainly a person who is in the spotlight has the obligation to kind of look inward and make their own interpretation of a perception of a conflict.

And this is new language on page 7. No, it's not on page 7. No, no. This is new language that you added in 2011. And generally those within the scope of this ordinance must avoid conflicts of interest and have an affirmative duty to disclose the unavoidable conflict of interest. So that would be in green. That shows up – there it is. It is on page 7 in the middle, you'll see the green language. So you had already added that in the amendment to the code in 2011.

When do conflicts arise? A conflict of interest arises when someone subject to this code – just about everyone in this room I think – somebody subject to this code of conduct receives anything of value from a person or entity, and there are five categories, and it's in the code. Number one, doing business with the County. Number two,

contracting with the County – that's a real important one. Number three, regulated by the County. Number four, having an application pending before the County. And number five, having an interest that may be affected by the County. Those are not new concepts; those were already in the code. They're in the code now but they're kind of dispersed and so this is a Steve Ross suggestion that we put it up front so when you're reading it you know what those conflicts are. So those five that I just read off.

And as I've indicated before we've looked at, with the one change, anything of value is section 4, and it's on page 2, and it's a very long definition. There have been some changes made to that definition.

Here's where it gets a little icky. In 2007 the legislature amended the procurement code, and that was the same year they also enacted the Gift Act. The Gift Act does not apply to local governments; it only applies to the state, but they were enacted in the same year. Not the same bill but the same year. Two important concepts come into play in the procurement code, the section that was amended that does apply to us and even though it was not here before in this code it does apply. And so for the first time we put provisions in so that you see it and then it may be confusing but it's the law now.

The first provision is that a prospective contractor must disclose a campaign contribution of over \$250 over a two-year period from the date of the contract award or the signing of a sole source contract on a state form that becomes part of the procurement package made by the prospective contractor, a family member – and this is the donation – a family member or representative of that prospective contractor.

So in essence, you have to count back two years from the date of the award. Let's say it's today. You go back two years, or the signing of a sole source contract. And it has to be on that form. And this is – if you've never seen one I have a blank and I have one to be handed out. *[Exhibit 5]*

CHAIR MAYFIELD: Mr. Brown, that's on the contractor to disclose that.

MR. BROWN: That is correct. It is not your disclosure.

CHAIR MAYFIELD: Mr. Brown, we typically see those in any RFP that we approve, they have that Campaign Disclosure Form in the request for proposal.

MR. BROWN: So you've seen those?

CHAIR MAYFIELD: They get included in our RFPs, yes.

MR. BROWN: It's not in your packet, I'm sorry to say.

CHAIR MAYFIELD: It's not in this packet but I'm just saying if there's ever an awarded contract that the Manager is –

MR. BROWN: So you've seen those.

CHAIR MAYFIELD: Those conflict disclosures or those donation disclosure statements are within that contract.

MR. BROWN: Okay. It's a 2 ½ page form. I have copies if you want to see them. So the second part of this amended law in the procurement code, and this part gets a little tricky. A prospective contractor, and also their family member and representative, they're prohibited from giving a campaign contribution or other thing of value to a public official or the public official's employees during the pendency of the procurement process. And that is defined in the act and that is a time period starting with the public notice of the RFP and ending with the award of the contract or cancellation of the RFP. So that is in the statute. So that's an absolute prohibition and this has a criminal

provision, violation of which is – I believe it's a petty misdemeanor in the procurement code.

So what about –

CHAIR MAYFIELD: Mr. Chair, really quick. We don't see all the contracts that Ms. Miller approves. This Commission may or may not – I guess we could ask any potential donor or campaign, hey, do you got a contract on file? I think that provision is afforded also on page 9 under Section 5.

MR. BROWN: And I'm getting to that. How do you know? And you're correct. How would you know? And there are a couple of ways –

CHAIR MAYFIELD: Well, even on that point, because you're going to bring it up, I don't think it should be incumbent on this Commission to ask our procurement manager, hey, does this person have a contract? If we need to go to somebody I believe we should go to our County Manager. We could ask that entity. That entity could either disclose or not disclose it. But now you're putting the onus on an elected official to go to the procurement manager or even further down to the Land Use Director. I think we – we could go to anybody in Land Use to say, hey, do you have a pending application in front of this Commission? If we have a question – that's why I asked earlier if this stuff should be listed out on a website where we all can see it. Or we go to the County Manager and say, hey, County Manager. Because again, we are now as elected officials having to go directly to employees to ask what applications are on file.

MR. BROWN: And Mr. Chair, Commissioners I will discuss the complications in that. That's my last point about doing that. This is what we – I guess we talked about during the Ethics Board meetings and I spoke with, when Mr. Shaffer came on board some scenarios. And this was our suggestion but I see some I guess some hesitation and reservation as to whether or not this would work for this Commission.

So the proposed code of conduct provides two restrictions and the first, it restricts elected officials or their employees from receiving a campaign contribution in the aggregate of \$100 from a person, business or entity when the elected official or their employees know or reasonably should know that said person, business or other entity has been awarded or is under contract with the County.

So there's already prohibitory language in the current code without the proposal. I think we might have added the \$100 in our discussions. But the shell of this is already in the code of receiving campaign contributions if something is pending with the County in the procurement world. It also restricts appointed officials and those employees not under the direct supervision of an elected official from accepting anything of value from a person, business or other entity, again, when the person in the County knows or should reasonably know that I guess the business or whoever is giving anything of value has been awarded a contract or a purchase order by the County or is currently under contract with the County.

So this also applies to appointed officials. This applies only to appointed officials and their employees. And so, if you've already ahead, how can it be determined if someone is doing business with the County and the scenario we put in is that one way is to ask the donor, do you have business with the County? And document it somehow. And then there's a safe haven that within seven days you could return the gift, let's say if they did have a contract with the County. So that's – well, the anything of value portion of it

was the part I was just talking about because as you know there's already a prohibition in there for those appointed officials.

As to procurement, the same kind of questioning would apply and the person asking the question would have seven days to document it and/or seven days to return the gift. So that's two ways, options, that could be done.

Likewise, when there's let's say land use applications or appeals, a question could be posed to the County Land Use Office and they could determine – I'm going to get to how this information is stored and what we have now and what our capabilities are. And I know you want an easier way of doing this and I'll show some complications with that.

If we move to section 11, prohibited activities, that shows up on pages 9 through 10. Here we did, as you can see, not many changes in these pages, 9 through 10, and it looks like we maybe moved some paragraphs around. And I think we did some wordsmithing. These I guess are wordsmithing or clarifications where hirings, promotions, must be based on merit and not a person's relationship or friendship with an elected official, employee, appointed official, volunteer. Let's see. Individuals outside of County government should not be granted better or different service if they give gifts to, whether an elected official, appointed official or employee, and these concepts are already in the code. We just clarified the language or made it I would suggest clearer.

And then you have, let's see. It says, Nor can an elected officials, employee, appointed official, a volunteer or person solicit or receive gifts, benefits, favors, gratuities or political or charitable contributions, or anything of value under circumstances that create a reasonable belief that the person will grant special access, and again, language that is already in the code. Again, we clarified it. And obviously, those kinds of – the reasonable belief is a self-policing provision.

Now on to section 19, Disclosure, which is on page 14 and I've already mentioned it a couple times, and first of all, you would see on page 14 that there are hardly any changes. Actually, there are no changes. So we didn't change the disclosure provision. It is what it is and has always been up to now. So no changes recommended by staff or the Ethics Board. And that is the annual disclosures that you all have to do.

One thing that we did have sort of a minor discussion about, and I think the HR manager was talking about this, is who – do we need everybody in the County submitting these disclosure forms, because they all hit at the same time and they have to process them and remind all the employees and frankly, many of the rank and file employees who submit these, they're disclosing that I live in a house, I own the house, and that's all you see on them. So they're getting three or four of these things in January of each year and so there's a little – I won't say push-back but just questioning does everybody have to file these?

In the state world, and I looked at the Financial Disclosure Act and in the 14 ½ years that I was with the state I never filed one of those and my thought was only elected officials and cabinet officials had to disclose – file financial disclosure forms with the Secretary of State's Office, but if you read the law it doesn't exactly say that. It implies that but it doesn't exactly say that. It says if you have a situation – it's kind of squirrely language. Here is it. So under the State Financial Disclosure Act, so every employee who is not otherwise required to file a financial disclosure statement und the Financial Disclosure Act and who has a financial interest that he believes or has reason to believe

may be affected by his official acts or actions of the state agency by which he is employed shall disclose the nature and extent of the interest.

I knew of no one, none of my colleagues who were rank and file classified employees who had to file these. I don't know if there was a standing order or directive from the Governor's Office if exempt employees, all of them had to file. I don't know. But I don't know of any classified employees who had to file disclosure forms. So just food for thought. Nothing before you today and something that the Ethics Board will want to discuss down the road.

CHAIR MAYFIELD: Speaking of disclosure statements, and I don't have one in front of me but I don't typically. I always fill one out every year. But as section 19 states, we fill out a lot more on our disclosure statements that are on file with our County Clerk, that are on our websites. We tell where our spouse works, who is our spouse is employed with. I don't see that requested in here.

MR. BROWN: Mr. Chair, Commissioners, I can't address what's on that form. It was here when I got here.

CHAIR MAYFIELD: Should we coincide with the form that we're filling out if they're asking where my spouse works, who's employing her, and it's not requested on this ethics ordinance. What land she owns.

MR. BROWN: I think if Bern were here she'd probably have – because she's been here so long, have a better explanation. If you drill deep why those questions are asked they probably would have something to do with financial interests.

CHAIR MAYFIELD: I'm just saying it's not here in this ordinance.

MR. BROWN: Right. But if you go to the definition of financial interest it does – I guess the global concept is family, immediate family and how would you know if you're not disclosing that. Let's say you have a spouse who is a contractor with the County and you didn't disclose that. I think it's meant to find those kinds of things out. That's probably why it's asked.

CHAIR MAYFIELD: Well, at our next public hearing will you bring a copy of that disclosure statement please? We can see how it overlaps with this.

MR. BROWN: I actually have yours I got off the web.

CHAIR MAYFIELD: Great. Use mine. Just eliminate my wife's name even though it's public.

MR. BROWN: Sure. I couldn't find a blank one on the website so I went to yours and just printed it. It's in my papers somewhere.

CHAIR MAYFIELD: [inaudible]

MR. BROWN: And page 14 tells you what you have to disclose in subsection C.

So the last point of issues that were raised is this issue of ex parte communications, page 24 and 25 and you all know that ex parte means one party or one person. And so this section has – it's divided in two parts. The first part is the actual ex parte and you can see from just looking at page 24 we added two words. So hardly any changes to that. Instead of hear, preside over. And so I guess it's considered more of a wordsmithing. And so essentially what it provides is that when elected or appointed official who is designated to preside over an administrative adjudicatory matter under the land development code or other County ordinance communicated directly with – maybe it

2014 SEP 30 10:53 AM

should be indirectly – I'm reading my own notes here – with an interested party concerning a pending matter where there was a discretionary approval.

Ex parte communications for procedural or administrative purposes where neither party would gain an advantage are not prohibited. And lastly a prohibited ex parte communication must be disclosed to all parties who should then be given an opportunity to respond. And I can tell you, as an attorney, my practice throughout my 35-year career has always been, any communication with a tribunal, I will always cc the other side. I would never contact a tribunal on even a procedural matter where I didn't cc the other attorney or advocate if you will. So this one kind of says you can as long as you disclose it to all parties. That's what it says. And this is I guess the more transparent you are the better off you will be when more people here.

The recusal part, and again we're talking about a pending administrative adjudicatory matter is primarily required where the elected or appointed official or immediate family member has a financial interest in the matter before them, or the elected or appointed official is unable to make a fair and impartial decision. This is where you might have a bias towards one side or an issue or whatever and you cannot be fair. If you look at page 24 under Recusal there are a, b, c, - I think it goes over to page 25, d. So that's four situations where you must recuse yourself. And it looks like, Commissioners, you did add, in the 2011 amendment on page 25, the green, that the appointed official Appointed Official recusing himself or herself shall disclose the specific reason for a recusal contemporaneous with the recusal.

And I remember the last time, one of the Commissioners asked a question about the kind of pressure that you're all under. You take a break from here in the middle of a meeting and constituents are out in the hall, in the restroom and I don't know, maybe following you around like mosquitoes, and like, listen to me next, listen to me next. All I can say is when they do that and if it's a pending adjudicatory administrative matter, if you signal your vote or your views you've got to recuse yourself. That's what it says, how I read it. If it's just an open meeting and not an adjudicatory administrative proceeding, no. It's not pending before you in that capacity.

So it's pretty narrow when you have to do that. And then where there's issues of bias and stuff, it could be left to your membership whether they would vote that you be recused or disqualified from voting and that's in the recusal section too, or the ex parte section. So you could be asked to disqualify yourself from a specific hearing on a matter because you've signaled your vote if you will.

CHAIR MAYFIELD: Mr. Brown, I asked this question when I was running for re-election. I asked if of you on 25.3, I had a questionnaire that was given to me that generally asked me of where I stand on a certain policy issue the Commission could be acting on. Here it clearly says that anybody running for elected official or excuse me, because the elected official made representations during a political campaign on viewpoints on public policy that an application may raise. Again, I still have that question. We all receive questionnaires, if you're a candidate and/or if you're a current elected. Some of those questionnaires put you in a precarious position to make a policy statement of what you'll do.

I knew that there was a potential similar application on file with this Commission. I could say, well, I'm going to answer it in more general terms, but that also could be a

disadvantage, not advantageous to a current elected official, when a candidate can state any position they want to state on something, on a questionnaire. I think that there is an inequity there. I really believe there's an inequity there.

MR. BROWN: I think at the end of the day you would have to, Mr. Chair, look at what – the four corners of a pending administrative adjudicatory matter and not just as a matter of great count interest. Is it really pending? If it's pending, I think there could be an argument made that you're biased when you sit up there because if you put something, a specific question, what is your view on this particular matter? You're locked in now. If it's general, I think you can freely, freely give your opinion. I think that's what we talked about. If it's just a general, do you favor the environment? Less excavation is better for the county. Those kinds of sweeping statement, you'd be okay, but if they box you in to an issue that's pending before you, which maybe was their aim, there could be a challenge from the other side that you shouldn't be voting because you've already tipped your hand on this pending adjudicatory matter that's been scheduled.

And one thing that I was thinking about doing just this morning but it's premature now and that is to present for you like a one-page, I was thinking like sort of a cheat sheet, in how to look at these conflicts and financial interests and disclosures. But I say it's premature because you haven't voted on the code and maybe until the hearing is concluded that's why I didn't do that. So I'm just addressing it generically. Here's a little here, here's a little there. But these seemed like the issues that you were concerned about. And one new provision that we did put on page 25 and 26, and this was a joint – it's number 6, and that is basically that a or appointed official or an elected official who refuses to recuse him or herself after being notified by reason of a financial interest, may be considered to have committed a violation of this Code of Conduct.

Remember, that's the very serious one where it appears that the person who is being asked to vote on something has a direct financial interest in it. That's why that one's so crucial. So it only shows up in a financial interest.

CHAIR MAYFIELD: Mr. Brown, do we have a definition of financial interest?

MR. BROWN: We do, and I believe I said it was page 4, section 4.

CHAIR MAYFIELD: Thank you.

MR. BROWN: It's subsection N as in November.

CHAIR MAYFIELD: Thank you.

MR. BROWN: Myself and Ms. Katonak met on September 9th with IT to discuss current data collection and collection capabilities. This is the wrap-up part about in lieu of asking the County Manager or asking the Procurement Manager or Land Use Manager it could be done electronically and this is what we found out. It became apparent that nearly all of the info to check to see if someone has a land use application pending with or approved by the County is available but this info is not accessible to the County currently, and I'll explain. Right now, it's password-protected and can only be accessible on the AS-400 on County devices. So if you have a laptop that has I guess the County share point in it that's the only way you could access the AS-400 with a password.

And it's also accessible I guess on your own device if you have access with a

virtual private network VPN. It's a connection. I think you have ask IT to put it in your computer and you have to sign up and agree to some policies if you're doing that. Because essentially you're conducting County business on a private device.

CHAIR MAYFIELD: Mr. Brown, just a general question. On any given day how many permits are on file, applications are on file, contracts are on file or requested with this County?

MR. BROWN: Mr. Chair, I have no idea?

CHAIR MAYFIELD: A thousand? Two hundred? Ten?

MR. BROWN: On file is not the same as finding out whether somebody has something pending or does business with the County.

CHAIR MAYFIELD: How many are pending on any given day?

MR. BROWN: The data on how many – I don't know.

CHAIR MAYFIELD: Can you have that for me at our next public hearing please?

MR. BROWN: Yes. Okay. So what do they have? Well, we were told that IT could develop a program for share point access via County computers that would give us – and here's what they could give us: the applicant's name, the case name, I guess of the project, the case number, permit type, application number, permit address, permit description but this could not be developed for months, probably the spring of 2015 to have that limited information.

But what about the drawbacks to that? One would be it would not be real time. So in other words, the day that we capture the information, the next day somebody could – again, we're talking about giving anything of value or donating to a campaign fund. The next day it's not – it wouldn't be captured in I guess this data. So it's not necessarily real time. That's one drawback. And let's see. As to pending procurement bids, this is interesting. We actually went to the Procurement Office and spoke to one of the specialists there. A procurement file, if you've ever seen one, they're like this, and they're all paper. And there's all these disclosures that people have – I say disclosures but submissions that people – first there's the bidding process, and then there's all the little forms you have to sign. I don't even know what they all are, but there are many documents in those files.

So this is not captured in the AS-400. Contract awards are captured in the AS-400 but not submission of an RFP and you must understand that much of the information is confidential until there's a bid award. So just applying for an RFP or submitting a bid or a request for proposal, there's a wait period before it becomes public. So there's that part of it.

CHAIR MAYFIELD: Vice Chairman Anaya.

COMMISSIONER ANAYA: Mr. Chair, Mr. Brown, I appreciate the information you're providing but one of the things that is coming out in my mind as we're having this discussion is that there are – are there things that we still haven't vetted? And we haven't made clear to the public in particular. This is a public hearing and we don't have anybody here from the public. And I think it's important for us – I appreciate what you're doing but I really think it's going to be important for us in a written way, in a succinct way to show on a spreadsheet or a chart, prior ordinance, current ordinance, changes, and then articulate those challenges. Because some of the

things you're bringing up now, I think the intent is very good but if the applicability is cumbersome or nearly impossible in the short term then I wouldn't think our Ethics Board or anyone else would want us to engage a document that's not functional. And so I'm finding myself as you're – and you're almost done, but I'm finding myself saying, wait a minute.

If we're going to change this, which we are, let's make sure it's functional and it's clear as to exactly what we're changing and that we're, as elected officials and appointees and staff and volunteers, clear on what that message is and it's not for your lack of work and the Ethics Committee's lack of work and everybody else that's been involved but I don't think we're in a position tonight – I don't think we're going to get anywhere on what you just brought up.

You just frankly told me that we don't have the capacity on the short term to be able to articulate to the Commission or anyone else these are people that are handling contracts of the disclosures. And so I guess we need a crosswalk, is what I'm suggesting and we still have time for us to read and absorb this document and we still have the opportunity if we need to to have another one before we approve it. So I'm having a hard time at this point in the day grasping how much benefit we're going to get out of where we're at in this dialogue right now. And so help me out. Because at this point – you've already brought up like three or four things just here in the last five minutes that – some of which are even in our Ethics Ordinance right now that we're not even functionally able to give that data to our Ethics Committee if a complaint arose.

So can you help me a little and kind of maybe give me your thoughts as to what we need to do going forward? Because I'm a little lost at this point as to – I'll be frank – whether or not we're even in a position to go ahead and public title and general summary to have the two public hearings and just do it. I don't know that we've even had the data and the capacity to fully acknowledge and implement what we already had in place. That's what I'm asking myself right now.

MR. BROWN: And Mr. Chair, Commissioner Anaya, your points are well taken and look at the time. It's 9:30 and you're correct. I don't see – I think everybody here has a connection with the County. So the real people who are probably most interested, they're not here.

COMMISSIONER ANAYA: And if I could, Mr. Chair, if you'll indulge me.

CHAIR MAYFIELD: Please.

COMMISSIONER ANAYA: Could I, Mr. Chair, could you get up – before you go any further, Mr. Brown, Mr. Chair, could you give me some of your thoughts just based on what I just said and – you guys have been working hard and you put a lot of energy into it and I guess what we're finding out is the actual information and access to some of the background you would need to follow a complaint through. Maybe it's not in place. Can you maybe give us some help?

MR. BACA: Sure, Mr. Chair, Commissioner. Originally when we started looking at some of the changes here we were more focused on how to develop complaints than anything else. That was our main goal. We had just passed the amended version. That's when Mr. Brown came and started looking at the code and saying you know, there are some things that just aren't up to law. So a lot of the changes in here coincide with the

Government Conduct Act, the Campaign Finance Reporting Act, as well as the procurement code, and a lot of the changes that the Ethics Board implemented were procedures on how to have the administrative hearing and what processes need to be followed and due process.

As far as us being in a position to implement this as it is we did not know of the limitations of your data system, your information system. However, as an Ethics Board we did discuss having everybody disclose to you guys every campaign – disclose to you guys whether or not they have an application pending with you. Of course none of us have been an elected official or anything like that so we had to use our best judgment.

The way we felt was that if somebody is going to give you a campaign donation, if you were to ask them or one of your staff was to ask them, do you have anything before the Board that is pending, that should suffice and it shouldn't be that complicated to get an answer out of them. If they lie to you, from our discussions, that was a fault on them and you went with the best decision that you had.

Some thoughts that we thought of was have a form for every campaign donation and have a box. Is there anything pending? Online things as well. Hey, I've got this pending but I really want to donate to your campaign or even when you're out there soliciting campaigns, to inform people, because you're talking to a group of people, right? There's this disclosure here. If you have anything before the Board of County Commissioners that we're going to vote on please fill this out before you donate.

That was our thought on that. As far as the Commissioners, data-mining through an information system, I can tell you from the board's point of view, whether or not it's reflected in here, that was not our intent.

COMMISSIONER ANAYA: Got you.

CHAIR MAYFIELD: I have a question, Chairman Baca. I want to make sure I didn't hear you wrong but did you say your main focus was how to develop complaints and what does that mean?

MR. BACA: Well, we've been a board for four years now and received zero complaints. And so our thinking is there's restrictions to the complaining. One of the biggest restriction that we found was there's no formal complaint document. Right now, if you were to submit a complaint you could search the whole website, you could call everybody, nobody's going to be able to point you to a direction to fill out a form, to check a box to say, oh, here is the violation. You would have to read the code, be versed well enough on the legal content and then handwrite a letter, deliver it to the County Attorney's Office with your signature and other identifying information in order for it to be a valid complaint.

And so our main goal, and will be our main goal after this is passed, is to lower the barriers to filing a complaint. Does that answer your question, Commissioner?

CHAIR MAYFIELD: Sort of, but I'm just going to say it, but that's assuming that an elected official, an appointed official, an employee is doing something wrong. It's almost like – I don't know. The way I hear it is you guys want to find complaints on Santa Fe County.

MR. BACA: That is not the goal of this board. However, we do want to make it readily accessible and easy for somebody to submit a sworn complaint. If there is a violation – our thinking right now is that because we haven't had any complaints

nobody's violated this code. Of course we have to think of all the options. One of the alternative thoughts is maybe the code's too complicated or there are barriers, nobody knows how to file, nobody wants to file a sworn complaint.

We had many discussions on whether or not people will file a sworn complaint and maybe opening up an anonymous tip line, which we were shot down, we decided not to go forward with because of the Pandora's box that you would open with that. So that's why we decided to go with a sworn complaint. But I think as elected officials you guys know that you want to empower the citizens in order to come forward with things and that's what our goal was, to empower the citizens to be able to file a complaint if there was one. If there's not, great. That's exactly what we want.

CHAIR MAYFIELD: Thank you.

COMMISSIONER ANAYA: Mr. Chair, I appreciate the efforts of the Ethics Committee and their continued work and recommendations. We have in our packets a document that has a crosswalk of who made the comments and when. I want to have an opportunity to meet with you between now and the next meeting and maybe understand a little more what the other thoughts are of the committee. But we're in a public hearing tonight and I would like to proceed through this evaluation and the discussion and see whether there are tweaks and other things we learn between now and the public hearing. That's where I'm at.

MR. BACA: Mr. Chair, Commissioner, I'm available for meetings. Staff has my phone number, my email. Anytime you want to meet, if you want to meet after this I'm available.

CHAIR MAYFIELD: Thank you. Commissioners? We're in a public hearing. I want to bring up some suggested – I don't want to say changes, but just some questions that I have identified in the proposed ordinance tonight. I think it's appropriate for staff to address or just to take note of for our next public hearing, and I'll be as brief as possible because I think I asked a lot of those questions when Mr. Brown was making his presentation.

So, Mr. Brown, on page 9, again, going to section 5 and section D. 2, I just, again, I'm just going to read in one. It shall be sufficient due diligence to determine whether a person or business is doing business with the County if the elected official or their employee asks the person or business to verify if the person or business has submitted procurement documents to be awarded a contract, and it does go – bla bla bla. But then it's also again, as I stated, it's asking the Commissioners or elected officials to talk to the procurement manager. In D. 2 it's asking us to go and talk to the intake person in the County Land Use Office to verify if a person has a business or an application for a license, permit or other land use approval. That's putting a lot on an intake person within our Land Use Department.

I would suggest that we ask the County Manager and/or of course the entity, as was asked by Chairman Baca, but for us to individually go and ask the procurement manager or a land use personnel, I just don't think that that should be what elected officials are doing. I think we should just say, hey, Ms. Miller, bring this to your attention, do you want to vet it out with your staff?

Again, all this staff works for Ms. Miller, not for the Commission. And then there would be a whole other issue of a staff member potentially saying, oh, man,

Commissioner asked me this question. I'm maybe hesitant or worried. Just food for thought on that. I'm just throwing that out there, Commissioners, on this.

And again, please nobody take any personal reflection on what I'm pointing out. It's not intended directly towards anybody, just things I've identified. On page 13, pursuant to the New Mexico Governmental Conduct, County employees employed by a candidate receive compensation. I messed up. Let me go back. Let's go to, on page 13, D. Neither elected officials, appointed officials, nor employees shall perform any political activity during any compensated time. What does that mean? If somebody's on annual leave? If somebody has comp time? How is that not violating somebody's right to work on behalf of a campaign if they're employed here? Even an elected official? I'm arguably on compensated time 24 hours, seven days a week.

MR. BROWN: Mr. Chair, Commissioners, I think – and you can see that this is part of another provision that we made some changes. So we're talking about, I guess, the election cycle. You're in an election cycle and somebody is engaged in some political activity or wants to. And all this is saying that when they're being compensated, we think on the clock, working for the County, not on leave.

CHAIR MAYFIELD: Can you just kind of clarify that? That's all I'm asking for. Because compensated time would mean annual leave. You're compensated with annual leave. And this isn't just specifically for this Board. I can see me. I could be working on behalf of a governor's campaign, or any employee could. I just don't know if that pertains to them also, how this is written.

And then let's see. I guess I had a question pursuant to NMSA, Government Conduct Act. Excuse me real quick. That's not it. Again, on the disclosure, and I'm glad you have my disclosure statement up there, but I also – I know I brought this up. I brought it up, Mr. Brown, with you even earlier tonight. But I think if we're going to do the disclosure, if Commissioners have affiliations with PACs, with special interest groups, and/or if their spouses do, I believe that that should be disclosed also. And I also believe, as far as our disclosure statements at least for the elected officials, appointed officials and however we vet out an employee who's classified, that maybe that's something that our Ethics Board should be looking at. They're all on file downstairs with the Clerk's Office. Maybe the Ethics Board could be looking at the disclosure statements. Just throwing that out there for food for thought.

MR. BACA: Mr. Chair.

CHAIR MAYFIELD: Yes.

MR. BACA: Just to clarify that. When you say the Ethics Board should be looking at those on file –

CHAIR MAYFIELD: I said may look at our disclosure statements.

MR. BACA: Without a complaint?

CHAIR MAYFIELD: Yes. Why not? Who's – when I file my disclosure statement it's out there for public view, but who is ever looking at or saying, oh, Mr. Mayfield – we have this one question on this disclosure. I've disclosed it, so anybody, when we filed these disclosure statements ever looking at them? Or are they just kind of like taking up space in our Clerk's Office?

MR. BROWN: Mr. Chair, as I understand the process in the County, they're collected by HR but they're recorded for public view with the Clerk's Office. I

don't know if there's an actual bean counter who looks at each and every one to see what people are disclosing. I guess they do.

CHAIR MAYFIELD: Well, the Commissioners are online. I don't know if again, as we stated, all employees. I'm not worried about all employees –

MR. BROWN: They're not online. They're not online.

CHAIR MAYFIELD: Mine's online.

MR. BROWN: Yours is. I have yours here.

COMMISSIONER STEFANICS: Mine's on line. And Mr. Chair, I'm sorry. I need to be excused.

CHAIR MAYFIELD: Fair enough.

COMMISSIONER ANAYA: Mr. Chair, I wanted to make a motion to continue this public hearing, this public hearing, so we would, if I get a second, we would continue this public hearing and then have still a continuance of this hearing and still another hearing. I'd move that, Mr. Chair.

COMMISSIONER HOLIAN: I second it.

COMMISSIONER ANAYA: And along with the motion I would add a friendly amendment that we go to public hearing now, tonight, and then continue this hearing.

CHAIR MAYFIELD: Fair enough, but I have two quick questions that I'm going to ask, if anybody has to leave they can leave. I think it's our potential for our input on ethics ordinance that's in front of us. On page 22, section G, I just want to ask about potential double jeopardy and again – Commissioner Anaya, let me just ask this question please really quick.

COMMISSIONER ANAYA: I was just going to say, we have two Commissioners leaving. I was just going – I wanted to see if we take a vote on that motion and I'll stay here.

CHAIR MAYFIELD: I have no problem with the continuation of a public hearing.

COMMISSIONER CHAVEZ: That's fine with me too.

CHAIR MAYFIELD: Okay. Thanks. And I'll just – these will be my last two questions, Commissioners, and then I'll go out to the public. So on item G, If the County Ethics Board finds that an elected official, appointed official, or volunteer violated any provision of this ordinance, why not, respectfully, employees aren't included in this?

MR. BROWN: Mr. Chair, Commissioners, we had tons of discussion about that. We looked at minutes of your body some years past. This code was never intended, from my understanding, given that – it was never intended to apply for the Ethics Board to field complaints involving employees.

CHAIR MAYFIELD: Let me ask this question, and again, I want to distinguish between a classified employee and maybe, respectfully, an exempt, appointed employee. The County Manager walked in. The Deputy Manager just stood up. So at least maybe some employees in the hierarchy. Who would vet those complaints if a complaint came against, arguably one of those?

MR. BROWN: Mr. Chair, what is left with this proposal, and we think it was the intent of the current code of conduct was that the code applies to everybody,

whether employees, elected, appointed, what have you. It's just that who can hear complaints? That's where we drew the line because we thought it was your will, and it makes sense. Because many of the employees in the County are members of a union, bargaining units. And hearings, when you're in a bargaining units, they are confidential.

CHAIR MAYFIELD: Okay. Let's take out classified employees, bargaining unit eligible employees. Let's just go to exempt employees? What if there was a complaint against an exempt employee?

MR. BROWN: Well, it's captured by the HR handbook. So the complaint goes right to HR and the usual grievance procedures and pre-determination hearings, they apply. We currently do that.

CHAIR MAYFIELD: Okay.

MR. BROWN: So it doesn't mean they're not under the code of conduct because the HR handbook specifically says that they are. They do crosswalk. It's just who investigates and who, if you will, administratively prosecutes. It will not be the Ethics Board.

CHAIR MAYFIELD: Fair enough. And again, what about just the County Manager? If there was a complaint it would just come to one of the Commissioners? The Commissioners would act on that in executive?

MR. BROWN: You mean a complaint against the County Manager?

CHAIR MAYFIELD: Let's just say there was a complaint against the County Manager. The County Manager is an employee.

MR. BROWN: She's be under this, yes.

CHAIR MAYFIELD: No, I don't believe so, because County Manager is – would they fall under appointed or –

MR. BROWN: She would be an appointed – that person would be an appointed official.

CHAIR MAYFIELD: Okay. So let me ask this question. If there was a finding by the Ethics Committee and maybe a recommendation or action, it says that fact and conclusions of law to the County Manager or as appropriate, the district attorney. Why wouldn't, if there was a complaint against our County Manager – not that there are any; I want to make that very clear – would that not come to this Commission? It can't go back to the County Manager. Why wouldn't it be just directly be deferred to the district attorney.

MR. BROWN: I'm assuming, Mr. Chair, Commissioners, that the district attorney is the situation – and this is the existing – this is what's in the code now, I'm going to assume that a crime has been alleged.

CHAIR MAYFIELD: Okay.

MR. BROWN: And nothing else. That's why it says district attorney. Not to shunt aside the Commission. I'm speculating because this language is already in there. So I'm guessing that's why it says that.

CHAIR MAYFIELD: But I think that maybe that needs to reflect that maybe it could come potentially back to the Commission.

MR. BROWN: It needs to –

CHAIR MAYFIELD: It could potentially come back to the Commission, if there was a recommendation by the Board on the County Manager it can't go back to

the County Manager.

MR. BROWN: I see what you're saying, Mr. Chair.

CHAIR MAYFIELD: And then I guess – this will be my last question, Commissioners. In regard to G, let's – look, I don't want to see a recommendation of termination or if this Board makes a recommendation of termination, but if there's already a ruling by the board or an action by the Ethics Board, does double jeopardy apply? If somebody says, well, now the Commission wants to evaluate this. Again, not against ourselves, but saying, well, they've already made a decision. They've made a ruling. Can this Commission take further action if it's –

MR. BROWN: Mr. Chair, there's no – double jeopardy doesn't apply. It's a criminal standard. So I guess the position of the County Manager serves at the pleasure of the Board so it would be your desire if you would want to take further action you certainly could.

CHAIR MAYFIELD: Fair enough. I just noted those here and I just wanted to look at that also. Commissioners, I said that would be my last question so it is. Thank you. This is a public hearing so I will go to the public. Mr. Baca, you are a member of the Ethics Board but you're also the public here tonight. Is there anything else you'd like to add?

MR. BACA: No. I want to thank you guys for the time. It shows that you guys have actually read the code and I really appreciate that. As you know our Ethics Board's meetings are public and you guys are welcome to come join at any time. And we accept input from the public as well during that time.

CHAIR MAYFIELD: Thank you for all your time and the board's time on this matter. Commissioners, I think we're deferring this to a later meeting, continuous, and thank you. Public hearing is now closed on this ordinance. Excuse me. The public hearing on this is continued to a later meeting to be determined. Thank you.

VIII. CONCLUDING BUSINESS

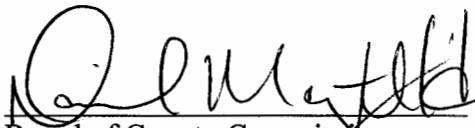
A. Announcements

CHAIR MAYFIELD: Any announcements? I don't think so. Thank you.

B. Adjournment

Having completed the agenda and with no further business to come before this body, Chair Mayfield declared this meeting adjourned at 9:50 p.m.

Approved by:


Board of County Commissioners
Daniel W. Mayfield, Chair

ATTEST TO:

Geraldine Salazar
GERALDINE SALAZAR
SANTA FE COUNTY CLERK

10-28-2014

Respectfully submitted:

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



SEC. CLERK RECORDED 11/03/2014

Daniel "Danny" Mayfield
Commissioner, District 1

Miguel M. Chavez
Commissioner, District 2

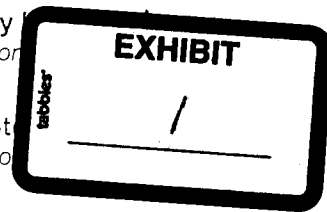
Robert A. Anaya
Commissioner, District 3



Kathy
Commissioner

Liz St
Commissioner

Katherine Miller
County Manager



MEMORANDUM

To: The Board of County Commission

From: Teresa C. Martinez *TCM*

Via: Katherine Miller *KM*

Date: September 30, 2014

Subject: Resolution No. 2014-___, A Resolution Authorizing The Donation Of Fixed Assets In Accordance With State Statute. (Finance/Teresa Martinez)

ISSUE:

On an annual basis, department staff/elected officials are required to collect information related to inoperable or obsolete property and equipment of Santa Fe County in order to determine its eligibility for surplus. The final listing is then forwarded to all Santa Fe County departments/elected offices, as well as to the Association of Counties to see if other departments/elected offices or New Mexico Counties can use the items that may be offered for surplus.

BACKGROUND:

Santa Fe County follows the State of New Mexico statutory policies to donate surplus property and equipment pursuant to NMSA 1978, Section 13-6-2 (2007).

The Santa Fe County Clerk's Office has submitted sixty-five (65) Auto Karts and eighty (80) Voter Booths for donation that are obsolete. Santa Fe County will donate these items to Rio Arriba County. Upon approval, the Voter Booths and Auto Karts will be removed and re-distributed by Santa Fe County to Rio Arriba County.

REQUEST ACTION:

The finance division requests the board's consideration and approval of the attached resolution to donate the personal property to Rio Arriba County.

Upon approval of the resolution by the Board of County Commissioners, a copy of the Resolution will be submitted to the State Auditor's Office. The items will be released to Rio Arriba County thirty days after notification to the State Auditor.

THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY

RESOLUTION No. 2014 _____

A RESOLUTION AUTHORIZING THE DONATION OF FIXED ASSETS
IN ACCORDANCE WITH STATE STATUTE

WHEREAS, Santa Fe County desires to dispose of certain personal property identified in Exhibit A, attached;

WHEREAS, Rio Arriba County, New Mexico, requested the donation of sixty-five (65) Auto Karts and eighty (80) Voter Booths from Santa Fe County; and

WHEREAS, each set of items on Exhibit A has a separate aggregate estimated current resale value of five thousand dollars (\$5,000) or less.

NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners of Santa Fe County approves the donation of the personal property listed on Exhibit A to Rio Arriba County, New Mexico, pursuant to NMSA 1978, Section 13-6-1 (2007).

APPROVED, ADOPTED AND PASSED this 30th day of **SEPTEMBER 2014**.

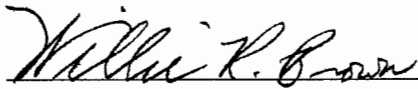
**SANTA FE BOARD OF COUNTY COMMISSIONERS
BOARD OF COUNTY COMMISSIONERS**

Daniel W. Mayfield, Chair

ATTEST:

Geraldine Salazar, County Clerk

APPROVED AS TO FORM:


for: Gregory S. Shaffer, County Attorney

REC'D CLERK RECORDED 11/25/14



SANTA FE COUNTY CLERK'S OFFICE

M E M O R A N D U M

DATE: September 18, 2014

TO: Santa Fe County Board of County Commissioners

FROM: Geraldine Salazar, Santa Fe County Clerk

Cc: Theresa Martinez, Santa Fe County Finance Department Director
Eric Barraza, Acting BOE Chief Deputy Clerk
Melissa Martinez, Accountant/Fixed Assets
Jorge Lopez, Election Administration Specialist Sr. (Fixed Assets)

SUBJECT: Donation of all surplus "Auto Karts" (65) and surplus Voter Booths (80) to Rio Arriba County who is in need of this equipment.

We are requesting BCC approval to proceed with donating the surplus inventory of "Auto Karts" (65) and Voter Booths (80) to Rio Arriba County.

Please note, there are no serial numbers or identifying numbers on the "Auto Karts" and Voter Booths. The condition of this equipment is good with an estimated depreciated value of \$4,875.00 for the "Auto Karts" and \$3,600 for the Voter Booths.

We have worked with Santa Fe County's Finance Department and followed county procedure to appropriately transfer this surplus inventory by means of donation to Rio Arriba County and we are now prepared to transfer this property after BCC approval.

Thank you in advance for your assistance.

EXHIBIT

A

tabbier

Miguel Romero

From: William Berra <wmbberra@msn.com>
Sent: Monday, September 29, 2014 7:02 PM
To: dmayfield@santfecountynm.gov; Kathy S. Holian; Liz Stefanics; Robert A. Anaya; Miguel Chavez
Cc: Miguel Romero
Subject: Final Order BCC CASE # PCEV 14-5120

Dear Board of County Commissioners,

We see that the final order to vacate our legal easement to our property at 64B Paseo Encantado NE comes before the BCC at tomorrow's 11 AM meeting. We have 2 requests:

1. The order is subject to condition 9A:

"The Applicant shall file the portion of the Final Plat (Lot 1) affected by the vacated easement with the County Clerk's Office."

However, no due date for this action is included in the order. Our legal easement to our property has been in question for 4 months as a result of the BCC's action in on May 13, 2014 and will continue to be in question until this matter is resolved. With the easement to our property in question, the value of our property is in question. Please set a date by which condition 9A must be met by the applicant.

2. Condition 9B states that "Only that portion of the easement that runs through the portion of the residence should be relocated," but the summation in the last paragraph of the order includes the words "... but will otherwise *and to the maximum extent feasible*, remain true to the original platted easement ..." Please remove the phrase "and to the maximum extent feasible," as this phrase weakens condition 9B. Words do not precisely describe where this easement is to be relocated: we need to see the draft of the final plat to ensure that the bulk of the easement remains as originally platted.

Sincerely,

Alanna C. Burke and William Berra



Stay Connected With SFC



“Like” us on Facebook

Follow us on Twitter

Address:
102 Grant Ave
Santa Fe, NM 87501-2061

Phone:
Santa Fe County Main Line

(505) 986-6200

Frequently Called Numbers:

Santa Fe County Assessor's Office – (505) 986-6300
Santa Fe County Clerk's Office – (505) 986-6280
Santa Fe County Treasurer's Office – (505) 986-6245
Santa Fe County Sheriff's Office – (505) 986-2455
SFC Adult Correctional Facility – (505) 428-3861

Other Important Numbers

Building Permits 505-986-6225
Fire Questions/ Burn Permit 505-992-3070
Utilities 505-992-9870
Public Works/Roads 505-992-3010
Human Resources 505-992-9880
Community Services 505-992-9849
Attorney's Office 505-326-6279
Teen Court 505-995-9555
Animal Control 505-992-1626



Thank you to this resident for using your Santa Fe County DWI reusable bag at the Santa Fe Farmer's Market!

Visit Us At www.santafecountynm.gov

Retro Reflectometer Important Safety Element of Santa Fe County Roads

Santa Fe County staff uses a pavement marking retro reflectometer to measure pavement marking retroreflectivity. It measures or determines how bright the markings appear at night to motorists.

Nighttime visibility of signs and pavement markings, is essential for efficient traffic flow, driving comfort, and highway safety in general.

The equipment used by Santa Fe County has GPS capability and downloads data into Google Earth, which pinpoints exact coordinates on roads. It also provides immediate pass or fail retroreflectivity information. This data is used to determine where new road striping is needed.

The retro reflectometer program has been in place since June 2014. Santa Fe County has a total of 119 roads that require striping (note: not all asphalt or chipseal county roads are striped) and 82 of those roads have been tested, so far this year.



Picture - (R) Carlos Casisas, Santa Fe County Traffic Mobility Technician using the Retro reflectometer on County Road 62 and County Road 68A.

What's Happening in Brief at SFC

Portion Of Rail Trail Closed

A portion of the Santa Fe Rail Trail will be closed until May 2015 to improve a five mile section of the trail. The portion of trail that will be closed is located between Avenida Vista Grande (mile post 6.5) and the Spur Trail (mile post 11.5).

The closure is part of the second phase of the improvement construction, which includes an improved natural surface trail in the Rail Trail right of way of the Santa Fe Southern Railroad. Trail users should plan an alternate route during this trail construction and closure.

Proposed Development Permit and Review Fee Ordinance

Santa Fe County has released the Proposed Development Permit and Review Fee Ordinance and Fee Schedule for public comment. The proposed documents are available on the County website at www.santafecountynm.gov under Hot Topics. The proposed Fee Ordinance is consistent with the provisions of the Sustainable Land Development Code (SLDC).

Public comments regarding the Development Permit and Review fee Ordinance can be made by emailing or contacting

Vicki Lucero vlopez@santafecountynm.gov at (505)986-6222.

Free Mental health screenings

Santa Fe County Mobile Health Van and CHRISTUS St. Vincent Regional Medical Center Behavioral Health Department are providing free mental health screenings to anybody on Wednesday, October 1, 2014 from 10 a.m. —2p.m. at the Santa Fe Community College Administration Building Entrance. Look for the Santa Fe County Mobile Health Van!



County Manager Katherine Miller

Santa Fe County Donated 448 Meals to the Food Depot

A letter of thanks was sent to Lisa Katonak, Jennifer La-Bar, Tina Salazar, Julia Valdez, Erik Aaboe, and Robert Martinez II, for their efforts in hosting a food drive at the end of the summer. The food drive was part of a community service fulfillment for the Santa Fe County Manager's Committee to be Fit Challenge.

The food drive was held from July 28—August 15 and collected 261 pounds of assorted nonperishable food items. The food drive also collected \$25 in monetary donations. Each dollar donated allows the Food Depot to purchase three pounds of food, making the monetary donations equivalent to 336 pounds of food. In total through the generosity of the County staff 448 meals will be provided for the hungry in Northern New Mexico. **THANK YOU TO ALL THE COUNTY EMPLOYEES WHO PARTICIPATED IN THE FOOD DRIVE!**

The Food Depot is committed to ending hunger in Northern New Mexico and provides food to 145 not-for-profit agencies including emergency food pantries, hot meal programs, homeless shelters, youth programs, senior centers, school-based pantries, homes for the mentally disabled and shelters for battered families. The food bank distributes an average of 400,000 pounds of food and household products each month, providing more than 500,000 meals to people in need.

To contact the Food Depot visit www.thefooddepot.org or call 505-471-1633.



Santa Fe County staff members drop off non-perishable food items on behalf of their team for the food drive.

Weekly Guitar Classes At Youth Development Center

Youth at the Santa Fe County Youth Development Program are able to participate in a weekly Guitar Class. The class is conducted every Friday from 12:30pm-1:30pm. The classes are taught by Dr. Tim Taylor with the Santa Fe County Corrections Medical Department, who volunteers his time to instruct the youth at Santa Fe County Youth Development Program. The guitars that are utilized for the weekly classes were donated by the Freedom in Music Project, a non-profit organization. The Freedom in Music Project was established to bring hope to at risk youth, through the power of music.

To learn more about The Freedom in Music Project visit www.thefreedominmusicproject.com



Santa Fe Bike Related Events



Santa Fe County is home to the Outside Magazine Bike and Brew Festival, which recently drew 8500 participants. The County is also host to a variety of other mountain biking racing events including: La Tierra Torture, Dirty Duathlon, Big Friggin Loop and Xterra.

Join Us for the Santa Fe Century – 30th Annual Ride: May 17, 2015. Celebrating its 30th year in 2015, this race takes riders on a scenic and historic journey through old mining towns, the Ortiz and San Pedro Mountains and across the Estancia Valley on the Turquoise Trail. Racers have the option of riding the Century Tour (103 miles), the Gran Fondo (103 miles – timed) the Half-Century Tour (50 miles) or a 20-mile out and back ride. Riders of all ages and abilities are welcome to participate – for more information, visit: <http://santafecentury.com/>.

Santa Fe Accolades

- International Mountain Bicycling Association (IMBA) 2014 Silver level Ride Center
- Singletracks Magazine voted Santa Fe one of the Top Ten mountain biking destinations in North America
- League of American Bicyclists awarded Santa Fe a Silver designation for its bicycle transportation infrastructure
- USA Today listed Santa Fe as one of America's Top Mountain Biking Towns
- Outside Magazine listed Santa Fe as one of the Top 10 Towns for High Altitude Running
- Runners World Magazine rated Santa Fe's Dale Ball trail system one of 25 Best Trail Runs in America
- Conde Nast ranked Santa Fe "Best Small City in America"

A Few Good Words About The Dale Ball Trails



Runners World Magazine rated Santa Fe's Dale Ball trail system one of 25 Best Trail Runs in America

Dale Ball Trails in Santa Fe, New Mexico

The Dale Ball Trails include 30 miles of looped single-track routes lined with juniper, piñon pine, and mountain cedar trees in the rolling foothills outside the New Age-y artists' enclave of Santa Fe. The terrain ranges from easy to difficult, with a mixture of hard rock and soft dirt surfaces. The trails were funded by an anonymous donor and a private foundation, and are named after a longtime Santa Fe resident who spearheaded the movement to build them.

Santa Fe County Economic Development Focuses on Outdoor Recreation and Ecotourism

Santa Fe County's recently adopted Economic Development Plan includes Outdoor Recreation/ Ecotourism as one of its target industries. According to the Outdoor Industry Association, Outdoor Recreation is a \$6.1 billion industry in New Mexico, creating jobs, gross receipts tax, and new opportunities for outdoor-based tourism. Santa Fe is an ideal location for companies in the outdoor products industries, with a competitive business environment, exceptional quality of life, and world-class outdoor recreation opportunities.

County Economic Development staff have been actively recruiting companies from the outdoor products industries, and recently attended the Outdoor Retailer trade show in Salt Lake City. Partnering with the City of Santa Fe, Regional Development Corporation, and the NM Partnership (business recruitment arm of the NM Economic Development Department), the collaboration met with more than 30 companies while in Salt Lake City, and have several prospects that are interested in relocating or opening a branch in the Santa Fe region.



Economic Development professionals from Albuquerque, Santa Fe, and Espanola at the Outdoor Retailer Trade Show in Salt Lake City, Utah. From (L-R) Eric Vasquez (Regional Development Corporation), Jack Allston (NM Partnership), Fabian Trujillo (City of Santa Fe), Ross Chaney (City of Santa Fe), Paulina San Millan (NM Partnership), and David Griscom (Santa Fe County Economic Development Manager).



County Manager's Monthly Memo

From the Santa Fe County Manager

VOLUME 1, ISSUE 9

SEPTEMBER 2014

EXHIBIT
3

Board Of County Commissioners Upcoming Schedule

- Sept. 9 at 2 p.m.
- Sept. 30 at 11 a.m.
- October 14 at 2 p.m.
- October 28 at 11 a.m.
- Nov. 25 at 11 a.m.
- Dec. 9 at 2 p.m.

All Regular Meetings are held on Tuesday in the County Commission Chambers at 102 Grant. Ave.

All regular meetings are broadcast live at www.santafecountynm.gov and on Comcast Ch. 28 or you can listen live on Que Suave AM810

Other Upcoming Meetings:

- Santa Fe County Open Lands, Trails, and Parks Advisory on October 1 at 6 p.m. in the Conference Room at 901 West Alameda Suite 20C
- Health Policy and Planning Commission on October 3 at 9 a.m. in the Health Conference Room, 2052 Galisteo Street, Suite B

Santa Fe Recognized as Silver Ride Center

Every year, International Mountain Bicycling Association (IMBA) recognizes outstanding mountain bike trails and locations, and this year Santa Fe was recognized as a 2014 Silver level Ride Center. The Ride Center designation represents IMBA's recognition of large-scale mountain bike destinations that offer a wide range of great trails for every riding style. According to IMBA, "Ride Centers not only invite you to plan a multi-day trip with your full quiver of mountain bikes and the whole family, they take care of you both on and off the trail by being places where mountain bikers are welcomed."

"Santa Fe County is proud to be part of the Outdoor Recreation economy and to receive this designation. This award in conjunction with the City of Santa Fe hosting the IMBA World Summit in 2012, is validation of the excellent mountain biking infrastructure we have. Mountain biking is becoming an important element of our economy," said Katherine Miller, Santa Fe County Manager.



Santa Fe County Manger with Santa Fe Fat Tire Society members in Steamboat, CO accepting the 2014 Silver Level Ride Center Award

IMBA describes its list of Ride Centers as "the trails worth traveling to, the best places to introduce someone to the sport we all love and the facilities builders and advocates should look to for inspiration. They vary from gorgeous adventures in the backcountry to innovative trail systems located near large population centers."



**Santa Fe County Board of County Commissioners and City of Santa Fe City Council
Joint Meeting
Economic Development projects relevant to both governmental entities**

DRAFT agenda

Joint County/City economic development values and goals:

- High wage, high mobility job creation
- Skilled workforce
- Work collaboratively and regionally
- Build small business and target industry capacity
- Increase airport activity
- Build on brand and unique assets

1) County ED Overview

- a. Current Investments and Budget
- b. Goals and Target Industries

2) City ED Overview

- a. Current Investments and Budget
- b. Goals and Target Industries

3) Discussion on future collaboration

- a. Santa Fe Film Commission
 - i. Proposal: Jointly fund a 501c3 nonprofit to serve as the Santa Fe Film Office
 - 1. Initial 3-year commitment
 - 2. RFP process
 - b. Outdoor Recreation
 - i. Proposal: Create a Outdoor Recreation web portal
 - ii. Proposal: Recruit OIA "Rendezvous" conference to be held in Santa Fe 2016 or 2017
 - c. OTAB/LTAB
 - i. Proposal: Combine/coordinate marketing efforts
 - d. Public Banking
 - i. Proposal:

###

CAMPAIGN CONTRIBUTION DISCLOSURE FORM

Pursuant to the Procurement Code, Sections 13-1-28, et seq., NMSA 1978 and NMSA 1978, § 13-1-191.1 (2006), as amended by Laws of 2007, Chapter 234, any prospective contractor seeking to enter into a contract with any state agency or local public body must file this form with that state agency or local public body. This form must be filed even if the contract qualifies as a small purchase or a sole source contract. The prospective contractor must disclose whether they, a family member or a representative of the prospective contractor has made a campaign contribution to an applicable public official of the state or a local public body during the two years prior to the date on which the contractor submits a proposal or, in the case of a sole source or small purchase contract, the two years prior to the date the contractor signs the contract, if the aggregate total of contributions given by the prospective contractor, a family member or a representative of the prospective contractor to the public official exceeds two hundred and fifty dollars (\$250) over the two year period.

Furthermore, the state agency or local public body may cancel a solicitation or proposed award for a proposed contract pursuant to Section 13-1-181 NMSA 1978 or a contract that is executed may be ratified or terminated pursuant to Section 13-1-182 NMSA 1978 of the Procurement Code if: 1) a prospective contractor, a family member of the prospective contractor, or a representative of the prospective contractor gives a campaign contribution or other thing of value to an applicable public official or the applicable public official's employees during the pendency of the procurement process or 2) a prospective contractor fails to submit a fully completed disclosure statement pursuant to the law.

The state agency or local public body that procures the services or items of tangible personal property shall indicate on the form the name or names of every applicable public official, if any, for which disclosure is required by a prospective contractor.

THIS FORM MUST BE INCLUDED IN THE REQUEST FOR PROPOSALS AND MUST BE FILED BY ANY PROSPECTIVE CONTRACTOR WHETHER OR NOT THEY, THEIR FAMILY MEMBER, OR THEIR REPRESENTATIVE HAS MADE ANY CONTRIBUTIONS SUBJECT TO DISCLOSURE.

The following definitions apply:

“Applicable public official” means a person elected to an office or a person appointed to complete a term of an elected office, who has the authority to award or influence the award of the contract for which the prospective contractor is submitting a competitive sealed proposal or who has the authority to negotiate a sole source or small purchase contract that may be awarded without submission of a sealed competitive proposal.

“Campaign Contribution” means a gift, subscription, loan, advance or deposit of money or other thing of value, including the estimated value of an in-kind contribution, that is made to or received by an applicable public official or any person authorized to raise, collect or expend contributions on that official's behalf for the purpose of electing the official to statewide or local office. “Campaign Contribution” includes the payment of a debt

incurred in an election campaign, but does not include the value of services provided without compensation or unreimbursed travel or other personal expenses of individuals who volunteer a portion or all of their time on behalf of a candidate or political committee, nor does it include the administrative or solicitation expenses of a political committee that are paid by an organization that sponsors the committee.

"Family member" means spouse, father, mother, child, father-in-law, mother-in-law, daughter-in-law or son-in-law of (a) a prospective contractor, if the prospective contractor is a natural person; or (b) an owner of a prospective contractor.

"Pendency of the procurement process" means the time period commencing with the public notice of the request for proposals and ending with the award of the contract or the cancellation of the request for proposals.

"Prospective contractor" means a person or business that is subject to the competitive sealed proposal process set forth in the Procurement Code or is not required to submit a competitive sealed proposal because that person or business qualifies for a sole source or a small purchase contract.

"Representative of a prospective contractor" means an officer or director of a corporation, a member or manager of a limited liability corporation, a partner of a partnership or a trustee of a trust of the prospective contractor.

Name(s) of Applicable Public Official(s) if any: _____
(Completed by State Agency or Local Public Body)

DISCLOSURE OF CONTRIBUTIONS BY PROSPECTIVE CONTRACTOR:

Contribution Made By: _____

Relation to Prospective Contractor: _____

Date Contribution(s) Made: _____

Amount(s) of Contribution(s) _____

Nature of Contribution(s) _____

Purpose of Contribution(s) _____

(Attach extra pages if necessary)

Signature

Date

Title (position)

--OR--

NO CONTRIBUTIONS IN THE AGGREGATE TOTAL OVER TWO HUNDRED FIFTY DOLLARS (\$250) WERE MADE to an applicable public official by me, a family member or representative.

Signature

Date

Title (Position)

2025 RELEASE UNDER E.O. 14176