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BCC MINUTES
PAGES: 178

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SANTA FE COUNTY

BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

September 9, 2014

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

SANTA FE COUNTY
REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

September 9, 2014

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:10 p.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 Lorice Griego, the State Pledge by Camille Varela and the Moment of Reflection by Carol Branch of the Community Services Department.

F. Approval of Agenda

CHAIR MAYFIELD: Commissioners, we have our agenda in front of us today and COLTPAC asked that I postpone, under V. A. 1 the presentation and update of the mission and vision statement for open space and trails strategic plan until 4:30 or there around after so the COLTPAC members have an opportunity to be here. So with that I would just ask that you all are aware of that and we'll go to our County Manager, Ms. Miller.

KATHERINE MILLER (County Manager): Mr. Chair, yes, we have some

amendments to the agenda. This is the second amended agenda. First item that was added to the agenda is under Action Items, item III. B. 3 and then also under Discussion Items, item V. A. 3 was also added. And then under the Public Hearings after 5:00 this evening our land use case item VII. A. 1 has been tabled. And those are all of the changes that I am aware of to the agenda at this time.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR MAYFIELD: Commissioner Holian.

COMMISSIONER HOLIAN: I would like to request that we move item III. B. 3 to be the first action item, because there is a deadline involved with that, and if possible, I would like to be a co-sponsor of that resolution.

CHAIR MAYFIELD: Commissioners? Commissioner Chavez.

COMMISSIONER CHAVEZ: Mr. Chair, I don't have anything to add to the agenda but I would like to make a motion to approve the agenda as amended.

COMMISSIONER HOLIAN: Second.

CHAIR MAYFIELD: Motion and a second. Just a question for our County Attorney, please. Mr. Shaffer, Santa Fe County has met all proper noticing requirements with that item?

GREG SHAFFER (County Attorney): Mr. Chair, yes, that's correct. Our Open Meetings Act resolution as well as the Open Meetings Act itself requires an agenda to be posted at a conspicuous place at the public body as well as on the internet 72 hours prior to the meeting and that was accomplished in this case.

CHAIR MAYFIELD: Thank you. Commissioners, we have a motion and a second in front of us.

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

G. Approval of Minutes

1. Approval of August 12, 2014 BCC Meeting Minutes

COMMISSIONER STEFANICS: Mr. Chair I'll move for approval of August 12, 2014 BCC meeting minutes.

COMMISSIONER HOLIAN: Second.

CHAIR MAYFIELD: We have a motion and a second. Any questions? Changes? Seeing none.

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

II. CONSENT AGENDA (Public Comment)

A. Final Order

- 1. CDRC CASE # Z 14-5010 31 Bonanza Creek Road. Leslie Moody and Mitchell Ackerman, Applicants, JenkinsGavin, Agents, Requested Master Plan Zoning Approval to allow a Bed and Breakfast within an Existing Residence on 9.94 acres. The Property is Located on the West Side of Highway 14 off**

**Bonanza Creek Road (County Road 45), within Section 26,
Township 15 North, Range 8 East (Commission District 5) Jose
E. Larrañaga, Case Manager (Approved 4-0)**

CHAIR MAYFIELD: Commissioners, what's your pleasure with that?

Consent?

COMMISSIONER STEFANICS: I'll move approval of the Consent?

COMMISSIONER HOLIAN: Second.

CHAIR MAYFIELD: I apologize. Is there any public comment on that Consent item? Seeing none, we have a motion and a second to approve our Consent Agenda.

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

III. ACTION ITEMS

B. Resolutions

**3. Resolution No. 2014-87, a Resolution Proposing a Countywide
Advisory Question for the 2014 General Election Concerning
Public Support for Efforts to Decriminalize Possession of One
Ounce or Less of Marijuana**

COMMISSIONER STEFANICS: Thank you, Mr. Chair. First of all I would like to thank our County Attorney and our – I don't think we have it in our book, first of all. I don't have a copy.

COMMISSIONER HOLIAN: I don't have a copy either, Mr. Chair.

COMMISSIONER ANAYA: I don't have one.

CHAIR MAYFIELD: I have one. Does anybody want to make copies of it? *[Exhibit 1]*

COMMISSIONER STEFANICS: So first of all, I'd like to thank our County Manager, our County Attorney and our County Clerk for accommodating my last minute request and introducing this resolution. Specifically my purpose in doing this was multifold. I received a direct request from a group that indicated that they were concerned that everyone who had signed the petition to move this on to the City ballot did not have any opportunity to then participate publicly in the matter, and that there still was a desire to participate in a vote.

I know that the City Council had good intentions in their action but I do believe that the few thousand citizens that participated in this petition process deserve the ability to go to the polls to express their wishes, pro or con, on the advisory question. It is an advisory question and it's still coming. I'm sorry I don't have it to read out loud. It's very short. The advisory question would be, and we have this in the form of a resolution.

Now, therefore be it resolved, that pursuant to NMSA 1978 Section 1-16-8 the Board, number 1 proposes that an advisory question be submitted to the voters of the entire county in the 2014 general election, and two, proposes that the advisory question read as follows: Should the Board of County Commissioners of Santa Fe County support

County, City and Statewide efforts to decriminalize possession of one ounce or less of marijuana?

For support of decriminalization, a circle to fill in.

Against BCC support of decriminalization efforts, a circle to fill in.

So that is the simple advisory question that I am requesting for the number of people who participated in the petition signing, and I know that we have some members of the public here to speak to this, but before we go on to that I'm going to move approval of the resolution.

COMMISSIONER HOLIAN: And I will second that.

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

Discussion?

COMMISSIONER ANAYA: Mr. Chair.

CHAIR MAYFIELD: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair and Commissioner Stefanics, if you're the appropriate person to answer the question; it might be staff. I actually like the opportunity to have, as you stated, advisory questions on a ballot and the thing that pops into my mind isn't this particular item but it's something like solid waste, and solid waste fees, something that I know this Commission talked about at the last meeting that I wasn't present at that I'm going to comment on later in the meeting.

But can you tell me how it is, what's the cost associated with putting an advisory question? And what are your thoughts on having other advisory questions on ballots that are of substantial policy matter and actual fiscal matter for the County. Because I actually think it might be a good tool with things that affect our constituents to better understand what their perspective is, so could you help me or if it's staff that needs to address that I'd like to hear from them.

COMMISSIONER STEFANICS: Well, Mr. Chair and Commissioner Anaya, I would relay the question about the cost to our County Clerk and then I could answer the other question.

CLERK SALAZAR: There are no additional costs. This is not a City question whereas in the past – the City has their own election codes; we have ours. This is a very simple question. The language is short and to the point. There are no additional costs.

COMMISSIONER STEFANICS: Mr. Chair, on your second question, Commissioner Anaya, I'm thinking back to when we tried the fire tax the very first time that I was on the Commission and the fire tax failed. That would have been a good time to test the public on their commitment to fire services and funding for fire equipment in an advisory question. We have that opportunity to do that tax on a limited basis and so instead of an advisory question we went directly for the question and it wasn't the right time because of the economy.

We have at times talked about a mill levy tax for the hospital. I think that would be a great advisory question. I think your comment about solid waste, etc. is appropriate for an advisory question. I do not think that at this time I'm going so far as supporting any referendum status for the County but I do think advisory questions are appropriate. I do know that at times Santa Fe County has participated – or not just participated, we have

contracted for survey work on particular questions to the general public so that they could give us their input as to priorities for spending and some other general questions. In fact when we did the last survey we included a question regarding the minimum wage and that helped give some direction about what the majority of people in the community wanted us to do.

So I believe that advisory questions on a ballot might be appropriate at times when we're not doing survey work. I also would not want to do special elections, and I'm speaking specifically for myself. I would not want the County to do special elections because of the cost. Thank you.

COMMISSIONER ANAYA: Mr. Chair and Commissioner Stefanics, I appreciate and respect your perspective and your point of view and would concur that it's a good tool. Mr. Chair, Ms. Salazar, many times when we talk about putting things on the ballot, the first thing you see in the newspaper or you hear on the news is that it would be a special election or adding an item might be a cost associated to the ballot. Why is an advisory question not – does it have to do with space on the ballot and if a ballot has too much space is that where things get complicated and if so, do we have additional space for other advisory questions at this time?

CLERK SALAZAR: Chair Mayfield, Commissioner Anaya, there are many little factors that are at play right now. One is the County currently has no other question. If this should pass it would be the only question that Santa Fe County has. So room is always an issue if you have several questions on a ballot so we have to be cognizant of that. But the way this is worded, it's very limited, it's to the point and so there is space, and there's no cost.

I want to expand a little on the fire tax that we experienced in the past. That tax, that vote was specific to county voters. So in that election we had to have separate ballots, so there was some additional things that we needed to do. With this question on the ballot there will be no different ballots. Everyone in the county can vote. No one will be left out. So it will be one ballot given to everyone.

COMMISSIONER ANAYA: Right. So Mr. Chair and my colleagues on the Commission, and the community, people here, listening on the radio and the Clerk, what I'm talking about has to do with what are the overall responsibilities of County government? Where are the overall expenditures? Where are the overall priorities that we have as a Commission? And then how as time moves forward might be prioritize the aspects and say, well, this rises to the level of the highest priority or need and this is an advisory question that should be put on the ballot. This particular question is one that's been highly publicized and everybody's looking at it on Twitter and Facebook and everywhere else and watching what happens in Colorado and Washington State and in other areas. So I have a few other questions that tie specifically to this question.

Well, as a policy making board I think it's important for to take a look at taking a validation and a look at what are the overall needs of the County and what other questions might we ask out constituency, the public, in a voting election for them to weigh in on. And so that's the impetus of my questions.

CLERK SALAZAR: I think that's important to think about and I think that you as a body have that process, to discuss it, to decide whether you want something

on the agenda or not and to vote. We also are here to assist in that process, as the County Clerk, as the County Manager and the County Attorney. We all came into play to see what was it that Commissioner Stefanics wanted. We saw that the language was short in length. We know that we're running an election. That's what counties do – they run elections. County clerks are the official election official of the county.

So the process has gone through very smoothly at this level, at the County level. We were willing to work with the City. It was do-able, but it was cumbersome because of the language, the ballot, the font size. There were a lot more details that we had to deal with. Now with this, if you should decide to not pass it, there's no cost. If you should decide to pass this, there's no cost. The only issue that I ask is that you keep in mind is that my staff is waiting. We are mandated to go to election school I left earlier this morning to let the Secretary of State know that I needed to come back to be here for you if you had any questions. If you pass this, my staff is ready with their computers to enter the information so that we can submit to the Secretary of State, so everything is in place for you and the ballot.

COMMISSIONER ANAYA: Thank you, Mr. Chair and Ms. Salazar. I'm going to wait and ask a few other questions specifically to this question to our Public Safety Director and maybe some others but I'll defer for now. Thank you, Mr. Chair.

CHAIR MAYFIELD: Commissioner Chavez.

COMMISSIONER CHAVEZ: Thank you, Mr. Chair. I had some comments, some notes that I was going to make comments on but I'll shorten them because much of what I was going to say has already been said. So in part, I'm willing to support the resolution which supports the citizens' efforts in that petition drive. I think that's significant. I had a question about the space on the ballot; I think that's been addressed. The cost has been addressed. Those are issues that I think need to be considered. The Secretary of State I'm hopeful will accommodate this on the ballot because I know that office will have some oversight in that, so if we've addressed – if we've made it simple and if it's not taking space that shouldn't be an issue. Right, Geraldine?

CLERK SALAZAR: I have informed the Secretary yesterday morning and in the afternoon. I provided early language in the morning and then in the afternoon the language was changed so I provided her that information. I gave her advance notice of the process, and I stated to the Secretary of State twice that if you should vote on this resolution that I would provide the final language and that my staff was prepared to submit the information so that the ballot could be certified today. So we have a deadline. Today is the deadline, so that we can get it on the ballot and print it.

COMMISSIONER CHAVEZ: Okay. Thank you. I appreciate that. And Commissioner Anaya, to your question about what we might do in the future to place this type of question on a ballot, I think is relevant and I think setting some priorities would be helpful. I know that the County has in many cases done public surveys. It's not necessarily a ballot initiative but it's a public opinion poll, which is pretty much what this is. And so I would encourage that. Your comment to Public Safety I think is also warranted because they play an important and integral part in this and in the enforcement.

And I don't want to undermine any of their efforts in supporting something like

this but I do feel personally that the prohibition that we've been under, the war on drugs that we've been engaged in, really, I think in many cases has been counterproductive. And I would like to see that change a little bit. And that's one reason why I'm willing to support this resolution and see if we have the public support and then Public Safety will always have to play a role in that, because we do want a civil society. We don't want things getting too out of hand and so that has to be managed and there has to be oversight. So I'll leave that question for you to pose and see where we go, see where this moves in the future. Thank you.

CHAIR MAYFIELD: Mr. Shaffer, I have a question. So in reading how it's being proposed, they propose that the advisory question read as follows: Should the Board of County Commissioners, BCC of Santa Fe County support County, City and Statewide efforts to decriminalize possession of one ounce or less of marijuana? I'm familiar with the City's efforts. I believe I'm familiar with some state legislative efforts. Has the County taken any efforts to date that you're aware of to decriminalize the use of marijuana?

MR. SHAFFER: Mr. Chair, I'm not aware of any specific efforts undertaken to date. I understand the phrasing of the question to be open-ended enough to also encompass forward looking efforts that might arise after the advisory question is put to the voters and I believe that was the intent as to its wording, but I would defer that to Commissioner Stefanics.

CHAIR MAYFIELD: Then I'll just ask that, if anybody's familiar with any County efforts for decriminalization of marijuana.

COMMISSIONER STEFANICS: Mr. Chair I'm not familiar with any County efforts. We do always have an issue with the population in our jails that are serious drug offenders versus those individuals who are first-time offenders or offenders with very light possession charge. And our judges, in fact, are very instrumental in how they would handle this. And so while the City would have to debate with the courts whether they have the authority under home rule to pursue this, probably we will have to work with the state on state direction. But if we had a population here in Santa Fe County that was leaning one direction or the other, I think that would be very useful for our own delegation.

CHAIR MAYFIELD: Thank you. Any other questions at this time? I'm going to open this up and ask the public, at least afford the public an opportunity to comment on this please. If anybody wishes to comment, just show by a show of hands right now who would care to comment on this. Okay. I don't believe anybody needs to be sworn in on this; it's just advisory. So if you just want to make your way up and if you would state your name and address for the record it would be much appreciated. So whoever feels like coming on up come on up, please.

JAMES GOLLIM: Good afternoon, Mr. Chair and Commissioners. My name is James Gollim, and thank you so much for taking up this question. To keep it brief I'll just say that this is an issue which around the country, obviously, is in a tremendous amount of change from legal in Colorado, illegal federally, legal now in many of the states for medical reasons. And it just seems like a perfect issue to get a pulse of the people of Santa Fe County at this time. And in specific, after all the

incredibly hard work that people did to put the petition before the City and what I'm sure you've heard of, there were literally thousands of people who lived in the county but not the city who signed that and of course the Clerk had to do a tremendous amount of work to pull them off and get their right numbers.

People in the county and the city are looking to weigh in on this topic. And obviously, voting to put it on the ballot is not voting one way or the other on the issue, but to give the possibility for the citizens of Santa Fe to have their voices heard. So thank you for your consideration.

CHAIR MAYFIELD: Mr. Gollim, Mr. Ellenberg.

RICHARD ELLENBERG: Chairman, members of the Commission, Richard Ellenberg, 1714 Canyon Road. I know the press wants to focus on how this may or may not affect Democratic candidates. I'll be delighted if millennials get more in the habit of voting as a result of this. But I think the most important aspect of this is discussion. The war on drugs, as Commissioner Chavez has referred to, has not been a great success but it has been a taboo topic. Taboo, through most political discussion and most academic studies. I'm hoping that measures like this can help make that topic debatable, talkable. I'm not sure – I certainly don't know all the answers but I look forward to this helping to increase the amount of discussion and consideration of both those efforts and for this being on the ballot and helping that effort. Thank you.

JEREMY RENDA: Commissioners, my name is Jeremy Renda. I live at 4081 Montana Verde Road and I really appreciate you bringing this issue to the voters and I think it raises a number of issues, agreeing with the gentleman here that it's good to have this discussion. In doing this we're gauging public opinion on possession of marijuana and lowering the penalties for that and in a way saying, okay, well, this is less of a priority for law enforcement. These people – it's been proven that it has medical significance and it helps people. It's legal under the state law, medical cannabis and I'd really like to see us moving forward toward protecting the citizens of this state from discrimination at the workplace, because there are a lot of – a lot of people are getting fired and a lot of people that are unable to use their licenses due to fear of retaliation and discrimination at the workplace. So I'd really like to see us moving forward and having those discussions and protecting people from losing their jobs, because it's one thing to say, okay, yes, it's only a \$25 fine if you have it but it's another thing, an entirely bigger issue to say if we test you and you come up positive, you're fired. That ruins people's lives and they're not able to use the medication that's been recommended by a medical doctor. And so I appreciate that we're having at least some discussion and moving towards a more sane policy. Thank you.

CHAIR MAYFIELD: Thank you.

PAUL HILLMAN: Good afternoon, Commissioners. I'm Paul Hillman, 134 East Lupita. I was one of the people out there for seven weeks on the front lines gathering signatures in the City of Santa Fe. And in my travels around town, talking to many, many people, I would say more than a third of the people I spoke with were from the county. And they expressed a desire to have an opportunity to put this on the ballot so they could vote one way or the other about this. A lot of them were kind of dismayed that they couldn't sign the petition and we told them that we're moving forward in baby steps.

Here's another opportunity to put this before the people for discussion, to vote one way or the other.

I gathered approximately – probably over 1,100 signatures and I would say a third of those signatures were county people that wrongly signed the petition and the County Clerk had to weed through all of that, but there was a very, very strong opinion about it. I had people tell me I was doing the devil's work and I had people tell me I was doing God's work. So it was very diversified and quite an interesting experience on this particular subject matter. And I just thank you for the opportunity to discuss this and that's about it. So thank you.

CHAIR MAYFIELD: Thank you, sir. Mr. Bundy.

CARTER BUNDY: Thank you, Mr. Chair, Commissioners, Carter Bundy with AFSCME. I just wanted to convey to you that our members in both Albuquerque and Santa Fe, through their own democratic process had recommended that AFSCME support reduced penalties because we see the effects of putting people in jail for possession of small amounts. It does tend to ruin lives. I have a son; I don't want him to grow up, frankly even having a beer. But this isn't about that. I think this is about how we handle the use of substances in our society and our members have given me the direction to speak clearly that we hope you will put this on the ballot. Thank you.

CHAIR MAYFIELD: Thank you.

NAT DEAN: My name is Nat Dean and I live at 110 Sierra Azul in the County of Santa Fe, and I've lived with multiple disabilities for more than 30 years, including traumatic brain injury, unremitting chronic pain and nausea, PTSD, depression and panic attacks as a result of a motor vehicle accident. My goals are to live well with the disability and avoid the traps that traditional chemical pharmaceutical treatments can cause. I have in the past had to take as many as 27 different chemical medications on a daily basis to cope with these challenges.

Such a chemical assault causes severe consequences including the development of secondary symptoms. One medication treats one symptom, another treats one more while another medication gets added to the mix to combat medication side effects. This snowball effect frequently happens to people with multiple severe and chronic illnesses. Narcotics are often prescribed and tolerance quickly builds while simply seeking relief from pain. The complexity of treatment is magnified beyond proportions that most people can comprehend. The innocent desire to simply live without pain causes the undesired consequent of addiction, which in turn creates a nightmare for patients' family and friends. Both of these scenarios happened to me.

The availability of medical cannabis has facilitated many aspects of my condition over the past four years. It has allowed me a much milder form of treatment for many symptoms. I've been able to cut down my daily medication intake to approximately six. Not only have my prescriptions decreased but my number of doctor visits have gone down from almost seven a week to only one or two. This has been enormously positive and has meant huge economic relief both to me and my insurance companies including Medicare. More than anything else, I am no longer addicted to narcotics because I have alternative tools at my disposal.

I'm telling you my story and I know I'm taking a little bit of extra time, because

there are some proposed rule changes to the medical cannabis program by the Department of Health that are still undergoing review. If these proposed rule changes go into effect currently I receive the cannabis from a licensed, non-profit producer of medical cannabis. If I were to run out of medical cannabis, and there is a shortage every year in the tons for patients to have access to natural medicine of cannabis, I would be forced to go to the streets, and this is happening frequently. Also cost factors.

Within the proposed changed rules if you were to buy cannabis for medical purposes on the street you would be considered a criminal. I would be criminalized. So I am in favor of the reduction of the penalty, because if I were to be caught with the proposed rule changes going into place, with cannabis purchased from other than a licensed non-profit producer I would be penalized. Thank you very much for your time. I appreciate your taking this under advisement.

CHAIR MAYFIELD: Thank you. Will you introduce who's with you today?

MS. DEAN: This is Tommy, my service dog. And he's my fourth service dog in 28 years.

CHAIR MAYFIELD: He's very beautiful.

MS. DEAN: Thank you.

CHAIR MAYFIELD: Thank you.

EMILY KALTENBACH: Good afternoon, Commissioners. Emily Kaltenbach, the state director of Drug Policy Alliance, and thank you for the opportunity to speak again and thank you for your support a couple of weeks ago on the City initiative. I'm here obviously representing our organization that's been active in the reducing penalties campaign here in Santa Fe County and Bernalillo County, but I'm also here representing the thousands of voters, county voters, who wanted to sign the petition for the City initiative but couldn't and were devastated to learn that they wouldn't have a voice in this matter.

So as I had testified a couple weeks ago we had collected close to 11,000 signatures in 52 days. Thousands of those signatures, we were told by the City Clerk were actually those signed by County residents and therefore not valid, as one of our canvassers had mentioned before. We heard, while we were out on the streets both from the city voters and county voters, from parents and grandparents, all who wanted to voice their opinion because they saw how the current laws really were negatively impacting their families. Young adults who were arrested for possessing tiny amount of marijuana who couldn't go to college because they couldn't get a school loan because of that conviction. Adults who were arrested and lost their jobs because of that arrest and couldn't support their families, and others who couldn't get a job because of having a conviction on their record, perhaps a conviction that happened 20 years prior.

Just today I heard from a mother who wanted to be here but was working who just adopted a child, an eight-year-old and who is very active in adoption rights, and was devastated to learn that if she had had a conviction for possessing tiny amounts of marijuana, perhaps again 20 years prior, she wouldn't potentially be allowed to adopt a child here in New Mexico. New Mexico is one of a handful of states that make it difficult for parents to adopt because of having a conviction for possessing small amounts of

marijuana just for personal use.

We also had law enforcement officers actually sign our petition and what they said is that they wanted to be spending their time on more pressing crime. But to be fair, we also heard from voters who didn't believe in decriminalization and want to voice their opposition come November if this question is on the ballot.

So finally, again your vote today is not a vote in support of marijuana. It's a vote for direct democracy in which voters of Santa Fe County can tell you directly, you the elected officials, their opinion on policy and we believe that is a tenant of our democracy. So today you can give all county voters, not just those in the city limits, the chance to show their support or their opposition for marijuana decriminalization at the ballot box this November. Let's have policy arise from the will of the people. Thank you very much.

LISA LAW: Hello, County Commissioners, County Manager, County Clerk and County Attorney. My name is Lisa Law and I live at 811 Ninita Street, 87505. And I was one of the people collecting signatures for seven weeks for this purpose of getting it on the ballot, the choice of reducing the fines for an ounce or less of marijuana. I think I got about 1,500 signatures, but I spoke to over 3,000 people and what I learned was amazing, to talk to these people about this issue. A lot of them said, well, why don't we just make it legal? Why do we have to go through this? And I said, because we tried to do that in the state by doing what – making it legal, and we couldn't even get past committee on that. So this is the little step we have to take to get to where we want to get, because prohibition didn't work against alcohol. The Mafia and Al Capone and everybody made it anyway and sold it and then the states didn't get any taxes.

So prohibition didn't work. I believe that alcohol is worse than marijuana, because alcohol makes you dopey and when you drive you smash into people, and it also makes you mean, whereas marijuana makes you hungry and want to go to sleep. So I think it should never have been made illegal. So I think giving the people from the county a choice is very important because when I was signing people up, on my sign I said I said this if for city – we have to meet city residents, registered city residents. And people said, but I'm from the county. I want to vote. How can I vote? And I said, you can't. This is not county; this is city. And they said, well, that's not fair. We want to be able to vote.

So I think presenting it to the county and the state and the city at the same time and allowing them to vote. They didn't get to vote because the Mayor and the City Council people passed it. So all those people who wanted to vote for it City Hall didn't get to vote for it, so they were disappointed. So this way, it allows everybody to come out and vote. So I think it's a really good idea and I'm glad that you brought it up and I thank you very much, and I was very glad to help for seven weeks to get this to this point because I think it's long overdue and the war on drugs has failed. Thank you.

CHAIR MAYFIELD: Thank you.

HANK HUGHES: Mr. Chair, members of the Commission, my name is Hank Hughes. I'm with the New Mexico Coalition to End Homelessness and I also live in Santa Fe County and I also am in support of this resolution. I think it's important for the voters to make their will known, and I agree with everything everybody else said. The war on drugs – the consequences of the war are much worse than a little bit of marijuana. I'm sure we all know lots of people who use marijuana occasionally, either for medical

users or without the medical card and I shudder to think of any of my friends facing the criminal justice system over that. So I think this is a very good idea. Thank you very much.

UNIDENTIFIED SPEAKER: Good afternoon, ladies and gentlemen. Thank you for your time. Everybody before me has said it so well, I'm here to support them. Thank you.

GAIL KARR: My name is Gail Karr and I live out in the county, PO Box 8521, Santa Fe, New Mexico, 87504. I was part of the petition drive and I really got to see how many county people wanted to sign this petition. But besides that, what I wanted to mention is that for years I used to work in a mental hospital and I was the person who dealt with the people who were freaking out and dealt with the drug people, basically. And so I got to see a lot of people in a lot of situations and how they were handled in different situations by different doctors and hospitals.

So I developed an interest in this a long time ago and trying to keep people's heads together while they were freaking out or hospitalized. So one thing I've really gone to over the last several years, realizing where people's mental illness or what they do is connected to, I've been going to the Drug Policy Alliance International conferences for years. When we look at this we have to remember what a young country we are at looking at our issues in general. We are young compared to the countries in Europe and all over that have been dealing with these problems for years and had different solutions and legalizations, years of research in how to deal with addiction, non-addiction, getting help, ending prohibitions where you could get addiction – all help deciding what is the problem. Bringing people out of the closet. If we don't do that we'll never be able to fight AIDS and hepatitis that are happening.

And I think the first thing that we really need to do is to start a real dialogue about all the implications of everything so we can come up with some real solutions through sincere dialogue, critical analysis and strategic activism concerning all the problems associated with the use, abuse and dependence of any drug. Especially at these conferences I would be hearing things that, ah, if only I could bring it to Espanola it would be a way of dealing with things. There are so many things out there that affect us as a state that we have to look at, and it's not just the one-ounce decriminalization. It's the whole picture of what's going on in our society and our state, and we have to make it grown and look toward the future and not reject what other countries have learned, from New Zealand to Portugal to all over the world. Right now people are dealing with this. We are not alone in this, so we have to really examine it. Hiding our heads in the sand is no answer. Thank you for your consideration.

CHAIR MAYFIELD: Thank you. Anybody else? Please.

KAREN BYERS: Hi. I'm Karen Byers and I live at 605 Galisteo, and I did go out and volunteer to do signature gatherings and I just want to really support what people have already said, that people of the county were just anxious that they couldn't sign it. And some people did anyways, as the Clerk knows. And so the other thing I want to bring up is that having these marijuana charges, especially for less than an ounce is really impairing our youth in being able to continue their education, for their higher education concerns, as well as people that have different jobs that it interferes with. So I

really want to get that burden out of their way for their light, casual use, and then I think if you look at that votes historically on marijuana issues, be it medical marijuana, be it total legalization, that you'll find it a non-partisan issue and that – I wish I had the numbers in front of me but I forget how much more legalization passed than any other Democrat or Republican. Thank you all.

CHAIR MAYFIELD: Thank you.

CAROL ALEXANDER: My name is Carol Alexander and I'd rather not give my address. I can give it privately but not publicly. I believe that we were supposed to have 72 hours prior to bringing this and putting this on a ballot. So I find this highly illegal to put it on the ballot at this time without further discussion on both sides. This is like New Mexico getting a deck of cards and dealing them, building their house of cards and then finding out that the cards weren't dealt correctly, that you haven't been given the 72 hours to present this, and we weren't. So both sides are not her, and that's highly illegal and not right, unless it's an emergency, and this is not an emergency in my books and I don't think it's in your books either.

So if you get this house of cards and it's illegal, the cards are going to fall, and that to me is like the state of n. Unless we do this right and to the point and everybody gets a say and everybody has the truth, then the cards and going to fall and the house of New Mexico is going to fall.

I brought three kids up in this state and I feel that the children are what you should be looking at. The children that go to our schools, the children that are trying to learn. The children that are not given a chance because the classrooms are full of kids coming in stoned. And I've met several of these people on the street and I was all for the right to vote, but not unless it's done legally, and I don't think any of you up here are doing this legally by slipping it in without the 72-hour notice to both sides.

Because this is not the emergency that you're trying to slip it under and I think that's wrong. My children don't live in this state anymore. They couldn't get the jobs they were qualified for with the pay that they were qualified for, so they left the state. Where my family came in on wagons and homesteaded. But they followed the rule of the law, and I grew up as the rule of the law and I think for God's sake, that's what voting is all about, but follow the rule from the very beginning. The 72 hours is part of that law and don't please forget it or why follow law at all. Thank you.

CHAIR MAYFIELD: Thank you. Mr. Shaffer, based on the lady's comments, and I appreciate them, I'd just ask for you to restate that Santa Fe County is within the Open Meetings notice and this is not an emergency meeting on this topic.

MR. SHAFFER: Mr. Chair, that's correct. This is an agenda item on a regular meeting of the Board of County Commissioners. The final agenda is required under our Open Meetings Act Resolution and the Open Meetings Act to be posted on the internet and at a conspicuous place at the County at least 72 hours prior to the meeting. In this instance, the second amended agenda was posted on the County's website prior to 2:00 pm on Saturday and the second amended agenda was also posted on the front and back doors of the County Administrative Building prior to 2:00 pm on Saturday so that it was clearly visible to anyone in the public who would have had occasion to come to the County administrative offices or walk by on the street.

CHAIR MAYFIELD: Thank you, Mr. Shaffer. Anybody else from the public wishing to comment on this matter before us today? Seeing none, I'll go back to the Commissioners. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. I'd like to thank everybody in the audience, pro and con, who came to speak about this advisory question being put on the ballot and see what the Commission thinks about it. Thank you.

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

COMMISSIONER ANAYA: Mr. Chair, a few more questions and I'm going to – I have had some conversations with law enforcement officials. I have had conversation with our Public Safety Director. I haven't visited with our County Attorney but I'm going to ask him some questions now based on the conversations that I had previously, just so the public can understand some of the items referred to today on a matter of law and responsibility.

Before I ask those questions though I want to emphasize that in our county, within our jail, statistically, and Mr. Sedillo, you can start making your way up to the podium, we don't have law enforcement that is excessive in my estimation at all associated with this particular issue and incarceration in our jail. And I want to say that publicly because I think that when our law enforcement is out there day in and day out, whether they're the city police department, the county police department or our own County Sheriff's Department, when they go through their training, through the academies, they're responsible to uphold the law. And associated with this particular law, it's not the County government – Greg, if you would, I want you to first speak to, and I'll bring you up in a second, Pablo. But I want you to first speak to the responsibility of our own law enforcement officials in County government, the Santa Fe County Sheriff's Department, what law do they enforce in Santa Fe County?

MR. SHAFFER: Mr. Chair, Commissioner Anaya, generally speaking that would be applicable state law as well as County ordinances that are applicable, criminal ordinances that are applicable in the area of the county outside of municipal boundaries.

COMMISSIONER ANAYA: So, Mr. Chair, Mr. Shaffer, the County Sheriff's Department enforces state law only, correct? Do they enforce any other laws?

MR. SHAFFER: Mr. Chair, Commissioner Anaya, if they were – for purposes of this conversation I would interpret a County ordinance to be a law, so I think that I answered that question.

COMMISSIONER ANAYA: Okay, so what about municipal law? Because there was discussion about the City's recent action and there was even questions associated with – I think somebody brought up home rule out there, and associated with that legal responsibility. Is there any legal authority I guess might be the right word, for a County Sheriff's officer via authorization from the County Sheriff to enforce a municipal law?

MR. SHAFFER: Mr. Chair, Commissioner Anaya, there are situations in which that may be possible. I don't want to shoot from the hip with respect to that issue but there are areas and times when that might be possible. To take one example we do have a mutual aid agreement with the City of Santa Fe with respect to law enforcement

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coverage in certain areas that have been annexed or will be annexed by the City in which the County Sheriff is primarily responsible for law enforcement within the city limits and that may include City ordinances as well as other applicable law.

COMMISSIONER ANAYA: So, Mr. Chair and Mr. Shaffer, as we progress through a dialogue, and I think that's an excellent point that Mr. Ellenberg and others made about having a conversation and dialogue, it's important for the public to understand fully what we are doing at the County level, the City level and the State level. And I'm not going to say take this as fact but it's my understanding that our Sheriff's Department does not enforce municipal law, that they enforce state law. I guess what you're saying is they may or they could have authority to potentially support or enforce state law, city law or municipal law, but I don't think that's what our County Sheriff's Department does and in fact as a sub-part of state government, which a county is, all laws, except for as you note, ordinances, come from the state legislature.

Could there be an ordinance associated with a criminal function or a decriminalization of an issue like this? Does this County have the authority through ordinance to change, effectuate or do something different with state law? Do we have that authority or – when you say ordinance you're just speaking the land use function? Just so I can understand that. I hadn't really thought about that. Count we have an ordinance that acts like a law that's not a land use function?

MR. SHAFFER: Mr. Chair, Commissioner Anaya, the short answer is yes, that the County does have the authority and has passed different laws that include misdemeanor penalties which are criminal penalties, albeit misdemeanor penalties. One example that comes to mind would be the Animal Control Ordinance, which is not a land use ordinance, and I believe that there are others as well. But that's the one that comes top to mind in terms of a County ordinance with criminal penalties.

With respect to any County ordinance, which I think is a separate part of your question, aimed at decriminalization, I don't think that that's a question I'd be prepared to answer at a very general level, because it would get down to specific analysis as to what might be proposed.

COMMISSIONER ANAYA: So I guess going forward we would probably need to evaluate that aspect and then maybe you could provide us some feedback. Mr. Chair, Ms. Salazar, going back to the earlier question, I absolutely see being able to go to the voters and the public and the citizens to get their pulse as an excellent opportunity, but as I'm sitting here going through the challenges that the State of New Mexico faces, if we just looked at childhood hunger and education as two, I could think of some valid questions that I would like to know how the public thinks about a couple of those issues well in advance of this particular question as two in particular that scare me to death associated with what's happening in our state and where we are in proximity to other states in the United States.

But what other counties – if you said this I apologize – but have other counties recently used this? Who's used this tool that I think could be an excellent tool? And has the state ever used it?

CLERK SALAZAR: Who is using it currently is Bernalillo County. They're in the process. They're board of county commissioners have passed –

COMMISSIONER ANAYA: This particular –

CLERK SALAZAR: I do not know what their resolution looks like but they have passed their resolution. They're going through their process. We have our process. Now, for the future, if there is something that you want to put on a ballot, I would suggest that it would be the same process that Commissioner Stefanics did. She communicated with the Clerk. She communicated with the County Manager, with the County Attorney, the discussion of 72 hours was discussed and it was met, so there is a process. And she brought it to you today so that you can discuss it and decide if you're going to vote. This is an excellent tool. This is cost effective.

COMMISSIONER ANAYA: Right. So Mr. Chair and Madam Clerk, I hear you and I respect that. Have we used it before? Has anybody before Bernalillo County or Santa Fe now, because I think there is, respectfully, a valid point that it's something that's new.

CLERK SALAZAR: I believe, Chair Mayfield, Commissioner Anaya, I believe historically, it may never have been done, for what I know. It's a non-binding question. Remember this is non-binding. This is not an ordinance. This will not become a County law. This will not conflict with state law. This will not conflict with City ordinances. This is a non-binding question.

COMMISSIONER ANAYA: No, and I understand that, Madam Clerk. I guess what I'm trying to figure out is why didn't we ever use it before as policy makers, and what specific part of our constitution or our state law affords us the ability to do this?

CLERK SALAZAR: Well, I'm not an attorney but in my research and discussion there's nothing that prohibits it. There's nothing that states in the election code do not do this. And then I would need to continue with the legalities and defer to our County Attorney. But as far as I know, there's nothing that prohibits it by law.

COMMISSIONER STEFANICS: On this point.

CHAIR MAYFIELD: Commissioner Stefanics.

COMMISSIONER STEFANICS: Mr. Chair, and I would like our County Attorney to comment on this. The Attorney General did a specific opinion to a state senator on an advisory question on the ballot. And I believe he has that information. I received a copy but I don't have them here with me. I could probably get copies. *[Exhibit 2]*

MR. SHAFFER: Mr. Chair, Commissioner Stefanics, Commissioner Stefanics is correct. The Attorney General issued an advisory letter to the effect that state law allows advisory questions to be posed in a general election by a county. I do have a copy of that advisory letter with me which I'd be pleased to hand out.

COMMISSIONER ANAYA: Say it one more time, Greg. You have an advisory letter that – and I apologize Commissioner Stefanics. I was trying to follow you as you were saying it. But what did they specifically do?

MR. SHAFFER: Mr. Chair, Commissioner Anaya, by state law elected officials have the option – state elected officials certainly, have the option to request from the Attorney General his or her advice on any legal question. And in response to such requests the Attorney General issues either what are denominated as opinions or advisory letters, both of which are public records and set for the view of the office with respect to

the question presented.

COMMISSIONER ANAYA: Okay. And so the legislator specifically asked about an advisory question and the Attorney General gave a response back and said it's allowed? Is that what the bottom line is?

MR. SHAFFER: That is correct, Mr. Chair and Commissioner Anaya.

COMMISSIONER ANAYA: I apologize for that. I just wanted to make sure I understood it correctly. Mr. Sedillo, if you could come forward. And as he's coming forward I want to speak to those law enforcement officials, each and every one of them, in the city, county and state, including the City of Espanola and the Town of Edgewood and everybody in this entire state of New Mexico. These gentlemen and ladies that get up every day to enforce the law in the state of New Mexico and ordinances as was prescribed and municipal law are faced with difficult and tough challenges. And I want to make sure as we progress through understanding this issue more and a vote by the public and more dialogue and communication, that they are actively part of that dialogue and communication on the front end. Not after the fact. On the front end of this occurrence. Because it's them that have to deal with which law do they have to utilize and how do they best provide for public safety for our citizens. And in no way do I ever want to send a message to them that we're unclear in any way as policy makers as to them upholding their responsibility and the law.

Mr. Sedillo, I asked you a question earlier today and I just would like you to let the public know that it doesn't seem, it doesn't appear from the numbers that our law enforcement officials in our region are out there throwing the book at people associated with this particular issue and marijuana possession. Could you just give the numbers of bookings? I think you gave me a number of 10,000, and the percentage of which are drug-related but not necessarily an ounce or less I think is what you said. But if you could just go ahead and provide those so that the public can hear them I'd appreciate it.

PABLO SEDILLO (Public Safety Director): Thank you, Mr. Chair, Commissioner Anaya. Absolutely. We have approximately 10,000 bookings a year and I was asked this question on August 28th in regards to the number of individuals who were booked in our facility for possession of marijuana only. Now this number I'm going to give you may be skewed a little bit because sometimes they come in with additional charges such as possession of paraphernalia as well as possession of marijuana. I couldn't determine, because all of the bookings that come in on the arrests don't always have less than an ounce. It's just possession of marijuana. And we had approximately – I'm going to round this off – about 100 of those individuals that have been booked out of the 10,000 bookings we had in the year. So it's less than one percent that we get inside there. And again, those numbers may be skewed a little bit because of the additional charges that are on top of that. So it's very minimal.

COMMISSIONER ANAYA: And Mr. Chair, Mr. Sedillo, of that one percent, what you're saying and I just want to restate it, we don't know if that was one ounce or less or a pound. Those are things we're going to start looking at in our bookings as we move forward, correct? If you could speak to that.

MR. SEDILLO: Yes, Mr. Chair, Commissioner Anaya, what I have instructed our booking staff to do on the arresting agencies that come in with that arrest

that has possession of marijuana we would like to have the percentage of marijuana that they are being arrested for, for example, less than an ounce, more than an ounce, at that point. So, yes, we are going to start collecting that data as well.

COMMISSIONER ANAYA: So – and I'm going to say it this way, based on those numbers and those realities of bookings, none of our law enforcement people are running roughshod in any part of our region and hauling in people on that basis on a routine basis or at a high level. Would you concur with that?

MR. SEDILLO: Mr. Chair, Commissioner Anaya, based on the numbers it really appears that it is very minimal, less than one percent of 10,000 bookings.

COMMISSIONER ANAYA: Thank you, Mr. Chair, Mr. Sedillo. That's all I have for you, Mr. Sedillo. I appreciate it. Just based on – I'm going to say this publicly – I think I do have some concerns associated with the timing. I think this does have the feeling of being rushed to the 11th hour and when you think of the complexity of other issues that we're faced with in the county, I wouldn't say this is at the top of my personal list. But I think the good thing associated with this particular discussion and resolution is it is affording us the ability to engage another tool to solicit feedback and as I'm hearing it, it's come as a result of the push associated with decriminalization of marijuana. So I think that's a good thing. We're going to have to wait and see what the state legislature does and how they might react to this or as Commissioner Chavez said earlier, the Secretary of State, but if we're going to utilize this type of tool, as I said earlier, I hope that we understand and provide some priority associated with what we're going to do and also utilize it to take in some of the very – the issues that are afflicting our jails, afflicting our educational system and other parts of our kids and hunger, so that we might better understand what it is exactly what is the perspective of the constituents and the citizens across the state.

So I appreciate that it was brought forward. It starts the discussion. I have many other comments and discussion associated with gateway drugs. I'm not going to say on marijuana, but when you look at pills for example that are legal, prescription pills and the fact that we're finding that those prescription opiates are absolutely gateways to other illegal meth and heroin, those are scary realities that I think, as Mr. Ellenberg and others said, that we need to discuss actively in a dialogue collectively with everyone that's affected. So that's all I have, Mr. Chair. Thank you.

CHAIR MAYFIELD: Thank you. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I would just like to make a few comments of my own about my own point of view. First of all, I believe that people's views about marijuana is changing across the country. It is a drug but it definitely not a hard-core drug. I have to admit, practically everybody I knew when I was in college used marijuana and I know of no person for whom it was a gateway drug to more hard-core drugs. It also can be very helpful in certain medical situations. For example, if people have cancer or they have certain injuries that cause a lot of pain. I've had friends in both of those situations. People with cancer who lost their appetite, who couldn't eat, and people – in fact a friend of mine fell and shattered his pelvis and he was in an incredible amount of pain for an entire month. And those people said that marijuana helped them in a way that prescription drugs never could. And so I think that it is actually

a unique substance in that regard.

It's also my opinion that making it illegal rather than regulating it merely does things like it enhances the drug trade. My understanding is that the largest amount of illegal drugs coming into the United States is in fact marijuana. And there are people who make a lot of money off of that. It also really makes people's lives needlessly difficult in a number of ways if they're discovered using marijuana. For example, as has been testified to here, people losing their jobs and things like that. And that is really needless.

But it's not just my view that counts in this really. And I think it is entirely appropriate and entirely fair for the voters of Santa Fe County to have the opportunity to express their opinion on this particular issue. And I also think it's really important to recognize as has been pointed out a number of times that we are putting an advisory question. What we are voting on here today is to put an advisory question on the ballot. We are not taking legal action nor will this particular question on the ballot take legal action; it's merely expressing a point of view. So I am very supportive of moving forward with putting this on the ballot. Thank you, Mr. Chair.

CHAIR MAYFIELD: Commissioner Stefanics.

COMMISSIONER STEFANICS: Mr. Chair, I've made my comments and when the group is ready to vote. I did move the resolution and it was seconded.

CHAIR MAYFIELD: Thank you. I apologize for that then. Seeing no further discussion.

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

CLERK SALAZAR: Chair Mayfield, I would like to make a couple of statements for the record. First, the County Clerk did not certify the signatures for the petitions that were collected for the City initiative. Second, had the 72 hours not been met the Clerk would not be speaking as she has. All requirements have been met. Thank you.

CHAIR MAYFIELD: Thank you, Clerk Salazar. And again, this is just an advisory question for the public, just to state their opinion. They would be for or against. It has no legal bearing whatsoever.

MR. SHAFFER: Mr. Chair, if I could.

CHAIR MAYFIELD: I'm sorry, Mr. Shaffer. Please.

MR. SHAFFER: Mr. Chair, I want to go back to a question that Commissioner Anaya had asked because I wanted to not have any misimpression on this particular record. With respect to the County Sheriff's enforcement authority over municipal ordinance, I did want to note that there is an express state statute that authorizes the sheriff of a county to make any arrest authorized to be made by any City or Town officer, and that's under the statutory chapter concerning violations and penalties of municipal ordinances. So I do think that that authority exists. Whether it's exercised in practice might be a different matter but it was a question that came up and I didn't have anyone misinterpret my earlier comments about the scope of that authority.

COMMISSIONER ANAYA: Mr. Chair.

CHAIR MAYFIELD: Please.

COMMISSIONER ANAYA: Mr. Chair, and this is just a general

statement. Any time we get into discussion and/or possible action that crosses into the jurisdictional responsibility of any of our elected officials, I would respectfully ask that you, as our County Attorney, solicit their feedback and input so that you can offer that to us as we progress through any discussions and deliberations we might have.

MR. SHAFFER: Understood, Commissioner, and again, I just didn't want to have people misinterpret my earlier comments.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR MAYFIELD: Commissioner Stefanics.

COMMISSIONER STEFANICS: If anybody's interested, I will pass down the AG's opinion on the 72 hours, which includes Saturdays and Sundays. [Exhibit 3] Thank you.

CHAIR MAYFIELD: Thank you.

III. B. 1. Resolution No. 2014-88, a Resolution requesting a Budget Increase to the Capital Outlay GRT Fund (313) for the Design of the Expansion and Improvements to the Public Safety Complex / \$350,000

CAROLE JARAMILLO (Budget Director): Mr. Chair, Commissioners, you have a resolution before you to increase the budget by \$350,000. If you recall, back in 2012 you approved a capital improvement plan which allotted \$2.5 million for expansion of the Public Safety Complex. A programming study was conducted and has identified some needs for expanding that facility and certain items have been identified that will be considered the first phase of the project. That would be RECC expansion, improvements with respect to heating and cooling and an evidence storage for vehicles for the Sheriff's Office.

This \$350,000 increase to the budget would allow for some design services to be procured so that the design can move forward on the first phase of the expansion and I stand for questions.

CHAIR MAYFIELD: Thank you, Ms. Jaramillo. I have a question. So as far as a resolution requesting a budget increase to capital outlay GRT, is that County GRT capital or was that part of our statewide request? If so did we receive any legislative appropriations?

MS. JARAMILLO: This is our capital outlay GRT, which is collected from throughout the county. It is not part of our legislative request to my knowledge.

CHAIR MAYFIELD: And you may not be the right person but you may, to ask this question. Did we have any legislative requests for this? Does anybody know?

MS. MILLER: Mr. Chair, we don't have any legislative appropriations for the RECC. It has been on our ICIP in the top five priority though for the last few years.

CHAIR MAYFIELD: Thank you, Ms. Miller, but that being stated we have asked legislators to help sponsor some of that capital at some time or other I'm sure.

MS. MILLER: Mr. Chair, yes, we have.

CHAIR MAYFIELD: Thank you. But again it's everybody's tax dollars but this is county GRT that would be doing this.

MS. MILLER: That's correct.

CHAIR MAYFIELD: Commissioners, with that I move for approval.

COMMISSIONER STEFANICS: Second.

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

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

III. B. 2. Resolution 2014-89, a Resolution requesting a Budget Increase to the Capital Outlay GRT Fund (313) and the GOB Series 2011 Fund (339) to Construct Improvements to Romero Park in Santa Fe County for a Total Amount of \$975,000

MS. JARAMILLO: Commissioners, Mr. Chair, back again in the 2012 capital improvement plan \$1 million in this case was allotted to Romero Park, which was formerly known as the Agua Fria Park. A design/architect firm was procured to do a master plan for the park back in May of 2013 and that plan is almost complete and the construction should be able to go out to be advertised this month. Staff has already used \$25,000 of the construction funding to do some site improvements and this request is to budget the remaining \$975,000 that was allocated for this project. And I stand for questions.

CHAIR MAYFIELD: Thank you. Commissioner Chavez.

COMMISSIONER CHAVEZ: Yes, thank you, Mr. Chair. This project has a lot of history. It pre-dates my term on the Commission. I know that a lot of work has gone into this. There's been a lot of time invested by the residents, not only in the Agua Fria Village but I think in the area. They've all participated to some extent in the master plan and the design for this particular park. But I just want to read a couple of things in the background that explain the history on this.

Santa Fe County received a patent for the 70-acre park from the Bureau of Land Management under the Recreation and Public Purposes Act in 1971. The park was originally developed in the seventies under the federal Water and Conservation fund program which obligates the County to maintain the recreation facilities in perpetuity. The facilities are aging and no longer serve the needs of the community. In May of 2013 Santa Fe County hired a landscape architect design office to develop a master plan for the park.

So that's a little history, but then what I wanted to do is ask staff to expand a little bit on – bring it current and expand a little bit on the site work that's being done and what that might look like in a final design for the record and for the public that might be listening, if you would be willing to do that, Mark. And you don't have to go into a lot of detail but maybe just a quick summary.

MS. JARAMILLO: I'm going to defer to Mr. Hogan.

COMMISSIONER CHAVEZ: Thank you.

MARK HOGAN (Projects Director): Mr. Chair, Commissioner Chavez, this is a phased project and this is just the first phase that's supported by the money available. It includes the layout of the park, irrigation, community garden area or a

community lawn, if you will, with drought-tolerant grasses. There's renovation of playfields and also the addition of playground equipment.

COMMISSIONER CHAVEZ: Was I accurate in my statement earlier saying that even though this is – it is in the historic Village of Agua Fria but I think the approach and the design has been more of a regional park than just a small neighborhood park, which it really isn't.

MR. HOGAN: Mr. Chair, Commissioner, that's correct. And there's been a lot of input from the community as you also stated to try to develop the character of the park. So some of the features, while the park is intended to draw from an area beyond Agua Fria Village the visual appearance of the park and how that works in with the community there was something that the community weighed in heavily on.

COMMISSIONER CHAVEZ: And 70 acres is not a small parcel, so the maintenance on that into the future I'm sure will be substantial. But I think it's an investment worth making. I think that's the only other – oh, the park itself is tied in – we have the continuity in the trail system to this park as we would in all of our other parks, an open trail system.

MR. HOGAN: Mr. Chair, Commissioner, that's correct. There's the planning for the greenway that goes through there. The existing trail will tie into this park as well as connections to the new school to the south, across South Meadows.

COMMISSIONER CHAVEZ: Thank you, Mr. Chair. Are you going to do a public hearing on this?

CHAIR MAYFIELD: I am. Also we're going to be tying in the Nancy Rodriguez Community Center, correct?

MR. HOGAN: Yes.

CHAIR MAYFIELD: Let's see if there's any other questions at this time from the Commission. Commissioners? Commissioner Anaya?

COMMISSIONER ANAYA: Mr. Chair, just a few comments. \$975,000 – amazing. That's awesome. That's a lot of taxpayer gross receipts resources on a project that has been evolving over decades of work and previous work from previous Commissioners and now you're broaching some pretty large steps, Commissioner Chavez, in getting the project towards completion. I just want to tell my colleagues sitting on this bench and for the record that I had Mr. Barela, my constituent liaison, go through the minutes of previous meetings associated with projects and where I stood on projects, and we couldn't find one occurrence where I questioned the project in any critical way.

I've asked questions associated with my colleagues projects more out of wanting to be more aware about what the project is and been very supportive. I can think of – and I'm excited and congratulate Commissioner Stefanics on the recent groundbreaking in Eldorado. I couldn't attend by I congratulate you on that, Commissioner Stefanics and Commissioner Holian has had several successes associated with road projects and the Village of Canoncito and the water project in Glorieta, as well as trails and other excellent projects. And you yourself, Commissioner Mayfield, with the parks up north and the roads, and just want to say that I respect the wishes of you as a Commissioner in your district in providing those needs in that district and hope that we can continue to have that mutual respect with our respective projects in our districts, understanding fully

as you just said, Commissioner Chavez, that there are associated costs that always, from my estimation are well worth the investment, both short term and long term.

So I commend you on your additional resources that we're going to approve here shortly and look forward to seeing the other exciting projects that we'll work on collectively as a Commission. Thank you, Mr. Chair.

COMMISSIONER CHAVEZ: Well, if I could respond I appreciate your kind words but I have to say that the foundation on this was laid a long time ago and the groundwork has been laid and so I feel like I'm coming in more at the ceremonial end. I'm okay with that. But I just want to recognize the previous Commissioners that were here prior to myself and recognize them for the work and the foundation that they've laid. So that's made it a little bit easier. I have questioned the dollar amount. I will continue to question the operations and maintenance because we can build, build, build, but when it comes to maintain, or for the operations then that's a whole other challenge. And so we really need to go into this where we're really aware of that and I think staff is addressing that.

I hope that the village and the community is aware of that and is realistic in what their expectations are because we can only stretch that taxpayer dollar so far. So I will continue to raise those questions. I appreciate you touching on that briefly and so hopefully, this project is realizing both capital outlay GRT and GO bond from 2011 and I guess they're both from 2011, both GO bond and capital outlay?

MS. JARAMILLO: Mr. Chair, Commissioners, the capital outlay GRT is from accumulated cash over whatever period of time we accumulated that cash, and then the general obligation bond is from the 2011 issue, which was the 2008 question.

COMMISSIONER CHAVEZ: So again, that gives you the history that really pre-dates my term on council but it says, it tells me that there was interest in this and I'm willing to encourage it to move forward but with some caution on the operation and maintenance.

CHAIR MAYFIELD: Commissioner Anaya.

COMMISSIONER ANAYA: No, I appreciate that, Commissioner Chavez. You heard former Commissioner Anaya stand up here before us at the last meeting and interestingly enough, there's projects that I think we all work on. I can go back all the way to now Mayor Gonzales, projects associated with waterline extension improvements that both he and Commissioner Anaya started decades ago as well in addition to the Stanley Center and other facilities, that we are just able to continue and try and evolve and complete. So I concur with that and also ditto and thank those previous Commissions dating back multiple Commissions that had some visions for water and facilities that it just takes time to sometimes get to that point. So I concur with your comments. Thank you, Mr. Chair.

CHAIR MAYFIELD: Thank you. Also, I support this project. I'll just say that from the onset. I think I've been a pretty big advocate for public parks for all of the county. But I will have some questions, because I have a presentation a little later and it's going to tie into my presentation a little later, and also to Commissioner Chavez' questions about future and ongoing maintenance.

I respect every Commissioner has their individual districts that they represent and

collectively, we all represent Santa Fe County, but there are projects that we try to move in our individual districts that will benefit the district specific, the community at large and even neighboring counties. So a couple questions, Ms. Jaramillo that I do have, and again, I think it's for an equitable allocation of funding.

So saying that we're looking at \$975,000 and looking at the spreadsheet too, just explain to me – I'm looking at the fund codes of 313 and 339. Under budget expenditures, it talks about a capital purchase, roadways, bridges and culverts. Are we moving something from somewhere?

MS. JARAMILLO: Mr. Chair, Commissioners, the line item that's called capital purchases, roadways, bridges and culverts is just a – it's an accounting description that we use for all of those things but that also includes improvements to a park as well.

CHAIR MAYFIELD: Okay. Fair enough. That's good to know. And then as far as the 2011 – I think it was the 2011 bond series, was there – again, I know we put general questions out to the public on those GO bond questions and I guess they can change a little bit but the intent, hopefully the intent is still there of what we're trying to sell to the voters to vote on those bonds. So on that 2011 question, because I thought I heard your presentation – if I heard it wrong I apologize. There was a million dollars allocated in the bond question?

MS. JARAMILLO: The million dollars that I referred to earlier, Mr. Chair, was the \$1 million that the BCC allotted to the project back in 2012 when you approved your capital improvement plan. I think it was July of 2012. The financing of the various projects in that plan was laid out in general for that. The bond question itself, it was a question that went to the voters back in 2008 and it included – I'm afraid I don't have the exact amount, but it included a question for open space and trails.

CHAIR MAYFIELD: So then as far as the funding source, and this will just help me again on a later presentation. When we're talking about pulling money from a bond question, from a bond appropriation – because right now we're saying the purpose of this resolution is to budget funds for improvements for Romero Park from capital outlay GRT funds in the amount of \$81,000 – I'm rounding – and \$894,000. So explain those two different funding sources please.

MS. JARAMILLO: The \$894,000 is the general obligation bond, and that is funding that we received when we issued a bond based on the questions that we put to the voters in 2008. If you're wondering – are you wondering about the ration of GO bond versus capital outlay GRT? Okay. We do attempt to spend our general obligation bonds before we spend our cash accumulated in the capital outlay GRT. The issuance of bonds has – I wouldn't say a time limit but the IRS expects us to utilize those funds within a certain period of time because they're tax-exempt I guess is the reason. So we do try and spend those first. Our capital outlay GRT funds don't have an expiration, if you will, if you want to call it that, and so if we use those last we have a broader range of things that we can fund.

CHAIR MAYFIELD: And I appreciate that and so did we just run out of the full \$975,000 in the bond money? That's why we moved over to GRT money?

MS. JARAMILLO: Right. The funding for the open space and trails has been either budgeted or expended. That completes that question, and this is the balance

left. And so that's why it didn't go up to the full \$975,000. We met our obligation with the \$894,000.

CHAIR MAYFIELD: It will now go up to it. I thought it was still lacking of \$90,000.

MS. JARAMILLO: Yes. That's what I mean. That we didn't have that full funding.

CHAIR MAYFIELD: So then for me, how are those decisions made, and again, we'll talk with the Commissioners indirectly of who can use what GRT money for what project. Are we equitably disbursing that amongst all districts?

MS. JARAMILLO: Well, I suppose in the capital financing plans that are discussed with Public Works it's all a part of the discussion when we determine which projects are going to be moved forward. Those are determined by a variety of factors that I think Adam can speak to more clearly. But those I believe were equally shared among all of the districts.

CHAIR MAYFIELD: Thank you for that. And then again, Commissioner Chavez brought up a very relevant point. Thank you, Ms. Jaramillo, for all that. Sorry to put you on the spot there. But as far as future maintenance and operating costs for our parks, I think it's imperative and important that we do this for Santa Fe County. Again, I wholeheartedly support the development of Romero Park, and even if there's a phase 2 or phase 3, I won't be here but I would support that. Right now on this bench I'll publicly support that for the benefit of our children and our communities, but also again recognizing the importance of other parks throughout Santa Fe County. And in Santa Fe County, I know I've had this discussion with Ms. Miller and also various staff members is that we do need to build into our budget a good program for ongoing maintenance.

I'm sure as elected officials we all get a phone call here or there and a lot of them are the condition of some of our parks, the uses of facilities from bathrooms, from weeds, from flooding and from drainage design, but I do hope that once we build out these parks that there will be a continued maintenance program in place. So I am going to ask Ms. Miller or Deputy Manager Flores, what is our plan for future maintenance once the design and the build-out is at least completed in phases?

MS. MILLER: Mr. Chair, Commissioners, as you know, our capital planning in the past did not include doing FIRs and looking at building what I'll call placeholders in the maintenance budget for these facilities and as Carole just said, some of the stuff and the funding on some of these projects we're working on funding from 2005, 2008, 2009. So as we've been working over the last year with Public Works and Finance, probably the last two years we've really been trying to actually identify through the FIR process a funding that will be needed once that project is brought on and adding that into the budget and knowing as we go forward, okay, we have 20 projects that are coming on line. Ten of those are going to increase our operating budget. Five might decrease it because they're more efficient facilities and we're getting rid of something, and five might be neutral or something like that.

But as we're doing that we're collecting that information from the FIRs, trying to build that into our future needs. By state law we're only required to do a budget once a year but I think multi-year budgeting on our projects as well as our operating budget is

really something we really should look at doing even if it's not binding, just to have a good sense of what we have coming on line each year as our revenues start to materialize and we get better estimates of what future year revenues are.

So, what's our process? We've been doing FIRs and keeping that information and making sure we're building those things into the budget is that as that year comes on and that project comes on. But there could come a time when it's difficult to do that, like 2008/2009 when the budget went careening down, all of a sudden you're faced with cutting somewhere and typically you cut in your own internal services before you cut services to the public. And we're just at that point of being able to bring back the things that we had been doing before and building on that.

So as we bring on facilities we have to weigh – if it's parks or new facilities, we have to weigh which ones are going to take up the majority of the budget as we have room to grow the budget.

CHAIR MAYFIELD: And again, I bring that up for two-fold, Katherine. One, I think it's important whatever Commissioner has whatever proposed project in their district. If the library is built, that will take up staff time, staff maintenance, janitorial assistance. Again, if a park is built that will take that up. So I hope, respecting each Commissioner's district, one doesn't maybe take more – there's not more priority given to one over another, although there may already be a department or a unit already built to do that undertaking. I think we have adequate, if not adequate, I know you'll do your best to staff it adequately, but we have janitorial services that are afforded through our Commission. If it's even contract work or not, that I don't know, but at least I know we have some fulltime FTEs dedicated. Same thing for future park maintenance, if that be let out to maintenance, to fulltime staff and/or contractual work.

One other thing that I'd like to bring up and I'd like to bring this up now before I go into discussion online, is we have at least community membership on our community centers. Ms. Miller, have you thought about that? I know I've talked to you a little bit about it and I'm putting you on the spot right now, but how we could try to encompass that to help be, say, for our parks? And I will bring up a project specifically, Commissioner Anaya. On the equestrian center, I know there was a good community group that came. They said, look, we may want to take this on with community involvement. I don't know if that could be a process for future park maintenance, if there's potential for them to raise monies, to put parental and/or individuals using those facilities and to cleaning and help maintaining those facilities. If we've even thought to develop a policy like that.

MS. MILLER: Mr. Chair actually we have. We've got agreements in some cases with open space organizations that have actually maintained facilities or space for us that we've facilitated acquiring and then turned it over to conservation groups. Also, I believe it was last year – not this current year's budget but the previous year's budget that we added the volunteer coordinator and that's made great strides in trail maintenance and trail improvement with volunteer organization and seeking grants for that. And I think that's an area that the County can really expand. Carol Branch is doing an excellent job recruiting volunteers to help us build and maintain and improve our trails and open space areas.

We're also working on adopt-an-open space program, which if you know is something the City has on City medians. They have different organizations who adopt and maintain that part of the median. We're working on a program like that right now to do that in our open space.

So all these are new efforts to try to find ways to work with community organizations, businesses and volunteers to help us maintain and potentially operate our facilities, like the Edgewood arena. That's actually operated by the Town of Edgewood. We constructed it; they operate it and they work with the horse organizations in the area to help utilize that facility and organize when it will be used. And I would anticipate as we build out some of our more recreation type facilities that might require more maintenance and more booking of time that that's one of the best ways to look at the local resources in the community for how we can use them to help us manage.

CHAIR MAYFIELD: And Ms. Miller, I'm just reflecting back to comments from former Commissioner Mike Anaya, he stated that. And if Commissioner Anaya cares to correct me or if Commissioner Mike Anaya is listening and cares to correct me, please do. But that in the county there is say adopt-a-road programs, adopt – maybe like you mentioned a median program or something. But what follow-through do we have as County employees with that individual who's adopted it. Do they just adopt it to put their name on a sign? Or do they adopt it to do, I guess, continued maintenance on that, and/or do we follow up with those individuals once something is adopted.

MS. MILLER: Mr. Chair, probably the best is Adam to talk about that but we do have and have gotten more – I guess I'd say a little more strict on our enforcement of that because that was not one of our better areas but I think that's one of the things we're actually working on improving. I don't know if Adam, you want to comment on that.

ADAM LEIGLAND (Public Works Director): Yes, Mr. Chair. We actually have a dedicated adopt-a-road program coordinator and she – not only does she vet the applications – actually I should mention the position is coming vacant. We just had a resignation. But that person vets the applications and then actually works with that person and does follow up. And then for instance, we just had the Great American Cleanup Day. That's when you go out and you check to make sure that it is kept clean and you coordinate to pick up the trash so that volunteers will collect it and then County staff will pick up the bags to dispose of. So there is good follow-through.

CHAIR MAYFIELD: So like for our parks, such as maybe the Romero Park or the Pojoaque parks, could a program like that be coordinated under your adopt-a-road program?

MR. LEIGLAND: Mr. Chair, yes. We're actually working on that right now and it will be exactly the same program. So you would apply to be an organization or an individual. You'd have your sign, your name put up there and then there would be probably formal events such as National Parks Week or something like that and then more formal things. So, yes.

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

COMMISSIONER ANAYA: Mr. Chair, there was one thing I wanted to add to your comments and I would request, and we've had some brief discussions about

it, Ms. Miller, in the past relative to the Madrid ballpark specifically, but now with this equestrian center that we're working on now and multi-use wellness center I think it would extend to that as well. But I think – and I don't know, Commissioner Stefanics, if you were able to – I think you attended a meeting in Flagstaff with the Association of Counties at one time. I know I did with WIR. But Commissioner Archuleta from there in the Flagstaff area – I'm trying to think of the county. Is it Archuleta County?

COMMISSIONER STEFANICS: You're talking about Commissioner Liz Archuleta?

COMMISSIONER ANAYA: Yes. Right there in the Flagstaff area. They not only solicited help from volunteers and non-profits but actually broached the profit sector. And they were able to build a facility that is an outdoor event type facility that has excellent community use and function but also brings in other events that are revenue generating events. So as we look at our different facilities and the different types of facilities that we have I think it's important to also look at potential private sector partners that could also be part of that process of generating revenue. I know other counties in the country have done it. It's been very successful and it's an excellent tool to offset operations and expense. So I appreciate your bringing it up, Commissioner. I would just add that we look at the private sector as well.

CHAIR MAYFIELD: Commissioner Chavez.

COMMISSIONER CHAVEZ: No, if I could, Mr. Chair, I would like to move for approval.

COMMISSIONER HOLIAN: Second.

CHAIR MAYFIELD: We have a motion and a second.

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

III. C. Miscellaneous

1. BCC Written Order Setting the Tax Rates on the Net Taxable Value of Property

MS. JARAMILLO: Mr. Chair, Commissioners, on September 2nd of this year the Department of Finance and Administration administered its written orders to set property tax rates. We received the certificate of property tax rates for Santa Fe County for the tax year 2014 that begins on November 1st and that certificate has been reviewed by the Assessor's Office and the Finance Division and we believe that the rates are correct. The certificate has also been distributed to the various taxing authorities within the county requesting their review of their particular mill rates as well, and we received no corrections from any of those entities.

Section 7-38-34 NMSA 1978 requires that each Board of County Commissioners issue a written order imposing the tax rates set forth on the certificate of property tax rates for their county within five days of receiving the DFA rate setting order. Today would be the fifth day and we respectfully request that the BCC issue its written order setting property tax rates for the tax year 2014. And I stand for questions.

CHAIR MAYFIELD: Thank you. Commissioners?

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4:53 PM

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR MAYFIELD: Commissioner Holian.

COMMISSIONER HOLIAN: I move for approval.

COMMISSIONER CHAVEZ: Second.

CHAIR MAYFIELD: There's a motion and a second. Ms. Jaramillo, do you have those tax rates handy?

MS. JARAMILLO: I do. I emailed them to the Commission on Friday after we were able to distribute them and I don't know if everybody had the opportunity to print them.

CHAIR MAYFIELD: If you could just read them in that would be great. Tony, just ask Ms. Jaramillo –

COMMISSIONER CHAVEZ: Mr. Chair, I'm wondering if – are these already online, Ms. Jaramillo?

MS. JARAMILLO: They are not online.

COMMISSIONER CHAVEZ: But we can post them, right?

MS. JARAMILLO: We can.

COMMISSIONER CHAVEZ: Okay.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR MAYFIELD: Commissioner Stefanics.

COMMISSIONER STEFANICS: I will have a couple questions.

CHAIR MAYFIELD: Okay. Let's go to you, Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair and I don't know if Ms. Jaramillo wants to answer this or Ms. Miller. I understand – I intend to approve as that is part of our duty, but I understand that there will be some effect upon the county property owners this year and that many individuals – not all – will have an increase in payment. Could one of you speak to that?

MS. MILLER: Mr. Chair, Commissioner Stefanics, I'll speak to it and Carole can add to that if you want. As a result of the countywide reappraisal which is required on a five-year basis, Santa Fe County completed that for this tax year and our existing valuation decreased by about \$600 million, or I believe that's around five percent. We did, however, the Assessor did pick up about \$330 million of new valuation. But there are several things that are occurring this year that, depending on whether you were one of the properties that received a decrease in value, which, just so you know, 12,659 residential parcels received a decrease in value where 13,762 received an increase in value. And about 2,000 remained the same.

If you received a decrease in value it's likely that you will not see an increase in your property tax bill. If you received an increase in value it's likely that your property was undervalued due to the three percent cap and the value would go up as will the rate. A couple of the reasons the rate goes up is due to yield control. Yield control is a statutory requirement that says basically governing entities will receive about the same amount of revenue. And what generates the revenue is your value times your tax rate equals your revenue. And if – the revenue has to stay the same. If values go down the rate

is going to go up and vice versa.

So in this particular case, across the county, because the overall valuation went down, the operating rates of the City of Santa Fe, the County of Santa Fe, the school district, Community College, went up slightly. But that said, over half of the properties in the county, residential properties, went down in value. So they would have a corresponding decrease in value and therefore a reduction in their actual tax bill.

Another thing that occurred in the county and in the City of Santa Fe is the Santa Fe Public Schools passed a – I think it's an education bond and so their rate is going up by 1.53 mills. And that's something that the County has no say in. That's one of their jurisdictional authorities to raise that rate. Also, I believe the Town of Edgewood had a bond question that caused their rates to go up in the Town of Edgewood. And in the handouts that Carole passed out [*Exhibit 4*] you can see there's a long one that looks like this that shows you the comparison of each jurisdiction within Santa Fe County, what their rates did compared to last year. You can see which ones went up and which ones went down. And so it just depends on what jurisdiction, which school district, whether you're in city limits, outside of city limits, whether your property value went down, stayed the same, or went up, as to what the actual bottom line impact will be to your individual taxes.

As far as Santa Fe County, as I said, our operating mills went up slightly. That's due to the yield control formula, and then our debt service stayed still lower than our target debt service rate of 1.85. We're at 1.73.

COMMISSIONER STEFANICS: Thank you, Ms. Miller, and Mr. Chair, Ms. Miller, I'm not talking about valuation now, but if a constituent or a resident of Santa Fe County wanted to understand this better or find some resource to re-read about your explanation, who should they call or where can they go to find that?

MS. MILLER: Mr. Chair, Commissioner Stefanics, Carole has put together a fabulous manual on that which we do have on our website, or somebody can call the main number, the 986-6200, and we can make sure that they can walk through and find it or get it to them if they had questions about it.

COMMISSIONER STEFANICS: Thank you. I just know that this is a very complicated manner and most property owners, including myself until I was on the County Commission didn't get it. And the yield control is something that is necessary to maintain. There are many entities that are reflected in our property taxes and so I know that there will be questions and issues. Thank you very much, Mr. Chair.

CHAIR MAYFIELD: Thank you, Commissioners. I spent a significant amount of time a couple years ago with Ms. Miller on yield control. Honestly, I don't know if anybody gets yield control, but I guess it's needed. But Ms. Miller or Ms. Jaramillo, as far as on the last spreadsheet, just for comparison, we have Santa Fe County residential and Santa Fe County non-residential, that last column, I just don't see how it – and maybe I'm looking at it wrong, versus the longer spreadsheet you just provided, Katherine that has the green. I'll show it to you. These two, what I'm looking at. So can you just briefly explain to me the difference between even the first Santa Fe County operational residential that increased. It says .692 but on that last sheet it's saying 2.626.

MS. JARAMILLO: Mr. Chair, Commissioners, on the shorter one, the one that shows each tax district, basically, that is the total of all of the taxing entities in the district. So Santa Fe CNR, which means inside the city, residential, and that would be the Santa Fe School District, in total went up the 2.626 mills from this one. If you're looking on the breakdown of the individual taxing entities, Santa Fe County's operation mill only increased by the .692.

CHAIR MAYFIELD: Okay. So the rest of that's made up by all the other entities.

MS. JARAMILLO: All the other entities. That's correct.

CHAIR MAYFIELD: And then just, Ms. Jaramillo, for the listening audience and also for the minutes, I know I spoke with you and Ms. Martinez about this, and I see that the City of Espanola part of Santa Fe County through the Espanola School Board went down this year. Last year it kind of went up significantly. Do you just mind verbalizing that again please?

MS. JARAMILLO: Last year, Espanola School District had their rate increase because of – I want to say it was debt. I can look. But it went up significantly last year and it stayed pretty flat this year; it went down slightly. Those, the operational rate for the City of Espanola went down a tiny bit. That would be as a result of yield control. Any city's operational rate is going to be because of yield control. If it's the school district it is formulated in some way that I am not – I don't believe is subject to yield control. I may be wrong on that. But that is something that the school district controls. So this year they stayed pretty flat in the City of Espanola but last year they had the increase because of what the school district did for debt.

CHAIR MAYFIELD: Thank you. And just because I get asked this question a lot and I will be asking for a presentation now that I think about it, none of this has to do with 9-1-1 communications within the City of Espanola, Santa Fe County, correct?

MS. JARAMILLO: Correct.

CHAIR MAYFIELD: Thank you.

MS. MILLER: Mr. Chair, also to add to your question about Espanola School District, one of the reasons too that their rate may have gone down is their valuation went up. So I'm looking at their properties within Santa Fe County and more than half of them actually increased in value which would mean they have a lower rate.

CHAIR MAYFIELD: Or they found a lot more properties to tax. Thank you so much. I don't know if there's a motion yet.

COMMISSIONER CHAVEZ: I'll make a stab at a motion. There is a motion?

COMMISSIONER HOLIAN: I believe I made a motion.

CHAIR MAYFIELD: And we had a second? We did. Okay. So we have a motion and a second to approve what is statutorily required of us to do.

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

CHAIR MAYFIELD: Sure. Five-minute break please.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. Number V. B. 1 through 8 are New Mexico Association of Counties positions that they would like every county commission to discuss and then either to support or not. I set this up as a two-prong process. Today would be discussion about anything you had questions about and next meeting would be a vote. We did identify in the past year or two to separate each out as a separate one because you might wish to have split votes. You might wish to

unanimously support, or you might not want to support one of the resolutions.

Out of the resolutions, I believe that there were 36 possible votes, 33 counties plus board members from the other pools, and out of 36 votes these got 22 votes or less. There was not one resolution that actually received more than 2/3 of the votes. So as you go through this please do not think they were unanimous. And if in fact you would like to look at the original packet we provided that for you at your places rather than in the book. [Exhibit 5] So Commissioner Anaya, I was saying we're not voting on these today. They're strictly for discussion. They are broken out individually so that at the next time we would either support or not support or have a split vote.

This is not – and we might want to reword this differently, Katherine. I'm not sure; you might ask Legal. We are not rewriting the Association of Counties resolutions. We're just voting them up or down. And I am supposed to take to the October board meeting in Artesia which of these resolutions are Santa Fe County Commission supported and which ones we did not.

COMMISSIONER CHAVEZ: Mr. Chair.

COMMISSIONER STEFANICS: I'll answer any questions.

CHAIR MAYFIELD: Commissioner Chavez.

COMMISSIONER CHAVEZ: I have a question related to the process and specifically to the resolution to maintain the Southwest Chief Amtrak service. I would state for the record and I know the MPO members are aware of this, but the MPO did a separate resolution supporting the funding of the Southwest Chief Amtrak service, so Commissioner Stefanics, I'm wondering if this does pass at this level and you take it back to the Association of Counties, can this resolution be amended to reflect the resolution that the MPO passed?

COMMISSIONER STEFANICS: Mr. Chair, Commissioner Chavez, there are several MPOs around the state and the New Mexico Association of Counties – and I'm just guessing here – would not necessarily go along with the Santa Fe MPO resolution. They would want to discuss this around the state. The important thing of course here is the Therefore be it resolved. This is allow the continuation of Amtrak Southwest Chief along its current and historic route, create a Southwest Chief rail service fund or other reasonable funding alternatives and support efforts by the New Mexico congressional delegation in supporting and maintaining the Southwest Chief.

COMMISSIONER CHAVEZ: So our MPO resolution was probably not too far away from this one, so then I guess the two could stand alone but still support the future funding for the Amtrak.

COMMISSIONER STEFANICS: Right. And so just to explain the process, Mr. Chair and Commissioners, if we supported this or any of the other resolutions what happens is it gives the base foundation to the New Mexico Association of Counties' lobbying team which are four staff members, the elected officers, which is the president, the president-elect the vice president and the two paid lobbyists. They're the lobbying team and they would take forward the base position, but as we all know, once a piece of legislation is introduced, it's amended, it's changed many times. So just because we're supporting one set of language does not mean that's how it will end up at the end of the session.

COMMISSIONER CHAVEZ: That's all I have, Mr. Chair.

COMMISSIONER ANAYA: Mr. Chair.

CHAIR MAYFIELD: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair and Commissioners, and Commissioner Stefanics is more familiar probably I think than any of us, including myself relative to the resolution dealing with public lands and natural resources. And I would ask for a couple things, but I think it's important that staff actively look at resolutions that may have broader questions within them. I will put forth that I think this particular resolution needs a staff review above and beyond maybe some of the others that I think are going to be supported by this Commission.

But this particular resolution, in the front part of it speaks to the volume of federal resources that comes to the counties. But the real focus of this resolution and the drivers of this resolution comes at the bottom of the resolution when it starts to talk about federal funding levels and local governments taking responsibility potentially over federal management of federal lands.

One of the main things that concerns me about this particular resolution is when you look in the back of the resolution at the stakeholders, I don't downplay the importance of each and every one of the stakeholders listed on the back, but the stakeholders of utmost importance relate directly to the Forest Service, the Bureau of Reclamation and others listed at the top of the first resolution page.

So if we're truly going to have an evaluation of land uses and we're truly going to have a discussion about what are potential options going forward all of the stakeholders need to be at the table. So that's my first primary comment. The other thing that I think is very important is that in our system of government in the United States it was set up around having certain lands in the ownership and responsibility of the federal government by purpose and by design, so that there would be a shared and mutual interest not only across counties in an individual state but a shared and a mutual interest across each and every state in the United States respectively.

And we need to be very careful and cautious about feeling like we can assume the responsibility financially and otherwise to maintain and operate those lands in New Mexico, but we also need to be cognizant that there are many other federal lands in the entire United States of America that I would hate to see moved from mutual control if you will, or mutual use as United States citizens into individual states making determinations on what those federal lands might be turned over to or how they might be turned over to people.

So I'm going to ask that Ms. Miller, you work with the Forest Service and others in understanding what statutorily exists in the holdings that states have, that the federal government has in particular, and that we have probably a broader discussion here at the Commission meeting relative to some of the feedback and other items that you find.

Now I don't take anything away from some of the concerns that have been raised about a lack of involvement, maybe an individual county has had in discussions with the Forest Service or BLM and there might be some very valid points in very small areas or succinct areas with the county, but I think we need to be absolutely cautious in supporting anything that takes away common use and function that goes from one state to the next.

And so I've said this before and I'm saying it again but I thank you Commissioner Stefanics for giving it to us early and I think it gives us a better opportunity to better understand all of the resolutions but this resolution in particular raises some flags with me. Thank you, Mr. Chair, Commissioners.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR MAYFIELD: Commissioner Stefanics.

COMMISSIONER STEFANICS: On Commissioner Anaya's point, in my recollection this received 22 out of 36 vote, this particular resolution. I did not support it. There was a more stringent resolution that came out of the commissioners affiliate that was federal government – give us all the federal lands. The Public Lands Committee took that resolution and tried to neutralize it but the sentiment of the 2/3 of the counties was this. That does not mean that I, nor this body, need to support it and we can send a message when it's time. Thank you.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR MAYFIELD: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Commissioner Anaya, I agree with you. When I read this resolution I immediately became very uncomfortable with it. I believe that the reason that certain lands were placed under federal protection was in fact to protect them. And I worry that if some of those lands pass over to state jurisdiction, not necessarily in our state but other states, that they might be exploited in ways that they were never meant to be exploited. So this one raised red flags with me almost immediately.

The other resolution, Commissioner Stefanics, that I wanted to ask you about was the first one about the safety net care pool, and under the Now, therefore be it resolved, on number two is to transfer the new county 1/12 GRT to the state to fund the safety net care pool. Aren't we doing that already? Or is this saying that we will continue to do this in perpetuity? I'm not quite sure I understand number two.

COMMISSIONER STEFANICS: There was some discussion – thank you for the question, Commissioner Holian and Mr. Chair. There was some discussion among the counties whether to not submit payments. The bill as it passed was for a period of time. It wasn't indefinite. And at this point in time the Association of Counties is suggesting that counties go ahead to transfer at this point the amount while a different solution is being worked on to actually fund the safety net care pool and the hospitals around the state. So that is why that came in there. I'm the chair of the Healthcare Policy Committee that drafted this. We have representatives from 20 counties on this – well, maybe not 20. We had 20 people participating. We probably had representatives from 13 or 14 counties present – commissioners, managers, healthcare affiliates and assessor, clerk, in that group. Tomorrow, the Tax Policy Committee of the Association and the Healthcare Policy Committee of the Association are meeting together to see if there is a common solution that could be suggested to both the executive and the legislature. This would be a work in progress so it wouldn't happen quickly. But the intention is for counties not to hold back their money right now.

COMMISSIONER HOLIAN: I see.

COMMISSIONER STEFANICS: And there are some counties that are

holding back their money.

COMMISSIONER HOLIAN: I see. Thank you, Commissioner Stefanics. Thank you, Mr. Chair.

CHAIR MAYFIELD: Thank you. I guess the only thing I would ask is that we have our Treasurer and/or Assessor for their affiliates, just to give us either a white paper or brief discussion in front of us. They might be in support of them but I don't know.

COMMISSIONER STEFANICS: There are some – I think that's a great idea that they should be invited to the meeting and there was actually a legal question asked about one of them in terms of – I'm not sure; it didn't even get on here – about investments. But I think that's a great idea to have individuals come to further explain.

CHAIR MAYFIELD: Thank you, Commissioner Stefanics.

COMMISSIONER STEFANICS: That's it for – it's just discussion.

CHAIR MAYFIELD: Right. And also the public is welcome to view this. Do we have this packet posted anywhere, Katherine, from the New Mexico Association? If not could we just –

MS. MILLER: Mr. Chair, if we don't have this – we definitely have our packets but we can put this on the web as well.

CHAIR MAYFIELD: If not, I believe it's probably on the Association's website also in case the public cares to comment on any of these.

COMMISSIONER STEFANICS: Mr. Chair, I would ask though, again, maybe Ms. Miller and Mr. Shaffer look at the language. Because it's not a BCC resolution. It's the BCC supporting the New Mexico Association of Counties resolution and we can vote it up or down. Thank you.

CHAIR MAYFIELD: Thank you.

V. DISCUSSION/INFORMATION ITEMS/PRESENTATIONS

A. Presentations

1. Presentation and Update on Mission and Vision Statement for the Open Space and Trails Strategic Plan

CHAIR MAYFIELD: Ms. Lohmann. Also we have some members of the COLTPAC, if you would introduce them please.

MARIA LOHMANN (Growth Management): Hello, Mr. Chair, Commissioners. Judy Kowalski, the chair of COLTPAC is with us and so is Devin Bent, who is the representative from District 1. My name is Maria Lohmann. I am the Open Space and Trails Planner. Santa Fe County has initiated a planning process to develop an open space and trails strategic plan to implement the open space element of the Sustainable Growth Management Plan. This strategic plan will update long-range goals and objectives for consistency with the open space element of the SGMP, and provide a detailed, updated inventory of County-owned open space, parks and trails facilities. The plan will assess conservation resources and define management strategies and principles, and it will strategically identify short- and long-term priorities for consistency with and

funding through the capital improvements plan.

Once adopted, the strategic plan will amend the open space, trails, parks and recreation element of the SGMP, providing robust analysis, detailed policy guidelines and implementation tools. In your packet you have a more detailed outline of the plan but I wanted to go over a few of the highlights. The introduction will include history and purpose and the planning context will include the county profile and the value of open space, trails and parks to Santa Fe County. Existing conditions will include an inventory of County-owned open space, trails and parks facilities, an inventory of public lands and trails, and a resources inventory and assessment report.

The next section is the strategic plan itself, including the mission, vision, goals and strategies. The plan will also include a needs assessment, an implementation plan, including financing tools and identification and prioritization of capital projects, and descriptions of program and operations.

Finally, this plan will include an open space and trails master plan which depicts existing and proposed open space, trails and parks priority areas for acquisition and identifies recreation needs by type and service area. Resolution 2011-4 directs COLTPAC to assist in updating the open space and trails plan and as such COLTPAC has assisted staff in the drafting of a vision and mission statement, which Judy Kowalski, chair of COLTPAC will now share with you.

JUDY KOWALSKI: Thanks, Maria. Chairman Mayfield, Commissioners, my name is Judy Kowalski and I'm the chair of COLTPAC. I've been on the committee for several years and I want to thank you for giving me some time on the agenda to share our recent activities in support of the County open lands, trails and parks program. You filled COLTPAC with an exception array of members with great expertise and passion for the County's outdoor recreation resources and I thank you for that. It truly has been a great experience to be involved with these people and believe me, they are all looking to make an important contribution to the program that we all believe in passionately.

So again, thank you for appointing such great members to the committee. As you probably know, the primary function of the COLTPAC in the past was to review acquisitions and make recommendations to the BCC. And now that that acquisition pace has slowed we're all looking for other ways to make a contribution to this program that we all love. So one of the items that has risen to the top is the strategic planning process. The last strategic plan was developed and adopted in 2000 and I'm sure you'll agree, a lot of things have changed since then. So we thought that it was very important to work with County staff to help kick off the strategic planning process.

Our discussions that we've had in our meetings regarding the vision and mission statement that Maria mentioned we've developed, have been really rewarding and very exciting and I think we're really all in agreement about where we could go with his program and how we could get there. It's truly very exciting. One of the things we really want to do is kick this process off in a way that engages as many people as possible, to get as many viewpoints to create a real sense of stewardship for the program. Because I think that that's probably one of the best things we could do to ensure that it grows and provides the most that it can for the county and its residents.

So this is what we've crafted. You can see it up there but I'll read it if you don't mind. The vision: Santa Fe County's open spaces, trails and parks connect people to the land, offering our communities exceptional opportunities for recreation and renewal that inspire a deep sense of regional identity and stewardship among current and future generations.

And then the mission – and we did talk about every single one of these words in depth so I'm glad you're allowing me the time to read it. The Santa Fe County Open Space and Trails program is dedicated to preserving cultural landscapes, scenic vistas and diverse ecosystems; enriching and celebrating local sense of place; supporting multiple recreational uses; enhancing connectivity of the open space and trails network; improving access to open lands and parks; educating and inspiring a new generation of land stewards; promoting healthy life styles; distributing high quality services and facilities in an equitable manner; collaborating with local, state, federal, tribal and private partners; and striving for sustainability in design, construction and maintenance.

There's just a few points I'd like to emphasize. The open space, parks and trails of Santa Fe County are important for a variety of reasons, not the least of which are their ability to connect people to the land, protect our unique heritage, and provide places for physical and spiritual renewal. The value of these resources is only growing as population increases and development continues, and it's important to foster a sense of stewardship of these lands so that we'll have them for future generations.

Careful consideration for the management of these properties can ensure an equitable distribution of limited resources, sustainable access for the public, and protection of our cultural landscape, scenic vistas and diverse ecosystems. Open spaces, trails and parks mean different things to different people. And gathering input for the strategic planning process is critical to producing a plan that everyone can embrace. COLTPAC is committed to assisting County staff in providing opportunities for all voices to be heard. This will help engage more partners in ensuring the future success of the County's program. We need to make more people in the public aware of the value of these resources so that we'll protect them the way they deserve to be protected.

In addition to the strategic plan COLTPAC is working on some other shorter-term activities I just wanted to mention to you. First, the land acquisition process can be very cumbersome, particularly for someone who wants to donate land to the County open space program. COLTPAC is going to make a proposal to streamline that process for donations so that people can do that much more easily. Reopening access to Glorieta Baldy is of great interest to many people in the public. It's been mentioned by a number of different groups to us and we will lend our efforts to make that happen.

Three, with COLTPAC's encouragement, staff has initiated management planning for several of the open space properties – San Pedro open space, Los Potreros open space, and La Cienega open space. COLTPAC members will contribute to the planning process and review the resulting plans that come out of it for recommendation to the BCC. COLTPAC members are also interested in exploring whether there's a role for us in the ICIP process. Obviously, funding is critical to the program and we would like to be able to at least make our recommendations as far as the open space, trails and parks activities

are concerned.

Again, we're very excited about the future of Santa Fe County's open space, trails and parks program, and we're happy to be playing a part. The County has really built a great staff and program and I encourage you to support them in every way possible. Thank you so much for your time.

CHAIR MAYFIELD: Thank you so much. Anybody else? Devin, are you here to comment? Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Thank you very much Ms. Kowalski for your presentation and I just want to say a big thanks to all the members of COLTPAC for all the work that you have done and all the work that you're going to be doing in the near future. I think this is really, really an important process. We purchased a lot of land and it's now really time for us to think about a plan for how we're going to maintain this over the years. I had a couple questions though. One was community involvement. You mentioned that upfront, that you wanted community involvement in preparing the plan. Have you given any thought about how you're going to do that?

MS. KOWALKSI: Mr. Chair, Commissioner Holian, we are planning to have a series of meetings, both maybe from the interest group perspective as well as from the geographic perspective to make sure that everyone has an opportunity to contribute in a meaningful way. There are a lot of organizations already out there that are working on other planning efforts that overlap with what we're doing. I just spoke with someone today with the Fat Tire Society. They're working on a plan to develop mountain bike trails around the county and so we'll engage people like that to make sure that we're not duplicating efforts and we're getting input from everyone.

COMMISSIONER HOLIAN: Great. And I would just like to offer my help, if you need it in organizing community meetings in the part of the county that I represent. Because I really believe that this is important. I also wanted to say that I really liked the bullet point there about educating and inspiring a new generation of land stewards. My husband and I bought 500 acres on Glorieta Mesa and we put a conservation easement on it, and we thought that all we had to do to save the land was to not allow development. But we learned over the years that due to the way the land has been not cared for well in the past that it was really important for us to learn how to be land stewards and to do land restoration. And so I hope that that will be part of what we do in the future with County lands as well, that we look to how we restore that land to a health state as well, because I think that's equally important.

So I just wanted to make that point. And then I also wanted to ask you, have you given any thought to also maybe expanding into the area of agricultural easements? In other words, putting easements – or figuring out how COLTPAC could help, or the County could purchase easements on agricultural land to make sure that it is maintained as agricultural land in the future?

MS. KOWALKSI: Mr. Chair, Commissioner Holian, we did have a discussion about agricultural properties, particularly as they represent cultural landscapes in this region and how important they were and we did discuss maybe having that topic as

a focus group discussion for the strategic plan, so that maybe that would be a very good forum for bringing up some of the ideas for preserving agricultural landscapes like that.

COMMISSIONER HOLIAN: Great. Again, if there's anything I can do to help, I'm sure this is a topic –

MS. KOWALKSI: We'll take great advantage of that. Thank you.

COMMISSIONER HOLIAN: It's near and dear to my heart. Thank you.

MS. KOWALKSI: Thank you.

COMMISSIONER CHAVEZ: Mr. Chair.

CHAIR MAYFIELD: Commissioner Chavez.

COMMISSIONER CHAVEZ: Yes, I'm reading from the background, the summary that we have in our packet, just for information. The open space and trails program as it is now called has grown over 6,600 acres of open space and 46 miles of trail. COLTPAC's role has been expanded to include advising on the County's numerous parks and recreation facilities to open space and trail matters. So that's a big endeavor. I appreciate the committee's work over the last 14 years and appreciate more the willingness of the committee to shift gears a little bit, if you will, from acquisition as you mentioned earlier, to stewardship. And so the next probably ten or twelve years I guess, or ten to 15 years probably that will be the focus and I think that's good.

We talked earlier about the operation and maintenance costs of our facilities and your efforts will help in that area because of the possible partnerships that you'll be able to establish to help with the operations and maintenance with this open space and trails, so again, we talked about striving for sustainability and design, construction and maintenance. That's the last bullet point. And I think that's going to be the most challenging as we move forward. But with the community in place I think we can address those concerns and to the best of our ability continue to maintain what we have for the benefit of the public, for all the other reasons that you stated. So again, just congratulations and thanks to the committee for the work that you have done and that you're willing to continue to do.

MS. KOWALKSI: Mr. Chair, Commissioner Chavez, thank you. And I also want to say that the County has brought on board some excellent staff and we're all just really excited about the progress that's been made in the program in the last year. We're so excited and very happy to be able to help. Thank you.

COMMISSIONER CHAVEZ: And on that point, I think a year or a year and a half ago there was some discussion about whether COLTPAC was even going to stay around, right? There was some question about the purpose and the need for COLTPAC, and I'm glad that we got through that discussion and that the committee again accepted the new role and responsibility and I think that was encouraging for me anyway. So again, thank you to you and the committee for being willing to continue with your new challenge.

MS. KOWALKSI: I'll pass that on. Thank you.

CHAIR MAYFIELD: Thank you for working, you and all your committee members and staff. Thank you.

V. A. 2. Presentation on Proposed Development Review Fee Ordinance

VICKI LUCERO (Building & Development Supervisor): Thank you, Mr. Chair, Commissioners. On May 27, 2014, this item came before the BCC on a request for authorization to publish title and general summary of the proposed fee ordinance which would establish development, permit and review fees consistent with the provisions set forth in the Sustainable Land Development Code. At that meeting the BCC stated that they did not believe the proposed ordinance was ready to move forward. The BCC directed staff to research development fees for other entities and do a comparison of those with our existing and proposed fees.

We actually did a comparison. It's in Exhibit 3 of your packet and it compares our current fees with the proposed fees in this ordinance and the fees from City of Santa Fe, Bernalillo County, Sandoval County, the City of Albuquerque and Dona Ana County. Many of the fees from the other entities were actually lower than our existing fees, therefore we adjusted the fees in our proposed ordinance to be more comparable.

One of the other directives that the Board gave was when we brought forth the fee ordinance in May we did not include film permit fees and the Board requested that they be included so we have done that. We have also increased the fees for major productions as directed by the Commission. However, as we went through the existing film ordinance we realized we may have to amend definitions in that ordinance to have a better distinction between small-scale and major productions. Currently, the definition of a small-scale production in the fee ordinance is a production having a cast and crew of 15 members or less, and I don't think currently we haven't received any applications that would fall under that category. So we have to make some changes to that film ordinance.

One of the other comments by the Board was that the fees for individuals building a residence should be lower than those for large-scale or commercial development, and so we actually decreased the fees for residential permits, and that you can also see in Exhibit 3 in the spreadsheet. For example, the current fee for a \$200,000 home, a home with a valuation of \$200,000 is \$1,175, and under the proposed fee ordinance it would actually be the \$200 base fee plus a valuation of \$550 for a total of \$750.

And I just want to emphasize that these fees do not include the impact fees that are also charged or the fire review fees that are regulated under a separate resolution in the ordinance.

Another item that the Commission brought up at the last meeting was that they didn't want to see multiple fees in our ordinance so what we have done is combined all the fees associated with development permit applications. For example, under the current fee ordinance there's a separate fee for an application, there's a separate inspection fee, utility authorization fee, and all that's for a residential development permit. Now, there's just going to be one fee total for the building permit and that will make it a lot more user-friendly and easier for the public to understand as well.

The Commission also brought up the issue that fees should be based on cost or acreage of development, for example, small businesses versus large businesses. So what

we've done, for fees for non-residential, mixed use and multi-family fees are based on project valuation, so smaller projects will be cheaper and larger projects will be more expensive.

Another issue brought up by the Board is the courtesy inspection fee that we have existing in the ordinance should be applied towards the development permit application fee. So we've actually added a provision in the fee ordinance that would basically give them credit if they request a courtesy inspection before they actually make a submittal, when they make a submittal they will actually give them credit for that inspection fee.

Requested action: Staff requests direction from the BCC to allow the proposed fee ordinance to be released for public review and comment, and we actually did have copies of the proposed fee schedule available at the last zoning map meeting down in Edgewood for distribution. If the BCC allows staff to proceed we will distribute the fee ordinance at the next two zoning map meetings, the one in Pojoaque and then the one at the County Fairgrounds. And then we will also send out a press release in regards to the proposed ordinance. We'll have it posted on our County website and we will distribute it to everyone on our email contact database.

After the public review period staff will return to the BCC to request authorization to publish title and general summary of the proposed fee ordinance. Mr. Chair, I stand for questions.

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

COMMISSIONER CHAVEZ: Thank you, Mr. Chair. So, Vicki, in the language that you have for individuals building a residence or accessory structure, private residential PV solar applications, would that be considered a homeowner permit? Would the homeowner actually be able to submit that application and not depend on a paid, licensed contractor or a licensed architect to submit that application?

MS. LUCERO: Mr. Chair, Commissioner Chavez, the individual could submit the permit as long as they have all the design and the information that's required on our submittal checklist; they can do it themselves.

COMMISSIONER CHAVEZ: So do you think a homeowner permit would fit in the definitions section?

MS. LUCERO: I'm not sure that there's currently a definition right now but we can look at that.

COMMISSIONER CHAVEZ: Because how would you define an individual building a residence or an accessory dwelling unit? Just by the dollar amount?

MS. LUCERO: It would just be based on single-family residential, if it's a privately owned parcel and they're developing a single-family residence or an associated accessory structure then that's what would qualify them for that type of a permit.

COMMISSIONER CHAVEZ: But is there a threshold on the square footage of that permit?

MS. LUCERO: Mr. Chair, Commissioner Chavez, currently there is not a threshold on the square footage of the development. It would just – like I said, it would

be based on a single-family residence.

COMMISSIONER CHAVEZ: And that would be on the project valuation then?

MS. LUCERO: That's correct.

COMMISSIONER CHAVEZ: Okay. All right. That's all I have for now, Mr. Chair. Thank you.

CHAIR MAYFIELD: Thank you. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. I had spent some time with Vicki going over a couple of items and one of them was the individual homeowner versus a developer building. And I just would like for you one more time for the public to talk about the proposed fees for an individual that might be building their own home, like let's say they purchased a piece of land for retirement. Now they're going out to build. And we know that quite a few properties here are \$200,000 and higher. So let's use the \$200,000 value.

So the permit fees would be on the value, not the square footage? Then take it from there and just explain it.

MS. LUCERO: Mr. Chair, Commissioner Stefanics, that's correct. The values would actually – the fees would be associated with the valuation of the construction. So the base fee for a residential development permit is \$200. So there's a \$200 flat fee, and then the additional would be based on the project valuation. So in this circumstance, if we're looking at a \$200,000 residence, then the valuation fee in addition to the base fee is \$550, for a total of \$750.

COMMISSIONER STEFANICS: Okay, so Mr. Chair, let's just kind of hypothesize here. I come in, I say I'm going to build a certain structure and then I run out of money, and so the structure doesn't end up being \$200,000, it ends up being \$150,000. What happens at the end?

MS. LUCERO: Mr. Chair, Commissioner Stefanics, these fees are actually – they're paid at the time of the building permit so it's before they even begin construction. If the plans change and they're unable to complete the entire structure as proposed then they would come in and amend their permit through our department and at that point we could see, we could look at the fees and find out whether or not they would be due a credit.

COMMISSIONER STEFANICS: And so, Mr. Chair, Vicki, Santa Fe County has provided refunds or credits in the past?

MS. LUCERO: Mr. Chair, Commissioner Stefanics, in certain circumstances we have provided refunds.

COMMISSIONER STEFANICS: Okay. So let's continue on with this individual homebuilder. They pay the application fee, they pay the rest of the permit fee, what are all the other fees that they might – what will they have to do and then what are other optional fees?

MS. LUCERO: Mr. Chair, Commissioner Stefanics, in addition to the base fee and the valuation fee, if they're doing any sort of grading, like to clear the entire site,

there may be a separate grading and clearing fee, which is \$100. Other than that, the only other fees would be – currently would be impact fees, which haven't been established yet; they're not part of this ordinance. There's also a review fee that the Fire Marshal charges which is part of a separate resolution in a separate ordinance, so we're not addressing it at this time.

COMMISSIONER STEFANICS: So what I'm really trying to put on the table, Commissioners, is an individual that's not going out to buy a home but is trying to build a home by themselves, what they're going to have to have up front, because those aren't costs that can be rolled in to a construction or a mortgage. So I just want to make sure that we're going to be comfortable with that.

The second thing, Mr. Chair, that I had brought up, that Vicki alluded to, is that I believe that commercial filming that's associated with big studios that garner quite a bit of profit is very different from educational films, and we don't really distinguish. So I asked them to distinguish a bit there. So I understand they're looking into that as well. Thank you very much, Mr. Chair.

COMMISSIONER ANAYA: Mr. Chair and Vicki, I appreciate you coming back. I think in line with Commissioner Stefanics' questions one of the things that I would like to see us do, so that the public can see how the fee structure directly impacts them is to have some specific examples that tie directly to building a home, whether they're utilizing not only the type of home they're going to build but the size of the home and those costs that are associated with this fee structure. So that they'll easily be able to assimilate the chart of fees with how that will directly impact them when they're trying to build a house.

The other thing that I am not shy about asking my colleagues on this Commission to do is to consider that there are structures that will serve a good household purpose that maybe shouldn't be permitted. And at one time, and I don't know when we stopped, exactly but permits were not required for agricultural facilities that were located in the county. And I've had constituents that have said we don't have to do permits for agricultural facilities, do we? And the answer is no; we permit every building. I even see on here zero project valuation of zero to \$999. You could have a chicken coop that you want to build that might cost less for you to buy all the materials and build it than your permits might cost.

And I think I would ask my colleagues on this bench as we're going through this process to raise the question as to are there other facilities that we don't want to permit, or that maybe we shouldn't permit. Pre-manufactured sheds, storage facilities. Those are another question that we have. You have a company that's manufactured an 8 X 10 storage unit that many, many people use throughout the county and the state but yet if it's zero to \$999 in addition to buying it they'll have a \$150 permit, I guess as I'm looking at this. \$75, \$150, \$350.

I guess what I'm getting at is can we as a Commission have a discussion as to which items require a permit, which items might require a permit and a fee? Maybe we have facilities that we still require a permit but we have a zero fee associated with it, based on the type of use and going to what Commissioner Stefanics is talking about,

whether it's a large-scale development or subdivision or whether it's grandma and grandpa that want to have an additional storage shed in their yard.

And so I understand we've got to get to some point where we start getting comment on the fee structure but I also think we should talk about whether we have facilities that have no fee whatsoever, and maybe agricultural buildings or pre-manufactured buildings of a certain size, maybe we shouldn't be imposing fees. Carports. This structure accommodates – there is also a fee if you went and bought one of those carports that you see alongside the road that are pre-manufactured, engineered carports. Those require a fee, correct?

MS. LUCERO: Mr. Chair, Commissioner Anaya, that's correct.

COMMISSIONER ANAYA: I think I would ask my colleagues on this Commission and for us to consider evaluating not only the fees but no permits or permits with zero fees. Thank you, Mr. Chair.

COMMISSIONER CHAVEZ: Mr. Chair.

CHAIR MAYFIELD: Commissioner Holian, then Commissioner Chavez.

COMMISSIONER CHAVEZ: Thank you, Mr. Chair. I just want to clarify something. So, Vicki, if somebody does put in a chicken coop they need a permit?

MS. LUCERO: Mr. Chair, Commissioner Holian, that's correct. A permit is required for any type of development.

COMMISSIONER HOLIAN: And it's required to have it inspected?

MS. LUCERO: Mr. Chair, Commissioner Holian, are you referring to like a structural inspection?

COMMISSIONER HOLIAN: Yes.

MS. LUCERO: That's something I would have to look at with CID because they're the ones that conduct the structural inspections. So that's something that I can look into.

COMMISSIONER HOLIAN: Okay. Thank you.

COMMISSIONER ANAYA: Mr. Chair, Commissioner Holian, there's a lot of picky chickens out there that want to make sure – respectfully, it's important that we take a look at these because some of these things inhibit people's ability to do practical things that will enhance their life. And I don't say that lightly. I think people that are allowed to grow their own food and have their own animals and utilize those are far better served than some that just go to the store all the time. So I think – and it's not you. It's just something I think as a Commission we should look at.

CHAIR MAYFIELD: [inaudible] if somebody is converting that structure into some sort of a living dwelling, a dwelling, then we can find that out. But just for somebody to put up a chicken coop, a carport, I think personally that that fee is a little excessive. One question I do have as it rolls up, and I'm kind of working between both documents that were provided to us. So I'm going to be on the three-page foldout because the print's pretty small. It was brought up on the inspection fees, so that \$250 per inspection, that's not for us? That's for Construction Industries? We're collecting their fee?

MS. LUCERO: Mr. Chair, that fee, no. That wouldn't be a structural inspection. What that would be is if a developer, say, for example, a subdivision comes in and they have to post a financial guarantee before they can record their plat. So as they're doing the infrastructure and road improvements then they would be contacting us when they wanted a drawdown on that letter of credit. So for every time we have to go out there to inspect, do a drawdown, then we would charge them that fee.

CHAIR MAYFIELD: Okay. So again, this is for any of our developers who have put up, say, a bond or they have to have that \$250 fee charged for the inspection.

MS. LUCERO: That's correct.

CHAIR MAYFIELD: Typically, how many inspections is asked for?

MS. LUCERO: It depends on the scope of the project. Sometimes, if it's a smaller project we do one inspection. Other times we may go out there four times, five times.

CHAIR MAYFIELD: But for residential or agriculture, I think it was asked, you answered it, there would not be an inspection fee.

MS. LUCERO: Mr. Chair, for a single-family residential or agricultural development, there is an inspection fee. It is included within the base fee for the application. It was the courtesy inspection fee that we were referring to, if they call for a courtesy inspection before they make an application, then it would be credited towards that development permit application once they submit.

CHAIR MAYFIELD: Okay, and then I'll just bring it up. Burial permit. That's if somebody would like to have a piece of their own property to inter a family member or somebody?

MS. LUCERO: That's correct. Yes.

CHAIR MAYFIELD: Like what would be the instance on us denying that? Approving that? You're asking for a fee but just help me on that please.

MS. LUCERO: Mr. Chair, it's an administrative process. Basically, what they would have to do is prepare a survey plat to actually designate that site as an easement so it's not disturbed. So it would just be a survey plat designated that as a burial site in a burial easement.

CHAIR MAYFIELD: And would that matter if it was for an animal, domestic, a farm animal? Are they going to have to get a burial fee to bury their pet dog on their yard?

MS. LUCERO: Mr. Chair, typically, it's just for human burials is what we get applications in for. I don't know that we've ever gotten one in for a –

CHAIR MAYFIELD: But it's general though on burials. Unspecified. And I'm just kind of going to go down all of them. I'm not nitpicking them but I just have questions for some. So I know under the current fee structure we had a catchall miscellaneous fee, I believe because I know a constituent brought that up to me. If we didn't have a fee for them we'd put you under miscellaneous and charge you that fee. Is there a general miscellaneous fee on this schedule?

MS. LUCERO: Mr. Chair, on this proposed ordinance there is not a general/miscellaneous fee. I think we pretty much covered all the categories that are associated with the SLDC for various types of development.

CHAIR MAYFIELD: And then you have – I'm looking at the PV solar of private residential, \$250 fee. They have to get – why do they need a fee? Why do we need to give a permit fee for that? If somebody wants to try to put photovoltaic on their roof? Why are we asking – are we going to inspect that? Are we going to look at it? Are we just asking you to let us know you're doing it?

MS. LUCERO: Mr. Chair, basically, those ones are generally expedited permits so we get those out fairly quickly, but we just want to have a record that there's existing PV solar there. They have to show us where the shutoffs are so in case the Fire Marshal has to go out there, they can cut the electric supply before they actually enter a house so that nobody gets injured.

CHAIR MAYFIELD: But I would think our Fire Marshal would be able to see that and know where the box is. I just don't understand why we would be charging somebody a \$250 fee to put PV on their home. Because it's probably not existing if they're going to be adding it after market to their house.

MS. LUCERO: Right. That's correct, Mr. Chair. We also do a review for the height of the structure to make sure that if they're proposing to install it on their roof that they don't exceed the maximum height and that sort of thing.

CHAIR MAYFIELD: Well, that might be one we look at, Commissioner, to not charge a fee for, just to permit it. And then there's not a fee for it but what is a temporary use permit?

MS. LUCERO: Mr. Chair, that would cover something like, say, for example, a concert, a carnival, a circus, that sort of thing. Those are actually covered in our business registration ordinance, which we are going to be looking at actually amending. So those are covered under that ordinance but we will plan on making some changes.

CHAIR MAYFIELD: Okay. And then, I brought it up when I discussed the HERS rating, but we don't even have an identified fee for a third party person. So talk to me about some third party individuals that could charge anything they want and we're going to pass that on to either commercial development, residential development, any type of development. It's kind of blank there. We're looking – and if we look over at what you gave us from the City of Albuquerque, they're saying \$150. And we're just saying full cost is passed over, so I brought that up. I know that they stated to me what a typical HERS rater reviewer would charge. I'm not going to restate that because I might have it wrong but it was somewhere around – anywhere, it could be between \$300 and \$700.

But I mean this is pretty broad of what they charge or what they could potentially charge and we're going to say, okay, well, you've done everything but you haven't paid this third party inspection fee, and that fee comes out to be \$5,000, somebody would say, well, where do I get \$5,000 from to pay your fee?

MS. LUCERO: Mr. Chair, those fees, like say for example a DCI. The

SLDC requires that those be reviewed or prepared by outside consultants. So that would be the fee that we're requesting here as far as a third party review fee goes. It would be the fee for the preparation by the outside consultant.

CHAIR MAYFIELD: What about an SRA? You're going to have to help me with all these acronyms. You have SRA, TIA.

MS. LUCERO: I'm sorry, Mr. Chair. SRA is studies, reports and assessments, so that covers all. And then the TIA is a traffic impact analysis. APFSA is adequate public facilities assessment. WSAR is water service availability report. FIA is a fiscal impact analysis and EIR is environmental impact report.

So that first column is for a DCI. So those are the fees that we would be charging, the preparation fees for anything considered a DCI.

CHAIR MAYFIELD: And that would be stated somewhere in our code that you have to have these third party inspections done, right?

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

CHAIR MAYFIELD: Okay. Then what about the County-reviewed SRAs?

PENNY ELLIS-GREEN (Growth Management Director): Mr. Chair, Commissioners, under our SLDC that is for an application, a larger-scale application that has to do these studies, reports and assessments. So if it's not a DCI, the applicant submits it to us, but depending what the study, report and assessment is there may be a need for an outside reviewing agency. So possibly an outside reviewer for the hydrology report, for a traffic report, to actually have another traffic engineer review that and that means that if we need to send it out for outside reviewers that the cost of that is borne by the applicant. Again, that's a larger-scale subdivision, a larger-scale – maybe a planned development district, a larger-scale non-residential use.

CHAIR MAYFIELD: And then a specialized review?

MS. ELLIS-GREEN: That would be if we had a smaller type of subdivision that didn't do a studies, report and assessment but maybe had a specialist review needed, something that we hadn't addressed previously in our code, things I can think of is that we had for the UDV Church we went out and had a specialized hydrology review for that specifically looking at liquid waste and water availability. So that would come into play only if there's a specific application that would require a specialized review that we can't do in-house.

CHAIR MAYFIELD: Okay. So I guess – let me go back to the HERS, because I know we passed that under the Sustainable Land Development Code. Where would the fee fall under this schedule?

MS. ELLIS-GREEN: Their fee would fall in under a development permit for the actual construction of the house. The review and the certification is something that's done by a third party, a private third party. It's not part of our review fee. So we don't set a review fee.

CHAIR MAYFIELD: Fair enough. But it's Construction Industries who gives a final certificate of occupancy also, right?

MS. ELLIS-GREEN: Construction Industries gives the building permit and then does the final inspections and the certificate of occupancy. Yes.

CHAIR MAYFIELD: But if somebody doesn't have that third party HERS inspector, is Construction Industry going to enforce that or not enforce that.

MS. ELLIS-GREEN: Construction Industries does not enforce our ordinances.

CHAIR MAYFIELD: Thank you. I think you answered the inspection fees. I appreciate that. And then, if you could just talk about the variance and the appeal fees, the way we're setting this up now through our code. That's already in place, correct?

MS. LUCERO: Mr. Chair, the existing fee ordinance does already have fees in place for variances and appeals. The fee for a variance is currently \$275. We actually increased that to \$300, and on an appeal, it was also \$275 and we actually decreased it to \$200.

CHAIR MAYFIELD: Okay. And then I guess my last question, Ms. Lucero or Ms. Ellis-Green, because I think you've helped assist us in the past, but if somebody asks for – prior residence is asking for vacation of an easement, a family lot transfer – public notice. How many times? Can they just pay the fee once and they don't have to do public notice each time it goes through CDRC? If it goes through I guess our special hearing officer that we may have? If it goes through this final Commission? Are they going to have to individually notice?

MS. ELLIS-GREEN: Mr. Chair, Commissioners, we have been requested by the Commission in the past that when we have a small-scale application that we go ahead and we give them notice for any committees that they need to go through. So understanding that the committees are going to change under the CDRC. For example a variance will then be heard by the hearing officer and the CDRC, but for a smaller application like that we would try to notice them under one noticing in the newspapers. So it will save them money.

CHAIR MAYFIELD: And that's even if, say, time doesn't permit that to be done? What's our permit? 90 days? Let's say the applicant is choosing to defer coming to this Commission or asking for extensions. But if it's an issue with the County over the extent of that 90 day period, are we going to say, look. And then a neighboring resident says, look, I wasn't noticed that this thing is happening six months later. We have a case later in our book, it's coming six months later. Somebody might say, well, where was the notice on that?

MS. ELLIS-GREEN: Mr. Chair, I'm not sure I understand the –

CHAIR MAYFIELD: Let's say an applicant – we always are confronted with extensions at this Commission on an application that goes a little longer I think what that notice was afforded for. How long, when you put one of those yellow signs on your property you're giving notice?

MS. ELLIS-GREEN: Mr. Chair, under current code it's 21 days prior, that you have the sign out for 21 days. If the applicant then requests a tabling or the Commission or the CDRC tables, that can happen, the third time that happens we ask the

applicant to renote. And so it's not usual that the CDRC or the Board would actually request that a case get tabled three times because of that. If an applicant requests the tabling three times we do ask them to renote.

CHAIR MAYFIELD: Penny, thank you for that. So let's say the CDRC approves or disapproves, I guess disapproves an applicant's request and then they appeal it and they pay the fee for the appeal to come in front of this Board. Do they have to repay that noticing fee again?

MS. ELLIS-GREEN: Mr. Chair, yes. There is an additional notice fee for an appeal, because the case is usually – if a case is final at the Planning Commission level, and then if they appeal that on, they're making grounds to appeal and that is a completely separate application.

CHAIR MAYFIELD: [inaudible] That's all I have. Thank you very much, ladies, for all your hard work and staff's hard work on this. Commissioner Chavez.

COMMISSIONER CHAVEZ: Thank you, Mr. Chair. Let me see, where do I want to start? I guess first I would state that I would be in support of reducing fees but I don't think that I would be in support of not having fees where they're appropriate. Because I think the fees should be commensurate with staff's time for reviewing these applications and all of these applications are going to take staff time at some level. The other thing is I don't want to send mixed messages to county residents about whether they should apply for a permit or not, because I've come to believe that a majority of the county residents think that they don't have to apply for a permit for anything – a chicken coop, a fence, an accessory dwelling unit. We have a lot of after-the-fact variances that we've dealt with in the time that I've been on Commission, and these are all structures, for the most part, that have been built without a permit.

And so I think the message that we need to send is that we encourage you to apply for a permit for almost anything that you're going to build, anything structural. I think even a chicken coop. Commissioner Anaya, you talk about pre-manufactured homes or storage sheds, those units may be built to standards but what about the foundation that they're going to be set on? Are they going to meet the wind loads that are required? Is a fence going to meet the wind load that's required? The only way we're going to know is by doing a visual inspection on that project.

And I think this is being done not to ding the homeowner or to ding the individual that wants to make improvements on their property but to protect the health and safety of their family and their neighbors. So I think that development fees, impact fees, permit fees, are never, or hardly ever accepted with a lot of enthusiasm but it is a reality. It's the cost of doing business and I think that Vicki, you've looked at comparables, you've adjusted our development fees so that they're comparable with other counties and cities around us. Correct?

MS. LUCERO: Mr. Chair, Commissioner Chavez, that's correct.

COMMISSIONER CHAVEZ: I think that's a good direction to go in. I've also been called a couple of times by residents who live in the county who feel that they're living in substandard living conditions. Usually, they're renting and they want recourse. It's hard for us to go and inspect after the fact. We're not in a position to

condemn that structure if that tenant thinks that it should be condemned. Do we have the inspection authority to go back? Because it's all complaint-driven. So if a complaint comes in about a substandard condition, what are our options, Vicki, to inspect that and to have that property owner fix that structure?

MS. LUCERO: Mr. Chair, Commissioner Chavez, our code doesn't have any type of regulations for structural or that sort of thing in regards to the structure, structural aspects of it. So we usually work with CID. They're the ones that would have the authority to condemn a structure that was inadequate.

COMMISSIONER CHAVEZ: Okay. So that's for the record and for the public, because on the one call I got, the resident was under the impression that we could go inspect that unit and we can't. Not for the structural integrity. But we can go inspect to see if they have exceeded the density that's allowed on that parcel.

MS. LUCERO: That's correct. Yes.

COMMISSIONER CHAVEZ: So it's hard to explain to the public, when you get a call like this, what our role is and where CID steps in. And so I'm just sharing this with the other Commissioners because I have gotten a couple of calls with this kind of concern and the question and I've tried to help people through the process so that they can raise their argument at the appropriate department, whether it's us or CID. So enough on that, because that's more after the fact, but at the front end – and you may have touched on this earlier and I apologize if I missed it, but do you have a checklist that you can give an individual when they're applying for their project that gives them a checklist of what they're required to do through that process?

MS. LUCERO: Mr. Chair, Commissioner Chavez, we do currently have checklists for various developments under our existing code and we'll be revisiting those as the SLDC gets implemented.

COMMISSIONER CHAVEZ: That's all I have. Thank you, Mr. Chair.

CHAIR MAYFIELD: Thank you, Commissioner Chavez. Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, I think one of the things that I fully accept sitting here as a County Commissioner is that there are days when I might be just in complete disagreement with a colleague and associated with fees and tax base, and I'm just going to make this brief comment and then I'm going to leave it alone for now, but associated with fees and our tax base in the county, I've always been of the mind that there are property taxes and other levies through gross receipts tax and otherwise that the taxpayers pay into and should receive in return a level of service associated with that taxation.

And time and time again, and I respect that there are differing perspectives on this Commission, within my colleagues, I respect each and every one of them, but I'm of the mind that those taxes that are already paid are taxes that can be utilized to offset expenses by you as staff. So as we're making comments associated with questions we have individually, it's not personally associated with your work, and from your perspective, your responsibility is to take in an application and conduct a review and do the diligence of staff review. How we pay for that review is why we sit up here as policy makers. I'm

of the mind that if we expend as much as we possibly can out of the primary tax base that people already pay – their property tax, their gross receipts tax and otherwise, and then limit – and I'll say that, just flat out limit additional fees for other purposes that come to the County, I think we are serving our constituency and utilizing the tax base that already exists.

So when I hear recoup, recoup, recoup, I have to stop myself and say wait a minute. I pay a tax that is rather high, as do each of us sitting up here associated with property tax and other taxes in an expensive country, frankly. So wherever as a Commissioner I can find a way to pare down those fees and give relief, flat-out, I don't know how else to – there's no other way to sugarcoat it. Relief to the taxpayer for reviews we might do.

So when we talk about a chicken coop or an agricultural facility or another type of facility we might consider pulling the fees away from then I look to our Manager and I look to you to come back and say – and we've done this review many times over the last few years in particular, where you say to us, Ms. Miller, here's what it costs to administer the programs in the Land Use Department. Here's what we recover in fees and here's the gap that needs to be made up.

And if we make a decision as a majority that we're going to shift some of our operating taxes to offset some of the reviews that you do in an effort to maybe reduce some of these and simplify this chart, then I don't think that that's a bad thing at all. And I'll say it – I've said probably at least ten times, but it's no malice to Commissioner Chavez or any of my other colleagues. It's just a simply, primary premise that I think people pay a tax and should have a vast array of uses before we look to advancing additional taxes.

The last thing I would say is this. If we ended up being the Class A county in the State of New Mexico that made that conscious decision to shift more property tax payment into land use and reduce the fees even more and we ended up being the lowest Class A county for permits in the State of New Mexico, I think that would be a good thing, I'm not saying we're going to get there but in my estimation that would be a good thing for the taxpayer and the constituents we serve.

The last thing I'll say is this. When you're comparing, and Commissioner Stefanics brought it up earlier, when you're comparing a large development or a multi-faceted commercial project, that's different. That's a different analysis and will require an additional review. But when we're talking about the homeowner that wants to go in to do a small shed or a chicken coop or another ag facility, or there could be other uses we add in there, then I think we should give that its just review and maybe we still have some reviews but there's no fee. And we agree as the Commission, potentially – I'll cross my fingers a little on some of these – to offset some of those costs for those individual homeowners or those uses that don't have the vast impact that a large scale project or commercial project might have. Thank you, Mr. Chair.

CHAIR MAYFIELD: Thank you. Commissioner Chavez.

COMMISSIONER CHAVEZ: I'd do a complete 360 on Commissioner Anaya's comment relative to property tax because I think if we make that decision there's

going to be a cause and effect and I would assume that we would have to cut services somewhere else. That's just a comment, just an observation. But the real question I want to ask is do we have to have any development fees at all for anything? Is there state statute that says that we should have development fees and if so, why? Because I want to go back to that fundamental question about taxation and it being fair to the taxpayer, for property tax or for development fees or for impact fees or anything else that we would need to assess a fee on.

MS. LUCERO: Mr. Chair, Commissioner Chavez, our current Land Development Code does have a provision in there stating that we will establish development fees. So that's where –

COMMISSIONER CHAVEZ: It doesn't say that we shall or that we may, but it says that we will?

MS. LUCERO: Mr. Chair, Commissioner Chavez, I'd have to pull it up. I don't know the exact language.

COMMISSIONER CHAVEZ: Anyway, I'm just asking that, a sort of fundamental question about the need for taxes and fees and then we have to justify them, I think, at every step. So I'll just pose that for the record and we can just think about that maybe. Thank you, Mr. Chair.

CHAIR MAYFIELD: Thank you. So in light of my colleagues' conversation, as far as statute, I don't know of any statute that – I think we have enabling legislation to impose these fees but I don't think there's a statutory requirement that says we have to do this. And I'm going to kind of put Ms. Miller on the spot though, but Ms. Miller, I think there is a statutory requirement that we have x-amount of money in cash reserves. Correct?

MS. MILLER: Mr. Chair, yes. There's statutory requirement that we have 3/12 of our budget, of general fund, in reserve and 1/12 of our road fund, and then by policy, the County Commission has enacted a 1/12 on all other funds.

CHAIR MAYFIELD: Okay, so we're even a lot higher on the statewide threshold that is mandated on us in cash reserves. I know I've asked the question many times, well, why don't we buy our own bonds and sell our own bonds. It's been told, well, if you can buy your own bonds all those taxpayers are out there going to say well, you're paying – our property taxes are too high. That's what it's always been stated to me. But we're rated pretty high on our bonds so I think our reserves are definitely there through prudent management of all of Santa Fe County, but in line with what Commissioner Anaya was saying, I definitely would hope that we have structures and accessory dwellings, everything else permitted. There's a couple of things in here for a sign. We're going to charge x-amount for a sign. I don't know if that applies to our home-based businesses or not. Thank you for saying no, Ms. Ellis-Green; it doesn't.

But I just think it's incumbent on us to help our constituency also, not to make it cost-prohibitive to do anything, or unintentionally put somebody underground where they're not going to tell us they build a structure. We're going to have to go and find it. If we just made our permitting process pretty easy, pretty inexpensive I think a lot more people might say, yes, we're doing this. We're putting this fence here. There's no fee to

do it but one might be able to identify, well, you guys are going to maybe potentially push water on a road or on your neighbor or something else like that.

But I think Santa Fe County definitely has adequate reserves to offset a few of these fees in my opinion. One thing I will ask though, Vicki, as far as this fee structure. Again, thank you for all your work. As far as inspection fees – I already asked that. I'm sorry. Utility authorization fees. So there is a residential/agricultural \$200. Is that rolled up also into that initial dwelling or is that an additional fee?

MS. LUCERO: Mr. Chair, that is rolled into the fee for a development permit.

CHAIR MAYFIELD: Okay. So this second spreadsheet has a lot of them already rolled up. And then I think I asked that question on the sign permit. So that would be just for a really big sign? It's not somebody that has a home occupation. They don't have to get a \$245 fee to let us know they have a home occupation business?

MS. LUCERO: Mr. Chair, the home occupation fee includes the proposed signage for that particular use. So it would just be for a large-scale commercial or multi-family development.

CHAIR MAYFIELD: Okay. And then as far as a demolition fee permit for residential. Unfortunately, if somebody lost their home due to a fire, do they have to come over here and get a demolition permit fee from us for \$250?

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

CHAIR MAYFIELD: And administratively, can you all waive – again, this is proposed. Is there any administrative provisions where somebody's financial hard times. They don't have insurance. They need to clean – we would want them to clean that debris on their home, but that \$200 might be used to rent I guess a disposal storage unit to put on their property versus paying us \$200 if they're pressed for the money. I just wish you guys would look at that demolition fee, for circumstances such as somebody losing their home to a fire or something else. Or they got mold in their house and they need to get rid of all that mold out of their house, through water flooding or something.

But thank you for all your time and effort you all put into this. Ms. Lucero, I think you mentioned it. I'll put you on the spot again. We are taking this out to our two zoning map meetings?

MS. LUCERO: Mr. Chair, it was available for public distribution at the last meeting and they will actually – it will actually be an agenda item on the next two public meetings.

CHAIR MAYFIELD: Thank you. Just so the public can comment if they choose to. Thank you so much. Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, you were asking for publishing title and general summary on this?

MS. LUCERO: Mr. Chair, Commissioner Anaya, at this point it's just a presentation. Once we finish the public process then we'll come back to request authorization to publish title and general summary.

COMMISSIONER ANAYA: Mr. Chair and Vicki, if you could just, as I

suggested, maybe provide some examples. Pick some projects. A single family house, a storage unit, a structure. Use some of the things we discussed here today so that people can touch it and understand which fees apply and then maybe follow crosswalk it with a simple example and then the fee structure so they can tie to the two together quickly. Because as you go out in the public hearing process, even us going through the chart it's not as easy to follow as if we had maybe an example to go with it. Then I think you might get more input from the public as to what their perspective is.

MS. LUCERO: Mr. Chair, Commissioner Anaya, we'll work on some examples for the next public meeting.

COMMISSIONER ANAYA: Thank you.

CHAIR MAYFIELD: Thank you. Commissioner Chavez.

COMMISSIONER CHAVEZ: So I have a question, because the recommended action in our memo says that staff requests direction from the BCC to allow the proposed fee ordinance to be released for public review and comment. If the BCC allows staff to proceed we will send out a press release in regards to the proposed ordinance. So will you do that based on our comments today or will you post it as it exists, as it was presented in our packet? How do you plan on handling that?

MS. LUCERO: Mr. Chair, Commissioner Chavez, I believe we would post it as it's presented today and then we would continue to make amendments as it goes through the process.

COMMISSIONER CHAVEZ: Okay. I just wanted to check in.

CHAIR MAYFIELD: Commissioner.

COMMISSIONER ANAYA: Mr. Chair, Commissioner Chavez, I think Commissioner Chavez has a good point. I think it would be good for the public to know what some of the feedback has been from this Commission. So if you could pull some of the statements from the minutes, summarize some of the feedback and then afford that to the public I think that would be helpful as well. Thank you.

CHAIR MAYFIELD: Clerk Salazar, can we get this on the ballot and ask everybody out there in the public what they think of the fee schedule? Too late.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR MAYFIELD: Commissioner Stefanics.

COMMISSIONER STEFANICS: It's separate from this topic.

CHAIR MAYFIELD: Yes, we're off the topic. Well, we're off it now. I don't think anybody else has any questions. Thank you, Ms. Lucero, very much.

COMMISSIONER STEFANICS: I realize we have other business. Could we tell land use cases when to come back? There are several people.

CHAIR MAYFIELD: Yes, I was going to get to that.

VI. MATTERS FROM COUNTY ATTORNEY

A. Executive Session

CHAIR MAYFIELD: Mr. Shaffer, is there a need for executive session?

MR. SHAFFER: Mr. Chair, no there's not.

CHAIR MAYFIELD: Okay. So I think then we've disposed with our agenda minus a progress report on the Pojoaque recreation complex. If we could have this and then take a ten-minute break, 15-minute break. Is that okay, Commissioners. So everybody, we're going to have a quick presentation on the Pojoaque Valley Recreational Complex. Thank you, Mr. Hogan. Then we will take – we've been up here pretty much all day – a 15-minute break and then after 15 minutes we'll be back and I don't think, Tony, this presentation will take longer than ten minutes. So I would say by 6:15, 6:20 at the latest, if anybody need to grab a cup of coffee or a snack from outside. That's when we'll get to our land use cases.

V. A. 3. Progress Report on Pojoaque Recreation Complex

MR. FLORES: Thank you, Mr. Chair. Good afternoon, Commission. It was requested that we do a brief update on the status of the Pojoaque recreational complex that is currently under development in the northern part of Santa Fe County. Just a brief history. This is a project that Santa Fe County has been working on for a short period of time relatively speaking. Earlier this year we renegotiated the terms of the acquisition with the Pojoaque Valley Schools to reduce the purchase price. We are in the process of completing the construction documents that will be let, it is anticipated late October for the actual construction development of phase 1 of the project which will include the renovation of the multi-purpose field that currently exists into an artificial turf field with some site improvements specifically to the parking lot area.

The contractor has completed the preliminary master plan. Under way are the construction documents. They have taken those through the technical review team here within the County to garner any obvious discussion points that need to be addressed. That discussion happened last Thursday and it was positively received by the team. So as I indicated we are moving forward with the development of the construction documents and anticipate letting the construction bid in late October with the meeting in December with construction to commence thereafter. It is anticipated that based upon that schedule the field will be renovated once the temperatures and the weather conditions permit, late winter early spring and then be completed by late spring/early summer in time for the new Little League seasons to begin.

The project is being developed in multiple phases and will be developed based upon available funding. We have received two state appropriations or are in the process of using two state appropriations that we've used for the acquisition of the project. The plan has been vetted extremely – the plan has been vetted more than once by the staff and the consultant to ensure that the wishes and desires of the community as well as the Commission's direction have been met or are being met. And with, Mr. Chair, I'll stand for any questions.

CHAIR MAYFIELD: Mr. Flores, thank you for all your work on this project. I really appreciate it, and all staff, Ms. Miller, especially. Tony, as again, my understanding is there's no more issues with the Office of the State Engineer? All the water rights have been settled? You can correct me on that.

MR. FLORES: Mr. Chair, the issue with the Office of the State Engineer is they would not allow the Pojoaque Valley Public Schools to actually submit the transfer of water rights because they were no longer the property owner. So that has to be contemplated by Santa Fe County. That process, as far as I'm concerned today, there are no issues with that transfer of those water rights.

CHAIR MAYFIELD: Okay. Then as far as – I don't know if it had to go through MFA, Ms. Miller, or through another state agency, but there was a little hang-up or question for a bit there but that's been worked out?

MS. MILLER: Mr. Chair, that was the transfer of the property or sale of the property has to be approved by the State Board of Finance and it was the State Board of Finance that put some of the conditions relative to the State Engineer. All of those conditions have been met and I believe we're closing on it –

MR. FLORES: Mr. Chair, yes. The Board of Finance placed three conditions on the sale by Pojoaque Valley Public Schools to the County. Those three conditions were met on August 8th, which the last one was the letter from the State Engineer's Office.

CHAIR MAYFIELD: August 8th of 2014?

MR. FLORES: A couple weeks ago, yes.

CHAIR MAYFIELD: So we couldn't have proceeded further until those conditions were met by the Pojoaque School Board?

MR. FLORES: Mr. Chair, that's correct.

CHAIR MAYFIELD: Thank you. Tony, just because I brought it up, in fairness on Commissioner Chavez' project a little earlier. I don't know if you have it. I know Ms. Jaramillo is here. The funding sources for this – again, I want to thank our local legislators, many of them who approved capital funding for the acquisition of the property. There has been at least a million in quick-start money set aside for the initial design and initial build-out and there might be some other Commission district capital dollars that have been set aside for this. I'll stand to be corrected on any of that.

MR. FLORES: Mr. Chair, just real briefly on the funding sources. You are correct. We have received two state severance tax bond grant appropriations through the legislature from fiscal years 13 and 14. We've also – the funding came from the GRT 12 quick-start program and also the GRT long-term program, and then there a couple of internal BARs that moved monies around for projects that didn't come to fruition in District 1.

CHAIR MAYFIELD: Okay. Well, again, thank you for all your work and I look forward to this project being completed.

MR. FLORES: One closing point, Mr. Chair. We have ordered a coming soon sign that will be placed on the property and we've also discussed having an event out there in the near future, within probably the next 30 days, so that we could do a – I don't want to call it a groundbreaking because it won't be under construction yet, but a community celebration even that now it went from a Little League complex to a Pojoaque Valley recreation complex.

CHAIR MAYFIELD: Mr. Flores, I'm sure you were here earlier, if not you were listening because I know you always stay in tune with what's going on with this

Commission. One thing that I suggested up here to Commissioner Chavez, is with a new recreational facility coming on line it's sort of like a community group and I think Ms. Miller mentioned – I know there would be various individuals from the community that would be interested, ongoing, to take on ongoing maintenance, even if it's a limited scope, knowing Santa Fe County has to. I know I've spoken to you about, I guess the northwest corner of this property to maybe also be used as a staging area for our heavy works equipment, just so that it's not commuting down the road all the way from Arroyo Seco.

So with that though, so what are the stages to get like a community group together to help oversee this project and/or future operations of it.

MR. FLORES: Mr. Chair, that's an excellent point. I think Adam touched upon it a little bit as did Ms. Miller. The steps involved in this, I think we've already started that ball rolling with discussions with the organizations that use the field currently. That's both the Little League and the youth recreation or the youth soccer leagues. The next step in the process of actually, to formalize that arrangement, and move forward on scheduling the other thing. So I think that that – those discussions have already begun and I think once those have been formulated then bring it back to the policy makers, the Board, to actually deem them appropriate and then move to the next level.

CHAIR MAYFIELD: Thank you. Commissioner Anaya. Thank you, Mr. Flores.

COMMISSIONER ANAYA: Mr. Chair, a lot of different players involved including this Commission, legislators, the staff, the community, but would comment you, Commissioner, Mr. Chair for your efforts on this facility. It's going to benefit not only this valley but it's going to provide fields and use for community members throughout the county and the region. And I think it's going to be an awesome addition to the valley and to the county and to the whole region that will showcase our emphasis and desire to do good things for youth and the community. So congratulations to yourself and the community and I look forward to seeing this through to completion.

CHAIR MAYFIELD: Commissioner, thank you and all the Commissioners for their continued support on this project.

MR. FLORES: Mr. Chair, just one other point. I'd like to, since she's still here, I'd like to thank Ms. Kowalski from State Parks because she was very instrumental in identifying some of the issues with the property because it was developed with our Land and Water Conservation program funding prior to us contemplating this endeavor. So she was very instrumental in actually finding two files for us to try to piece together how the project was developed by the schools. I want to thank her while she's here on behalf –

CHAIR MAYFIELD: And I also would like to thank you for that and all your work on COLTPAC. I know I've had the opportunity to meet with Mr. Bent and one thing I think is imperative for us to have is our local parks and recreational areas included with our open space areas. I represent northern Santa Fe County. A lot of us know that we can go out to the mountains, if hunting is what you like to do, you go out there, Camping, fishing, spending family time. But in some of our traditional communities that

are a little more densely populated than others a park is what's really a huge necessity and it should be considered open space also. So I think you guys have made some accommodations for that also in COLTPAC and I thank you for recognizing these local parks also in your reports. Thank you. Thank you, Mr. Flores.

V. B. 9. Commissioner Issues and Comments

CHAIR MAYFIELD: Commissioners, I think with that, I did kind of gloss over communications from Commissioners. I have none. I believe Commissioner Stefanics has none. Commissioner Chavez.

COMMISSIONER CHAVEZ: I have none.

CHAIR MAYFIELD: Thank you. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Actually, I just have one really quick one. And I just wanted to let people know that the Mayor has created a new task force called the Climate Action Task Force and you may have heard about this. But in any event, what he says with regard to this is he wants to create a more sustainable Santa Fe by building a green economy and more effectively managing our resources. And he wants for Santa Fe to be one of the most effective cities in the entire country as far as addressing the topic of climate change. And I just wanted to let you know that he invited me to be on the task force in order to bring the County into the effort and we are going to have our first meeting on Thursday. So thank you, Mr. Chair.

CHAIR MAYFIELD: Sure. I'll go back to Commissioner Anaya when he comes back for any district issues, and I will move on to C. 1, Matters from our County Manager.

V. C. Matters from the County Manager

1. Miscellaneous Updates

MS. MILLER: Mr. Chair, Commissioners, just a couple things. On September 18th, next Thursday, is the Association of Counties day at the State Fair. Santa Fe County will have a booth there. We're going to focus on tourism and all the great things you can do in Santa Fe County. So we will have staff, a bunch of information there, and if you're down at the State Fair, please stop by the Santa Fe County booth.

Also, as you know, we participated in a Santa Fe County fitness challenge. That challenge ended a week ago. We had at the high point of the challenge about – I think it was around 22, 23, teams of anywhere from four to six people apiece. We ended with for sure six teams that stuck it through all the way to the end reporting all of their minutes and community service and one of the things that we did, as part of the community services, a food drive for the food depot and we raised, I believe about \$75 in financial donations and probably close to 300 pounds of food which was about 500 meals. So that was the County staff who put that together, made that part of our fitness challenge for eating healthy.

And then we ended up and had a nice little award ceremony where the three top teams won some prizes and a lot of the people who participated won some door prizes

and I thank Commissioner Stefanics for attending that day to see how many employees participated in that and what the results were. So it was I think a successful first try and we're looking at trying to do something with County staff for the fall.

Also, just kind of a heads-up, because it's happening before our next meeting, there's a Banking on New Mexico symposium. I believe even Commissioner Stefanics might be participating as a moderator on that. If not, they have you on the agenda. Saturday, September 27th at the Santa Fe Community Convention Center, and at 10:30 in the morning there's a pre-symposium workshop which is digging deeper into public banking. Then at 12:30 is registration for the rest of the event that runs from 1:30 to 9:00 at night. There's a variety of panels and it's really to look at the initiatives around public banking, so I thought that – because this is something that has come up at the state legislature. It's come up with one of our legislators, Representative Brian Egolf. It's also come up from the City of Santa Fe, so I thought that if any of you were interested I could get you more information. I was planning on attending the morning just to get a better understanding of how that might affect Santa Fe County if the state were to develop a public bank or if the City or if the County were any participant in that in the future.

Also, I wanted to let you know that we did receive the silver designation from the International Mountain Biking Association. We were going to have that in here today but some of the individuals from the Santa Fe Fat Tire Society couldn't be here so we're going to try to have that on at the end of the month so that you can hear from them what that means. And then that was the City of Santa Fe, County of Santa Fe, BTI and the Santa Fe Fat Tire Society that did a lot to put that together but really, it's the major investment that Santa Fe County and the City of Santa Fe have made in trail development that I think helped clinch that for Santa Fe and it's a really great tourism initiative.

And then last but not least, I will be out of the office Friday afternoon through Wednesday for the International City and County Managers Association conference. Their main focus is on sustainable communities, so I'll be at that and Tony Flores will be acting manager while I'm out. And that's all I have. If you have any questions.

CHAIR MAYFIELD: Commissioner Anaya, do you have any Matters from the Commissioners?

COMMISSIONER ANAYA: I don't have anything right now, Commissioner. Thank you.

CHAIR MAYFIELD: So with that, Commissioners, and to our listening audience and to all those in attendance today, we're going to take a 15- to 20-minute break and then we will be moving on to our cases that are noticed for this evening.

[The Commission recessed from 6:10 to 6:45.]

IV. MATTERS OF PUBLIC CONCERN

CHAIR MAYFIELD: That definitely did not begin any earlier than 5:00 pm. And we have asked to move one out of order. And that is to go straight to item VII. A. 4.

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VII. PUBLIC HEARINGS

A. Land Use Cases

1. CDRC CASE # V 14-5200 Rita Madril Variance. (TABLED)
4. CDRC CASE # Z 13-5380 Elevation. Vedula Residential Operating, LLC, Applicants, JenkinsGavin, Agents, Request a Master Plan in Conformance with the Community College District Ordinance to allow a Multi-Family Residential Community Consisting of 214 Residential Units on 22+ acres. The Site is located on the North Side of College Drive and East of Burnt Water Road within the Community College District, within Section 21, Township 16 North, Range 9 East (Commission District 5) [Exhibit 6: Additional Public Comment]

CHAIR MAYFIELD: So, Commissioners, and for out County Attorney, Mr. Shaffer, I believe this came back to the Commission some time ago but there were some specific questions that the Commission asked of staff and/or the applicant to provide information back. I believe those answers were answered to us, at least in written form and Mr. Larrañaga's here with us. The reason I'm bringing that up is because I will go back to public comment but I will ask that again, all you who have been sworn in in the past, we would ask that you be re-sworn in, but if you have provided testimony in the past as far as the general parameters of everything that was in front of us but now we are just on some specific questions that we asked of staff and/or the applicant, so when I go to public comment I would just ask you to limit your comments to those specifics. Thank you.

JOSE E. LARRAÑAGA (Case Manager): Thank you, Mr. Chair. On July 8, 2014, the Board of County Commissioners met on the above referenced case. Staff presented a staff report with exhibits to the BCC. The agents for the applicant presented material and testified in support of the application and the BCC heard testimony from the public. The BCC tabled this case until the September 9th public hearing. The BCC identified three specific issues to be addressed and directed staff to obtain additional information on those issues. Those issues are identified below along with response by staff.

One, provide additional information from the New Mexico Environmental Department relative to sewer concerns that were raised. Staff contacted the New Mexico Environmental Department Surface Water Quality Bureau for comment on the Ranchland Utilities inspection report. The New Mexico Environment Department Surface Water Quality Bureau responded to this request with the following comments:

A compliance evaluation inspection was conducted on February 25, 2014. This facility is regulated under the United States Environmental Protection Agency, National Pollutant Discharge Elimination Systems permit program. The New Mexico Environment Department Surface Water Quality Bureau conducts compliance evaluation inspections on behalf of the US EPA.

The purpose of this inspection is to provide the US EPA with information to evaluate their compliance with NPDES permit. The report had findings regarding recordkeeping, reporting, operation and maintenance and self-monitoring. The finding for recordkeeping and reporting is regarding a requirement in the permit for Ranchland Utilities to keep EPA informed of their progress regarding a compliance schedule for bio-monitoring. The permit has a requirement for submission of progress reports on January, April, July and October. Ranchland Utilities did not submit their progress reports. This has since been corrected and reports will be submitted in October.

The findings for operations and maintenance are in relation to the number of operators on site. Currently Ranchland Utilities has one certified operator and they plan on hiring another certified operator. This finding has also been addressed by Ranchland Utilities.

There are other findings such as the find bubble diffuser is inoperable, no inventory list, automatic dial alarm system in operable, generator does not provide power to the entire facility. These findings have all been addressed as well. Ranchland Utilities has since corrected the fine bubble diffusers and an inventory list has now been established and the alarm system to the lift station is functioning. The generator still only provides limited electrical supply, however, and Ranchland Utilities may rent a generator in the event of a power failure.

Self-monitoring findings are in relation to the requirements of Title 40 of the code of federal regulations, part 136. Ranchland Utilities was using an outdated edition of the standard methods of monitoring water and wastewater. They have since corrected this. Also there was a finding for not doing duplicate sampling which is required to be done on 10 percent of the samples. The operator, Mr. Quintana, has stated the samples will be duplicated from this point on.

The findings from this inspection report was addressed sufficiently by Ranchland Utilities. The inspections are typically done on a biannual schedule for minor facilities. However, EPA has been known to do inspections more frequently in response to issues at the site.

The Santa Fe County Utility staff reviewed the Ranchland Utility National Pollutant Discharge Elimination System inspection report dated March 6, 2014. Based on the information provided the wastewater facility appears to have capacity to serve Elevation. The review finds that the report raises no issues that warrant the County taking a position that Ranchland Utility cannot provide adequate wastewater service to Elevation.

Two, provide information on the water availability for this project. In order for the County to provide a sustainable and viable water supply and water service, the County needs three things: adequate physical infrastructure, water rights, and actual wet water. The letter written from Utilities to the applicant's agent, Oralynn Guerrerortiz on January 30, 2013, identifies general water delivery infrastructure requirements for the project. Utilities cannot find documentation that addressed source infrastructure or water rights for the project. Recent Utilities practices recognized adequacy of upstream infrastructure and water rights and issued ready, willing and able letters to development projects providing that water right acquisition costs would be recovered from the projects

at time of meter installation. Some projects, however, which had previously dedicated water rights to the County and/or had been given County water allocation via a water service agreement were provided service under different provisions.

Resolution 2006-75, a resolution adopting a Santa Fe County water resource department line extension and water service policy states that the new water service applicants may be required to deposit or dedicate water rights with the County to match against expected deliveries, pay the County to acquire water rights to match against deliveries that are sought, a significant initial service fee, or pay other fees to the County to assist the County to provide a permanent and perpetual water supply.

Because Rancho Viejo has contributed a combination of water rights and water allocations towards the phased development of the Ranchland master plan, and because Elevation is a development occurring within the Rancho Viejo master plan area, the applicant has not specified whether Elevation falls under Rancho Viejo's dedicated water rights allocations or whether Elevation will need to pay a water right acquisition fee at the time of meter installation.

As a condition of master plan approval the Utilities requires that Elevation meet the following water service conditions:

1. Prior to submittal for preliminary development plan approval Elevation is required to submit a proposed water budget that meets County code requirements and incorporates Santa Fe County conservation ordinances and resolutions. Upon approval Utilities will add 20 percent to the development's water budget for line losses per Resolution 2006-57, and submit the water budget to the BCC for a water allocation.
2. Prior to submittal for preliminary development plan approval Elevation must have a BCC approved water allocation in the amount needed for the development's water budget.
3. Prior to final development plan approval, Elevation may provide the County Rio Grande surface water rights or Rancho Viejo water commitments. Otherwise, a water right acquisition fee will be added to the meter installation fee for each dwelling unit which will be metered separately per Resolution 2012-88, Customer Service Policy 15.

The third item is provide information from Public Works on the status of the design, survey, easements, and construction timeline associated with the southeast connector. The southeast connector is currently at the stage of an alignment study. The study evaluates the best alignment for the proposed road. Once the alignment study is complete, the appropriate right-of-way will need to be acquired by the County. The road will then need to be designed and then finally constructed. Assuming that the right-of-way is acquired in a timely fashion, a rough overall schedule can be sketched out as follows: Alignment study completed – February 2015; right-of-way acquired – November 2015; design completed – November 2016; construction completed – July 2017.

Recommendations: The County Development Review Committee recommended denial of the applicant's request for zoning approval to allow a multi-family residential community consisting of 214 residential units on 22 acres by a 5-1 voice vote.

Staff recommendation: Conditional approval for a master plan in conformance

with the Community College District Ordinance to allow a multi-family residential community consisting of 214 residential units on 22 acres subject to the following conditions:

1. The applicants shall comply with all review agency comments and conditions, as per Article V, § 7.1.3.c. Conditions shall be noted on the recorded master plan.
2. Master plan with appropriate signatures shall be recorded with the County Clerk, as per Article V, § 5.2.5.
3. A revised Traffic Impact Analysis, showing current road conditions, shall be submitted based on the southeast connector at Preliminary Development Plan. Article III, § 4.4.1.5.c.

Mr. Chair, I'd like to add the application before you is for a master plan, a conceptual plan to allow a proposed 214-unit multi-family residential apartment community on a 22-acre site. A master plan is comprehensive in establishing the scope of a project, yet it is less detailed than a development plan. It provides a means for the County Development Review Committee and the Board to review projects and the subdivider to obtain concept approval for a proposed development without the necessity of expending large sums of money for the submittal required for a preliminary and final plat approval. Master plan submittal requirements include a conceptual liquid waste disposal plan, a conceptual water plan, and a preliminary traffic report.

Prior to approval of preliminary and/or final development plan the applicant shall meet all conditions imposed on the master plan. The development plan report shall include all submittals pursuant to Article III, Section 4 of the code which includes a traffic generation report. Mr. Chair, I stand for any questions.

CHAIR MAYFIELD: Thank you, Mr. Larrañaga. Commissioners, any questions of Jose? Commissioner Chavez.

COMMISSIONER CHAVEZ: I had one question, Jose or staff. Would this project have to comply with the affordable housing requirement if there is one?

MS. LUCERO: Mr. Chair, Commissioner Chavez, the affordable housing ordinance only applies to fee-simple lots, so this wouldn't fall under the jurisdiction of the affordable housing ordinance.

COMMISSIONER CHAVEZ: I just had to ask. Thank you.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR MAYFIELD: Commissioner Holian.

COMMISSIONER HOLIAN: Jose, I have a question about the third condition under the staff recommendations, in which it's requiring that a revised traffic impact analysis be submitted based on the timing and availability of the southeast connector. Does that mean that construction couldn't begin on this project until the southeast connector were built?

MR. LARRAÑAGA: Mr. Chair, Commissioner Holian, if the traffic impact analysis, if the southeast connector isn't built and the traffic analysis comes back that they would increase the traffic on the roads to a point where the intersections would be failing, yes. They couldn't build the apartments until they had the proper roads in place.

COMMISSIONER HOLIAN: Thank you, Jose.

CHAIR MAYFIELD: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. So the southeast connector is in a study phase, and the southeast connector might not happen. So there's a northeast connector project that's being looked at and a southeast connector project. And if the southeast connector project is not funded by the County it won't happen and if there's no consensus from the community it won't happen. So what would it do this project? And Mr. Chair, I'm bringing that up because there's no promise that there will be a southeast connector and we should just put that on the table.

[Jennifer Jenkins sworn, testified as follows:]

JENNIFER JENKINS: Good evening, Chairman, Commissioners. I'm Jennifer Jenkins with JenkinsGavin Design and Development.

COMMISSIONER STEFANICS: Mr. Chair, I asked a question of staff; I didn't ask a question of the developer.

MS. ELLIS-GREEN: Mr. Chair, Commissioners, if the southeast connector was not built the applicant could either wait until it is built or they would have the right to front the infrastructure costs themselves.

COMMISSIONER STEFANICS: Thank you very much.

CHAIR MAYFIELD: Thank you, Commissioners. I also will have some questions on the southeast connector but I can wait. I'm going to go to the applicant now. So you're done with your presentation, correct? Please proceed.

MS. JENKINS: When we did our original impact analysis, Chairman and Commissioners, for the master plan submittal, the traffic impact analysis was not based upon an assumption that the southeast connector would be in place. We didn't have the modeling data of what the impact of that would be, so as with any project, if there are any level of service issues at any adjacent impacted intersections – because the traffic is based upon level of service.

MR. SHAFFER: Mr. Chair and the applicant, I'm sorry to interrupt and I very much apologize for that, but since this is a land use case and the applicant's representative is not an attorney I think it would be appropriate to re-swear her in as well as the other members.

MS. JENKINS: I was sworn a moment ago. We did it kind of lightly over here.

MR. SHAFFER: Were you? Okay. If you would state that for the record I would appreciate it. Thank you.

CHAIR MAYFIELD: Let's get you sworn in again.

MS. JENKINS: Sure.

[Duly sworn, Jennifer Jenkins testified as follows:]

MS. JENKINS: So the traffic impact is analyzed based upon the level of service, how much delay is there at adjacent intersections? And we analyzed all the intersections along Richards Avenue. So our original analysis – we weren't in a position to analyze the southeast connector as a potential adjacent roadway that we would be accessing. So what our traffic engineer did, as with any project is they said in order to achieve acceptable levels of service at this intersection, at this intersection, there were

recommended improvements to those intersections, in terms of improving the roundabout, adding slip lanes, adding an additional southbound lane. There is kind of a menu of things that could be done to achieve acceptable levels of service.

So, like I said, the reason we're being asked to update our traffic impact analysis prior to moving forward with our development plan is based upon what is the status of the southeast connector. The County has done a significant amount of traffic modeling as part of the alignment study and so when we can avail ourselves of that data we can incorporate that into the bigger picture of a revision and an update to our analysis. But the original analysis that we submitted did not assume the southeast connector, but it did say we do have some delay issues at a couple intersections and here's how we can fix that. So that would be our option to say, if we decide to move forward.

And this project doesn't get built over night. We've got a few years ahead of us in terms of approvals and design and construction. So I hope that clarifies that for you.

CHAIR MAYFIELD: Anything else?

MS. JENKINS: I have really nothing to add at this point. I'd be happy to stand for any additional questions regarding the items that you asked staff to update you on.

CHAIR MAYFIELD: Well, let me ask this then, and I don't know if you or Ms. Oralynn Guerrerortiz, but as far as information we requested on the water availability for this project, I just want to talk about that a little more.

MS. JENKINS: Sure. Absolutely. We received a water availability letter from Santa Fe County back in January of 2013. And so you asked for a follow-up, just understanding – because I know there's been a lot of discussion with staff regarding the status of the County's water resources. So staff came back – and we are pleased with the answer that, yes, we are willing and able and ready to serve this project and there was kind of a menu of options in terms of how the water rights issue can be addressed. And so there was either bringing new rights or Rancho Viejo rights or a fee-based approach in order to compensate the County for those rights. And so we are comfortable with that and I feel comfortable moving forward under those conditions.

CHAIR MAYFIELD: So do you all have any water rights you can transfer over right now? I see something in here that says Elevation falls under Rancho Viejo's water rights allocations on whether Elevation will need to pay water right or acquisition fee. So is this Elevation's water rights or Rancho Viejo's that are going to be transferred?

MS. JENKINS: Well, right now, Rancho Viejo already has an allotment of water rights that's already kind of sitting at the County for their project. Like I said, we're at master plan stage right now, so that's why I think staff kind of laid out that there's more than one way to skin the cat in terms of as we move forward with the development plan. And so we may just be writing a check to the County to compensate them for rights, or we may take a portion of what's already been allocated for Rancho Viejo. So we have a couple options.

CHAIR MAYFIELD: Thank you. Commissioners?

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR MAYFIELD: Commissioner Holian.

COMMISSIONER HOLIAN: I have a question for staff. This is a request

for master plan approval which is conceptual in nature. So would this come back to the BCC before there was preliminary development approval? Would there be a request for that then?

MR. LARRAÑAGA: Mr. Chair, Commissioner Holian, the preliminary and final development plan would go in front of the CDRC.

COMMISSIONER HOLIAN: Would go to the CDRC.

MR. LARRAÑAGA: For final approval.

COMMISSIONER HOLIAN: And then it could come back to the BCC?

MR. LARRAÑAGA: Final approval would come from CDRC.

COMMISSIONER HOLIAN: Unless it were appealed, correct? The decision were appealed.

MR. LARRAÑAGA: Correct.

COMMISSIONER HOLIAN: Thank you, Jose.

CHAIR MAYFIELD: And Mr. Shaffer, along those questions, would this be under the current code or the new code? If we get the zoning map done and a fee schedule ever done.

MR. SHAFFER: Mr. Chair, I think there are a couple different variables there that we don't know for certain. It would depend upon the timing of the adoption of the SLDC's zoning map and thus the effectiveness of the SLDC, as well as any particular grandfathering provisions that may ultimately be included in the text of the SLDC itself. So the short answer is depends upon a couple of variables that are not known at this time.

CHAIR MAYFIELD: Okay. Thank you. So I guess the question as far as the southeast connector as it pertains to this potential development or not, what is the status of the southeast? I've heard the Community College has asked us to make some significant changes that could cost us a pretty big penny on the County's side. Somebody just update me on what's going on with that southeast connector please.

MR. LEIGLAND: Mr. Chair, Commission, as you heard earlier in the staff report, we are currently in the process of the alignment study and so as I suggest, we're actually trying to identify the preferred alignment as following an FHWA and State DOT mandated process. We are negotiating with the Community College. The optimally preferred alignment hasn't been nailed down. We met with them last week but included also in the alignment study are archeological studies and environmental studies so we currently expect to have the entire alignment study wrapped up by the end of February, beginning of March of next year. That's on schedule; that contract is on schedule.

CHAIR MAYFIELD: And Adam, I was on the MPO a while back, but the MPO helped – the state helped fund the study, but the County would be kind of on – would incur the expense for this if it comes to be, would it? Or would there be state funding for this also?

MR. LEIGLAND: Mr. Chair, you are correct. This was a project of regional significance which meant that the MPO was tracking it and it was on the STIP. And the alignment study – it's a \$500,000 study and it was a very large federal cost-share with a small County share to do the alignment study. In 2012 the Commission, because

they felt this was an important project and because if it had stayed on the MPO's project list it was felt that it would be too far in the future. So the Commission opted to put County funds to the construction of it.

And so the County currently has earmarked some general obligation bond funds for the construction of it, so yes. One of the goals of the alignment study is to make sure that the ultimate project that's built is eligible for future federal and state operations and maintenance money, and that's one reason why we were taking such care in following the mandated alignment studies to make sure that when we build we can get future state and federal money for operations and maintenance and upgrades and whatnot.

CHAIR MAYFIELD: So Adam, just help me here please. So with that being said, how much money have we incurred to date on the alignment study and were there other entities that said, no, we don't agree with this alignment study, where now we'd have to re-invest staff time and additional monies and/or potential developers? Are they going to contribute any money towards this?

MR. LEIGLAND: Well, Mr. Chair, the alignment study – off the top of my head, the County share is about \$178,000 and the remainder was the federal cost-share, so that's about \$400,000, a little over. \$412,000 or so if my math is right. But that's about how it worked out. So that's what the County's spent so far. Of course there's been staff time managing it. So we're following the process. So far it hasn't been derailed, but we do want to make sure that what the ultimate alignment does meets everybody's needs.

CHAIR MAYFIELD: And if it comes to be, Adam, Mr. Leigland, excuse me, what would be – I guess, give me a number, the build-out cost of this?

MR. LEIGLAND: Well, Mr. Chair, it's impossible to say at this point because the alignment study will determine that. So for instance, one of the things the alignment study looks at is are there any archeological sites that need to be addressed? And so obviously, if one of the goals is to minimize capital costs you want to avoid that but another goal of the alignment study is to have as straight an alignment as possible to make it safe. A couple of the alignments cross arroyos and arroyo crossings and as you well know are very expensive. So we don't really have a good idea of what the ultimate build-out costs could be. Also, depending on how far east or west it is would determine how much improvements need to be done to the existing College and Avenida del Sur, because they would have to be tied in and we'd have to accommodate that as well. And then also if it ties into Rabbit.

So it's impossible to say. That's one of the things, once we get – and then also we don't know what right-of-way would look like. Because if it turns out we have to purchase the entire right-of-way, that's one cost. If it's all donated, that's another cost. So I'm not trying to be squirrely but it's hard to say. The County has earmarked \$5 million in 2012 general obligation bond money, so that's I guess a rough idea of what it would be like.

CHAIR MAYFIELD: Thank you, Mr. Leigland. Anything else from the applicants? This is a public hearing so all of you who would like to speak on this if you just stand up at once and be sworn in, that would be a lot easier I think. Okay, there will

only be one person speaking on it. Thank you. And if you could make your way up, and if you could again just comment on the availability of the water budget and/or the alignment study, please.

[Duly sworn, Bruce Krasnow testified as follows:]

BRUCE KRASNOW: Thank you, Commissioners. What a fun-filled meeting. Bloggers and tweeters here this afternoon. So I appreciate you reopening the public hearing. Bruce Krasnow, 3B Deans Court. I want to just answer Commissioner Holian's question about this is not a small step. This is master plan approval and on your current land use code approval of the master plan is intended to demonstrate that the development concept is acceptable and that further approvals are likely. So I guess we disagree that tonight really doesn't make a difference. Tonight is the whole ballgame as far as we're concerned. So onto the other issues.

I'm not a planner or an engineer, so maybe I'm missing something here but this doesn't seem like a close call. The infrastructure to support this project is not in place. I know how much you work on the CIP plans and all the public hearings and lobbying to get capital outlay dollars for our community. I see how you work for roads and waterlines and fire stations and rail trail parking lots and libraries and senior centers, and some of that happened this afternoon, and I appreciate all the time you spend on that. It's not an easy process.

At the July meeting Jennifer Jenkins said it sometimes takes political courage to do the right thing. On that, she and I agree. Every community planning document calls for infrastructure. The Community College Plan calls for having the needed infrastructure to properly support new development. What sometimes takes courage is sticking by that plan and telling business owners to come back when we have the capacity to support your project because existing neighborhoods matter. Commissioner Anaya, you talked this afternoon about existing homeowners and the role they play in the community.

To say a new apartment residence can use College Drive and Richards, which is what your Public Works Director says, if the connector is not in place is a slap in the face, not just to Rancho Viejo but to all the people up and down the Richards corridor. Isn't that the mistake we made with Oshara Village by promising roads that were never built? How much time, energy and money has the County spent trying to go back and make that problem right? Commissioner Stefanics, how many letters and emails have you gotten trying to make that problem right?

Isn't that the mistake we made with Santo Nino School, which has 500 students, some as young as age 5 landlocked in a wildfire zone with no emergency access? One member of the CDRC who voted against this project said you don't have a traffic problem on Richards; you have a traffic crisis.

To say this project is supported by the Community College District is looking at just one page of that document. One list, while ignoring 200 other pages that talk about adjacent property owners, transition zones, neighborhood planning, and yes, most of all, infrastructure. Heck, we don't even have a master plan in College Heights. It's expired. How many other communities would you move forward on a large and complicated project without a community planning process? My guess is none.

With regards to Ranchland Utility, the first pre-development meeting for this project was November 1, 2012. They've had almost two years to fix these violations. And speaking of things not being right, this application was filed with the County on December 6, 2013, listing Vedula Residential as the developer. The company is still not registered to do business in New Mexico. Yet an email sent by Jennifer Jenkins in January of 2014 to the County regarding this project says that Warren Thompson is her client. This case was advertised as an MPA, master plan amendment, before it case number and now it's showing up with a Z before the case number. That seemingly happened by administrative fiat without any public notice.

This is not a lot split or a guesthouse or a B&B, it's the largest apartment project ever proposed in the unincorporated area. This has to be done right. We ask that you vote this down tonight so the applicant can come back when the paperwork is in order, when the infrastructure is in place, and when the roadways are working as they were designed. Thank you.

There's a letter from Terry Buhl which did not make the file so I would like to pass that out. [Exhibit 7]

CHAIR MAYFIELD: Just hand it to Ms. Lucero or Mr. Larrañaga please.

MR. KRASNOW: She asked that I submit that to you. And then there's the emails I talk about in my presentation which I want you to have a copy of. Thank you very much, Commissioners.

CHAIR MAYFIELD: Thank you. Whoever's next please come on up.

[Previously sworn, Lance Tunick testified as follows:]

LANCE TUNICK: Good evening. My name is Lance Tunick. I live at 14B Deans Court. I'll be very brief. I want to thank you this evening. You asked the right questions this evening. You really did. And I appreciate that. I'm not sure you got answers to your questions this evening, but you asked the right question, particularly with respect to the connector. And in my view, the connector seems to be presenting a catch-22, between construction, no construction, route, no route, this apartment complex. It seems to be going in vicious circles. And I think the Board needs to step in and resolve that situation.

The second point about the connector is the idea of not funding it and not building it all the way to Avenida del Sur to me really seems absurd. If you look at a map of Santa Fe County and you look at the roads south of the interstate and how many of those roads dead-end, we can't do another one like that. We got to build it to Avenida del Sur so it ties into Rancho Viejo Boulevard and there's some sort of a loop. Again, thank you. You asked the right questions this evening.

[Previously sworn, Jerry Wells testified as follows:]

JERRY WELLS: My name is Jerry Wells, 14A Deans Court. Again, I have real concerns about the southeast connector with this apartment complex. As the previous speaker mentioned, as it was presented to us recently it would end at College Drive. It has to go all the way through to Avenida del Sur, otherwise it's not a relief to Richards Avenue. And to relieve Richards Avenue there has to be an east side connection

directly into Santa Fe Community College.

The projected traffic study that they've done, I don't think includes the traffic analysis for College Drive on the north connector to College, and the Burnt Water connection to College Drive. If it does, it's probably inadequate considering there'd be 214 units of apartments. There will be college students coming in using that. There'll be elementary school parents using that. So there's some very worrying issues about the traffic congestion in that area. And I think you need to take into consideration either not funding the southeast connector, if that isn't addressed and put all the way through to Avenida del Sur, or complete it as it should be, properly, all the way through. Thank you.

CHAIR MAYFIELD: Thank you, sir.

[Previously sworn, Pat Perrin testified as follows:]

PAT PERRIN: My name is Pat Perrin and I live at 10 Deans Court. When I was handing out the signs for this meeting on our mailboxes I ran into a contractor and he said to me – I explained everything and he said these types of developments never fail to destroy a community when placed in or near it. And I got to thinking, it was interesting, the Flagstaff Elevation is right next to a shopping mall. The Phoenix Elevation is in an area of high-rise apartment buildings that was formerly farmers' fields and is not kind of developing into sort of an apartment complex area.

Neither of these buildings were approved near a community that is master planned like Rancho Viejo. This land is much more beautiful than what you see above you there and one of the things we were concerned about was would it spoil the view? And they told us no, it's going to be tucked down into a pocket. But if you look at the plans –

CHAIR MAYFIELD: Let me stop you for one second, ma'am. We're asking if you could please provide the comments on the wastewater, the water or the southeast connector right now.

MS. PERRIN: Oh. Just simply that?

CHAIR MAYFIELD: Yes, that's the additional questions the Commission had for the applicant. We afforded comment a little earlier.

MS. PERRIN: All right. I just want to tell you, if you say no, they can build it in a much more appropriate place. They have all the land they need for that. Thank you.

CHAIR MAYFIELD: Thank you for your understanding.

[Previously sworn, Linda Weston testified as follows:]

LINDA WESTON: Hello. My name is Linda Weston. I live at 57 Via Sagrada in La Entrada in Rancho Viejo. And I just want to mention a few things. One, I don't know much at all about water rights or anything like that, but certainly things need to be taken into consideration that we're facing a drought. It could be a very long-term drought that we all need to consider how our water is being used.

Secondly, I want to mention regarding the traffic studies that have been done, I don't know when all the studies have been done but members of my household personally have observed some of these traffic studies being done, not even during peak times. Not when school's in session, not when there's the most amount of traffic on

Richards Avenue. Certainly, as Commissioner Stefanics mentioned, the southeast connector is not a given and therefore where are all the cars going to be – how are they going to be moving along the road? I think it needs to be taken into consideration that the Community College presumably is going to be growing. Enrollment will be growing, and all of these things need to be taken into consideration. I'm against the development as are every single one of my neighbors that I've talked to. Thank you.

[Previously sworn, Eileen Gorman testified as follows:]

EILEEN GORMAN: My name is Eileen Gorman and I live at 3 Fire Hearth Place in the Village of Rancho Viejo. Yesterday, we had another opportunity to see what happens when there's only one exit from the Community College, which is essentially what the situation is now and that's on Richards. They had to close the college because of a power failure, because of some mechanical failure in the buildings. I believe it was – I forget what it was. In any case, they closed the college at noon. And the traffic on Richards going north was literally backed up from the campus to Rodeo Road.

Now fortunately there wasn't a fire. There wasn't another – there wasn't a shooting. There wasn't some other catastrophe happening. They just needed to evacuate the campus. Because there's no other means of transportation for vehicles besides Rodeo Road.

The infrastructure in the area is wildly underdeveloped at this point. As Bruce already mentioned there are 500 kids at the Catholic Church there. There also are other schools in the area that requires more infrastructure. This is a very serious deficit that the County has allowed to happen and it's time to step up and do something about it before we allow other massive development that's going to put more people on the roads.

The plans for the southeast connector are moving ahead. However, it's not going to be in place, at best, until 2018 as we understand, and many of us have been attending the planning meetings, the public meetings. There seems to be a lot of contention about the placement of the road and hopefully those will be worked out. But there is definitely a deficit in the infrastructure in that part of the county, which is the high density development area that the County has designated and it's time for the infrastructure in that part of the county to catch up with the development. And as a result, approving this master plan development at this point is inappropriate and we need to put the brakes on especially for an even more high dense development than we have now with homes at this point than has been moving forward in other requests. Thank you.

[Previously sworn, Vicki Schneider testified as follows:]

VICKI SCHNEIDER: Thank you for an opportunity to address you. My name is Vicki Schneider. I live at 99 Via Orilla Dorada in Rancho Viejo. I actually have very little to say to you but I did want to stand up and commend you for what I now can recognize as a very thoughtful process that you're going through. And we were very concerned that you take a very thoughtful look at this. And I want to remind you, because I do have – I have access to an email list of over 400 households that cross our homeowners associations and so forth, and we are still rated as the best on-time taxpayers. We are the one and only FireWise community in our county, and we have the highest percentage of voters in our county.

So we're really concerned, involved residents and owners in Rancho Viejo. And therefore I'm very pleased to – or I'm very anxious for you to know that with all the communication and all the intent we have as volunteer people and not paid people, to attend everything, to try to stay on top of everything, try to learn all these things, that it is really important for us to feel that you're really listening and taking us as a kind of priority because we're among the 1,500 or so households that used to be just an idea on paper. And now, we're real people and we really see what goes on around us and we live there and it's the vision that we bought into.

Having said that, I just want to tell you that this last week, there was a water leak that went on for over a week in our developed neighborhood. Ranchland Utility's waterline. It wasn't our City connection waterlines or anything. It was a leak that was right across the street from my house that I was made aware of, and I have no idea, because I haven't studied the study that the staff presented on water usage, etc. for Ranchland and what their deficiencies are. But the people came out from landscaping and from development and everything to try to stop this leak. Again, I tell you the leak went on for almost a week and everybody had their hair on fire that was trying to deal with this because there was no map. There was no ability to know where the on-off switches were. There's no documentation of how this whole Ranchland infrastructure is.

So to tie in a very unpopular – we've had not one person ever tell us that they want these apartments in that location. So to take a very unpopular idea, concept, and tie it into Ranchland Utility that we live with, seems way premature if it should ever happen. I hope I've not rambled on too much but again, my main issue is to thank you for really tackling this and not making an instant decision or even a slow decision that perhaps is a detrimental decision. I do not think you should approve this master plan. Thank you.

CHAIR MAYFIELD: Thank you.

[Previously sworn, David Burrell testified as follows:]

DAVID BURRELL: Good evening, Commissioners. My name is David Burrell. I live at 191 East Chili Line Road. I don't think you have to look far, only about 60 miles down the road to see a similar situation. And I just want to read you something that was published in the Albuquerque Journal about two weeks ago. And I'm going to tie this in at the end – just bear with me – about the access to this Elevation. I don't know if you're aware of an apartment complex down there called the Cottages. It's a complex built across from UNM. And just bear in mind this opened on the 16th. The article in the paper on the 24th, the headline says Brawl leads to shooting at new housing for UNM students.

It has hosted a 700-person party that was broken up by police one week and a brawl that ended in gunfire the next.

CHAIR MAYFIELD: Sir, honestly, I don't know what this has to do with the southeast connector.

MR. BURRELL: This has to do with access, sir. The police are responding every day. There's blotter reports every day responding out to this complex, and that's the same thing that's going to happen in this apartment complex because we all know who's going to be living in this apartment complex.

CHAIR MAYFIELD: I don't know who'll be living in that apartment complex.

MR. BURRELL: It's right across from the college.

CHAIR MAYFIELD: Again, I'm not going to there. Do you have anything as far as the water, the wastewater, the southeast connector you'd like to speak about? Commissioner Anaya.

COMMISSIONER ANAYA: I'd actually like to hear where he's going to go. Where are you going to go with that, Mr. Chair and sir? What do you mean, we all know? Explain yourself.

MR. BURRELL: It's going to be built right across from the university.

COMMISSIONER ANAYA: Okay.

MR. BURRELL: It's going to be a huge complex and it's going to have easy access to the college. So it's probably pretty fair to say there's going to be a lot of students living there.

COMMISSIONER ANAYA: Okay. Go ahead.

MR. BURRELL: Right. And I'm just reading a similar situation that's going on down in Albuquerque where you have 18- to 24-year olds and we know how all they act. Right?

COMMISSIONER ANAYA: Okay. How's that, sir? How all 18- to 24-year-olds that go to college?

MR. BURRELL: I'm not going to say all of them, but I was 18-24 at that time and I was in a college time, and I was one of them.

COMMISSIONER ANAYA: and Mr. Chair, if I could, every complex you've ever been around had a similar situation as the cottages, that happened in your experience that you visited or had access to? The all had parties like what you're insinuating at this complex?

MR. BURRELL: Every one I've been in sir, that age group and students.

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

CHAIR MAYFIELD: Sir, again, the southeast connector, if you care to talk about that or the water budgets.

MR. BURRELL: I'm finished with my statements, Commissioner.

CHAIR MAYFIELD: Thank you, sir. Whoever else. Mr. Smerage. One second please. Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, I'm going to make a general comment here. We take in public comment and feedback, but none of us here subscribe to the politics of intimidation or fear in any way. We're going to evaluate this project on the merits of the application, on the basis of law and the ordinances, that we have to evaluate them by. And I take offense, frankly, to anybody getting up here and implying in any way that apartment living individuals, regardless of their age are in some way or somehow substandard or lower than anyone else. So please keep that in mind.

[Previously sworn, Glenn Smerage testified as follows:]

GLENN SMERAGE: I could, but I won't give you a lecture on the problems of university towns with off-campus student housing. Anyway, in reviewing this past week the history of this issue I concluded that your most important decision tonight will not be whether to approve or disapprove the apartments, but whether you abide and uphold scheming, distortion, deception and dishonesty. For those words characterize the behavior of Univest over the past 1.5 years as it has pursued these apartments. I would give you just six of many examples of that Univest behavior.

CHAIR MAYFIELD: Mr. Smerage, again, I'm going to ask – the Commission asked specific questions of the applicant. We provided ample time for public comment at prior meetings, and I have opened up public comment again tonight. But again, for the specific questions that the Commission asked of staff. I'm going to read these questions in again, and that's where I would ask you to preface your comments please. One is to provide additional information from the New Mexico Environment Department relative to sewer concerns that were raised. Also, provide information on the water availability for this project. And the third was to provide information from Public Works on the status of the design survey easement and construction timelines associated with the southeast connector. So if I could please ask you to limit your time to those questions.

MR. SMERAGE: I would ask the representative of the applicant and staff if they find honesty and so forth in representing to the public over the past 14 years potential buyers and actual buyers in College Heights and the rest of Rancho Viejo, and then the 57 acres we're talking about would be developed in single-family residential units, and then coming forward with this mega-apartment proposal. Have they been honest and morally and ethically behaved in de-annexing this land to remove it from the context and control of Rancho Viejo, the community and to assume their self-interest legally outside of Rancho Viejo, but de facto within Rancho Viejo.

I believe they are trying to slide this development through well in advance of finding the final corridor for the southeast connector and settling other traffic issues presented by the Community College for the most part, and actually looking far downstream for the whole general area, and this is much to the detriment of the county. I have two or three other points that question honesty, morality, ethics and so forth being involved here, but I guess I should sit down.

CHAIR MAYFIELD: Thank you, Mr. Smerage. Commissioner Chavez, please.

COMMISSIONER CHAVEZ: I'd like to ask for some clarification on this concept of de-annexation. Was there in fact de-annexation done or was this just removed from the original master plan for Rancho Viejo?

CHAIR MAYFIELD: Asking staff.

MS. LUCERO: Mr. Chair, Commissioner Chavez, the de-annexation that was spoken about has to do with the restrictive covenants, not necessarily with the master plan, but they were de-annexed from the restrictive covenants.

COMMISSIONER CHAVEZ: So is de-annexed the proper term for that action that was taken? I don't think so, but I'm just questioning the terminology that's

used in this case.

MS. LUCERO: Mr. Chair, Commissioner Chavez, I believe that the document itself did call it de-annexation. I'm not sure if that's the appropriate terminology.

COMMISSIONER CHAVEZ: Okay. I just wanted to raise that question now and maybe it's just food for thought. So what they did is they removed the covenants from this proposed development, is really what's been done.

MS. LUCERO: Mr. Chair, Commissioner Chavez, yes. They removed the covenants from this portion that they're proposing to develop.

COMMISSIONER CHAVEZ: So I don't see that as de-annexation but that's all I'll say about that. Thank you, Mr. Chair.

CHAIR MAYFIELD: Ms. Lucero, along that point though, so when this master plan or the preliminary plan and the final development plan was approved for the Rancho Viejo area, that's something the County considered at that time that was inclusive of this land that they're now asking – where they have de-annexed. Correct? Let me ask it this way. When the initial application was done and the final plat approval was given, back whatever that timeline was. I'm going to say Rancho Viejo and I may have to be corrected. Was there ever an inclusion of a housing complex such as this? An apartment complex?

MS. LUCERO: Mr. Chair, the prior proposal did not include a proposal for apartment units.

CHAIR MAYFIELD: And again, at that time, when that final plat and every other juncture they went through, would have been inclusive of whatever road conditions, whatever infrastructure was in place or what was needed to support the housing out there. Correct?

MS. LUCERO: At that time, Mr. Chair, yes, that's correct.

CHAIR MAYFIELD: Thank you. This is a public hearing. I'm going to go back to the public right now. Thank you. Then I'll come back to the applicant. Yes, sir. Please.

[Previously sworn, Ken Vellon testified as follows:]

KEN VELLON: My name is Ken Vellon. I'm at Rancho Viejo. And I did attend the connector meeting and Commissioner Stefanics was there, and it really opened our eyes to how long this is going to take to get the southeast connector. So I'll just make a couple of points that were presented by our consultants, who the County is paying for. They did not include in the traffic study the potential of these apartments. Neither did they include the big development that's going on on St. Francis Road and Rabbit Road, potential. So those are not even included in the traffic study, which I think is horrible but that's the way it is.

The second point they made is that the \$5 million, if and when the southeast connector gets through all these approvals, will only get the road to College Drive, if College Drive is punched through. It won't get it to Avenida del Sur, which is craziness.

And then the third thing I would like to ask, if you let these people go build their

apartments and we don't have a southeast connector what road are they going to take to get to Richards? Thank you.

CHAIR MAYFIELD: Thank you, sir. Sir, I'm going to let everyone else speak. Sir, you've already had an opportunity. Let's let everybody else speak and then you can come back up please.

[Previously sworn, Eunice Vellon testified as follows:]

EUNICE VELLON: My name is Eunice Vellon and I live at 95 Via Orilla Dorada in Rancho Viejo. I wonder if I could just bring to your attention that when the southeast connector was originally proposed it was to go all the way south to connect to 599. Somehow that's gotten lost, and they talk about taking it to Avenida del Sur as if that's going to solve the problem. But Avenida del Sur doesn't go anywhere. So the only way to get out of Rancho Viejo is to go Rancho Viejo Boulevard, which is a two-lane twisting road that is no better than College Avenue in terms of traffic.

We already have truck traffic on that road. We can't handle – that doesn't solve the problem of Richards. It's either going to dump traffic right back on to Richards again at Avenida del Sur, or it's going to dump traffic on to two-lane, twisting Rancho Viejo Boulevard. If we're going to do the southeast connector it needs to be done right. It needs to solve the problem, and that means it has to go all the way south to connect to 599, not just dump it right back into Avenida del Sur and Rancho Viejo. Thank you very much.

CHAIR MAYFIELD: Thank you. Anybody else who hasn't had the opportunity to speak and wishes to speak at this time. Seeing none, sir, do you want to come up?

MR. BURRELL: Just to answer Commissioner Chavez' question. This was a big deal with the CDRC. Until March, six months ago, this property was part of Rancho Viejo, part of the College Heights, covered by our covenants. So when we say there was an expectation of single-family homes, we're not talking ten years ago. We're talking six months ago, it was removed from the community association. Thank you.

CHAIR MAYFIELD: Thank you.

COMMISSIONER CHAVEZ: So those were covenants in a private homeowners association that said there will be no multi-family apartments in that entire development?

CHAIR MAYFIELD: Let's go to staff first to answer. We still might ask you but – Ms. Lucero or if anybody has that answer?

MS. LUCERO: I'm sorry, Mr. Chair. Can you repeat the question?

CHAIR MAYFIELD: Sure. Commissioner Chavez, please.

COMMISSIONER CHAVEZ: Well, what I'm understanding is that the covenants for Rancho Viejo excluded the possibility for any future single-family residential apartment units in that entire Rancho Viejo development. Their covenants, from what I'm hearing excluded all of that. And it's been pointed out to me, and I knew this, but the County does not, is not able to enforce private homeowners covenants. That's not something that we do.

MS. LUCERO: Mr. Chair, that is correct. We don't enforce private

covenants.

COMMISSIONER CHAVEZ: So I'm just trying to understand where that covenant was placed and by who, and it seems to be the Rancho Viejo Homeowners Association has that in their covenants, and that's the de-annexation I guess that's been talked about.

MS. LUCERO: Mr. Chair, Commissioner Chavez, I believe that's correct. It was part of the original restrictive covenants that was the focus of the de-annexation. That's what they were de-annexed from.

COMMISSIONER CHAVEZ: Okay. Thank you.

MS. LUCERO: Mr. Chair, if I could make just one clarification as far as the question that was brought up earlier on the master plan, whether or not multi-family was contemplated. The original Rancho Viejo master plan, which was done back in the eighties contemplated multi-family residential in that area. But subsequently there was another master plan, College Heights which was submitted in the early 2000s. So that master plan basically superseded the original master plan and that second master plan is what did not contemplate multi-family.

CHAIR MAYFIELD: Ms. Lucero, let me ask this question. Just help me visually please. We don't have an easel or anything up but that's okay. The Community College District plat, how big is that? Does it encompass all these properties?

MS. LUCERO: Mr. Chair, yes, it does.

CHAIR MAYFIELD: So, again, understanding we don't have any say under covenants but what does the Community College District Plan say about multi-use housing?

MS. LUCERO: Mr. Chair, the Community College District, and we actually reviewed this application under that ordinance, and it does allow for multi-family residential uses within this area.

CHAIR MAYFIELD: Thank you. So I'm going to back to the public, before I close this public hearing. Is there anybody else from the public wishing to comment? Please, you may have to be sworn in. I don't know if you were sworn in previously.

[Duly Sworn, Evelyn Spiker sworn, testified as follows:]

EVELYN SPIKER: I live in College Heights. I just want to clarify the de-annexation area. That area that they're proposing to put the apartments in was part of our covenanted community. The de-annexed it to avoid having to comply with our covenants. Does that help clarify?

COMMISSIONER CHAVEZ: It clarifies it a little bit more.

MS. SPIKER: So we all bought into a covenanted community, which means that the homeowners association is responsible for enforcing those covenants. We can no longer do that because of the de-annexation.

CHAIR MAYFIELD: Thank you. Again, last call for public hearing. Seeing none, this portion of our public hearing is closed. I'll go back to our applicant please.

MS. JENKINS: Thank you, Chairman, Commissioners. I have a few points of clarification that I think may be helpful, if I may. As Vicki said, the original Rancho Viejo master plan contemplated 570 multi-family dwelling units that would be spread over six different sites for a total of 55 acres. That translates to about ten dwellings per acre, which is actually a very low density for multi-family. Typically, for example, in the City of Santa Fe, multi-family you would typically see at anywhere from 18 to 21 dwelling units per acre, and for example in the SLDC, multi-family density is the permissible multi-family density under the SLDC will be 20 units per acre, which is pretty common for multi-family development. What we're proposing is 9.7 dwelling units per acre, which is consistent with the Rancho Viejo master plan.

So the Rancho Viejo master plan, which governs everything in the Rancho Viejo area absolutely contemplated multi family. This is our first opportunity to realize this element of a mixed-use community. That's what Rancho Viejo was created to be. That's what it's been touted as, and it was the predecessor and the inspiration for the Community College District. The property is zoned in the Community College District as a village zone which also permits multi-family housing. It's all already in place. We're not asking for new zoning. We're asking to build something that is consistent with the governing documents that are in place.

The documents that govern this tract of land is the Rancho Viejo master plan, the Community College District Ordinance and the Sustainable Growth Management Plan. Those are the three documents adopted by this body over the years that govern development on this property. So I hope that that is helpful to explain that.

And with respect to the southeast connector, as I said before in my earlier comments, we did a traffic impact analysis, did not assume the southeast connector would be in place. We were not in a position to make that sort of assumption. We did study the intersections at the morning peak hour, what we call morning rush hour, and afternoon rush hour. There are two intersections where we have delays that create a level of service that is not acceptable. The two intersections are Richards Avenue and Willowback Road, which is the road into Oshara, and Richards Avenue and College Drive. AS with any project, Santa Fe County, your staff, will not allow a project to move forward unless that project can demonstrate with their development that there are acceptable levels of service on the adjacent roadways. They won't. It's a requirement.

So as Penny Ellis-Green mentioned earlier, if something happens and for some reason the southeast connector is not constructed, then the apartment developer has an option. Because we're required, after this process is complete, we have to update our traffic study before we move forward with anything. We have to demonstrate acceptable levels of service. So we have to, on our nickel, have to do whatever the requisite infrastructure roadway improvements are necessary to create that. And for example, at Richards Avenue and College Drive in the morning there is an overall delay of a minute and ten seconds. In the afternoon, it's about 40 seconds.

These are quantifiable, measurable realities. At Richards Avenue and Willowback Road we have – in the morning we have an overall delay at the intersection of 33 seconds. In the afternoon the overall delay is 29 seconds. These are fixable things. Yes,

the southeast connector likely is going to fix those delays but there are other ways to fix them in terms of improving those roundabouts to improve the traffic flow. That is our burden as the developer of the project to ensure the adequate infrastructure is in place.

As part of that, as part of this project, the right-of-way for the southeast connector is being donated to Santa Fe County. We've already committed to doing that. Another element is a pretty big chunk of College Drive is going to be constructed as part of that as well. So we are a participant in that effort for what we all agree, and the residents here agree, that it's an important improvement.

So I just think it's important, because like I said, these are quantifiable realities and so I thought it would be helpful to express that. But after tonight, with a master plan, all it allows us to do is to keep working and to actually design this project. What we have now is a conceptual level. We get to look at the traffic again, based upon whatever data and information we get from the County as part of the alignment study to incorporate that in our study. And we get to come back and say this is how we're going to do it. This is how we're going to make sure that the adjacent infrastructure is adequate to serve this project. That is our burden. And if we can't do it, we don't get to move forward.

This is just a master plan. This is just saying, yes, the Rancho Viejo master plan says multi-family. Yes, the Community College District in Ordinance in your primary growth area, next to the largest employer in northern New Mexico. Five institutions with family and staff and faculty. Santa Fe County has said this is where growth should happen. We cannot provide housing for somebody, a young person working at BTI across the street who doesn't want to live in a single-family house. We can't do that. This is an economic development opportunity for Santa Fe County to say to employers. We've been working with BTI and Rancho Viejo about attracting other outdoor industries in Santa Fe County to create a campus for these outdoor industries. It is perfectly situated. And can we say to future employers come to Santa Fe County? We have housing options. We have more than one kind of place that your employees can live. This is what this opportunity means.

Every governing document in place right now says yes. Every document this body has adopted says yes. Making sure the infrastructure is in place isn't your job; it's our job. So is Santa Fe County going to be a community of diversity and economic vitality? That's what the question is before you this evening. So I thank you for your time and I'm happy to stand for any further questions. Thank you.

CHAIR MAYFIELD: Thank you. Commissioners? Yes, the public hearing is closed and our applicants have concluded. Commissioner Stefanics.

COMMISSIONER STEFANICS: Mr. Chair, I would just like to let the Commission know a couple facts. I was recently invited to a Rancho Viejo retreat and upon the advice of our County Attorney I did not attend. We did send a staff person to talk about the Community College District Plan and what that means, as well as our growth management plan and potential code. Another point of disclosure is I've been very involved in the southeast connector discussions and if at any time you feel I should recuse myself from the vote I will, but otherwise I've stayed away from discussion about the Elevation project.

CHAIR MAYFIELD: Thank you, Commissioner. Commissioners? Commissioner Stefanics, care to make a motion? Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, I move for approval of the master plan with staff conditions.

COMMISSIONER CHAVEZ: Second.

CHAIR MAYFIELD: We have a motion and a second. Is there any further discussion?

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

CHAIR MAYFIELD: So folks, we're going to move on to our next case. We'll just ask please for courtesy. It is a deliberative process and thank you for your participation.

VII. A. 2. CDRC CASE #V14-5080 Jason Mohamed Variance. Jason Mohamed, Applicant, (Knutson Law PC) Kristofer C. Knutson, Agent, Requests a Variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to allow Two Dwelling Units on 2.5 acres. The Property is located at 11 Virginia Lane, within Section 24, Township 15 North, Range 8 East (Commission District 5)

MS. LUCERO: Thank you, Mr. Chair. I'll be presenting for Mr. Romero here tonight. The Applicant requests a variance of Article III, Section 10, Lot Size Requirements, of the Land Development Code to allow two dwelling units on 2.5 acres. The subject lot was created in 1984 via Family Transfer and is recognized as a legal lot of record. Currently there are two homes and two accessory structures on the property. The main residence, which is occupied by the Applicant, his family and mother is approximately 2,800 square feet and was constructed some time in the 1980s. The proposed manufactured home is approximately 1,200 square feet and will be occupied by the Applicant's mother. Staff cannot find any evidence that the main residence was permitted and the manufactured home was placed on the property illegally. The two accessory structures consist of a well house and stables, which were constructed some time between 1992 and 2001. Staff cannot find any evidence that these accessory structures were permitted.

On January 30, 2014, the Building and Development Services Division received a complaint regarding the placement of a manufactured home onto the property with no Development Permit posted from Santa Fe County. On February 6, 2014, Code Enforcement conducted an inspection on the property and issued the Applicant a Notice of Violation for Unpermitted Development.

The Applicant states a variance is needed in order to provide his elderly mother

with a home of her own and to help provide assisted living and care for her. Currently, the proposed manufactured home is on the property and is vacant with no utilities connected.

If the variance is approved the applicant intends to utilize the existing well and septic system for the proposed home.

On May 14, 2014 the CDRC met and acted on this case. The decision of the CDRC was to recommend approval of the applicant's request by a 4-3 vote. The CDRC added a condition that the applicant drill down to the second aquifer, with the approval from the Office of the State Engineer. This condition was based upon public testimony regarding water use and water levels in the area.

The applicant has received a report from Glorieta GeoScience which recommends that the applicant deepen his well which is situated in the Ancha Formation into the Espinosa-Galisteo Formation to improve production. The applicant has contacted Lujan Drilling and has contacted the OSE to conduct drilling operations.

Growth Management staff have reviewed this application for compliance with pertinent code requirements and finds that the project is not in compliance with County criteria for this type of request.

Staff recommendation: denial of the variance of Article III, Section 10, Lot Size Requirements of the Land development Code. If the decision of the BCC is to approve the Applicant's request for a variance, staff recommends imposition of the following conditions:

1. Water use shall be restricted to 0.25 acre-feet per year per home. A water meter shall be installed for each home. Annual water meter readings shall be submitted to the Land Use Administrator by January 1st of each year. Water restrictions shall be recorded in the County Clerk's Office (As per Article III, § 10.2.2 and Ordinance 2002-13).
2. The placement of additional dwelling units or division of land is prohibited on The property (As per Article III, Section 10).
3. The Applicant must obtain a Development Permit for the second dwelling unit and stables. (As per Article II, § 4.5.2b Article II, § 2).
4. The Applicant shall provide an updated liquid waste permit from the New Mexico Environment Department with the development permit application. (Article III, Section 2.4.1.a.1a.4.)
5. The Applicant shall comply with all Fire Prevention Division requirements at the time of Development Permit Application (As per 1997 Fire Code and 1997 Life Safety Code).
6. The Applicant shall drill down to the second aquifer with the Office of the State Engineer's approval as per CDRC.

Mr. Chair, for the record, Vicente handed out a packet from the applicant's attorney. [Exhibit 8] And with that, I stand for any questions.

CHAIR MAYFIELD: Thank you, Ms. Lucero. Commissioners, any questions of staff?

COMMISSIONER CHAVEZ: I have a clarifying question.

CHAIR MAYFIELD: Commissioner Chavez.

COMMISSIONER CHAVEZ: So the approval of the variance is denied because the lot size is too small for the two dwelling units?

MS. LUCERO: Mr. Chair, Commissioner Chavez, that's correct. The minimum lot size in this area is one dwelling for 2.5 acres, so there's only enough acreage for the one dwelling unit.

COMMISSIONER CHAVEZ: So they're actually – they would be doubling the density of this was approved.

MS. LUCERO: Mr. Chair, Commissioner Chavez, that's correct.

COMMISSIONER CHAVEZ: But both of the units are already on the property.

MS. LUCERO: Mr. Chair, Commissioner Chavez, they are both existing. The manufactured home is not connected though. It's just being stored there. It's not being utilized at this point.

COMMISSIONER CHAVEZ: Thank you, Mr. Chair.

CHAIR MAYFIELD: Thank you, Commissioner. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Vicki, under the new code, could this be – if the second house were allowed, could this be considered a family compound?

MS. LUCERO: Mr. Chair, Commissioner Holian, based on the new code, this could possibly qualify as an accessory dwelling unit. The size of the manufactured home is 1,200 square feet and it's less than 50 percent of the size of the main house, but there may have to be some structural modifications, aesthetic modifications so it's made of the same material as the main house.

COMMISSIONER HOLIAN: I see. And then under the conditions, in case we were to approve this, on condition #2 it says the placement of additional dwelling units or division of land is prohibited on the property. Would that be put on the plat then? Would that be recorded on the plat? That condition?

MS. LUCERO: Mr. Chair, Commissioner Holian, since they're not dividing the property they won't be preparing a plat, but what we could do is have them re-record their warranty deed with a note stating that there are no further land divisions or additional dwelling units allowed.

COMMISSIONER HOLIAN: Okay. Thank you, Vicki.

CHAIR MAYFIELD: Thank you. Seeing no more questions we'll go to the applicant please. I'm sorry. Commissioner Anaya.

COMMISSIONER ANAYA: Just a comment, Mr. Chair. This is a little bit different than what we normally see. We normally see divisions of land where they're actually wanting to have fee-simple lots associated with the dwelling units. So I just want to point that out. We don't typically see the same parcel and multiple dwellings. So I would just point that out. Thanks.

CHAIR MAYFIELD: Thank you. So we'll move to the applicant please.

KRIS KNUTSON: Good evening. I'm Kris Knutson and I'm representing the applicant, Mr. Chair and Commission. This is Rosaline, the applicant's mother who, if this is approved, will be living in the home. Mr. Mohammed and his wife had

scheduled vacations so they can't be present.

CHAIR MAYFIELD: Mr. Knutson, I know you're an attorney, but if the applicant wants to be sworn in now – I don't know if she's going to comment or not.

[Rosaline Mohammed was administered the oath.]

CHAIR MAYFIELD: Thank you. Sorry for butchering your name.

MR. KNUTSON: Mr. Chair, Commission, did you receive the packet I sent?

CHAIR MAYFIELD: We received it about two minutes ago.

MR. KNUTSON: Okay. So I'll go through it. Mr. Chair, Commission, the material I've provided, I'd like to talk about that. The first page should be an aerial overview of the subject property. It's outlined in red and the neighboring properties are noted A, B, C, D, E, F, G. And after that there's exhibits I've attached of the neighbors' properties and there are photographs that correspond to the neighboring properties, so I'm just giving you an idea of what the subject property looks like with the neighboring properties.

When you get to Exhibit G-1 through G-4, that is – G-1 is the mobile home that was placed there and G-2 shows the mobile home with the main residence. G-3 is once again the main home, another view of that with the mobile home, and then G-4 is a view from sort of the front showing it behind a tree.

Exhibit H is the 2013 report by Glorieta GeoScience. Mr. Mohammed had this report done because his well was only producing less than two gallons per minute of water and he got this done all this happened to find out how he could get more adequate water and they recommended that a new well be drilled down to either the Espinosa or Galisteo formations in order to improve water yield.

Since then the applicant has drilled a new well down to 420 feet and that is producing about 15 gallons per minute and Exhibit I is the permit issued by the Office of the State Engineer and that is permitting use of water for up to two households and even though that authorizes up to three acre-feet, obviously if the applicant is allowed to have the proposed dwelling home the conditions will be .25 per house which is acceptable.

Exhibit J is the well record which has been recorded with the Office of the State Engineer showing the depth of the well. The drilling was completed by Lujan Drilling and I just attached Exhibit K which is the new code which shows I think that if this would have happened maybe a year or two from now perhaps this dwelling would have been approved administratively. And I'd like to point out that at the beginning of it it says accessory dwellings are an important means by which persons can provide separate and affordable housing for elderly, single parent and multi-generational family situations. I'm assuming that language was well thought out and that's why we're asking for this variance.

Mr. Mohammed did not know that putting the manufactured home, in case you're wondering, was against the code when he did it. A neighbor called on him because other houses around the area had manufactured homes but they were grandfathered in or not reported on or whatever. He assumed it was okay to do it. His assumption was wrong. Here he is asking you for a variance.

My understanding is that the code will take effect as soon as the zoning map is

finalized and adopted and other technical changes are made to the code, but we are here asking you for the variance.

Variances, as you know are intended to afford relief from the strict letter of the law. In this case the literal enforcement of the Land Development Code will deprive the applicant of having a family home for his mother, Rosaline, who has moved here from out east. It's our belief that if you grant the variance it's going to result in a minimal easing of the code that's in place right now, especially in light of the fact that the applicant has now deepened his well and he's not in the same area as a lot of his neighbors who have shallower wells, so he shouldn't be affecting their wells.

The granting of the variance we don't believe is injurious to the neighborhood. It's generally of the character, if you look at the surrounding rural residents and if the County requires it we will put stucco on the manufactured home, if that's a required, match it to the home. I don't know if that's necessary. It's my belief that the variance will not set a precedent which conflicts with the policies of the Extraterritorial Plan and the Land Development Code, especially since the new code provides for these sorts of separate and affordable housing for elderly family members.

The applicants and myself and Rosaline thank you for your time and consideration. If you have any questions I'll do my best to answer them.

CHAIR MAYFIELD: Thank you. Do you want to add anything else? You don't have to if you don't want to.

ROSALINE MOHAMMED: My son came here three years ago, fell in love with a girl from New Mexico and got married and he begged me to come because I've always wanted a garden. Because of my age and because of arthritis I can't do the gardening, the heavy things by myself. So we have a beautiful garden and that's what we planned. We like growing our food so we can eat, sustain ourselves. We put in solar, so we're really environmentally conscious and we want to protect and beautify the property.

CHAIR MAYFIELD: Thank you.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR MAYFIELD: Commissioner Stefanics.

COMMISSIONER STEFANICS: I'd move for approval with the conditions.

COMMISSIONER ANAYA: Second.

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

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

CHAIR MAYFIELD: You're approved with staff conditions. Thank you.

MS. MOHAMMED: Thank you so much.

CHAIR MAYFIELD: You're welcome.

COMMISSIONER ANAYA: Mr. Chair.

CHAIR MAYFIELD: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, just a point on the record. There has been other cases that have been appealed. I would just put that on the record and I

would suggest, in a show of good faith that you do consider doing the plaster and the stucco. It's not a condition. We didn't make any requirement but I know that there was some concern that we have in our packets so whatever you could do to – so I think that might help. Thank you.

MR. KNUTSON: Mr. Chair, Commissioner Anaya, thank you for those comments and I will suggest that to my client.

MR. SHAFFER: Mr. Chair if I could. I think we skipped over the public hearing. I don't believe there's anyone here from the public but you may want to note that for the record.

CHAIR MAYFIELD: Right. So let me reopen this up and go to a public hearing. Is there anybody from the public wishing to comment on this case? Seeing none the public hearing is closed. Thank you, Mr. Shaffer for that reminder. Thank you.

VII. A. 3. BCC CASE # MIS 14-5231 High Summit III. Grevey-Liberman Family Group, Applicant, James W. Siebert and Assoc., Inc., Agent, request a two-year time extension of the previously approved Final Plat for Phases 2 through 5 of the High Summit III Subdivision under Ordinance No. 2011-11. The property is located off Hyde Park Road (State Road 475, southeast of the Summit Subdivision, within Sections 15, 16, 21 and 22, Township 17 North, Range 10 East (Commission District 4)

CHAIR MAYFIELD: Vice Chairman Anaya, Mr. Chair, I know we're going to afford Vicente a chance to read this in, but is this consistent with other requests we've had associated with master plans in recent years and requests for extensions?

VICENTE ARCHULETA (Case Manager): Mr. Chair, Commissioner Anaya, this one is a little bit different because this was annexed into the city in 2008.

COMMISSIONER ANAYA: My apologies. Go ahead.

MR. ARCHULETA: Okay. On December 9, 2003 the Board of County Commissioners granted master plan, preliminary and final plat and development plan approval for the High Summit III residential subdivision consisting of 105 lots with 107 dwelling units on 154 acres to be developed in five phases, and a single tract consisting of 342.3 acres. One phase of the development was to be constructed every three years with a full build-out over a 15-year period. The BCC approval also included variances of the Extraterritorial Subdivision Regulations to allow two cul-de-sacs with lengths greater than 1,000 feet and to allow the replacement of standard curb and gutter with stone.

In June 2005 Grevey-Liberman sold 490 acres of land, a portion of which would become High Summit III to Ralph Brucci. At closing the developer executed a note and mortgage in favor of Grevey-Liberman. Grevey-Liberman then released from their mortgage lien a large area designated open space consisting of approximately 341 acres that the developer subsequently deeded to the Nature Conservancy District. In 2010 the developer defaulted under the note and mortgage. After three years of litigation in

bankruptcy and state district courts foreclosure proceedings were completed resulting in Grevey-Liberman getting a special master's deed covering approximately 130 acres of the land they had sold to the developer that had not been previously released from the mortgage, which includes all of the proposed phases 2 through 5.

In 2008 the City and County entered into a settlement agreement for the phased annexation of lands within the urban area. With the acceptance of the settlement agreement the City assumed jurisdiction over land use reviewing and permitting for Area 18 which included the High Summit development. During the time that this was under the City's jurisdiction, the City granted two one-year extensions of a master plan and final plat on the subdivision, which is set to expire in December 2014. The City and County later amended the settlement agreement and in January 2014 Area 18 was removed from the City's future annexations and is not under County jurisdiction.

The applicants now request a time extension of the expiration date of the final plat for phases 3 through 5 of High Summit III. Ordinance No. 2011-11 states the Board of County Commissioners may suspend provisions of Article V, Sections 5.2.7, 5.3.6 and 5.4.6 of the code upon a finding of economic necessity which is defined in terms of a score of 100 or less on the Conference Board's Leading Economic Index for the United States for any quarter and for three years following any such event, and the Board recognizes that these conditions are present and desires to temporarily suspend the enforcement of these sections of Article V that set forth expiration of master plans, preliminary plats and final plats for two years pending an economic recovery.

Approval sought: Approval of a 24-month time extension of a final plat for phased 2 through 5.

Recommendation: Staff recommends approval of the request for a two-year time extension of the previously approved final plat for phases 2 through 5 of the High Summit III Subdivision, per Ordinance No. 2011-11. Thank you, Mr. Chair.

CHAIR MAYFIELD: Commissioner Stefanics

COMMISSIONER STEFANICS: Thank you, Mr. Chair. In our new code, would the extension only be for two years or would it be for longer?

MR. SHAFFER: Mr. Chair, Commissioner Stefanics, we'd have to get that answer for you.

COMMISSIONER STEFANICS: Okay. if it was – let me ask the prior question I should have asked first. How long would the application approval have been for? Not an extension, an application? Five years? One year? Two years? And the reason I'm asking this question, Mr. Chair, Mr. Shaffer, staff, is perhaps two years is too short a time for an extension.

MR. SHAFFER: Mr. Chair, Commissioner Stefanics, under the current code the final plat is good for a period of 24 months and upon request of the subdivider can be extended for an additional 36 months. The ordinance and resolution under which this request is being brought forward is what I'll refer to is the so-called economic hardship ordinance, pursuant to which the Board authorized the suspension of enforcing certain time expirations. Under the ordinance and resolution the time limits – the extensions are limited to two years.

COMMISSIONER STEFANICS: Thank you very much.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Vicente, what will happen during this two-year time extension? Are there several issues that need to be worked out, like water supply and that sort of thing?

MR. ARCHULETA: Mr. Chair, Commissioner Holian, the water has already been approved. They are connected to City water and City sewer I believe.

COMMISSIONER HOLIAN: And the City has definitely given approval for them to hook in and for the water supply that's anticipated?

MR. ARCHULETA: Mr. Chair, Commissioner Holian, that's correct.

COMMISSIONER HOLIAN: And the other question I have is would you explain the staff recommendation. When will each of the phases be recorded, according to the staff recommendation? Will they all be recorded, 2 through 5, in the next two years, according to the staff recommendation?

MR. ARCHULETA: Mr. Chair, Commissioner Holian, the applicants are requesting a three-year period for them to be – they'll record phase 2 and then within the next three years they'll record phase 3, and then in an additional three years they'll record phase 4. So they're asking for three-year increments to record all the additional phases.

COMMISSIONER HOLIAN: It doesn't actually say that in the staff recommendation though. It just says approve the request for a two-year time extension.

COMMISSIONER STEFANICS: It's on page 10. You're right. It's not part of the staff. It's a request.

COMMISSIONER HOLIAN: Yes, I do understand that the applicant is requesting that but it doesn't sound like it's in the staff recommendation.

MR. ARCHULETA: Mr. Chair, Commissioner Holian, this has been revised so all they're requesting right now is the final approval for phase 2 to be recorded within two years.

COMMISSIONER HOLIAN: Okay. So that's all they're requesting at this point.

MS. LUCERO: Mr. Chair, Commissioner Holian, if I could just clarify. They are requesting a two-year time extension of the final plat for phases 2 through 5. So they would have – it's set to expire currently in December of this year so they would have till December of 2016 to record all phases.

COMMISSIONER HOLIAN: All phases.

MS. LUCERO: Correct.

COMMISSIONER HOLIAN: Okay. Yes.

COMMISSIONER CHAVEZ: So that was one question that I had but I'll just read on page 3, approval sought. Approval of a 24-month time extension for the final plat for phases 2 through 5. That's how our memo reads. But then I want to go down further, because the hydrological zone is the Mountain Zone and the normal lot size per code is 80 acres per dwelling unit with water restrictive covenants. So those are self-imposed covenants that we cannot enforce and the 80 acres per dwelling unit – I guess is that County code or City code, because they're now in the county not in the city, right?

MR. ARCHULETA: Mr. Chair, Commissioner Chavez, that is County code and what it states is 80 acres per dwelling without water restrictions and they can go down to 20 acres with water restrictions of a quarter acre-foot. It doesn't say that but that's how the ordinance is written.

COMMISSIONER CHAVEZ: So the water restrictive covenants are not the homeowners association covenants but County code?

MR. ARCHULETA: Mr. Chair, Commissioner Chavez, they recorded water restrictive covenants within the subdivision.

COMMISSIONER CHAVEZ: But we're not able to enforce that, are we?

MR. ARCHULETA: Mr. Chair, yes we are. Those are from our code.

MS. LUCERO: Mr. Chair, Commissioner Chavez, if I could just clarify. They will be required to record water restrictive covenants for the remaining phases 2 through 5 as well.

COMMISSIONER CHAVEZ: Okay. And then going down the document, we have fire protection, City of Santa Fe fire district, water supply, City of Santa Fe, Utilities, liquid waste City of Santa Fe sewer system. But what I see missing there is public safety, law enforcement. Who's responsible for that? Or is it a joint effort between City and County?

MR. ARCHULETA: Mr. Chair, Commissioner Chavez, I believe that it would be a joint issue. Whoever is closer at the time. But it would be the County Sheriff's Department. But like I say, I believe that whoever is closer at the time.

COMMISSIONER CHAVEZ: So it would be based on first responder, the closest would be the first responder?

MS. LUCERO: Mr. Chair, Commissioner Chavez, I believe, per the settlement agreement it would be the County Sheriff that would be responding.

COMMISSIONER CHAVEZ: Okay. And I just point that out because I think that we should maybe be specific in that because it doesn't really address it. It seems that that portion is left out. That's all I have, Mr. Chair.

[Duly sworn, Jim Siebert testified as follows:]

JIM SIEBERT: Mr. Chair, Commissioners, my name's Jim Siebert. My address is 915 Mercer, Santa Fe. I'm representing the Grevey-Liberman family – this request. Let Grevey-Liberman sold this originally to the original developer. He defaulted in 2010. They went through a very long, protracted lawsuit to get the property back. It originally started as foreclosure. It went into a bankruptcy, and it ended up that it took them until May of 2013 to get the property back and there's still, even after that period of time there was another lingering lawsuit that eventually was resolved.

The other thing that took place in that period of time was the jurisdictional issues. This was originally in the Extraterritorial area. It went into the City as part of the settlement agreement. And then subsequently, under the amended settlement agreement it went back to the County. So during that period of time there was a lot of hesitancy on staff to take action, thinking that, well, it's going to go back to the County, it's going to go back to the City. It's better that that jurisdiction take care of it.

The other thing I need to point out is phase 2 actually – we're asking for, in High Summit there's phases 1 through 5. Phase 1 was completed by the developer. Phase 2 was only partially completed by the developer. The Grevey-Libermans are not developers. They will be – in this interim, the two-year, they will be looking to have a developer step in and take over the project. The issues are really many-fold. As I say phase 2 is half-completed. They're not sure exactly what the quality of those improvements are. There's going to have to be all kinds of testing that takes place as a result of that.

And the other issue is I don't think it's still determined who's going to be the utility provider, whether it's going to be the City or the County. That issue needs to be resolved. There was a commitment on the part of the developer to transfer the land where the tank and the pump and all the water infrastructure is located to the City of Santa Fe. That never happened. And they're not really sure who exactly owns that land at this particular time.

When a bankruptcy occurs you end up with all these issues that are very difficult to kind of untangle. So that's the reason we're asking for this period of time. And I don't know if in your packet – I do have extra copies of a letter of support for this time extension as they have some particular interest in this issue, the High Summit Homeowners Association, supporting this particular request. If it's not in your packet I'd be happy to hand it out to you. Okay. It's in there. So with that I'll answer any questions you may have.

CHAIR MAYFIELD: Thank you. Commissioners? Commissioner Holian.

COMMISSIONER HOLIAN: So Mr. Siebert, in this two-year time period the owners will be working on a plan for how to go forward, correct?

MR. SIEBERT: Well, the owners will be looking to sell or do a joint venture with another developer who will be evaluating how to best develop the property.

COMMISSIONER HOLIAN: So the two-year time period is really to work out a lot of these complicated issues.

MR. SIEBERT: Yes. The issues are still going to have to be – whether it's sold to a developer immediately in the interim or not, these other issues still need to be resolved and they will be working on those issues.

COMMISSIONER HOLIAN: Thank you.

CHAIR MAYFIELD: Thank you. This is a public hearing. Anybody within the public wishing to comment on this? Seeing none, this portion of our public hearing is now closed.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR MAYFIELD: Commissioners, any other questions?
Commissioner Holian.

COMMISSIONER HOLIAN: Mr. Chair, I move for approval of the staff recommendation for BCC Case MIS #14-5231.

COMMISSIONER ANAYA: Second.

CHAIR MAYFIELD: We have a motion and a second.

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

VIII. CONCLUDING BUSINESS

A. Announcements

COMMISSIONER ANAYA: Mr. Chair.



CHAIR MAYFIELD: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, we've had a long day. We got through it, thanks to you chairing the meeting and my colleagues, but I did want to wish Rachel Brown, Commissioner Chavez, and Commissioner Holian on their happy birthday. It's Commissioner Chavez' birthday and Rachel's today and Commissioner Holian, yours is coming up. Or last week. I didn't know that until a little while ago but I wish you all a happy birthday.

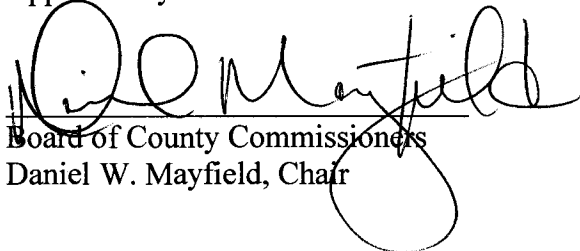
COMMISSIONER CHAVEZ: We were trying to keep that to ourselves but it got out of the bag. So thank you. Thank you, Commissioner Anaya.

B. Adjournment


Having completed the agenda and with no further business to come before this body, Chair Mayfield declared this meeting adjourned at 8:40 p.m.

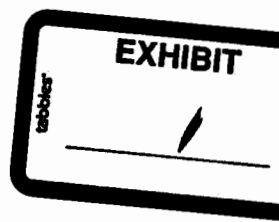

ATTEST TO:

GERALDINE SALAZAR
SANTA FE COUNTY CLERK
10-14-2014

Approved by:


Board of County Commissioners
Daniel W. Mayfield, Chair

Respectfully submitted:


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



THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY

RESOLUTION No. 2014-__

**A RESOLUTION PROPOSING A COUNTYWIDE ADVISORY QUESTION
FOR THE 2014 GENERAL ELECTION CONCERNING PUBLIC SUPPORT
FOR EFFORTS TO DECRIMINALIZE POSSESSION OF ONE OUNCE OR
LESS OF MARIJUANA**

WHEREAS, there is increasing support for the decriminalization of small amounts of marijuana, as evidenced by the recent adoption by the City of Santa Fe of a decriminalization ordinance in response to a citizen petition as well as the fact that several states have enacted decriminalization laws; and

WHEREAS, putting advisory questions to voters in general elections allows elected officials to accurately gauge the opinion of the voting public on matters of public concern at minimal additional cost; and

WHEREAS, the Board of County Commissioners (Board) of Santa Fe County (County) desires to know the opinion of County voters on whether the Board should support county, city, and statewide efforts to decriminalize possession of one ounce or less of marijuana.

NOW, THEREFORE, BE IT RESOLVED that, pursuant to NMSA 1978, Section 1-16-8, the Board:

1. proposes that an advisory question be submitted to the voters of the entire County in the 2014 general election; and

2. proposes that the advisory question read as follows:

“Should the Board of County Commissioners (BCC) of Santa Fe County support county, city, and statewide efforts to decriminalize possession of one ounce or less of marijuana?

For BCC Support of Decriminalization Efforts



Against BCC Support of Decriminalization Efforts



NOW, THEREFORE, BE IT FURTHER RESOLVED that the Board respectfully requests that the County Clerk (i) timely furnish the form for the ballot on this advisory question together with this Resolution to the Secretary of State, in accordance with NMSA 1978, Section 1-16-8, and (ii) timely take such other action as may be required for this advisory question to be submitted to the voters of the entire County in the 2014 general election.

PASSED, APPROVED AND ADOPTED on this 9th day of September, 2014.

**BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

By: Daniel W. Mayfield, Chair

Attest:

Geraldine Salazar, Santa Fe County Clerk

Approved as to form:

Gregory S. Shaffer, County Attorney



Attorney General of New Mexico

GARY K. KING
Attorney General

ELIZABETH A. GLENN
Chief Deputy Attorney General

September 5, 2014

Senator Jacob Candelaria
New Mexico State Senate
3501 Atrisco Drive, NW Apt. 423
Albuquerque, NM 87120

Re: Opinion Request—County Ballot Proposition

Dear Senator Candelaria:

You have asked for this office's position on whether a county may propose a question on the statewide election ballot that does not carry the force of law. As discussed in more detail below, we conclude that a county may propose a question on the statewide general election ballot that does not carry the force of law.

The New Mexico Election Code, NMSA 1978, Chapter 1, applies to general elections, primary elections, statewide special elections, elections to fill vacancies in the office of representatives in Congress, and school district elections. Section 1-1-19(A). The Election Code allows both candidates and questions to be placed on ballots, stating that "questions other than proposed constitutional amendments" may be submitted to qualified electors. Section 1-16-8.

Section 1-16-8 does not discuss what types of questions may be placed on the ballot and therefore does not expressly prohibit questions that merely seek the opinion of voters. Without clear statutory direction and with no case law addressing this matter, we turn to other provisions of the Election Code for guidance.

Certain questions that carry the force of law—such as constitutional amendments and referendums—are specifically authorized outside the bounds of Section 1-16-8 by the legislature. While constitutional amendments are presented to qualified electors as a "question," they are nevertheless governed by every section in Chapter 1, Article 16 except for Section 8, which specifically excludes constitutional amendments. The significance of the exclusion of constitutional amendments from Section 1-16-8 is that constitutional amendments carry the force of law. Similarly, referendums, which are governed by Chapter 1, Article 17, might be

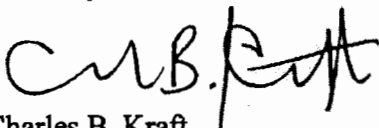
considered "questions" that carry the force of law, yet are not governed by Section 1-16-8. Because neither constitutional amendments nor referendums are governed by Section 1-16-8, yet both are "questions" that carry the force of law, it appears that the legislature intended Section 1-16-8 to cover questions that do not carry the force of law, as well as those that have the force of law but have not been expressly excluded from Section 1-16-8.

Having the authority to submit questions that do not carry the force of law to its qualified electors, counties must meet the strict requirements of Section 1-16-8 before doing so. Under Section 1-16-8, two requirements must be met for a county to legally submit a question "not statewide in application" to the qualified electors of that county: (1) the county must approve and issue a resolution proposing the question, and (2) the county clerk must submit to the Secretary of State, no later than thirty days prior to the election, the form of the ballot for that county and a copy of the county's resolution. See id.

Noted in your question to this office was a reference to the 2011 election in which the City of Albuquerque submitted to the qualified electors of Albuquerque the question of whether they were "for" or "against" Albuquerque's "Red Light Camera Program." The placing of that question on the ballot in 2011 was governed by the Municipal Election Code, NMSA 1978, Chapter 3, and Albuquerque's Municipal Election Ordinance, Albuquerque, N.M., Code § 2-4-3 (1993), and therefore has no direct effect on the question presented.¹

Your request to us was for an Attorney General Opinion on the matters discussed above. Such an opinion would be a public document available to the general public. Although we are providing our legal advice in the form of a letter instead of an Attorney General's Opinion, we believe this letter is also a public document, not subject to the attorney-client privilege. Therefore, we may provide copies of this letter to the public.

Sincerely,

A handwritten signature in black ink, appearing to read "C.B. Kraft", written over a horizontal line.

Charles B. Kraft
Assistant Attorney General

¹ See generally Att'y Gen. Op. 12-05 (discussing whether a municipality, rather than a county, may submit a question on a statewide election ballot).



Attorney General of New Mexico

GARY K. KING
Attorney General

May 20, 2013

ALBERT J. LAMA
Chief Deputy Attorney General

The Honorable James Smith
New Mexico State Representative
Box 1783
Sandia Park NM 87047

Re: Attorney General Opinion Request--House Bill 21

Dear Representative Smith:

You have requested our advice regarding the implementation of House Bill 21, 2013 N.M. Laws, ch. 42, to be codified at NMSA 1978, Section 10-15-1(F).¹ This bill, which was passed during the 2013 legislative session, amends the Open Meetings Act, NMSA 1978, ch. 10, art. 15 (2009), to require a public body that meets less frequently than once per week to post its meeting agenda at least seventy-two hours prior to the meeting. You ask: "Does the 72 hours include Saturday and Sundays?" Based on our examination of the relevant constitutional, statutory and case law authorities, and the information available to us at this time, we conclude that the seventy-two hours does include Saturdays and Sundays.

There are three rules of statutory construction that are applicable to this matter. First, statutory language should be given its plain meaning. See Cooper v. Chevron, 2002-NMSC-020, ¶ 16, 132 N.M. 382, 49 P.3d 61. Second, the legislature is presumed to be aware of existing law when it enacts a new law. See Narney v. Daniels, 115 N.M. 41, 48, 846 P.2d 347 (Ct. App. 1992). Third, when the legislature expressly authorizes a certain thing to be done in a prescribed manner, the legislature has chosen that manner and other modes should be viewed as excluded. See Bettini v. City of Las Cruces, 82 N.M. 633, 635, 485 P.2d 967 (1971).

The 2013 legislature adopted House Bill 21 and Governor Susana Martinez has signed it into law. See Office of the Governor Susana Martinez's website, www.governor.state.nm.us/2013 Governor's Action on Bills. House Bill 21 states, in relevant part: "Except in the case of an emergency or in the case of a public body that ordinarily meets more frequently than once per week, at least seventy-two hours prior the meeting, the agenda shall be available to the public and posted on the public body's web site." Currently, the Open Meetings Act requires a public

¹ The effective date of House Bill 21 is June 14, 2013, which is the minimum effective date for all laws enacted during the 2013 legislative session that are not general appropriation bills or bills with an emergency clause. See N.M. Const. art. IV, § 23.

body to make the agenda available twenty-four hours before a meeting. See NMSA 1978, § 10-15-1(F) (1999).

House Bill 21's language can be interpreted according to its plain meaning. Time is the "nonspatial continuum that is measured in terms of events which succeed one another from past through present to future." See Merriam Webster website, www.merriam-webster.com/dictionary/time. This means that "seventy-two hours" is seventy-two consecutive hours. A public body that is subject to House Bill 21 that wants to hold a meeting on Monday at 9:00 a.m. must count backward in time seventy-two consecutive hours. Therefore, it must post its agenda no later than Friday at 9:00 a.m.

You ask whether, notwithstanding the plain meaning of House Bill 21, the New Mexico Uniform Statute and Rule Construction Act is applicable to this matter. This Act states, in relevant part: "if the period is less than eleven days, a Saturday, Sunday or legal holiday is excluded from the computation." NMSA 1978, § 12-2A-7(D) (1997). If the Act was applicable to House Bill 21, Saturdays and Sundays would be not counted in the calculation since seventy-two hours is less than eleven days.

The Act has several statutory interpretation tools for measuring time in "days," "weeks," "months" and "years." The statute provides instruction as to when a day, week, month and year begins and ends, but is silent on interpreting the use of "hours." When the legislature expressly authorizes a certain thing to be done with certain language, it has chosen that language and other modes are excluded. The legislature chose to use "hours" in House Bill 21. It did not choose to use "days" or convert the seventy-two hours into "three days." We therefore believe the statutory interpretation tools for other time periods found in Section 12-2A-7(D) are not applicable to House Bill 21.

The legislature is presumed to be aware of existing law and therefore it could have used other language if it had wanted to mandate a different result. Current laws specifying time periods provide several illustrations of this principle. First, the legislature has expressly excluded Sundays. See NMSA 1978, § 57-13-17 (1973) ("No such person shall be incarcerated for failure to post said ne exeat bond for longer than seventy-two hours, Sundays excepted, without the benefit of a hearing before the court setting said bond."). Second, the legislature has provided multiple dates with a contingency that the "latest" time period controls the calculation. See NMSA 1978, § 40-13-3.2(E) (2008) ("An emergency order of protection expires seventy-two hours after issuance or at the end of the next judicial day, whichever time is latest."). Finally, the legislature has used the modifying term "business" to indicate that only business workdays were applicable. See NMSA 1978, § 14-2-8(D) (2009) ("If the inspection is not permitted within three business days, the custodian shall explain in writing when the records will be available for inspection or when the public body will respond to the request.").

The issue regarding time calculations in statutes governing public meetings is not unique to New Mexico. Those state legislatures that have wanted to exclude certain time periods in their acts have expressly done so. See Mo. Rev. Stat. § 610.020(2) (2004) ("at least twenty-four hours,

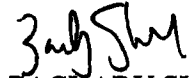
Representative James Smith
May 20, 2013
Page 3

exclusive of weekends...."); 25 Okl. St. § 311(A)(9) (2012) ("twenty-four (24) hours prior public posting shall exclude Saturdays and Sundays.").

In contrast to the laws specifying time periods discussed above, House Bill 21 does not condition, qualify or further define the seventy-two hour period for making meeting agendas available to the public. Accordingly, under the applicable rules of statutory construction, the plain meaning of House Bill 21 leads us to conclude that, depending on when it schedules a meeting, a public body that is subject to the Open Meetings Act, as amended by House Bill 21, may include Saturdays and Sundays in its time calculations for determining when to post the meeting agenda.

Your request to us was for a formal Attorney General's Opinion on the matters discussed above. Such an opinion would be a public document available to the general public. Although we are providing you our legal advice in the form of a letter instead of an Attorney General's Opinion, we believe this letter is also a public document, not subject to the attorney-client privilege. Therefore, we may provide copies of this letter to the public.

Sincerely,



ZACHARY SHANDLER
Assistant Attorney General

CERTIFICATE OF PROPERTY TAX RATES IN MILLS
SANTA FE COUNTY
TAX YEAR 2014
NET TAXABLE VALUE:

	\$6,515,268,763									
MUNICIPALITY:	Santa Fe	Santa Fe								Espanola
TAXABLE VALUE:	2,639,942,358	1,075,267,946	1,079,460,827	377,838,446	141,216,162	44,351,266	109,131,852	39,431,760	30,940,705	
CATEGORY:	C IN R	C IN NR	C OUT R	C OUT NR	1 R	1/1D NR	8T R OUT	8T NR OUT	18 IN R	
State Debt Service	1.360	1.360	1.360	1.360	1.360	1.360	1.360	1.360	1.360	
Total State	1.360	1.360	1.360	1.360	1.360	1.360	1.360	1.360	1.360	
County Operational	5.911	11.850	5.911	11.850	5.911	11.850	5.911	11.850	5.911	
County Debt Service	1.731	1.731	1.731	1.731	1.731	1.731	1.731	1.731	1.731	
Total County	7.642	13.581	7.642	13.581	7.642	13.581	7.642	13.581	7.642	
Municipal Operational	1.338	2.800	0.000	0.000	0.000	0.000	0.000	0.000	2.338	
Municipal Debt Service	0.843	0.843	0.000	0.000	0.000	0.000	0.000	0.000	0.000	
Total Municipal	2.181	3.643	0.000	0.000	0.000	0.000	0.000	0.000	2.338	
School Dist. Operational	0.152	0.500	0.152	0.500	0.153	0.500	0.152 (2)	0.500 (2)	0.109	
School Dist. Debt Service	3.401	3.401	3.401	3.401	3.404	3.404	3.182 (2)	9.182 (2)	4.570	
School Dist. Cap. Improve.	2.000	2.000	2.000	2.000	2.000	1.993	2.000 (2)	2.000 (2)	2.000	
HB33 School Building	1.500	1.500	1.500	1.500	0.000	0.000	0.000 (2)	0.000 (2)	0.000	
School Dist. Educ. Tech. Debt Service	1.532	1.532	1.532	1.532	0.000	0.000	0.000 (2)	0.000 (2)	0.000	
Total School District	8.585	8.933	8.585	8.933	11.547	11.958	11.574	11.682	7.078	
Total State, County, Municipal, & School Dist.	19.768	27.517	17.587	23.874	20.549	26.899	20.873	26.623	10.319	
Other:										
Santa Fe Comm.Col.(1)	2.000	3.000	2.000	3.000	0.000	0.000	0.000	0.000	0.000	
Santa Fe Col.Bldg.Levy (1)	0.930	0.930	0.930	0.930	0.000	0.000	0.000	0.000	0.000	
Total Other	3.625	3.930	3.625	3.930	0.000	0.000	0.000	0.000	0.000	
GRAND TOTAL	23.393	31.447	21.212	27.804	20.549	26.899	20.873	26.623	19.319	

Where Applicable:		Res	Non-Res	(1) To Santa Fe Com. College-P.O. Box 4187, Santa Fe, NM 87502 (2) To Moriarty Board of Education (3) To Espanola Board of Education
Cattle Indemnity	10.000	Edgewood SWCD	1.000	
Sheep/Goats/Swine/Alpaca	10.000			
Dairy Cattle	5.000	Rancho Viejo Sp. Assmt Dist Debt	0.000	
Bison/Camelids/Ratite	10.000	El Dorado Area W&S Dist Oper:	1.112	
Horses/Asses/Mules	10.000	El Dorado Area W&S Dist Debt:	1.992	

SANTA FE COUNTY

TAX RATE COMPARISON: TY 2013 TO TY 2014

Example of Taxes on Total Value of \$300,000 w/out Exemptions

$$\begin{aligned} \$300,000 / 3 &= \$ 100,000 \times \text{Mill Rate} / 1000 \\ &= \text{Taxes Due} \end{aligned}$$

DISTRICT LABEL	RES/ NON-RES	Geographic Area/ School District	2013 MILL RATE	2013 TAXES	2014 MILL RATE	2014 TAXES	CHANGE (\$)	CHANGE (%)
C IN R	res	City of SF/SF School District	20.737	\$ 2,073.70	23.363	\$ 2,336.30	\$ 262.60	12.66%
C IN NR	non-res	City of SF/SF School District	29.890	\$ 2,989.00	31.447	\$ 3,144.70	\$ 155.70	5.21%
C OUT R	res	Outside City of SF/SF School Dist	18.655	\$ 1,865.50	21.212	\$ 2,121.20	\$ 255.70	13.71%
C OUT NR	non-res	Outside City of SF/SF School Dist	26.197	\$ 2,619.70	27.804	\$ 2,780.40	\$ 160.70	6.13%
1 R	res	Pojoaque/Pojoaque School Dist	19.922	\$ 1,992.20	20.642	\$ 2,064.19	\$ 71.99	3.61%
1 NR	non-res	Pojoaque/Pojoaque School Dist	26.873	\$ 2,687.30	26.899	\$ 2,689.90	\$ 2.60	0.10%
8T IN R	res	Town of Edgewood/Moriarty School Dist	19.445	\$ 1,944.50	23.508	\$ 2,350.80	\$ 406.30	20.89%
8T IN NR	non-res	Town of Edgewood/Moriarty School Dist	26.201	\$ 2,620.10	29.558	\$ 2,955.80	\$ 335.70	12.81%
8T OUT R	res	Outside Edgewood/Moriarty School Dist	19.445	\$ 1,944.50	20.573	\$ 2,057.30	\$ 112.80	5.80%
8T OUT NR	non-res	Outside Edgewood/Moriarty School Dist	26.201	\$ 2,620.10	26.623	\$ 2,662.30	\$ 42.20	1.61%
18 IN R	res	City of Espanola/Espanola School Dist	19.510	\$ 1,951.00	19.319	\$ 1,931.90	\$ (19.10)	-0.98%
18 IN NR	non-res	City of Espanola/Espanola School Dist	27.411	\$ 2,741.10	26.348	\$ 2,634.80	\$ (106.30)	-3.88%
18 OUT R	res	Outside Espanola/Espanola School Dist	16.269	\$ 1,626.90	16.080	\$ 1,608.00	\$ (18.90)	-1.16%
18 OUT NR	non-res	Outside Espanola/Espanola School Dist	22.941	\$ 2,294.10	22.059	\$ 2,205.90	\$ (88.20)	-3.84%
El Dorado Area W & S District								
		Operational	0.949	\$ 94.90	1.112	\$ 111.20	\$ 16.30	0.00%
		Debt	1.993	\$ 199.30	1.992	\$ 199.20	\$ (0.10)	-0.05%
Edgewood SWCD								
		residential	1.000	\$ 100.00	1.000	\$ 100.00	\$ -	0.00%
		non-residential	1.000	\$ 100.00	1.000	\$ 100.00	\$ -	0.00%

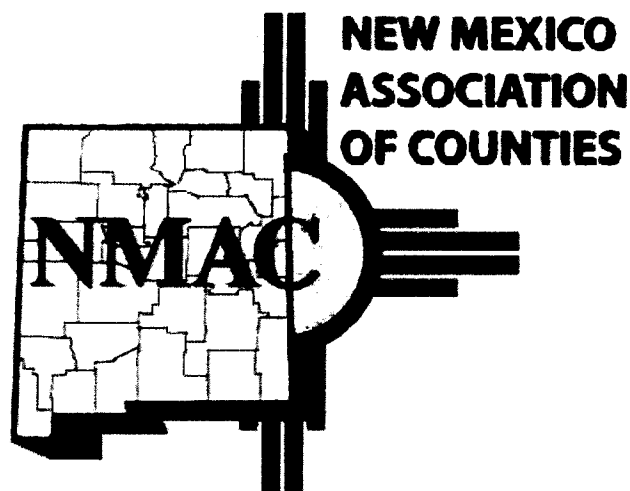
TY 2014 VS. TY 2013 COMPARISONS
MILL RATE BY TAXING AUTHORITY

NET TAXABLE VALUE	TY 2014	TY 2013	Inc/Dec
State Debt	1.360	1.360	-
Santa Fe County Operational-Res	5.911	5.219	0.692
Santa Fe County Operational-NR	11.850	11.850	-
Santa Fe County Debt	1.731	1.641	0.090
City of SF Operational - Res	1.308	1.206	0.102
City of SF Operational - NR	2.800	2.817	(0.017)
City of Espanola Operational - Res	3.239	3.241	(0.002)
City of Espanola Operational - NR	4.289	4.470	(0.181)
City of Espanola Debt	-	-	-
Edgewood Operational - Res	-	-	-
Edgewood Operational - NR	-	-	-
Edgewood Debt	2.935	-	2.935
City of SF Debt Service	0.843	0.876	(0.033)
SF Schools Operational-RES	0.152	0.133	0.019
SF Schools Operational - NR	0.500	0.500	-
Pojoaque Schools Operational-Res	0.183	0.180	0.003
Pojoaque Schools Operational-Res	0.500	0.500	-
Moriarty School Dist Operational-Res	0.389	0.375	0.014
Moriarty School Dist Operational-NR	0.500	0.500	-
Espanola School Dist Operational-Res	0.169	0.167	0.002
Espanola School Dist Operational-NR	0.209	0.208	0.001
SF Schools Debt	3.401	3.416	(0.015)
Pojoaque Schools Debt	9.464	9.522	(0.058)
Moriarty Schools Debt	9.182	8.850	0.332
Espanola Schools Debt	4.570	5.882	(1.312)
SF Schools Capital Improvement	2.000	2.000	-
Pojoaque Schools Capital Improvement	1.993	2.000	(0.007)
Moriarty Schools Capital Improvement	2.000	2.000	-
Espanola Schools Capital Improvement	2.000	2.000	-
SF Schools HB33 School Building	1.500	1.500	-
Pojoaque HB 33 School Building	-	-	-
Moriarty Schools HB 33 School Building	-	-	-
Espanola Schools HB 33 School Building	-	-	-
SF School Dist. Educ. Tech. Debt Service	1.532	-	1.532
Poj. School Dist. Educ. Tech. Debt Svc	-	-	-
Mor. School Dist. Educ. Tech. Debt Svc	-	-	-
Esp. School Dist. Educ. Tech. Debt Svc.	0.340	-	0.340
Santa Fe Comm. College - Res	2.695	2.460	0.235
Santa Fe Comm. College - NR	3.000	3.000	-
Santa Fe Col. Bldg. Levy	0.930	0.930	-
Special Assessments:			
Edgewood SWCD-Res	1.000	1.000	-
Edgewood SWCD-NR	1.000	1.000	-
El Dorado Area W & S Dist Operations	1.112	0.949	0.163
El Dorado Area W & S Dist Debt	1.992	1.993	(0.001)
Where Applicable:			
Cattle Indemnity	10.000	10.000	-
Sheep/Goats/Swine/Alpaca	10.000	10.000	-
Dairy Cattle	5.000	5.000	-
Bison/Comelids/Ratite	10.000	10.000	-
Horses/Asses/Mules	10.000	10.000	-

TY 2014 VS. TY 2013 COMPARISONS
TOTAL MILL RATE BY DISTRICT

PROPERTY TAX DISTRICT	TY 2014	TY 2013	Inc/Dec mill
Santa Fe C IN R	23.363	20.737	2.626
Santa Fe C IN NR	31.447	29.890	1.557
C OUT R	21.212	18.655	2.557
C OUT NR	27.804	26.197	1.607
1R	20.649	19.922	0.727
1/1D NR	26.899	26.873	0.026
8T R OUT	20.573	19.445	1.128
8T NR OUT	26.623	26.201	0.422
ESPANOLA 18 IN R	19.319	19.510	(0.191)
ESPANOLA 18 IN NR	26.348	27.411	(1.063)
18 OUT R	16.080	16.269	(0.189)
18 OUT NR	22.059	22.941	(0.882)
Edgewood 8T IN R	23.508	19.445	4.063
Edgewood 8T IN NR	29.558	26.201	3.357

New Mexico Association of Counties



2015 NMAC Legislative Priorities

As approved by the
NMAC Board of Directors
August 7, 2014

2015
JAN 15 2015
RECORDED
BY 15/01/15

THE NEW MEXICO ASSOCIATION OF COUNTIES EXECUTIVE COMMITTEE 2014-2015

Officers	District Representatives
Paula Garcia, President Mora County Commissioner	Liz Stefanics, District I Santa Fe County Commissioner
Sharon Stover, President Elect Los Alamos County Clerk	Van H. Robertson, District II Union County Commissioner
Clyde Ward, Vice President San Juan County Assessor	Danny Monette, District III Socorro County Commissioner
Wendell Bostwick, Past President Curry County Commissioner	Jake Lopez, District IV Roosevelt County Commissioner
Alvin Maestas, Treasurer Guadalupe County Commissioner	Brett A. Kasten, District V Grant County Commissioner
Steve Kopelman NMAC Executive Director	James Duffey, District VI Chaves County Commissioner

THE NMAC BOARD OF DIRECTORS 2014-2015

Maggie Toulouse Oliver, Bernalillo County	Carol Bowman-Muskett, McKinley County
Susan Griffin, Catron County	Paula Garcia, Mora County
James Duffey, Chaves County	Cathe Prather, Otero County
Edward J. Michael, Cibola County	Janie Hoffman, Quay County
Bill Sauble, Colfax County	Alfredo Montoya, Rio Arriba County
Matt Murray, Curry County	Jake Lopez, Roosevelt County
Rosalie Joiner, De Baca County	Clyde Ward, San Juan County
David Gutierrez, Doña Ana County	Elaine Estrada, San Miguel County
Glenn Collier, Eddy County	Orlando Lucero, Sandoval County
Brett A. Kasten, Grant County	Liz Stefanics, Santa Fe County
Alvin Maestas, Guadalupe County	Walter Armijo, Sierra County
Pete Callahan, Harding County	Danny Monette, Socorro County
Ed Kerr, Hidalgo County	Gabe Romero, Taos County
Pat Snipes Chappelle, Lea County	Linda Jaramillo, Torrance County
Rhonda Burrows, Lincoln County	Van Robertson, Union County
Sharon Stover, Los Alamos County	Mary Andersen, Valencia County
Dora Madrid, Luna County	
Ex-Officio members:	
Christine Tenski, Probate Judge Affiliate	Danny Monette, WIR Board Member
Edward J. Michael, NACo Board Member (Urban)	Ron Lethgo, Multi-Line Representative
Janie Hoffman, NACo Board Member (Rural)	Robert Anaya, Workers' Compensation Representative
Liz Stefanics, NACo Board Member At-Large	Steve Kopelman, Executive Director
Walter Armijo, WIR Board member	



2015 NMAC LEGISLATIVE PRIORITIES

The following were selected as priorities by the NMAC Board of Directors for the 2015 session. They are listed with their originating entity: Affiliate, Policy or Executive Committee, and are not in numerical order.

- Page 4 • **Safety Net Care Pool**
Remove counties' responsibility to fund Medicaid, and the Safety Net Care Pool, and consider the consolidation of some existing county local option gross receipts tax increments. (Health Care Policy Committee)
- Page 6 • **Keep Southwest Chief /Amtrak Service**
Support continuation of Amtrak's SW Chief and create reasonable funding alternatives. (Commissioners)
- Page 7 • **Tax Roll Corrections**
Authorizes the County Treasurer in conjunction with the County Assessor to make changes to the tax schedule and clarifies the authority and reasons necessary for tax schedule changes to correct obvious errors. (Assessors)
- Page 10 • **Delinquent Property Tax Payments**
Authorize County Treasurers to receive all payments of property taxes, including those turned over to the Property Tax Division of the Taxation & Revenue Department for collection and placed on installment agreements. (Treasurers)
- Page 12 • **Increase Detention Facilities Funding**
Restore County Detention Facilities Reimbursement Act funding. (Detention Administrators)
- Page 15 • **Job Creation and IRB Act Improvement**
Allow counties to increase economic growth and job creation by expanding the list of projects eligible for an IRB, and removing the complaint process for certain IRB projects. (Managers and Executive Committee)
- Page 19 • **Public Lands Task Force (Memorial)**
Create a task force to evaluate state and county dependence on federal revenue, conduct an inventory of federal land ownership within the state, and study the legal, economic and practical impact of a potential transfer of certain public lands from the federal government to the state. (Public Lands & Natural Resources Policy Committee)
- Page 21 • **Inmate Options (Memorial)**
Study housing options and service delivery for detention inmates with special medical and mental health needs. (Commissioners)

Healthcare Policy Committee

Resolution on SB 268/Hospital Funding

WHEREAS, New Mexico counties care greatly about health care for their local citizens and value their local hospitals, particularly in rural areas; and

WHEREAS, counties have long played an integral role in providing health care services for their indigent residents; and

WHEREAS, for nearly 20 years counties have worked collaboratively with their local community hospitals in helping fund the Sole Community Provider program and in coordinating health care for their local citizens; and

WHEREAS, the Sole Community Provider program has now been replaced by the Safety Net Care Pool (SNCP), which provides funding for community hospitals for Medicaid base rate increases and uncompensated care for Medicaid patients; and

WHEREAS, the counties' role under the SNCP has been significantly diminished and their financial contribution to the SNCP no longer has any relationship to the funds disseminated by the Human Services Department (HSD) to the counties' respective community hospitals; and

WHEREAS, information provided by HSD regarding the SNCP has been confusing and often contradictory, and the distribution formula to community hospitals has been inequitable and difficult to ascertain; and

WHEREAS, finding a solution to funding the SNCP requires communication and cooperation among the various stakeholders—counties, hospitals, and the state, in both the legislative and executive branches; and

WHEREAS, the SNCP is part of the federal Medicaid program, and is therefore a state responsibility that should be fully funded by the state; and

WHEREAS, SB268, as passed by the legislature in 2014, required most counties to contribute the equivalent of a 1/12th % gross receipts tax (grt) increment to the SNCP, and was intended to be a three-year interim solution for funding that program; and

WHEREAS, the Governor's line item veto of the three-year limitation on county funding of SNCP will result in unlimited long term county financial responsibility for the program that will ultimately cost the counties hundreds of millions of dollars; and

WHEREAS, that long term county financial responsibility was neither authorized nor intended by the legislature in SB 268.

NOW THEREFORE BE IT RESOLVED THAT the New Mexico Association of Counties supports legislation that would accomplish one or more of the following:

- 1) increase the state budget to fully fund the new SNCP and amend SB268 to remove counties' responsibility to fund the SNCP;
- 2) transfer the new county 1/12th grt to the state to fund the SNCP;
- 3) consolidate particular existing county local option grt increments that are in many cases unused and unusable, and de-earmark others;
- 4) authorize a state hospital bed tax, the proceeds of which could be used to fund the SNCP, to be matched with federal funds;
- 5) to develop solutions that would remove the financing of Medicaid from counties and place that responsibility with the state.

BE IT FURTHER RESOLVED THAT the New Mexico Association of Counties' Board of Directors authorizes the NMAC Healthcare Policy Committee to work collaboratively and in consultation with the NMAC Executive Committee to flesh out priority solutions with the Governor's office and Legislative leadership.



Health Care Policy Committee Chair

7/25/2014

Date

NEW MEXICO ASSOCIATION OF COUNTIES

Commissioners AFFILIATE, RESOLUTION # 7

1. Short Title or Subject	Maintain Southwest Chief Amtrak Service
2. Affected Affiliates	Commissioners, managers
3. Impact on County Revenues/Finance	Loss of \$29.3 million in direct economic benefits
4. Legislation Resolution or Policy Statement Or Resolution for Congressional Delegation	Legislation Resolution and resolution for congressional support
5. Requested as NMAC Legislative Priority	yes

WHEREAS, Amtrak's Southwest Chief serves northern New Mexico on its route between Chicago and Los Angeles on the host railroad line of Burlington Northern Santa Fe Railway (BNSF); and

WHEREAS, Fiscal Year 2012 revealed a total of 34,444 Amtrak boarding's and alighting's among the Raton, Las Vegas, and Lamy stations; and

WHEREAS, a Report of the Annual Economic Impact of Amtrak's Southwest Chief in New Mexico, dated November 11, 2013 and filed with the NM Interim Transportation Infrastructure Sub-Committee on November 12, 2013 assesses the annual visitor spending impact in the Lamy-Raton corridor at \$29.3 million in economic output, \$8.9 million in worker earnings and 368 jobs; and

WHEREAS, Amtrak's agreement with BNSF for use of the track expires in January of 2016; and

WHEREAS, Amtrak indicates it does not have sufficient funds to pay BNSF to maintain the line to 79 mph passenger rail standards; and

WHEREAS, Amtrak needs funding in place to remain on the current route or it shall begin relocation or discontinuance of the train by January 2016; and

WHEREAS, long distance passenger rail is a vital and necessary part of our national transportation system and economy; and

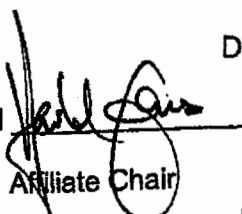
WHEREAS, the federal government has declined to provide the needed fiscal support to allow Amtrak to pay for the necessary capital investment and annual maintenance in New Mexico, Colorado, and Kansas; and

WHEREAS, New Mexico, Kansas, and Colorado support the Southwest Chief and seek State and Congressional support for additional funding;

NOW THEREFORE BE IT RESOLVED that the New Mexico Association of Counties support legislation that would:

1. Allow the continuation of Amtrak's Southwest Chief along its current and historic route; and
2. Create a Southwest Chief Rail Service Fund or other reasonable funding alternatives; and support
3. Efforts by the New Mexico Congressional Delegation in supporting and maintaining the Southwest Chief on its current route.

Signed 
Affiliate Chair

Signed 
Affiliate Chair

Date June 19, 2014

NEW MEXICO ASSOCIATION OF COUNTIES
ASSESSOR'S AFFILIATE RESOLUTION NUMBER 3

Brief Title or Subject: Tax Roll Corrections Authority and Responsibility

Affected NMAC Affiliates and/or County Offices: Assessors and Treasurers

Type of Governmental Entity (Federal or State) & Whether Legislative or Regulatory:
State Entity, NM Taxation & Revenue Laws and Regulations (7-38-77 & 7-38-78)

Impact on Government Revenues & Finances: Financial Impact will be minimal.

Submitted as NMAC Priority or Affiliate Initiative (please circle one)

WHEREAS, According to NMSA 1978, the County Treasurer has sole authority to make changes to the "Tax Schedule" after the County Assessor has delivered the tax schedule to the Treasurer, and;

WHEREAS, tax schedule changes most often arise due to valuation related errors identified and initiated by the Assessor's Office; and

WHEREAS, the majority of tax schedule changes must be processed first through the Assessor's database thus requiring the Assessor to share in the responsibility of tax schedule changes; and

WHEREAS, the Assessor is not named in NMSA 7-38-77 as having authority in correcting the tax schedule; and

WHEREAS, tax schedule corrections are a remedy for correcting errors made by the Assessor's and/ or the Treasurer's office and ultimately benefit the property owner; and

WHEREAS, clarification is needed to define which errors are allowed to be corrected in the tax schedule under mutual agreement by the Assessor and Treasurer; and

NOW THEREFORE BE IT RESOLVED THAT the New Mexico Association of Counties support legislation that will change NMSA 7-38-77 and NMSA 7-38-78 to clarify the authority and reasons necessary for tax schedule changes.

Signed _____
Affiliate Chair

Date: _____

7-38-77. Authority to make changes in property tax schedule after its delivery to the county treasurer.

After delivery of the property tax schedule to the county treasurer, the amounts shown on the schedule as taxes due and other information on the schedule shall not be changed except:

A. by the county treasurer to correct obvious clerical errors in:

- (1) the name or address of the property owner or other persons shown on the schedule;
- (2) the description of the property subject to property taxation; or
- (3) the mathematical computation of taxes;

B. by the county treasurer to cancel multiple valuations for property taxation purposes of the same property in a single tax year, but only if:

- (1) a taxpayer presents tax receipts showing the payment of taxes by him for any year in which multiple valuations for property taxation purposes are claimed to have been made;
- (2) a taxpayer presents evidence of his ownership of the property, satisfactory to the treasurer, as of January 1 of the year in which multiple valuations for property taxation purposes are claimed to have been made; and
- (3) there is no dispute concerning ownership of the property called to the attention of the treasurer, and he has no actual knowledge of any dispute concerning ownership of the property;

C. by the county treasurer, to correct the tax schedule so that it no longer contains personal property that is deemed to be unlocatable, unidentifiable or uncollectable, after thorough research with verification by the county assessor or appraiser, with notification to the department and the county clerk;

D. as a result of a protest, including a claim for refund, in accordance with the Property Tax Code [Articles 35 to 38 of Chapter 7 NMSA 1978], of values, classification, allocations of values determined for property taxation purposes or a denial of a claim for an exemption;

E. by the department or the order of a court as a result of any proceeding by the department to collect delinquent property taxes under the Property Tax Code;

F. by a court order entered in an action commenced by a property owner under Section 7-38-78 NMSA 1978;

G. by the department as authorized under Section 7-38-79 NMSA 1978;

H. by the department of finance and administration as authorized under Section 7-38-77.1 NMSA 1978; or

I. as specifically otherwise authorized in the Property Tax Code.

History: 1953 Comp., § 72-31-77, enacted by Laws 1973, ch. 258, § 117; 1974, ch. 92, § 27; 1981, ch. 37, § 79; 1995, ch. 65, § 1; 2000, ch. 32, § 1.

7-38-78. Action by property owner in district court to change property tax schedule.

A. After the delivery of the property tax schedule to the county treasurer for a particular tax year, a property owner may bring an action in the district court requesting a change in the property tax schedule in connection with any property listed on the schedule for property taxation in which the owner claims an interest. The action shall be brought in the district court for the county for which the property tax schedule in question was prepared.

B. Actions brought under this section may not directly challenge the value, classification, allocations of value determined for property taxation purposes or denial of any exemption claimed and must be founded on one or more of the following grounds:

(1) errors in the name or address of the property owner or other person shown on the schedule;

(2) errors in the description of the property for property taxation purposes;

(3) errors in the computation of taxes;

(4) errors in the property tax schedule relating to the payment or nonpayment of taxes;

(5) multiple valuations for property taxation purposes for a single tax year of the same property on the property tax schedule; or

(6) errors in the rate of tax set for any governmental unit in which the owner's property is located.

C. Actions brought under this section shall name the county treasurer as defendant, and if the action is brought under Paragraph (6) of Subsection B of this section shall also name the secretary of finance and administration as a defendant.

History: 1953 Comp., § 72-31-78, enacted by Laws 1973, ch. 258, § 118; 1974, ch. 92, § 28; 1981, ch. 37, § 80.

NEW MEXICO ASSOCIATION OF COUNTIES

TREASURERS' AFFILIATE, RESOLUTION #1

1. Short Title or Subject	County Treasurers as Agents of PTD for receiving payments on Installment Agreements
2. Affected Affiliates	Assessors, Managers Commissioners, Treasurers
3. Impact on County Revenues/Finance	Earlier & more Accurate receipt of payments made on Installment Agreements
4. Legislation Resolution or Policy Statement Or Resolution for Congressional Delegation	Legislation Resolution
5. Requested as NMAC Legislative Priority	Yes

WHEREAS, NMSA 7-38-62 instills the responsibility and exclusive authority on the Tax and Revenue Department to collect delinquent taxes showing on the tax delinquency list; AND;

WHEREAS, PTD enters into Installment Agreements with delinquent tax payers as a means to collect those taxes; AND

WHEREAS, NM County Treasurers acknowledge the tracking of payments, the filing of injunctions or liens related to missed payments, and the enforcement of installment agreements, is a function that should remain under the authority, control, and within the jurisdiction of the Property Tax Division and the Legal Service Bureau of the Tax and Revenue Department; AND

WHEREAS, payments by delinquent taxpayers to the PTD creates an unnecessary, confusing and inefficient third tier of government to which taxpayers are required to make payments; AND

WHEREAS, the public's right to have updated and accurate information at the local level is compromised by the payment by delinquent tax payers to the state level where it is retained and not distributed for up to three years; AND

WHEREAS, county treasurers are equipped with resources, policies, and procedures already in place by which they are able to distribute payments received on behalf of Property Tax Division to them on a monthly basis, enabling the department to perform the necessary enforcement, negotiation, and tracking of all installment agreements;

NOW THEREFORE BE IT RESOLVED that the New Mexico Association of Counties supports legislation that would amend State Statute 7-38-62 to authorize County Treasurers to receive all payments of property taxes, including for those properties that have been turned over to the Property Tax Division for collection and been placed on installment agreements..

Signed

Patrick Varela, Affiliate Chair

Date

June 19, 2014

7-38-62. Authority of department to collect delinquent property taxes after receipt of tax delinquency list; use of penalties, interest and costs.

After the receipt of the tax delinquency list, the department has the responsibility and exclusive authority to take all action necessary to collect delinquent taxes shown on the list. This authority includes bringing collection actions in the district courts based upon the personal liability of the property owner for taxes as well as the actions authorized in the Property Tax Code [Articles 35 to 38 of Chapter 7 NMSA 1978] for proceeding against the property subject to the tax for collection of delinquent taxes. Payment of delinquent taxes listed and any penalty, interest or costs due in connection with those taxes shall be made to the department if occurring after the receipt by the department of the tax delinquency list; however, the department may authorize county treasurers to act as its agents in accepting payments of taxes, penalties, interest or costs due. Penalties, interest and costs due received by the department under this section shall be retained by the department for use, subject to appropriation by the legislature, in the administration of the Property Tax Code.

History: 1953 Comp., § 72-31-62, enacted by Laws 1973, ch. 258, § 102; 1990, ch. 22, § 5.

NEW MEXICO ASSOCIATION OF COUNTIES
DETENTION ADMINISTRATORS AFFILIATE, RESOLUTION # 1

1. Short Title or Subject	Detention Center Funding
2. Affected Affiliates	Commissioners, Managers, Finance, Attorneys
3. Impact on County Revenues/Finance	Revenue generating
4. Legislation Resolution or Policy Statement Or Resolution for Congressional Delegation	Legislative
5. Requested as NMAC Legislative Priority	Legislative Priority

WHEREAS, the County Detention Facility Reimbursement Act was passed unanimously by the Legislature in 2007, as a Legislative Finance Committee bill, was signed by the Governor, and funded at \$5 million; and

WEREAS THE Act specifies reimbursement by the state to counties for three specific categories of offenders in county jails: 1) parole violators, 2) inmates sentenced to prison and awaiting transport, and 3) offenders under supervision for both probation and parole violations; and

WHEREAS, the cost to counties for housing the three categories of offenders covered by the Act is currently \$4,718, 448, according to the New Mexico Sentencing Commission; and

WHEREAS, funding for the Act has been reduced to \$3.3 million and remained at that level for several years; and

WHEREAS, the cost to county government for detention centers is, on the average, at least one third of county budgets;

NOW THEREFORE BE IT RESOLVED THAT the New Mexico Association of Counties support an increase in the 2015 General Appropriations Act that would fund the County Detention Facilities Reimbursement Act at a level sufficient to reimburse counties for the actual cost of holding the three categories of prisoners specified under the Act.

Signed



Date

6-30-14

Affiliate Chair

ARTICLE 3B

County Detention Facility Reimbursement Act

33-3B-1. Short title.

This act [33-3B-1 to 33-3B-4 NMSA 1978] may be cited as the "County Detention Facility Reimbursement Act".

History: Laws 2007, ch. 333, § 1.

33-3B-2. Definitions.

As used in the County Detention Facility Reimbursement Act:

A. "county detention facility" means a facility that is owned, operated or under contract of operation by a board of county commissioners and that is used for the incarceration of prisoners charged with or convicted of a violation of local, state, tribal, federal or international law;

B. "division" means the local government division of the department of finance and administration;

C. "dual supervision offender" means an individual who is serving a probation term and a parole term;

D. "eligible county" means a county that provides information to the New Mexico sentencing commission regarding costs incurred by the county for the incarceration of felony offenders;

E. "felony offender" means an individual who is convicted of a felony and sentenced to confinement in a correctional facility designated by the corrections department and who:

(1) has been released from confinement and is a dual supervision offender and:

(a) has violated parole or is charged with a parole violation;

(b) has violated probation or is charged with a probation violation; or

(c) while on probation or parole, is charged with a violation of local, state, tribal, federal or international law;

(2) has been released from confinement and is serving a parole term and:

(a) has violated parole or is charged with a parole violation; or

(b) while on parole, is charged with a violation of local, state, tribal, federal or international law; or

(3) is awaiting transportation and commitment to the corrections department following the revocation of parole or a sentencing hearing for a felony conviction; and

F. "fund" means the county detention facility reimbursement fund.

33-3B-3. Incarceration of felony offenders in county detention facilities; rate of reimbursement.

A. The distribution amount for each eligible county each fiscal year shall be derived by multiplying the total amount of money available in the fund for distribution pursuant to this section by the felony offender incarceration percentage for that county. The felony offender incarceration percentage shall be equal to a fraction:

(1) the numerator of which is the rolling average of the number of felony offenders incarcerated in an eligible county on June 30 of each of the three fiscal years immediately preceding the fiscal year in which the distribution is to be made pursuant to Section 4 [33-3B-4 NMSA 1978] of the County Detention Facility Reimbursement Act; and

(2) the denominator of which is the rolling average of the number of felony offenders incarcerated in all eligible counties on June 30 of each of the three fiscal years immediately

preceding the fiscal year in which the distribution is to be made pursuant to Section 4 of the County Detention Facility Reimbursement Act.

B. Annually, on or before December 1, the New Mexico sentencing commission shall:

- (1) determine the felony offender incarceration percentage for each eligible county;
- (2) calculate the distribution amount for each eligible county by applying the formula in Subsection A of this section; and
- (3) certify to the division the felony incarceration percentage and the distribution amount for each eligible county.

33-3B-4. County detention facility reimbursement fund created; distribution.

A. The "county detention facility reimbursement fund" is created in the state treasury. The fund consists of appropriations, gifts, grants, donations and bequests made to the fund. Money in the fund shall not revert or be transferred to any other fund at the end of a fiscal year, and income from investment of the fund shall be credited to the fund. The division shall administer the fund, and money in the fund is appropriated to the division to make distributions to counties in accordance with Subsection B of this section. Disbursements from the fund shall be by warrant of the secretary of finance and administration pursuant to vouchers signed by the director of the division. No money in the fund shall be expended by the division for the purpose of administering the fund.

B. Annually, on or before January 30 and to the extent money in the fund is available for such purposes, money in the fund shall be distributed by the state treasurer as follows:

- (1) an amount equal to seventy percent of the fund less thirty thousand dollars (\$30,000) to eligible counties in the amounts certified to the division in accordance with Section 3 [33-3B-3 NMSA 1978] of the County Detention Facility Reimbursement Act;
- (2) thirty thousand dollars (\$30,000) to the New Mexico sentencing commission to fund the annual calculation of the felony offender incarceration percentage and the distribution amount for each eligible county; and
- (3) the remainder of the fund to counties other than class A counties that are designated by the division as needing additional resources due to inadequate base revenues.

**NEW MEXICO ASSOCIATION OF COUNTIES
MANAGERS AFFILIATE AND EXECUTIVE COMMITTEE RESOLUTION**

County Industrial Revenue Bond Improvements

WHEREAS, counties understand the economic needs of their communities and play a critical role in local economic development; and

WHEREAS, New Mexico counties recognize the economic development incentives that are available to promote business and economic growth at the local level; and

WHEREAS, counties across the county compete both to retain existing jobs and businesses and to secure new jobs and businesses; and

WHEREAS, counties in New Mexico wish to maintain a competitive advantage over counties across the country in business retention, developing housing options, and recruiting new business and industry; and

WHEREAS, one of the foremost economic development tools available to counties in New Mexico is industrial revenue bonding; and

WHEREAS, under the New Mexico County Industrial Revenue Bond Act, Sections 4-59-1 to 16 NMSA 1978, there are a variety of projects that qualify for county-issued industrial revenue bonds (IRBs); and

WHEREAS, many projects that could contribute to economic and job growth, including the extractive phase of mining and skilled workforce housing, do not now qualify for county-issued IRBs; and

WHEREAS, currently Section 4-59-15, NMSA 1978, provides that an existing business within a county or within five miles of a proposed county IRB project may file a complaint with the State Board of Finance alleging direct or substantial competition with the proposed project; and

WHEREAS the IRB complaint provision creates uncertainty and significantly delays economic development efforts of counties throughout the state, and

WHEREAS, the inclusion of the IRB complaint process in the County IRB Act, but not in the Municipal IRB Act provides an unnecessary economic disadvantage for counties.

NOW THEREFORE BE IT RESOLVED that the New Mexico Association of Counties supports legislation that expands the list of eligible projects for IRBs to include housing development and

the extractive phase of mining and energy development, and that broadens the definition of “ingredients of construction” to include construction material and labor and associated professional services and contracting;

BE IT FURTHER RESOLVED THAT the New Mexico Association of Counties supports legislation that removes the authority of the State Board of Finance to consider a complaint of direct or substantial competition with existing businesses near or within a proposed county IRB project, by repealing Section 4-59-15, NMSA 1978.

3.2.212.22 TANGIBLE PERSONAL PROPERTY IN PROJECTS FINANCED BY INDUSTRIAL REVENUE OR SIMILAR BONDS:

A. For the purposes of this section, a "bond project" is an arrangement entered into under the authority of the **Industrial Revenue Bond Act**, the **County Industrial Revenue Bond Act** or similar act in which a private person agrees (i) to arrange for the constructing and equipping of a facility for a state or local government by acting as agent for the government in procuring construction services, other services, tangible personal property which becomes an ingredient or component part of a construction project and other tangible personal property necessary for constructing and equipping the facility, (ii) to lease the completed facility from the government and (iii) to buy the facility upon repayment of the bonds. The government agrees to own the facility, to finance the project in whole or in part through the issuance of bonds, to designate the private person as its agent in procuring the necessary property and services, to lease the facility to the private person and to sell the facility to the private person upon repayment of the bonds.

B. Receipts from the sale of tangible personal property to the private person who is acting as agent for the government with respect to the bond project are deductible under Section 7-9-54 NMSA 1978 if the tangible personal property is not an ingredient or component part of a construction project. To be deductible, the bond project tangible personal property must meet all of the following criteria:

(1) the cost of the tangible personal property does not increase the basis, as determined under the provisions of Section 1011 of the **Internal Revenue Code** in effect on the date the bond project commences, of the structure or other facility included in the definition of construction; and

(2) the tangible personal property is:

(a) not included in, or similar to, the list of structures and facilities specifically itemized in the definition of construction at Section 7-9-3 NMSA 1978; and

(b) classified for depreciation purposes as 3-year property, 5-year property, 7-year property, 10-year property or 15-year property by Section 168 of the **Internal Revenue Code** in effect on the date the bond project commences or, if the **Internal Revenue Code** is amended to rename or replace these depreciation classes, would have been classified for depreciation purposes as 3-year property, 5-year property, 7-year property, 10-year property or 15-year property but for the amendment.

C. A bond project commences when the governing body of the state or local government takes official action to enter into the arrangement, but no earlier than the adoption of an inducement resolution.

D. Receipts from the sale of tangible personal property which becomes an ingredient or component part of a construction project, whether the sale is to the private person acting as agent for the government or to the government itself, are not deductible under Section 7-9-54 NMSA 1978.

[2/22/95, 11/15/96; 3.2.212.22 NMAC - Rn & A, 3 NMAC 2.54.22, 5/31/01]

4-59-15. Board of finance.

If any representative of an existing business or enterprise located within the boundaries of the county or within five miles of the proposed project alleges, in a written complaint filed with the county governing body at a meeting at which an ordinance or resolution authorizing the issuance of bonds hereunder [sic], that the proposed project would directly and substantially compete with such an existing business or enterprise located within the boundaries of the county or within five miles of the proposed project, the bonds in connection with such project shall not be issued until the state board of finance has determined that the proposed project will not directly or substantially compete with an existing business or enterprise located within the boundaries of the county or within five miles of the proposed project.

History: 1953 Comp., § 15-60-15, enacted by Laws 1975, ch. 286, § 15.

**NEW MEXICO ASSOCIATION OF COUNTIES
PUBLIC LANDS & NATURAL RESOURCES COMMITTEE, RESOLUTION # 2**

1. Short Title or Subject	Public Land Task Force
2. Affected Affiliates	Managers, Commissioners
3. Impact on County Revenues/Finance	Neutral
4. Legislation Resolution or Policy Statement Or Resolution for Congressional Delegation	Legislative
5. Requested as NMAC Legislative Priority	Yes

WHEREAS, the State of New Mexico encompasses approximately 77.6 million acres of land; and

WHEREAS, approximately 35% of New Mexico's land is federal lands administered by agencies such as the Bureau of Land Management, U.S. Forest Service, Bureau of Reclamation, National Park Service, U.S. Army Corps of Engineers, National Wildlife Reserve Areas, federal water resource development projects and military installations; and

WHEREAS, the State of New Mexico and its counties depend on federal revenues to support vital state, county and local budgets, programs, services and operations; and

WHEREAS, New Mexico counties received \$37,677,905 in Payments in Lieu of Taxes (PILT) in 2014 to provide general fund revenue; and

WHEREAS, New Mexico counties received \$5,054,742 in Federal Forest Reserve payments in 2014 from the Secure Rural Schools & Community Self Determination Act (SRS); and

WHEREAS, counties rely on federal funding through PILT and SRS to provide essential support for schools, road infrastructure, search and rescue operations, wildfire preparedness, county operations and other community services that protect the health, safety, and welfare of New Mexico citizens; and

WHEREAS, federal funds are also distributed to county governments as a pass-through from state agencies for county infrastructure, economic development, wildfire prevention and response, energy and natural resource investments, emergency management, E911, health care, and social programs; and

WHEREAS, there is increasing uncertainty regarding the federal commitment to funding these vital county and state programs, which makes it difficult to budget for necessary services; and

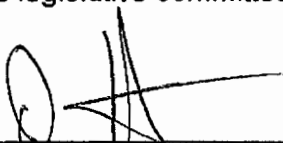
WHEREAS, there have been proposals for the State and counties to take a more active role in federal land management, including the potential for transfer of certain federal lands to the state; and

WHEREAS, the State of New Mexico and its counties have a vested interest in decisions on federal land management, natural resource exploration and development; and

WHEREAS, the State of New Mexico and its counties need an evaluation of the legal, economic and practical implications of any potential transfer of federal lands.

NOW THEREFORE BE IT RESOLVED, that the New Mexico Association of Counties supports legislation requesting the State of New Mexico to create a task force to: 1) study the legal, economic and practical framework surrounding the potential transfer of certain public lands from the federal government; 2) conduct an inventory of federal land ownership within the state; and 3) evaluate state and county dependence on federal revenue streams, and report and make recommendations to the appropriate legislative committee no later than November 1, 2015.

Signed



Affiliate Chair

Date

7/29/14

**Potential Public Lands Stakeholders
(Incomplete list)**

Native American Pueblos, Nations and Tribes

New Mexico Land Grants

New Mexico Acequia Association

New Mexico Farm Bureau

New Mexico Cattle Growers Association

New Mexico Conservancy Districts

New Mexico Soil and Water Conservation Districts

New Mexico Energy Minerals and Natural Resources Department & other appropriate
state agencies and education institutions

United States Department of the Interior, Bureau of Indian Affairs

NEW MEXICO ASSOCIATION OF COUNTIES
COMMISSIONERS AFFILIATE, RESOLUTION # 3

1. Short Title or Subject	Special Management Inmates
2. Affected Affiliates	Commissioner/Managers/Detention
3. Impact on County Revenues/Finance	Liability Reduction
4. Legislation Resolution or Policy Statement Or Resolution for Congressional Delegation	
5. Requested as NMAC Legislative Priority	yes

WHEREAS, counties have been and continue to be subjected to significant liabilities (three cases totaling nearly \$20 million to date) related to allegations of cruel and unusual punishment in county detention facilities; and

WHEREAS, there is a complete lack of appropriate options to house special management inmates, and a lack of programing to meet legitimate medical/mental health needs in those facilities; and

WHEREAS, counties have found a similar lack of options for these inmates at the state level as well;

NOW THEREFORE BE IT RESOLVED that the New Mexico Association of Counties support legislation that would bring together the appropriate entities and agencies, to study possibilities for the establishment of housing options and service delivery for these inmates, and make recommendations to the appropriate legislative committee by November 1, 2014.

Signed Susan Flores
Affiliate Chair

Date 6/27/14

Jose Larranaga

From: Bruce Krasnow <brucekrasnow@gmail.com>
Sent: Tuesday, September 02, 2014 4:51 PM
To: Robert A. Anaya; Daniel Mayfield; Miguel Chavez; Kathy S. Holian; Liz Stefanics
Cc: Jose Larranaga
Subject: Elevation Project MP 13-5380

Categories: Red Category

also sent by regular post

Commission Chair Daniel Mayfield,

Several issues have come to our attention since the July 8 hearing on The Elevation at Rancho Viejo apartment project (MPA 13-5380). On behalf of the Dean's Court homeowners, I ask that you reopen public comment to consider these issues and accept this letter as part of the record.

1) The most important is the proposed SE Connector road that would extend south from Rabbit Road to the community college and Avenida del Sur and serve as a much-needed alternative to Richards Avenue. This is one of the items you requested more information on from staff.

It is now clear, that notwithstanding representations to the contrary from Vedula Residential, the SE Connector road project is far from being finalized – and in fact there is less agreement on the corridor today than there was at the July Master Plan hearing. On Aug. 14 the Santa Fe Community College Board unanimously voted against the current alignment of the road that has been staked by the county and DOT.

At a recent project meeting, county staffers and engineers also stated there is not enough funding to complete the roadway.

The lack of this important piece of infrastructure means you cannot move forward with this Master Plan change. Under the county Land-use Code, 5.2.6 "Approval of the master plan is intended to demonstrate that the development concept is acceptable and that further approvals are likely..."

Yet, there is no approved traffic study, as required by your ordinance, and there cannot be a complete and accurate traffic impact until the Connector Road is in place and functioning.

Further, the new SLDC, will require that multi-family projects of more than 31 units be located on an arterial:

Residential Development and Multi Family Development.

Major subdivisions of 31 lots or more those with 31 or more development

units, or those non-residential developments consisting of 25,000 square feet or more, shall provide access to an existing County road, highway, state highway or federal highway and shall provide a minimum of two (2) access points to the referenced roadway. Such development shall also provide for connections to roads and highways identified on the Official Map

Right now, there is no existing road, so there can be no master plan change without this infrastructure.

Considering the history of Rancho Viejo and the communities around SFCC where poor and inadequate planning have created traffic chaos, the county should not condition a project on what might or might not happen. Commissioners should wait and assess commuter patterns when the new connector is built and then opens.

2) The next issue I want to follow up on goes to a question asked by Commissioner Holian about a marketing study for the apartment complex. I am quite sure that such a study does not include an analysis of a proposal to bring 650 apartment units to the South St. Francis Project at Rabbit Road and the St. Francis Drive intersection.

That project, which was on the CDRC agenda but then postponed, does not face the infrastructure challenges as a high-density apartment development in Rancho Viejo – and in fact there is not a great deal of opposition, according to the application packet. But will there be enough capacity for all of these new apartment units if both projects move forward? That is doubtful.

3) The so-called Rancho Viejo master plan was presented by the developer as a guiding document in this discussion. How can it be so if it was not presented with the application; not reviewed by staff; and not seen by the CDRC?

More importantly, members of the Rancho Viejo development – Ike Pino, Leland Thompson, -- were represented on the task force for the Community College District Plan that documented the platting of College Heights as a single-family neighborhood with 73 homes (and the property under control of the applicant as having 53 homes). That document is part of the county record and on the county website, while the other is not.

4) Finally, it came to our attention from a records' request that Land-Use Director Penny Ellis Green and Jennifer Jenkins are acquaintances through a shared school with their children.

Santa Fe is an intimate city and many people have extended family and friendships outside the office, which makes our community so caring and wonderful.

But it is unsettling to learn about this relationship now as Ms. Green has already made some administrative rulings involving this project. And this is the second potential conflict of interest with the Elevation at Rancho Viejo application involving county staff that was not disclosed.

We request that the relationship between Jennifer Jenkins and Penny Ellis Green be disclosed in writing and made part of the record for this case.

Regards,

Bruce E. Krasnow

3B Dean's Ct.

187 E Chili Line Road
Santa Fe, NM 87508
505-471-2026

4 September 2014

Board of County Commissioners
Santa Fe County
102 Grant Ave Santa Fe, NM 87501-2061
Dear Commissioners:

Re: Case 13-5380, an application by Univest Rancho Viejo-Vedura for apartments

After reviewing activity over the past 1.5 years on this issue, I have concluded that the decision you must make tonight is not whether to approve or disapprove placement of proposed apartments upon the Community of Rancho Viejo (RV). Instead, your decision will be to or not to abide and uphold scheming, distortion, deception, and dishonesty. Those four words characterize behavior of Univest de Rancho Viejo, LLC over the past 1.5 years regarding its proposed apartments.

I mention briefly below just as few among many negative facets of that behavior.

- Representing to potential and actual purchasers of lots and houses in College Heights and greater RV over fourteen years that remaining 57 acres of the College Heights Master Plan (CHMP, 1997) would be developed as single family residential.
- De-annexing the 57 acre remainder of CHMP, thereby, destroying integrity of RV, removing Community control, and permitting Univest greedy self-interest outside RV.
- Recent removal of Univest as co-applicant in this Case. Univest remains very much an applicant, for it, not Vedura, continues to own the land proposed for the apartments.
- Presenting the apartment mega complex as a village in the context of the Community College District. A mega apartment complex does not a village make. Furthermore, it is

Smerage to BCC, page 2

neither adding to a true, existing village nor proposed as part of a full village master plan.

- The Declaration of Covenants and Restrictions (1999) places College Heights under the jurisdiction of an implied Master Association. There is no Master Association! That is a major issue in this case for RV residents—there will be no Community oversight.
- Trying to slide the apartments in before a corridor is selected for the Southeast Connector and other major traffic issues in the area are settled.

In summary, are you individually and collectively inside or outside the bounds of morality and ethics?

Sincerely,

Glen Smerage

Jose Larranaga

From: P Crane <pcrane007@gmail.com>
Sent: Monday, September 08, 2014 2:34 PM
To: Jose Larranaga; Liz Stefanics
Subject: CDRC Case #Z 13-5380 Elevation Vedula Residential Operating LLC, Applicants, JenkinsGavin Agents

Dear Mr. Larranaga and Commissioner Stefanic:

I am a Rancho Viejo resident also opposed to the approval of the above-captioned project. While Santa Fe does need lower-cost and higher-density living options for its people, this particular project is wrong for the location.

First, the tract has been a part of the Rancho Viejo master plan and thus has been confined to single-family housing. The settled expectations of everyone who has purchased homes in Rancho Viejo has been that the community would remain single-family housing. Furthermore, piecemeal modification of a master plan to accommodate a special interest appears to be contrary to legal precedent and will expose Santa Fe County to a legal challenge (see April 4, 2014 letter to Jose Larranaga from Christopher L. Graeser of Graeser & McQueen).

Second, traffic access and flow in the area is poorly designed and is not performing well at even the current resident and business density. Until the Southeast Connector is built, no high-density projects should even be considered.

Finally, my opposition to this project is its increased burden on County resources for transportation and law enforcement without sufficient tax revenue generated. While Rancho Viejo's remote location may appeal to its homeowners, apartment dwellers are a different demographic. In my opinion, in order to attract apartment tenants to this rather dull, out-of-the-way area, the prices have to be low. Families with people in low-paying service industry jobs will be the tenants. As such, the county will need to provide better public transportation to jobs and schools than is currently available in this area.

Others mention these apartments are actually being targeted to students. Off-campus student housing can lead to significant law enforcement issues, as we have seen in Albuquerque recently at The Cottages apartments. The County will need to provide increased police presence at these student apartments. Taking all this into consideration, it seems the proposed apartment project will require significant County investment in transportation services and law enforcement, but will not attract high-income tenants to provide enough tax revenue to cover such costs.

If the developer is still claiming these will be luxury apartments, I urge the County to demand proof through reputable market and economic analyses. Oshara Village was hyped up, too. See this Santa Fe New Mexican article.

Thank you for your efforts in analyzing this project in detail.

Pamela Crane
10 Sierra Dawn Rd.
Santa Fe, NM 87508

Jose Larranaga

From: Penny Ellis-Green
Sent: Monday, September 08, 2014 2:45 PM
To: Jose Larranaga
Subject: FW: CDRC Case #Z 13-5380

From: Liz Stefanics
Sent: Monday, September 08, 2014 2:12 PM
To: Penny Ellis-Green; Vicki Lucero
Subject: Fwd: CDRC Case #Z 13-5380

Thanks,
Liz Stefanics (cell 505-699-4808)

Sent by iPad

Begin forwarded message:

From: Doyle Preheim <doyle.preheim@gmail.com>
Date: September 8, 2014 at 1:55:55 PM MDT
To: <lstefanics@santafecountynm.gov>
Subject: CDRC Case #Z 13-5380

Dear Ms. Stefanics:

As a resident of Rancho Viejo, I urge you to vote against a proposed multi-family apartment building on the North side of College Drive (College Heights). As I understand it, this is a significant change from the original master plan that attracted many of us to buy homes in Rancho Viejo and invest in the Community College District in the first place. A high density building of this sort is not in keeping with the character of the existing community, and it will only further contribute to road congestion issues that are still not resolved, the Northeast Connector proposals notwithstanding.

Thank you for your service to the county.

--
Doyle Preheim
11 Enmedio Place
Santa Fe, NM 87508

(C) 505-660-0314

Vicki Lucero

From: Liz Stefanics
Sent: Monday, September 08, 2014 3:01 PM
To: Penny Ellis-Green; Vicki Lucero
Subject: Fwd: Apartment complex

Thanks,
Liz Stefanics (cell 505-699-4808)

Sent by iPad

Begin forwarded message:

From: Susie Knight <confettisuz@hotmail.com>
Date: September 8, 2014 at 2:52:09 PM MDT
To: "lstefanics@santafecountynm.gov" <lstefanics@santafecountynm.gov>
Subject: Apartment complex

Dear Commissioner Stefanics,

I'm not sure whether or not we are supposed to contact you about this issue.

In any case, there are two of us, in this household in Rancho Viejo, who are completely against the proposed apartment complex near College Drive.

We are AGAINST this proposal for many reasons. The main two reasons are lack of water and lack of infrastructure (including roads) that would be necessary in order to handle the greatly increased population of such a development.

We actually think that there should be a moratorium on building housing in Santa Fe, whether it's in the city or the county. I know that this is not a popular perspective, but it would be responsible given that we live in a desert that is already overbuilt.

Thanks for listening.

Susie Knight and Karl Johnsen
7 Grayhawk Place
Santa Fe, NM 87508
505-438-0404

Vicki Lucero

From: Liz Stefanics
Sent: Monday, September 08, 2014 2:11 PM
To: Penny Ellis-Green; Vicki Lucero
Subject: Fwd:

Thanks,
Liz Stefanics (cell 505-699-4808)

Sent by iPad

Begin forwarded message:

From: "kmbilton@juno.com" <kmbilton@juno.com>
Date: September 8, 2014 at 2:06:29 PM MDT
To: <lstefanics@santafecountynm.gov>

Dear Ms. Stefanics,

We write as nine-year Rancho Viejo homeowners to request that you vote NO on the development of a 215-unit apartment complex north of Santa Fe Community College.

This proposed dense population development would place extreme pressure on the infrastructure of the Community College and Rancho Viejo areas, specifically re: water availability in current and projected period of drought, Richards Road traffic congestion, and area law enforcement/policing that is experiencing increased demands due to increased levels of property crime in Rancho Viejo in the past several years.

Thank you for your continued representation of resident interests - again, please vote no on this measure.

James L Myers and Katherine M Bilton
82 Canada del Rancho
Santa Fe, NM 85708
505-474-0442

Vicki Lucero

From: Liz Stefanics
Sent: Monday, September 08, 2014 12:50 PM
To: Penny Ellis-Green; Vicki Lucero
Subject: Fwd: Rancho Viejo Apartments.

Thanks,
Liz Stefanics (cell 505-699-4808)

Sent by iPad

Begin forwarded message:

From: Linda Williams <l.k.wills@hotmail.com>
Date: September 8, 2014 at 12:44:04 PM MDT
To: <lstefanics@santafecountynm.gov>
Subject: Rancho Viejo Apartments.

Dear Commissioner: Having apartments built in the College Heights would be a awful addition to Rancho Viejo. We are all happy home owners. We have worked very hard to save money in order to buy our homes here in Rancho Viejo. We are peaceful families, enjoying what we have here. Apartments would bring in young people who would be living four-five to an apartment. The traffic would be horrible adding that many cars. Also, much more water would be utilized in our area. I have seen what renters can do. Trash, bottles, etc; thrown on the ground in the parking lot and along the way to the apartment building. Also, much noise will be added to our quiet area. Please remember that young people are very involved in drugs and alcohol. We had young people renting across the street from me for one year. It was terrible. Cars there day and night blasting their radios. You could see drugs being passed and one day a shot gun came out of the house. They finally were put out by the owner. I respectfully request that you do not allow the apartments to be built. Apartments can be built off/close to highway 14. The land in College Heights is ideal for additional HOMES. I do thank you so very much for your vote to deny their application for apartments.

Linda Williams, A most concerned resident.

Vicki Lucero

From: Jennifer LaBar-Jaramillo
Sent: Tuesday, September 02, 2014 3:18 PM
To: Vicki Lucero
Subject: FW: Santa Fe County Public Comment Form

From our online comment form. I have forwarded to Juan as well.
Jen

-----Original Message-----

From: Jerry [<mailto:jwells7465@comcast.net>]
Sent: Tuesday, September 02, 2014 2:44 PM
To: Kristine Mihelcic; Jennifer LaBar-Jaramillo
Subject: Santa Fe County Public Comment Form

Web form results:

Jerry
Wells
Santa Fe, NM 87508
Email: jwells7465@comcast.net
Phone: 505-471-2359

Comments:
Commission Chair Daniel Mayfield;

This is in opposition to the Elevations multi family apartment complex proposed for College Drive in the Rancho Viejo neighborhood of College Heights.

The residents of Rancho Viejo have fought against this development for over two years and have meet with Warren Thompson several times expressing our opposition and presenting our request that the development of College Heights be built as promised to the residents of this neighborhood over the last eleven years.

The community is in opposition to this development for various reasons in addition to the fact that this is spot development rather than a completed plan for the total acreage.

As stated above, the College Heights development was approved by the County for single family residences and not for multi family apartments of 240 units. The development was included in the Rancho Viejo North Homeowners Association for over ten years with covenant requirements until Warren Thompson de-annexed the remaining acreage from the North Association. The residents of College Heights relied upon the original development plan for College Heights where and additional 75 single family units would be built on the remaining 69 acres and would be subject to the North Associatin covenants. Now ten years later, we have these acres removed from these covenants.

We have concerns about the increased traffic on College Drive as an additional 240 residents will be using this roadway in addition to the current residents and SFCC students who use the north entrance into SFCC. The Southeast Connector was proposed by this community to help alliviate traffic problems on Richards Avenue as it related to SFCC, Rancho Viejo, and the elementary schools and churches in the area. The proposal was for the Southeast Connector to come off

of Rabbit Road and go all the way to Avenue del Sur in Rancho Viejo. The County is now stating the funds are not sufficient to take the road all the way through and it would terminate at College Drive. This would create and even worse traffic problem then not having the Southeast Connector at all.

The city of Albuquerque is currently having issues with an apartment complex near UNM called the Cottages. These are apartment intended for UNM Students. The proposed Elevations apartment complex is located next to SFCC, which will in all likelihood make it student housing. There is no other purpose for an apartment complex in this area. This is a quit neighborhood and is not the place for a student housing party palace.

We have worked with the county on many issues in this area and feel we have been heard and our wishes respected. We have been meeting with the county planning department, county fire department and SFCC on this development and have made many proposals to improve transportation in this area and appreciate the counties support for many of our proposals.

We ask that the Southeast Connector not be built until funding is available to connect it to Avenue del Sur and a connection on the East side of SFCC can be included in the construction. In addition we ask that Elevations Apartment Complex not be approved by the County Commissioners.

Sincerely

Jerry Wells
14A Deans Court

Roberta D. Joe

From: Jennifer Jenkins [jennifer@jenkinsgavin.com]
Sent: Tuesday, January 07, 2014 5:51 PM
To: Robert Martinez; Carlos E. Vigil; Paul Kavanaugh; cruz@occam.pro; ckoontz@occam.pro
Cc: Colleen; Warren Thompson; Adam Leigland
Subject: RE: SE Connector Location Study

Importance: High

Gentlemen,

I just got off of the phone with Warren Thompson and he informed me that he did not approve moving the Elevation project west to be adjacent to Burnt Water as you represented in the meeting this morning. He actually proposed moving the project west 200', as we discussed based on SFCC's and Rancho Viejo's preference. Therefore, we cannot proceed per your current alignment and will be discussing this with the College first thing in the morning. We are very concerned with the manner in which this information was conveyed.

Thank you.

Jennifer Jenkins

JenkinsGavin Design & Development, Inc.
130 Grant Avenue, Suite 101
Santa Fe, New Mexico 87501
Ph. (505) 820-7444
jennifer@jenkinsgavin.com
www.jenkinsgavin.com

From: Jennifer Jenkins [<mailto:jennifer@jenkinsgavin.com>]
Sent: Tuesday, January 07, 2014 5:26 PM
To: 'Robert Martinez'; cevigil@santafecountynm.gov; Kavanaugh, Paul (pkavanau@co.santa-fe.nm.us); cruz@occam.pro; ckoontz@occam.pro
Cc: Colleen (colleen@jenkinsgavin.com)
Subject: SE Connector Location Study

Gentlemen,

Following up on our meeting this morning, we need to clarify the buffer issue for the Elevation apartment project. After conferring with our client, we have determined that we need a minimum 100' buffer on the east side of burnt water and a minimum of 50' between the project and the SE Connector. We need to revise our submittal plans asap, but need confirmation of this approach from the County before we can proceed.

Thank you.

Jennifer Jenkins

JenkinsGavin Design & Development, Inc.
130 Grant Avenue, Suite 101
Santa Fe, New Mexico 87501
Ph. (505) 820-7444
jennifer@jenkinsgavin.com
www.jenkinsgavin.com



DEVELOPMENT REVIEW Project Submittal Status

NAME OF PROJECT: Elevation at Rancho Viejo
LOCATION: College Drive, SF S 2021 T 16 R 9
APPLICANT'S NAME: Vedura Residential PH# _____
AGENT'S NAME: Jenkins / Gavin PH# _____
DESCRIPTION OF PROJECT: Master Plan Amendment
RECOMMENDING BODY: CDRC EZC DRC
SUBSEQUENTLY TO: EZA BCC
Initial Hearing Date Scheduled for: March 20th

APPLICATION CONTAINS:

- ☐ Letter of Request
- ☐ Completed Development Permit Application
- ☐ Completed Fire Application
- ☐ Warranty Deed (pre-Code deeds acceptable)
- ☐ Recorded Plat (signed by Land Use Administrator)
- ☐ Development application fees Amount submitted: 1100.00
- ☐ Fire fees Amount submitted: 150.00
- ☒ 14 ~~18~~ copies of Development Plan or Master Plan report
- ☒ 13 ~~18~~ sets of full-sized plans (24"x36")
- ☐ 2 sets of reduced plans (11"x17" or 8 1/2" x 11")
- ☐ 3 copies of Geohydro Report
- ☐ 12 copies of Archaeological Report
- ☒ 2 copies of Affordable Housing Agreement (if applicable),
- ☐ 19 copies of all related documentation including:
 - Subdivision Disclosure Statement,
 - Home Owner's Association By-laws and Covenants,
 - Well Sharing Agreement(s)
 - Traffic Impact Report
 - Variance criteria (2-mile EZ)

☒ Application Complete Date: 12/6/13 By: JOS
☐ Application Incomplete Date: _____ By: _____

Items missing:

1. Letter from City Water
2. Letter from Ranch Land
3. _____
4. _____
5. _____

To be subm
No later than
the 12th of
Dec.

Development Review staff has reviewed the submittal and deemed that it is incomplete.
I acknowledge this submittal was deemed incomplete by County staff:

Signed: [Signature] Date: 12/6/13

To be sent Certified Mail return receipt requested to all property owners within 100 ft. (excluding right of ways) of subject property and any neighborhood association or group registered with the County, for the area in which the development is proposed. Mailings must be sent out on or prior to **June 17, 2014**.

CDRC CASE # MP 13-5380 Elevation

Dear Property Owner:

Notice is hereby given that a public hearing will be held to consider a request by Vedula Residential Operating, LLC for a Master Plan, in conformance with the Community College District Ordinance, to allow a multi-family residential community on 22 acres \pm . The site is located on the north side of College Drive and east of Burnt Water Road within the Community College District, within Section 21, Township 16 North, Range 9 East (Commission District 5).

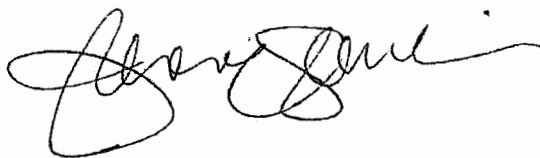
A public hearing will be held in the County Commission Chambers of the Santa Fe County Courthouse, corner of Grant and Palace Avenues, Santa Fe, New Mexico on the 8th day of July 2014, at 5 p.m. on a petition to the Board of County Commissioners.

Please forward all comments and questions to the County Land Use Administration Office at 986-6225.

All interested parties will be heard at the Public Hearing prior to the Committee taking action.

All comments, questions and objections to the proposal may be submitted to the County Land use Administrator in writing to P.O. Box 276, Santa Fe, N.M. 87504-0276; or presented in person at the hearing.

Sincerely:



Encl: Vicinity Map

Dear Commissioners Stefanics and Holian,

I am one of Stephen Onstad's business colleagues and a fellow HERS Rater. I live in Rancho Viejo and have attended many meetings regarding Vedula's request through JenkinsGavin to build two 214-unit apartment blocks next to SFCC. I'm sure you are aware that the original master plan was marketed to homeowners with plans for 60 single-family homes in the College Heights area - not "luxury" apartments with a swimming pool. ***Please adopt the CDRC's recommendation to NOT approve the construction of these apartment complexes.***

As a HERS Rater and small business owner, I am pro-development and believe in sustainability. Why? I moved here from Michigan and can provide you with numerous examples of derelict developments full of empty strip malls, abandoned condos/homes, and boarded up businesses and factories - developments that failed through false economic promises, poor planning, lack of infrastructure and funding, or other reasons. Most of these projects promised "jobs and a higher standard of living", but did not deliver on these claims for anyone but the developers.

Please put yourself into the moccasins of a resident of this community and consider the following:

1. **Conservation:** This area was marketed to residents as a sustainable place to live, with 50% open space for recreation and conservation. I paid a premium for a "conservation lot" and am limited on what I can do with my property. The covenants of this Association do not allow me to have a swimming pool, so I use the SFCC pool. I also have to ask my Association for permission to put in a hot tub. Why should an Arizona developer be allowed to build a multi-unit building that is not subject to the covenants of this community? And why do we need another pool next door to SFCC when we are supposed to be conserving water in a desert environment?
2. **Covenants and Maintenance Costs:** Residents' Association dues pay for the privilege of using our trails and streets - and of paving and maintaining them. The Architects would have you believe that the proposed apartments will help pay for upkeep of our trails and open areas, but this is not true. Since they will not belong to any of the three Associations in RV, the apartments will have no obligation to pay for anything, but will most certainly use our infrastructure, trails, streets, and parks for free.
3. **Sustainability:** I attended the County Commissioners meeting last December when the new SLDC was passed along with a HERS requirement of 70. I doubt that the apartment buildings will be subject to this requirement. So, while new single-family homes will have to meet a HERS=70, two apartment blocks that will not have to meet any energy efficiency standards will be right in the midst of this community, leaking energy and using more than their share of water for decades.
4. **Job Growth:** As a HERS Rater, I have the opportunity to compete for energy audits on single-family homes - and on low income multi-unit housing developments requiring energy efficiency; that is not true on this apartment complex. In addition, most developers from Arizona do not hire New Mexico labor and talent to build their projects - they usually bring their own contractors and subs. In other words, I will not gain any business opportunities or business growth from this developer's plans, nor will most of my colleagues in the building industry. Perhaps some low wage jobs will be created for a property manager, lifeguard, janitors, and security people, but these will be minimal.

5. Infrastructure and Safety: As you know, the Northeast/Southeast Connector and its configuration is still being planned. Two apartment blocks with 214 units = 428 units. If two people move into each of these apartments, this could put another 856 vehicles on streets around SFCC. Even the Fire Marshall has expressed concerns about ingress and egress out of the area north of the college - especially for emergency vehicles. We simply do not yet have the capability to handle the traffic increase that this project will generate. Imagine living on College Heights Drive during construction ... then trying to get to work in the morning once the units are open ... etc.

6. Build-It-And-They-Will-Come: How many times have you driven south along I-25 wondered about the defunct shopping mall? How often have you visited our own Outlet Mall and wondered why it's partially empty? Can this market really support "luxury apartments"? Who's going to live there? No one has been able to provide a good answer to this question. At the CDRC meeting, the Architect changed position, now supporting college students as tenants - a very different business model than originally presented.

You've heard from many residents and you are both supporters of sustainability, so I may be "preaching to the choir". Please feel free to share my email with the other commissioners. Thank you for your time and consideration.

Respectfully yours

— —

Teri Buhl

505-920-7041

SFAHBA BOD & Green Building Council Chair

HERS Rater and Home Innovations/NGBS Green Verifier

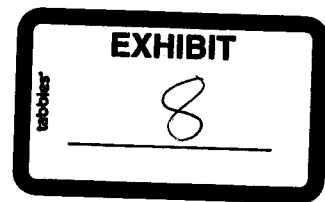
Affiliate of EverGreen Building Solutions

Quote of the Week:

The greatness of a nation and its moral progress can be judged by the way its animals are treated.

Mahatma Gandhi, Indian Attorney and Leader

100-443887-100



KNUTSON LAW, P.C.

A PROFESSIONAL CORPORATION

ATTORNEY AT LAW

KRISTOFER C. KNUTSON
STREET ADDRESS:
347 E. PALACE AVENUE
SANTA FE, NEW MEXICO 87501

MAILING ADDRESS:
POST OFFICE BOX 4583
SANTA FE, NEW MEXICO 87502

TELEPHONE: (505) 982-0201
(505) 780-8909
FACSIMILE: (505) 983-7508

WEBSITE: Kknutson.com
EMAIL: kck@kknutson.com

September 8, 2014

TO: Board of County Commissioners


RE: CDRC Case # V 14-5080 Jason Mohammed Variance

Jason Mohammed requests a variance on lot size requirement governed by Article II, 10 of the Land Development Code. Mr. Mohammed desires this variance in order to allow two dwelling units on 2.5 acres of land. Currently, the main residence is occupied by Jason, his wife Arielle and his mother Rosaline. The proposed manufactured home is located next door to his home, and the plan is for Rosaline to reside there.

On May 15, 2014, the CDRC recommended approval of the variance, with a condition that Mr. Mohammed drill down the deeper aquifer in order to ensure adequate production of water and to protect neighboring wells. On July 15, 2004, the Office of the State Engineer approved permit RG-40580 to replace the existing well and drill a new domestic well for the use of two households.

On July 19, 2014, the Lujan Drilling Company completed a well down to the depth of 420 feet. The well log has been filed with the Office of the State Engineer.

[illegible]

Very truly yours,

Kristofer C. Knutson

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DE VELIN, WILLIAM &
DANIEL S

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MONTAÑA, JAMES
L & LUCY S

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ROMO, JORGE H &
MARIA DE LOS
ANGELES MEJ

69100665
GARCIA,
MARIA F

69002048
LOWREY,
DAN R

910001657
PORTILLO,
JAMES B

910001658
PORTILLO,
ARTURO & NANCY

68402355
PORTILLO,
ARTHUR & NANCY

66004286
CATANACH,
CATHLEEN M & PAT A

68700634
LUYKX, ROSALINE
K & ETAL

68601561
CORLETT, CORINE &
CASSANDRA TRUSTEES

68102075
PECOS, JOSEPH
W & DORIS W

68801563
CORLETT,
CHRISTIAN L

66004287
LARKIN,
HENRIETTA D

66007221
MONTAÑA, FRANK A
OR NOEL

68501426
ESQUIBEL, GEORGE
C & TEOFILA M

68700633
MONTAÑA,
JOSEPH D

W COCHITI

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68207777
ROYBAL, LAPRIEL
E & ARCY DURAN

68207781
MADRID, RAUL &
LUIS MADRID

66008478
MCFADDEN,
STEVEN

68001770
GURULE, AVELINO
& DORA

68403003
KIRST,
MARY L

66008514
TENNANT, ROGER
A & KATHLEEN

68207777
VIGIL,
JOHN E

66008014
MADRID,
CTOR

66009535
MADRID,
RY & GAYLE

Cathleen Catanach



EXHIBIT

A1

Robles

Corina Carlett



EXHIBIT
B1

Joseph Pecos



EXHIBIT

C1

Walter

Joseph Peco's



EXHIBIT

C2

tabbies

Joseph Pass



Home



Henrietta Larkin



EXHIBIT

D1

10/20/20

Henrietta Larkin



EXHIBIT

D2

tabbies

Henrietta Carlin



John Vigil



EXHIBIT

D3

→ म

TH

539-025

James Montoya

Jorel
Romero



Mobile
Ward

John Vigi



Lani Moore

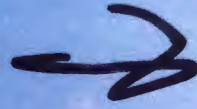


EXHIBIT

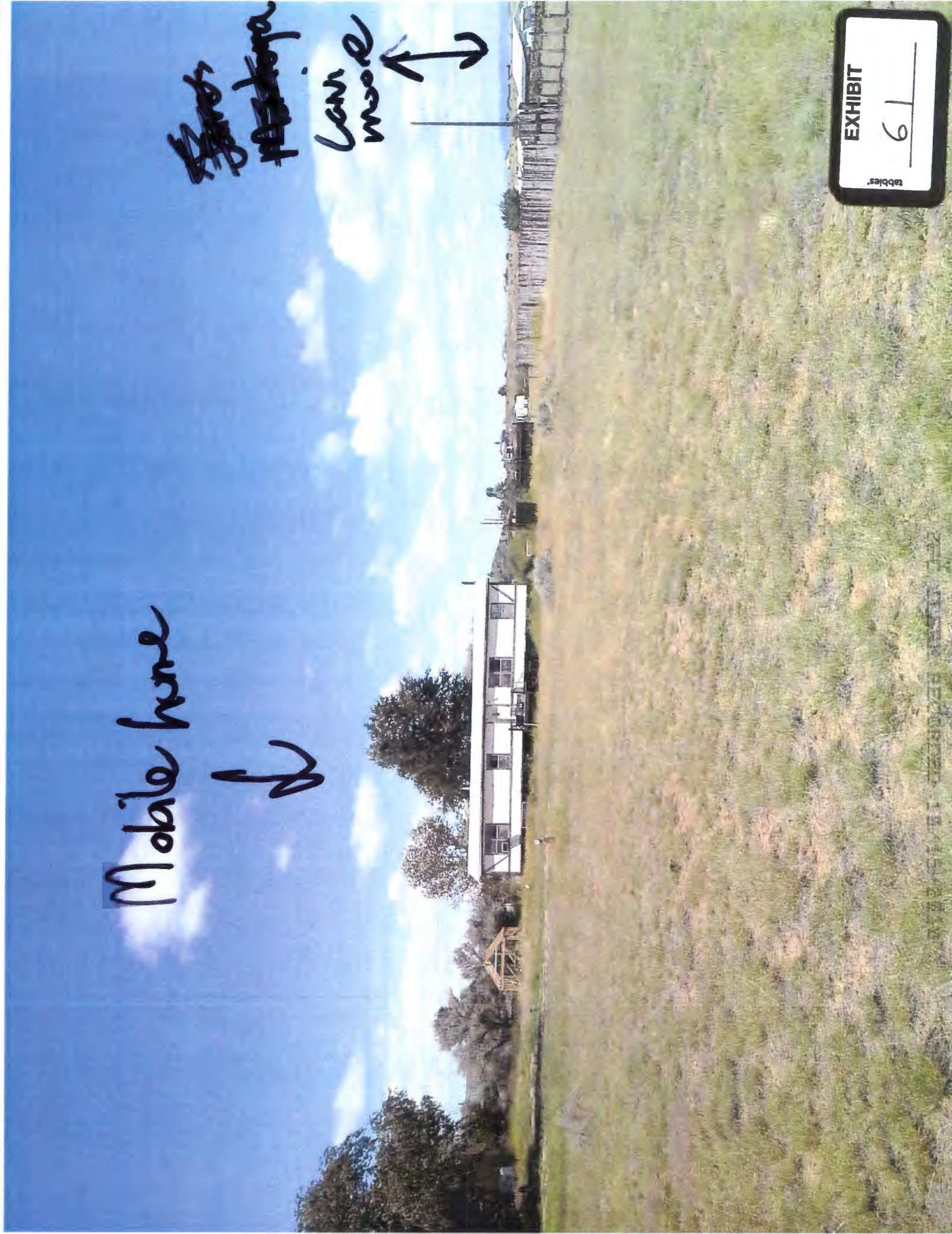
F1

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Mobile home



~~Bar~~
~~Bar~~
Can
wood



EXHIBIT

61

tabbies

Mobile
Home

Home

EXHIBIT

62

Woburn

Main
Done

Mobile
home



EXHIBIT

63

Mobile

Home



Mobile Home



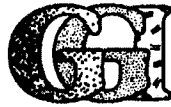
Sane's
Montana



EXHIBIT

64

tabbies



GLORIETA GEOSCIENCE, INC.
P.O. Box 5727 Santa Fe, NM 87502
(505) 983-5446 Fax (505) 983-6482

September 9, 2013

Inv. #090913

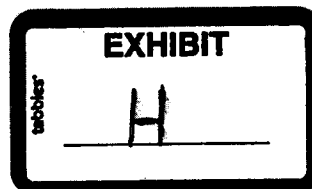
Jason and Arielle Mohamed
11 Virginia Lane
Santa Fe, New Mexico 87508

11 Virginia Lane Domestic Well
NM GRT 8.1875%
Total Amount of this Invoice

\$1,000.00
\$ 81.88
\$1,081.88

Less Retainer Check #1361
Total Remaining Balance

-\$ 500.00
\$ 581.88



RECEIVED
SEP 10 2013
11:00 AM
GLORIETA GEOSCIENCE, INC.



GLORIETA GEOSCIENCE, INC.

P.O. Box 5727
(505) 983-5446
E-mail:
Web Address:

Santa Fe, NM 87502
Fax (505) 983-6482
ggi@glorietageo.com
www.glorietageo.com

September 9, 2013

Arielle Mills and Jason Mohamed
11 Virginia Lane
Santa Fe, NM
VIA E-MAIL: rapmohamed@gmail.com

Re: Well siting at 11 Virginia Lane

Dear Arielle and Jason:

Thank you for contacting Glorieta Geoscience, Inc. (GGI) to conduct a well siting for your property. This letter constitutes the well siting report for the property located at 11 Virginia Lane in Santa Fe, NM.

Your property is underlain by a thin veneer of Quaternary Alluvium (Qal), the Quaternary/Tertiary Ancha Formation (QTa; +/- 150 feet thick), the Tertiary Espinaso Volcanics (Te; +/- 300 feet thick) and the Tertiary Galisteo Formation (Tg; up to 1000 feet thick). Based on well records within one mile of your property, ground water is usually encountered in the fractured Espinaso Volcanics and/or sandstones in the Galisteo Formation. There may also be ground water encountered in the Ancha Formation near the contact with the underlying bedrock formations, however, this aquifer is known to be unreliable especially in drought years. The current well is completed into the Ancha and is not producing sufficient water. Therefore, we recommend drilling through the Ancha Formation into the fractured bedrock of the Espinaso or Galisteo Formations. We recommend that the new well be drilled to a depth of at least 400 feet to penetrate enough aquifer material to produce sufficient water. The well can be completed to allow contribution of water from the Ancha, but should not rely only on this formation water. The driller should look for fractured coarse volcanics or gravel layers below the Ancha / Espinaso (or Galisteo) contact. A copy of the geologic map for your area is attached.

Fracture analysis – Aerial photographs of the area surrounding your property were evaluated to determine fracture patterns crossing your property. The fracture patterns follow arroyos and drainages and can be seen on aerial photos. A copy of the aerial photo showing your property and the fracture pattern analysis is included with this report. There is one significant fracture running ~ east-west through your property. Since the property is only 2.5 acres in size the location of the fracture is only approximate. Based on the analysis there should not be a major difference in fracture density across your property, so a well can be located anywhere on the property and expect about the same results.

September 5, 2013

Page 2

Based on GGI's experience with other wells in your area, you should plan for a well completed to a depth of 400-500 feet. In general we suggest drilling deeper than the first encountered water since there is a history of declining water levels in this area. A table and map of wells within 1 mile of your property is included with this report. The table shows the variation in well depth, depth to water and estimated well yield. The maximum yield reported is 30 gpm, but 10 gpm is a more likely rate. Note that your well, RG-49812, is not on this table. This is because the well location was incorrectly recorded on the original well permit application in 1988 and the incorrect location was carried through on subsequent paperwork.

RG-49812 Timeline: A history of paperwork filed with the Office of the State Engineer (OSE) is attached with this report. Our research shows that the well was originally permitted in 1988 to Ray Montoya (owner of record). The location of the well is incorrect on the paperwork, but subsequent paperwork filed by Mr. Montoya has a warranty deed attached that matches the description of the location of your property. Therefore, we think you have the correct well number. Since the paperwork was filed in 1988, the well was assigned a domestic right to use 3 acre-feet per year of water. Copies of the OSE paperwork are included with this report. The paperwork indicates that the well has been replaced once in 1996. The 1988 well log that reports 30 gpm is slightly suspect since the well had to be replaced less than 10 years later and the new well only had a 2 gpm yield.

Recommended Action for Filing: GGI recommends that you file a change of ownership for the current well and an application to change the location of the well to drill a replacement well to a greater depth. The new well should have a right to use 3 acre-feet per year due to the filing date of the original well application. OSE will require a copy of your warranty deed with the change of ownership form and may request a copy with the application to change the well location.

It is possible that there is a further restriction for water use on your property that was imposed by Santa Fe County when the lot was created. If there is a restriction, it should be stated on your property plat, which should be on file with the Santa Fe County Clerk. This is a separate restriction than OSE restrictions and the OSE and County generally don't exchange that information with each other.

The well location selected by GGI represents the best possible location based on our examination of available resources, but selection of these locations does not constitute a guarantee of encountering water. GGI can assume no liability for poor well production or a dry hole. Please note that the New Mexico Environment Department requires that domestic wells be at least 10 feet from the nearest property line and at least 100 feet from a leach field. The groundwater gradient in this area is generally to the southeast. Care should be taken in locating the well and a potential leach field and septic tank to ensure proper drainage away from the well. The well should be completed with a cement-bentonite seal at the surface (from approximately 15 – 7 feet depth) to prevent surface or shallow contamination from entering the well bore.

September 5, 2013

Page 3

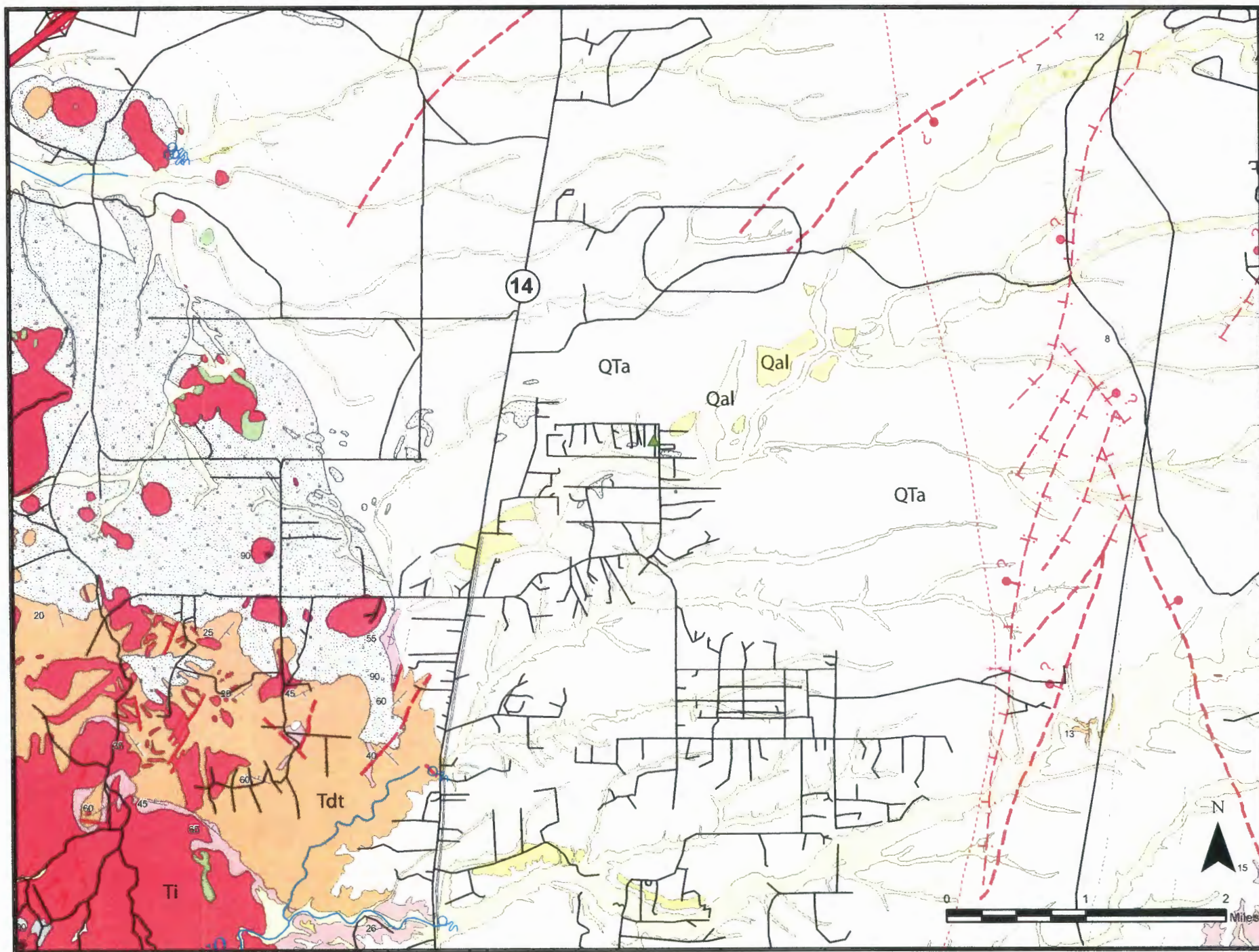
This letter report completes GGI's well siting for 11 Virginia Lane. Please contact me at 505-983-5446 x109 with any questions, or if you require further assistance with this well. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Meghan Hodgins".

Meghan Hodgins
Geologist

Geologic map of area surrounding 11 Virginia Lane (shown with green triangle)

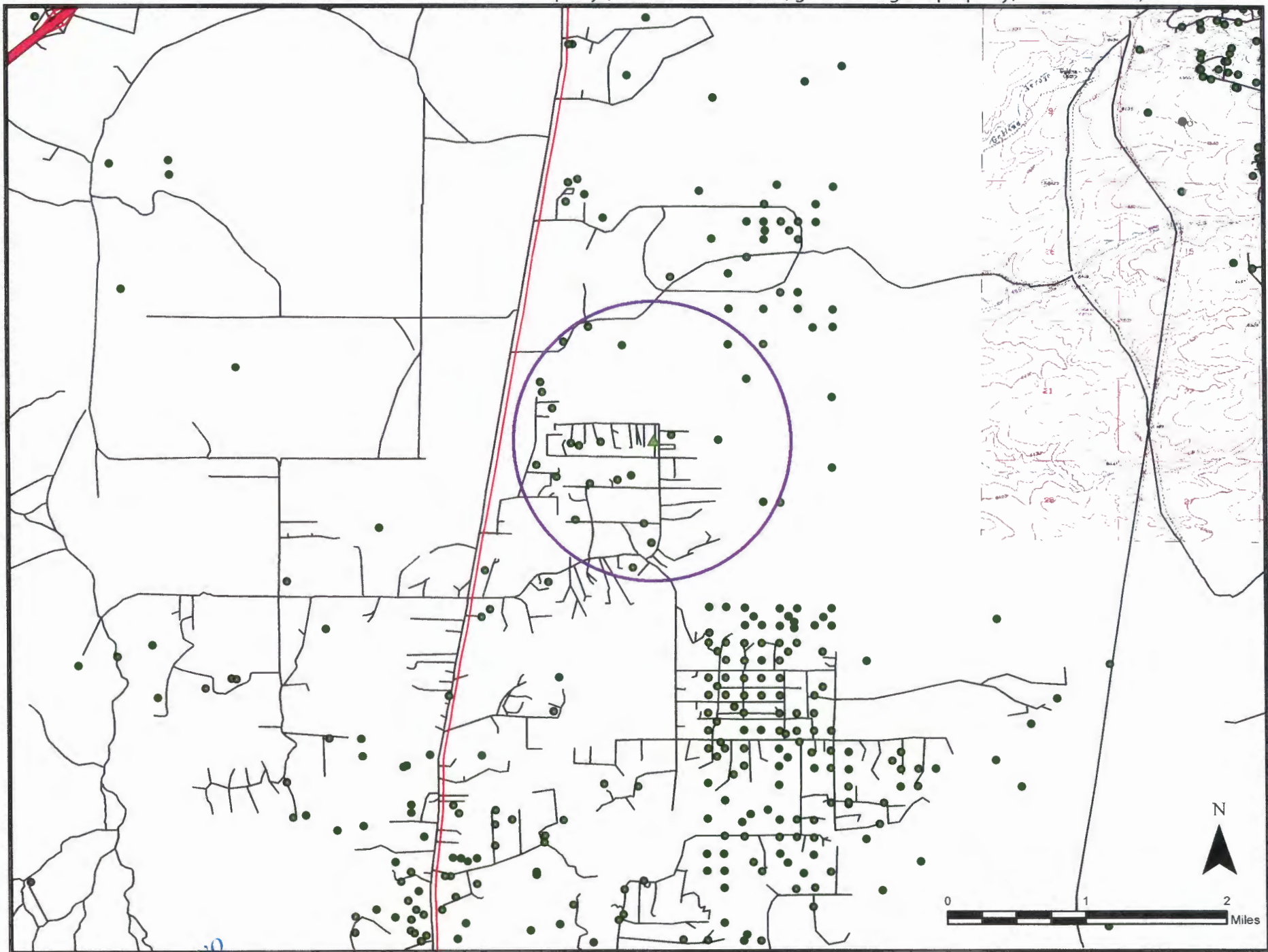




2025 RELEASE UNDER E.O. 14176

WELL_NUMBE	TWS	RNG	SEC	Q1	Q2	Q3	FINISH_DAT	DEPTH_WELL	DEPTH_WATE	ESTIMATE_Y	USE	TOTAL_DIV
RG 82745							2/17/2005	340	120	30	DOM	3
RG 70292	15N	09E	19	1	2	4	8/31/1998	440	155	21	DOM	3
RG 84612							9/14/2005	140	82	20	DOM	3
RG 34039	15N	08E	26				4/9/1980	228	104	17	MUL	3
RG 31375	15N	08E	24	4	4		10/19/1991	185	125	15	MUL	3
RG 85577							10/4/2005	400	115	15	DOM	3
RG 79027	15N	09E	19	1	2	4	4/16/2003	430	134	12	DOM	3
RG 52730	15N	08E	25	2	1	3	7/25/1990	155	72	10	DOM	3
RG 61273	15N	08E	26	2	2	2	5/15/1995	100	60	10	DOM	1
RG 58247 POD2							12/8/2010	137	89	10	DOM	3
RG 84304							1/25/2005	230	50	10	DOM	3
RG 92543 POD1	15N	08E	24				1/25/2011	280	115	10	DOM	1
RG 60749	15N	08E	23	2	4	4	3/16/1995	200	130	8	DOM	3
RG 83744	15N	08E	24	1	1	2	11/1/2004	790	139	6	DOM	1
RG 72636	15N	09E	19	1	4	3	8/24/1999	400	165	5	DOM	3
RG 83094							7/21/2004	400	140	5	DOM	3
RG 82176							3/18/2004	300	147	3	DOM	3
RG 82305							3/29/2004	320	104	2	DOM	3
RG 73090	15N	08E	25	4	1	3	1/5/2000	360	145	1	MUL	3
RG 40168	15N	10E	3				7/4/1983	260	90	0	DOM	3
RG 56038	15N	09E	30	2	3	1	3/25/1994	420	300	0	DOM	3
RG 30084	15N	09E	30	1	4	2	4/29/1978	340	0	0	DOM	3
RG 41010	15N	08E	25	3	1	3	11/26/1983	230	150	0	DOM	3
RG 28627	15N	09E	19	1	1	4	7/27/1977	253	130	0	DOM	3

OSE Database Results for Wells within 1 Mile of Property (circle radius = 1 mile; green triangle = property; circles = wells)



Date	WR File Nbr	OSE Record	Owner of Record	Notes
8/16/1988	RG-49812	(72-12-1) Application approved to drill a domestic well to serve one household, non-commercial trees, lawn and garden not to exceed 1 acre	Ray Montoya	3 afy
10/25/1993	RG-49812	Well log received for well drilling in 10/1988, 200 ft deep, 120 ft to water, 30 gpm yield	Ray Montoya	
5/15/1996	RG-49812	Change of ownership of well/domestic water right RG-49812 accepted for filing effective 5/15/1996.	Chris Smucker & Dawne Guerin	3 afy, warrenty deed locations match to 11 Virginia Ln
12/16/1996	RG-49812 POD 2	Application approved to change location of a domestic well, RG-49812, for household, non-commercial trees, lawn and garden not to exceed one acre and/or stock use.	Chris Smucker & Dawne Guerin	CLW because 1988 well was 'clogged up'; permit states well may be further restricted by County ordinances (e.g. lot water restriction when created)
1/14/1997	RG-49812 POD 2	Well log received for well drilled in 11/1996, 200 ft deep, 80 ft to water, 2 gpm yield, 5-inch PVC	Chris Smucker & Dawne Guerin	

GENERAL NOTES: Location of well provided in all documents is wrong for 11 Virginia Ln property, however, the warrenty deeds attached to the Change of ownership file are for the 11 Virginia Ln property. Thereofre, I assume that the incorrect well location was copied from the original (1988) well application error and that RG-49812 well is the correct well on the 11 Virginia Ln property.

Scott A. Verhines, P.E.
State Engineer



Santa Fe Office
PO BOX 25102
SANTA FE, NM 87504-5102

STATE OF NEW MEXICO
OFFICE OF THE STATE ENGINEER

Trn Nbr: 550289
File Nbr: RG 40580

Jul. 15, 2014

ROSALINE K LUYKX
11 VIRGINIA LANE
SANTA FE, NM 87508

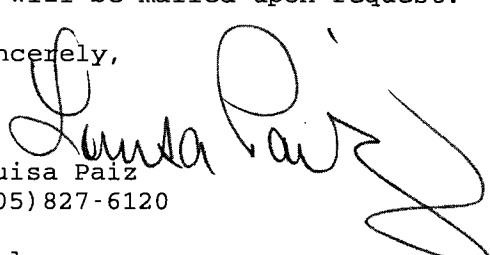
Greetings:

Enclosed is your copy of the above numbered permit that has been approved in accordance with NM Statute Section 72-12-1 subject to the conditions set forth on the approval page.

Please review the conditions for any required submittals. If submittals are not made by the date(s) indicated in the conditions, your rights under this permit shall expire by the date indicated on your permit.

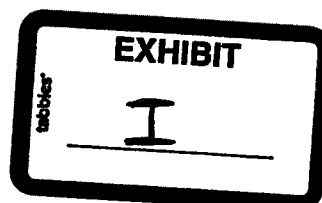
Appropriate forms can be downloaded from the OSE website www.ose.state.nm.us or will be mailed upon request.

Sincerely,


Louisa Paiz
(505) 827-6120

Enclosure

wr_01app



**NEW MEXICO STATE ENGINEER OFFICE
APPLICATION FOR PERMIT TO USE UNDERGROUND WATERS
IN ACCORDANCE WITH SECTION 72-12-1 NEW MEXICO STATUTES**

1. APPLICANT

Name: ROSALINE K LUYKX Work Phone: _____
 Contact: _____ Home Phone: 5054749193
 Address: 11 VIRGINIA LANE
 City: SANTA FE State: NM Zip: 87508

1. APPLICANT

Name: ARIELLE K MILLS Work Phone: 5056990895
 Contact: _____ Home Phone: _____
 Address: 11 VIRGINIA LANE
 City: SANTA FE State: NM Zip: 87508

1. APPLICANT

Name: JASON S MOHAMED Work Phone: 5056990895
 Contact: _____ Home Phone: _____
 Address: 11 VIRGINIA LANE
 City: SANTA FE State: NM Zip: 87508

2. LOCATION OF WELL (D thru I optional)

- A. East _____ meters, North _____ meters, UTM_Zone __, Datum _____
- B. X = _____ feet, Y = _____ feet,
 Coord System _____
 in the _____ Grant.
 U.S.G.S Quad Map _____
- C. Latitude _____ Longitude _____
- D. SW 1/4 SW 1/4 SE 1/4 Section: 24 Township: 15N Range: 08E N.M.P.
 in Santa Fe County
 Other _____
- E. Lot No. NA Block No. NA of Unit/tract NA of the
NA Subdivision recorded in County.
- F. Tract No. _____ Map No. _____ of the _____
- G. Is this well within a municipality? _____ if yes, where? _____
- H. Give State Engineer File Number if existing well RG 40580

OFFICE OF STATE ENGINEER
 SANTA FE, NEW MEXICO

2014 JUL 15 AM 9:47

Trn Desc: RG 40580 CLWFile Number: RG 40580

Log Due Date: _____

Trn Number: 550289

Form: wr-01

page: 1

**NEW MEXICO STATE ENGINEER OFFICE
APPLICATION FOR PERMIT TO USE UNDERGROUND WATERS
IN ACCORDANCE WITH SECTION 72-12-1 NEW MEXICO STATUTES**

I. On land owned by _____

2. LOCATION OF WELL (D thru I optional)A. East 405461.3 meters, North 3930108.0 meters, UTM_Zone 13, Datum NAD83B. X = 1702165.0 feet, Y = 1640995.0 feet,
Coord System 5 - NAD 1983 SP FT NM Central
in the _____ Grant.
U.S.G.S Quad Map _____

C. Latitude _____ Longitude _____

D. 1/4 1/4 1/4 Section: _____ Township: _____ Range: _____ N.M.P.M.
in Santa Fe County
Other _____E. Lot No. NA Block No. NA of Unit/tract NA of the
NA Subdivision recorded in County.

F. Tract No. _____ Map No. _____ of the _____

G. Is this well within a municipality? _____ if yes, where? _____

H. Give State Engineer File Number if existing well _____

I. On land owned by _____ J MOHAMED, A MILLS, R LUYKX**3. USE OF WATER**MUL: More than one household, non-commercial trees, lawns and gardens not to
exceed a total of one acre. Number of households 2

**NEW MEXICO STATE ENGINEER OFFICE
APPLICATION FOR PERMIT TO USE UNDERGROUND WATERS
IN ACCORDANCE WITH SECTION 72-12-1 NEW MEXICO STATUTES**

4. WELL INFORMATION (Change, Repair, Drill, Test, Supplement)

Name of well driller and driller license number:

253 A-1 WELL DRLG. & PUMP SERVICE MIKE BOYLANApproximate depth 190 feet, Outside diameter of casing 6.63 inches.☒ Replacement well☐ Repair or Deepen:☐ Clean out well to original depth☐ Deepen well from _____ to _____ feet☐ Other _____☐ Supplemental well**4. WELL INFORMATION (Change, Repair, Drill, Test, Supplement)**

Name of well driller and driller license number:

547 LUJAN DRILLING LUJAN, JR., THOMAS L.

Approximate depth _____ feet, Outside diameter of casing _____ inches.

☐ Replacement well☐ Repair or Deepen:☐ Clean out well to original depth☐ Deepen well from _____ to _____ feet☐ Other _____☐ Supplemental well**5. ADDITIONAL STATEMENTS OR EXPLANATIONS**

POOR PRODUCING

Trn Desc: RG 40580 CLW

Log Due Date: _____

Form: wr-01File Number: RG 40580Trn Number: 550289

File Number: RG 40580

NEW MEXICO STATE ENGINEER OFFICE
APPLICATION FOR PERMIT TO USE UNDERGROUND WATERS
IN ACCORDANCE WITH SECTION 72-12-1 NEW MEXICO STATUTES

ACKNOWLEDGEMENT FOR NATURAL PERSONS

I, Jason Mohamed affirm that the foregoing statements are true to
(Please Print)
the best of my knowledge and belief, By: _____.

Jason Mohamed
Signature

Signature

REC'D
CLERK
RECORDED
10/15/2014

**NEW MEXICO STATE ENGINEER OFFICE
APPLICATION FOR PERMIT TO USE UNDERGROUND WATERS
IN ACCORDANCE WITH SECTION 72-12-1 NEW MEXICO STATUTES**

GENERAL CONDITIONS OF APPROVAL (A thru P)

- 06-A The maximum amount of water that may be appropriated under this permit is 3.000 acre-feet in any year.
- 06-B The well shall be drilled by a driller licensed in the State of New Mexico in accordance with Section 72-12-12 New Mexico Statutes Annotated. A licensed driller shall not be required for the construction of a driven well; provided that the casing shall not exceed two and three-eighths (2 3/8) inches outside diameter (Section 72-12-12).
- 06-C Driller's well record must be filed with the State Engineer within 20 days after the well is drilled or driven. Well record forms will be provided by the State Engineer upon request.
- 06-D The casing shall not exceed 7 inches outside diameter except under specific conditions in which reasons satisfactory to the State Engineer are shown.
- 06-E To request a change to the use of water authorized under this permit, the permittee shall file an application with the State Engineer.
- 06-F An application for a new 72-12-1.1 domestic well permit where the proposed point of diversion is to be located on the same legal lot of record as an operational 72-12-1.1 domestic well shall be treated as an application for a supplemental well.
- 06-G If artesian water is encountered, all rules and regulations pertaining to the drilling and casing of artesian wells shall be complied with.
- 06-H The drilling of the well and amount and uses of water permitted are subject to such limitations as may be imposed by a court or by lawful municipal or county ordinance which are more restrictive than the conditions of this permit and applicable State Engineer regulations.
- 06-I The permittee shall utilize the highest and best technology available to ensure conservation of water to the maximum extent practical.

**NEW MEXICO STATE ENGINEER OFFICE
APPLICATION FOR PERMIT TO USE UNDERGROUND WATERS
IN ACCORDANCE WITH SECTION 72-12-1 NEW MEXICO STATUTES**

GENERAL CONDITIONS OF APPROVAL (Continued)

- 06-J The well shall be set back a minimum of 50 ft. from an existing well of other ownership unless a variance has been granted by the State Engineer. The State Engineer may grant a variance for a replacement well or to allow for maximum spacing of the well from a source of groundwater contamination. The well shall be set back from potential sources of contamination in accordance with rules and regulations of the NM Environment Department.
- 06-K Pursuant to section 72-8-1 NMSA, the permittee shall allow the State Engineer and his representatives entry upon private property for the performance of their respective duties, including access to the well for meter reading and water level measurement.
- 06-L The permit is subject to cancellation for non-compliance with the conditions of approval or if otherwise not exercised in accordance with the terms of the permit.
- 06-M The right to divert water under this permit is subject to curtailment by priority administration as implemented by the State Engineer or a court.
- 06-N In the event of any change of ownership to this permit the new owner shall file a change of ownership form with the State Engineer in accordance with Section 72-1-2.1 NMSA.
- 06-O This well permit shall automatically expire unless the well is completed and the well record is filed with the State Engineer within one year of the date of issuance of the permit. It is the responsibility of the permit holder to ensure that the well record has been properly filed with the State Engineer.
- 06-P The well shall be constructed, maintained, and operated to prevent inter-aquifer exchange of water and to prevent loss of hydraulic head between geologic zones.
- 06-Q The State Engineer retains jurisdiction over this permit.

SPECIFIC CONDITIONS OF APPROVAL

- 06-5B A totalizing meter shall be installed before the first branch of the discharge line from the well and the installation shall be acceptable to the State Engineer; the Engineer shall be advised of the make, model, serial number, date of installation, and initial reading of the meter prior to appropriation of water;

Trn Desc: RG 40580 CLW
Log Due Date: 07/15/2015
Form: wr-01

File Number: RG 40580
Trn Number: 550289

**NEW MEXICO STATE ENGINEER OFFICE
APPLICATION FOR PERMIT TO USE UNDERGROUND WATERS
IN ACCORDANCE WITH SECTION 72-12-1 NEW MEXICO STATUTES**

pumping records shall be submitted to the District Supervisor on or before the 10th of Jan., April, July and Oct. of each year for the 3 preceding calendar months.

06-6C Upon completion of the new well, the replaced well shall be plugged. A plugging plan shall be filed with and approved by the Office of the State Engineer prior to plugging and a plugging record from a licensed driller shall be filed with the State Engineer's Office within 20 days of completion of plugging of the well.

LOG This permit will automatically expire unless the well RG 40580 POD2 is completed and the well record filed on or before 07/15/2015.

ACTION OF STATE ENGINEER

This application is approved for the use indicated, subject to all general conditions and to specific conditions listed above.

Witness my hand and seal this 15 day of Jul A.D., 2014

Scott A. Verhines, P.E., State Engineer

By:

Louisa Paiz





WELL RECORD & LOG

OFFICE OF THE STATE ENGINEER

www.ose.state.nm.us

1. GENERAL AND WELL LOCATION	OSE POD NUMBER (WELL NUMBER) RG-40580				OSE FILE NUMBER(S)				
	WELL OWNER NAME(S) Jason Mohamed				PHONE (OPTIONAL) 505-474-9193				
	WELL OWNER MAILING ADDRESS 11 Virginia Lane				CITY Santa Fe		STATE NM	ZIP 87508	
	WELL LOCATION (FROM GPS)	DEGREES LATITUDE 35	MINUTES 30	SECONDS 36.4 N	* ACCURACY REQUIRED: ONE TENTH OF A SECOND * DATUM REQUIRED: WGS 84				
DESCRIPTION RELATING WELL LOCATION TO STREET ADDRESS AND COMMON LANDMARKS - PLSS (SECTION, TOWNSHIP, RANGE) WHERE AVAILABLE Section 24 Township 15N Range 08E									
2. DRILLING & CASING INFORMATION	LICENSE NUMBER 547		NAME OF LICENSED DRILLER Thomas Lujan			NAME OF WELL DRILLING COMPANY Lujan Drilling Co			
	DRILLING STARTED 7/17/2014		DRILLING ENDED 7/19/2014		DEPTH OF COMPLETED WELL (FT) 420		BORE HOLE DEPTH (FT) 420		
	DEPTH WATER FIRST ENCOUNTERED (FT) 98		STATIC WATER LEVEL IN COMPLETED WELL (FT) 98						
	COMPLETED WELL IS: <input type="radio"/> ARTESIAN <input type="radio"/> DRY HOLE <input checked="" type="radio"/> SHALLOW (UNCONFINED)								
	DRILLING FLUID: <input type="radio"/> AIR <input checked="" type="radio"/> MUD ADDITIVES - SPECIFY:								
	DRILLING METHOD: <input type="radio"/> ROTARY <input type="radio"/> HAMMER <input type="radio"/> CABLE TOOL <input type="radio"/> OTHER - SPECIFY: mud-rotary								
	DEPTH (feet bgl)		BORE HOLE DIAM (inches)	CASING MATERIAL AND/OR GRADE (include each casing string, and note sections of screen)	CASING CONNECTION TYPE	CASING INSIDE DIAM. (inches)	CASING WALL THICKNESS (inches)	SLOT SIZE (inches)	
	FROM	TO							
	0	200	8.5	4.5-in SDR 17 PVC	spline lock	4.5	0.22	blank	
	220	240	8.5	4.5-in SDR 17 PVC	spline lock	4.5	0.22	0.32	
240	360	8.5	4.5-in SDR 17 PVC	spline lock	4.5	0.22	blank		
360	400	8.5	4.5-in SDR 17 PVC	spline lock	4.5	0.22	0.32		
400	420	8.5	4.5-in SDR 17 PVC	spline lock	4.5	0.22	blank		
3. ANNULAR MATERIAL	DEPTH (feet bgl)		BORE HOLE DIAM. (inches)	LIST ANNULAR SEAL MATERIAL AND GRAVEL PACK SIZE-RANGE BY INTERVAL	AMOUNT (cubic feet)	METHOD OF PLACEMENT			
	FROM	TO							
	6	20	8.5	Bentonite hole plug 3/8-in	150 pounds	surface pour			
	20	420	8.5	38-in pea gravel		surface pour			



FOR OSE INTERNAL USE

WR-20 WELL RECORD & LOG (Version 06/08/2012)

FILE NUMBER
LOCATION

POD NUMBER

TRN NUMBER

PAGE 1 OF 2

	DEPTH (feet bgl)		THICKNESS (feet)	COLOR AND TYPE OF MATERIAL ENCOUNTERED - INCLUDE WATER-BEARING CAVITIES OR FRACTURE ZONES (attach supplemental sheets to fully describe all units)	WATER BEARING? (YES / NO)	ESTIMATED YIELD FOR WATER- BEARING ZONES (gpm)
	FROM	TO				
4. HYDROGEOLOGIC LOG OF WELL	0	5	5	top soil	<input type="radio"/> Y <input checked="" type="radio"/> N	
	5	25	20	tan clay	<input type="radio"/> Y <input checked="" type="radio"/> N	
	25	110	85	tan sand with small gravel	<input checked="" type="radio"/> Y <input type="radio"/> N	2
	110	150	40	tan sand interbedded with clay layers	<input type="radio"/> Y <input checked="" type="radio"/> N	
	150	210	60	tan sand with small gravel layers	<input checked="" type="radio"/> Y <input type="radio"/> N	8
	210	320	110	gray basalt	<input type="radio"/> Y <input checked="" type="radio"/> N	
	320	330	10	red sand interbedded in the basalt	<input checked="" type="radio"/> Y <input type="radio"/> N	5
	330	420	90	gray basalt	<input type="radio"/> Y <input checked="" type="radio"/> N	
					<input type="radio"/> Y <input type="radio"/> N	
					<input type="radio"/> Y <input type="radio"/> N	
					<input type="radio"/> Y <input type="radio"/> N	
					<input type="radio"/> Y <input type="radio"/> N	
					<input type="radio"/> Y <input type="radio"/> N	
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					<input type="radio"/> Y <input type="radio"/> N	
					<input type="radio"/> Y <input type="radio"/> N	
					<input type="radio"/> Y <input type="radio"/> N	
					<input type="radio"/> Y <input type="radio"/> N	
	METHOD USED TO ESTIMATE YIELD OF WATER-BEARING STRATA: <input type="radio"/> PUMP					TOTAL ESTIMATED
<input checked="" type="radio"/> AIR LIFT <input type="radio"/> BAILER <input type="radio"/> OTHER - SPECIFY:					WELL YIELD (gpm): 15	
5. TEST; RIG SUPERVISION	WELL TEST	TEST RESULTS - ATTACH A COPY OF DATA COLLECTED DURING WELL TESTING, INCLUDING DISCHARGE METHOD, START TIME, END TIME, AND A TABLE SHOWING DISCHARGE AND DRAWDOWN OVER THE TESTING PERIOD.				
	MISCELLANEOUS INFORMATION:					
	PRINT NAME(S) OF DRILL RIG SUPERVISOR(S) THAT PROVIDED ONSITE SUPERVISION OF WELL CONSTRUCTION OTHER THAN LICENSEE:					
6. SIGNATURE	<p>THE UNDERSIGNED HEREBY CERTIFIES THAT, TO THE BEST OF HIS OR HER KNOWLEDGE AND BELIEF, THE FOREGOING IS A TRUE AND CORRECT RECORD OF THE ABOVE DESCRIBED HOLE AND THAT HE OR SHE WILL FILE THIS WELL RECORD WITH THE STATE ENGINEER AND THE PERMIT HOLDER WITHIN 20 DAYS AFTER COMPLETION OF WELL DRILLING:</p> <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 20px;"> <div style="text-align: center;"> SIGNATURE OF DRILLER / PRINT SIGNEE NAME </div> <div style="text-align: center;"> Thomas Lujan DATE </div> <div style="text-align: center;"> 8/28/14 DATE </div> </div>					

FOR OSE INTERNAL USE

WR-20 WELL RECORD & LOG (Version 06/08/2012)

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10.4. ACCESSORY DWELLING UNITS.

10.4.1. Purpose and Findings. Accessory dwellings are an important means by which persons can provide separate and affordable housing for elderly, single-parent, and multi-generational family situations. This section permits the development of a small dwelling unit separate and accessory to a principal residence. Design standards are established to ensure that accessory dwelling units are located, designed and constructed in such a manner that, to the maximum extent feasible, the appearance of the property is consistent with the zoning district in which the structure is located.

10.4.2. Applicability. This section applies to any accessory dwelling unit located in a building whether or not attached to the principal dwelling. Accessory dwelling units shall be clearly incidental and subordinate to the use of the principal dwelling. Accessory dwelling units are permissible only: (a) where permitted by the Use Matrix; and (b) where constructed and maintained in compliance with this §10.4.

10.4.2.1. Number Permitted. Only one accessory dwelling unit shall be permitted per legal lot of record.

10.4.2.2. Size. The heated area of the accessory dwelling unit shall not exceed the lesser of: (a) fifty percent (50%) of the building footprint of the principal residence; or (b) 1,200 square feet.

10.4.2.3. Building and Site Design.

1. In order to maintain the architectural design, style, appearance, and character of the main building as a single-family residence, the accessory dwelling unit shall be of the same architectural style and of the same exterior materials as the principal dwelling.
2. An accessory dwelling shall not exceed one story in height and may not exceed the height of the principal dwelling unit.
3. An accessory dwelling shall be accessed through the same driveway as the principal residence. There shall be no separate curb cut or driveway for the accessory dwelling.

10.4.2.4. Utilities. Water and electricity for the accessory dwelling unit shall be shared with the principal residence. Liquid waste disposal shall be in common with the principal residence; however, if the principal residence is on a septic system, then any modifications to the system to accommodate the accessory dwelling unit shall be approved by NMED.

10.5. GROUP HOMES.

10.5.1. Purpose and Findings. This section is designed to protect the rights of handicapped and disabled persons subject to the federal Fair Housing Act (FHA), 42 U.S.C. § 3601 et seq. and the Developmental Disabilities Act [§§ 28-16A-1 to 28-16A-18 NMSA 1978], and to accommodate housing for persons protected by the FHA by establishing uniform and reasonable standards for the siting of group homes and criteria that protect the character of existing neighborhoods.

10.5.2. Applicability. This section applies to all group homes. For purposes of this section, a