

Henry P. Roybal
Commissioner, District 1

Anna Hansen
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Anna T. Hamilton
Commissioner, District 4

Ed Moreno
Commissioner, District 5

Katherine Miller
County Manager

Date: March 15, 2017

To: Board of County Commissioners

From: Robert Griego, Planning Manager
Erin Ortigoza, Senior Planner

Via: Penny Ellis-Green, Growth Management Director
Katherine Miller, County Manager

Item: Resolution 2017 - Establishing a New Capital Fund (310) for the Transfer of Development Rights Bank and Requesting an Increase to the Fund (310) of \$40,000 to Budget an Operating Transfer from the General Fund (101) for the Santa Fe County Transfer of Development Rights Bank

SUMMARY:

The purpose of this item is to establish a new capital fund and to transfer \$40,000 from the general fund into a new capital fund for the Santa Fe County Transfer of Development Rights Bank.

BACKGROUND:

The Board established the Transfer of Development Rights Bank on December 13, 2016. The Resolution includes a provision for the allocation of funds for the TDR bank. The funding for the TDR bank will allow the County to purchase development rights from qualified properties for conservation.

The TDR Bank provides the County with a secure and reliable source of TDRs through the protection of areas with high conservation value. Funds from the proceeds of the sale of these development rights will be utilized to acquire additional development rights to replenish bank in order to maintain an adequate supply for development in receiving areas.

STAFF RECOMMENDATION:

Approve Resolution 2017 - Establishing a New Capital Fund (310) for the Transfer of Development Rights Bank and Requesting an Increase to the Fund (310) of \$40,000 to Budget an Operating Transfer from the General Fund (101) for the Santa Fe County Transfer of Development Rights Bank

SANTA FE COUNTY

Page 1 of 4

RESOLUTION 2017 - _____

A RESOLUTION REQUESTING AUTHORIZATION TO MAKE THE BUDGET ADJUSTMENT DETAILED ON THIS FORM

Whereas, the Board of County Commissioners meeting in regular session on March 28, 2017, did request the following budget adjustment:

Department / Division: Growth Management / Planning Fund Name: Transfer Development Rights (310)

Budget Adjustment Type: Increase & Transfer Between Funds Fiscal Year: 2017 (July 1, 2016 - June 30, 2017)

BUDGETED REVENUES: (use continuation sheet, if necessary)

FUND CODE XXX	DEPARTMENT/ DIVISION XXXX	ACTIVITY BASIC/SUB XXX	ELEMENT/ OBJECT XXXX	REVENUE NAME	INCREASE AMOUNT	DECREASE AMOUNT
310	0000	390	0101	Operating Transfer In / From Fund 101	\$40,000	
TOTAL (if SUBTOTAL, check here)					\$40,000	

BUDGETED EXPENDITURES: (use continuation sheet, if necessary)

FUND CODE XXX	DEPARTMENT/ DIVISION XXXX	ACTIVITY BASIC/SUB XXX	ELEMENT/ OBJECT XXXX	CATEGORY / LINE ITEM NAME	INCREASE AMOUNT	DECREASE AMOUNT
101	0502	414	5003	Services/Contractual Professional		\$40,000
101	0000	490	0310	Operating Transfer Out / To Fund 310	\$40,000	
310	0502	484	8025	Capital / Tsfr of Development Rights/Acquisitions	\$38,000	
310	0502	484	8099	Capital/Inventory Exempt	\$2,000	
TOTAL (if SUBTOTAL, check here)					\$80,000	\$40,000

Date: 3-17-17

Title: Director, Planning Division

Requesting Department Approval: Robert Griego

Finance Department Approval: Don Meyer Date: 3-20-17 Entered by: _____ Date: _____

County Manager Approval: _____ Date: _____ Updated by: _____ Date: _____

SANTA FE COUNTY

RESOLUTION 2017 - _____

ATTACH ADDITIONAL SHEETS IF NECESSARY.

DEPARTMENT CONTACT: Name: Robert Griego Dept/Div: Growth Management Phone No.: 986-6221

DETAILED JUSTIFICATION FOR REQUESTING BUDGET ADJUSTMENT (If applicable, cite the following authority: State Statute, grant name and award date, other laws, regulations, etc.):

- 1) Please summarize the request and its purpose.
The Board established the Transfer of Development Rights Bank on December 13, 2016 through Resolution 2016-141. The Resolution includes a provision for the allocation of funds for the TDR bank through a temporary loan from Economic Development Fund. The temporary loan from the Economic Development Fund will be repaid once sufficient cash reserves exist in the TDR Fund. The funding for the TDR bank will allow the County to purchase development rights from qualified properties for conservation. This resolution also requests to establish the TDR Fund (310) and the corresponding budget for the remainder FY17.

a) Employee Actions

Line Item	Action (Add/Delete Position, Reclash, Overtime)	Position Type (permanent, term)	Position Title

b) Professional Services (50-xx) and Capital Category (80-xx) detail:

Line Item	Detail (what specific things, contracts, or services are being added or deleted)	Amount
80-26	Acquisition costs of transfer of development rights.	38,000
80-99	Purchase of a Camera for documentation	2,000

- 2) Is the budget action for RECURRING expense ☒ X or for NON-RECURRING (one-time only) expense _____

SANTA FE COUNTY

Page 3 of 4

RESOLUTION 2017 - _____

ATTACH ADDITIONAL SHEETS IF NECESSARY.

DEPARTMENT CONTACT:

Name: Penny Ellis Green Dept/Div: Director, Growth Management Phone No.: 986-6221

DETAILED JUSTIFICATION FOR REQUESTING BUDGET ADJUSTMENT (If applicable, cite the following authority: State Statute, grant name and award date, other laws, regulations, etc.):

- 3) Does this request impact a revenue source? If so, please identify (i.e. General Fund, state funds, federal funds, etc.), and address the following:
 - a) If this is a state special appropriation, YES _____ NO X _____
If YES, cite statute and attach a copy.
 - b) Does this include state or federal funds? YES _____ NO X _____
If YES, please cite and attach a copy of statute, if a special appropriation, or include grant name, number, award date and amount, and attach a copy of a award letter and proposed budget.
 - c) Is this request is a result of Commission action? YES X _____ NO _____
If YES, please cite and attach a copy of supporting documentation (i.e. Minutes, Resolution, Ordinance, etc.).
 - d) Please identify other funding sources used to match this request.

SANTA FE COUNTY

Page 4 of 4

RESOLUTION 2017 - _____

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Santa Fe County that the Local Government Division of the Department of Finance and Administration is hereby requested to grant authority to adjust budgets as detailed above.

Approved, Adopted, and Passed This 28th Day of March, 2017.

Santa Fe Board of County Commissioners

Henry P. Roybal, Chairperson

ATTEST:

Geraldine Salazar, County Clerk

Henry P. Roybal
Commissioner, District 1

Anna Hansen
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Anna T. Hamilton
Commissioner, District 4

Edward H. Moreno
Commissioner, District 5

Katherine Miller
County Manager

To: Board of County Commissioners

Fr: Don Moya, Finance Division Director

CC: Undersheriff Ron Madrid

Date: March 14, 2017

Re: Resolution No. 2017 - _____, A Resolution Requesting a Budget Increase to the Law Enforcement Operations Fund (246) to Budget One (1) Grant Awarded through the US Marshals SWIFT Task Force / \$2,846 (Finance Division/Don Moya)

Issue:

The Santa Fe Sheriff's Office is requesting a budget increase to budget grant funds for overtime reimbursement.

Background:

United States Marshals has awarded the Sheriff's Office funding for overtime reimbursement in support of the Joint Law Enforcement Operations (JLEO) Fugitive Task Force programs. The primary mission SWIFT task force is to investigate and arrest, as part of the Joint Law Enforcement Operations (JLEO), persons who have active state and federal warrants for their arrest. The intent of the joint effort is to investigate and apprehend local, state and federal fugitives, thereby improving public safety and reducing violent crimes.

Action Requested:

The Sheriff's Office requests approval to increase the Law Enforcement Operation Fund (246) for overtime reimbursement.

SANTA FE COUNTY

RESOLUTION 2017- _____

Page 1 of 4

A RESOLUTION REQUESTING AUTHORIZATION TO MAKE THE BUDGET ADJUSTMENT DETAILED ON THIS FORM

Whereas, the Board of County Commissioners meeting in regular session on March 20, 2017, did request the following budget adjustment

Department / Division: _____

Sheriff's Office

Fund Name: Law Enforcement Operations Fund (LEOF): 246

Budget Adjustment Type: _____

Increase

Fiscal Year

2017 (July 1, 2016 - June 30, 2017)

BUDGETED REVENUE: (use continuation sheet, if necessary)

FUND CODE XXX	DEPARTMENT/VI VISION XXXX	ACTIVITY BASIC/SUB XXX	ELEMENT/ OBJECT XXXX	REVENUE NAME	INCREASE AMOUNT	DECREASE AMOUNT
246	1232	381	0300	JOINT LAW ENFORCEMENT OPERATIONS (JLEO)	\$ 2,846	
TOTAL (IF SUBTOTAL, check here) →					\$ 2,846	\$ -

BUDGETED EXPENDITURES: (use continuation sheet, if necessary)

FUND CODE XXX	DEPARTMENT/VI VISION XXXX	ACTIVITY BASIC/SUB XXX	ELEMENT/ OBJECT XXXX	CATEGORY/ LINE ITEM NAME	INCREASE AMOUNT	DECREASE AMOUNT
246	1232	424	1025	OVERTIME	\$ 2,846	
TOTAL (IF SUBTOTAL, check here) →					\$ 2,846	\$ -

Requested by: _____

Date: 3-14-17

Title: MayorFinance Department Approval: Don May

Date: 3-15-17 Entered by: _____

Date: _____

County Manager Approval: _____

Date: _____ Updated by: _____

Date: _____

SANTA FE COUNTY

RESOLUTION 2017-

ATTACH ADDITIONAL SHEETS IF NECESSARY

DEPARTMENT CONTACT:

Name: Undersheriff Ron Madrid Dept/Div: Sheriff's Office Phone No: 505-986-2457

DETAILED JUSTIFICATION FOR REQUESTING BUDGET ADJUSTMENT (If applicable, cite the following authority: State Statute, grant name and award date, other laws, regulations, etc.):

1) Please Summarize the Request and its purpose

The Sheriff's Office has been awarded \$2,846 for overtime reimbursement in support of the 2017 Joint Law Enforcement Operations (JLEO) and JAG/SWIFT programs. The primary mission of the task force is to investigate and arrest, as part of JLEO, persons who have active state and federal warrants for their arrest. The intent of the joint effort is to investigate and apprehend local, state and federal fugitives, thereby improving public safety and reducing violent crimes.

a) Employee Actions

Line Item	Action (Add/Delete Position, Reclass Overtime)	Position Type (permanent, term)	Position Title
1025	Overtime	Permanent, Sworn Staff	Deputy / Patrol

b) Professional Services (50-xx) and Capital Category (80-xx) detail:

Line Item	Detail (what specific things, contracts, or services are being added or deleted)	Amount

2) Is the budget action for RECURRING expense ☒ or for NON-RECURRING (one-time only) expense

SANTA FE COUNTY

RESOLUTION 2017-_____

Page 3 of 4

ATTACH ADDITIONAL SHEETS IF NECESSARY

DEPARTMENT CONTACT:

Name: Undersheriff Ron Madrid Dept/Div: Sheriff's Office Phone No: 505-986-2457

3) Does this request impact a revenue source? If YES, please identify (i.e. General Fund, state funds, federal funds, etc.), and address the following

a. If this is a state special appropriation, Yes No X

b. Does this include state or federal funds? Yes X No

If YES, please cite and attach a copy of statute, if a special appropriation, or include grant name, number, award date and amount, and attach a copy of an award letter and proposed budget.

Name: US Marshals, JLEO

Grant Number: 16-D51-AFF_B-OP-JLEOTFS4

Award Date: 10/1/16 - 9/30/17

Amount: \$2,846.00

c. Is this request a result of Commission action? Yes No X

If YES, please cite and attach a copy of supporting documentation (i.e. Minutes, Resolution, Ordinance, etc.).

d. Please identify other funding sources used to match this request.

SANTA FE COUNTY

Page 4 of 4

RESOLUTION 2017 -

NOW, THEREFORE, BE IT RESOLVED by the Board Of County Commissioners of Santa Fe County that the Local Government Division of the Department of Finance and Administration is hereby requested to grant authority to adjust budgets as detailed above.

Approved, Adopted, and Passed This 28th Day of March, 2017

Santa Fe Board of County Commissioners

Henry P. Roybal, Chairperson

ATTEST:

Geraldine Salazar, County Clerk

Joint Law Enforcement Operations Task Force
Obligation Document

INSTRUCTIONS: See last page for detailed instructions.

SECTION 1: OBLIGATION

DOCUMENT CONTROL #: M-17-D51-O-000056

SECTION 2: PARTICIPATING AGENCIES

Notification to state and local agencies of funding provided in support of Joint Law Enforcement Operations, pursuant to the Memorandum of Understanding (MOU) between:

SANTA FE COUNTY SHERIFFS OFFICE

and

District of New Mexico (51)

All other terms and conditions of the MOU remain the same.

SECTION 3: PERIOD OF PERFORMANCE

10/19/2016

to

09/30/2017

SECTION 4: APPROPRIATION DATA

FISCAL YEAR	ORGANIZATION	FUND	PROJECT	SOC / PURPOSE	DOLLAR AMOUNT
2017	D51	AFF-B-OP	JLEOTFS4	25302 - TFO Overtime	\$2,846.00
Total Obligation Amount:					\$2,846.00

SECTION 5: DESCRIPTION OF OBLIGATION

TFO OVERTIME

JLEO

SECTION 6: CONTACT INFORMATION

DISTRICT/RFTF CONTACT:

Name: LARRY HARPER

Phone: 505-988-7686

E-mail: LARRY.HARPER@USDOJ.GOV

STATE/LOCAL CONTACT:

Name: DIEGO LUCERO

Phone: 505-986-2492

E-mail: DLUCERO@SANTEFEFCOUNTYNM.GOV

SECTION 7: AUTHORIZATION

USMS Representative - Certification of Funds:

Signature: SUSAN FINLEY

Date: 11/23/2016

SUSAN R. FINLEY, MANAGEMENT AND PROGRAM ANALYST

Chief Deputy or RFTF Commander - Obligation Approval:

Signature: Alex Ramos-196351

Date: 11/29/2016

ALEX RAMOS, CHIEF

Reimbursement of overtime work shall be consistent with the Fair Labor Standards Act. Annual overtime for each state or local law enforcement officer is capped at the equivalent of 25% of a GS-1811-12, Step 1, of the general pay scale for the RUS. Reimbursement for all types of qualified expenses shall be contingent upon availability of funds and the submission of a proper request for reimbursement which shall be submitted monthly or quarterly on a fiscal year basis, and which provides the names of the investigators who incurred overtime for the Task Force during the quarter; the number of overtime hours incurred, the hourly regular and overtime rates in effect for each investigator.

Departmental Representative - Acknowledgement:

Signature: Sen. Diego E. Luna

Date: 12-02-2016

FORM USM-607 INSTRUCTIONS

The Joint Law Enforcement Operations Task Force Obligation Document is designed to provide district and regional fugitive task forces with one standard obligating form to record new obligations in UFMS. To adjust funding in an existing obligation, please refer to Form USM-607A, Joint Law Enforcement Operations Task Force Modification Document. Funding in support of the JLEO mission is pursuant to the existing Memorandum of Understanding (MOU) between the USMS and the JLEO participant. Reimbursements are subject to the availability of funds and contingent upon the submission of proper documentation. Please note that overtime reimbursements require the submission of agency invoices and supporting documentation on a quarterly basis.

In the event that the USMS will use a payment method OTHER than reimbursement directly to the state or local agency, additional guidance will be provided by USMS Headquarters. The district or RFTF office is responsible for communicating payment procedures to their partnering agencies. All payments are made via Electronic Funds Transfer (EFT) through the U.S. Department of Treasury.

SECTION 1: Obligation Number

- A. Enter UFMS Document Control Number.

SECTION 2: Participating Agencies

- A. BOX 1: Enter name of state or local JLEO participating agency.
- B. BOX 2: Use drop down menu to select appropriate USMS District/RFTF.

SECTION 3: Period of Performance

- A. Insert valid period of performance for the obligation. Obligations created using the one-page JLEO Task Force Obligation Form may not cross fiscal years. If there is a need to cross fiscal years, please utilize a Purchase Order for the obligation.
- B. Period of performance must begin no earlier than the date of funds availability (provided by IOD and the Asset Forfeiture Division) and end no later than September 30 of the following calendar year.

SECTION 4: Appropriation Data

- A. Enter information across appropriate field for all items being obligated. All fields for a line item must be completed in order to proceed to the next step.
- B. Project Codes: District task force obligations are funded under the JLEOTFS4 project code for a JLEO obligation. RFTF project codes have been assigned by region and will be entered by Headquarters IOD staff.

SECTION 5: Description of Obligation

- A. Enter description of obligation (optional). Include any pertinent information such as number of TFO vehicles, for example.

SECTION 6: Contact Information

- A. Enter District/RFTF contact information (Box 1) and State/Local contact information (Box 2).

SECTION 7: Authorization

- A. Certification of Funds: Signature will be applied by USMS District official or IOD representative (RFTF) after the Asset Forfeiture Division has confirmed that funds have been moved into the budget.
- B. Obligation Approval: Signature will be applied by District or RFTF representative upon receipt of obligation document. To ensure sufficient internal controls and proper segregation of duties, the district/RFTF representative approving obligation forms cannot also approve invoices or reimbursements related to the same obligation. (See U.S. Office of Management and Budget (OMB) Circular A-123 and USMS Office of Finance guidance for further information regarding internal controls.)
- C. Acknowledgement: Signature will be applied by state or local agency representative. The obligation is not valid until all parties have signed. When completed, the form will be returned to the District/RFTF office. Districts are responsible for entering obligations into UFMS. RFTF obligations will be forwarded to Headquarters IOD to be entered into UFMS.

United States Marshals Service
Violent Offender Task Force – Memorandum of Understanding

PARTIES AND AUTHORITY:

This Memorandum of Understanding (MOU) is entered into by the
Santa Fe County Sheriff's Office

and the United States Marshals Service (USMS) pursuant to 28 U.S.C. § 566(e)(1)(B). As set forth in the Presidential Threat Protection Act of 2000 and directed by the Attorney General, the USMS has been granted authority to direct and coordinate permanent USMS Violent Offender Task Forces consisting of Federal, state, and local law enforcement authorities for the purpose of locating and apprehending fugitives. The authority of the USMS to investigate fugitive matters as directed by the Attorney General is set forth in 28 USC § 566. The Director's authority to direct and supervise all activities of the USMS is set forth in 28 USC § 561(g) and 28 CFR 0.111. The authority of United States Marshals and Deputy U.S. Marshals, "in executing the laws of the United States within a State . . . [to] exercise the same powers which a sheriff of the State may exercise in executing the laws thereof" is set forth in 28 USC § 564. Additional authority is derived from 18 USC § 3053 and Office of Investigative Agency Policies Resolutions 2 & 15. (See also) "Memorandum for Howard M. Shapiro, General Counsel, Federal Bureau of Investigation" concerning the "Authority to Pursue Non-Federal Fugitives", issued by the U.S. Department of Justice, Office of Legal Counsel, dated February 21, 1995. (See also) Memorandum concerning the Authority to Pursue Non-Federal Fugitives, issued by the USMS Office of General Counsel, dated May, 1, 1995. (See also) 42 U.S.C. § 16941(a) (the Attorney General shall use the resources of federal law enforcement, including the United States Marshals Service, to assist jurisdictions in locating and apprehending sex offenders who violate sex offender registration requirements).

MISSION:

The primary mission of the task force is to investigate and arrest, as part of joint law enforcement operations, persons who have active state and federal warrants for their arrest. The intent of the joint effort is to investigate and apprehend local, state and federal fugitives, thereby improving public safety and reducing violent crime.

Each participating agency agrees to refer cases for investigation by the VOTF (Violent Offender Task Force). Cases will be adopted by the VOTF at the discretion of the District Chief Deputy. Targeted crimes will primarily include violent crimes against persons, weapons offenses, felony drug offenses, failure to register as a sex offender, and crimes committed by subjects who have a criminal history involving violent crimes, felony drug offenses, and/or weapons offenses. Upon receipt of a written request, the VOTF may also assist non-participating law enforcement agencies in investigating, locating and arresting their fugitives. Task force personnel will be assigned federal, state, and local fugitive cases for investigation. Investigative teams will consist of personnel from different agencies whenever possible. Participating agencies retain responsibility for the cases they refer to the VOTF.

Federal fugitive cases referred to the task force for investigation by any participating agency will be entered into the National Crime Information Center (NCIC) by the USMS or originating agency, as appropriate. State or local fugitive cases will be entered into NCIC (and other applicable state or local lookout systems) as appropriate by the concerned state or local agency.

SUPERVISION:

The VOTF will consist of law enforcement and administrative personnel from federal, state, and local law enforcement agencies. Agency personnel must be approved by the District Chief Deputy prior to assignment to the VOTF. Agency personnel may be removed at any time at the discretion of the District Chief Deputy.

Direction and coordination of the VOTF shall be the responsibility of the USMS District Chief Deputy. Administrative matters which are internal to the participating agencies remain the responsibility of the respective agencies. Furthermore, each agency retains responsibility for the conduct of its personnel.

A Task Force Advisory Committee, consisting of representatives of participating agencies and USMS district personnel, may be established at the discretion of the District Chief Deputy and will meet and confer as necessary to review and address issues concerning operational matters within the VOTF.

PERSONNEL:

In accordance with Homeland Security Presidential Directive 12, personnel assigned to the task force are required to undergo background investigations in order to be provided unescorted access to USMS offices, records, and computer systems. The USMS shall bear the costs associated with those investigations. Non-USMS law enforcement officers assigned to the task force will be deputized as Special Deputy U.S. Marshals.

Task force personnel may be required to travel outside of the jurisdiction to which they are normally assigned in furtherance of task force operations. State or local task force officers traveling on official business at the direction of the USMS shall be reimbursed directly by the USMS for their travel expenses in accordance with applicable federal laws, rules, and regulations.

REIMBURSEMENT:

If the Marshals Service receives Asset Forfeiture funding for either 1) overtime incurred by state and local investigators who provide full time support to USMS VOTF joint law enforcement task forces; or 2) travel, training, purchase or lease of police vehicles, fuel, supplies or equipment for state and local investigators in direct support of state and local investigators, the USMS shall, pending availability of funds, reimburse your organization for expenses incurred, depending on which category of funding is provided.

Reimbursement of overtime work shall be consistent with the Fair Labor Standards Act. Annual overtime for each state or local law enforcement officer is capped at the equivalent of 25% of a GS-1811-12, Step 1, of the general pay scale for the RUS. Reimbursement for all types of qualified expenses shall be contingent upon availability of funds and the submission of a proper request for reimbursement which shall be submitted quarterly on a fiscal year basis, and which provides the names of the investigators who incurred overtime for the VOTF during the quarter; the number of overtime hours incurred, the hourly regular and overtime rates in effect for each investigator, and the total quarterly cost.

The request for reimbursement must be submitted to the District Chief Deputy, who will review the request for reimbursement, stamp and sign indicating that services were received and that the request for reimbursement is approved for payment. Supporting documentation must accompany requests for reimbursement for equipment, supplies, training, fuel, and vehicle leases.

VEHICLES AND EQUIPMENT:

Notwithstanding the above, pending the availability of asset forfeiture funding and approval by the USMS in advance of any purchase, the USMS may reimburse the undersigned state or local agency for vehicles and equipment purchased in support of full time state and local investigators assigned to the VOTF involved in joint law enforcement operations. Such vehicle and equipment purchases are to be contracted for and titled in the name of the state or local law enforcement agency and must comply with requirements prescribed by the USMS pursuant to this MOU and applicable policies of the United States Department of Justice. Vehicles and equipment purchased by state and local law enforcement agencies with asset forfeiture monies provided by the USMS must remain available for exclusive use of the task force officers assigned to the VOTF by the undersigned participant agency for the duration of the task force. Upon termination of the agreement, usage and disposition of such vehicles are at the discretion of the undersigned state or local law enforcement agency.

Pending the availability of funds and equipment, the USMS will issue USMS radios, telephones, and other communication devices to each task force officer to be used for official VOTF business. All equipment used by or assigned to task force officers by the USMS or an agency will remain the property of the agency issuing the equipment and will be returned to that agency upon termination of the task force, or upon agency request.

RECORDS AND REPORTS:

Original reports of investigation, evidence, and other investigative materials generated, seized, or collected by the VOTF shall be retained by the agency in the VOTF responsible for the case. However, evidence may be turned over to other law enforcement agencies as appropriate. Copies of investigative reports and other materials may be provided to other agencies in accordance with applicable laws, rules, and regulations. Task force statistics will be maintained in the USMS Justice Detainee Information System (JDIS) - Warrant Information Network (WIN). Statistics will be made available to any participating agency upon request.

INFORMANTS:

Pending the availability of funds, the USMS may provide funding for the payment of informants. However, all payments of informants utilizing USMS funding shall comply with USMS policy.

USE OF FORCE:

All members of the VOTF shall comply with their agencies' guidelines concerning the use of firearms, deadly force, and less-lethal devices. Copies of all applicable firearms, deadly force, and less-lethal policies shall be provided to the District Chief Deputy and each concerned task force officer. In the event of a shooting involving task force personnel, the incident will be investigated by the appropriate agency(s).

NEWS MEDIA

Media inquiries will be referred to the District Chief Deputy. A press release may be issued and press conference held, upon agreement and through coordination with participant agencies' representatives. All press releases will exclusively make reference to the task force.

RELEASE OF LIABILITY:

Each agency shall be responsible for the acts or omissions of its employees. Participating agencies or their employees shall not be considered as the agents of any other participating agency. Nothing herein waives or limits sovereign immunity under federal or state statutory or constitutional law.

EFFECTIVE DATE AND TERMINATION:

This MOU is in effect once signed by a law enforcement participant agency. Participating agencies may withdraw their participation after providing 30 days advanced written notice to the District Chief Deputy U.S. Marshal.

District: New Mexico

United States Marshal:

Carlos E. Contreras
Print Name

[Signature]
Signature

3-1-12
Date

Participant Agency:

Name: Santa Fe County Sheriff's Office

Location (City & State): Santa Fe, NM

Phone: 505-986-2455

Participant Agency Representative:

Katherine Miller
KATHERINE MILLER, Santa Fe County Manager

ROBERT A. Garcia Sheriff
Print Name & Title

[Signature]
Signature

2-16-12
Date

Assistant Director, Investigative Operations Division:

DAVID L. Shank
Geoffrey S. Shank
Print Name

[Signature]
Signature

4/4/12
Date

Approved as to form
Santa Fe County Attorney
By: [Signature]
Date: March 24, 2013
Smiley 4/21/13

Henry P. Roybal
Commissioner, District 1

Anna Hansen
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Anna T. Hamilton
Commissioner, District 4

Ed Moreno
Commissioner, District 5

Katherine Miller
County Manager

MEMORANDUM

DATE: 3/21/2017

TO: Board of County Commissioners

FROM: Michael Kelley, Public Works Department Director

VIA: Katherine Miller, County Manager

ITEM AND ISSUE: BCC Meeting March 28, 2017; Resolution No. 2017-____, A Resolution Authorizing the County Attorney to Bring Condemnation and Other Appropriate Court Actions to Acquire Property Interests Needed to Commence Construction of the Santa Fe River Greenway Project Within the Frenchy's Field to Siler Road Segment by July 1, 2017. (Public Works/Scott Kaseman)

SUMMARY

In accordance with Santa Fe County (County) Resolution No. 2014-125, the County has now acquired through negotiation 15 of the 18 parcels needed to construct the Frenchy's to Siler Segment of the Santa Fe River Greenway Project (Project). Resolution No. 2016-129 authorized the County Attorney to pursue a condemnation action against claimants who allege an interest in one of the two remaining parcels, and the County Attorney recently initiated that action. Staff now requests the Board of County Commissioners (BCC) to authorize the County Attorney bring condemnation or other appropriate court actions to assure timely acquisition of all necessary property interests in the Frenchy's Field to Siler Road Segment.

BACKGROUND

The County and the owner (Property Owner) of the two parcels shown on the attached exhibits entered into two purchase agreements. Although the Property Owner is under contract with the County to sell the parcels at an agreed-upon price, the Property Owner now refuses to do so unless the County substantially increases the purchase price above the contract price. Therefore, the BCC should authorize the County Attorney to bring an appropriate court action to enforce purchases agreements and/or condemn the parcels of land needed for the Project. The proposed resolution is not limited to any particular parcel. It instead generally authorizes the County Attorney to bring such actions if negotiations fail or if another property owner refuses to abide by an executed purchase agreement. However, the resolution is limited to the Frenchy's Field to Siler Road Segment.

ACTION REQUESTED:

Adopt the attached Resolution.

Attachments: (1) Resolution No. 2017- ____, A Resolution Authorizing the County Attorney to Bring Condemnation and Other Appropriate Court Actions to Acquire Property Interests Needed to Commence Construction of the Santa Fe River Greenway Project Within the Frenchy's Field to Siler Road Segment by July 1, 2017.

(2) Exhibit of Parcel 11

(3) Exhibit of Parcel 11-A

THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY

RESOLUTION NO. 2017 - _____

A RESOLUTION AUTHORIZING THE COUNTY ATTORNEY TO BRING CONDEMNATION AND OTHER APPROPRIATE COURT ACTIONS TO ACQUIRE PROPERTY INTERESTS NEEDED TO COMMENCE CONSTRUCTION OF THE SANTA FE RIVER GREENWAY PROJECT WITHIN THE FRENCHY'S FIELD TO SILER ROAD SEGMENT BY JULY 1, 2017

WHEREAS, since approximately 1995, the Santa Fe County (County) and the City of Santa Fe (City) have been engaged in planning, designing, and constructing a joint public works project called the Santa Fe River Greenway Project (Project), also known as the Santa Fe River Trail Project; and

WHEREAS, the Project calls for the City and County to construct approximately 15 miles of a continuous greenway comprised of parks and trails along the Santa Fe River from downtown Santa Fe to the City's Wastewater Treatment Plant west of NM599; and

WHEREAS, under a Memorandum of Agreement between the County and the City, the County agreed to acquire the necessary property interests for the Project within the Frenchy's Field to Siler Segment (Frenchy's Field Segment); and

WHEREAS, in order to timely complete the Frenchy's Field Segment before the end of the 2017 construction season, the County must commence construction by July 1; and

WHEREAS, the County cannot set a commencement date for construction or publish requests for proposals to construct the Frenchy's Field Segment until it has clear legal access to all necessary property interests within the Segment; and

WHEREAS, in order to expedite the property acquisition process, the Board of County Commissioners (Board) adopted Resolution No. 2014-125 to authorize the County Manager to acquire the necessary property interests through negotiated purchase agreements; and

WHEREAS, in accordance with Resolution No. 2014-125, the County Manager has acquired on behalf of the County or is under contract to acquire all necessary properties within the Frenchy's Field Segment except "Parcel 16," as identified in Resolution No. 2016-129; and

WHEREAS, as specifically authorized by Resolution No. 2016-129, the County Attorney commenced a court action to condemn Parcel 16 after multiple attempts to acquire it through negotiation had failed; and

WHEREAS, the County Attorney now requires additional authority to bring a condemnation or other appropriate court action to acquire two additional small parcels for the Project, in this case parcels that are subject to negotiated purchase agreements between the property owner and the County; and

WHEREAS, in order that construction may commence by July 1, the Board desires to delegate authority to the County Attorney to bring condemnation or other appropriate court actions to acquire the necessary property interests within the Frenchy's Field Segment whenever reasonable attempts to negotiate a purchase agreement fail or if necessary to enforce an existing purchase agreement.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby authorizes the County Attorney to initiate and prosecute condemnation or other appropriate court actions to acquire property interests within the Frenchy's Field Segment of the Project; *provided*, however, that no such action shall be brought until the County Attorney determines that reasonable attempts to acquire the property through negotiation have failed or that court action is needed to enforce an existing purchase agreement; and *provided further* that the County Attorney shall not initiate such an action, or shall seek to dismiss the action after initiation, if the property owner grants the subject property to the County in accordance with a negotiated purchase agreement.

PASSED, APPROVED, AND ADOPTED THIS 28th DAY OF MARCH 2017.

**BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

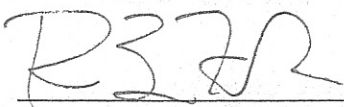
By: _____
Henry P. Roybal, Chair

ATTEST:

Geraldine Salazar, County Clerk

Date: _____

APPROVED AS TO FORM:



Gregory S. Shaffer, County Attorney

Date: 3/21/2017

PARCEL 11 DESCRIPTION

ALL THAT PORTION OF A TRACT OF LAND, DESCRIBED WITHIN WARRANTY DEED RECORDED AS INSTRUMENT BOOK 2349/381 AS SHOWN ON UNRECORDED PLAT OF SURVEY FOR AL AND ALICE EAST PREPARED BY ROBERT L. BENAVIDES NMLS 5824 APRIL 1984 AND BEARING FILE NUMBER B-109, SAID PARCEL LYING WITHIN LOT 7 SECTION 28, TOWNSHIP 17 NORTH, RANGE 9 EAST, N.M.P.M., CITY AND COUNTY OF SANTA FE, NEW MEXICO

WHICH PORTION MAY BE MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE PARCEL HEREIN DESCRIBED, A POINT ON THE EASTERN BOUNDARY OF THE AFORESAID PARENT TRACT, WHICH LIES S17°46'10"E 625.42 FEET FROM A 5/8" REBAR WITH TAG, L.S. 13604,

THENCE S17°46'10"E, 9.66 FEET;

THENCE S49°19'43"W, 198.62 FEET;

THENCE N01°57'13"E, 14.22 FEET;

THENCE N49°47'41"E, 192.75 FEET;

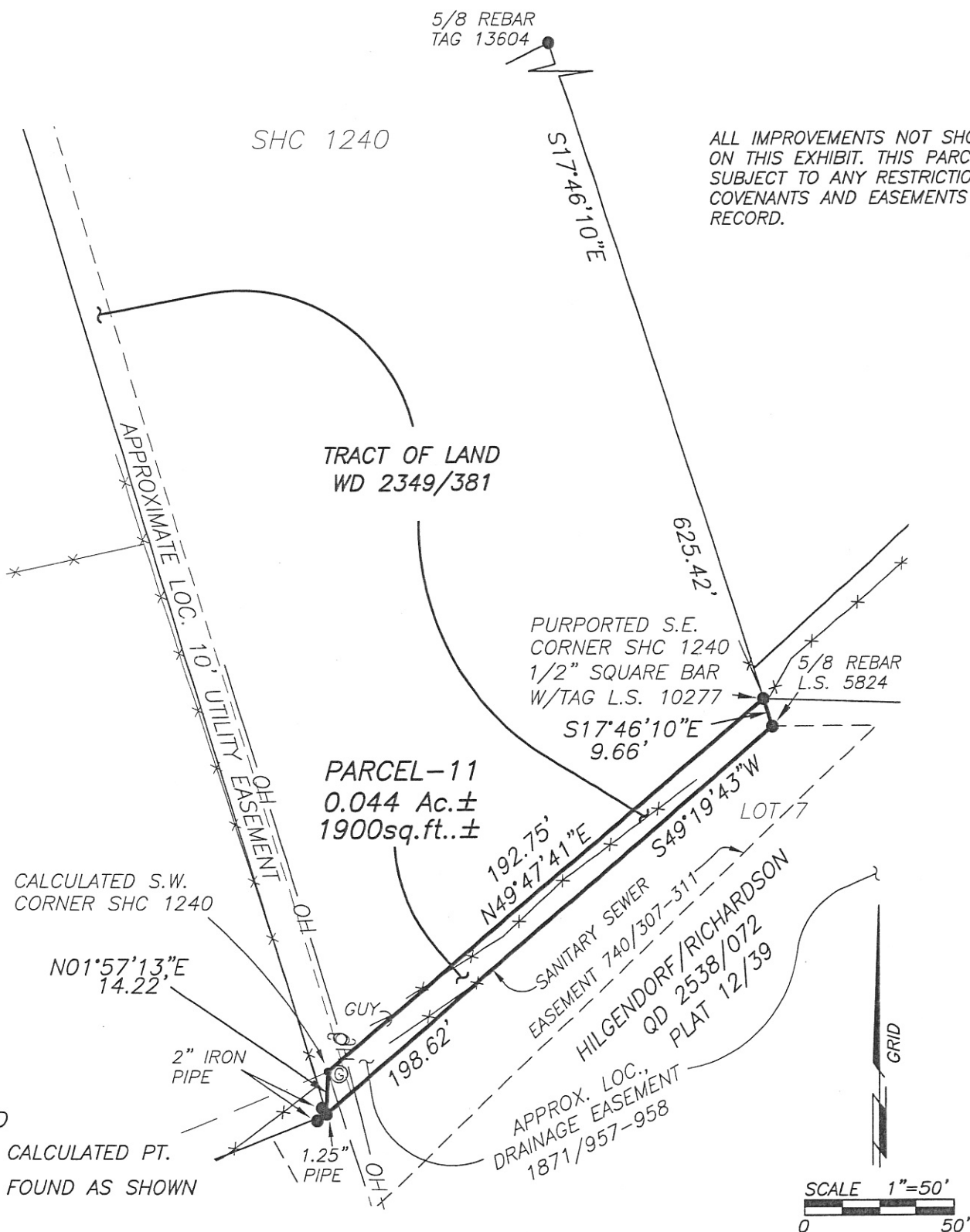
MORE OR LESS TO THE POINT OF BEGINNING, CONTAINING 0.044 Ac.(1900sq.ft.), MORE OR LESS, AS SHOWN MORE COMPLETELY ON EXHIBIT B ATTACHED HERETO.

Diego J. Sisneros

DIEGO J. SISNEROS, N.M.P.L.S. 13986



12/22/2013



ALL IMPROVEMENTS NOT SHOWN
ON THIS EXHIBIT. THIS PARCEL IS
SUBJECT TO ANY RESTRICTIONS,
COVENANTS AND EASEMENTS OF
RECORD.

CONTROL REPORT

BEARINGS, DISTANCES & COORDINATES ARE GRID, N.M. STATE PLANE
CENTRAL ZONE. MEAN COMBINED FACTOR AT 6800'AMSL=0.999583883.

ALL REFERENCE TO NAD83(1992) DERIVED FROM DAWSON2 GPS BASE
STATION N=1,687,626.870 E=1,708,833.475 ELE=6572.376', ESTABLISHED
FROM SANTA FE COUNTY CONTROL STATIONS USING DATA FROM THE '92
BLUEBOOK REPORT FOR NGS AND SANTA FE COUNTY.

PARCEL-11

EXHIBIT B

DAWSON SURVEYS INC.
PROFESSIONAL LAND SURVEYORS
2502B CAMINO ENTRADA
S.F., N.M. 87507 PH505 471 6660
FILE#9147-11 12/22/2013

PARCEL 11-A DESCRIPTION

ALL THAT PORTION OF A TRACT OF LAND, DESCRIBED WITHIN WARRANTY DEED RECORDED AS INSTRUMENT BOOK 2349/381 AS SHOWN ON UNRECORDED PLAT OF SURVEY FOR AL AND ALICE EAST PREPARED BY ROBERT L. BENAVIDES NMLS 5824 APRIL 1984 AND BEARING FILE NUMBER B-109, SAID PARCEL LYING WITHIN LOT 7 SECTION 28, TOWNSHIP 17 NORTH, RANGE 9 EAST, N.M.P.M., CITY AND COUNTY OF SANTA FE, NEW MEXICO, WHICH PORTION MAY BE MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE PARCEL HEREIN DESCRIBED, A POINT ON THE EASTERN BOUNDARY OF THE AFORESAID PARENT TRACT, WHICH LIES S17°46'10"E 625.42 FEET FROM A 5/8" REBAR WITH TAG, L.S. 13604,

THENCE S49°47'41"W 192.75 FEET;

THENCE S01°57'13"W 14.22 FEET;

THENCE N16°55'29"W 60.00 FEET;

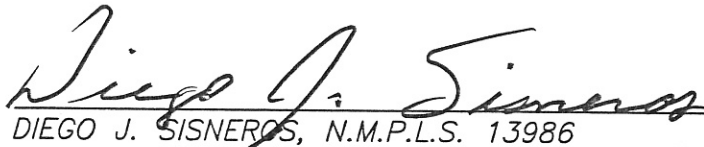
THENCE N62°09'11"E 184.93 FEET;

THENCE S17°46'10"E 5.40 FEET;

MORE OR LESS TO THE POINT OF BEGINNING, CONTAINING 0.113 Ac., MORE OR LESS,

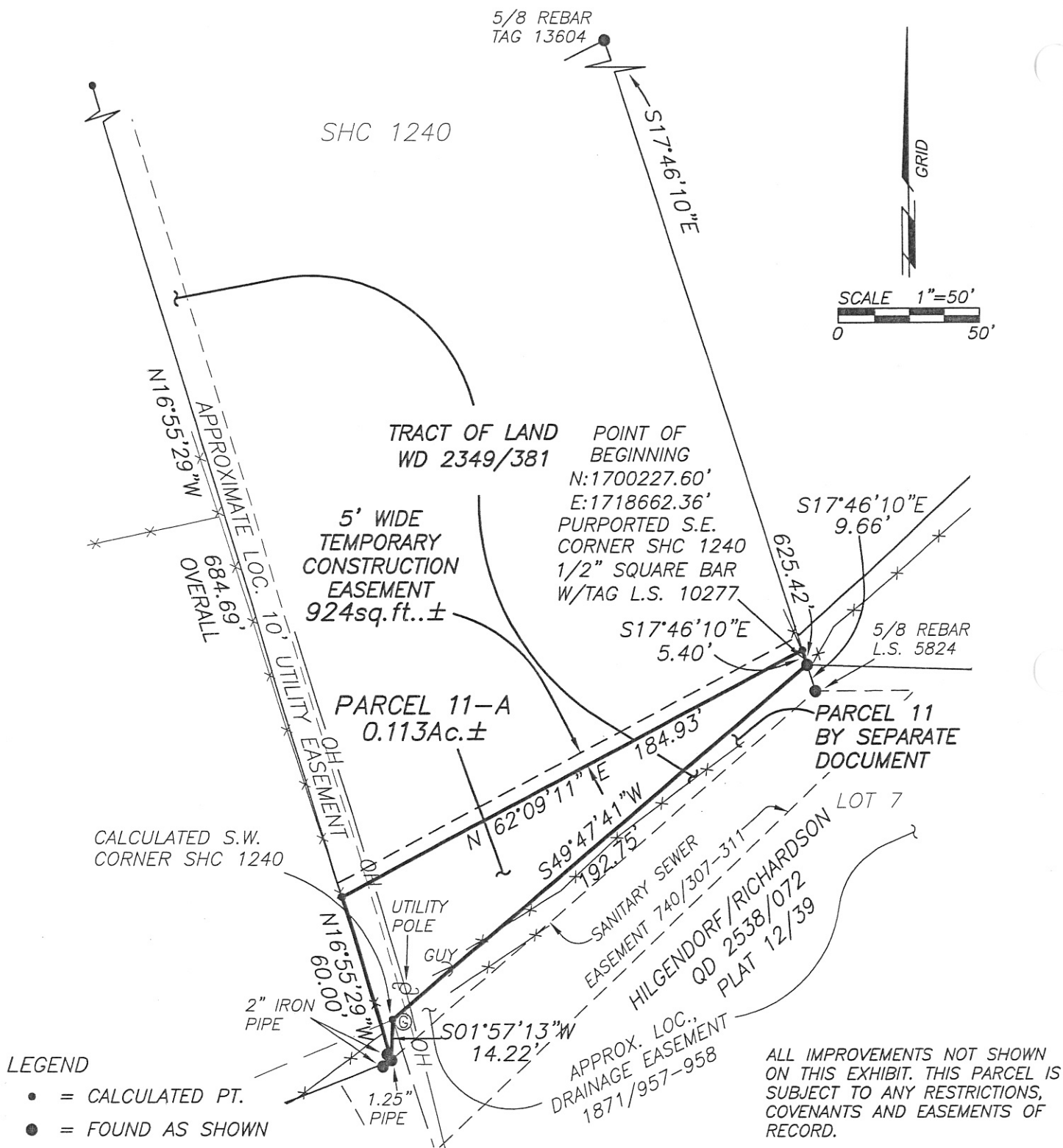
ALONG WITH A 5' WIDE TEMPORARY CONSTRUCTION EASEMENT LYING AND BEING OFFSET NORTHERLY FROM THE NORTHERLY BOUNDARY OF PARCEL 11-A, CONTAINING 924 SQ.FT., MORE OR LESS,

ALL AS SHOWN MORE COMPLETELY ON EXHIBIT B ATTACHED HERETO.


DIEGO J. SISNEROS, N.M.P.L.S. 13986



3/07/2014



CONTROL REPORT

BEARINGS, DISTANCES & COORDINATES ARE GRID, N.M. STATE PLANE CENTRAL ZONE. MEAN COMBINED FACTOR AT 6800'AMSL=0.999583883.

ALL REFERENCE TO NAD83(1992) DERIVED FROM DAWSON2 GPS BASE STATION N=1,687,626.870 E=1,708,833.475 ELE=6572.376', ESTABLISHED FROM SANTA FE COUNTY CONTROL STATIONS USING DATA FROM THE '92 BLUEBOOK REPORT FOR NGS AND SANTA FE COUNTY.

PARCEL 11-A

EXHIBIT B

DAWSON SURVEYS INC.
PROFESSIONAL LAND SURVEYORS
2502B CAMINO ENTRADA
S.F., N.M. 87507 PH505 471 6660
FILE#9147-11A 3/07/2014

**THE BOARD OF COUNTY COMMISSIONERS OF
SANTA FE COUNTY**

RESOLUTION NO. 2017-_____

**A RESOLUTION
DELEGATING TO THE COUNTY MANAGER THE AUTHORITY TO NEGOTIATE
AND EXECUTE A TOLLING AND RESERVATION OF RIGHTS AGREEMENT**

WHEREAS, the Santa Fe County (County) Land Use Administrator has determined that (i) the Vista de Sangres Subdivision (Subdivision) was not approved in accordance with State law and County ordinance and, therefore, (ii) the Replat & Subdivision of Lot 11 Tracts 1, 2 and 3 for Vista de Sangres Subdivision (Plat) is not legally valid, although purportedly signed by a former Land Use Administrator; and

WHEREAS, although the developer of the Subdivision disputes the Land Use Administrator's determinations, the developer may be willing to make one or more applications to the County to have the Subdivision approved; and

WHEREAS, the developer is concerned that (i) such applications will be used by the County as an admission that the Plat is not valid and (ii) that the statute of limitations will continue to run on any claims the developer may have concerning the Plat; and

WHEREAS, if mutually acceptable terms can be negotiated, a tolling and reservation of rights agreement would allow applications to be made while addressing the developer's concerns and protecting the County's interests; and

WHEREAS, the Board of County Commissioners (Board) of the County desires to delegate to the County Manager the authority to negotiate and execute on behalf of the County a tolling and reservation of rights agreement.

NOW, THEREFORE, BE IT RESOLVED by the Board as follows:

1. The Board hereby delegates to the County Manager the authority to negotiate and execute on behalf of the County a tolling and reservation of rights agreement that:
 - a. Tolls the further running of the statute of limitations on any claims that the County and developer may have against each other concerning the Plat for a period of time determined by the County Manager to be adequate for applications for approval of the Subdivision to be filed and acted upon;
 - b. Provides that the County will not use the fact of such applications as an admission by the developer that the Plat is not valid; and
 - c. Contains such other terms and conditions as the County Manager determines to be necessary or advisable to protect the County's interests.
2. This Resolution and execution of the tolling and reservation of rights agreement contemplated hereunder do not obligate the Board, any County recommending or decision making body, or County staff to approve or support any applications concerning the Subdivision, which shall be independently evaluated on their merits without regard to this Resolution or the tolling and reservation of rights agreement.

PASSED, APPROVED, AND ADOPTED this 28th day of March, 2017.

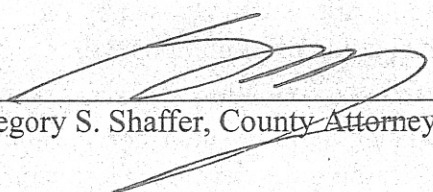
**THE BOARD OF COUNTY
COMMISSIONERS OF SANTA FE COUNTY**

Henry P. Roybal, Chair

ATTEST:

Geraldine Salazar, County Clerk

APPROVED AS TO FORM:



Gregory S. Shaffer, County Attorney

