

SEPTEMBER 5, 2014

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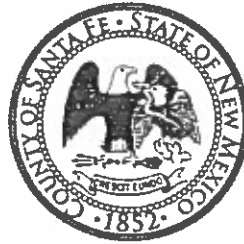




**Daniel "Danny" Mayfield**  
*Commissioner, District 1*

**Miguel M. Chavez**  
*Commissioner, District 2*

**Robert A. Anaya**  
*Commissioner, District 3*



**Kathy Holian**  
*Commissioner, District 4*

**Liz Stefanics**  
*Commissioner, District 5*

**Katherine Miller**  
*County Manager*

## **MEMORANDUM**

**To:** Board of County Commissioners

**Via:** Katherine Miller, County Manager *KM*  
Bernadette Salazar, Human Resource Director  
Sonya Quintana, Employee Development Specialist

**Date:** September 30, 2014

**Re:** Recognition of Years of Service for Santa Fe County Employees

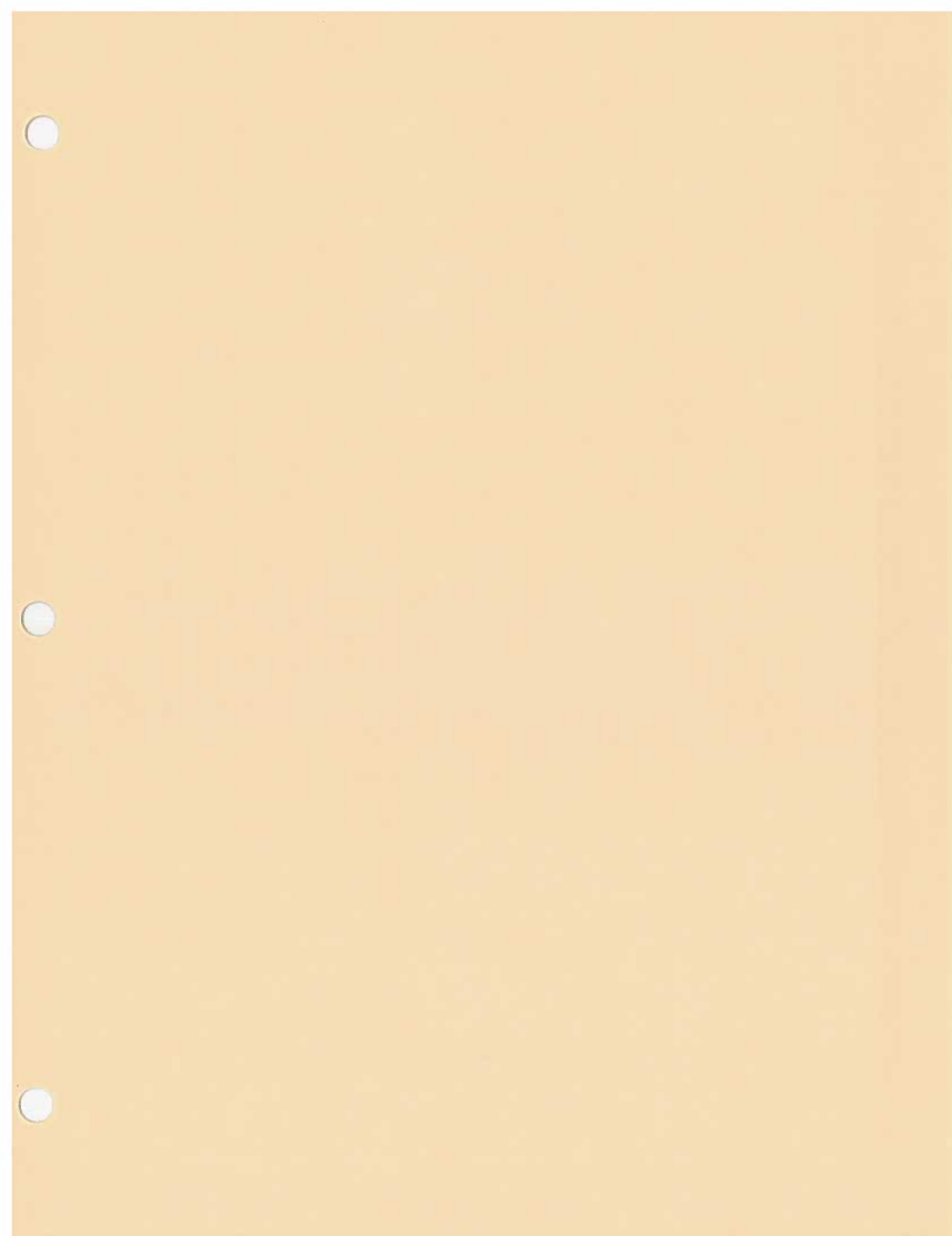
Santa Fe County initiated a years of service recognition program in July. This program recognizes employees on a monthly basis who have completed years of service in five year increments. Employees receive a service pen with the years of service listed.

Santa Fe County recognizes the value of employee retention. It is important that we express our appreciation to those employees who contribute to the County and choose to make their career with us.

For the month of September, the following employees will be recognized:

<b>Employee Name</b>	<b>Department</b>	<b>Title</b>	<b>Years of Service</b>	<b>Hire Date</b>
Jessica Rodarte	Sheriff	Record Supervisor	5	09/02/2009
Axel Hernandez	Public Works	Heavy Equipment Operator	5	09/14/2009
Peter Roybal	Corrections	Detention Officer	5	09/21/2009
Kenneth Smith	Health & Human Services	Program Manager	10	09/07/2004
Brandon Smith	Fire	Lieutenant	10	09/15/2004
Marlene Garcia	Administrative Services	Systems Analyst Supervisor	15	09/09/1999
Teresa Martinez	County Manager	Finance Division Director	15	09/20/1999









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*County Manager*

**To:** Santa Fe Board of County Commissioners

**From:** David Sperling, Fire Chief 

**Thru:** Pablo Sedillo, Public Safety Director 

Katherine Miller, County Manager 

**Date:** September 15, 2014

**Re:** **Presentation Recognizing the Accomplishments of the 2014 Grant Funded Youth Conservation Corps (YCC) Wildland Hand Crew. (Public Safety/Fire)**

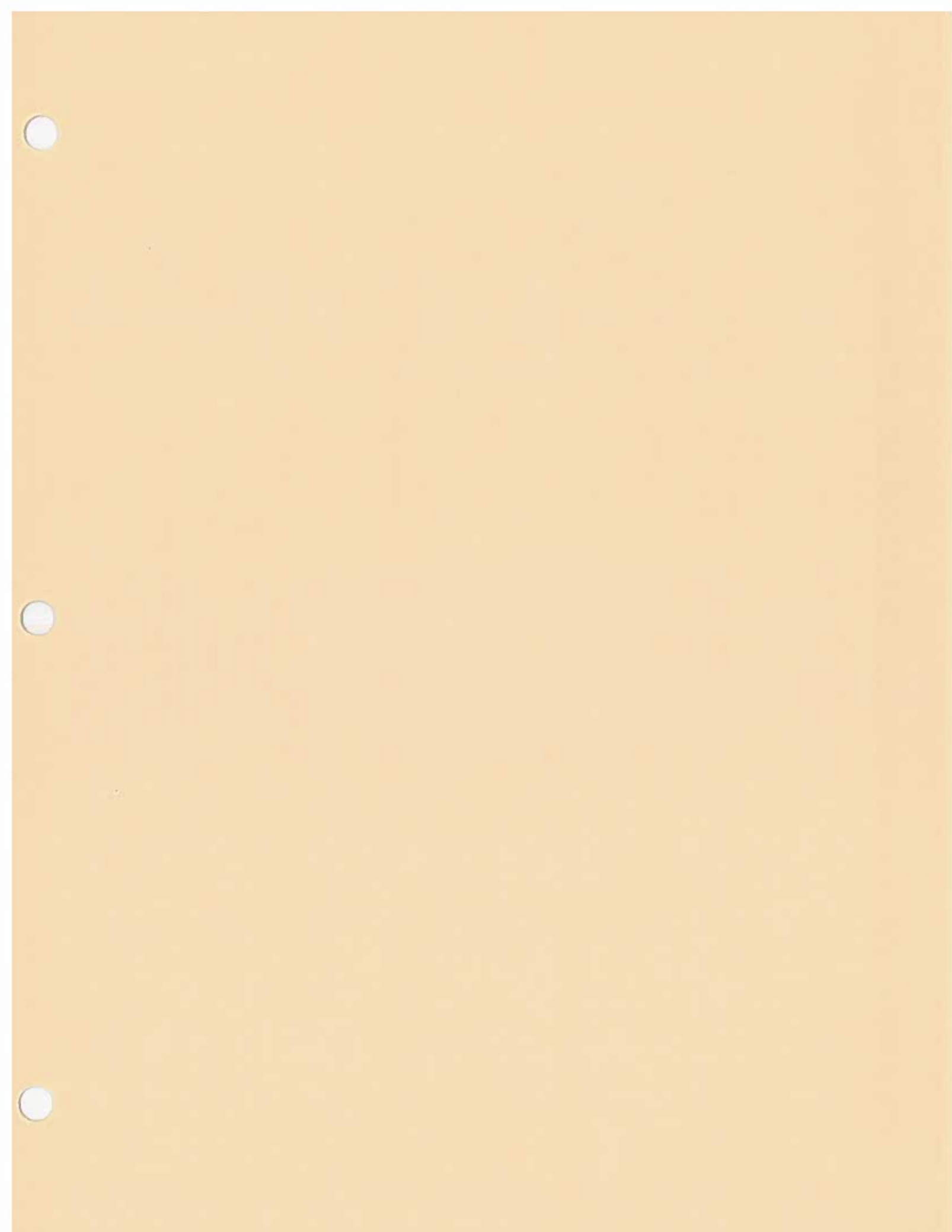
**BACKGROUND:**

The Santa Fe County Fire Department wishes to recognize the accomplishments of the 2014 Grant Funded Youth Conservation Corps (YCC) Wildland Hand Crew. The YCC crew is comprised of 10 young men and women. They began with SFCFD in April 2014 and their grant term expires on October 3. During this six month period these individuals received extensive training in basic wildland firefighting techniques, power saw operations, fire apparatus and pump operations, search and rescue techniques, first aid and CPR, and hazardous fuels mitigation. Under the guidance and direction of SFCFD staff, they participated in several wildland fire suppression efforts in Santa Fe County and northern New Mexico, and assisted on controlled burns in the Wildland Urban Interface. They have been exposed to the discipline and skills needed to make successful careers in wildland firefighting, fuel mitigation, and forest ecology and conservation.

**SUMMARY:**

Please recognize the accomplishments of the 2014 YCC Hand Crew.







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*County Manager*

**CASE NO. Z/V 13-5131**  
**RANCH AT SANTA FE CANYON**  
**RANCH AT SANTA FE CANYON, LLC, APPLICANTS**

### **ORDER**

**THIS MATTER** came before the Board of County Commissioners ("BCC") for hearing on August 12, 2014, on the Application of Ranch at Santa Fe Canyon, LLC, (herein after referred to as "the Applicants") for a Master Plan Amendment of the previously approved Master Plan to remove six (6) tracts of land (containing 845 acres) from the approved Master Plan which consisted of 1,316 acres. The request also included a Variance to allow the installation of a swimming pool on the 845 acres utilizing permitted water rights and to make certain additional amendments to the water restrictive covenants recorded on the property. The BCC, having reviewed the Application and supplemental materials, staff reports and having conducted a public hearing, finds that the Application is well-taken and should be granted and makes the following findings of fact and conclusions of law:

1. On September 30, 2008, the BCC granted Master Plan approval for Santa Fe Canyon Ranch, a residential subdivision consisting of 162 lots/174 residential units on 1,316 acres to be developed in three (3) phases.

2. On September 10, 2013, the BCC approved a 2-year Time Extension of the previously approved Master Plan for the Santa Fe Canyon Ranch Residential Subdivision. At

that time the Master Planned property was owned in part by the Applicants and in part by Santa Fe County.

3. The Applicants now request a Master Plan Amendment to remove the six (6) tracts (Tracts 4-A thru 4-F) of land (845 acres) which they own from the approved Master Plan. The remainder of the Master Plan would remain intact.

4. The lots proposed for removal from the Master Plan were created in 2006 through a 140 acre exemption survey plat, recorded in the records of Santa Fe County at book 614, page 34. The lots are legal lots of record which are compliant with the Santa Fe County Land Development Code (the Code) even if removed from the Master Plan.

5. Applicants provided evidence of ownership of the subject lots by producing a special warranty deed. Applicants also provided an order from the Office of the State Engineer dated February 5, 2009, confirming permitted water rights. Applicants also provided a License to Appropriate issued by the Office of the State Engineer on the 6<sup>th</sup> of November, 2006, granting Applicants a license for 29.1 acre-feet of water per annum with a consumptive use not to exceed 14.55 acre-feet per annum from wells RG-29242 and RG-29242-S.

6. Article V, § 5.2.1.b states: "A Master Plan is comprehensive in establishing the scope of a project, yet 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 sub-divider to obtain concept approval for proposed development without the necessity of expending large sums of money for the submittals required for a Preliminary and Final Plat approval." Staff confirmed that the remainder of the Master Plan can function as its own development and is a viable phase which meets the uses and density requirements of the Code. Therefore, there is no basis to deny the request to remove Lots 4A, B, C, D, E and F from the Master Plan.

7. As a requirement for obtaining the 140 acre exemption survey plat approval, the property owners recorded water restrictive covenants on lots 4A, B, C and D, as required by Article VII, Section 6.6.2 of the Code, which sets forth the mandatory minimum water conservation covenants required for all developments. Article VII, § 6.6.2g provides in pertinent part that “[s]wimming pools, of a permanent or temporary nature are not permitted, except as commercially operated or publicly open community facilities.”

8. The water restrictive covenants recorded included in pertinent part the following:

“(A) Domestic Water is restricted to 0.25 acre foot per year (81,460 gallons per year) per dwelling for said TR 4A, TR 4B TR 4C and TR 4D as required by the Santa Fe County Land Development Code. . . .

(G) No more than one automatic dishwasher per dwelling unit may be used provided that it is a model designed to use no more than 13 gallons per cycle and shall have a cycle adjustment, which allows reduced amounts of water to be used for reduced loads. . . .

(J) Low water use landscaping techniques applying the principles of xeriscaping shall be utilized. Drip irrigation and mulching are encouraged whenever possible. Low water use grasses, trees and shrubs may be watered as needed during the first and second years of their growth to become established. Thereafter, such vegetation shall receive only minimal water as needed by each species. . . .

(L) Swimming pools, of a permanent or temporary nature, are not permitted. Temporary wading pools of a diameter not to exceed eight feet and a depth not to exceed one foot and covered spas are acceptable at each dwelling unit. All existing swimming pools, hot tubs and spas must be covered to prevent evaporation when not in use. Swimming pools may only be emptied once a year.”

9. The Applicants requested a variance of Article VII, Section 6.6.2 of the Code to allow the installation of one swimming pool on their 845 acres.

10. The Applicants also requested authorization to modify the water conservation covenants set forth in Paragraph 8, including for the requested swimming pool, and to ensure that water restrictive covenants (G) and (J), which are currently more restrictive than required by the Code, be modified to conform to the Code. Specifically Applicants requested that the relevant portions of the covenants be replaced with the following:

“(A) Domestic water use from a NMSA § 72-12-1 (1978) well is restricted to 0.25 acre foot per year (81,460 gallons per year) per dwelling for said TR 4A, TR 4B TR 4C and TR 4D as required by the Santa Fe County Land Development Code. . . .

(G) No more than one automatic dishwasher per dwelling unit may be used if water is supplied from a NMSA § 72-12-1 (1978) well provided that it is a model designed to use no more than 13 gallons per cycle and shall have a cycle adjustment, which allows reduced amounts of water to be used for reduced loads. . . .

(J) To the extent water is being used from a NMSA § 72-12-1 (1978) well, low water use landscaping techniques applying the principles of xeriscaping shall be utilized. Drip irrigation and mulching are encouraged whenever possible. Low water use grasses, trees and shrubs may be watered as needed during the first and second years of their growth to become established. Thereafter, such vegetation shall receive only minimal water as needed by each species. . . .

(L) Swimming pools, of a permanent or temporary nature, are not permitted if water is supplied from a NMSA § 72-12-1 (1978) well. Temporary wading pools of a diameter not to exceed eight feet and a depth not to exceed one foot and covered spas are



acceptable at each dwelling unit. All existing swimming pools, hot tubs and spas must be covered to prevent evaporation when not in use. Swimming pools may only be emptied once a year.”

11. By the time this matter came to hearing before the BCC, Applicants and staff proposed the following modifications to the existing recorded water conservation covenants rather than using Applicants’ initially requested covenant language:

“(A) Domestic water use is restricted to 0.25 acre foot per year (81,460 gallons per year) per dwelling for said TR 4A, TR 4B TR 4C and TR 4D as required by the Santa Fe County Land Development Code. This restriction shall not apply to the use of any Applicants permitted water rights being utilized on these tracts. Future development of these tracts is subject to compliance with all Santa Fe County ordinances. . . .

(G) Automatic dishwashers shall use no more than 13 gallons per cycle and shall have a cycle adjustment, which allows reduced amounts of water to be used for reduced loads. . . .

(H) Washing machines shall use no more than 43 gallons per cycle and shall have a cycle or water level adjustment that permits reduced amounts of water to be used for reduced loads. . . .

(L) Swimming pools, of a permanent or temporary nature, are not permitted, provided that one (1) swimming pool is permitted on one lot if permitted water rights are utilized for the swimming pool. Temporary wading pools of a diameter not to exceed eight feet and a depth not to exceed one foot and covered spas are acceptable at each dwelling unit. All existing swimming pools, hot tubs and spas must be covered to prevent evaporation when not in use. Swimming pools may only be emptied once a year.”

12. In support of the Application, the Applicant's Agent submitted a letter of request, proof of legal lot of record and proof of ownership, and a survey plat as well as the materials identified in paragraph 5 above. Applicants also provided a quitclaim deed for the water rights which was recorded with the Santa Fe County Clerk on June 6, 2005.

13. The property is located off Entrada La Cienega along Interstate 25 in the La Cienega/La Cieneguilla Traditional Historic Community within Sections 1, 2, 10, 12 and 13, Township 15 North, Range 7 East and Sections 5, 6, 7 and 8, Township 15 North, Range 8 East.

14. The County Development Review Committee (CDRC) heard the Application on July 17, 2014, and recommended approval of the Master Plan Amendment and the variance to allow a swimming pool. They also recommended approval of all but one proposed amendment to the water conservation covenants. Applicants removed their request for the modification to the water restrictive covenant which the CDRC opposed prior to submission to the BCC. Therefore the CDRC recommended approval of the Master Plan amendment and the variances presented to the BCC.

15. There were two members of the public who spoke in favor of the Application. The La Cienega Valley Association and Linda Grill on behalf of the El Guico Irrigation Association wrote in support of the Application.

16. Article II, Section 3.1 of the Code states that where in the case of a proposed development it can be shown that strict compliance with the requirements of the Code would result in extraordinary hardship to the Applicant because of unusual topography or other such non-self-inflicted conditions or that these conditions would result in inhibiting the achievement of the purposes of the Code, an Applicant may file a written request for a variance. It further states that a Development Review Committee may recommend to the BCC and the BCC may

vary, modify or waive the requirements of the Code upon adequate proof that compliance with the Code provision issue will result in an arbitrary and unreasonable taking of the property or exact hardship, and proof that the variance from the Code will not result in conditions injurious to health or safety.

17. Article II, Section 3.1 of the Code provides that in no event shall a variance be recommended by the CDRC nor granted by the BCC if by doing so the purpose of the Code will be nullified. Additionally, it states that in no case shall any variation or modification be more than a minimum easing of the requirements.

18. No evidence was presented of a risk to health or safety, and we find no such increased health and safety risk created by the requested variances. In fact, Applicants confirmed their intent to utilize the swimming pool for fire protection by plumbing the pool in a manner which will ensure the water is available for that purpose, which commitment suggests a safety benefit.

19. Modifying water restrictive covenants G and J as proposed does not require a variance, and granting the remaining variances to the water restrictive covenants and to allow a single pool on the property will not nullify the purpose of the Code, and the proposed variances are a minimum easing of the Code.

20. In this case strict compliance with the requirements of the Code would result in extraordinary hardship to the Applicant.

21. Under the circumstances and given the evidence and testimony submitted during the public hearing, the Application should be approved based on the amended request for modifications to the water conservation covenants, as set forth in Paragraph 11, provided that

Applicant must use permitted water rights for the pool and cannot exceed permitted water rights for all development on the property.

**WHEREFORE, THE BCC HEREBY APPROVES** the Application for a Master Plan Amendment of the previously approved Master Plan to remove tracts 4A-F (containing 845 acres) from the approved Master Plan. The BCC also grants the request for a variance to allow the installation of a swimming pool on the 845 acres utilizing permitted water rights and to allow amendment of the Water Restrictive Covenants as set forth in Paragraph 11 above.

**IT IS SO ORDERED:**

This Order was approved by the Board of County Commissioners on this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

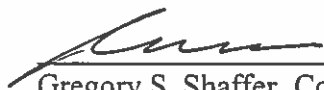
**BOARD OF COUNTY COMMISSIONERS  
OF SANTA FE COUNTY**

By: \_\_\_\_\_  
Daniel W. Mayfield, BCC Chair

**ATTEST:**

\_\_\_\_\_  
Geraldine Salazar, County Clerk

APPROVED AS TO FORM:

A handwritten signature in black ink, appearing to read 'Gregory S. Shaffer', is written over a horizontal line.

Gregory S. Shaffer, County Attorney

- VIII.                    **B.        9.        CDRC Case # Z/V 13-5131 Ranch At Santa Fe Canyon.**  
**Ranch at Santa Fe Canyon, LLC (Formerly Known As Santa Fe Canyon Ranch LLC), Applicant, Requests a Master Plan Amendment to the Previously Approved Master Plan (Santa Fe Canyon Ranch) to Remove Six Tracts of Land (Containing 845 Acres) from the Approved Master Plan Which Consisted of a Total of 1,316 Acres. The Request also Includes a Variance of Article VII, Section 6.6.2g (Water Budgets and Conservation Covenants) and Ordinance No. 2007-1 (Swimming Pool Ordinance) to Allow the Installation of a Swimming Pool on the 845 Acres Utilizing Permitted Water Rights and to Amend the Water Restrictive Covenants to Reflect the Allowance of a Swimming Pool and to Specify that Water Restrictions for Landscaping and Irrigation Restrictions Shall Apply to 72-12-1 Wells Only. The Property is Located off Entrada La Cienega Along Interstate 25 in the La Cienega/La Cieneguilla Traditional Historic Community within Sections 1, 2, 10, 12, 13, Township 15 North, Range 7 East and Sections 5, 6, 7, 8, Township 15 North, Range 8 East (Commission District 3)**

MR. ARCHULETA: Thank you, Mr. Chair. On July 17, 2014, the County Development Review Committee met and acted on this case. The decision of the CDRC was to recommend approval of the master plan amendment to the previously approved Santa Fe Canyon Ranch Master Plan to remove six tracts of land from the approved Master Plan which consisted of 1,316 acres. The CDRC also recommended approval of the variance of Article VII, Section 6.6.2g and Ordinance No. 2007-1 to allow the installation of only one swimming pool on the 845 acres utilizing permitted water rights.

As for the request to amend the water restrictive covenants to reflect the allowance of a swimming pool and to specify that water restrictions for landscaping and irrigation restrictions shall apply to 72-12-1 wells only, the CDRC recommended approval of all the applicant's requested changes with the exception of letter J.

Letter J, as proposed by the applicant, states: "To the extent water is being used from a NMSA § 72-12-1 well, low water use landscaping techniques applying the principles of xeriscaping shall be utilized. Drip irrigation and mulching are encouraged whenever possible. Low water use grasses, trees and shrubs may be watered as needed during the first and second years of their growth to become established. Thereafter, such vegetation shall receive only minimal water as needed by each species."

On September 30, 2008, the Board of County Commissioners granted Master Plan approval for a residential subdivision consisting of 162 lots, 174 residential units on 1,316 acres to be developed in three phases. At the time of approval the applicant proposed to construct a new onsite community water system. On September 10, 2013, the Board of County Commissioners approved a two-year time extension of the previously approved Master Plan for the Santa Fe Canyon Ranch Residential Subdivision consisting of 162 lots, 174 residential units, on 1,316 acres to be developed in three phases

Since the time of approval of the original Master Plan, Santa Fe County purchased approximately 470.55 acres of the 1,316 acres. The property is made up of three tracts which

consist of Tract G, 188.70 acres, Tract H, 141.47 acres, and Tract I, 140.38 acres, now known as La Bajada Ranch.

The applicant is now requesting a Master Plan Amendment to the previously approved Master Plan to remove six tracts of land from the approved Master Plan which consisted of a total of 1,316 acres. The remainder of the Master Planned area currently owned by Santa Fe County would remain intact.

Article V, Section 5.2.1.b states: "A Master Plan is comprehensive in establishing the scope of a project, yet 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 sub-divider to obtain concept approval for proposed development without the necessity of expending large sums of money for the submittals required for a Preliminary and Final Plat approval."

The Applicant is also requesting a variance of Article VII, Section 6.6.2g and Ordinance No. 2007-1 to allow the installation of one swimming pool on the 845 acres utilizing permitted water rights and to amend the water restrictive covenants to reflect the allowance of a swimming pool and to specify that water restrictions for landscaping and irrigation restrictions shall apply to 72-12-1 wells only.

Article VII, Section 6.6.2g states: "Swimming pools, of a permanent or temporary nature are not permitted, except as commercially operated or publicly open community facilities." Ordinance No. 2007-1 outlines the standard and guidelines for swimming pools and goes on to state: "This ordinance shall only apply to lots of record created prior to the enactment of the Santa Fe County Land Development Code, Ordinance No. 1996-10."

Tracts 4A through 4F were created by 140-Acre Exemption and recorded on February 6, 2006.

Tract 4A through Tract 4D lie within the Homestead Hydrologic Zone which allows one dwelling unit per 160 acres or 40 acres per dwelling unit with .25 acre-feet per year water restrictions. Tracts 4A through 4D are 140 acres in size and are currently allowed 3 dwelling units per tract with .25 acre-feet per year per dwelling unit water restriction

Tract 4E partially lies within the Basin Fringe Hydrologic Zone where the minimum lot size is one dwelling per 50 acres or one dwelling per 12.5 acres with .25 acre-feet per year water restrictions. The remainder of Tract 4E lies within the Homestead Hydrologic Zone.

Tract 4F, 214 acres, lies within the Basin Fringe Hydrologic Zone. There are no water restrictive covenants imposed on this lot.

Approval sought: Master Plan Amendment to the previously approved Master Plan to remove six tracts of land containing 845 acres from the approved Master Plan which consisted of a total of 1,316 acres. The request also includes a variance of Article VII, Section 6.6.2g and Ordinance No. 2007-1 to allow the installation of one swimming pool on the 845 acres utilizing permitted water rights and to amend the water restrictive covenants to reflect the allowance of a swimming pool and to specify that water restrictions for landscaping and irrigation restrictions shall apply to 72-12-1 wells only.

Staff recommendation: The application for the Master Plan Amendment is in conformance with Article V, Section 5.2.1b of the Land Development Code. The remainder of the Master Plan can function as its own development; the remainder is a viable phase and the remainder meets the uses and density requirements of the Code. The CDRC recommended approval of the Master Plan Amendment to remove the six tracts of land from the Master Plan. The motion passed by unanimous vote (5-0).

The CDRC recommended denial of the covenant revision to J and thus requiring the applicant to abide by landscaping irrigation and xeriscaping principles however water is supplied. The motion passed by majority vote, 4-1.

The water rights have been transferred to the entire property and can be used for domestic purposes. The CDRC recommended that the water restrictions on the property be revised to reflect the full amount of the permitted water rights and the changes as proposed by the applicant with the exception of Letter J which states: "Low water use landscaping techniques applying the principles of xeriscaping shall be utilized. Drip irrigation and mulching are encouraged whenever possible. Low water use grasses, trees and shrubs may be watered as needed during the first and second years of their growth to become established. Thereafter, such vegetation shall receive only minimal water as needed by each species."

The CDRC also recommended approval of the variance for the installation of one and only one swimming pool on 845 acres/six parcels restricting the applicant to using water rights for the pool. The motion passed by a majority vote, 4-1, subject to the following condition:

1. The Applicant must use permitted water rights for the pool and cannot exceed permitted water rights for all development on the property.

Mr. Chair, Vicki just passed out a Declaration of Covenants for the Santa Fe Canyon Ranch with staff's recommendations for the changes and I'll read those changes. Under Article II, Water Restrictive Covenants, under A, Domestic water use is restricted to a quarter acre-foot per year, 81,460 gallons per year per dwelling for said Tract 4A, Tract 4B, Tract 4C, and Tract 4D as required by the Santa Fe County Land Development Code. And then we added: This restriction shall not apply to the use of any permitted water rights being utilized on these tracts. Future development of these tracts is subject to compliance with all Santa Fe County ordinances. Letter G, staff removed "no more than one" and added – it reads: Automatic dishwashers shall use no more than 13 gallons per cycle and shall have a cycle adjustment which allows reduced amounts of water to be used for reduced loads. And also in H, we removed: No more than one automatic clothes – and then added washing machines shall use no more than 43 gallons per cycle and shall have a cycle of water level adjustment that permits reduced amounts of water to be used for reduced loads.

The reason we removed the "no more than one", that was not in compliance with our code. It was added later on in the code. The way the water restrictions read in the code is Automatic dishwashers shall be – shall use no more than 13 gallons per cycle. So we made that change.

And then in Letter L, swimming pools of a permanent or temporary nature are not permitted. Provided that one swimming pool is permitted on one lot if permitted water rights are utilized for the swimming pool. We added that "provided that one swimming pool is permitted." Temporary wading pools of diameter not to exceed eight feet and a depth not to exceed one foot and covered spas are acceptable at each dwelling units. All existing swimming pools, hot tubs and spas must be covered to prevent evaporation when not in use. Swimming pools may only be emptied once a year.

And Letter N, the applicants decided to remove from that an NMSA Section 72-12-1 well so that is the same as our Letter N in our water covenants. Thank you, Mr. Chair.

CHAIR MAYFIELD: Thank you, Mr. Archuleta. Commissioners, any questions? Seeing none, the applicant is here with us tonight? Welcome.



[Duly sworn, Rick Borrego testified as follows:]

RICK BORREGO: My name's Rick Borrego. I'm the manager of the Ranch at Santa Fe, LLC that currently owns the property.

CHAIR MAYFIELD: Thank you. You have anything on your application?

MR. BORREGO: Well, just to – Mr. Chair and Commissioners, just to bring you up to speed, we have held this property for almost ten years now. As you know, part of the property was sold to the County and we have an offer to purchase the remainder of the property from a gentleman that lives out in California. We've decided that given the long history of this property it would be better to go ahead and sell it to this gentleman who intends on putting up his own estate, a home, and an equestrian facility. We decided at this – it's better to just sell it and move down the road and do something else because we've owned this property for a long time already.

And the requested changes have been requested by the purchaser and they're a condition of the purchase contract between ourselves and the prospective purchaser. With that I'll answer any questions the Commission may have.

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

COMMISSIONER CHAVEZ: I have a question, Mr. Chair, and I don't know that it's directed to the applicant but I'll ask it and I think maybe the question can be answered either by the applicant or by staff. And it goes to the water use and the water rights. I know the applicant has agreed to the condition, I think you've agreed to the condition that says that the applicant must use permitted water rights for the pool and cannot exceed permitted water rights for all development on the property. It was stated earlier that there was a one well that's a 1978 well. Is that the only well that's servicing this property?

MR. BORREGO: There's several wells on this property. Most of them are exploratory wells. There is one well right now on the property where the water rights are part of that well. There's over 14, almost 14.5 acres of consumptive water rights, like 1876 era water rights that are associated with that well, and that's one of the reasons the purchaser is asking for these amendments because his reasoning is that with his permitted water rights he should be able to not be subject to the same rules that would apply if it was a 72-12 well that everybody gets to drill on their lots with just the application to the State Engineer.

COMMISSIONER CHAVEZ: And I guess I was going in a little bit different direction because I know in some cases when we're asked to approve a variance, in this case the variance is for a use that's not permitted which is a swimming pool. We also impose a condition that would meter that well. Did staff consider in this situation that a meter be placed on that well to know exactly what the consumption is on a yearly basis? And it was also stated that the swimming pool was only to be emptied once a year. How do we know if that's happening or not? And I would assume that one way we would be able to know is if we have those wells metered. So I just want to pose that as a question to staff, if that was a consideration in this case or not.

MR. BORREGO: Mr. Chair, Commissioner Chavez, I'm not sure if staff has imposed that as a condition but I do know with dealing with the State Engineer and our water permit that's existing for these water rights that a meter is required by the State Engineer and usage reports are required to be turned in to the State Engineer.

COMMISSIONER CHAVEZ: Well, I'm glad that you bring that up and actually, when we do approve variances and ask that the well be metered we're asking – that language is

part of the condition of approval that the well be meters and that those findings be recorded with the County.

MR. BORREGO: We wouldn't have any objection to that condition.

COMMISSIONER CHAVEZ: Okay. Let's see what response the staff would have.

MS. LUCERO: Mr. Chair, Commissioner Chavez, the water restrictive covenants, the draft that was handed out to you, there is actually, I think it's Letter M, there's a requirement that the well shall be metered. So it is already in our restrictive covenants.

COMMISSIONER CHAVEZ: I apologize for that. Let me read it. M, All wells on the property shall be metered with a Santa Fe County approved totalizing meter. Meter readings shall be documented by the property owner annually within two weeks of January 1<sup>st</sup>. Meter readings shall be submitted to Santa Fe County by April 30<sup>th</sup> of each year. Proof of meter installation as well as a meter reading must be submitted with a Santa Fe County development permit application. Failure to meter and measure water use may be grounds for fines and denial of future land use development permits. So the applicant then agrees to metering and will comply with all of those requirements?

MR. BORREGO: Mr. Chair, Commissioner Chavez, yes, sir.

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

CHAIR MAYFIELD: I have a question of staff, please and it kind of goes back to the case that we voted on a little earlier tonight. So, Mr. Shaffer, if you could just help me with this. If individuals have water rights, and I understand that we have our restrictions on these water rights. And I'm looking at the Aamodt case too. How – if we limit their ability to use this water for I guess for good reasons. We're in an arid, dry climate. How can they ever prove beneficial use to these water rights when the time comes or push comes to shove when they have to prove they've been using these water rights beneficially.

We've had so many applicants in front of us tonight talking about takings, how are we not doing a taking when we don't allow an individual to use their water rights? Knowing that state law says beneficial use.

MR. SHAFFER: Mr. Chair, I think the County would be acting pursuant to its general police authority as well as specific statutory authorization to impose limitations on non-agricultural use of permitted water rights.

CHAIR MAYFIELD: Okay, so I am going back to the earlier case tonight, and I did vote against that case, but it is saying that the well with the permit #RG 4122 however had also been authorized for use as a supplemental point of diversion for water rights originally perfected by irrigation. So they were saying that that water was being used initially for irrigation. It wasn't a 72-12-1 well that was just for domestic use, was it?

MR. SHAFFER: Mr. Chair, I want to make sure I understand the question. Is the question whether or not –

CHAIR MAYFIELD: How I understand it, it's been stated to me by your predecessor is that usually a domestic well, a 72-12-1 well, is kind of a license to use that water. But if individuals are the owners of these water rights, and we're limiting the use – again, maybe for very just reasons, but we're limiting the ability for them to use it for agricultural purposes, to establish trees, or a swimming pool. How – and they're required to at some point to prove beneficial use. How are we not doing a taking of that water from them if we say no, you can't use it?

MR. SHAFFER: Mr. Chair, we're not – first, those limitations don't apply to agricultural use, just as a point of clarification. And secondly, in essence it would be in my mind no different than any other property right or property regulation. It's regulating water as opposed to other property that someone might own. I don't know that the analysis would be any different.

CHAIR MAYFIELD: Okay. Thank you. That's all I have for now. Mr. Archuleta. Commissioners, are there any other questions right now?

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR MAYFIELD: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I have a question for staff. Maybe this is for Penny or Vicki. If tracts 4A through 4F were removed from the master plan what would their zoning be on the new proposed zoning map for the County?

MS. ELLIS-GREEN: Mr. Chair, Commissioner Holian, at the moment that whole area is shown as a planned development district because it's all one master plan. If the Board recommends that or approves the removal of this land from the master plan, we will need to go back and look at our criteria and establish what the zoning would be on the remainder of the portion.

COMMISSIONER HOLIAN: Thank you. So you don't know for sure what it would be at this point, or what would be proposed?

MS. ELLIS-GREEN: Mr. Chair, Commissioner Holian, certainly the land to the furthest west we've spoken – or I've spoken with Planning and that would be an ag-ranch area. As to what the other area is and where the boundary would be, I'd want to go back and look through our criteria.

COMMISSIONER HOLIAN: Thank you.

MR. ARCHULETA: Mr. Chair, I just wanted to state that they have community support. We have two letters in the packet from – one from the La Cienega Valley Association and one from the El Guicu Irrigation Association offering their support. Thank you, Mr. Chair.

CHAIR MAYFIELD: This is a public hearing. Anybody from the public wishing to comment, please come forward. Mr. Dickens, Mr. Gonzales.

[Duly sworn, J.J. Gonzales testified as follows:]

J.J. GONZALES: My name is J. J. Gonzales. I'm a resident or I live at 54 Entrada La Cienega. Thank you for this opportunity to address the Commission. Yes, we support this application. I just want to say a couple of things. I'm a member of the La Cienega Valley Association. We discussed this case at length at one of our meetings. I'm also a member of the El Guicu Ditch Association and we wrote a letter of support of this application.

We support the separating of the six tracts from the original master plan, the 1,319 acres. That's one of the things they're requesting. We support the amending of the water restrictive covenants. We felt that they have permitted water rights from the State Engineer's Office and although they're using that water for a swimming pool that is a small concession I think that we can support, being that they're doing a lot of other things to that ranch. We support the variance of the water restrictive covenants and also for the swimming pool.

The original master plan on the 845 acres that they are separating out call for 18 homes that they could built on those 800 acres. There's six lots and they could build as many as 18 homes. We feel that they said that instead of building 18 homes that they were going to build one home and a swimming pool and equestrian facility and reduce the number of homes on the 845

acres to -- I think it was 12 homes. So there's a down-zoning on how many homes they were allowed to build.

Like I said before, allowing a swimming pool, considering the scope of the project that they're doing is kind of a small concession to allow, although we do not support swimming pools; we use water for a different purpose but some people do like swimming pools and depending on what part of the country you're at some people have a swimming pool in their backyards and that's something we do not have here.

The other thing is we understand the 845 acres will be owned by one person or one family and they're going to keep that land in what is considered historical ranching and farming. So they're using it not as a means of starting a new development but they're just going to have historical uses for that land.

The other thing is they're keeping the water rights on that property. I understand they're purchasing the water rights that would serve the entire 1,300 acres. Apparently that's what they're going and they're going to use the water rights for historical uses and they're going to keep the water rights on that property. That was a big question we had, that those water rights could be sold to somebody or used elsewhere for increased development. So for those reasons we are supporting this application. I thank you very much.

CHAIR MAYFIELD: Thank you, Mr. Gonzales.

MR. GONZALES: If you have any questions I'm happy to answer them.

CHAIR MAYFIELD: Mr. Dickens.

[Duly sworn, Carl Dickens testified as follows:]

CARL DICKENS: Hello. I'm Carl Dickens, president of the La Cienega Valley Association. I'm not sure I could say it any better than J. J. did. We have been responding to development requests for nine years regarding this property. To see this large segment of the ranch, 845 acres, become a single-family resident horse property is a dream come true to us. In my mind it is a true community success and so I'm going to be completely and totally in support. And we absolutely support their request for variances. Thank you.

CHAIR MAYFIELD: Thank you. Is there anybody else from the public wishing to comment on this case?

COMMISSIONER ANAYA: Mr. Chair.

CHAIR MAYFIELD: Commissioner Anaya.

COMMISSIONER ANAYA: [inaudible]

CHAIR MAYFIELD: At this point we're going to close the public hearing. Thank you. Commissioner Anaya.

COMMISSIONER ANAYA: I'd move for approval, Mr. Chair.

COMMISSIONER STEFANICS: I'll second.

CHAIR MAYFIELD: Commissioners, is there any further discussion? Seeing none, we have a motion and a second.

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

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR MAYFIELD: Commissioner Holian.

COMMISSIONER HOLIAN: Was your motion with staff conditions?

COMMISSIONER ANAYA: With staff conditions, yes.

CHAIR MAYFIELD: With staff conditions it was approved 5-0.

COMMISSIONER ANAYA: Mr. Chair.

MR. ARCHULETA: Mr. Chair.

CHAIR MAYFIELD: Let me go to Commissioner Anaya and then I'll go to you.

COMMISSIONER ANAYA: Karen, on the last item, also reflect I voted in the affirmative on the last item as well. Thank you.

CHAIR MAYFIELD: Mr. Archuleta.

MR. ARCHULETA: Mr. Chair, does that include the approval of Letter J on the water restrictions?

COMMISSIONER ANAYA: Yes. Yes.

COMMISSIONER CHAVEZ: Mr. Chair, Commissioner Anaya, would it not include the Declaration of Covenants and water restrictions? The complete document?

COMMISSIONER ANAYA: Yes, I would think all the conditions, right? That's what you're recommending?

MR. ARCHULETA: Mr. Chair, we were recommending all except Letter J.

COMMISSIONER ANAYA: Okay. And Letter J, refresh my memory.

CHAIR MAYFIELD: Commissioners, let's do this. I know we voted and with staff conditions. So, Mr. Archuleta, help – just go back to Letter J, because we kind of have to take a separate vote. That's how CDRC did it.

MR. ARCHULETA: Okay. The CDRC recommended denial of the covenant revision to J, and thus requiring the applicant to abide by landscape irrigation.

CHAIR MAYFIELD: I think the CDRC approved it. It was a 4-1.

MR. ARCHULETA: This one was, yes, for denial. They had requested denial on Letter J.

CHAIR MAYFIELD: That was another amendment added. Or another restriction added.

MR. ARCHULETA: That is correct.

CHAIR MAYFIELD: The CDRC did not approve that. So we did not approve that restriction.

MR. ARCHULETA: Okay. Okay. I understand.

MS. ELLIS-GREEN: Mr. Chair, just for clarification. The water covenants that Vicente handed out did not indicate a change in J and the applicant has stated that they are in agreement with that.

COMMISSIONER ANAYA: So our vote as it stands does not concur fully with the CDRC recommendation. Is that what I'm hearing?

MS. ELLIS-GREEN: Mr. Chair, Commissioner Anaya, originally, the applicant had requested a J. The CDRC did not recommend that and that is reflected in the water covenants that are handed out. The applicant just stated that they are in agreement without making that change to J. So just as the water covenants were handed out as Vicente read through earlier.

COMMISSIONER ANAYA: So did we do it right, Ms. Ellis-Green?

CHAIR MAYFIELD: Mr. Shaffer.

MR. SHAFFER: Mr. Chair, if you want to clarify things, what I understood the motion to be was that you were making a motion to approve the request for the property to be removed from the master plan and that motion included approval of the variance as well as the restrictive covenants that had been handed out by staff at the beginning of the hearing. That's

what I understood the motion to be. If you want to adopt that as your motion and then have a second and revote then I think the record will be clearer.

COMMISSIONER ANAYA: That's what I want. Are you okay with that, Commissioner Stefanics?

CHAIR MAYFIELD: Okay, so we are just going to reaffirm a vote on that.

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







**Daniel "Danny" Mayfield**  
*Commissioner, District 1*

**Miguel M. Chavez**  
*Commissioner, District 2*

**Robert A. Anaya**  
*Commissioner, District 3*



**Kathy Holian**  
*Commissioner, District 4*

**Liz Stefanics**  
*Commissioner, District 5*

**Katherine Miller**  
*County Manager*

**CASE NO. PCEV 14-5120**

**MISCELLANEOUS**

**HEATHER McCREA, APPLICANT**

### **ORDER**

**THIS MATTER** came before the Board of County Commissioners (hereinafter referred to as "the BCC") for hearing on May 13, 2014 on the Application of Heather McCrea (hereinafter referred to as "the Applicant") for approval to vacate and re-locate a platted twenty foot (20') wide private ingress/egress and utility easement on 2.5 acres. The BCC, having reviewed the Application and supplemental materials, staff reports and having conducted a public hearing on the request, finds that the Application only if amended as proposed by staff, was well taken and should be granted, such that the relocated easement would go around the existing residence and would otherwise remain as originally platted. The BCC makes the following findings of fact and conclusions of law:

1. The Applicant requested approval to vacate and re-locate a platted twenty foot (20') wide private ingress/egress and utility easement on one lot identified as 64A Paseo Encantado NE, Santa Fe, New Mexico (hereinafter referred to as Lot 1). The total acreage of the subject lot is 2.5 acres. The Applicant proposed to relocate the twenty foot (20") easement 50-115 feet to the east of its current location, with the entire relocated

portion of the easement remaining on Applicant's lot. As proposed in the Application the easement would enter the adjoining property at a different location than currently platted.

2. In advance of a hearing on the Application, James MacCreight provided a certification of posting of notice of the hearing, confirming that public notice posting regarding the Application was made for twenty one days on the property, beginning on May 12, 2014. Additionally, notice of the hearing was published in the legal notice section of the Santa Fe New Mexican on April 22, 2014, as evidenced by a copy of that legal notice contained in the record. Receipts for certified mailing of notices of the hearing were also contained in the record for all adjacent property owners, including the owners of 64B Paseo Encantado (hereinafter referred to as Lot 2).

3. The plat upon which the easement proposed for vacation and replat initially appeared was a 1998 Plat of Survey showing Family Transfer Land Division approved by the Santa Fe County Land Use Administrator and recorded at Book 389, page 045 of the records of Santa Fe County. The plat reflects a twenty foot (20') wide private ingress egress & utility easement on Lot 1, providing Lot 2 with access to Paseo Encantado. The Family Transfer Land Division is not a subdivision.

4. The Applicant is the owner of Lot 1. The Applicant demonstrated ownership of Lot 1 by presenting a warranty deed recorded as Instrument 1665410 in the Office of the County Clerk of Santa Fe County on April 4, 2012.

5. Testimony and aerial photographs presented to the BCC established that Lot 1 has a residence located on the property. The twenty foot (20") wide platted private

ingress/egress and utility easement, which serves as an access easement for Lot 2, runs through a portion of the residence.

6. The owner of Lot 2 objects to the Application.

7. The location proposed within the Application for relocation of the platted easement is completely within Applicant's lot, but connects to Lot 2 in a different location than the platted easement.

8. Applicant submitted a written statement requesting that the plat be partially amended to modify the easement so that it no longer runs through Applicant's house.

9. Staff did not support the Application as submitted, but supported a modified vacation and replat which lessened the proposed modification to the platted easement so that the easement moved around rather than through the residence and otherwise remained true to the existing platted easement, subject to the following conditions:

a. The Applicant shall file the portion of the Final Plat (Lot 1) affected by the vacated easement with the County Clerk's Office.

b. Only that portion of the easement that runs through the portion of the residence should be relocated.

c. The adjacent property owners affected by the vacation and relocation of the private ingress/egress utility easement shall sign the final plat prior to recordation to signify agreement to vacation and relocation of the easement.

Condition c was added to Staff's recommendation on the day of the public hearing after staff considered the objections to the Application raised by the owner of Lot 2 (64B Paseo Encantado), the adjoining property which may utilize the easement for access to Lot 2.

10. James MacCreight, speaking on behalf of the Applicant was not in agreement with the third condition proposed by Staff. In objecting to the third condition, the Applicant contended that by imposing a requirement to secure the agreement of the contiguous property owner to vacate and relocate the easement, the BCC would in effect be denying the Application because the adjoining property owner was opposed to the Application.

11. The owners of Lot 2 wrote to the Land Use Administrator prior to the hearing, and within that letter confirmed that they had received written notice of the public hearing seventeen business days prior to the hearing, but opined that seventeen business days was not sufficient notice. The letter also advised that a deed had been recorded in 2001 in book 2044, page 870, which they understood to relocate the subject easement to the west of Applicant's home by agreement of the then owners of Lot 1 and Lot 2. The document recorded at the aforementioned book and page is titled a Grant of Easement, and is between Frank J. Lucero and Ramon M. Romero. The Grant of Easement provides that the owner of Lot 1 and the owner of Lot 2 "desire to identify the location of the ingress and egress and utility easement described in the Romero Family Transfer Land Division Plat, as relocated, as shown on Exhibit A attached hereto . . ."

12. The owners of Lot 2 also appeared at the BCC hearing and one of the owners spoke in opposition to the Application. The owner testified that there was a grant of easement created and recorded on November 30, 2001, intended to address the problem with the platted easement. She advised that the grant of easement was drafted by a licensed surveyor and should remain the easement for use in accessing her land rather than the platted easement. By her testimony the owner established that she did not intend

to utilize the platted easement proposed for vacation and relocation, having agreed to utilize the deeded easement in lieu of the platted easement, and therefore may have relinquished any interest in the platted easement.

13. A letter from a surveyor verifying that he drafted the deeded easement referred to by the owners of Lot 2 was entered into the record at the hearing.

14. James MacCreight, who testified that he and the Applicant purchased Lot 1 after construction of the residence within the platted easement, noted that the easement created by deed did not appear to have been surveyed by a licensed surveyor and ran through old pine trees and would be visible to all residents to the west. He also testified that the easement contained errors which made it impossible to locate on the ground, although he confirmed a general understanding of where the deeded easement was supposed to be. Mr. MacCreight confirmed that the proposed easement would be to the east of the deeded easement. He also advised that the owners of Lot 2 would benefit from the realignment of the platted easement because they would have a better grade for their ingress and egress and that the replatted easement provides a proper turn for the fire department.

15. Attorney Cullen Hallmark, speaking on behalf of the owners of Lot 2, advocated against the Application, and advised that the BCC had no jurisdiction to vacate the platted easement because it is a private easement and not part of a subdivision.

16. Oralynn Guerrerortiz, who did not claim to own property in the vicinity of the Applicant's property, questioned the BCC's jurisdiction over easement vacations which were not part of a subdivision. She has previously testified before the BCC that requests

to vacate or amend private platted easements should be handled administratively if uncontested.

17. Ordinance 1996-10, Article V, Section 5.7.2 (the Land Development Code hereinafter referred to as the Code) states that “[i]n approving the vacation of all or part of a final plat, the Board shall decide whether the vacation will adversely affect interests of persons on contiguous land or persons within the subdivision being vacated”. That provision comports with the New Mexico Subdivision Act, NMSA 1978, Section 47-6-1 et seq., and specifically Section 47-6-7 pertaining to vacation of plats, which grants the BCC authority to vacate plats filed with the county clerk.

18. Article V, Section 5.7.1 of the Code provides as follows:

“Any final plat filed in the office of the County Clerk may be vacated or a portion of the final plat may be vacated if:

- a) The owners of the land proposed to be vacated sign an acknowledgment statement, declaring the Final Plat or a portion of the Final Plat to be vacated, and the statement is approved by the Board; or
- b) The Board finds that a plat was obtained by misrepresentation or fraud and orders a statement of vacation to be prepared by the County.”

19. Article 5, Section 5.7.3 of the Code provides that “[t]he approved statement declaring the vacation of a portion or all of a final plat shall be filed in the office of the County Clerk.”

20. Article V, Section 5.7 of the Code may only pertain to vacation of subdivision plats. To the extent that vacation and relocation of a platted easement on a lot outside of

a subdivision is not governed by the aforementioned Code provisions, the plat amendment still requires County authorization prior to vacation or relocation.

21. Under the Code, the Land Use Administrator is tasked with review of submissions related to Family Transfer land divisions such as the one that created Lots 1 and 2, by Article II, Section 2.3.1(a)(ii)(h), a review which includes consideration of proposed easements. Article III, Section 2.4.2(a)(1) addresses the requirement that land be divided by plat, and Section 2.4.2(b) sets forth the submittal and review requirements, including the requirement that the plat graphically show all public and private rights-of-way or easements reviewed by the County. Article III, Section 2.4.2(b)(3) sets forth the road and access requirements for the plats associated with land divisions, and requires “all lots created under this Section shall be provided with adequate access for ingress and egress, utility service, fire protection, and emergency services . . .” Additionally, Article 4, Section 4.2 of Ordinance No. 2008-10 (Flood Damage and Stormwater Management) provides that at no time shall a permit be issued for a new dwelling unit, site, lot, parcel or tract of land intended for placement of a habitable structure or creation of a lot where the site is absent all weather access.

22. The authority to initially approve a plat includes the authority to approve modifications. Given that the County must evaluate the easements as part of the land division approval process, it is incumbent upon the owner of the property to seek County authorization before altering the plat establishing the easements. To read the Code as allowing plat modifications without County approval after a land division has been approved by the County, would render meaningless the requirement that property owners secure County approval of the land division. This would undermine the public welfare,

by allowing private parties to nullify requirements designed to protect public health and safety.

23. In addition to administrative platting processes, the CDRC, through Article II, Section 1.2.2 of the Code, is vested with general authority over platting separate and apart from its authority over subdivisions, and that authority includes platting of family transfer land divisions, further supporting the County's practice of deciding cases pertaining to plat amendments, including amendments to vacate easements, for property outside of a subdivision.

24. Further evidence of the need for County approval of the vacation and relocation of a platted road easement can be found at Article II, Section 2.3.1(a)(v) of the Code, which grants the Land Use Administrator explicit authority to take action regarding plat amendments, separate and apart from the authority she has over Type III subdivisions containing five or fewer parcels. Plat amendments are defined at Article III, Section 2.4.2(a)(6) as "a minor change or correction to a plat, prepared by a licensed surveyor or engineer, which does not constitute a division of land, lot line adjustment, family transfer, or consolidation." Under the Code, the administrative process provides less stringent noticing requirements than a public hearing before the BCC, a distinction which creates some reluctance to process plat amendments involving vacation of easements benefitting neighboring properties through the administrative process.

25. Finally, pursuant to Article III, Section 2.3.9(b)(2), any application for a development permit must meet the Code requirements pertaining to utilities, including the requirement that "utility trenches shall be placed within easements in or adjacent to



road or driveway easements or rights-of-way except where alternate locations are required for gravity flow of water or sewer or where a significant reduction in line length and terrain disturbance would be achieved by cross country easements and trenching.” Given the importance of the placement of utility easements, it follows that once platted, a utility easement cannot be relocated or vacated absent County approval.

26. While pursuant to Article II, Section 2.3.1.a(v), this Application might represent a minor change to a plat which the Land Use Administrator has discretion to resolve rather than forwarding to the BCC, the Land Use Administrator would have been making the same determination as the BCC, which is whether the Application complies with the requirements set forth in the Code. That determination would have been subject to appeal to the CDRC pursuant to Article II, Section 2.3.4.b. Any decision regarding the Application made by the CDRC would have been appealable to the BCC pursuant to Article II, Section 2.3.4.c. Given that the matter could ultimately have been decided by the BCC, the decision of the Land Use Administrator to decline to exercise her discretionary review authority and instead forward this matter directly to the BCC is authorized by the Code. Moreover, the BCC hearing was a more rigorous process because of the more extensive noticing requirements for matters taken before the BCC and because of the opportunity for public input on the application.

27. The New Mexico Subdivision Act, NMSA 1978, Section 47-6-1 et seq., and specifically the aforementioned Section 47-6-7 pertaining to vacation of plats, grants the BCC authority which it has utilized in the past to vacate plats filed with the county clerk, and that grant of authority is not limited to plats of subdivisions. Santa Fe County has established a framework within which to vacate subdivision plats by virtue of and Article

V, Section 5.7 of the Code and has additional provisions within the Code authorizing amendments and vacation of plats. None of these provisions pertains to the deeded and unplatted easement which the owners of Lot 2 have indicated they intend to utilize in lieu of the platted easement. The deeded easement is also not the subject of the Application before the BCC. Therefore, the BCC will not address the legal sufficiency of that easement.

28. The New Mexico Subdivision Act makes no distinction between private easements and other easements when granting authority to the BCC to vacate all or a portion of a plat. The Code makes no distinction between private easements and other easements when authorizing the BCC to vacate all or a portion of a plat. The plat which is proposed for partial vacation in these proceedings was approved by Oralynn Guerrerortiz on behalf of Santa Fe County at a time when she was the Santa Fe County Land Use Administrator. A plat approved by Santa Fe County is subject to vacation or partial vacation by the BCC.

29. Vacation and relocation of this platted easement, if subject to the first two conditions proposed by staff which ensures that the only portion of the easement being vacated is that which runs through the residence, with the majority of the easement, including the portion that connects to the adjoining lot, remaining as originally platted, will not adversely affect interests of persons on contiguous land or persons within any subdivision. The owners of Lot 2 will still have a platted easement for ingress, egress and utilities across the Applicant's property which connects to Lot 2 in the location of the platted easement. The platted easement generally, and after replat, will be to the west of the residence.

30. The vacation and relocation of that portion of the platted easement which currently runs through Applicant's residence, only to the extent supported by staff based on their proposed conditions of approval, will not adversely affect the interests of persons on contiguous land or persons within the subdivision being vacated.

31. To the extent questions of the adequacy of notice of the hearing on this matter were raised by the owners of Lot 2, given their written confirmation of notice seventeen days prior to the hearing, their active participation in the hearing, and other evidence of compliance with noticing in the record, the BCC concludes that adequate notice and an opportunity to be heard were afforded to the owners of Lot 2 and more generally to the interested public entitled to notice.

32. The written statement submitted by Applicant, coupled with the proposed plat and the requirement to record a plat in conformance with this Order, suffices to meet the requirement that the Applicant submit an acknowledgment statement, declaring the Final Plat or a portion of the Final Plat to be vacated.

33. Commissioner Anaya, in moving to approve the Application subject to the first two conditions proposed by staff, advised that he was not in support of the third condition, and asked the Applicant and the owners of Lot 2 to work together to resolve any remaining dispute between themselves pertaining to easements on their properties, and if unable to resolve their differences to take their dispute to court. Commissioner Mayfield seconded that motion. The motion passed by a 3-1 vote, with Commissioners Anaya, Mayfield and Chavez voting in favor of the motion, and Commissioner Stefanics opposing the motion.

Commissioner Holian was not present during the Public Hearing.

**WHEREFORE**, the Board of County Commissioners of Santa Fe County hereby approves in part Applicant's request, subject to the conditions recommended by staff, as amended, allowing amendment of the plat to vacate and relocate a minimum portion of the platted twenty foot (20') wide private ingress/egress utility easement on Lot 1 so that the easement will run to the West of the residence rather than through the residence, but will otherwise and to the maximum extent feasible, remain true to the original platted easement and therefore will connect to Lot 2 in the currently platted location, and this grant is subject to conditions a and b set forth in Paragraph 9 above.

**IT IS SO ORDERED**

This Order was approved by the Board of County Commissioners of Santa Fe County on this \_\_\_\_ day of \_\_\_\_\_, 2014.

By: \_\_\_\_\_  
Daniel W. Mayfield, Chair

Attest:

\_\_\_\_\_  
Geraldine Salazar, County Clerk

Approved as to form:

  
\_\_\_\_\_  
Gregory S. Shaffer, County Attorney

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

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

MR. ROMERO: The subject property is a legal lot of record, which was created through a Family Transfer/Land Division in July of 1998. There is currently a residence on the subject property which was constructed in 2000, Permit 00-235, by a previous property owner. The residence was constructed on the private ingress/egress and utility easement, which gives access to 64B Paseo Encantado NE which is Lot 2 causing the easement to run through a portion of the residence. The Applicant wishes to vacate the twenty foot wide private ingress/egress and utility easement that runs north to south on the property and relocate the easement 50-115 feet to the east of its current location.

The neighbors have expressed concern, and object to the relocation of the easement. Staff recommends that the portion of the easement that runs through the residence be vacated and relocated around the residence and tie back into the existing easement, causing minimal change to the private ingress/egress and utility easement. This does not remove access; it relocates the easement and would ensure that the easement continued onto the objecting neighbor's property in exactly the same location as currently platted.

Staff recommendations: Denial to vacate and relocate the entire platted twenty foot wide private ingress/egress and utility easement on one lot totaling 2.50 acres. Staff supports the relocation of the easement around the existing structure without any alteration of the remainder of the easement, subject to the following conditions:

1. The Applicant shall file the portion of the Final Plat (Lot 1) affected by the vacated easement with the County Clerk's Office (As per Article V § 5.7.3).
  2. Staff recommends Approval to vacate and relocate the portion of the ingress/egress and utility easement that runs through the portion of the residence.
- If I may, after discussion with our Legal Department, staff recommends that an additional condition be imposed, which would be:
3. The adjacent property owners affected by the vacation and relocation of the private ingress/egress utility easement shall sign the final plat prior to recordation to signify their agreement to vacation and relocation of the easement.

I stand for any questions.

CHAIR MAYFIELD: Mr. Romero, maybe in my packet I just don't have #3 in here.

COMMISSIONER CHAVEZ: The third was added.

CHAIR MAYFIELD: It was just added? So can you repeat that again,

please?

MR. ROMERO: Staff recommends an additional condition to be imposed which would be:

3. The adjacent property owners affected by the vacation and relocation of the private ingress/egress utility easement shall sign the final plat prior to recordation to signify their agreement to vacation and relocation of the easement.

CHAIR MAYFIELD: Thank you. Commissioner Stefanics.

COMMISSIONER STEFANICS: Mr. Chair, is the applicant agreeable to everything?

CHAIR MAYFIELD: Let's go ahead and go to the public hearing. We have the applicant here. Is that okay? So we'll go to the public hearing portion, if we can have – oh, sorry. We'll go to the applicant first and then the public hearing. So whoever's here to comment. I don't know. Please come forward, but let's go to the applicant really quick.

[Duly sworn, James MacCreight testified as follows:]

JAMES MACCREIGHT: James MacCreight. Mr. Chair, I actually have another document I'd like to give you in place of that one because someone made a copy because I was given some additional conditions once we arrived this evening. *[Exhibits 9 & 10]*

CHAIR MAYFIELD: Mr. Romero, could you grab these documents and hand them out, please? Really quick, can these documents be explained to us, Mr. Romero?

MR. ROMERO: Mr. Chair, Commissioners, the paperwork that I just handed out is a request by the applicant. This documentation was presented and given to staff prior to our public hearing a few hours ago and we were requested to hand these out to the Commission, to the Attorney.

CHAIR MAYFIELD: These documents have been recorded downstairs?

MR. ROMERO: I don't believe they have been.

CHAIR MAYFIELD: Okay. Thank you. Mr. MacCreight.

MR. MACCREIGHT: Mr. Chair, we purchased the property at 64A Paseo Encantada. It's in Santa Fe County and as the owner of this property we're faced with a somewhat unusual situation. When we purchased this land, due to an existing easement coming through our property we realized that we were going to be the owners of what is legally deemed as a servient estate owner. So servient estate or servient tenement is a person that has the actual easement running through their property. The person who receives it is the dominant estate or dominant tenement. We were going to have to allow a neighbor to the north to drive through our property over a pre-existing easement to their property which is considered by law the dominant estate.

We have no issue with the easement whatsoever in the sense as far as their access to their property. It's in no way our intention to inhibit them from utilizing that easement. Prior to our purchase we were made aware that there was another easement that pre-dated and supposedly it was a legal easement that we felt was now in place. Upon further investigation we came to realize that the attempt to create a new easement was not performed according to law and that the old easement that inadvertently goes right through our house was still active.

So now what we have is a situation where it could be deemed that we have two easements going through our property. It is our intention to legally vacate the old easement going through our home and have the BCC declare, or whatever process you would find fair, the newer one because it was not created legally. Now, the reason that I say that it wasn't created legally was [inaudible] the law since 1978 and it's in the documents that I submitted there, and what it is is any kind of survey work has to be done by a legal surveyor upon the request of the people who receive the easement the dominant estate, they said that they didn't remember who it was.

So when we did the survey work for the easement we found that that survey could not physically be placed in the easement, meaning that the numbers did not make sense, although we had a general idea of where it was.

So my surveyor also recognized that there was no surveyor stamp on the document. There was no process to vacate the old one and there's a County rule that you have to. There was no public meeting held to do that, so we're now faced with we have two different easements going through our property. So in addition to the lack of County procedure which is recorded on document page 1306062 under Vacation of Plat, Section 5.7.2, action must be taken in place at a public hearing. This was not requested by the original owner nor was it performed in accordance with the law.

In addition, it's required by New Mexico state law, and this is what I was mentioning previously, that if you use a surveyor they must be licensed, considering that the coordinates could not be applied to the physical ground our surveyor realized no real surveyor did the work. When we tried to inquire as to who performed the work it was to no avail.

The creation of a new easement was done haphazardly. It goes through an area of old pine trees. If placed there it would be an eyesore to all the residents to the west when driving by the site. If we placed it 50 feet to the east it would be completely out of sight for those driving by. It would also diminish an unnecessary traffic eyesore to the neighbor to the west. It also goes right in front of the area where anyone would logically build in the future, because our lot is in the traditional community of Chupadero, we have the right to place two other homes on that lot. We respectfully request to move a section of the easement to the east and in moving the easement to the east it actually assists the owner of the dominant estate – the person receiving the easement – by providing a better grade for their ingress and egress. It will also assist them in providing the proper turn for the fire department that is required by law.

Chairman Mayfield, Commissioners, we had a very difficult time with this application. I did a pre-submittal and I've been back about 16 times and I've been asked to do things that were not in the original package. I was asked to get a letter saying that PNM had no [inaudible] going through there. PNM has a woman that works there as a contractor. She comes in one day a week and when you go see here she then makes an appointment when you can come and see her. Then they have to send out a field representative with two weeks advance and you have to pay a fee in order to get that done. And there were many other complications, including the one on the last page of the document I gave you which I got tonight and that is that the adjacent property owners affected by the vacation and relocation of the private ingress/egress utility easement shall sign the final plat prior to recordation to signify their agreement to vacation and

relocation of the easement.

Now, if I had known that, one of the other things that I was asked after their lawyer sent a pretty heavy-handed letter in, and I don't know if someone was intimidated by it or not but we originally were told we were going to be granted the approval, and it mentions in the lawyer's letter that he says the same thing and he wanted to know why that was happening. My point is is that in the midst of this we were then asked, because the people in the dominant estate, the recipients of the easement, requested that we show them where it's going to be. Now, we had an approximation but now we were told we had to do a survey. So that cost me another \$800.

Then, to let you know, I would have never done it. I would have probably proceeded to court because once this was – I was given this third condition here and the condition is, and if you think about it's like tying our hands, and that is we're here to ask the Commission to vote on our situation, but yet the wording of this is that we have to get their approval, even if we get your approval. And the reason for that is, and there's a lot of confusion about easements and the moving of easements. On the third page from the end in yellow you'll see there's a case in South Carolina and this document came from a document that was drawn up by Mr. Kent for the surveyors of New Mexico, and you are allowed to move an easement without the other person's consent as long as it is reasonable – we have an easement running through our home – or for development. And where that easement goes goes right across the front of where we would put two additional homes.

So by this request, what we did put on here is it says the adjacent property owners affected by the vacation and relocation of the private ingress/egress utility easement shall sign the final plat prior to recordation to signify their agreement to vacation and relocation of the easement. Well, what you're telling me is is we're denied due process, because we can't come here and get anything resolved due to this thing that was added on one hour before we were due to come in tonight.

Because if you say, okay, we're going to grant you this new easement or anything else, this is saying, this is conditional that they have to agree. Well, they wouldn't be here in the first place if they agreed. So what we've written here is, or in lieu of signatures by the adjacent property owners, the applicant shall obtain a final, non-appealable order from a court of competent jurisdiction allowing the relocation of the easement shown hereon.

So what I would like to ask Mr. Shaffer if he's in agreement with that.

CHAIR MAYFIELD: Let's stay up here with me, please.

MR. MACCREIGHT: Yes, sir.

CHAIR MAYFIELD: Just stay with me. Let's not go to Mr. Shaffer.

Thank you. So is that all you have, Mr. MacCreight on that?

MR. MACCREIGHT: No, it's not, sir.

CHAIR MAYFIELD: Okay.

COMMISSIONER ANAYA: Mr. Chair.

CHAIR MAYFIELD: Vice Chairman Anaya.

COMMISSIONER ANAYA: I'm going to interrupt you just for a minute and I'm going to ask for some help. I've been on this Commission for a few years now and I've been puzzled at times and I've been confused at time. I've had to ask for



clarification, but I've got to tell you, I'm lost. I am completely lost with where we're at. So I'm going to back up. I'm going to ask you, and Mr. Chair, if you'll indulge me.

MR. MACCREIGHT: Commissioner Anaya, can I present a sketch that you'll see?

COMMISSIONER ANAYA: In just a second. If you'd indulge me, Mr. Chair. I'd like to have staff come back up and I want you to help me again understand what – who are the parties that we're dealing with and what specifically are we talking about. We're getting – I'm lost and I want to try and help you help me and maybe my colleagues aren't but I want to see if we can get this back to ground zero and figure it out so we don't spend the rest of the night wondering what's going on, because I'm being honest with you. So I want you to help me. Can you resummarize? Don't talk to the memo. Just kind of look at me and help me summarize what are we talking about doing here and what is staff recommending and let's see if we can get it back to ground zero and simplify it for me. Okay?

MR. ROMERO: Okay.

COMMISSIONER ANAYA: It's been a long day and I know you guys have all been waiting. Everybody's been waiting, but help me to summarize what's happening.

MR. ROMERO: Okay, Mr. Chair. Commissioner Anaya, I may have to refer back to my memo so I apologize. To go back, the document that Mr. MacCreight asked me to hand out to the Commission, I believe Commissioner Mayfield had asked me if these documents were recorded and I stated no. Actually, they are. The first three documents that I did hand out to you is a grant of easement which was recorded by the County Clerk's Office. Okay? So to go back on that. And that's what Mr. MacCreight was trying to touch on was this documentation that I handed out.

What we're going forward here is a platted private ingress/egress utility easement that is located on Mr. MacCreight's property, Heather McCrea's property.

COMMISSIONER ANAYA: Two of them, right? We've got one that's existing that we're vacating and then a proposed new one. Right?

MR. ROMERO: Correct. So he's proposing to vacate and relocate the easement that's on the property. So currently there is a platted easement which is part of the exhibit. You'll see that on the plat, that runs through a portion of his house. He's requesting to vacate that easement and relocate that easement 50 to 115 feet east of his property and there's also, I believe behind that plat is an exhibit, is his proposed plat which will show the proposed location of what he's proposing to relocate.

COMMISSIONER ANAYA: So if I have an easement through my house I'm probably going to want to vacate that easement. So for starters –

MR. ROMERO: Probably.

COMMISSIONER ANAYA: Okay.

CHAIR MAYFIELD: Mr. Chair, if I just may has, you're talking about Exhibit 4 in front of us, correct?

COMMISSIONER ANAYA: Okay.

MR. ROMERO: I'm going to refer back to my report.

COMMISSIONER ANAYA: And while you're looking at it, there's disagreement as to the proposed route between the applicant, Mr. MacCreight, and his

neighbors?

MR. ROMERO: Correct.

COMMISSIONER ANAYA: Okay. All right. I'm getting there.

MR. ROMERO: So the Exhibit 4 is the proposed plat that shows the existing easement that runs through the portion of the house, and then the proposed relocation of that 20-foot easement. And behind that is the plat, the recorded plat that shows the existing easement that has been platted. Again, to summarize, the neighbors which own Lot 2 are in opposition of this vacation and relocation of the easement that is coming forward to you for your decision.

COMMISSIONER ANAYA: Okay. They're in opposition to vacate the existing easement that goes through their house? His house?

MR. ROMERO: Correct.

COMMISSIONER ANAYA: Okay.

MR. ROMERO: My understanding, that is correct.

COMMISSIONER ANAYA: Okay. I'll listen and we'll see where that goes. So if you don't get the vacation on the easement through your house then you obviously can't relocate it somewhere else. In a nutshell?

MR. ROMERO: Pretty much.

COMMISSIONER ANAYA: Okay. Okay, Mr. MacCreight, just based on that, if you could help us and be real succinct with your comments and the map so that we can go to the rest of the public hearing and hear both sides.

MR. MACCREIGHT: Chairman Mayfield, Commissioner Anaya, I can do it in about less than a minute. What we have here is the original easement that came through. What happened was that the owner of this property owned this lot and this lot. He gave this property or sold it to his daughter. The daughter came in, dropped a house in the easement. They created, on page 3, the recorded document here, they created this new easement. But in the creation of it they never vacated the old easement which is still running through the house. And again, just to make a point, this was created without a public hearing. Not that you need a public hearing for an easement but you do need a legal surveyor which it wasn't, and the numbers don't add up.

So we're now faced with, and I just want to correct – you asked the question of Mr. Romero a moment ago and that was so we got an easement and we have the other one. Now we have two easements on our property right now. And we want to vacate both of them and create a third one because if a title company was to look at this they would say, well, it was never done right, we could clear out our title. So what we want to do is join this in but we want to move it over a little bit, so if you'll just bear with me a second –

COMMISSIONER ANAYA: And while you're looking at that, I heard you say earlier you want to have another easement, if I could, Mr. Chair, I apologize. That affords you the opportunity to do other things with the property that you own.

MR. MACCREIGHT: That's correct. This is a very thin line, Commissioner. So this is the original easement as you can see, which was this easement here. Going there, is going right through the house and comes over here. This is on the edge of the property. There's a house that sits right here and it's facing this. Now, what we want to do is bring it in here, and this was actually the second one that they did and

joined it in to that one. So what they did is circumvented this, moved it over there. But these lines in here do not work physically. You cannot lay them out. So what we have done is – we're looking to take the original and bring this easement in and bring it around here. And what that comes to is this moving it over here.

So you can see the width of the house, 1,700 square feet. We're looking to move it over here. So it's not a major thing. So when I approached the people of the dominant estate or tenement, or the people receiving the easement, they asked me, they said they would get back to me and when they did they gave me a list of things that they wanted, which is in those documents, such as survey of a new easement. I have no issue with that. They asked for a County permit for a new easement. No issue. New plat indicating the easement over 64A and its entry into 64B. We have no issue with that. We have a 20-foot driveway finished to 64B proper line with proper drainage. That's negotiable.

The recipient, the dominant estate, has made it clear that they do not want to contribute in any way, shape or form to the road itself, although, it's what's known as a non-exclusive easement. Non-exclusive that both people can use it but if we never do they're fully responsible for creating it and for maintaining it. So they want a phone, of course. They want the building set back 50 feet. They want covenants indicating the buildings on 64A will not have pitched roofs. They want power for four homes from PNM. I don't know if you're up to the latest date on what that kind of move would entail but it's easily \$40,000 to \$60,000 to draw a line in there, just to move the thing over.

So in their letter that was sent by their attorney, he claims that they have had a use of this property for ten years of that easement, so when we went out with our surveyor, they said that the easement was at a certain place and once the surveyor did what part of that easement that works, he realized that it was over further. So their attorney's claiming that they have a prescriptive right. And I can tell you, if anybody knows anything about prescriptive rights it's a boondoggle. It's like a spider web. It goes back to 1189. And there's really no clearly defined issues on prescriptive rights. There is lots of case law, but there's so many different variables and our land happens to be open land. So anybody that crosses over our land, they really don't allow those kinds of prescriptive easement. It doesn't matter how many years it's been.

The other thing is that their lawyer claimed that they've been making ingress and egress, and as you can see, in both of those easements all these trees, no one has ever driven in there. We took down some trees to get in there for our construction site. They may have walked on it but they weren't walking on what they originally thought was the easement. So there's a lot of complications involved with this. We started this back in 2012. They said they were going to get back to me and when they gave me that list that was ridiculous so I just decided to come forward and explain what's going on.

So it's a strange situation in the sense that there is no case law in the state of New Mexico but yet this document was prepared by an easement expert and one of the things that he states is, and it's probably on page 5, is that if the geographic extent of location of an easement is not described in the document creating it – now this was described, but it's inaccurate, so the owner of the servient estate, that's the person who has the easement running through their property, has the right to designate its location.

And the other case law, which is what's known as a restatement of the law. A restatement of law is the work done by the brightest minds in that particular area of law

in order to define the law, so that it can be implemented properly, and what they say is unless expressly denied by the terms of an easement the owner of the servient estate is entitled to make reasonable changes in the location or dimensions of an easement at the servient owner's expense to permit normal use or development of the servient estate, but only if the changes do not significantly lessen the utility of the easement, increase the burdens on the owner of the easement and its use and enjoyment. It says also to frustrate the purpose for which the easement was created. We have no intention to do that.

So, what we're asking for is the Commission to look at this. I know it seems a little bit complicated but we have two easements, one of which is running through our house right now. We'd like to get rid of that, and the other one and create an easement that works for everybody, whether or not the recipient, the dominant estate agrees with that is another thing. Thank you very much.

CHAIR MAYFIELD: Thank you. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. [inaudible] is a senior easement similar to a senior water right?

MR. SHAFFER: Mr. Chair, Commissioner Stefanics, I'm not sure that the concepts are exactly analogous in terms of a priority water right. I think that the issue is more of the party's intent with respect to creations of easements but I think the issue before the Board now is the fact that you have an easement that was on a plat approved by the Board and that that's now being requested to be vacated after a private party purchased the lot that's benefited by the easement.

COMMISSIONER STEFANICS: [inaudible] the question is whether or not we have to deal with the first easement before we deal with the second one. [inaudible] I agree with Commissioner Anaya. It is a confusing issue. [inaudible]

MR. SHAFFER: Mr. Chair, Commissioner Stefanics, the easement that the Board approved is on the plat that the Board approved. As far as I'm aware, and staff will correct me if I'm wrong, the Board had no hand in the creation of some additional easement by private agreement of the parties. So the only thing that the Board has approved is the easement that's reflected on the plat that was recorded to effectuate the lot split. I hope that -

COMMISSIONER STEFANICS: Sorry, my mike wasn't on for the public.

MR. SHAFFER: The Land Use Administrator corrected me. The lot split was approved administratively, so that was the action approved by the County or was the plat that created the first easement. And I think that's the only matter that's in front of the Board, based on this application.

COMMISSIONER STEFANICS: Thank you for now.

CHAIR MAYFIELD: Commissioner Anaya first, then Commissioner Chavez. Commissioner Anaya, please.

COMMISSIONER ANAYA: Just a general comment. As a Commissioner, having dealt with land use cases before, if somebody has an easement and they want to vacate that easement on the property but still afford an easement for another individual to get to their property, I don't think that's unreasonable. I'm not saying I agree with this case. I want to hear the comment. But the other thing I would say is that if this individual or anyone else had a case that came before us and they said they

wanted to vacate an easement and then they wanted to send the individual that's going to utilize the new easement through a mountainous ridge or through an inoperable road or through an area they couldn't access – and I'd ask the Fire Department to come forward. I'd ask Public Works staff to evaluate that easement and say is it reasonable? Is it a reasonable change of use to afford this easement from one point to another. So I don't have a problem having discussion and deliberation as we have in the past about vacation of easement, but what I will say is you brought up a lot of other things that I absolutely wouldn't want to get involved in, additional electrical meters and other conditions. That's where I would concur with our attorney that those might be – those are legal issues that you would have to take up with your neighbors in a court of law or they would have to take those up with you, but associated with land use and our responsibility to make determinations on land use, I see no problem evaluating whether or not an easement is in place that should be vacated if it goes through a house, and that we evaluate whether or not another easement makes sense or not, and its location. So I would say that across the board, for this case or any other case. Because that's a land use functional item that's platted that we approve as County Commissioners.

MR. MACCREIGHT: Chairman Mayfield, Commissioner Anaya –

CHAIR MAYFIELD: Commissioner Chavez.

COMMISSIONER CHAVEZ: I'll yield.

CHAIR MAYFIELD: Thank you. Mr. MacCreight, please.

MR. MACCREIGHT: Yes, sir. That's why this law, it's case law that was quoted by this Mr. Kent who is an expert and who did a complete report for the New Mexico surveyors. It mentions in there, there's things like, to give you an example, let's say you have an easement and somebody wants to change it but what they change it to is 20 feet down the road they make a 90 degree turn and then in another 20 feet they make another 90 degree turn. And the owner, the guy that's receiving that, has a tractor-trailer. Well, that would be inhibiting his easement. We're not doing that. We had the Fire Department out there and the Fire Department agreed with us. I had three visits from Land Use and they all agreed that it made sense. So we're not putting – and just to let you know, on this topo, the average slope analysis – now, it has to be under 30 percent by County rules. It's mostly, it's all but I think three or four feet is 12.2 percent. All you would have to do is to reduce it to 11 percent.

When you do a fire turnaround that has to be two percent or less. So we have to consider all that in what we're doing and we weren't going to create a survey that would inhibit them in any way, shape or form, because it would just cost us, in this case, it was \$800 for that portion. The rest of it was like \$3,000.

CHAIR MAYFIELD: Thank you. Right now, I'm going to go to the public hearing.

MR. MACCREIGHT: Chairman Mayfield, I just request that I could make a comment at the end if I –

CHAIR MAYFIELD: We'll come back to that.

MR. MACCREIGHT: Thank you very much.

CHAIR MAYFIELD: At this time we're going to go to the public hearing. Who would from the public care to comment on this case? Sir, please come forth. And if you're not an attorney you need to be sworn in.

CULLEN HALLMARK: I am an attorney.

CHAIR MAYFIELD: Okay. Could you still say your name first?

MR. HALLMARK: Commissioner, members of the Commission, my name is Cullen Hallmark. I represent William Berra and Alanna Burke. My clients own the easement that Mr. MacCreight has asked you to vacate and we oppose the application. To put it charitably, some of the statements that were made to you a moment ago, based on the facts and on the law were inaccurate. No one is talking about running an easement through his house. Mr. MacCreight and his wife bought a property that was known to have some recorded easements on it. They now don't like it. They want to vacate it over our objections without addressing our concerns.

I think that a couple of – Mr. Romero made a couple of comments that I think you need to keep in mind here. This is a private easement. There is no subdivision that's going on. The division of the two lots was originally created by a family transfer. As a result, it is exempt from the SDLC. It is also exempt from the Subdivision Act, and as a result, the Commission needs to be considering whether it even has the jurisdiction to be dealing with this, and I think that Commissioner Anaya, you actually had your finger right on the pulse just a moment ago. This is the wrong forum for this dispute. This is something that belongs in a court of law.

If Mr. MacCreight and his wife believe that the easement is defective in some way they are free to go in front of a court of law and make their case. I believe that there is an easement by necessity. There was an express easement, contrary to what he represented, the platted easements were done by a licensed surveyor. I think that there is a prescriptive easement. I think that Mr. MacCreight, while he may have read lots of books his statements regarding the law in New Mexico on prescriptive easements is inaccurate.

I think that the County does have the right in some situations to vacate easements. I think the Subdivision Act and the SLDC clearly give it that right but this is not that case. You don't have a situation here that involves a public easement. You don't have a situation which involves a subdivision. It's specifically exempt. And so I think that this body does not have the power to act on this matter. What he is really asking you to do is to take my clients' property right.

Now the constitution of the United States, the constitution of New Mexico both prohibit that unless there has been a compensation or there has been due process. There has been neither one here. So what Mr. MacCreight and his wife are asking you to do, essentially, is to get into a lawsuit.

It's really – what he essentially is doing, you can look at it like this: if you had a couple of people that were involved in a contract dispute, would you have any inkling that you had the jurisdiction to decide that? I don't think you would. You'd say that belongs over at the district courthouse. That's the same thing here. You have the jurisdiction in certain situations but not here.

The district court deals with these things all the time. They can look and see whether there was in fact a licensed surveyor that did this, whether there was in fact prescriptive use for ten years or more, they can deal with whether there's a use by necessity. They are familiar with the law. They deal with that stuff. You guys are not equipped to deal with that and I think that what you should do – I commend Mr. Romero

and to the County attorneys for trying to find a solution to this but I think there's a preliminary problem and that is I don't think you guys should even be involved in this problem. You should kick this out and you should refer it over to the district court.

Mr. Anaya, you had asked for a little bit more information about the layouts and how everything was laid out, and I wanted to ask you in particular do you have any questions? Have all of your questions been answered?

COMMISSIONER ANAYA: Mr. Chair and sir, respectfully, if I have some additional questions –

MR. HALLMARK: All right.

CHAIR MAYFIELD: Mr. Chair, we also have some protocol here so please come through the chair to go to other Commissioners.

MR. HALLMARK: Sure. Anything else?

CHAIR MAYFIELD: This is a public hearing. Is there anybody else wishing to comment on this case? Ms. Guerrerortiz, please.

[Duly sworn, Oralynn Guerrerortiz testified as follows:]

ORALYNN GUERRERORTIZ: Thank you, Commissioners, I spoke on a case similar to this, I think it was about two months ago. And Karl Sommer joined me, and he actually states what is happening tonight. He said you're doing – you're looking at easements that you don't have jurisdiction on, and potentially you're going to get caught in a situation and a civil suit that you really shouldn't be involved in. We have a new County Attorney. I'm hoping that you'll give him the opportunity to review the case law and to examine whether or not land divisions and projects that are not subdivisions should be coming before the BCC for easement vacations.

Again, you're the only jurisdiction that I've ever worked in that is doing this and I think it's going to cause you some problems and I hope you see that tonight. Thank you.

CHAIR MAYFIELD: Thank you. Please come forward.

[Duly sworn, Alanna Burke testified as follows:]

ALANNA BURKE: My name is Alanna Burke. Hello, Commissioners. I'm one of the landowners, the 64B people who have the easement and I'm speaking for myself and my husband, William Berra. I just wanted to clear up a few things that Mr. MacCreight said that I would take issue with and the first is the easement that took care – when we bought this property in 2001 we worked with Mr. Romero who had made the original division of the property and his daughter is the person who had 64A and had put the house very close to the easement. And so before we bought the property we asked to put together that grant of easement document that you have there [Exhibit 11] to relocate that portion of the easement that was interfering with the house.

John Noble of Southwest Title and Escrow and Sandra Brink, a lawyer in town, wrote the text and Paul A. Armijo, who is a licensed surveyor in New Mexico did the Exhibit A there. So Mr. MacCreight was saying that that work was done illegally but it was done by a legal surveyor and I have a document from him that I received yesterday that attests to the fact that he did that work. With the current easement we've had Victoria DeVargas came to our house on March 24<sup>th</sup> and she works for the Fire Department and she verified with the current easement there is fine ingress and egress for fire trucks, and there's enough room for a hammerhead turnaround. That's fine.

We've had people look at the pitch. Builders who have done slope analysis to

confirm that the entrance and exit would work with County fire regulations. When we asked Mr. MacCreight to meet with us to discuss what we could do with the easement we gave him a list of topics that we wished to discuss. They were not demands for electricity for four houses, etc. We wanted to discuss a variety of things with him. He looked at the list and said, I'm out of here. I'm not going to discuss this. So that's how that went.

And basically, there is absolutely no reason to even be talking about this because this is a manufactured problem. The granted easement that we recorded at the County on November 30, 2001 took care of any problem with easement going too close to the house. That document was drawn up by very – the best educated people to draw it up. It was insured by Southwestern Title and Escrow. The underwriting insurance company, Old Republic Title Insurance, has no idea why the County of Santa Fe is not recognizing that document and in essence there is no problem with the easement over this property. Thanks very much.

CHAIR MAYFIELD: Thank you. Do we have anybody else from the public wishing to comment on this case? Seeing none, this portion of our public hearing is closed. Mr. MacCreight, we'll go back to the applicant, please.

MR. MACCREIGHT: Chairman Mayfield, Commissioners, this is the first time I've heard anything about a licensed survey. I requested that, put that up on numerous occasions and the letter that I gave you of demands was submitted to me as demands: it wasn't about negotiation, anything, so of course I walked away from it because I wasn't interested in doing something like that just to move an easement. The thing about this easement is we already have a permit to put our road in for our home and if we put the road where the current easement is, when we go down four feet or something you're going to see literally a gouge going across the edge of the property, because it's right on the edge of an arroyo. That's the platted easement, the one that they created after the other easement – after it was recognized that the other easement goes through the home.

So we're still faced with the same issue. We have two easements on our property, one going through the house another one circumventing the house but going out over an edge, which is not unreasonable for us to request that we want to move it. We appreciate whatever it is that you find. Thank you.

CHAIR MAYFIELD: Thank you, Mr. MacCreight. Just let me ask staff really quick, Vice Chairman Anaya, Mr. Romero, and I apologize, I think it was Mrs. Berra that was speaking – I may have that wrong, but do we have a copy of that recorded survey that she mentioned?

MR. ROMERO: You do, and that's part of the documentation, Mr. Chair, Commissioners, that we made copies of that Mr. MacCreight requested that hand out to you, the grant of easement.

CHAIR MAYFIELD: Thank you. Could you hand one also to Karen. Thank you. Guys, we got a lot of the same paper here so we have it then so we don't need to waste all this paper. If you speak you go to the mike then really quick and I will ask you that. Okay, I see it.

MS. BURKE: The copy that I handed out to you, on the last page is a letter from Paul A. Armijo, who is the surveyor who did the work for that grant of



easement. And he's verifying when he did the work, etc. So that's the extra piece there that I don't think was handed to you.

CHAIR MAYFIELD: Thank you. Mr. MacCreight has a copy of this also please? Thank you. I'm going to go to Vice Chairman Anaya, please.

COMMISSIONER ANAYA: Mr. Chair, Commissioners, staff, I'm going to make a motion based on the feedback we received and based on staff's recommendation, to approve staff's recommendation dealing with the easement around the property, vacating the portion that goes through the house and the segment, as staff reads it. I'll just read it. Staff supports the relocation of the easement around the existing structure without any alteration of the remainder of the easement, subject to the following conditions:

1. The Applicant shall file the portion of the final plat affected by the vacated easement with the County Clerk's Office; and
2. Staff recommends approval to vacate and relocate the portion of the ingress/egress and utility easement that runs through the portion of the residence.

This being said, do we have any approvals on the road construction and building permits for either the applicants of the adjacent property owner? Have they applied for permits?

MR. ROMERO: The applicant has, correct. The existing home that's on the property was permitted and the applicant has also submitted for an application I believe for an addition to the residence.

COMMISSIONER ANAYA: For the existing residence?

MR. ROMERO: For the existing residence that the easement runs through.

COMMISSIONER ANAYA: Not a new residence on a different part of the property?

MR. ROMERO: Lot #2 that Ms. Burke spoke of is vacant. The only lot that has a structure on it, which is a residence, is the one that is owned by the applicant, which is lawful.

COMMISSIONER ANAYA: So any additional construction – Mr. Chair, I apologize – Mr. Chair, staff, if we – they've got to come in and apply for a permit to do anything on the other lot, as well as the adjacent property owner, correct?

MR. ROMERO: Mr. Chair, Commissioner Anaya, that's correct.

COMMISSIONER ANAYA: That's going to take into consideration the driveway that they'll have and the access therein for either of the subject properties, correct?

MR. ROMERO: Mr. Chair, Commissioner Anaya, that's correct.

COMMISSIONER ANAYA: So that being said, I would ask, respectfully, of the applicant as well as the adjacent property owner to continue their dialogue, to continue whatever other process they can, hopefully to come up with an amicable solution, but for us here now today I would just move, as I said, staff's recommendation as read it. Thank you.

COMMISSIONER STEFANICS: Mr. Chair, I think there's a third –

COMMISSIONER ANAYA: What was the third? Did you have a third one? I apologize.

MR. ROMERO: Mr. Chair, Commissioner Anaya, that is correct. We did add another recommendation and I will read it again. The adjacent property owners

affected by the vacation and relocation of the private ingress/egress utility easement shall sign the final plat prior to recordation to signify their agreement to vacation and relocation of the easement.

COMMISSIONER ANAYA: On the motion I have relative to the easement going in and around the area of the residence, I don't agree with the third condition. I don't in my motion. I'm asking the applicant as well as the neighboring property owner to work through – hopefully they can work through some of their concerns and differences and they may very well need to go to court to do it, but relative to my recommendation, I'm going with the recommendation we have in our book, items 1 and 2. That's why my motion is.

CHAIR MAYFIELD: And I'll second that. I'm going to go to discussion to our County Attorney. So, Mr. Shaffer, we heard from the applicant, again, public comment and also even some past cases that you're not totally aware of. I know Ms. Ellis-Green is. But do we have authority or jurisdiction over this? Santa Fe County?

MR. SHAFFER: Mr. Chair, I think that's a matter that would warrant further research, both with respect to the statutes and case law but also how that's been interpreted by the County over the years. So as I understand it from Land Use staff this issue has come up in the past and I'd want to make sure I was fully informed as to what that best practice was before I offered advice. But I also note that the Board always has the option, if it's uncertain and wants to have additional analysis, legal or otherwise, of tabling the matter and taking it up again at the next land use meeting, either to receive additional public input or additional legal advice in executive session where you could deliberate there as well.

COMMISSIONER ANAYA: Mr. Chair.

CHAIR MAYFIELD: Vice Chairman Anaya.

COMMISSIONER ANAYA: Mr. Chair, I'm going to say this respectfully because our Commissioner Stefanics said this earlier. I expressed some concerns early on as did Commissioner Stefanics. I don't want to get into a series of debating our County Attorney or the legality of a particular item. I also don't want to get us in a mind. We need to do more due diligence so we're not in these positions. So I'm pretty frustrated at the moment but we'll just deal with and move on. Mr. Chair, what do you want to do with your second, and based on what we just heard from our County Attorney, do you think we should modify and table the discussion or what do you want to do? This is your district. I defer to you.

CHAIR MAYFIELD: I appreciate that and I appreciate the comments. I know it's been a long night but I still have a couple questions. So as far as Exhibit A [Exhibit 10, page 4] that I'm looking at on one of the three sheets of paper that were handed to me tonight. Is there a utility line going through there and is there a second utility line?

MR. ROMERO: From my understanding, according to the applicant there is not.

CHAIR MAYFIELD: Okay. And there is a current – ma'am, you'd have to come up to comment, but hopefully, you just talk to staff and staff can provide that. So the house – the original easement. The house is already constructed, correct?

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

CHAIR MAYFIELD: Will you defer with the other party, Mr. Romero and ask about that utility issue? I'm going to ask you to go through staff, please.

MR. ROMERO: Mr. Chair, Commissioners, again, to answer your question, we deliberated. To go back to your question, my answer stands. There is no utilities in that easement.

CHAIR MAYFIELD: Thank you. Commissioners, there's a motion and a second on the floor in front of us. Do you want to restate that motion, Commissioner?

COMMISSIONER ANAYA: Mr. Chair, based on what we just heard from our attorney, do you want to go forward with a motion or do you want to give them a chance to review the item as Commissioner Stefanics suggested earlier and bring it back later?

CHAIR MAYFIELD: Well, and I guess I appreciate the Attorney's statement but this Commission has made decisions on these such cases in the past and I know maybe we're just not at the liberty of having our former County Attorney here, but we've kind of – or I will ask if we set any precedents and how we've already proceeded in past cases.

MR. ROMERO: Mr. Chair, I'm not speaking for the County Attorney but there is an exhibit, Exhibit 2 which is in our Land Development Code, a 5.7 Vacation of Plats, and I don't know if that helps but there is some language in there that does mention, action shall be taken in a public meeting in approving and vacation of all or part of a final plat. The Board shall decide whether the vacation will adversely affect the interests of persons on contiguous land or the persons within the subdivision being vacated. There's language in there. I don't know if that helps. Just thought I'd throw that out there.

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

**The motion passed by majority [3-1] voice vote with Commissioner Stefanics voting against the motion. [Commissioner Holian was not present for this action.]**

CHAIR MAYFIELD: Mr. Shaffer, though I would ask that hopefully you do some consulting with our Land Use staff and we can get this issue resolved for future cases of such in front of us, please. Thank you.

VIII. B. 4. **CDRC CASE # V 14-5070 Judith Moore Variance.** Judith Moore, Applicant, Requests a Variance of Article 4, Section 4.2 of Ordinance No. 2008-10 (Flood Damage and Stormwater Management) to Allow a Family Transfer Land Division of 3.44 Acres Into Two (2) Lots That Do Not Meet All-Weather Access Requirements. The Property is Located at 22 Santa Cruz Dam Road, in the Vicinity of Chimayo, within Section 7, Township 20 North, Range 10 East (Commission District 1)

JOHN LOVATO (Case Review Manager): Thank you, Mr. Chair, Commissioners. On April 17, 2014 the CDRC met and acted on this case. The decision of the CDRC was to recommend approval of the variance request. Access to the subject lot would be







**Daniel "Danny" Mayfield**  
*Commissioner, District 1*

**Miguel Chavez**  
*Commissioner, District 2*

**Robert A. Anaya**  
*Commissioner, District 3*



**Kathy Holian**  
*Commissioner, District 4*


**Liz Stefanics**  
*Commissioner, District 5*


**Katherine Miller**  
*County Manager*

## ***MEMORANDUM***

**DATE:** *September 10, 2014*

**TO:** *Board of County Commissioners*

**FROM:** *Teresa Martinez, Finance Director* 

**VIA:** *Adam Leigland, Public Works Department Director*  
*Katherine Miller, County Manager* 

**ITEM AND ISSUE:** *BCC Meeting September 30, 2014*

**Resolution 2014 - \_\_\_\_\_ A Resolution Requesting a Budget Increase to the Capital Outlay GRT Fund (313) to Budget Cash Carryover to Install a Fence Along County Rd 98 / \$12,500 (Finance/Teresa Martinez)**

---

### **BACKGROUND AND SUMMARY:**

In FY2014, Public Works completed the improvements to County Road 98. As part of the project, a fence is to be installed in the County right of way adjacent to property belonging to the Bureau of Land Management (BLM). The BLM has agreed to pay for the materials for the fence in exchange for the County installing the fence. The County Road 98 Road Improvement Project has a remaining balance that will cover the cost to install the fence.

### **ACTION REQUESTED:**

Public Works is requesting approval to budget \$12,500 from the Capital Outlay GRT Fund (313) to install a fence along County Road 98.





# SANTA FE COUNTY

Page 1 of 4

## RESOLUTION 2014 - \_\_\_\_\_

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

Whereas, the Board of County Commissioners meeting in regular session on September 30, 2014, did request the following budget adjustment:

Department / Division: Public Works/Project Development Fund Name: Capital Outlay GRT Fund (313)

Budget Adjustment Type: Budget Increase Fiscal Year: 2015 (July 1, 2014 - June 30, 2015)

#### 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
313	0000	385	0200	Budgeted Cash	\$12,500	
TOTAL (if SUBTOTAL, check here )					\$12,500	

#### 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
313	6170	453	8010	Capital Purchases/Roadways(Bridge/Culvert)	\$12,500	
TOTAL (if SUBTOTAL, check here )					\$12,500	

Requesting Department Approval: \_\_\_\_\_

Title: Director, Public Works Date: 7/15/14

Finance Department Approval: \_\_\_\_\_

Date: 7/17/14

Entered by: \_\_\_\_\_ Date: \_\_\_\_\_

County Manager Approval: \_\_\_\_\_

Date: 9.22.14

Updated by: \_\_\_\_\_ Date: \_\_\_\_\_

*[Handwritten signature]*

# SANTA FE COUNTY

Page 2 of 4

## RESOLUTION 2014 -

ATTACH ADDITIONAL SHEETS IF NECESSARY.

DEPARTMENT CONTACT: Name: Agnes Leyba-Cruz Dept/Div: Public Works/Project Development Phone No.: 995-6516

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 Public Works Department completed the improvements to County Road 98 in FY2014. As part of the project, the fence aligning the road was to be installed. The fence will be installed on County right of way with BLM Land adjacent to the right of way. The materials are being provided by BLM and Santa Fe County will use the funds to hire a contractor to install the fence. Staff is ready to proceed with the installation of the fence and is requesting that \$12,500 from the balance of the County Road 98 project budget.

### a) Employee Actions

Line Item	Action (Add/Delete Position, Reclass, 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
8010	Install fencing along CR98	\$12,500

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

# SANTA FE COUNTY

Page 3 of 4

## RESOLUTION 2014 -

ATTACH ADDITIONAL SHEETS IF NECESSARY.

### DEPARTMENT CONTACT:

Name: Agnes Leyba-Cruz Dept/Div: Public Works/Project Development Phone No.: 995-6516

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: GRT (313)
  - a) If this is a state special appropriation, YES ☒ NO ☐  
If YES, cite statute and attach a copy.
  - b) Does this include state or federal funds? YES ☐ 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 a award letter and proposed budget.
  - c) Is this request is a result of Commission action? YES ☐ 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.

NA

**SANTA FE COUNTY**  
**RESOLUTION 2014 - \_\_\_\_\_**

Page 4 of 4

**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 30th Day of September, 2014.

**Santa Fe Board of County Commissioners**

\_\_\_\_\_  
Daniel W. Mayfield, Chairperson

**ATTEST:**

\_\_\_\_\_  
Geraldine Salazar, County Clerk

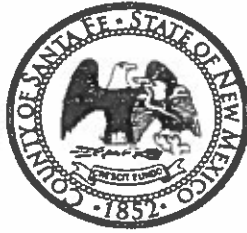




Daniel "Danny" Mayfield  
Commissioner, District 1

Miguel M. Chavez  
Commissioner, District 2

Robert A. Anaya  
Commissioner, District 3



Kathy Holian  
Commissioner, District 4

Liz Stefanics  
Commissioner, District 5

Katherine Miller  
County Manager

## **MEMORANDUM**

**TO:** Board of County Commissioners

**FROM:** Teresa C. Martinez, Finance Division Director *TCM*

**VIA:** Katherine Miller, County Manager

**DATE:** September 22, 2014

**SUBJECT:** Resolution 2014-\_\_\_\_, A Resolution Requesting a Budget Increase to the Law Enforcement Operations Fund (246) to Budget Six (6) Grants Carryover balances From NMDOT and United State Marshals Services / \$34,813.87 (Finance Department/Teresa Martinez)

---

### **Issue**

The Sheriff's Office is submitting a request to increase the Law Enforcement Operations Fund (246) to budget carry over from six (6) grants received from NMDOT and the United States Marshals Service.

### **Background**

The grants that the Sheriff's Office wish to budget have an expiration date of September 30, 2014, the day of the BCC meeting. Expenditures that are allowable under these grants have been made in the Law Enforcement Operations Fund and have been funded through the Sheriff's operating budget. Approval to budget the grant carry over funding will allow for the reclassification of expenses to the grants, thus fully expending grant funding and relieving the Sheriff's operating budget of the expenses.

### **Recommendation**

The Finance Division recommends and respectfully requests approval of the budget resolution to increase the Law Enforcement Operations Fund (246) to budget carry over from six (6) grants received from NMDOT and the United States Marshals Service.





Robert A. Garcia  
Sheriff  
986-2455

[ragarcia@santafecountynm.gov](mailto:ragarcia@santafecountynm.gov)



Ron E. Madrid  
Undersheriff  
986-2455

[rmadrid@santafecountynm.gov](mailto:rmadrid@santafecountynm.gov)

35 Camino Justicia – Santa Fe, New Mexico 87508

## MEMORANDUM

To: Board of County Commissioners

Fr: Undersheriff Ron Madrid

Date: September 11, 2014

Re: Resolution 2014 \_\_\_\_\_, A Resolution Requesting a Budget Increase to the Law Enforcement Operations Fund (246) to Budget Six (6) Grants Carryover balances From NMDOT and United States Marshals Services / \$34,813.87

---

### Issue:

The Santa Fe County Sheriff's Office was awarded funding from New Mexico Department of Transportation (NMDOT) and the United States Marshals Service (USMS). Balances are carryover from grants funded during Fiscal Year 2014 and expire September 30, 2014.

### Background:

The Sheriff's Office was awarded six (6) grants during Fiscal Year 2014 and the Grant Agreements expires September 30, 2014, in the amount of \$34,813.87. This balance is the carryover amount from last fiscal year. Funding from both entities is to be used for overtime.

NMDOT's funding is provided to New Mexico law enforcement agencies through state and federal programs to reduce traffic related injuries and deaths.

- ODWI includes Driving While Impaired (DWI) sobriety checkpoints, saturation patrols, and other DWI-related activities at reducing alcohol-related crashes, injuries, and deaths.
- OBD/CIOT enforces seatbelt and child restraint laws, to participate in child restraint training, and clinics.
- S.T.E.P enforces traffic laws and activities aimed at reducing traffic-related injuries and fatalities.
- 100/DN conducts high visibility patrols while enforcing traffic laws such as speeding, passing in school zones, construction zones and failing to stop for pedestrians and violations of traffic law identified in the NM Criminal and Traffic Law Manual.

USMS's funding is provided to law enforcement agencies for outstanding warrants and conducting Minor Compliance checks.

- JLEO investigates and arrest persons who have active state and federal warrants for their arrests. The intent of the joint effort is to investigate and apprehend local, state and federal fugitives, thereby improving public safety and reducing violent crime. This program is focused on operation in support of fugitive apprehension.
- SEDWI is awarded through the Department of Public Safety Division. This grant assists with personnel services/overtime needed when serving outstanding DWI warrants and conducting Minor Compliance checks.

**Recommendation:**

The Santa Fe County Sheriff's Office requests approval to budget funding, of the above carryover balances, for the above grants in the amount of \$34,813.87. Grants are awarded by New Mexico Department of Transportation and United States Marshals Services.



## SANTA FE COUNTY

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## RESOLUTION 2014 - \_\_\_\_\_

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

Whereas, the Board of County Commissioners meeting in regular session on September 30, 2014, did request the following budget adjustment:Department / Division: Sheriff's Office Fund Name: Law Enforcement Operation Fund (LEOF)Budget Adjustment Type: Budget Increase Fiscal Year: 2015 (July 1, 2014 - June 30, 2015)

## 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
246	1231	372	0904	Operation Driving While Intoxicated	\$10,000.00	
246	1229	371	0900	Operation Buckle Down (OBD), Click It Or Ticket (CIOT)	\$2,424.94	
246	1230	371	0900	100 Days and Nights of Summer	\$5,000.00	
246	1222	372	0904	Statewide Expanded Operation DWI (SEDWI)	\$12,240.30	
246	1221	371	0900	Selective Traffic Enforcement (S.T.E.F)	\$2,880.00	
246	1232	381	0300	Joint Law Enforcement Operations (JLEO)	\$2,268.63	
TOTAL (if SUBTOTAL, check here )					\$34,813.87	

## 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
246	1231	424	1025	ODWI: Salary & Wages / Overtime	\$9,855.00	
246	1231	424	2002	ODWI: Employee Benefits/ FICA Medicare	\$145.00	
246	1229	424	1025	OBD/CIOT: Salary & Wages / Overtime	\$2,389.77	
246	1229	424	2002	OBD/CIOT: Employee Benefits/FICA Medicare	\$35.17	
246	1230	424	1025	100D/N: Salary & Wages / Overtime	\$4,927.50	
246	1230	424	2002	100D/N: Employee Benefits / FICA Medicare	\$72.50	
TOTAL (if SUBTOTAL, check here X )					\$17,424.94	

Requesting Department Approval: \_\_\_\_\_ Title: Deputy Sheriff Date: 9-17-14Finance Department Approval: James M. Arly Date: 9/17/14 Entered by: \_\_\_\_\_ Date: \_\_\_\_\_County Manager Approval: Deborah M. Arly Date: 9-22-14 Updated by: \_\_\_\_\_ Date: \_\_\_\_\_

# SANTA FE COUNTY

## RESOLUTION 2014 -

### DEPARTMENT CONTACT:

Name: Undersheriff Ron Madrid

Dept/Div: Sheriff's Office/LEOF

Phone No.: (505) 986-2457

FUND CODE XXX	DEPARTMENT/ DIVISION XXXX	ACTIVITY/ BASIC/SUB XXX	ELEMENT/ OBJECT XXXX	CATEGORY/ LINE/ ITEM NAME	INCREASE AMOUNT	DECREASE AMOUNT
246	1222	424	1025	SEDWI: Salary & Wages / Overtime	\$12,062.81	
246	1222	424	2002	SEDWI: Employee Benefits / FICA Medicare	\$177.49	
246	1221	424	1025	S.T.E.P: Salary & Wages / Overtime	\$2,838.24	
246	1221	424	2002	S.T.E.P: Employee Benefits/FICA Medicare	\$41.76	
246	1232	424	1025	JLEO: Salary & Wages / Overtime	\$2,235.73	
246	1232	424	2002	JLEO: Employee Benefits/FICA Medicare	\$32.90	
TOTAL (if SUBTOTAL, check here )					\$34,813.87	

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.  
Request for budget increase to budget funds for overtime/personnel services awarded to the Sheriff's Office from the New Mexico Department of Transportation. Funding from this program will assist the Santa Fe County Sheriff's Office with the overtime needed to conduct law enforcement activities aimed at reducing traffic-related injuries and fatalities by conducting visible patrols in high crash locations, identified through use of local data.
  - Operation Driving While Intoxicated (ODWI): this grant assists with needed overtime to conduct DWI Sobriety Check Points and Saturation Patrols aimed at reducing alcohol-related crashes, injuries, and deaths.
  - Operation Buckle Down (OBD)/Click It Or Ticket (CIOT): this grant is needed to enforce seatbelt and child restraining laws and participate in child restraint training and clinics. Plus, participate in a minimum of one (1) nighttime seatbelt operation in the CIOT national mobilization operation.
  - 100 Days and Nights of Summer (100D/N): this grant is needed to conduct high visibility patrols while enforcing traffic laws such as speeding, passing in school zones, construction zones and failing to stop for pedestrians and any violations of traffic laws identified in the NM Criminal and Traffic Law Manual.
  - Selective Traffic Enforcement Program (S.T.E.P): Funding from this program will pay for overtime needed to conduct traffic activities aimed at reducing traffic related injuries and fatalities.
  - Statewide Expanded Operation DWI (SEDWI): The Department of Public Safety, for Operation Descansos has granted the Santa Fe County Sheriff's Office with funding for deputy overtime. This grant is for serving outstanding warrants and conducting Minor in compliance Operations. Minor in Compliance Operations consists of minors entering liquor establishments to purchase alcohol and/or having an adult purchase alcohol for the minor.
  - Joint Law Enforcement Operations (JLEO): The United States Marshals has granted the Santa Fe Sheriff's Office funding to use for overtime for deputies. The primary mission of the task force is to investigate and arrest, as part of joint law enforcement operations, person 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.

# SANTA FE COUNTY

## RESOLUTION 2014 -

### DEPARTMENT CONTACT:

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

#### a) Employee Actions

Line Item	Action (Add/Delete Position, Reclass, Overtime)	Position Type (permanent, term)	Position Title
10.25	Salary and Wages / Overtime	Existing/Permanent	Patrol/Deputy

#### 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 X

### 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 NO X  
If YES, cite statute and attach a copy.
  - b) Does this include state or federal funds? YES X NO 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 award letter and proposed budget.

#### Operation Driving While Intoxicated (ODWI)

Project #(s): 14-AL-64-091  
Award Amt: \$10,000.00

Award Period(s): October 1, 2013 to September 30, 2014

#### Operation Buckle Down (OBD)/Click It Or Ticket (CIOT)

Project #(s): 14-OP-RF-091 / 13-OP-CIOT-091  
Award Amt: \$2,424.94

Award Period(s): October 1, 2013 to September 30, 2014

# SANTA FE COUNTY

## RESOLUTION 2014 - \_\_\_\_\_

### DEPARTMENT CONTACT:

Name: Undersheriff Ron Madrid

Dept/Div: Sheriff's Office/LEOF

Phone No.: (505) 986-2457

#### 100 Days and Nights of Summer

Project #(s): 14-EE-DS-091 (100 D/N)

Award Amt: \$5,000.00

Award Period(s): June 21, 2014 to September 30, 2014

#### Statewide Expanded Operation DWI (SEDWI)

Project #(s): 14-AL-64-P05 SFSO

Award Amt: \$12,240.30

Award Period(s): Expires September 30, 2014

#### Selective Traffic Enforcement Program (STEP)

Project #(s): 14-RF-01-091

Award Amt: \$2,880.00

Award Period(s): October 1, 2013 to September 30, 2014

#### Joint Law Enforcement Operations (JLEO)

Project #(s): JLEOTFS4 (FUND# AFF-B-OP-1)

Award Amt: \$2,268.63

Award Period(s): October 1, 2013 to September 30, 2014

- c) Is this request is 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. N/A

# SANTA FE COUNTY

Page 5 of 5

## RESOLUTION 2014 - \_\_\_\_\_

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 30th Day of September, 2014.

Santa Fe Board of County Commissioners

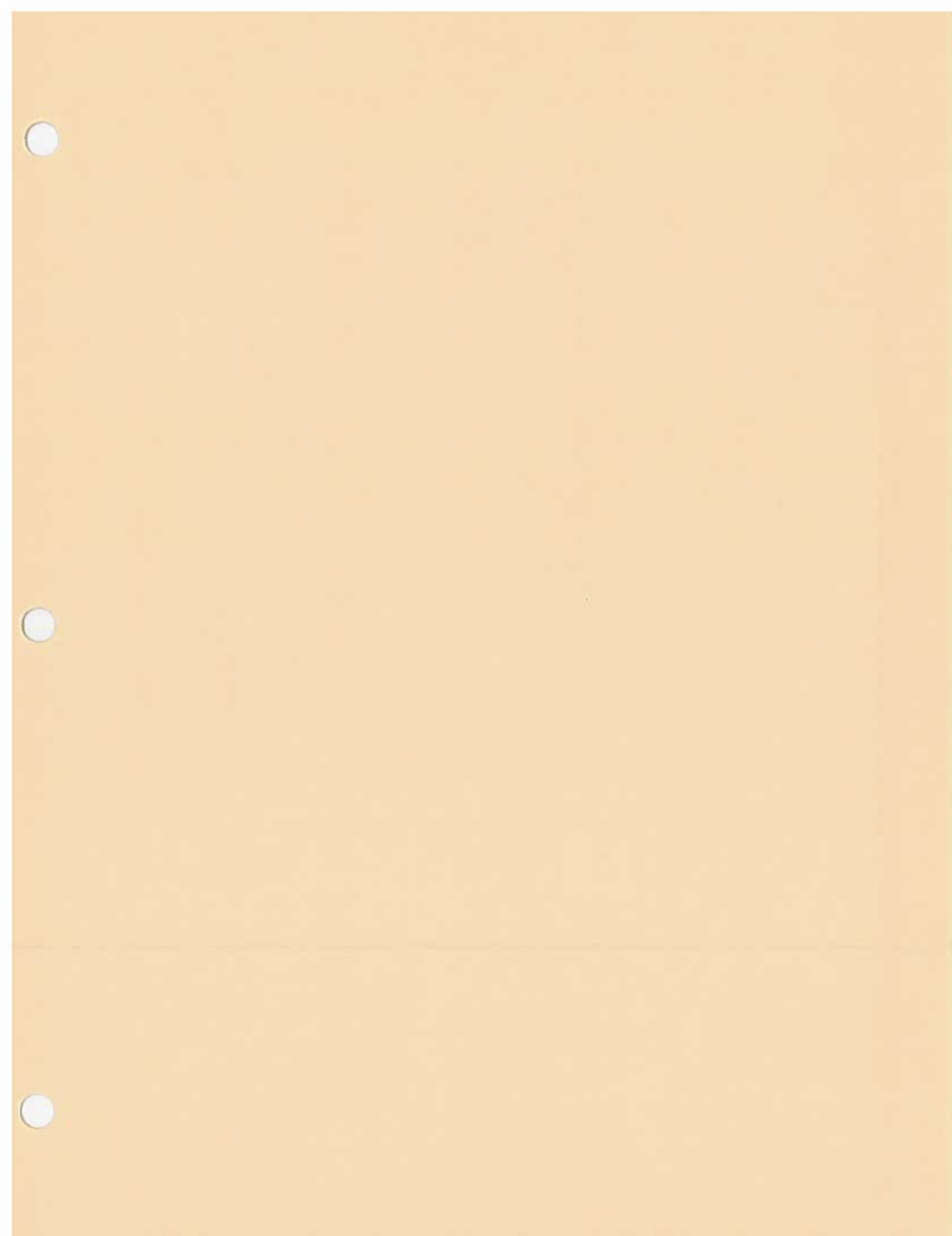
\_\_\_\_\_  
Daniel W. Mayfield, Chairperson

ATTEST:

\_\_\_\_\_  
Geraldine Salazar, County Clerk









**Daniel "Danny" Mayfield**  
*Commissioner, District 1*

**Miguel M. Chavez**  
*Commissioner, District 2*

**Robert A. Anaya**  
*Commissioner, District 3*



**Kathy Holian**  
*Commissioner, District 4*

**Liz Stefanics**  
*Commissioner, District 5*

**Katherine Miller**  
*County Manager*

## **Memorandum**

**To:** Santa Fe Board of County Commissioners

**From:** Donna Morris, Fire Department

**Thru:** David Sperling, Fire Chief *[Signature]*  
Pablo Sedillo, Public Safety Director *[Signature]*  
Katherine Miller, County Manager *[Signature]*

**Date:** September 9, 2014

**Re:** **Resolution 2014 - A Resolution Requesting a Budget Increase to the Fire Operations Fund (244) to Budget a 2015 NMAC Grant for the Rancho Alegre Firewise Project / \$9,803. (Public Safety/Fire)**

---

### **BACKGROUND:**

The Santa Fe County Fire Department is requesting BCC approval to budget a new NMAC 2015 grant award in the amount of \$9,803. This grant has been awarded for the Rancho Alegre Firewise Project which will utilize existing Wildland Urban Interface employees who are currently employed with the Santa Fe County Fire Department. This project will continue to expand outreach areas and concentrate on the Rancho Alegre Community which borders BLM land. This will promote community awareness with an emphasis on becoming a Firewise Community which will reduce the risk to BLM lands by potentially reducing the heat and spread of fire as well as prepare more residents in Santa Fe County for the possibility of catastrophic fire.

### **SUMMARY:**

Please approve this request for a budget increase to the 2015 NMAC Fund (244) in the amount of \$9,803..



# SANTA FE COUNTY

## RESOLUTION 2014 - \_\_\_\_\_

Page 1 of 5

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

Whereas, the Board of County Commissioners meeting in regular session on September 30, 2014, did request the following budget adjustment:

Department / Division: Fire Department/Wildland Fund Name: 2015 NMAC Grant Fund (244)

Budget Adjustment Type: Budget Increase Fiscal Year: 2015 (July 1, 2014 - June 30, 2015)

#### 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
244	0879	372	00-00	State Grant/NMAC	9,803	
TOTAL (if SUBTOTAL, check here )					9,803	

#### 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
244	0879	422	10-26	Salaries & Wages/Term Employees	5,799	
244	0879	422	20-01	Employee Benefits/FICA Regular	142	
244	0879	422	20-02	Employee Benefits/FICA Medicare	608	
244	0879	422	20-03	Employee Benefits/PERA	127	
TOTAL (if SUBTOTAL, check here X )					6,676	

Requesting Department Approval: [Signature] Title: Chief Date: 9-9-14

Finance Department Approval: [Signature] Date: 9/11/14 Entered by: \_\_\_\_\_ Date: \_\_\_\_\_

County Manager Approval: [Signature] Date: 9-22-14 Updated by: \_\_\_\_\_ Date: \_\_\_\_\_

# SANTA FE COUNTY

Page 2 of 5

## RESOLUTION 2014 -

### BUDGET ADJUSTMENT CONTINUATION SHEET

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
TOTAL (if SUBTOTAL, check here )						

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
244	0879	422	20-05	Employee Benefits/Group Insurance	127	
244	0879	422	20-06	Employee Benefits/Ret. HC	3,000	
TOTAL (if SUBTOTAL, check here )					9,803	

# SANTA FE COUNTY

## RESOLUTION 2014 - \_\_\_\_\_

Page 3 of 5

ATTACH ADDITIONAL SHEETS IF NECESSARY.

DEPARTMENT CONTACT: Name: Donna Morris Dept/Div: Fire Department/Administration Phone No.: 992-3082

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.

Requesting BCC approval for a budget increase to the 2015 NMAC Grant Fund (244) to budget a new grant award for a total amount of \$9,803. This grant was awarded for a project titled: Rancho Alegre Firewise Project. This project will be completed utilizing existing Wildland Urban Interface employees who are currently employed with the Santa Fe County Fire Department.

### a) Employee Actions

Line Item	Action (Add/Delete Position, Reclass, 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

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

# SANTA FE COUNTY

Page 4 of 5

## RESOLUTION 2014 - \_\_\_\_\_

ATTACH ADDITIONAL SHEETS IF NECESSARY.

### DEPARTMENT CONTACT:

Name: Donna Morris Dept/Div: Fire Department Administration Phone No.: 992-3082

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 NO X  
If YES, cite statute and attach a copy.
  - b) Does this include state or federal funds? YES X NO 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 a award letter and proposed budget.
  - c) Is this request a result of Commission action? YES NO 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.

*New Mexico Association of Counties (NMAC)*

The cost match required by this grant will be met with the Fire Operations Fund (244) and/or the Forestry Fund (244).



# SANTA FE COUNTY

Page 5 of 5

## RESOLUTION 2014 - \_\_\_\_\_

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 30th Day of September, 2014.

Santa Fe Board of County Commissioners

\_\_\_\_\_  
Daniel W. Mayfield, Chair

ATTEST:

\_\_\_\_\_  
Geraldine Salazar, County Clerk



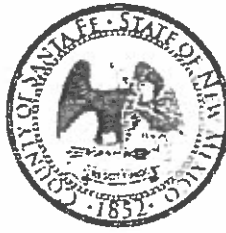




**Daniel "Danny" Mayfield**  
*Commissioner, District 1*

**Miguel M. Chavez**  
*Commissioner, District 2*

**Robert A. Anaya**  
*Commissioner, District 3*



**Kathy Holian**  
*Commissioner, District 4*

**Liz Stefanics**  
*Commissioner, District 5*

**Katherine Miller**  
*County Manager*

## **Memorandum**

**To:** Santa Fe Board of County Commissioners

**From:** Donna Morris, Fire Department

**Thru:** David Sperling, Fire Chief *DS*  
Pablo Sedillo, Public Safety Director *PS*  
Katherine Miller, County Manager *KM*

**Date:** September 9, 2014

**Re:** **Resolution 2014 – A Resolution Requesting a Budget Increase to the Fire Operations Fund (244) to Budget the FY-2014 Available Cash Balance for the 2014 YCC Grant / \$36,436. (Public Safety/Fire)**

---

### **BACKGROUND:**

The Santa Fe County Fire Department is requesting BCC approval to budget the FY-2014 available cash balance for the 2014 YCC Grant in the amount of \$36,436 to be expended in FY-2015 through the term of the grant. The YCC Grant employs local youth ages 18-25 and provides training in natural resources such as fire management, fire ecology, and watershed health.

### **SUMMARY:**

Please approve this request for a budget increase to the 2014 YCC Grant Fund (244) in the amount of \$36,436.



# SANTA FE COUNTY

Page 1 of 4

## RESOLUTION 2014 - \_\_\_\_\_

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

Whereas, the Board of County Commissioners meeting in regular session on September 30, 2014, did request the following budget adjustment:

Department / Division: Fire Department Fund Name: YCC Grant Fund (244)  
 Budget Adjustment Type: Budget Increase Fiscal Year: 2015 (July 1, 2014 - June 30, 2015)

#### 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
244	0878	385	02-00	Budgeted Cash / YCC Grant / State	36,436	
TOTAL (if SUBTOTAL, check here )					36,436	

#### 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
244	0878	422	10-24	Salaries & Wages/Temp Employees	31,368	
244	0878	422	20-01	Employee Benefits/FICA Regular	492	
244	0878	422	20-02	Employee Benefits/FICA Medicare	2,106	
244	0878	422	40-02	Maintenance/Equipment	400	
244	0878	422	50-90	Services/Other Services	2,070	
TOTAL (if SUBTOTAL, check here )					36,436	

Requesting Department Approval: [Signature] Title: Chief Date: 9.10.14

Finance Department Approval: [Signature] Date: 9/10/14 Entered by: \_\_\_\_\_ Date: \_\_\_\_\_

County Manager Approval: [Signature] Date: 9.22.14 Updated by: \_\_\_\_\_ Date: \_\_\_\_\_

# SANTA FE COUNTY

Page 2 of 4

## RESOLUTION 2014 -

ATTACH ADDITIONAL SHEETS IF NECESSARY.

DEPARTMENT CONTACT: Name: Donna Morris Dept/Div: Fire Department/Administration Phone No.: 992-3082

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.

Requesting BCC approval for a budget increase to the YCC Grant Fund (244) to budget the prior year available cash balance to be expended in FY-2015 and utilized to employ local youth ages 18-25 and provide training in natural resources such as forest management, fire ecology, and watershed health for the term of the grant.

### a) Employee Actions

Line Item	Action (Add/Delete Position, Reclass, 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
50-90	Forest Guild coaching specified in the scope of the grant	2,070

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



## SANTA FE COUNTY

Page 3 of 4

### RESOLUTION 2014 - \_\_\_\_\_

ATTACH ADDITIONAL SHEETS IF NECESSARY.

#### DEPARTMENT CONTACT:

Name: Donna Morris Dept/Div: Fire Department Administration Phone No.: 992-3082

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 NO X  
If YES, cite statute and attach a copy.
  - b) Does this include state or federal funds? YES X NO 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 a award letter and proposed budget.  
NM State Energy, Minerals and Natural Resources Department -- Youth Conservation Corps (YCCC) Grant
  - c) Is this request a result of Commission action? YES NO 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. The match requirement is met by an "in kind" match to include training, vehicles and equipment currently utilized by the SFCFD Wildland division as well as the salary and benefits of the Wildland Captain's position which is all funded by the 244-0801-421 Fire Administration budget.

# **SANTA FE COUNTY**

Page 4 of 4

## **RESOLUTION 2014 - \_\_\_\_\_**

**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.

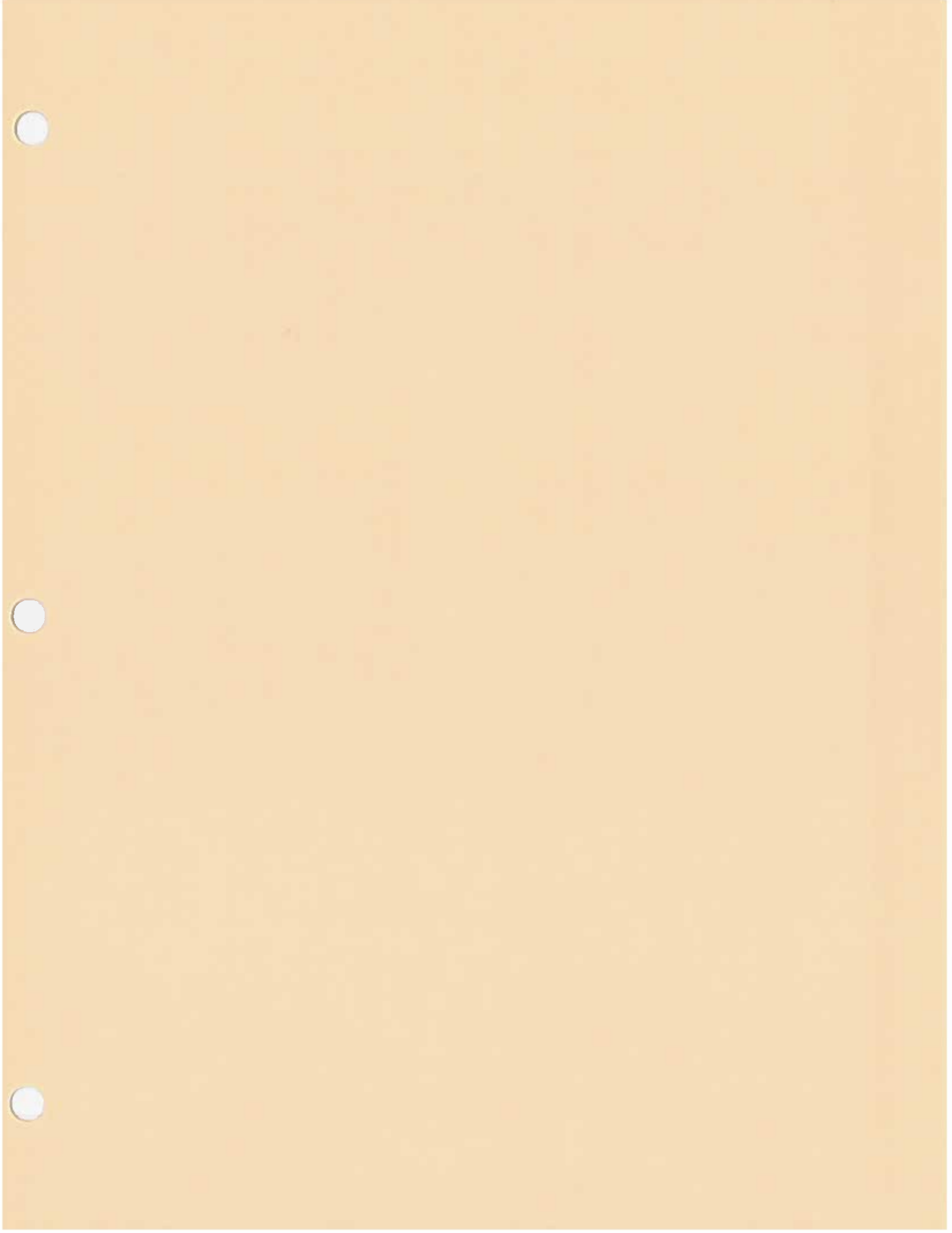
**Approved, Adopted, and Passed This 30th Day of September, 2014.**

**Santa Fe Board of County Commissioners**

\_\_\_\_\_  
Daniel W. Mayfield, Chair

**ATTEST:**

\_\_\_\_\_  
Geraldine Salazar, County Clerk





Daniel "Danny" Mayfield  
Commissioner, District 1

Miguel M. Chavez  
Commissioner, District 2

Robert A. Anaya  
Commissioner, District 3



Kathy Holian  
Commissioner, District 4

Liz Stefanics  
Commissioner, District 5

Katherine Miller  
County Manager

## MEMORANDUM

To: The Board of County Commission

From: Teresa C. Martinez *TCM*

Via: Katherine Miller *KM*

Date: September 30, 2014

Subject: Resolution No. 2014-\_\_\_, A Resolution Authorizing The Donation Of Fixed Assets In Accordance With State Statute. (Finance/Teresa Martinez)

---

### ISSUE:

On an annual basis, department staff/elected officials are required to collect information related to inoperable or obsolete property and equipment of Santa Fe County in order to determine its eligibility for surplus. The final listing is then forwarded to all Santa Fe County departments/elected offices, as well as to the Association of Counties to see if other departments/elected offices or New Mexico Counties can use the items that may be offered for surplus.

### BACKGROUND:

Santa Fe County follows the State of New Mexico statutory policies to donate surplus property and equipment pursuant to NMSA 1978, Section 13-6-2 (2007).

The Santa Fe County Clerk's Office has submitted sixty-five (65) Auto Karts and eighty (80) Voter Booths for donation that are obsolete. Santa Fe County will donate these items to Rio Arriba County. Upon approval, the Voter Booths and Auto Karts will be removed and re-distributed by Santa Fe County to Rio Arriba County.

### REQUEST ACTION:

The finance division requests the board's consideration and approval of the attached resolution to donate the personal property to Rio Arriba County.

Upon approval of the resolution by the Board of County Commissioners, a copy of the Resolution will be submitted to the State Auditor's Office. The items will be released to Rio Arriba County thirty days after notification to the State Auditor.

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

**RESOLUTION No. 2014 \_\_\_\_\_**

---

**A RESOLUTION AUTHORIZING THE DONATION OF FIXED ASSETS  
IN ACCORDANCE WITH STATE STATUTE**

---

**WHEREAS**, Santa Fe County desires to dispose of certain personal property identified in Exhibit A, attached;

**WHEREAS**, Exhibit A, which is attached to this Resolution, details each item of personal property by department or office, equipment description, Santa Fe County tag number, serial number, condition of equipment, and estimated fair market value;

**WHEREAS**, Rio Arriba County, New Mexico, requested the donation of sixty-five (65) Auto Karts and eighty (80) Voter Booths from Santa Fe County; and

**WHEREAS**, each set of items on Exhibit A has a separate aggregate estimated current resale value of five thousand dollars (\$5,000) or less.

**NOW THEREFORE BE IT RESOLVED** that the Board of County Commissioners of Santa Fe County approves the donation of the personal property listed on Exhibit A to Rio Arriba County, New Mexico, pursuant to NMSA 1978, Section 13-6-1 (2007).

**APPROVED, ADOPTED AND PASSED** this 30<sup>th</sup> day of **SEPTEMBER 2014**.

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

---

Daniel W. Mayfield, Chair

**ATTEST:**

---

Geraldine Salazar, County Clerk

**APPROVED AS TO FORM:**

*Willie R. Brown*  
for: Gregory S. Shaffer, County Attorney



**SANTA FE COUNTY CLERK'S OFFICE**  
**M E M O R A N D U M**

**DATE:** September 18, 2014

**TO:** Santa Fe County Board of County Commissioners

**FROM:** Geraldine Salazar, Santa Fe County Clerk

**Cc:** Theresa Martinez, Santa Fe County Finance Department Director  
Eric Barraza, Acting BOE Chief Deputy Clerk  
Melissa Martinez, Accountant/Fixed Assets  
Jorge Lopez, Election Administration Specialist Sr. (Fixed Assets)

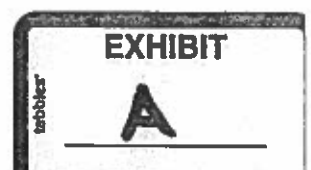
**SUBJECT:** Donation of all surplus "Auto Karts" (65) and surplus Voter Booths (80) to Rio Arriba County who is in need of this equipment.

We are requesting BCC approval to proceed with donating the surplus inventory of "Auto Karts" (65) and Voter Booths (80) to Rio Arriba County.

Please note, there are no serial numbers or identifying numbers on the "Auto Karts" and Voter Booths. The condition of this equipment is good with an estimated depreciated value of \$4,875.00 for the "Auto Karts" and \$3,600 for the Voter Booths.

We have worked with Santa Fe County's Finance Department and followed county procedure to appropriately transfer this surplus inventory by means of donation to Rio Arriba County and we are now prepared to transfer this property after BCC approval.

Thank you in advance for your assistance.











**Daniel "Danny" Mayfield**  
*Commissioner, District 1*

**Miguel Chavez**  
*Commissioner, District 2*

**Robert A. Anaya**  
*Commissioner, District 3*



**Kathy Holian**  
*Commissioner, District 4*

**Liz Stefanics**  
*Commissioner, District 5*

**Katherine Miller**  
*County Manager*

## ***MEMORANDUM***

**DATE:** *September 9, 2014*

**TO:** *Board of County Commissioners*

**FROM:** *Adam Leigland, Public Works Department Director*

**VIA:** *Katherine Miller, County Manager*

**ITEM AND ISSUE:** *BCC Meeting September 30, 2014*

**Approval of Revised New Mexico State Land Office Agricultural Lease Renewal for Thornton Ranch Open Space, Lease No. GO2406. (Public Works/Adam Leigland)**

---

### **SUMMARY:**

The action requested is the renewal of the agricultural lease from the New Mexico State Land Office Commissioner of Public Lands on 320 acres adjacent to Santa Fe County's Thornton Ranch Open Space.

### **BACKGROUND:**

In 2000 Santa Fe County purchased 780 acres from Mr. Gene Thornton that included Petroglyph Hill under the Open Space and Trails Program. Under the purchase agreement, Mr. Thornton transferred his leasehold interest 320 acres of adjacent State Trust Land to the County. The County has maintained the agricultural lease on the State Trust Land since acquiring the property and manages the lease as part of the Thornton Ranch Open Space. The lease must be renewed every 5 years. The current lease expires September 30<sup>th</sup>, 2014.

The lease renewal was approved at the July 20, 2014, BCC Meeting. Staff submitted the signed lease to the State Land Office. The State Land Office modified the hold harmless clause and changed the term of the lease from five years to one year. The change in term anticipates the results of the Master Plan for the property (currently underway) and allows for any changes in uses that will be presented under that Master Plan. This change will allow the parties to determine the appropriate type of lease for management of the property as Open Space which may differ from the Agricultural type lease that is proposed to be extended in this approval request. The new lease extension will expire on September 30, 2015.

### **ACTION REQUESTED:**

Approval of revised agricultural lease, GO2406, from the New Mexico State Land Office Commissioner of Public Lands for Thornton Ranch Open Space.



NEW MEXICO STATE LAND OFFICE  
COMMISSIONER OF PUBLIC LANDS  
NEW MEXICO STATE LAND OFFICE BUILDING  
P.O. BOX 1148, SANTA FE, NM 87504-1148

AGRICULTURAL LEASE

LEASE NO. GO2406

THIS LEASE, DATED OCTOBER 01, 2014 , IS ENTERED INTO BY AND BETWEEN THE COMMISSIONER OF PUBLIC LANDS, NEW MEXICO STATE LAND OFFICE, STATE OF NEW MEXICO, HEREINAFTER CALLED "LESSOR" AND:

COUNTY OF SANTA FE, NEW MEXICO

HEREINAFTER CALLED "LESSEE(S)", WHOSE ADDRESS OF RECORD IS:

OPEN SPACE & TRAILS PROGRAM  
P.O. BOX 276  
SANTA FE, NM 87504-0276

LESSOR AND LESSEE AGREE AND COVENANT AS FOLLOWS:

1. LEASE.

FOR AND IN CONSIDERATION OF AND SUBJECT TO THE RENTALS AND THE TERMS, COVENANTS, CONDITIONS, AGREEMENTS, OBLIGATIONS, AND RESERVATIONS CONTAINED IN THIS LEASE AND ALL OTHER EXISTING RIGHTS, LESSOR GRANTS AND LEASES TO LESSEE AND LESSEE TAKES FROM LESSOR THE TRACT(S) OF LAND DESCRIBED IN EXHIBIT A, ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE. THIS LEASE IS GOVERNED BY 19.2.8 NMAC (RULE 8).

2. TERM.

THE TERM OF THIS LEASE SHALL BEGIN ON OCTOBER 01, 2014 AND SHALL EXPIRE AT MIDNIGHT SEPTEMBER 30, 2015.

3. RENT.

THE ANNUAL RENTAL SHALL NOT BE LESS THAN THE MINIMUM RENTAL ESTABLISHED BY SECTION 19-7-29 NMSA 1978 AND SHALL BE PAID IN ADVANCE FOR EACH LEASE YEAR AND RECEIVED IN THE STATE LAND OFFICE ON OR BEFORE OCTOBER 1. THE ANNUAL RENTAL FOR GRAZING LAND SHALL BE DETERMINED AS FOLLOWS : ANNUAL RENTAL BASE VALUE X CARRYING CAPACITY X ACREAGE X ECONOMIC VARIABLE INDEX (EVI), AS DEFINED BY SLO RULE 8 "RELATING TO AGRICULTURAL LEASES" (19.2 NMAC, SLO 8.11). IN NO EVENT SHALL THE PRODUCT OF THE APPLICATION OF THE EVI, FOR EACH SUCCESSIVE YEAR OF THE LEASE TERM, BE DECREASED OR INCREASED BY MORE THAN THIRTY-THREE AND ONE-THIRD PERCENT. IN THE CASE OF GRAZING RENTAL OFFERS ON OPEN ACREAGE OR PURSUANT TO COMPETITIVE BID, LESSOR MAY ACCEPT GREATER RENTAL AMOUNTS THAN THOSE DETERMINED BY THE FOREGOING FORMULA, BUT THE ANNUAL GRAZING RENTAL DUE IN ANY LEASE YEAR SHALL NOT BE LESS THAN THE FORMULA AMOUNT. THE ANNUAL RENTAL FOR CULTIVATED LAND, ASSOCIATED LAND AND CONSERVATION RESERVE PROGRAM LAND SHALL BE DETERMINED BY LESSOR AND SHALL REMAIN UNCHANGED DURING THE TERM OF THE LEASE. THE TYPE OF LAND HEREBY LEASED AND THE ANNUAL RENTAL AMOUNT FOR THIS LEASE SHALL BE AS SET OUT IN EXHIBIT A HEREIN.

4. PERMITTED USE.

LESSEE MAY USE THE LEASED PREMISES ONLY FOR SUCH OPERATIONS AND ACTIVITIES AS ARE NECESSARY TO CARRY OUT THE PURPOSES FOR WHICH THE LEASE IS GRANTED AS SPECIFIED IN EXHIBIT A, AND IN ORDER TO COMPLY WITH ALL APPLICABLE PROVISIONS OF LAW REGARDING THE

CARE AND PROTECTION OF THE LEASED PREMISES.

5. LIEN.

AS SECURITY FOR THE PAYMENT OF ANY RENT THAT IS OR MAY BECOME DUE AND UNPAID, LESSEE GRANTS TO LESSOR A FIRST AND PRIOR LIEN UPON ANY AND ALL IMPROVEMENTS AND CROPS ON THE LEASED PREMISES.

6. IMPROVEMENTS.

NO IMPROVEMENTS, EXCEPT AS OTHERWISE PROVIDED BY LAW, SHALL BE PLACED ON THE LEASED PREMISES WITHOUT THE PRIOR WRITTEN CONSENT OF THE LESSOR. ALL IMPROVEMENTS PLACED ON THE LEASED PREMISES IN VIOLATION OF THIS PARAGRAPH SHALL BE CONSIDERED AND TREATED AS UNAUTHORIZED IMPROVEMENTS IN ACCORDANCE WITH THE APPLICABLE LAWS AND RULES.

7. ASSIGNMENT, SUBLEASE AND RELINQUISHMENT.

LESSEE SHALL NOT ASSIGN OR SUBLEASE THE LEASED PREMISES OR THE IMPROVEMENTS ON SAID PREMISES WITHOUT THE PRIOR WRITTEN CONSENT OF LESSOR AND SUCH OTHER REQUIREMENTS AS PRESCRIBED BY LAW OR RULE. AS PROVIDED BY LAW AND RULE ANY LEASE, IN GOOD STANDING, MAY BE RELINQUISHED TO THE STATE. UPON RELINQUISHMENT HOWEVER, THE LESSEE SHALL NOT BE ENTITLED TO A REFUND OF RENTALS PREVIOUSLY OWING AND PAID.

8. COLLATERAL ASSIGNMENTS.

ANY AGRICULTURAL LEASE MAY BE ASSIGNED AS COLLATERAL SECURITY SUBJECT TO THE EXPRESS WRITTEN CONSENT OF THE LESSOR AND SUCH OTHER TERMS AND CONDITIONS AS PRESCRIBED BY LAW OR RULE. THE APPROVAL OF A COLLATERAL ASSIGNMENT, HOWEVER, SHALL NOT PREVENT THE CANCELLATION OF THE LEASE AND TERMINATION OF THE COLLATERAL ASSIGNMENT FOR THE NONPAYMENT OF RENTALS OR OTHER VIOLATIONS OF THE LEASE TERMS.

9. DEFAULT AND CANCELLATION.

THE VIOLATION BY LESSEE OF ANY OF THE TERMS, CONDITIONS, OR COVENANTS OF THIS LEASE OR THE NONPAYMENT BY LESSEE OF THE RENT DUE UNDER THIS LEASE SHALL AT THE OPTION OF THE COMMISSIONER BE CONSIDERED A DEFAULT AND SHALL CAUSE THE CANCELLATION OF THIS LEASE 30 DAYS AFTER LESSOR HAS SENT WRITTEN NOTICE OF SUCH DEFAULT TO THE LESSEE AND TO ANY HOLDERS OF COLLATERAL ASSIGNMENTS BY REGISTERED MAIL, ADDRESSED TO THE POST OFFICE ADDRESS OF RECORD, PROVIDED, HOWEVER, IF WITHIN THE THIRTY DAYS THE LESSEE OR HOLDERS OF ANY COLLATERAL ASSIGNMENTS SHALL COMPLY WITH THE DEMAND MADE IN THE NOTICE, CANCELLATION SHALL NOT BE MADE.

10. RENEWAL.

ANY LESSEE WHO DESIRES TO SECURE A NEW LEASE SHALL MAKE AND FILE AN APPLICATION WITH THE LESSOR ON OR BEFORE AUGUST 1 NEXT PRECEDING THE EXPIRATION OF THIS LEASE. THE RIGHT OF RENEWAL SHALL BE SUBJECT TO SUCH TERMS AND CONDITIONS AS PROVIDED FOR BY LAW AND RULE.

11. RESERVATIONS.

- A. LESSOR RESERVES THE RIGHT TO EXECUTE LEASES ON THE LAND GRANTED BY THIS LEASE FOR MINING PURPOSES AND FOR THE EXTRACTION OF OIL, GAS, SALT, GEOTHERMAL RESOURCES, AND OTHER MINERAL DEPOSITS THEREFROM AND THE RIGHT TO GO UPON, EXPLORE FOR, MINE, REMOVE AND SELL SAME. LESSOR FURTHER RESERVES THE RIGHT TO SELL OR DISPOSE OF NATURAL SURFACE PRODUCTS OF SAID LANDS OTHER THAN GRAZING, AGRICULTURAL OR HORTI-

CULTURAL PRODUCTS AND TO GRANT SUCH OTHER RIGHTS-OF-WAY AND EASEMENTS AS PROVIDED BY LAW.

- B. LESSOR RESERVES THE RIGHT TO WITHDRAW PURSUANT TO RULE, UP TO 640 ACRES, BUT IN NO CASE MORE THAN HALF, OF THE LAND HELD BY THIS LEASE.

12. COMPLIANCE WITH LAWS.

LESSEE SHALL AT ITS OWN EXPENSE FULLY COMPLY WITH AND BE SUBJECT TO ALL LAWS, REGULATIONS, RULES, ORDINANCES, AND REQUIREMENTS OF LESSOR AND APPLICABLE CITY, COUNTY, STATE AND FEDERAL AUTHORITIES AND AGENCIES WHICH HAVE BEEN OR MAY BE ENACTED OR PROMULGATED, IN ALL MATTERS AND THINGS AFFECTING THE LEASED PREMISES AND OPERATIONS THEREON. SUCH OTHER AGENCIES SHALL NOT BE DEEMED THIRD PARTY BENEFICIARIES UNDER THIS LEASE.

13. HOLD HARMLESS.

LESSEE AGREES TO ADD THE NEW MEXICO STATE LAND OFFICE TO ITS PRIVATE INSURANCE POLICY AS AN ADDITIONAL INSURED. IN THE EVENT OF A CLAIM ARISING FROM THIS LEASE, SANTA FE COUNTY AGREES THAT THE SANTA FE COUNTY POLICY WILL COVER THE CLAIM TO THE LIMIT OF ITS INSURANCE.

14. AMENDMENT.

THIS LEASE SHALL NOT BE ALTERED, CHANGED OR AMENDED EXCEPT BY INSTRUMENT IN WRITING EXECUTED BY LESSOR AND LESSEE.

15. WAIVER.

NO WAIVER OF ANY BREACH OR DEFAULT BY LESSEE OF ANY OF THE TERMS, CONDITIONS OR COVENANTS OF THIS LEASE SHALL BE HELD TO BE A WAIVER OF ANY SUBSEQUENT BREACH. NO WAIVER SHALL BE VALID OR BINDING UNLESS THE SAME IS IN WRITING AND SIGNED BY LESSOR.

16. DELINQUENT RENTAL.

ALL RENTAL PAYMENTS RECEIVED AFTER OCTOBER 1 OF EACH YEAR SHALL BE CONSIDERED DELINQUENT AND SHALL BE SUBJECT TO THE PAYMENT OF INTEREST AT A RATE OF ONE PERCENT (1%) A MONTH FOR ANY FRACTION OF A MONTH. INTEREST SHALL ACCRUE FROM THE DATE THE PAYMENT BECOMES DUE.

17. APPLICABLE LAW.

THIS LEASE SHALL BE GOVERNED BY THE LAWS OF THE STATE OF NEW MEXICO.

18. SUCCESSORS IN INTEREST.

ALL TERMS, CONDITIONS AND COVENANTS IN THIS LEASE SHALL EXTEND TO AND BIND THE HEIRS, ASSIGNS, AGENTS, ATTORNEYS, CONTRACTORS AND SUCCESSORS IN INTEREST OF LESSOR AND LESSEE.

19. CARRYING CAPACITY REEVALUATION.

THE LESSOR RESERVES THE RIGHT DURING THE TERM OF THIS LEASE, AND UPON THE LESSOR'S DISCRETION, TO CONDUCT CARRYING CAPACITY REEVALUATIONS AND MAKE THE NECESSARY ADJUSTMENTS TO THE LEASE AND RENTAL AS MAY BE REQUIRED.

20. SURFACE DAMAGES NOTIFICATION.

PURSUANT TO 19.2.8.21 NMAC, IF LESSEE IS INVOLVED IN LITIGATION WITH ANY OTHER PERSON OR ENTITY FOR DAMAGES CONNECTED WITH THEIR LEASED TRUST LAND, LESSEE MUST NOTIFY THE COMMISSIONER AS SOON AS PRACTICABLE. THIS NOTICE REQUIREMENT DOES NOT APPLY TO LITIGATION INVOLVING ONLY THE LESSEE'S PERSONAL OR REAL PROPERTY.

21. RENEWABLE ENERGY.

IN ADDITION TO THE RESERVATIONS STATED IN PARAGRAPH 11 ("RESERVATIONS"), LESSOR RESERVES THE RIGHT TO EXECUTE LEASES FOR RENEWABLE ENERGY PROJECTS ON THE LAND GRANTED BY THIS LEASE, LESSEE CONSENTS TO ANY SUCH LANGUAGE, LESSEE AGREES TO COOPERATE IN ANY SUCH LEASE, AND FAILURE TO SO SHALL CONSTITUTE A VIOLATION PER PARAGRAPH 9 ("DEFAULT AND CANCELLATION").



I/WE CERTIFY THAT I/WE ARE THE LESSEE(S) REFERENCED ON THE FACE PAGE OF THIS LEASE.

\_\_\_\_\_  
LESSEE SIGNATURE

(\_\_\_\_\_)\_\_\_\_\_  
TELEPHONE

\_\_\_\_\_  
LESSEE SIGNATURE

(\_\_\_\_\_)\_\_\_\_\_  
TELEPHONE

\_\_\_\_\_  
LESSOR-COMMISSIONER OF PUBLIC LANDS

ACKNOWLEDGMENTS  
NATURAL PERSON(S)

STATE OF NEW MEXICO )  
COUNTY OF \_\_\_\_\_ )

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_,

BY \_\_\_\_\_  
(NAME OF LESSEE ACKNOWLEDGED)

MY COMMISSION EXPIRES:

\_\_\_\_\_  
NOTARY PUBLIC

PARTNERSHIP

STATE OF NEW MEXICO )  
COUNTY OF \_\_\_\_\_ )

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_,

BY \_\_\_\_\_  
(NAME OF PERSON ACKNOWLEDGED)

PARTNER(S) ON BEHALF OF \_\_\_\_\_, A PARTNERSHIP.

MY COMMISSION EXPIRES:

\_\_\_\_\_  
NOTARY PUBLIC

CORPORATION

STATE OF NEW MEXICO )  
COUNTY OF \_\_\_\_\_ )

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_,

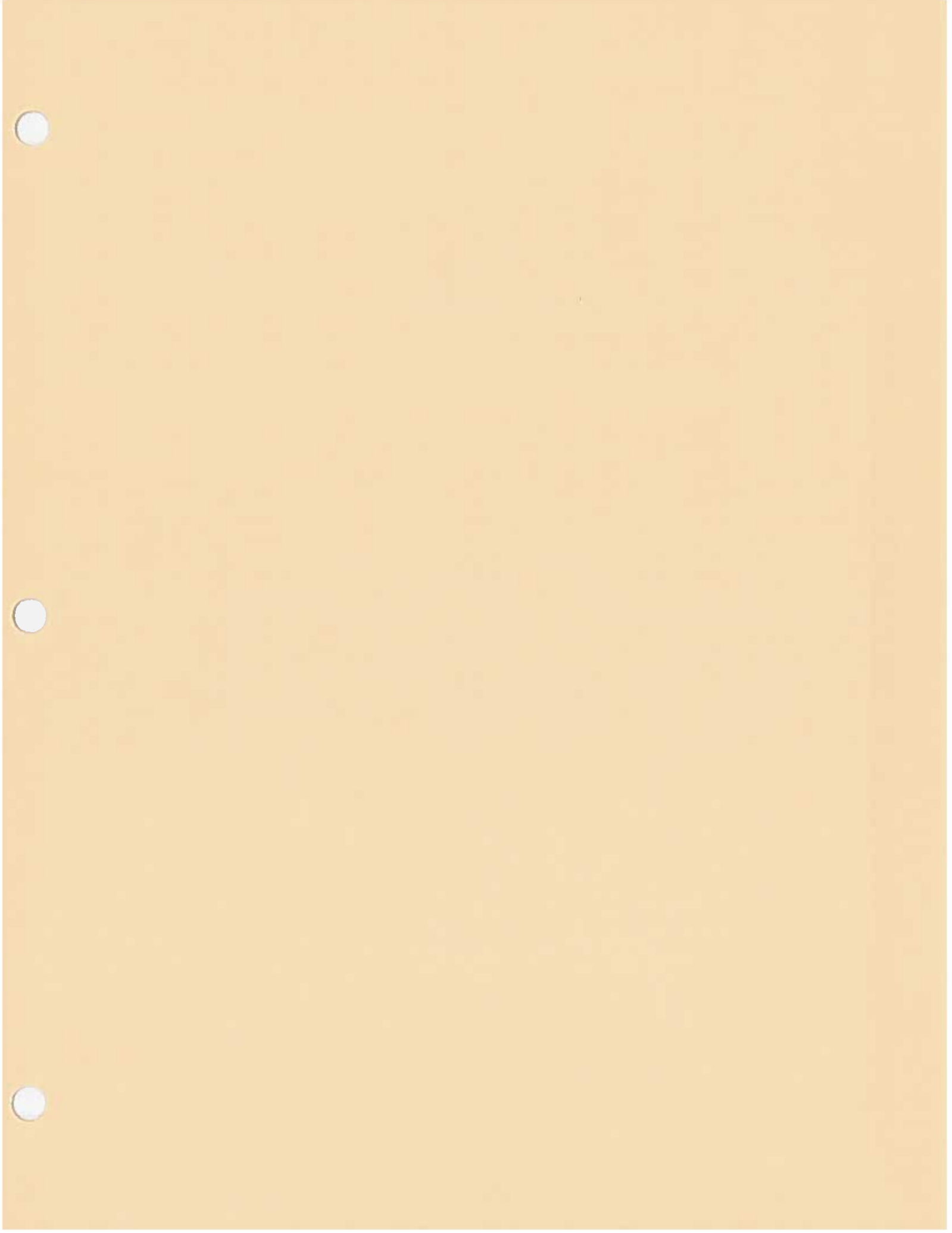
BY \_\_\_\_\_, \_\_\_\_\_ OF  
(NAME OF OFFICER) (TITLE OF OFFICER)

\_\_\_\_\_ A \_\_\_\_\_ CORPORATION, ON BEHALF  
(CORPORATION NAME)  
OF SAID CORPORATION.

MY COMMISSION EXPIRES:

\_\_\_\_\_  
NOTARY PUBLIC







Daniel "Danny" Mayfield  
Commissioner, District 1

Miguel Chavez  
Commissioner, District 2

Robert A. Anaya  
Commissioner, District 3



Kathy Holian  
Commissioner, District 4

Liz Stefanics  
Commissioner, District 5

Katherine Miller  
County Manager

## MEMORANDUM

DATE: September 16, 2014

TO: Board of County Commissioners

FROM: Bill Taylor, Procurement Manager *BT*

VIA: Jeffery Trujillo, ASD Director  
Adam Leigland, Public Works Director *AL*  
Katherine Miller, County Manager *KM 9/17/14*

ITEM AND ISSUE: *BCC Meeting September 30, 2014*  
Request Approval of Amended CDBG Project Budget for the Greater Glorieta Waterline Project (CDBG No. 12-C-NR-I-01-G-36)

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### ISSUE:

Santa Fe County applied for a CDBG Grant on behalf of Greater Glorieta MDWCA in January 2012 and received a grant award of \$424,759 in June 2012, with the Grant Agreement executed by the BCC in March 2013. CDBG Grant requirements mandate that all funds contributing to a public works project be identified and included in the CDBG Grant Agreement Budget. The Greater Glorieta MDWCA received a State STB Appropriation in November 2012 in the amount of \$50,000 as additional funding for this project. This State Appropriation was not identified in the original Grant Agreement Budget.

### BACKGROUND:

As the Grantee of the CDBG, Santa Fe County is coordinating the construction of a new waterline in Glorieta. The contractor for the project is Done Right Construction LLC and construction of the new waterline is expected to be completed by November of this year.

Estimated costs for design and construction have been adjusted to reflect actual costs and contributions to the project, aside from the CDBG Grant funds. In order to accurately document the modifications to the overall project budget and to finalize the reimbursement process for the CDBG Grant funds, a new project budget must be approved.

The attached amended project budget for the Greater Glorieta Waterline Project Grant (CDBG No. 12-C-NR-I-01-G-36) clarifies the following issues:

- The amendment to the project budget is required for the County to finalize the reimbursement process for the CDBG Grant funds.
- The amendment reflects the inclusion of a \$50,000 state appropriation received by the GGMDWCA which was applied toward the project.
- CDBG rules require that all funds contributing to a funded project must be identified and included in the overall budget.
- The amendment reflects actual totals for design, construction and other services which were originally presented in the grant application based on estimates calculated prior to the final design and construction of the project.
- The County will not incur any additional costs or financial obligations with the approval of this budget amendment.

**ACTION REQUESTED:**

Request Board of County Commissioners approve the amended project budget for the Greater Glorieta Waterline Project Grant (CDBG No. 12-C-NR-I-01-G-36).

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THIS GRANT AGREEMENT, hereinafter referred to as the "Agreement", is made and entered into by and between the Department of Finance and Administration, State of New Mexico, acting through the Local Government Division, Suite 202, Bataan Memorial Building, Santa Fe, New Mexico, 87501, hereinafter referred to as the "Division", and the County of Santa Fe, hereinafter referred to as the "Grantee", as of the date this Agreement is executed by the Division.

## RECITALS

WHEREAS, on May 31, 2012, the New Mexico Community Development Council ("Council") approved the allocation of Community Development Block Grant ("CDBG") funds to the Grantee for the CDBG program; and

WHEREAS, the CDBG program is subject to all applicable Federal and State laws and regulations, including Title I of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301 *et seq.*), and regulations of the U.S. Department of Housing and Urban Development ("HUD") found at 24 CFR Part 570 (as now in effect and as may be amended from time to time); and

WHEREAS, this Agreement is made by and between the Division and the Grantee, in connection with the Division's administration of the CDBG program, and pursuant to the authority of 42 U.S.C. 5301 *et seq.* and 24 CFR Part 570, to memorialize the terms and conditions of the CDBG program and the grant of funds to the Grantee.

## AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants and obligations contained herein, and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties agree as follows:

ARTICLE I - SCOPE OF WORK.

- A. The Grantee shall implement, in all respects, the Project Description, attached hereto as Exhibit "I-A", and the Project Schedule, attached hereto as Exhibit "I-B", both of which are incorporated by this reference as if set forth fully herein.
- B. The Grantee shall provide all the necessary qualified personnel, material, and facilities to implement the program described herein.
- C. The Grantee will adhere to all processes set forth in the CDBG Implementation Manual, which is available at the Division's website at:  
[http://www.nmdfa.state.nm.us/CDBG\\_Implementation\\_Manual.aspx](http://www.nmdfa.state.nm.us/CDBG_Implementation_Manual.aspx) ("CDBG Manual").

## ARTICLE II - LENGTH OF GRANT AGREEMENT.

- A. The term of this Agreement shall be effective upon execution by the Division. It shall terminate on the date which is two (2) years after the date of execution by the Division, unless earlier terminated pursuant to Article V.
- B. In the event that, due to unusual circumstances, it becomes apparent that this Agreement cannot be brought to full completion within the time period set forth in paragraph A of this Article II, the Grantee may request an extension. Agreement extensions will be approved on a case by case basis and must be requested prior to the termination date set forth in paragraph A of this Article II. The Division may review the work accomplished to date and determine, in its sole discretion, whether there is sufficient need or justification to amend this Agreement to provide additional time for project completion.

## ARTICLE III - REPORTS AND PROJECT CLOSEOUT.

- A. Progress Reports:
  - 1. To enable the Division to adequately evaluate the progress of the Agreement, the Grantee shall submit progress reports to the Division on a quarterly basis. The progress reports shall be submitted on the form attached as Exhibit "I-D" and shall contain a description of the work accomplished to date, the methods and procedures used, a detailed budget breakdown of expenditures to date, a statement of the impact of the project, and such other information as the Division may require.
  - 2. One (1) copy of each progress report shall be submitted to the Division. Progress reports shall be due no later than twenty (20) days after the end of each quarter during the term of this Agreement.
  - 3. The Division may require revisions to, or additional information to clarify, progress reports.
- B. Final Report: The Grantee shall submit to the Division one (1) copy of its Final Report with its final Request for Payment, attached hereto as Exhibit "I-M", or no later than twenty (20) days after the termination of this Agreement. The Final Report shall include all of the information required for the progress reports as set forth in paragraph A of this Article III.
- C. Paperless Reporting: In addition to the paper reports described in paragraphs A and B of this Article III, the Grantee shall report project activity by entering such project information into a database maintained by the Department of Finance and Administration. The Division shall provide Grantee with instructions on completing paperless reporting within 90 days of the effective date of this Agreement. The Division shall give Grantee a minimum of thirty (30) days' advance written notice of any changes to the information the Grantee is required to report on a paperless basis. Paperless reports shall be due no later than twenty (20) days after the end of each quarter during the term of this Agreement. A final paperless report for the project shall be due no later than twenty (20) days after the termination of this Agreement.
- D. Requests for Additional Information: At any time during the term of this Agreement and during the period of time during which Grantee must maintain records pursuant to Article VII, the Division, HUD, or the New Mexico State Auditor may (i) request such additional documentation and information regarding Grantee's activities under this Agreement as they deem necessary to



discharge their monitoring and compliance responsibilities, and (ii) conduct, at reasonable times and upon reasonable notice, onsite inspections of work performed as well as Grantee's financial and other records concerning the CDBG program. Grantee shall respond to such requests for additional information within a reasonable period of time, as established by the Division (or other entity making the request) in the request. Requests made pursuant to this paragraph D are in addition to and not in lieu of the progress and final reporting described in paragraphs A through C of this Article III.

- E. Project Closeout: Project closeout will occur upon "substantial completion" of the Project. "Substantial Completion" is defined as all five (5) of the following being accomplished, as determined by the Division in its sole discretion: 1) full and satisfactory completion of all work and services; 2) submission to the Division of the Grantee's architect/engineer's letter of final acceptance or certificate of substantial completion relating to the project ("Certificate of Completion") with all deficiencies corrected; 3) official acceptance by the Grantee of all contracted work or services; 4) receipt and approval by the Division of the final reporting referred to in paragraphs B and C of this Article III; and 5) clearance by the Division of all monitoring findings and completion of all the specific project closeout requirements and documents as set forth in chapter 8 of the CDBG Manual entitled "Monitoring and Close Out."

#### ARTICLE IV - GRANT AMOUNT AND METHOD OF PAYMENT.

- A. Amount of Grant: In consideration of the Grantee's satisfactory completion of all work and services required to be performed under the terms of this Agreement, and in compliance with all other Agreement requirements herein stated, the Division shall pay to the Grantee a sum not to exceed FOUR HUNDRED TWENTY FOUR THOUSAND SEVEN HUNDRED FIFTY NINE DOLLARS AND NO CENTS (\$424,759.00). The funds are to be expended in accordance with the budget attached as Exhibit "I-C", which is incorporated by this reference as if set forth fully herein, and in accordance with the purposes designated in Exhibit "I-A". Grantee's expenditure of these monies shall not deviate from the line items of said budget without the parties' execution of an amendment in accordance with Article V.
- B. Amount of Administrative Costs: No more than three percent (3%) of the Grant funds actually disbursed pursuant to this Agreement for allowable expenditures may be used by the Grantee for its actual and reasonable administrative costs. The maximum amount of administrative costs under this Agreement shall not exceed TWELVE THOUSAND SEVEN HUNDRED FORTY TWO DOLLARS AND SEVENTY SEVEN CENTS (\$12,742.77).
- C. The funds described in paragraph A above shall constitute full and complete payment of monies to be received by the Grantee from the Division.
- D. All payments to Grantee will be made by the Division upon receipt of an official Request for Payment form, which must be accompanied by a transmittal letter and proper supporting documentation for all expenditures included in the Request for Payment. Requests for Payment may be disputed and withheld if, in the sole opinion of the Division, the Grantee has failed to fulfill its responsibilities under this Agreement. In cases of disputed Requests for Payment, the Grantee agrees that it alone is responsible to timely pay its contractors in compliance with the provisions of the Prompt Payment Act, Sections 57-28-1 *et seq.* NMSA (1978) ("Prompt Payment Act") and the agreements between the Grantee and such contractors.
- E. The Grantee will provide payment to contractors based upon eligible activities as described in Exhibit "I-C". The Grantee understands and agrees that it alone is obligated to pay its

contractor(s) in a timely manner consistent with the requirements of the Prompt Payment Act. The Grantee further understands and agrees that its obligation is independent of the Division's disbursement of Grant funds and that the Division is in no way responsible to make timely payments to contractors. The Grantee further understands and agrees that it will be responsible for any penalties or fines imposed upon the Division or attorney's fees incurred by the Division due to the Grantee's failure to comply with any provisions of the Prompt Payment Act.

- F. The Grantee further agrees, in compliance with the Prompt Payment Act, that the agreement between the Grantee and any contractor shall contain the following legend in clear and conspicuous type on each page of the plans including the bid plans and construction plans: "Notice of Extended Payment Provision: This contract allows the owner (Grantee) to make payment within 45 days after submission of an undisputed request for payment".
- G. The Grantee further agrees, in compliance with the Prompt Payment Act, that all construction contracts shall provide that contractors and subcontractors make prompt payment to their subcontractors and suppliers for amounts owed for work performed on the construction project within seven (7) days after receipt of payment from the owner, contractor or subcontractor. If the contractor or subcontractor fails to pay its subcontractor and suppliers by first-class mail or hand delivery within seven (7) days of receipt of payment, the contractor or subcontractor shall pay interest to its subcontractors and suppliers beginning on the eighth (8<sup>th</sup>) day after payment was due, computed at one and one-half percent (1.5%) of the undisputed amount per month or fraction of a month until payment is issued. These payment provisions apply to all tiers of contractors, subcontractors and suppliers.
- H. Pursuant to the Prompt Payment Act, ten (10) days after issuance of the Certification of Completion, (as defined in paragraph D of Article III), any amounts remaining due the contractor or subcontractor under the terms of the contract shall be paid upon the presentation of the following:
1. A properly executed release and duly certified voucher for payment;
  2. A release, if required, of all claims and claims of lien against the owner arising under and by virtue of the contract other than such claims of the contractor, if any, as may be specifically excepted by the contractor or subcontractor from the operation of the release in stated amounts to be set forth in the release; and
  3. Proof of completion.
- I. All CDBG expenditures shall be included in the Grantee's single audit for each fiscal year in which funds are expended. Grantees are required to conduct an audit performed in accordance with OMB Circular A-133 and submit such audit to the Division within 30 days of the date the audit approved by the New Mexico State Auditor. If the total amount of Federal funds expended exceeds \$500,000, CDBG must be listed as a funding source on the audit. The Division retains the right to recover funds from the Grantee for any disallowed costs based on the results of any interim or the final audit.
- J. Requests for Paid Expenditures: If the Grantee is requesting reimbursement of expenditures it has already paid, the Request for Payment must contain proof of payment in the form of a certification from an authorized signatory that the expenditures are valid and actual receipts, in accordance with the Request for Payment form.

- K. Requests for Unpaid Expenditures: If the Grantee is requesting reimbursement of expenditures it has incurred but not yet paid, it must disburse funds within three (3) business days of receipt from the Division. Such Requests for Payment must include a certification that the expenditures are valid, in accordance with the Request for Payment form.
- L. Deficient Requests for Payment: The Division may disallow a Request for Payment, in whole or in part, in the event the Request for Payment is deficient. Examples of deficient Requests for Payment include the lack of required signatures, lack of required supporting documentation, computational errors, seeking reimbursement for unallowable costs, or questions concerning whether the reported expenditures are permissible under this Agreement and applicable law and regulations. If a Request for Payment is disallowed, in whole or in part, the Division shall return to the Grantee the disallowed Request for Payment and accompanying documentation, and will notify the Grantee in writing of the nature of the deficiency and what the Grantee must do to correct it.
- M. Withholding Payment for Proper Expenditures: The Division shall withhold ten percent (10%) of the total amount of the Grant funds until project closeout. The Division may also withhold payment in the event the Grantee has failed to comply with the terms and conditions of this Agreement or applicable law and regulations. In such event, the Division shall give Grantee notice in writing of such failure and the actions Grantee must take to come into compliance. Payment shall be released upon Grantee's subsequent compliance.
- N. All Requests for Payment shall be received by the Division within twenty (20) days after the Grant termination date. Any reimbursements made to Grantee for items or services that are unallowable under the terms of this Agreement or applicable law and regulations shall be immediately returned to the Division. If any unexpended funds remain after the conditions of this Agreement have been satisfied or after the termination date, the unexpended funds shall revert to the Division for disposition by the Council.

#### ARTICLE V - SUSPENSION, TERMINATION AND MODIFICATION.

- A. In accordance with 24 CFR 85.43, the Division, by written notice to the Grantee, shall have the right to suspend or terminate this Agreement if, at any time, in the judgment of the Division, the Grantee materially fails to comply with any term of this Agreement. The Division may demand repayment of all or part of the funds disbursed to the Grantee upon termination due to non-compliance.
- B. The Agreement may be terminated for convenience in accordance with 24 CFR 85.44.
- C. The terms and conditions of this Agreement can only be modified or changed by written amendment, executed by both the Division and Grantee. Any attempted oral modification of the terms and conditions of this Agreement shall be null and void and of no force or effect.

#### ARTICLE VI - COPYRIGHT AND PATENTS.

No report, map, or other document provided, in whole or in part, under this Agreement, shall be the subject of an application for copyright or patented by or on behalf of the Grantee.

## ARTICLE VII - RETENTION OF RECORDS.

The Grantee shall keep such records as will fully disclose the amount and disposition of the total funds from all sources budgeted for the Agreement period, the purpose of undertaking for which such funds were used, the amount and nature of all contributions from other sources, all records required to be maintained under Federal law and regulations, and such other records as the Division may prescribe. The Grantee shall be strictly accountable for all receipts and disbursements under this Agreement and maintain fiscal records related to the Agreement in accordance with generally accepted accounting principles. The Grantee shall make all relevant financial and other program records available to the Division, HUD, and the New Mexico State Auditor upon request and shall maintain all such records for a period of not less than six (6) years following project closeout.

## ARTICLE VIII - REPRESENTATIVES; NOTICE.

- A. The Grantee hereby designates the person listed below as the official Grantee Representative responsible for overall supervision of the approved project:

Name: Rudy Garcia  
Title: Project Manager  
Address: P.O. Box 276  
Santa Fe, New Mexico 87504  
Telephone: (505) 992-9865  
E-mail: rgarcia@santafecountynm.gov  
Facsimile: (505) 992-9869

Grantee may change the Grantee Representative by giving the Division written notice of such change, in accordance with paragraph C of this Article VIII.

- B. The Division hereby designates the person listed below as the official Project Manager responsible for overall administration of this Agreement, including compliance and monitoring of Grantee:

Name: Stephanie Romero  
Title: Project Manager  
Address: Bataan Memorial Bldg Rm. 202  
Santa Fe, New Mexico 87501  
Telephone: (505) 827-4978  
E-mail: stephaniem.romero@state.nm.us  
Facsimile: (505) 827-4948

The Project Manager is the Division representative with the authority to approve on behalf of the Division all matters requiring Division approval under this Agreement. The Division may change the Project manager by giving Grantee written notice of such change, in accordance with paragraph C of this Article VIII.

- C. Notices of suspension, termination, or any other matter under this Agreement shall be sent by e-mail, facsimile, or regular mail addressed to the individual designated in or in accordance with paragraphs A and B of this Article VIII. In the case of notices sent by regular mail only, notices shall be deemed to have been given/received upon the date of the party's actual receipt or five (5) calendar days after mailing, whichever shall first occur. In the case of a notice sent by facsimile transmission, the notice shall be deemed to have been given/received on the date reflected on the

facsimile confirmation indicating a successful transmission of all pages included in the writing. A notice sent by e-mail only shall be deemed to have been given/received upon the date of the party's actual receipt.

#### ARTICLE IX - TERMS AND CONDITIONS.

Except to the extent HUD waives any Federal requirement or regulation, the Grantee shall abide by all applicable Federal and State laws and regulations, policies, guidelines, and requirements with respect to the acceptance and use of Federal CDBG funds for this project, including but not limited to the following:

- A. Title I of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301 *et seq.*).
- B. The HUD regulations at 24 CFR Part 570 (as now in effect and as may be amended from time to time).
- C. Construction Project Requirements:
  - 1. The funding assistance authorized hereunder shall not be obligated or utilized for any construction activities until the Grantee has submitted to the Division a Request for Release of Funds and the Division has issued to the Grantee the Authority to Use Grant Funds, forms of which are included in the CDBG Manual.
  - 2. The Grantee shall be responsible for assuring the Division that all plans and specifications and related addenda for construction projects comply with the Prompt Payment Act, and have been filed, reviewed and approved for adequacy and code and standards compliances by appropriate State agencies as may be required before a project is advertised for sealed construction bids. Evidence of any such filing, review and compliance shall be provided to the Division prior to bid advertisement. All subsequent change orders must be submitted to the Division for review and approval prior to execution.
  - 3. Assistance from the State of New Mexico, Community Development Council, shall be acknowledged by project signs erected at the project site prior to and maintained during construction. Project signs shall include the New Mexico Department of Finance and Administration as the funding agency, the Governor's name, the name of the project's architect/engineer, the name of the project, the name of the Grantee, total cost of the project, and a listing of other financial participation by dollar amount from all sources. Project signs shall be weatherproof and shall be painted on one side with a background color of yellow with red lettering of 3/4" thick, not smaller than 4' x 6' nor larger than 4' x 8', margin grade plywood. Each sign shall be mounted on two 4" x 4" posts, with the bottom of the sign at least four feet above grade. The sign shall be mounted level at the location designated by the Grantee. The Grantee shall remove the sign upon completion of the construction project.
  - 4. Acknowledgment of funding assistance from the CDBG Program shall be included on any permanent signs, plaques or other displays at facilities constructed with grant assistance.
- D. Reversion of Assets: The Grantee agrees that upon the expiration of this Agreement, the Grantee shall transfer to the Division any funds on hand at the time of the expiration and any accounts

receivable attributable to the use of CDBG funds. The Grantee agrees that, upon expiration, any real property under the Grantee's control that was acquired or improved, in whole or in part, with CDBG funds (including in the form of a loan) in excess of \$25,000, shall continue to either: 1) be used to meet one of the national objectives in the Criteria for National Objectives, set forth at 24 CFR 570.208, until five (5) years after expiration of the Agreement, or for such longer period of time as determined to be appropriate by the Division; or 2) if not used in accordance with 24 CFR 570.208, then the Grantee shall, at the time of the change in use, pay the Division an amount equal to the current market value of the property less any portion of the value attributable to expenditures of non-CDBG funds for the acquisition of, or improvement to, the property. The payment is program income to the Division. No payment is required after five (5) years after expiration of this Agreement, or for such longer period as determined to be approved by the Division.

E. Program Income: The Grantee shall comply with the program income requirements set forth at 24 CFR 570.504(c). In addition, at the end of the program year, the Division may require remittance of all or part of any program income balances (including investments thereof) held by the Grantee (except those needed for immediate cash needs, cash balances of a revolving loan fund, cash balances from a lump sum drawdown, or cash or investments held for Section 108 security needs).

F. Uniform Administrative Requirements: The Grantee shall comply with applicable uniform administrative requirements, as described in 24 CFR 570.502.

G. Other Program Requirements:

1. The Grantee shall carry out each activity in compliance with all Federal laws and regulations described in subpart K of the HUD regulations (found at 24 CFR 570.600 – 614, as may be amended from time to time), including, but not limited to, regulations relating to:
  - (a) Public Law 88-352 and Public Law 90-284; affirmatively furthering fair housing; Executive Order 11063 (§570.601);
  - (b) Section 109 of the Act (prohibiting discrimination)(§570.602);
  - (c) Labor standards (§570.603);
  - (d) Environmental standards (§570.604);
  - (e) National Flood Insurance Program (§570.605);
  - (f) Displacement, relocation, acquisition, and replacement of housing (§570.606);
  - (g) Employment and contracting opportunities (§570.607);
  - (h) Lead-based paint (§570.608);
  - (i) Use of debarred, suspended, or ineligible contractors or sub-recipients (§570.609);
  - (j) Uniform administrative requirements and cost principles (referencing OMB Circulars A-87, A-110, A-122, and A-128, as applicable)(§570.610);
  - (k) Conflict of interest (§570.611);
  - (l) Executive Order 12372 (relating to water or sewer facility projects)(§570.612);
  - (m) Eligibility restrictions for certain resident aliens (§570.613); and
  - (n) Architectural Barriers Act and the Americans with Disabilities Act (§570.614).

2. Notwithstanding any provision in Section G(1) of this Article IX to the contrary:

- (a) The Grantee does not assume the Division's environmental responsibilities

- (b) described in 24 CFR 570.604; and  
The Grantee does not assume the Division's responsibility for initiating the review process under the provisions of 24 CFR Part 52.

- H. The Conflict of interest provision set forth in 24 CFR 85.36 of the HUD regulations. No officer or employee of the local jurisdiction or its designees or agents, no member of the governing body, and no other public official of the locality who exercises any function or responsibility with respect to this contract, during his/her tenure or for one year thereafter, shall have any interest, direct or indirect, in any contract or subcontract, or the proceeds thereof, for work to be performed. Further, the contractor shall cause to be incorporated in all subcontracts the language set forth in this paragraph prohibiting conflicts of interest.
- I. The provisions of the Hatch Act, which limits the political activity of employees.
- J. Federal Reporting: The Grantee shall comply with requirements established by the Office of Management and Budget (OMB) concerning the Dun and Bradstreet Data Universal Numbering System (DUNS), the Central Contractor Registration (CCR) database, and the Federal Funding Accountability and Transparency Act, including Appendix A to Part 25 of the *Financial Assistance Use of Universal Identifier and Central Contractor Registration*, 75 Fed. Reg. 55671 (Sept. 14, 2010)(to be codified at 2 CFR Part 25) and Appendix A to Part 170 of the *Requirements for Federal Funding Accountability and Transparency Act Implementation*, 75 Fed. Reg. 55663 (Sept. 14, 2010)(to be codified at 2 CFR Part 170).
- K. Procurement: The Grantee shall comply with the New Mexico State Procurement Code, Sections 13-1-28 through 13-1-199 NMSA 1978, and the purchasing regulations of the New Mexico General Services Department, State Purchasing Division.
- L. Rule 2.110.2 NMAC.
- M. The Grantee shall finance its share (if any) of the costs of the project, including all project overruns.
- N. The Grantee shall submit all project-related contracts, subcontracts, agreements and subsequent amendments, funded in whole or in part with CDBG funds, to the Division for review and approval prior to execution. Disbursement of Grant funds is conditioned upon the Grantee's contracts, subcontracts and agreements complying with the requirements of Article IV herein. The Grantee shall provide the Division with any other project-related contracts, and agreements upon the Division's request.
- O. Except to the extent that the Division waives in writing any requirement contained therein, the Grantee shall abide by, and this Agreement incorporates all applicable provisions of, the Division's CDBG Manual, as such may be amended from time to time.

#### ARTICLE X - CERTIFICATIONS.

By signing this Agreement, the Grantee certifies to the following:

- A. Anti-Lobbying: To the best of the Grantee's knowledge and belief:
- I. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee or any agency, a

Member of Congress, an officer or employee of Congress, or any employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and
3. It will require that the language of paragraphs A(1) and (2) of this Article X be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

B. Local Needs Identification: Grantee certifies that it has identified its community development and housing needs, including the needs of low-income and moderate-income families, and the activities to be undertaken to meet these needs.

C. Special Assessments: The Grantee certifies to the following:

1. It will not attempt to recover any capital costs of public improvements assisted with CDBG funds including Section 108 loan guaranteed funds by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements;
2. However, if CDBG funds are used to pay the proportion of a fee or assessment that relates to the capital costs of public improvements (assisted in part with CDBG funds) financed from other revenue sources, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds; and
3. It will not attempt to recover any capital costs of public improvements assisted with CDBG funds, including Section 108, unless CDBG funds are used to pay the proportion of fee or assessment attributable to the capital costs of public improvements financed from other revenue sources. In this case, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds. Also, in the case of properties owned and occupied by moderate-income (not low-income) families, an assessment or charge may be made against the property for public improvements financed by a source other than CDBG funds if the jurisdiction certifies that it lacks CDBG funds to cover the assessment.

D. Excessive Force: The Grantee certifies that it has adopted and is enforcing the following:

1. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations:



- and
2. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location, which is the subject of such non-violent civil rights demonstrations within its jurisdiction;
- E. Citizen Participation: It has followed a detailed citizen participation plan that satisfies the requirements of 24 CFR 570.486, and will continue to provide opportunities for citizen participation.
- F. It will, to the maximum extent feasible, contract and subcontract with eligible small, minority and women's business enterprises and utilize eligible businesses which are owned by persons located in the unit of local government in which the project is administered.
- G. It will comply with Section 3 of the Housing and Urban Development Act of 1968, and implementing regulations at 24 CFR Part 135.
- H. Overall Benefit: The aggregate use of the Grant funds shall principally benefit persons of low and moderate income in a manner that ensures that at least seventy percent (70%) of the amount is expended for activities that benefit such persons.
- I. Drug Free Workplace: It will or will continue to provide a drug-free workplace by:
1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the Grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
  2. Establishing an ongoing drug-free awareness program to inform employees about –
    - (a) The dangers of drug abuse in the workplace;
    - (b) The Grantee's policy of maintaining a drug-free workplace;
    - (c) Any available drug counseling, rehabilitation, and employee assistance programs; and
    - (d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
  3. Making it a requirement that each employee to be engaged in the performance of the Grant be given a copy of the statement required by paragraph I(1) of this Article X;
  4. Notifying the employee in the statement required by paragraph I(1) of this Article X that, as a condition of employment under the Grant, the employee will –
    - (a) Abide by the terms of the statement; and
    - (b) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five (5) calendar days after such conviction;
  5. Notifying the agency in writing, within ten (10) calendar days after receiving notice under paragraph I(4)(b) of this Article X from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity

the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

6. Taking one of the following actions, within thirty (30) calendar days of receiving notice under paragraph I(4)(b) of this Article X, with respect to any employee who is so convicted –
  - (a) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
  - (b) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
7. Make a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs I(1) –(6) above.
- J. Compliance with Anti-discrimination Laws: The grant will be conducted and administered in conformity with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), the Fair Housing Act (42 U.S.C. 3601-3619), and implementing regulations.
- K. Compliance with Laws: The Grantee will comply with applicable laws.
- L. General Assurances: The grantee represents and warrants that:
  1. It has the legal authority to receive and expend the Grant funds and execute a CDBG program;
  2. This Agreement has been duly authorized by the Grantee's governing body, the person executing this Agreement has authority to do so, and, once executed by the Grantee, this Agreement shall constitute a binding obligation of the Grantee, enforceable according to its terms.
  3. This Agreement and the Grantee's obligations hereunder do not conflict with any law applicable to the Grantee's charter (if applicable), or any judgment or decree to which it is subject.

#### ARTICLE XI - ENTIRE AGREEMENT.

This Agreement contains the entire agreement between the Grantee and the Division. There are no promises, agreements, conditions, undertakings, warranties or representations, oral or written, expressed or implied, between them, other than what is herein set forth.

#### ARTICLE XII - APPROPRIATIONS.

The Division's performance and liability under this Agreement is contingent upon sufficient authority and appropriations being granted to the Division by HUD and the Council.

ARTICLE XIII - GOVERNING LAW.

This Agreement shall be construed and governed by the substantive laws of the State of New Mexico, without giving effect to its choice of law rules, and applicable Federal laws and regulations.

ARTICLE XIV - LIABILITY.

Each party shall be solely responsible for its own liability under this Agreement, subject to the immunities and limitations of the New Mexico Tort Claims Act, Sections 41-4-1 *et seq.* NMSA 1978.

[This space intentionally left blank.]

IN WITNESS WHEREOF, the parties do hereby execute this Agreement as of the date of signature by the Division below.

THIS GRANT AGREEMENT has been approved by:

GRANTEE

Kathleen S. Holian  
Chief Elected Official/Authorized Signatory

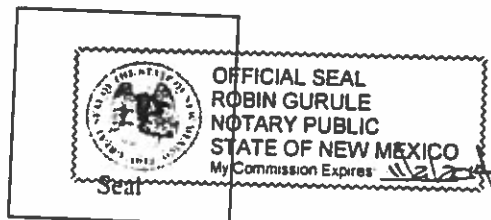
March 14, 2013  
Date

Kathleen S. Holian  
(Type or Print Name)

STATE OF NEW MEXICO )  
COUNTY OF Santa Fe )ss.

Approved as to form  
Santa Fe County Attorney  
By: [Signature]  
Date: Nov 7 2012

The foregoing instrument was acknowledged before me this 14 day of March, 2013  
by Kathleen S. Holian



[Signature]  
Notary Public

My Commission Expires: 11/2/2014

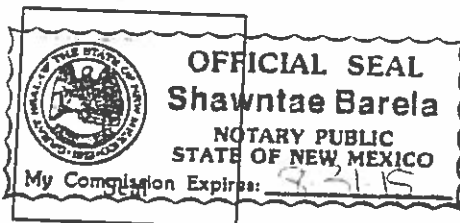
DEPARTMENT OF FINANCE AND ADMINISTRATION  
LOCAL GOVERNMENT DIVISION

By: Ryan Gleason  
Ryan Gleason, Director

3/15/13  
Date

STATE OF NEW MEXICO )  
COUNTY OF SANTA FE )ss.

The foregoing instrument was acknowledged before me this 15<sup>th</sup> day of March, 2013  
by Ryan Gleason



[Signature]  
Notary Public

My Commission Expires: 8-31-15

# Exhibit A

## Project Description

**Name:** Santa Fe County  
**Project Number:** 12-C-NR-I-01-G-36  
**Grant Amount:** \$424,759.00

Santa Fe County, on behalf of Greater Glorieta Community Regional Mutual Domestic Water Consumers Association (Glorieta Estates, Village of Glorieta, and East Glorieta) (MDWA) will improve the water system for the Greater Glorieta Community in Glorieta, NM.

The project consists of the installation of a new waterline along Avenida Ponderosa to connect Glorieta Estates to the Village of Glorieta water supply. The project will consist of installation of approximately 4,300 linear feet of new 8" waterline, fittings, and joint restraints, gate valves, fire hydrants, connection to existing water system, replacement of existing service connections for all three Glorieta MDWCA's with service connections that includes water meters and meter boxes equipped for remote meter reading, automated/remote water meter reading hardware and software

In addition, the waterlines will be installed at a minimum depth of 4-ft from the ground surface. After the subsurface improvements, the existing roadway will be restored to original conditions consisting of a chip seal road surface.

The Project will benefit 253 persons of which 66% are LMI.

Santa Fe County will provide a 10% cash match or \$42,475.90 in addition to \$320,812.10 in leveraging.

DEPARTMENT OF FINANCE  
COMMUNITY DEVELOPMENT

EXHIBIT 1-B  
GRANT/LOCAL GOVERNMENT DIVISION  
DEVELOPMENT BLOCK GRANT PROGRAM

Name of Grantee: Santa Fe County		BG Project Number: 12-C-NR-101-G-36											
Project Description: Water system improvements													
Implementation Milestones:		Year: 2012											
1. Organize and Set-Up files		Jan.	Feb.	March	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
2. Submit Depository and Signature Cards		Completed											
3. Complete Environmental Review Record													
4. Prepare RFP/Notice for Professional Services													
5. LGD Review/Approval of Engineering Agreement and Related Documents													
Design Milestones:		Year: 2012/2013											
6. Complete Plans/Specifications and Bid Documents		Jan.	Feb.	March	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
7. LGD Review/Approval of Plans/Specifications and Bid Documents													
8. Publish Bid Notice and Award Prime Contract													
9. LGD Review/Approval of Prime Contract and Related Documents													
Construction Milestones:		Year:											
10. Pre-Construction Conference		Jan.	Feb.	March	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
11. Issue Notice to Proceed													
12. Construction													
13. Final Inspection/Closeout													

State of New Mexico  
Department of Finance and Administration  
Local Government Division

[X] Grant Agreement	Amendment	Grant Number	Project Title
---------------------	-----------	--------------	---------------

Grant Number: 12-C-NR-1-01-G-36

Phase:

**CDBG Amount:**

\$	424,759.00	\$	363,288.00
----	------------	----	------------

## Future Work and System Improvements

### PROJECT FUNDING SOURCES

[illegible]

Calli Finkbeiner

OTF-  
atch

Local, state, federal or private)
-----------------------------------

### Local In-Kind

1500  
TOTAL PROJECT

PROJECT COST	\$0.05
--------------	--------

151	\$0.00
	\$99,187.00

599,187.00	5,10,000.00
------------	-------------

543.739 (0)	544.000 (0)
-------------	-------------

000115

800 000

5568.772.111

\$36,449.00

\$80.00

86110

131198

(11) 1985

00 05

5788.017 (0)

**EXHIBIT 1-D  
PROGRESS/FINAL REPORT**

**STATE OF NEW MEXICO  
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM  
PROGRESS/FINAL REPORT**

Grantee: \_\_\_\_\_  
Grant Amount: \_\_\_\_\_  
Project Number: \_\_\_\_\_  
Reporting Period: \_\_\_\_\_

1. What tasks have been completed by the end of the current quarter\*:

	DATE
A. PTAB Submittal/Approval	_____
B. Professional Services Contract Bid Out	_____
C. Professional Services Contract Executed	_____
D. SHPO Approval Granted	_____
E. Environmental Assessment Completed	_____
F. Combined Notice Advertised	_____
G. Request for Funds Submitted	_____
H. Authority to Use Grant Funds Issued	_____
I. Construction Bid Documents Prepared	_____
J. Construction Bid Documents Out for Bid	_____
K. Construction Bid Documents Executed	_____
L. Preconstruction Conference Held	_____
M. Construction Begun	_____
M.1 anticipated construction completion date:	_____
M.2 % of work completed**:	_____ %
N. Construction Completed	_____
O. Final Draw Submitted	_____
P. Final Closeout Public Hearing	_____

\* If not needed for the CDBG project, list N/A

\*\*Please report % of work completed at time of reporting period.

Comments:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



## CDBG Progress/Final Report

2. Describe any problems encountered or delays experienced in the implementation and administration of the project. Also, discuss actions or methods used or to be used in alleviating the problem. Attach additional sheets if necessary.
3. Provide a detailed budget breakdown of expenditures to date on the attached Request for Payment/Financial Status Report Form (**Exhibit 1-M**).

### Certification

Under penalty of law, I hereby certify that to the best of my knowledge and belief that the information contained in this report is correct and true.

\_\_\_\_\_  
Signature of Grantee Representative

\_\_\_\_\_  
Signature of Chief Elected Official

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

# ONLY USE NEXT THREE PAGES FOR THE FINAL REPORT – NOT QUARTERLY REPORTS

## CDBG Final Report

4. List other public/private funds used in conjunction with this project:

Public \_\_\_\_\_ Private \_\_\_\_\_ In-Kind \_\_\_\_\_

5. State which of the three state/national objectives the project addresses. Check more than one if applicable.

a. Benefit to Low/Moderate \_\_\_\_\_

b. Slum and Blight \_\_\_\_\_

c. Urgent Need (Health and Safety) \_\_\_\_\_

6. Indicate Project Impact by providing the following information, if applicable:

	Projected	Actual
Number of Housing Units Rehabilitated	_____	_____
Number of Jobs Created	_____	_____
Number of Jobs Retained	_____	_____
Number of Persons Served by Community Facilities	_____	_____

a. Type of Facility \_\_\_\_\_

b. Number of Facilities \_\_\_\_\_

7. a. Indicate the number and percent of low/moderate income persons benefiting from this project.

Projected # \_\_\_\_\_/\_\_\_\_\_% Actual # \_\_\_\_\_/\_\_\_\_\_%

Minorities (if available) # \_\_\_\_\_/\_\_\_\_\_%

- b. Indicate the dollar amount and percent of funds directly benefiting low/moderate income persons.

\$ \_\_\_\_\_/\_\_\_\_\_%

Minorities (if available) # \_\_\_\_\_/\_\_\_\_\_%

- c. Provide the total number of direct beneficiaries of this project. \_\_\_\_\_

## CDBG Final Report

d. Total number of direct beneficiaries (7.c.) who are:

1. Ethnicity:

(a) Hispanic or Latino # \_\_\_\_\_  
(b) Not Hispanic or Latino # \_\_\_\_\_

2. Race:

(a) American Indian or Alaskan Native # \_\_\_\_\_  
(b) Asian # \_\_\_\_\_  
(c) Black or African American # \_\_\_\_\_  
(d) Native Hawaiian or  
Other Pacific Islander # \_\_\_\_\_  
(e) White # \_\_\_\_\_  
(f) American Indian or  
Alaska Native and White # \_\_\_\_\_  
(g) Asian and White # \_\_\_\_\_  
(h) Black or African American  
And White # \_\_\_\_\_  
(i) American Indian or Alaska Native  
And Black or African American # \_\_\_\_\_

3. Gender:

(a) Male # \_\_\_\_\_  
(b) Female # \_\_\_\_\_  
(c) Female-Head of Household # \_\_\_\_\_

e. Complete and attach the Contract and Subcontract Activity Form (**Exhibit 1-E**).

8. Indicate the amount of CDBG money used in the following categories.

	Projected	Completed
Community Infrastructure	_____	_____
Housing Rehabilitation	_____	_____
Public Service Capital Outlay	_____	_____
Economic Development	_____	_____
Administration (Planning & Technical Assistance)	_____	_____

**NEW MEXICO COMMUNITY DEVELOPMENT BLOCK GRANT**  
Request for Payment/Financial Status Report  
Exhibit 1-M

**I. A. Grantee:**

B. Bank Name \_\_\_\_\_  
Bank Address \_\_\_\_\_  
(Physical & Mailing) \_\_\_\_\_  
C. Grantee Phone Number: \_\_\_\_\_  
D. Account No. \_\_\_\_\_  
E. Routing No. \_\_\_\_\_  
F. Grant No. \_\_\_\_\_

Payment Request Number: \_\_\_\_\_

**II. Payment Computation:**

A. Grant Award \$0.00  
B. Funds Received to Date \$0.00  
C. Requested this Payment \$0.00  
D. Grant Balance \$0.00

**III. Report Period Ending**

Budget Categories	Approved Budget		Expenditures This Request		Expenditures to Date	
	Grant Funds	Match Funds	Grant Funds	Match Funds	Grant Funds	Match Funds
Administration (Contractual)						
Architect/Engineer						
Other Professional						
Inspection (Testing)						
Property Acquisition						
Property Rehabilitation						
Construction						
Contingencies						
Other Activities (list)						
TOTALS:	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

**IV. CERTIFICATION:** Under penalty of law, I hereby certify that to the best of my knowledge and belief, the above information is correct, expenditures are properly documented, required matching funds have been spent/obligated in the reported amount, and that copies of all required documentation attached for this payment request are true and correct copies of the originals.

Authorized Signatory \_\_\_\_\_

Date \_\_\_\_\_

Authorized Signatory \_\_\_\_\_

Date \_\_\_\_\_

Print or Type Name \_\_\_\_\_

Print or Type Name \_\_\_\_\_

\* Both local level signatures must match depository/signature card.  
\*\* Authorizing official is not authorized to sign Request for Payment/Financial Status Report.

(DFA Local Government Division Use Only)

Division Fiscal Officer \_\_\_\_\_

Date \_\_\_\_\_

Division Project Representative \_\_\_\_\_

Date \_\_\_\_\_

STATE OF NEW MEXICO  
DEPARTMENT OF FINANCE AND ADMINISTRATION  
LOCAL GOVERNMENT DIVISION  
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM  
GRANT AGREEMENT AMENDMENT NO. 1

Project No. 12-C-NR-I-01-G-36

THIS AMENDMENT, hereinafter referred to as the "Amendment," is made and entered into by and between the Department of Finance and Administration, State of New Mexico, acting through the Local Government Division, Suite 202, Bataan Memorial Building, Santa Fe, New Mexico, 87501, hereinafter referred to as the "Division," and Santa Fe County, hereinafter referred to as the "Grantee." Upon being duly executed by the Division, this Amendment shall be effective as of June 17, 2014.

RECITALS

WHEREAS, on May 31, 2012, the Community Development Council awarded the Grantee \$424,759.00 for a water system improvements project, (hereinafter referred to as "Project"); and

WHEREAS, the Grantee and the Division entered into a Grant Agreement, effective March 13, 2013, in the amount of \$424,759.00 for the completion of the Project, hereinafter referred to as the "Initial Grant Agreement;" and

WHEREAS, the Grantee requests the adjustment of the budget to account for additional funds as referenced in the attached "Exhibit 1-C".

WHEREAS, the Grantee and the Division desire to amend the terms and conditions upon which the Grant Agreement, as amended, will be administered.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants and obligations contained herein, and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereby mutually agree to amend the Grant Agreement as follows:

- 1 The "Exhibit 1-C" of the "Initial Grant Agreement" is hereby replaced in its entirety with "Exhibit 1-C" attached hereto.
2. All other provisions of the Grant Agreement not amended herein remain in full force and effect.

[Remainder of page intentionally left blank.]

IN WITNESS WHEREOF, the parties do hereby execute this Amendment.

THIS AMENDMENT has been approved by:

GRANTEE

\_\_\_\_\_  
Chief Elected Official/Authorized Signatory

\_\_\_\_\_  
Date

\_\_\_\_\_  
(Type or Print Name)

STATE OF NEW MEXICO     )  
  )ss.  
COUNTY OF \_\_\_\_\_ )

Approved as to form  
Santa Fe County Attorney

By: [Signature]  
Date: 9/15/14

Jan 9/17/14 Ken  
9-18-14

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2014, by \_\_\_\_\_.



\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

DEPARTMENT OF FINANCE AND ADMINISTRATION  
LOCAL GOVERNMENT DIVISION

By: \_\_\_\_\_  
Wayne Sowell, Director

\_\_\_\_\_  
Date

STATE OF NEW MEXICO     )  
  )ss.  
COUNTY OF SANTA FE     )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2014, by \_\_\_\_\_.



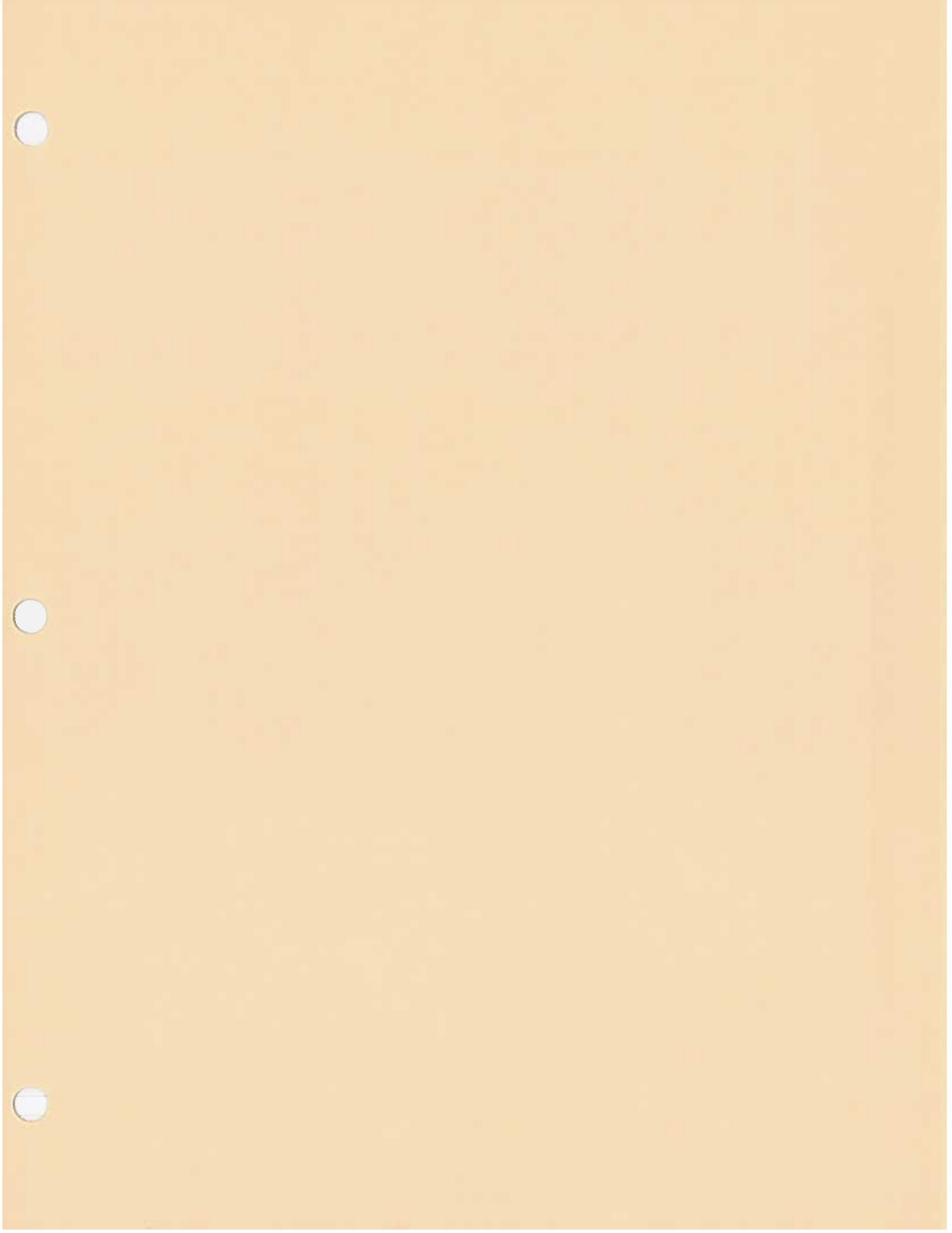
\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

EXHIBIT I-C PROJECT COST / FINANCING SUMMARY State of New Mexico Department of Finance and Administration Local Government Division				TYPE OF BUDGET      Grant Agreement [ X ] Amendment			
				Grantee:	Santa Fe County	Grant Number:	12-C-NR-1-01-G-36
				CDBG Amount:		Other Amount:	Phase: 1
				\$ 424,759.00	\$ 413,288.00		
Water System Improvements							
PROJECT COST ACTIVITIES	PROJECT FUNDING SOURCES						TOTAL PROJECT COST
	CDBG Funds	OTHER SOURCES (Identify other local, state, federal or private)					
		Local Cash Match (WTB)	12-1368-STB				
Administration (Contractual)							\$0.00
Architect/Engineer		185,972.05					\$185,972.05
Other Professional		41,522.48					\$41,522.48
Inspection (Geotechnical/Testing)		3,775.00					\$3,775.00
Property Acquisition							\$0.00
Property Rehabilitation							\$0.00
Construction	424,759.00	132,018.47		45,850.00			\$602,627.47
Contingencies							\$0.00
Other Activities (Permitting)				4,150.00			\$4,150.00
							\$0.00
							\$0.00
							\$0.00
							\$0.00
TOTALS:	\$424,759.00	\$363,288.00		\$50,000.00	\$0.00	\$0.00	\$838,047.00





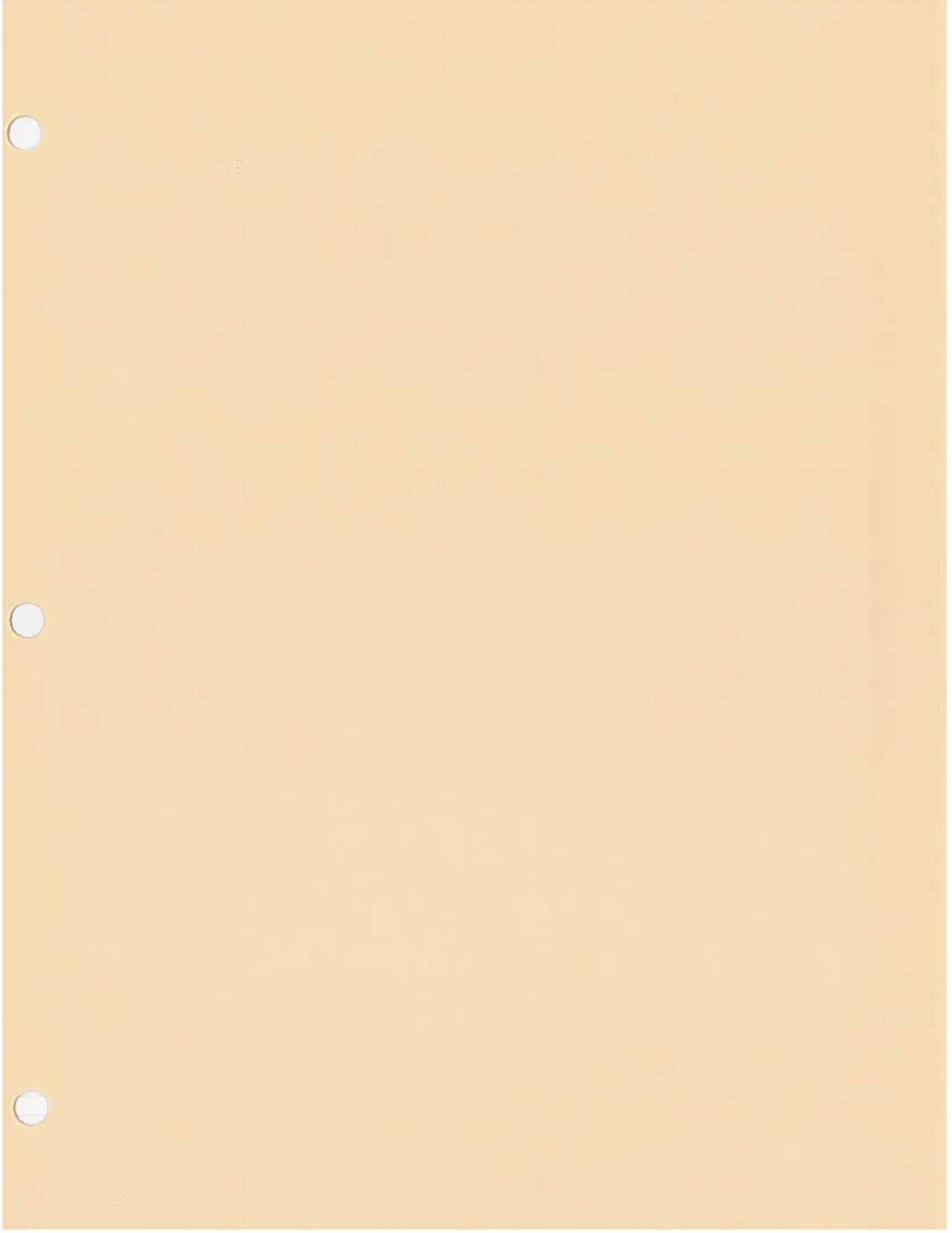




### **III. Action Items (Public Comment)**

#### **A. Items from Consent Agenda Requiring Extended Discussion Or Consideration**



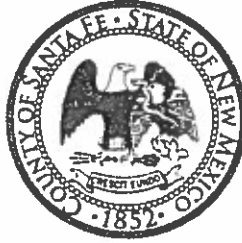




**Daniel "Danny" Mayfield**  
*Commissioner, District 1*

**Miguel Chavez**  
*Commissioner, District 2*

**Robert A. Anaya**  
*Commissioner, District 3*



**Kathy Holian**  
*Commissioner, District 4*

**Liz Stefanics**  
*Commissioner, District 5*

**Katherine Miller**  
*County Manager*

## MEMORANDUM

**To:** Santa Fe County Board of County Commissioners

**From:** Rachel O'Connor, Community Services Department Director

**Via:** Katherine Miller, County Manager *KM*

**Date:** September 15, 2014

**Re:** Appointment of AnnaMaria Cardinalli (District 1) to Health Policy and Planning Commission (Community Services Department/Rachel O'Connor)

---

**ISSUE:** The appointment of AnnaMaria Cardinalli (District 1) to the Health Policy and Planning Commission (HPPC).

### BACKGROUND:

The resolution establishing membership on the HPPC provides for 13 members, two from each of the five districts, one appointed by the Mayor of the City of Santa Fe, and two Countywide appointments.

The vacancy for this and other HPPC openings was advertised in the Santa Fe New Mexican and the Albuquerque Journal, a press release went out, and it was posted on the County website. One person, AnnaMaria Cardinalli has applied for a vacant position within District 1, and we recommend her appointment.

### RECOMMENDATION:

We recommend the appointment AnnaMaria Cardinalli for one of the District 1 positions on the HPPC. Ms. Cardinalli, a Santa Fe native with deep roots to the community, is a veteran who did field and intelligence work in Iraq and Afghanistan, where she was wounded. She currently heads up a private investigative agency. As she says in her letter of interest, she is facing the health challenges and system issues typical of returning veterans of the Iraq/Afghanistan era. HPPC and the County as a whole would benefit from her expertise.

August 17, 2014

Dear Ms. Garcia,

It was a real pleasure to visit with you several weeks ago regarding the vacancy in the Health Policy and Planning Commission for District One. I regret the time that has passed between our visit and now. I became very involved with completing the fundraising necessary to see to the restoration of the bell tower on the historic San Miguel Mission in Santa Fe. Now that that portion of the project is completed, my time is my own again, and if the position is still open, I would like to express my interest in applying.

Attached, please find my resume and the additional forms required. My resume will give you a good idea of my professional background, but it won't tell you what makes this particular position so meaningful to me. I'm an 18th-generation Santa Fe native with deep roots and connections to the community and its leadership on both sides of the isle, and I'm also a proud service member who is facing the health challenges and systemic issues typical of returning veterans of the Iraq/Afghanistan era. I'd love the chance to help integrate the health needs and concerns of one community I love, that of fellow service members, within those of the other community I love, that of Santa Fe.

Wishing you the best in your search and grateful for all you do!



AnnaMaria "CC" Cardinalli



Dr. AnnaMaria Cardinali  
PO Box 6097 Santa Fe, New Mexico 87502 (505) 490-2775

#### OVERVIEW

Current Security Clearance: TS/SCI with Full-Scope Poly  
Licensure: New Mexico Private Investigator License #2436

#### EDUCATION

Ph.D., The University of Notre Dame - May, 2004  
M.A., St. John's College of Santa Fe/Annapolis - May, 1999  
B.A., *summa cum laude*, St. Mary's College of California - May, 1997

#### WORK EXPERIENCE

##### **D'Angelo Global Solutions 1/2010 – Present**

President, Chief Consultant and Private Investigator

D'Angelo Global Solutions supports U.S. Government and corporate clients in issues of intelligence, counterterrorism, counterintelligence, security threat mitigation, and fraud/insider threat detection. Specialties include social-science based research methodologies and culturally-tailored assistance to counterinsurgency efforts. Clients D'Angelo Global has assisted include the U.S. Departments of Defense and State, US Army Special Operations Forces, and various other government and private organizations.

Additionally, D'Angelo Global Solutions is a fully-licensed private investigative agency with detectives specializing in surveillance and counter-surveillance, counter-evasion, financial and insurance fraud, art fraud, and corporate counterespionage. D'Angelo selectively offers protective security services to clients requiring female gender-matched details sensitive to diverse cultural concerns. Further information is available at [www.dangeloglobal.com](http://www.dangeloglobal.com).

##### **ViaGlobal 1/2010 – 6/2010**

Social/Behavioral Science Consultant

As a special-project consultant with the ViaGlobal Group, I provided U.S. government clients with social and cultural research and analysis to assist with a variety of security, counterintelligence, and related issues.

##### **U.S. Army Human Terrain System 10/2008 – 1/2010**

Senior Social Scientist

While deployed in southern Afghanistan on a DoD Human Terrain Team embedded in support of the 2nd Marines, I conducted socio-cultural analysis of the battlespace through direct interaction and relationship-building with human sources, principally while on combat patrols. I provided assessments with regard to cultural, social, religious, political, economic and tribal matters and communication strategies; integrated open source atmospheric information into pre- and post-operational strategic, operational and tactical decision making; and assisted in the development and management of relationships with influential population groups, from local leaders to women's information networks. I wrote and executed training programs in ethnographic and anthropological field technique applied to the Afghan conflict environment and served as a trainer and founding member of the USMC Female Engagement Team. Collateral duties also included close protection of team members while on patrol.

##### **Joint Interagency Task Force – West 3/2008 – 7/2008 (TDY from FBI)**

Intelligence Analyst

I was honored by my agency's selection to deploy to Iraq as a representative to the JIATF-W. While the nature of the Task Force is classified, I worked and lived integrally with my military counterparts and

contributed front-line involvement in direct support of the Global War on Terror. I will happily elaborate the circumstances and my duties in the appropriate environment. I was awarded the Joint Civilian Commendation Medal during the course of my deployment.

**Federal Bureau of Investigation 2/2007 – 9/2008**

Intelligence Analyst / Operations Specialist

As an Operations Specialist in the FBI's International Terrorism Operations Section, I supported the investigation of counterterrorism and criminal issues involving foreign-based threats to the US homeland. While my personal expertise is Shi'a-related, I worked Sunni issues with equal frequency. I had analytical responsibility for international terrorism cases in numerous major US metropolitan areas. The scope of the investigations was complex and global in character and often drew from multiple layers of criminal activity with only the subtlest links pointing to ultimate terrorist ends. From my headquarters posting, I was able to acquire and analyze information from outside military, government, and international law enforcement organizations to establish links that were not readily apparent in field investigations.

**Musica Mundial Productions (MMP) 9/1993 - Present**

Chief Executive Officer

MMP is a multi-media production company specializing in high-level cultural research, audio/visual products, and presentations. Foreign area specialties include: Spanish (Iberian), Middle-Eastern, Mediterranean, Southern Italian, Mexican, Latino, and Sephardic.

My role at MMP is both to conduct and present this research, taking information from academic inaccessibility to popular marketability. In addition to my research and presentation/performance responsibilities, I am directly involved in all aspects of production, engaging in sound engineering and graphic design as necessary. Further, I have employed unique marketing strategies that have seen the company through continued profitability and growth for over 20 years.

**University of Notre Dame 9/2002 - 5/2004**

Doctoral Candidate / Research Assistant

My Ph.D. work was unexpectedly relevant to current intelligence and counterterrorism issues and employed a variety of techniques typical of intelligence, investigative, and cultural/ethnographic work. My dissertation concerned the motivations of self-injurious religious sects such as the Penitentes of New Mexico and Shi'ite branches of Islam. In regard to the Penitentes, I was charged with analyzing a highly secretive cultural group that maintained unique cult practices. The objective, like that of many investigations, was to discern their affiliations, motivations, intentions, and current and potential patterns of action.

In addition to being employed by the university to conduct my own research, I was also assigned as a research assistant to various professors. This often involved translating documents from a variety of languages. In this capacity, I expanded my own methodologies through observation of my professors', and gained speed in my ability to research topics outside my own expertise.

**Various Employers Worldwide 12/1990 - Present**

Classical Musician / University Lecturer

My primary professional identity as a classical and flamenco guitarist/operatic vocalist continues to open unusual doors for me worldwide. I have performed for national and international leaders and dignitaries in the political, defense, and corporate worlds, often in the most intimate settings. Examples of these performances have included multiple appearances for the Prince of Spain, solo concerts at venues including the Kennedy Center, and state-sponsored events internationally. I offer lectures on cultural topics combined with concert performances on the university circuit nationally.

## MILITARY EXPERIENCE

03/10 - US Navy Reserve Intelligence Officer assigned to EUCOM JAC, Counterterrorism Branch

## ACADEMIC POSTINGS

1/11 - Professor, Graduate Program of Intelligence and National Security Studies, American Military University

## JOB-RELATED TRAINING

01/10 - Graduate of training on advanced applications of SPSS, including data mining and text analytics  
06/09 - Qualified on M-4, M-16 and M-9 for combat use (USMC instruction)  
04/09 - Combat Lifesaver Certification  
04/09 - Graduate of 6-Month Human Terrain System training program at Ft. Leavenworth  
02/09 - Graduate of Afghanistan Language and Culture Immersion Course, University of Nebraska  
02/08 - Pre-Iraq deployment training including Tactical/Operational Medic Level 1  
10/07 - Selected analyst representing the FBI in TOPOFF 4, a high-intensity live-scenario joint counterterrorism exercise  
06/07 - Graduate of the inaugural class of the FBI's "Intelligence Basic Course" at Quantico, a 10-week, highly intensive analytic skills course based on the Kent School model  
02/07 - Graduate of the inaugural class of "Analysis 101," the 4-week introductory analytical standards course offered through the Office of the Director of National Intelligence

## LANGUAGES

Graduate reading proficiency exams passed in the following languages:

- Spanish
- Greek
- Latin
- German

Additional doctoral-level research conducted in the following languages:

- Italian
- Arabic
- French
- Ladino
- Navajo
- Romany

Basic immersion course for deployment completed in the following languages:

- Dari
- Farsi

## PROFESSIONAL PUBLICATIONS

- *Crossing the Wire: One Woman's Journey into the Hidden Dangers of the Afghan War*, Casemate Publishing and Open Road Media, 2013
- *Pashtun Sexuality*, Unclassified HTT-AF6 Research Update and Findings (Featured by FOX News, CNN, The San Francisco Chronicle, The Washington Examiner, and others)
- *El Llanto: A Liturgiological Journey into the Identity and Theology of the Northern New Mexican Penitentes and Their Spiritual Siblings*, Doctoral Dissertation, University of Notre Dame, 2004
- *Why Wait? Graduate!: A Student's Guide to a Safe and Rewarding Alternative Education*, Northwest Publishing, 1996
- Various journal and magazine articles, both academic and popular, available on request

## PROFESSIONAL RECORDINGS

- "Dog Tag" CD's to accompany publication of *Crossing the Wire* (2013) • *Legado y Leyenda* – official CD/DVD historical commemoration of Santa Fe, NM's 400<sup>th</sup> anniversary as US Oldest Capitol City (2010) • *A Promise of Roses* (2008) • *Flamenco Steel* (2006) • *El Duo Duende* (2006) • *Sleep with the Angels* (2006) • *Sweet Night* (2006) • *Quinceanera* (2002) • *Santa Fe Silver* (2000) • *Spain Never Sleeps* (1999) • *El Rosario* (1997) • *Navidad* (1995) • *AnnaMaria* (1993)

## SELECTIVE LIST OF PERFORMANCE ENGAGEMENTS

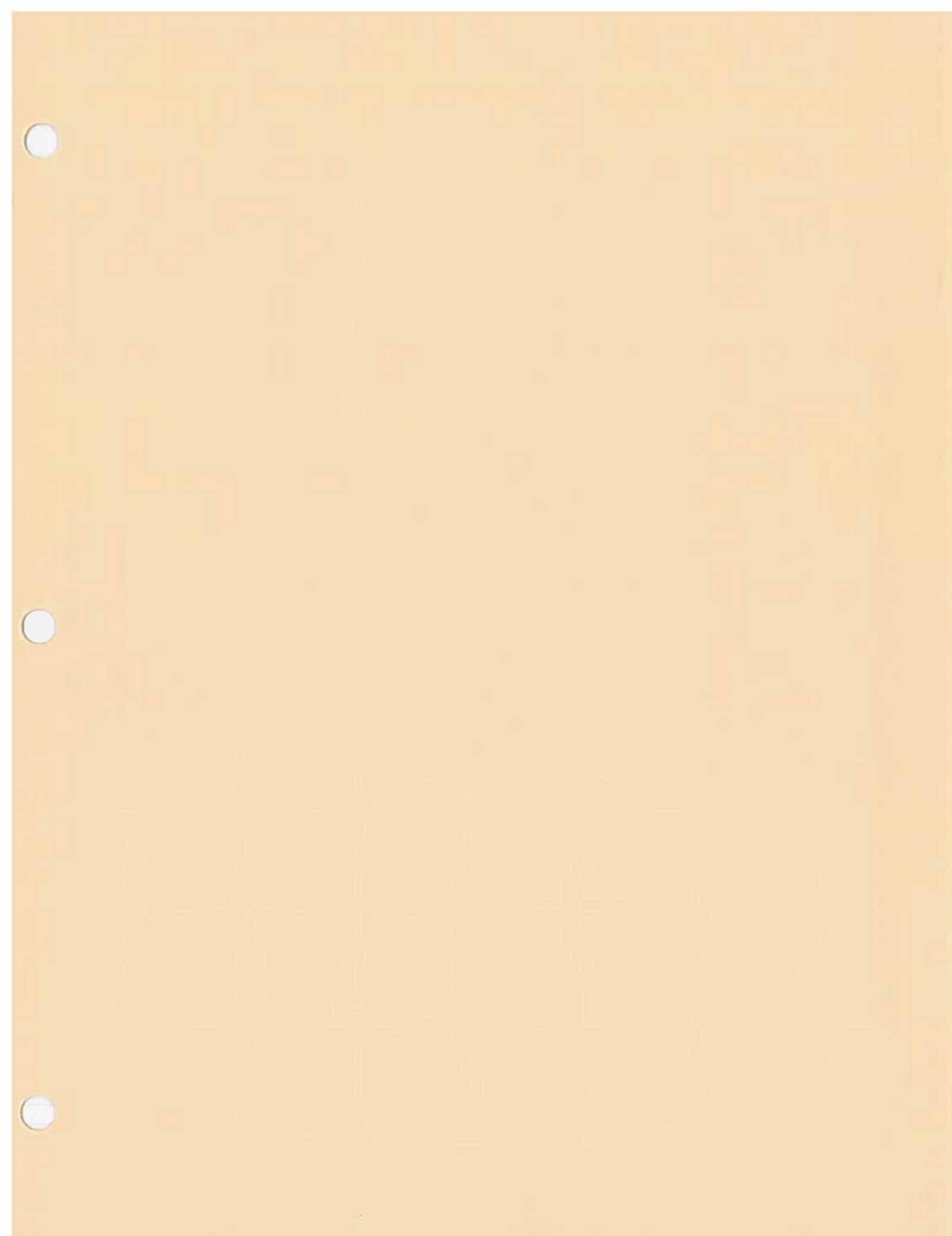
- Benefit concert series to enable structural renovation of the bell tower of the San Miguel Mission in Santa Fe, NM, the oldest continually-occupied church in the US, 2014
- Benefit gala concert in support of Spanish Colonial Arts Society and Santa Fe's "Spaish Market," 2013
- *La Zia Principessa, Suor Angelica*, Puccini, Tuscia Opera Festival, Italy, 2012
- Contralto soloist, *Good Morning, Good Night*, featuring Kanye West and John Legend, 2011
- Guitar Soloist, *The Santa Fe 400th Symphony*, World Premiere, 2011
- Additional operatic roles include: *Carmen* (Bizet), *Suzuki* (Puccini), *Malika* (Delibes), *Ida* (Strauss) Chicago Studio of Professional Singing, American Chamber Opera, et al., 2005-present
- Ongoing national university lecture and recital tour, W2 Entertainment, 2004-present
- Contralto soloist and guitarist for *El Duo Duende*, national concert tour including headlining appearances at the Newport and Healdsburg Guitar Festivals, 2006-2008
- Contralto soloist, concert of scenes and arias, Chicago City Symphony, 2007
- Guitar and Contralto soloist, performances for Crown Prince of Spain, 1997-2000
- Guitar and Mezzo-Soprano solo recitalist, Kennedy Center 25th Anniversary, 1996 ("child prodigy")
- Student of Janice Pantazelos, Chicago Studio of Professional Singing, 2005-present

## SOCIAL MEDIA

- Two videos posted on YouTube! in the Summer of 2012 achieved worldwide "viral" spread. The videos offered the arias *Nel silenzio* and *Che farò?* with modern English interpretations relevant to Iraq and Afghanistan. Both received "YouTube's Most Viewed" status.
- USA Today says "A tribute to the amazing people who love passionately enough to sacrifice and have the fortitude to do it day after day."

## AWARDS

- Joint Meritorious Unit Award (2011)
- National Defense Service Medal (2010)
- Global War on Terrorism Service Medal (2010)
- Secretary of Defense Medal for the Global War on Terrorism (2009)
- Joint Service Civilian Commendation Medal (2008)
- Finisher – The Marine Corps Marathon (2007)
- Laureate – The Mother Theresa Award (2006)

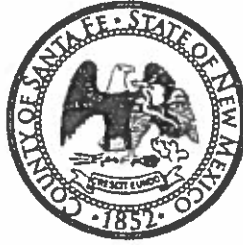




**Daniel "Danny" Mayfield**  
*Commissioner, District 1*

**Miguel Chavez**  
*Commissioner, District 2*

**Robert A. Anaya**  
*Commissioner, District 3*



**Kathy Holian**  
*Commissioner, District 4*

**Liz Stefanics**  
*Commissioner, District 5*


**Katherine Miller**  
*County Manager*

## ***MEMORANDUM***

**DATE:** *September 17, 2014*

**TO:** *Board of County Commissioners*

**FROM:** *Claudia Borchert, Utilities Division Director*

**VIA:** *Katherine Miller, County Manager*   
*Adam Leigland, Public Works Department Director*

**ITEM AND ISSUE:** *BCC Meeting September 30, 2014*  
**Request Appointment of Anna Hamilton to the Water Policy Advisory Committee (WPAC)**

**ISSUE:**

Appointment of Ms. Anna Hamilton to the District 4 seat on the Water Policy Advisory Committee (WPAC).

**BACKGROUND:**

On April 30, 2013, the Board of County Commissioners (BCC) adopted Resolution 2013-42, establishing a Water Policy Advisory Committee. Current members include:

- Mr. Gil Tercero, Mutual Domestic Water Consumer's Association member
- Mr. Bill, King, Soil and Water Conservation District member
- Ms. Martha Trujillo, Acequia Association member
- Vacant, Estancia Basin Water Planning Committee member
- Mr. Sigmund Silber, Central Water Planning Area member
- Ms. Shelly Winship, Vice-Chair, Northern Planning Area member
- Ms. Conci Bokum, Public Member, Buckman Direct Diversion Board
- Mr. Muktiar Khalsa, District I
- Mr. Charlie Nylander, Chair, District II
- Ms. Rita Loy Simmons, District III
- Vacant, District IV
- Mr. Steve Rudnick, District V

In July 2014, District 4 member Neal Schaeffer resigned.

**DISCUSSION:**

Following Mr. Schaeffer's resignation, Commissioner Holian requested that Ms. Hamilton be nominated as the District 4 WPAC member. Ms. Hamilton's extensive professional experience in

water resource management would make her an asset to the tasks assigned to the WPAC, which include:

- make recommendations related to water policies in the Land Development Code;
- make recommendations related to county water and wastewater utility growth;
- assist the county in addressing proposed aquifer storage and recharge activities;
- explore the concept of regionalization and regional water authorities; and
- recommend updates to the 40 year water plan and the Conjunctive Management Plan.

Ms. Hamilton's resume is attached. Ms. Hamilton has submitted all the required paperwork and has passed the requisite background check.

**ACTION REQUESTED:**

Staff recommends the appointment of Ms. Anna Hamilton to the District 4 seat on the WPAC for the remainder of Mr. Schaeffer's 2-year term.





## EDUCATION

Ph.D., University of New Mexico, Biology Department, 2013

M.S., Aquatic Biology, Towson State University, 1983

B.A., Biology, The Johns Hopkins University, 1974

## QUALIFICATIONS

Dr. Hamilton has 40 years of experience in environmental assessment in coastal, estuarine and freshwater systems, climate change research, and management of multidisciplinary projects in water body types including streams and rivers, coastal and riparian wetlands, and estuaries in many regions of the continental U.S. Dr. Hamilton's recent work has focused on climate science, including evaluation of climate change effects on aquatic ecosystems, biological responses to and indicators of climate change, adaptation and mitigation responses, assessment of vulnerability and associated design of climate change monitoring networks, and assessment of implications to water resource management. Dr. Hamilton has developed and evaluated biological indices of ecological integrity for coastal and estuarine as well as river/stream ecosystems; studied environmental flow needs, evaluated environmental dynamics affecting invasive as well as threatened and endangered species; developed and applied wetland valuation and habitat assessment models; and participated in wetland restoration planning, evaluation and project development. She has directed multidisciplinary investigations, has developed and participated in numerous workshops and public meetings to transfer technical information, define issues, and obtain public and stakeholder inputs.

## EMPLOYMENT HISTORY

2006 – present. Tetra Tech, Inc., 502 W. Cordova Rd., Suite C, Santa Fe, NM 87505

Employment: August 2006 – present

Supervisor: Dr. Michael Barbour, Vice President and Director, Center for Ecological Sciences

Position: Aquatic Ecologist/Senior Scientist, Center for Ecological Sciences

Lee Wilson & Associates, Inc., Santa Fe, NM

Senior Staff Scientist

January 1992 – August 2006

Versar, Inc, ESM Operations, Columbia, MD

Scientist

June 1983 – December 1991

EA Engineering, Science, and Technology, Inc., Sparks, MD

Associate Scientist

August 1974 – June 1983

Tidewater Diving Service, Baltimore, MD

Bookkeeper

July 1972 – August 1974

Johns Hopkins University, Baltimore, MD

Research Technician

March 1970 – June 1972

## RELEVANT EXPERIENCE

**Climate Change Effects on Biological Systems.** Dr. Hamilton has been Project Manager and Principal Investigator for several projects within USEPA/GCIA's national initiative examining climate change effects on ecosystems and ecological indicators. Dr. Hamilton is the Senior Scientist directing a project, funded by EPA and NOAA and working collaboratively with the Climate Change Working Group (CCWG) of the U.S. Coral Reef Task Force, to explore frameworks and methodologies for climate change



adaptation planning for coral reef management. The project engages federal and regional experts to: review recent advances in assessment and planning for climate change by coral reef practitioners; and uses this information to tailor recent theoretical adaptation methods into a form that is more useful for coral reef management. The resulting coral and climate adaptation planning (CCAP) framework will be piloted, critiqued and revised at a stakeholder meeting in the Pacific Region in 2014. Dr. Hamilton also is develop a framework and inventory of wetland vulnerabilities at multiple scales, integrating attributes from existing classification systems (e.g., HGM, Cowardin/NWI) and vulnerability assessment methods. She is using relevant information from OW's CWA 404, HWI, and NWCA program efforts, so that results can be framed to inform on best approaches for development of further guidance for integrating climate change considerations into these program's practices. Dr. Hamilton directed the management and analysis of several large, regionally distributed state datasets as a basis for assessing a range of biological and ecological responses to various climate change drivers. Both novel and traditional biological indicators and metrics used in state/tribal bioassessment programs were tested for climate change sensitivity. Case studies were developed to evaluate the effects of climate change on detection of biological impairment, and on the power of bioassessment programs to detect climate change responses. Dr. Hamilton helped pioneer approaches for assessing the vulnerability of bioassessment programs to climate change, including reference station vulnerability and implications to meeting CWA and other program goals, and helped develop possibilities for program adaptation. Deliverables have included several peer-reviewed journal articles, technical presentations, and regional and national workshops, as well as peer-reviewed technical (APM) reports. Building on these results, Dr. Hamilton is directing the development of a pilot climate change monitoring network in New England and New York. The objectives of this project are to establish the technical foundation for a regional climate change monitoring design, and to integrate this broad spectrum of analytical inputs with a range of practical considerations and regional needs to develop monitoring network design options. Analyses to lay the analytical foundation for network design include exploration of classifications to define appropriate regional strata; analysis of variance structure in biological data and power analyses to inform sampling intensity (e.g., number of sampling sites per stratum) and frequency; assessment of reference conditions and evaluation of criteria for site selection; and development of a climate change vulnerability analysis to further focus site selection in concert with classification. Dr. Hamilton directed and conducted literature research and development of topical white papers in support of GCRP's development of a national water quality assessment strategy, to focus GCRP's approach for research conducted in support of water quality assessment, and to inform GCRP's contribution to the CCSP strategic plan. She was Co-Task Order Leader on GCRP's project to conduct watershed modeling to evaluate potential impacts of climate and land use change on the hydrology and water quality of major U.S. drainage basins; providing particular inputs on application of modeling results to evaluation of ecological impacts and vulnerabilities. Dr. Hamilton provided technical support to USEPA/OST in their efforts to integrate climate change considerations into OST's approach to supporting states in development and implementation of biological and other criteria and standards. This work included development of an in-depth white paper on climate change effects on bioassessment, and technical components of a white paper on hydrologic condition criteria and the relationships between flows, water quality, and climate change. She reviewed approaches and analytical methods for prioritization and evaluation of water monitoring networks for climate change adaptation for the Canadian Council of Ministers of the Environment (CCME). This included assessment and documentation of the vulnerabilities to climate change of water systems and water monitoring networks in Canada, and considered widely applicable approaches for climate change adaptations.

**Environmental Flows.** Dr. Hamilton is Project Manager for a study for the Commonwealth of Virginia Department of Environmental Quality (VDEQ) and the U.S. EPA Healthy Watersheds Initiative, to explore relationships between hydrologic alteration and biotic responses, as a critical step in the process of developing an ecological basis for defining limitations on flow alterations and flows that are protective of designated uses, and incorporating these into hydrological criteria. This project uses the Ecological Limits of Hydrologic Alteration (ELOHA) approach, and involves compiling and using available biological and



hydrologic data to evaluate patterns of flow alteration and associated biological responses, and develop flow-ecology models that relate metrics of flow alteration to ecological indicators of resource impacts based on measures of abundance, single species data, guild data, or overall ecological health metrics. This process includes consideration of stream classification systems based on hydrologic metrics, as well as the feasibility of building curves for less well monitored areas, either by stream class or within sub-basins. Dr. Hamilton participated in assisting the State of Florida and the St. John's River Water Management District with respect to determining minimum stream flow requirements for the endangered Manatee population at Volusia Blue Spring. Issues included manatee population dynamics and packing behavior, stream flow statistics, hydrodynamic models of flow impacts, and implementation/policy considerations.

**Analysis and Monitoring of Aquatic Ecosystems.** For the Gulf of Mexico Alliance (GOMA) (through the Mississippi Department of Environmental Quality [MDEQ]), Dr. Hamilton guided development of a benthic index of biotic integrity, as a tool to assess ecological condition that would be responsive to various critical GOM stressors, including nutrients. National Coastal Assessment (NCA) data were used from estuarine and near-coastal waters of five Gulf of Mexico states (Texas, Louisiana, Mississippi, Alabama, and Florida) as well as from Puerto Rico and the Virgin Islands during the period 2000-06, to calibrate and validate multi-metric indices to regional characteristics of the fauna, water chemistry, physical characteristics, hydrology, and climatic conditions. Index development included classification to partition natural variation and establish a framework of regionally appropriate baseline expectations of community condition. She participated in a national comparison of selected regional US and European estuarine benthic indices, contributing specific analyses on Chesapeake Bay indices and responses to various modifications of the European AMBI index, for application to the analysis approach of the National Coastal Assessment of the U.S. EPA. Dr. Hamilton contributed to the assessment of the risk of spread of non-indigenous (invasive) species through the Chicago Area Waterways related to the potential effects of improvements in water quality. She was Senior Scientist conducting long term benthic studies in the Maryland Portion of Chesapeake Bay for the Maryland Department of the Environment and EPA's Chesapeake Bay Program. Her contributions included monitoring design, field implementation, laboratory analyses, and data analysis and interpretation. She collaborated to develop a stratified random sampling design and numerous analysis approaches for this program, including modeling of seasonal and habitat-associated sources of variation in biological data to define sources of impairment as well as long-term trends. This project was used as a prototype in development of EPA's EMAP program. Dr. Hamilton was a member of a Science Review Panel evaluating Pigeon River, NC data and study conclusions. She participated in field validation studies of innovative toxicity testing methods for EPA's Office of Research and Development. She helped establish monitoring objectives and protocols for evaluation of wetlands restoration projects in coastal Louisiana in association with implementation of the Coastal Wetlands Planning, Protection, and Restoration Act. Dr. Hamilton conducted long-term baseline benthic studies within two physiographic provinces of the Potomac River, defining population and community variation associated with habitat and climate-associated parameters, and has conducted numerous other benthic invertebrate studies in wetland and open water portions of several east-coast estuaries (Chesapeake, Delaware, and Rehoboth bays and the Indian River estuary).

**Wetland Ecology, Management and Restoration:** Dr. Hamilton is working with EPA's Global Change Impacts and Assessment (GCIA) program to develop a framework and inventory of wetland climate change vulnerabilities at multiple scales based on integration of information on vulnerability assessment methods and wetlands classification systems. The results are intended to be applicable to major OW wetlands programs (CWA 404, HWI, and NWCA). For the Gulf of Mexico Alliance (GOMA) (through the Mississippi Department of Environmental Quality [MDEQ]), Dr. Hamilton directed an in-depth literature review of the role of coastal wetlands in nutrient dynamics and its effects on estuaries, particularly in the Gulf of Mexico, with the goal of enhancing approaches for management decision-making in GOM coastal wetland ecosystems. Dr. Hamilton drafted a report highlighting key wetland nutrient processes and relationships, describing wetlands functions as nutrient sources or sinks by wetland type, and identifying



research questions, assessment methodologies, and knowledge gaps and limitations. Dr. Hamilton provided EPA Region 6 with technical support for over a decade in their role as a member of the inter agency Coastal Restoration Task Force. She had extensive technical involvement in review, revision, and application of a wetland value assessment methodology (WVA), based on the USFWS HEP approach and used for comparative evaluation of restoration projects, as well as in direct application of HEP models. Dr. Hamilton made substantial contributions drafting the Louisiana Comprehensive Wetlands Restoration Plan, and subsequently the Louisiana Coast 2050 Plan, the master plan for achieving no net loss of wetlands within fifty years. She was closely involved in development and/or evaluation of both large- and small-scale coastal wetland restoration projects proposed on eleven annual Priority Project Lists for implementation in coastal Louisiana; and participated in extensive field surveys and assessments for the purpose of screening and selection of projects. On Chesapeake Bay and associated subsystems, she conducted studies of the ecological condition and trends in tidal freshwater marsh systems, focusing on the responses of benthic macroinvertebrates to various water quality, sediment, and hydrologic influences.

**Impact Assessment.** Dr. Hamilton has been involved in numerous large studies of power plant thermal (316a) and entrainment/impingement (316b) impacts in Maryland, Delaware, Virginia, New York, Ohio, and elsewhere. She conducted studies of sewage treatment plant discharge and disinfection technology impacts on Chesapeake Bay and elsewhere in Maryland, Virginia, and New Mexico. She participated in evaluation of impacts from industrial and mixed industrial and municipal discharge sites around the country, including comparisons between ecological and toxicological study results, for the U.S. EPA, Office of Water Enforcement. She has provided data management, analysis, and evaluation summaries on behalf of Waste Management Inc. in a dispute over sale of a hazardous waste disposal facility in Mexico, regarding the extent and potential effects of alleged contamination of soil and ground water.

**Regulatory and Water Quality Issues.** Dr. Hamilton has been involved in development of numerous NEPA documents, and has experience in the EA and EIS process, including public involvement and agency coordination as well as in technical aspects of assessments. Dr. Hamilton has assessed effluent quality in relation to water quality standards and the potential for associated NPDES issues for several New Mexico cities; has evaluated water quality relative to EPA standards at test wells in the Texas panhandle for potential inclusion of groundwater resources in a major drinking water supply; and has conducted data management and analyses, and/or evaluation of biological and ecological data for several large river basin water use and hydrologic studies. She provided support to the Maryland Power Plant Research Program for ongoing evaluation of power plant status and environmental compliance. She has been involved in numerous dredging and dredged material disposal evaluations, including assessment of ODMDS site designations and evaluation of beneficial uses. Dr. Hamilton has been involved with several endangered species issues associated with NEPA and project permitting, including Rio Grande silvery minnow issues potentially associated with water supply and wastewater treatment in Albuquerque, and consideration of potential project effects on whooping cranes on their wintering grounds at Aransas National Wildlife Refuge of a Texas water supply project. Dr. Hamilton has played a supporting technical role in numerous water supply and allocation projects. She has conducted data management, summary and analysis of extensive hydrologic and water supply data sets for the State of Nebraska in the matter of *Kansas v. Nebraska and Colorado* concerning the Republican River Compact, in particular regarding surface water sources and supplies. Dr. Hamilton participated in support of the State of Florida Department of Environmental Protection in negotiations with the States of Georgia and Alabama for equitable apportionment of the Apalachicola/Chattahoochee/Flint river basin (ACF) water supply, including extensive analyses and comparisons of historic and "unimpaired" flow data sets.

**Project Management and Client Interactions.** Dr. Hamilton was significantly involved in management of two large EPA (Region 6)-sponsored ecological and modeling studies to evaluate diversion effects and impacts on wetlands in coastal Louisiana. These efforts included coordination, management, and technical overview of numerous university researchers and agency specialists. Dr. Hamilton managed a long-term monitoring study of benthic communities in Chesapeake Bay, with a budget approaching \$1 million per



year. Responsibilities included budget and task management, assignment and oversight of field and laboratory personnel, project staff training and development, and project QA/QC. As manager of two different consulting biology laboratories, Ms Hamilton evaluated staffing needs, hired and supervised laboratory and field staff, made staff assignments to meet project deadlines, provided recommendations for staff training, and monitored QA/QC of laboratory analyses and field collections. In her many project experiences, Dr. Hamilton has maintained regular interactions with clients to discuss project status or issues, transmit results, obtain information, and resolve problems. Under a mission contract to EPA Region 6, Dr. Hamilton provided extensive technical support to EPA in its role as a member of a congressionally mandated inter-agency Task Force for implementation of the Coastal Wetlands Planning, Protection, and Restoration Act. In this role, Dr. Hamilton had primary responsibility for day-to-day interactions with the EPA work-assignment manager, as well as with other senior EPA staff, to meet a variety of management and technical goals. An integral part of this support included developing close working relationships with the other federal Task Force agencies (U.S. Army Corps of Engineers, U.S. FWS, NRCS, NMFS) as well as with several Louisiana State agencies. In a project to manage the environmental studies and permitting for a large water supply project in the San Antonio region of Texas, Ms. Hamilton developed and maintained regular contacts with members of the three water authorities that partnered to develop this project. Previously, Dr. Hamilton developed dynamic working relationships with the Maryland Power Plant Research Program, the Maryland Department of the Environment, and the EPA Bay Program Office, as well as with various industrial and municipal clients.

#### PROFESSIONAL AFFILIATIONS

Coastal and Estuarine Research Federation  
Society for Freshwater Science (used to be the North American Benthological Society)  
American Water Resources Association

#### INVITED PEER REVIEW PANELS

Manuscript referee and/or guest editor for:  
Journal of the North American Benthological Society (now Freshwater Science)  
Estuaries (now Coasts and Estuaries)

#### PUBLICATIONS

##### PEER-REVIEWED JOURNAL ARTICLES

Hamilton, A.T., Dahm, C.N., Bixby, R.J., Jacobi, G.Z., Summers, B.M., Sherson, L., Thompson, V.F., Clark, A., and Stringer, S.M. (submitted). Short-term effects of the Las Conchas fire on benthos in the East Fork Jemez River in the Valles Caldera, New Mexico. *Freshwater Biology*.

West, J.M., S.H. Julius, B. Bierwagen, A. Hamilton, B. Lin, and C. Clark. (submitted). Managing for Resilient Wetlands in a Changing Climate.

Bierwagen, B.G., A.T. Hamilton, J. Stamp, B. Jessup, L. Zheng, others. In prep. Analytical Foundation for a Monitoring Network to Detect Climate Change-Related Effects in Streams in the Northeastern United States.

Hamilton, A.T., J.D. Stamp, and B.G. Bierwagen. 2010. Vulnerability of biological metrics and multimetric indices to effects of climate change. *Journal of the North American Benthological Society* 29(4):1379–1396.

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35 Camino Justicia – Santa Fe, New Mexico 87508

## MEMORANDUM

To: Board of County Commissioners

Fr: Undersheriff Ron Madrid 

Date: August 20, 2014

Re: Vehicle Purchase

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

### ISSUE:

Sheriff's Office would like to purchase eighteen (18) vehicles for a total sum amount of \$608,507.35. Santa Fe County Ordinance 2012-5, Outside Contracts, states:

*Procurement pursuant to NMSA 1978, Section 13-1-129 (1984, 1991), should not be used unless the Procurement Manager makes a specific finding that competitive bidding for the particular product would not be advantageous to the County. In no event shall a contract in total value exceeding \$250,000 be awarded without competitive bidding unless the Board of County Commissioners specifically approves.*

### Background:

The Sheriff's Office has capital budget to purchase new vehicles during Fiscal Year 2015. The Sheriff's fleet has numerous vehicles that are either past the high-mileage threshold for replacement or past the years of usage. The Sheriff's Office has a critical need to replace these older vehicles with eighteen (18) Police Ford Interceptors in the sum amount of \$608,507.35; and that it has been determined by the County Purchasing Manager that it would be in the best interest of the County and Sheriff's Office that the vehicles be purchased utilizing the New Mexico Statewide Purchasing Agreement rather than through a competitive bidding process.

*BT  
9/22/14*

### Action Requested:

The Sheriff's Office requests BCC approval to utilize the Statewide Price Agreement to purchase eighteen (18) Police Ford Interceptors in the sum amount of \$608,507.35 and authorizing the County Manager to sign and execute this request.





QTY	TYPE	VEHICLE	EMERGENCY EQUIPMENT	MOTOROLA - RADIOS	DECATUR-CAMERAS	
1	K9 UNIT	\$ 26,291.00	\$ 9,674.64	\$ 1,260.00	\$ 3,250.00	\$ 40,475.64
8	POLICE INTERCEPTOR SEDANS	\$ 180,016.00	\$ 49,390.64	\$ 10,080.00	\$ 26,000.00	\$ 265,486.64
1	TRANSPORT VAN	\$ 31,035.00	\$ -	\$ 1,260.00	\$ -	\$ 32,295.00
3	SUV POLICE EXPLORER	\$ 78,873.00	\$ 19,571.07	\$ 3,780.00	\$ 9,750.00	\$ 111,974.07
4	SEDAN INTERCEPTORS	\$ 89,848.00	\$ 15,969.92	\$ 5,040.00	\$ 13,000.00	\$ 123,857.92
1	EXPLORER INTERCEPTOR	\$ 26,141.00	\$ 3,767.08	\$ 1,260.00	\$ 3,250.00	\$ 34,418.08
18		\$ 432,204.00	\$ 98,373.35	\$ 22,680.00	\$ 55,250.00	\$ 608,507.35

Richardson Ford	\$ 401,169.00
Reliable Chevrolet	\$ 31,035.00
	\$ 432,204.00
Equipment for Vehicles	\$ 176,303.35
	\$ 608,507.35



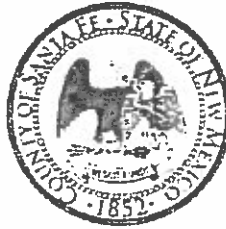




**Daniel "Danny" Mayfield**  
*Commissioner, District 1*

**Miguel M. Chavez**  
*Commissioner, District 2*

**Robert A. Anaya**  
*Commissioner, District 3*



**Kathy Holian**  
*Commissioner, District 4*



**Liz Stefanics**  
*Commissioner, District 5*

**Katherine Miller**  
*County Manager*

## **Memorandum**

**To:** Santa Fe Board of County Commissioners

**From:** Donna Morris, Fire Department

**Thru:** David Sperling, Fire Chief   
Pablo Sedillo, Public Safety Director  
Katherine Miller, County Manager 

**Date:** September 9, 2014

**Re:** Resolution 2014 - A Resolution Requesting a Budget Increase to the Fire Operations Fund (244) to Budget the FY-2014 Available Cash Balances for Various Fire Districts Revenue Funds / \$112,936. (Public Safety/Fire)

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### **BACKGROUND:**

The Santa Fe County Fire Department volunteer fire districts receive reimbursement funding from State Forestry and Movie Production Standbys for personnel and equipment that has been utilized on Wildland Fires and Movie Production Sets. The funding that is budgeted in the fire districts revenue fund (244) is utilized to repair or replace wildland and fire apparatus equipment that has been used on Wildland Fires or Movie Production Standbys. This budget resolution is to carry forward the FY-2014 available cash balances for the fire districts to be expended in FY-2015.

### **SUMMARY:**

Please approve the request to budget the prior year available cash balances in the amount of \$112,936.



# SANTA FE COUNTY

Page 1 of 6

## RESOLUTION 2014 -

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

Whereas, the Board of County Commissioners meeting in regular session on September 30, 2014, did request the following budget adjustment:

Department / Division: Fire Department/Various Fire Districts Fund Name: Fire District Revenue Fund (244)

Budget Adjustment Type: Budget Increase Fiscal Year: 2015 (July 1, 2014 - June 30, 2015)

#### 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
244	0831	385	02-00	Budgeted Cash/State Funds	1,598	
244	0832	385	02-00	Budgeted Cash / State Funds	11,903	
244	0833	385	02-00	Budgeted Cash / State Funds	460	
244	0834	385	02-00	Budgeted Cash/State Funds	43,154	
TOTAL (if SUBTOTAL, check here <input checked="" type="checkbox"/> )					57,115	

#### 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
244	0831	422	60-07	Supplies/Operational Supplies	1,598	
244	0832	422	60-07	Supplies/Operational Supplies	11,903	
244	0833	422	60-07	Supplies / Operational Supplies	460	
244	0834	422	60-07	Vehicle Expenses/Vehicle Maintenance	3,000	
TOTAL (if SUBTOTAL, check here <input checked="" type="checkbox"/> )					16,961	

Requesting Department Approval: [Signature] Title: Chief Date: 9/10/14

Finance Department Approval: [Signature] Date: 9/10/14 Entered by: \_\_\_\_\_ Date: \_\_\_\_\_

County Manager Approval: [Signature] Date: 9-22-14 Updated by: \_\_\_\_\_ Date: \_\_\_\_\_

# SANTA FE COUNTY

Page 2 of 6

## RESOLUTION 2014 - \_\_\_\_\_

### BUDGET ADJUSTMENT CONTINUATION SHEET

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
244	0835	385	02-00	Budgeted Cash/State Funds	324	
244	0836	385	02-00	Budgeted Cash/State Funds	15,492	
244	0837	385	02-00	Budgeted Cash / State Funds	11,651	
244	0838	385	02-00	Budgeted Cash/State Funds	1,741	
244	0839	385	02-00	Budgeted Cash / State Funds	3,433	
244	0840	385	02-00	Budgeted Cash/State Funds	1,827	
244	0841	385	02-00	Budgeted Cash / State Funds	2,114	
244	0842	385	02-00	Budgeted Cash/State Funds	897	
244	0843	385	02-00	Budgeted Cash / State Funds	2,016	
244	0844	385	02-00	Budgeted Cash / State Funds	16,326	
TOTAL (if SUBTOTAL, check here )					112,936	

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
244	0834	422	60-07	Supplies/Operational Supplies	40,154	
244	0835	422	60-07	Supplies/Operational Supplies	324	
244	0836	422	50-03	Services/Contractual/Professional	7,556	
244	0836	422	60-02	Supplies/Safety Equipment	1,404	
244	0836	422	60-07	Supplies/Operational Supplies	1,492	
244	0837	422	80-99	Capital Purchases/Inventory Exempt	5,040	
244	0838	422	80-09	Capital Purchases/Vehicles	11,651	
244	0838	422	60-07	Supplies/Operational Supplies	1,741	
244	0839	422	60-07	Supplies/Operational Supplies	3,433	
244	0840	422	60-07	Supplies/Operational Supplies	1,827	
TOTAL (if SUBTOTAL, check here X )					91,583	



# SANTA FE COUNTY

## RESOLUTION 2014 -

### BUDGET ADJUSTMENT CONTINUATION SHEET

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
TOTAL (if SUBTOTAL, check here )						

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
244	0841	422	60-07	Supplies/Operational Supplies	2,114	
244	0842	422	60-07	Supplies/Operational Supplies	897	
244	0843	422	60-07	Supplies/Operational Supplies	2,016	
244	0844	422	60-07	Supplies/Operational Supplies	10,920	
244	0844	422	80-99	Capital Purchases/Inventory Exempt	5,406	
TOTAL (if SUBTOTAL, check here )					112,936	

# SANTA FE COUNTY

## RESOLUTION 2014 - \_\_\_\_\_

Page 4 of 6

ATTACH ADDITIONAL SHEETS IF NECESSARY.

DEPARTMENT CONTACT: Name: Donna Morris Dept/Div: Fire Department/Administration Phone No.: 992-3082

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.

This request is to budget FY-14 available cash balances from the Fire Districts Revenue Fund (244) for expenditure in FY-15 for a total amount of \$112,936. Each fire district was requested to prioritize their needs to budget funds in appropriate expenditure categories.

### a) Employee Actions

Line Item	Action (Add/Delete Position, Reclass, 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-XX	Capital Purchases as needed for vehicle accessories and inventory exempt items	22,097

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

# SANTA FE COUNTY

Page 5 of 6

## RESOLUTION 2014 - \_\_\_\_\_

ATTACH ADDITIONAL SHEETS IF NECESSARY.

### DEPARTMENT CONTACT:

Name: Donna Morris Dept/Div: Fire Department Administration Phone No.: 992-3082

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 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 a award letter and proposed budget.
  - 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.

NM State Forestry Reimbursements.

Not Applicable.

# **SANTA FE COUNTY**

## **RESOLUTION 2014 - \_\_\_\_\_**

Page 6 of 6

**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.

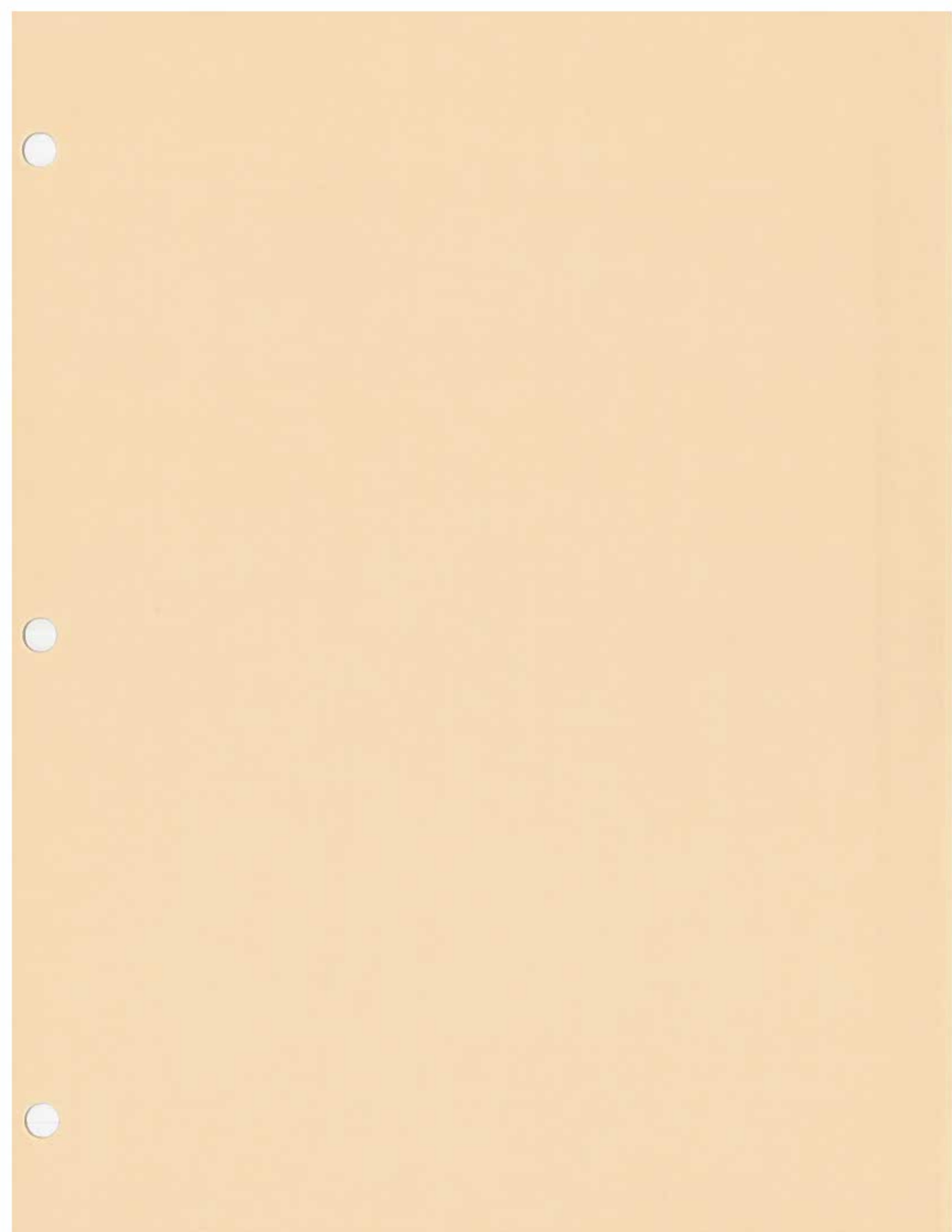
**Approved, Adopted, and Passed This 30th Day of September, 2014.**

**Santa Fe Board of County Commissioners**

\_\_\_\_\_  
Daniel W. Mayfield, Chair

**ATTEST:**

\_\_\_\_\_  
Geraldine Salazar, County Clerk

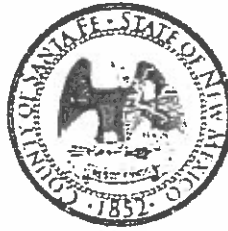




**Daniel "Danny" Mayfield**  
*Commissioner, District 1*

**Miguel M. Chavez**  
*Commissioner, District 2*

**Robert A. Anaya**  
*Commissioner, District 3*



**Kathy Holian**  
*Commissioner, District 4*

**Liz Stefanics**  
*Commissioner, District 5*

**Katherine Miller**  
*County Manager*

## **Memorandum**

**To:** Santa Fe Board of County Commissioners

**From:** Donna Morris, Fire Department

**Thru:** David Sperling, Fire Chief *[Signature]*  
Pablo Sedillo, Public Safety Director *[Signature]*  
Katherine Miller, County Manager *[Signature]*

**Date:** September 8, 2014

**Re:** Resolution 2014 – A Resolution Requesting a Budget Increase to the Fire Tax ¼ % Fund (222) to Budget Available Cash Balance for the Pojoaque Fire Station Remodel Project / \$153,000. (Public Safety/Fire)

---

### **BACKGROUND:**

The Santa Fe County Fire Department is requesting BCC approval to budget FY-2014 available cash in the amount of \$153,000 in the FY-2015 budget to be expended on the Pojoaque main station remodel. It has been determined that this additional funding will be needed to cover the cost of GRT contingency and Alternates 1 and 2 listed on the base bid for the station improvements.

### **SUMMARY:**

Please approve this request for a budget increase to the Pojoaque Station Remodel Fund (222) in the amount of \$153,000.





# SANTA FE COUNTY

Page 1 of 4

## RESOLUTION 2014 - \_\_\_\_\_

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

Whereas, the Board of County Commissioners meeting in regular session on September 30, 2014, did request the following budget adjustment:

Department / Division: Fire Department/Fire Administration Fund Name: Fire Tax 1/4 % Fund (222)

Budget Adjustment Type: Budget Increase Fiscal Year: 2015 (July 1, 2014 - June 30, 2015)

#### 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
222	0000	385	02-00	Budgeted Cash / Fire Tax	153,000	
					153,000	

#### 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
222	8010	422	80-01	Capital Purchases / Buildings & Structures	153,000	
					153,000	

Requesting Department Approval: *[Signature]* Title: Fire Chief Date: 9-2-14

Finance Department Approval: *[Signature]* Date: 9/2/14 Entered by: \_\_\_\_\_ Date: \_\_\_\_\_

County Manager Approval: *[Signature]* Date: 9-22-14 Updated by: \_\_\_\_\_ Date: \_\_\_\_\_

# SANTA FE COUNTY

Page 2 of 4

## RESOLUTION 2014 - \_\_\_\_\_

ATTACH ADDITIONAL SHEETS IF NECESSARY.

DEPARTMENT CONTACT: Name: Donna Morris Dept/Div: Fire Department/Administration Phone No.: 992-3082

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.

Requesting BCC approval to budget \$153,000 of additional funding to the Pojoaque remodel project to cover the cost of GRT contingency and Alternates 1 and 2 for a total remodel project cost of \$350,000.

### a) Employee Actions

Line Item	Action (Add/Delete Position, Reclasse, 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
80-01	Pojoaque Main Station Remodel	153,000

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

# SANTA FE COUNTY

Page 3 of 4

## RESOLUTION 2014 - \_\_\_\_\_

*ATTACH ADDITIONAL SHEETS IF NECESSARY.*

**DEPARTMENT CONTACT:**

Name: Donna Morris Dept/Div: Fire Department/Administration Phone No.: 992-3082

**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
  - 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        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. Pojoaque Fire Protection Fund (209)

# SANTA FE COUNTY

## RESOLUTION 2014 - \_\_\_\_\_

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.

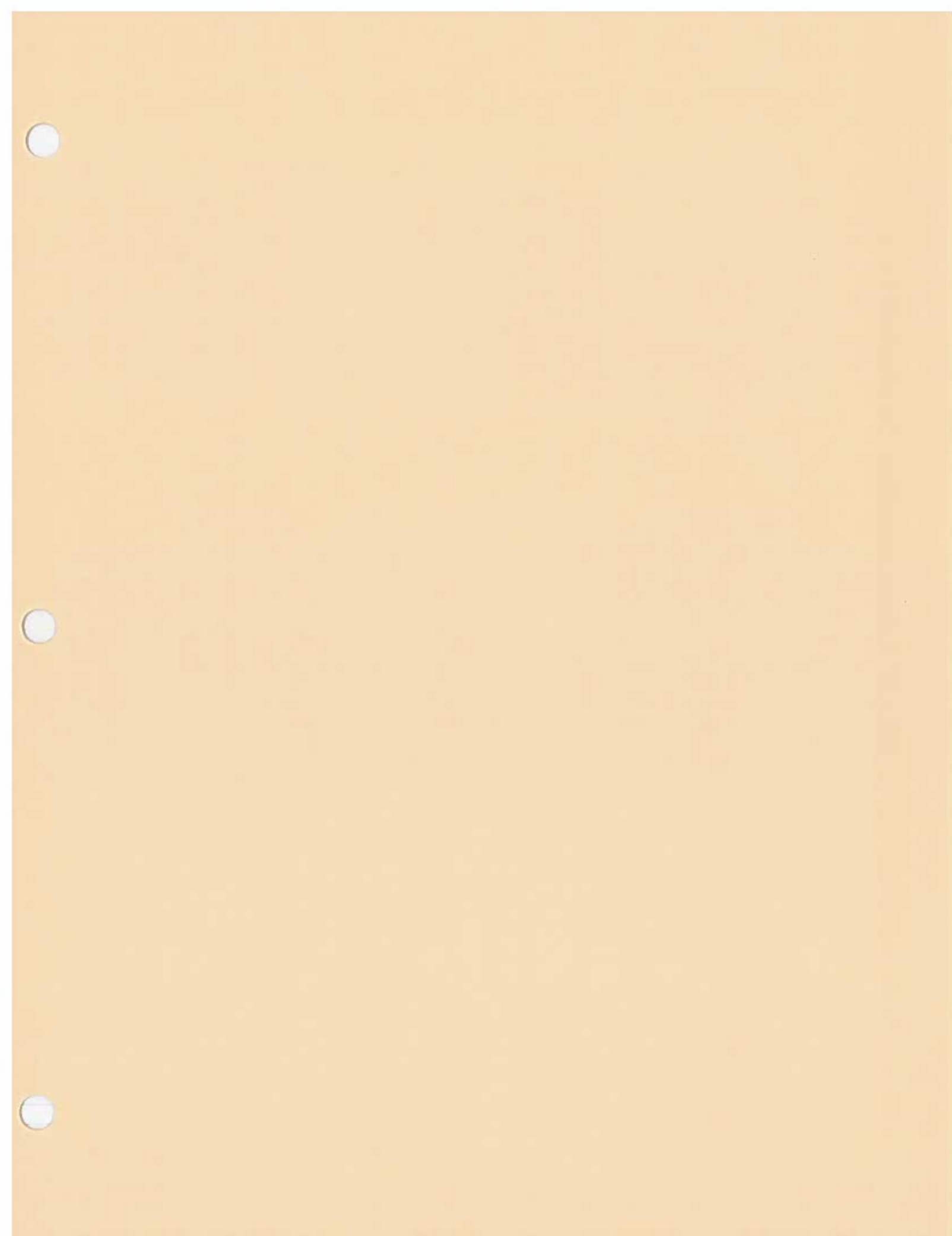
Approved, Adopted, and Passed This 30th Day of September, 2014.

Santa Fe Board of County Commissioners

\_\_\_\_\_  
Daniel W. Mayfield, Chair

ATTEST:

\_\_\_\_\_  
Geraldine Salazar, County Clerk

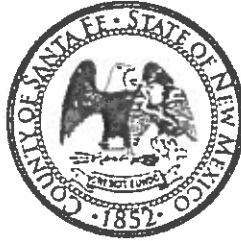




Daniel "Danny" Mayfield  
Commissioner, District 1

Miguel Chavez  
Commissioner, District 2

Robert A. Anaya  
Commissioner, District 3



Kathy Holian  
Commissioner, District 4


Liz Stefanics  
Commissioner, District 5

Katherine Miller  
County Manager

## ***MEMORANDUM***

**DATE:** *September 15, 2014*

**TO:** *Board of County Commissioners*

**FROM:** *Teresa Martinez, Finance Director* 

**VIA:** *Adam Leigland, Public Works Department Director*  
*Katherine Miller, County Manager*

**ITEM AND ISSUE:** *BCC Meeting September 30, 2014*

**Resolution 2014 - \_\_\_\_ A Resolution Requesting a Budget Increase to the GOB Series 2013 Fund (351) to Budget Cash Carryover to Construct Improvements to Roads On the 2012 Capital Improvement Plan / \$510,000 (Finance/Teresa Martinez)**

---

### **SUMMARY:**

The purpose of this resolution is to budget GOB Series 2013 funds for the construction of various roads in Santa Fe County that were approved through the 2012 Capital Improvement Plan in the amount of \$510,000.

### **BACKGROUND:**

In June 2012 the Board of County Commission approved various roads to be improved through the Capital Improvement Plan. Included in that plan were roads in the Cerros Cantando Subdivision, Camino Pacifico, and Puye Road in County District 4. The roads were to be completed with GOB Series 2013 funds. Staff plans to bid the construction of the improvements to these roads in March of 2015.

### **ACTION REQUESTED:**

Public Works is requesting approval to budget \$510,000 from the GOB Series 2013 to construct improvements to various roads in Santa Fe County.







## Santa Fe County November 6, 2012 General Obligation Bond Election

If approved by the voters, priority projects may include:

Roads Projects	Project Cost
NE/SE Connector	\$ 5,000,000 ✓
CR 55A (General Goodwin Ranch Road) paving	\$ 1,500,000 ✓
CR 54 (Los Pinos Road) All Weather Structure	\$ 500,000 ✓
CR 113S River Crossing Improvement	\$ 400,000 ✓
CR 50F (Entrada La Cienega) 2" asphalt overlay	\$ 200,000 ✓
CR77 (Camino La Tierra) 2" asphalt overlay	\$ 700,000 ✓
CR 33 (Old Lamy Trail) 2" asphalt overlay	\$ 300,000 ✓
Herrada Road paving	\$ 900,000 ✓
CR 67F (La Barbaria Road) paving/drainage	\$ 500,000 ✓
Road Improvements in Northern SF County	\$ 1,000,000 ✓
Torcido Loop Paving / Drainage	\$ 405,000 ✓
Bicycle Lane Construction Old Santa Fe Trail	\$ 1,500,000 ✓
Cerros Cantando Sub Chip Seal	\$ 178,000 ✓
Camino Pacifico Chip Seal	\$ 192,000 ✓
CR 50A Paving	\$ 178,000 ✓
Avenida Amistad Paving	\$ 194,000 ✓
Avenida Buena Ventura Paving	\$ 91,000 ✓
Puye Road Chip Seal	\$ 140,000 ✓
Spruce Street Chip Seal	\$ 156,000 ✓
Glorieta Estates Chip Seal	\$ 200,000 ✓
Vista Redondo Chip Seal	\$ 600,000 ✓
Pinon Hills Chip Seal	\$ 627,000 ✓
Puesta del Sol Chip Seal	\$ 604,000 ✓
Race Track Subdivision Chip Seal	\$ 167,700 ✓
Hale Road Chip Seal	\$ 729,200 ✓
Western Road Chip Seal	\$ 501,325 ✓
Jaymar Road Chip Seal	\$ 182,300 ✓
B Anaya Road Chip Seal	\$ 364,600 ✓
North Weimar Road Chip Seal	\$ 364,600 ✓
Roach Road Chip Seal	\$ 138,540 ✓
Cerrillos Village Chip Seal	\$ 222,400 ✓
Rancho Alegre Chip Seal	\$ 264,335 ✓
<b>Total</b>	<b>\$ 19,000,000</b>



# SANTA FE COUNTY

Page 1 of 4

## RESOLUTION 2014 -

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

Whereas, the Board of County Commissioners meeting in regular session on September 30, 2014, did request the following budget adjustment:

Department / Division: Public Works/Project Development Fund Name: GOB Series 2013 (351)

Budget Adjustment Type: Budget Increase Fiscal Year: 2015 (July 1, 2014 - June 30, 2015)

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
351	0000	385	0400	Budgeted Cash	\$510,000	
TOTAL (if SUBTOTAL, check here )					\$510,000	

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
351	6210	453	8010	Capital Purchases/Roadways(Bridge/Culvert)	\$118,500	
351	6211	453	8010	Capital Purchases/Roadways(Bridge/Culvert)	\$59,500	
351	6212	453	8010	Capital Purchases/Roadways(Bridge/Culvert)	\$192,000	
351	6213	453	8010	Capital Purchases/Roadways(Bridge/Culvert)	\$140,000	
TOTAL (if SUBTOTAL, check here )					\$510,000	

Requesting Department Approval: \_\_\_\_\_ Title: Director, Public Works Date: 9/15/14

Finance Department Approval: [Signature] Date: 9/17/14 Entered by: \_\_\_\_\_ Date: \_\_\_\_\_

County Manager Approval: \_\_\_\_\_ Date: \_\_\_\_\_ Updated by: \_\_\_\_\_ Date: \_\_\_\_\_

[Signature] Go Plan.

# SANTA FE COUNTY

## RESOLUTION 2014 -

Page 2 of 4

### ATTACH ADDITIONAL SHEETS IF NECESSARY.

DEPARTMENT CONTACT: Name: Agnes Leyba-Cruz Dept/Div: Public Works/Project Development Phone No.: 995-6516

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 of County Commission approved a list of roads to be improved with 2013 General Obligation Bond funds through the 2012 Capital Improvement Plan in June of 2012. Included in that list are Calle Cantando and Paseo De Rincon in the Cerros Cantando Subdivision (Commission District 4) in the amount of \$178,000, Camino Pacifico (Commission District 4) in the amount of \$192,000, and Puye Road (Commission District 4) in the amount of \$140,000. Public Works staff plans to bid the projects in March of 2015.

#### a) Employee Actions

Line Item	Action (Add/Delete Position, Reclass, 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
8010	Chip Seal on Calle Cantando (Cerros Cantando Subdivision)	\$118,500
8010	Chip Seal on Paseo Rincon (Cerros Cantando Subdivision)	\$59,500
8010	Chip Seal on Camino Pacifico	\$192,000
8010	Chip Seal on Puye Road	\$140,000

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

# SANTA FE COUNTY

Page 3 of 4

## RESOLUTION 2014 -

ATTACH ADDITIONAL SHEETS IF NECESSARY.

### DEPARTMENT CONTACT:

Name: Agnes Leyba-Cruz Dept/Div: Public Works/ Project Development Phone No.: 995-6516

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: GOB Series 2013
  - a) If this is a state special appropriation, YES ☒ NO ☐  
If YES, cite statute and attach a copy.
  - b) Does this include state or federal funds? YES ☐ 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 a award letter and proposed budget.
  - c) Is this request is a result of Commission action? YES ☒ NO ☐  
If YES, please cite and attach a copy of supporting documentation (i.e. Minutes, Resolution, Ordinance, etc.).  
The Commission approved the improvement of roads in the Cerros Cantando Subdivision, Camino Pacifico, and Puye Road with the 2013 GOB funds through the 2012 Capital Improvement Plan In June of 2012.
  - d) Please identify other funding sources used to match this request.  
NA

**SANTA FE COUNTY**

Page 4 of 4

**RESOLUTION 2014 - \_\_\_\_\_**

**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 30th Day of September, 2014.**

**Santa Fe Board of County Commissioners**

\_\_\_\_\_  
Daniel W. Mayfield, Chairperson

**ATTEST:**

\_\_\_\_\_  
Geraldine Salazar, County Clerk

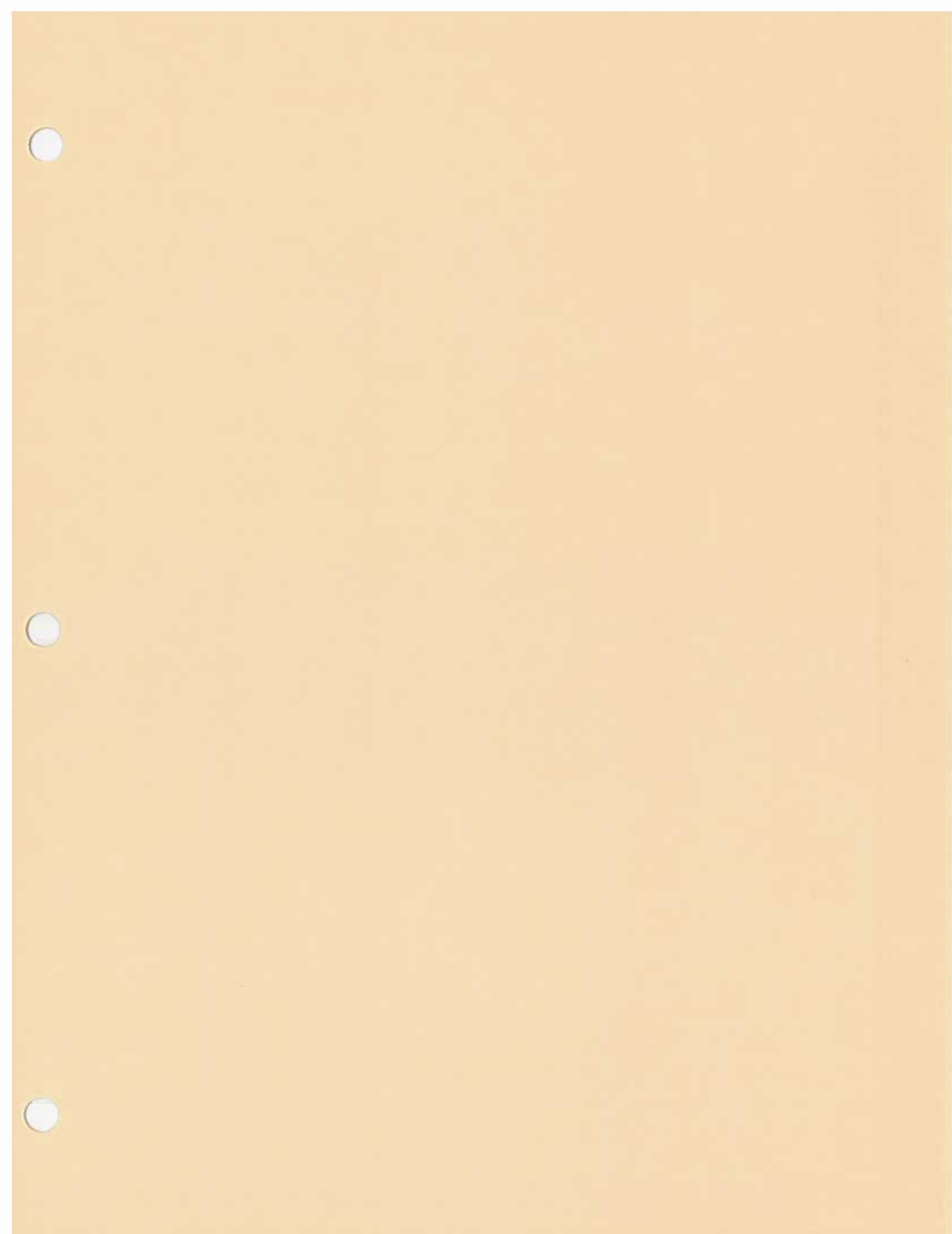


District	Project	Final Cost/Status	CIP Approved Amt.
1	CR 98		\$1,500,000.00
1	CR 113 S River Crossing		\$400,000.00
1	Vista Redonda Chip Seal	In-Design	\$600,000.00
	<b>Road Projects In Northern SF County</b>		
1	CR 84 D	In Design	\$80,000.00
1	CR 89 D	In Construction	\$170,000.00
1	CR 89C	In-design	\$430,137.00
1	CR 109 S	Pre-design	\$260,000.00
<b>District 1 Total</b>			<b>\$3,440,137.00</b>
2	Caja del Rio Road	Complete	\$4,100,000.00
2	CR 77 - Camino La Tierra	Complete	\$700,000.00
2	Pinon Hills All Weather	Pre-design	\$627,000.00
<b>District 2 Total</b>			<b>\$5,427,000.00</b>
3	North Weimar Road	Complete	\$364,600.00
3	Jaymar Road	Complete	\$182,300.00
3	B Anaya Road	Complete	\$364,600.00
3	Hale Road	Complete	\$729,200.00
3	Roach Road	Complete	\$138,540.00
3	Western Road	Complete	\$501,325.00
3	CR 55A General Goodwin	In-Design	\$1,500,000.00
3	CR 54 Los Pinos	In-Design	\$500,000.00
3	Torcido Loop	In -Design	\$500,000.00
3	CR 50A		\$178,000.00
3	Spruce Street Chip Seal		\$156,000.00
3	Race Track Subdivision		\$167,700.00
3	Cerrillos Village Chip Seal		\$222,400.00
3	CR 50F Entrada La Cienega		\$200,000.00
3	Rancho Alegre Chip Seal		\$264,335.00
<b>District 3 Total</b>			<b>\$5,969,000.00</b>
3 4	CR 33 - Old Lamy Trail	Complete	\$300,000.00
4	CR 67F - La Barbaria	In -Design	\$500,000.00
4	Old Santa Fe Trail	In-Design	\$1,500,000.00
4	Cerros Cantando		\$178,000.00
4	Camino Pacifico Chip Seal		\$192,000.00
4	Puye Road Chip Seal		\$140,000.00
4	Glorieta Estates Chip Seal		\$200,000.00
4	Puesta del Sol Chip Seal		\$604,000.00
<b>District 4 Total</b>			<b>\$3,614,000.00</b>
5	Herrada Road	In Construction	\$900,000.00
5	Avendia Amistad	Herrada Constr.	\$194,000.00
5	Avenida Buena Ventura	Herrada Constr.	\$91,000.00
5	Richards Avenue Slip Lane	In-design	\$153,306.00
5	NE/SE Connector	Planning	\$5,000,000.00
<b>District 5 Total</b>			<b>\$6,338,306.00</b>
<b>Annexation Total</b>			<b>\$950,000.00</b>
	Country Club Estates	In Construction	
	Jimenez Subdivision	In Construction	
	Mutt Nelson Road		

Indicates Work has been Completed		Complete
Indicates Work is Underway (Design/Construction)		
Indicates Work is not yet Started		









Robert A. Garcia  
Sheriff  
986-2455

[ragarcia@santafecountynm.gov](mailto:ragarcia@santafecountynm.gov)



Ron E. Madrid  
Undersheriff  
986-2455

[rmadrid@santafecountynm.gov](mailto:rmadrid@santafecountynm.gov)

35 Camino Justicia – Santa Fe, New Mexico 87508

## MEMORANDUM

To: Board of County Commissioners

Fr: Undersheriff Ron Madrid

Date: September 11, 2014

Re: Resolution 2014 - \_\_\_\_\_ A Resolution Requesting a Budget Increase to the Law Enforcement Operations Fund (246) to Budget One (1) Grant Awarded Through the New Mexico Department of Transportation For the Santa Fe County Vehicle Seizure Program in the Amount of \$119,466. (Finance / Teresa Martinez)

---

### Issue:

The Santa Fe County Sheriff's Office has been awarded funding from the New Mexico Department of Transportation (NMDOT) for Highway Safety Projects in regards to DWI Programs which includes funding of one (1) clerical position and equipment and supplies for our DWI Seizure Division.

### Background:

The awarded grant is to provide funding to Santa Fe County for a clerical position to assist with processing of vehicle forfeiture cases on vehicles seized on a second and/or third subsequent DWI. The funding will offset costs until the program becomes self-sufficient as the program revenue grows.

NMDOT gave the Sheriff's Office funding in Fiscal Year 2014 and has granted us an extension and additional funding through September 30, 2015. Funding can only be used for the vehicle forfeiture program (DWI Seizure) and cannot be used for other purposes. Funding includes salary & wages, supplies, equipment, and anything needed to start the new position.

### Action Requested:

The Sheriff's Office requests approval to increase the Law Enforcement Operation Fund (246) in the amount of \$119,465 which also includes the carryover balance from Fiscal Year 2014 and additional funding for Fiscal Year 2015 to use through September 30, 2015.



# SANTA FE COUNTY

Page 1 of 4

## RESOLUTION 2014 -

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

Whereas, the Board of County Commissioners meeting in regular session on Sept. 30, 2014, did request the following budget adjustment:

Department / Division: Sheriff's Office Fund Name: DWI Seizure

Budget Adjustment Type: Increase Fiscal Year: 2015 (July 1, 2014 - June 30, 2015)

#### 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
246	1233	371	0900	NMDOT: DWI Seizure Lot Clerical Position	\$119,465.69	
TOTAL (if SUBTOTAL, check here )					\$119,465.69	

#### 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
246	1223	424	1024	Salary	\$52,024.00	
246	1223	424	1025	Overtime	\$7,000.00	
246	1223	424	2001	FICA/Regular	\$3,659.00	
246	1223	424	2002	FICA/Medicare	\$856.00	
246	1223	424	2003	PERA	\$10,686.00	
246	1223	424	2005	Healthcare	\$4,487.00	
246	1223	424	2006	Retiree Health	\$1,040.00	
TOTAL (if SUBTOTAL, check here X )					\$79,752.00	

Requesting Department Approval: Mr. H. P. Title: Mayor Date: 9-16-14

Finance Department Approval: Shirley M. Arley Date: 9/17/14 Entered by: \_\_\_\_\_ Date: \_\_\_\_\_

County Manager Approval: Katherine M. J. J. Date: 9-22-14 Updated by: \_\_\_\_\_ Date: \_\_\_\_\_

# SANTA FE COUNTY

## RESOLUTION 2014 -

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

FUND CODE XXX	DEPARTMENT/ DIVISION XXXX	ACTIVITY BASIC/SUB XXX	ELEMENT/ OBJECT XXXX	CATEGORY / LINE ITEM NAME	INCREASE AMOUNT	DECREASE AMOUNT
246	1223	424	5003	Contractual Services	\$7,000.00	
246	1223	424	5090	Professional	\$4,000.00	
246	1223	424	6007	Supplies	\$6,000.00	
246	1223	424	6009	Educational Supplies	\$8,500.00	
246	1223	424	7037	Printing/Publishing/Advertising	\$3,000.00	
246	1223	424	8099	Capital: Inventory Exempt	\$11,213.69	
TOTAL (if SUBTOTAL, check here )					\$119,465.69	

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 was given a grant during Fiscal Year 2014 for one (1) full-time clerical position to assist with the processing of all necessary paperwork required for vehicle forfeiture cases to handle the rapidly growing vehicle forfeiture caseload. Funding will only be used for the vehicle forfeiture program and cannot be used for other purposes. Funding includes, salary & wages, supplies, equipment, and other items that are allowable by NMDOT DWI policies. NMDOT has extended the grant for this position and funding through September 30, 2015.

### a) Employee Actions

Line Item	Action (Add/Delete Position, Reclass, Overtime)	Position Type (permanent, term)	Position Title
10-24	Term Employee for DWI Seizure	Term	Clerical

### 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
50-03 / 50-90	Contractual Services / Professional Services	\$11,000.00
80-99	Capital Purchases of Alcohol related equipment	\$11,213.69

- 2) Is the budget action for RECURRING expense X or for NON-RECURRING (one-time only) expense X  
This budget is for both recurring and non-recurring items. We will be purchasing one-time only equipment, but the position will be a recurring expense. Grant expires September 30, 2015.

# SANTA FE COUNTY

Page 3 of 4

## RESOLUTION 2014 - \_\_\_\_\_

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.):

- 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 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 a award letter and proposed budget.

NMDOT: Clerical Position for DWI Seizure Division  
Project No.: 14-AL-64-P101  
Award Period: October 1, 2013 to September 30, 2015  
Amount Awarded: \$123,974.00
  - c) Is this request is 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**

## **RESOLUTION 2014 - \_\_\_\_\_**

Page 4 of 4

**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 30th Day of September, 2014.

**Santa Fe Board of County Commissioners**

\_\_\_\_\_  
Daniel W. Mayfield, Chairperson

**ATTEST:**

\_\_\_\_\_  
Geraldine Salazar, County Clerk







Robert A. Garcia  
Sheriff  
986-2455

[ragarcia@santafecountynm.gov](mailto:ragarcia@santafecountynm.gov)



Ron E. Madrid  
Undersheriff  
986-2455

[rmadrid@santafecountynm.gov](mailto:rmadrid@santafecountynm.gov)

35 Camino Justicia – Santa Fe, New Mexico 87508

## MEMORANDUM

**To:** Board of County Commissioners

**Fr:** Undersheriff Ron Madrid *[Signature]*

**Date:** September 11, 2014

**Re:** Requesting Approval to Change a Current Temporary Clerical Position to Term As Funded by a Grant Awarded Through the New Mexico Department of Transportation (NMDOT) for the DWI Seizure Program. (County Sheriff / Finance)

---

### Issue:

The Santa Fe County Sheriff's Office has been awarded a grant from the New Mexico Department of Transportation (NMDOT) which provides funding to Santa Fe County for a clerical position to assist with the processing of vehicle forfeiture cases.

### Background:

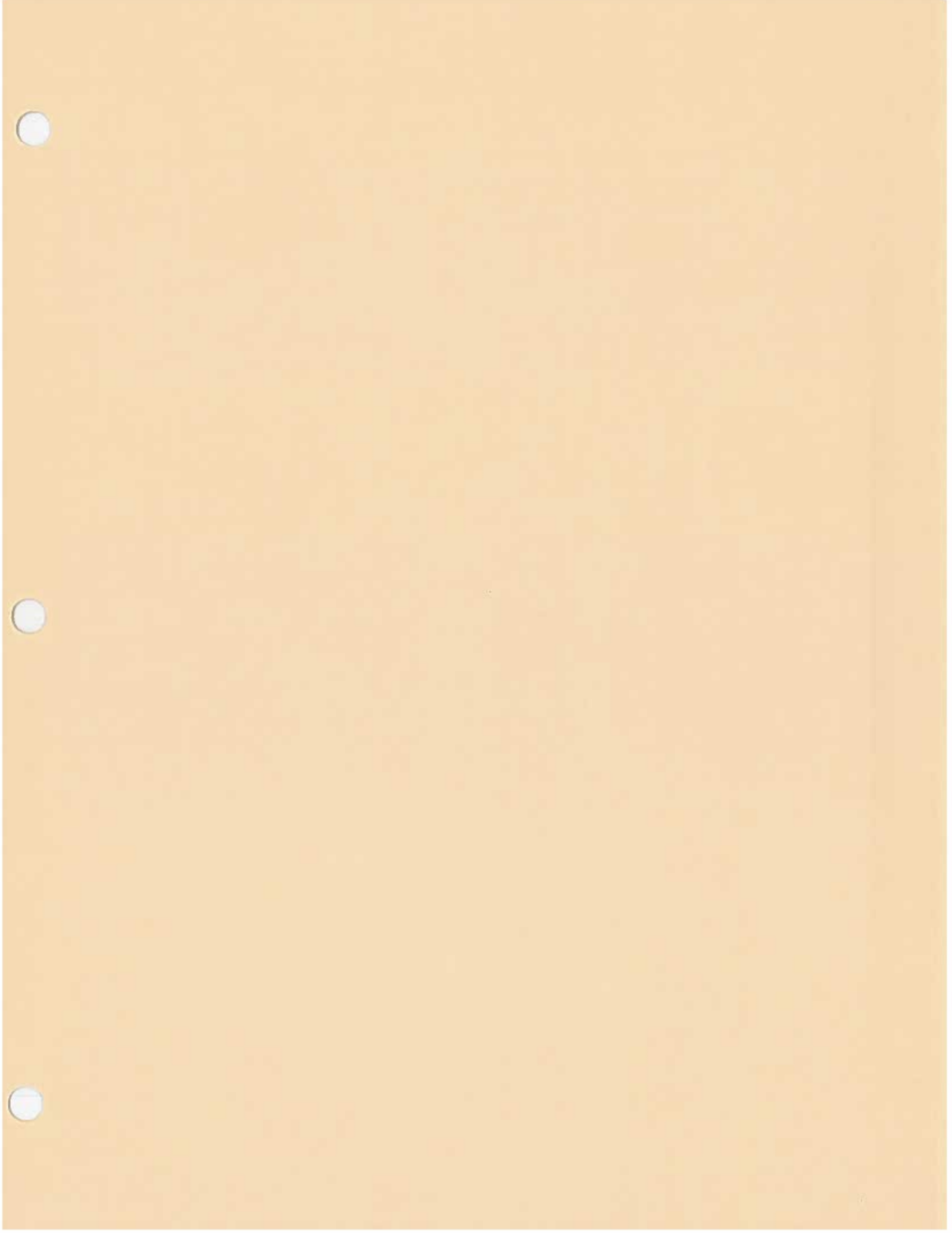
Funding from this grant will provide one (1) full-time clerical position to assist with the processing of all necessary paperwork required for vehicle forfeiture cases to handle the rapidly growing vehicle forfeiture caseload. Plus, funding also includes equipment and supplies to keep the DWI Program running.

NMDOT awarded the Sheriff's Office funding in Fiscal Year 2014 and has granted an extension and additional funding through September 30, 2015. Funding includes salary & wages, supplies, equipment, and anything needed to start the new position. The clerical position started May 2014 as a temporary employee; however, the grant has approved additional funding to extend this position through September 30, 2015 requiring the change in status to Term. When the funding from the grant has been utilized, the Sheriff's Office may request to keep this position and will need to request approval for it to be funded by the DWI Seizure Program at that time.

### Action Requested:

The Sheriff's Office requests approval to change the status of the DWI clerical position from Temporary to Term.







Robert A. Garcia  
Sheriff  
986-2455

[ragarcia@santafecountynm.gov](mailto:ragarcia@santafecountynm.gov)



Ron E. Madrid  
Undersheriff  
986-2455

[rmadrid@santafecountynm.gov](mailto:rmadrid@santafecountynm.gov)

35 Camino Justicia – Santa Fe, New Mexico 87508

## MEMORANDUM

To: Board of County Commissioners

Fr: Undersheriff Ron Madrid

Date: September 11, 2014

Re: Resolution 2014 \_\_\_\_\_ A Resolution Requesting a Budget Increase to the Law Enforcement Operations Fund (246) to Budget the Proceeds From the Sheriff's Fleet Auction / \$45,225.00

---

### Issue:

The Santa Fe Sheriff's Office is requesting to use the Sheriff's Fleet Auction Proceeds to purchase a new Harley-Davidson Police Electra Glide.

### Background:

The Sheriff's Office had an auction in June 2014, and we'd like to use the auction proceeds to purchase a Harley-Davidson Police Electra Glide. The Sheriff's Office is adding a new motorcycle fleet program to the Traffic Division, and this motorcycle will be an added asset to the Sheriff's Office Fleet.

### Action Requested:

The Santa Fe Sheriff's Office requests approval to budget funding from the auction proceeds received in the amount of \$45,225.00.





# SANTA FE COUNTY

Page 1 of 4

## RESOLUTION 2014 -

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

Whereas, the Board of County Commissioners meeting in regular session on Sept. 30, 2014, did request the following budget adjustment:

Department / Division: Sheriff's Office Fund Name: Law Enforcement Operation Fund (LEOF)

Budget Adjustment Type: Budget Increase Fiscal Year: 2015 (July 1, 2014 - June 30, 2015)

#### BUDGETED REVENUES: (use continuation sheet, if necessary)

FUND CODE XXX	DEPARTMENT/ DIVISION XXXX	ACTIVITY BASICS/SUB XXX	ELEMENT/ OBJECT XXXX	REVENUE NAME	INCREASE AMOUNT	DECREASE AMOUNT
246	0000	360	0500	Misc Revenue / Sale of Tangible Property	\$45,225.00	
TOTAL (if SUBTOTAL, check here )					\$45,225.00	

#### BUDGETED EXPENDITURES: (use continuation sheet, if necessary)

FUND CODE XXX	DEPARTMENT/ DIVISION XXXX	ACTIVITY BASICS/SUB XXX	ELEMENT/ OBJECT XXXX	CATEGORY / LINE ITEM NAME	INCREASE AMOUNT	DECREASE AMOUNT
246	1201	424	8009	Vehicles	\$45,225.00	
TOTAL (if SUBTOTAL, check here )					\$45,225.00	

Requesting Department Approval: [Signature] Title: Under Sheriff Date: 8-21-14

Finance Department Approval: [Signature] Date: 9/1/14 Entered by: \_\_\_\_\_ Date: \_\_\_\_\_

County Manager Approval: \_\_\_\_\_ Date: \_\_\_\_\_ Updated by: \_\_\_\_\_ Date: \_\_\_\_\_

# SANTA FE COUNTY

Page 2 of 4

## RESOLUTION 2014 -

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 would like to use the proceeds from the Sheriff's Office Fleet auction. We would like to have it moved to LEOF to purchase a motorcycle. This motorcycle would be a great addition to our fleet and would like to utilize the auction proceeds for this purchase.

### a) Employee Actions

Line Item	Action (Add/Delete Position, Reclasse, 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
80-09	Harley-Davidson Police Electra Glide (Motorcycle, Equipment, Decals)	\$45,225.00

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

# SANTA FE COUNTY

Page 3 of 4

## RESOLUTION 2014 - \_\_\_\_\_

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.):

- 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        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 2014 - \_\_\_\_\_

**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 30th Day of September, 2014.

Santa Fe Board of County Commissioners

\_\_\_\_\_  
Daniel W. Mayfield, Chairperson

**ATTEST:**

\_\_\_\_\_  
Geraldine Salazar, County Clerk

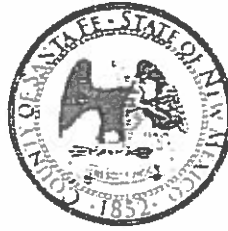




**Daniel "Danny" Mayfield**  
*Commissioner, District 1*

**Miguel M. Chavez**  
*Commissioner, District 2*

**Robert A. Anaya**  
*Commissioner, District 3*



**Kathy Holian**  
*Commissioner, District 4*

**Liz Stefanics**  
*Commissioner, District 5*

**Katherine Miller**  
*County Manager*

## **Memorandum**

**To:** Santa Fe Board of County Commissioners

**From:** Donna Morris, Fire Department

**Thru:** David Sperling, Fire Chief *DS*  
Pablo Sedillo, Public Safety Director *PS*  
Katherine Miller, County Manager *KM*

**Date:** September 2, 2014

**Re:** Resolution 2014 - A Resolution Requesting a Budget Increase to the Fire Protection Fund (209) to Adjust the Budget for the Current Year Allocation to the Actual Distribution Amount and to Carry Forward the FY-2014 Available Cash Balances for Expenditure in FY-2015 for a Total Amount of \$1,507,827. (Public Safety/Fire)

---

### **BACKGROUND:**

The Santa Fe County Fire Department is requesting to carry forward the FY-2014 available cash balances from previous year's Fire Fund allocations for the fire districts to be expended in FY-2015. This budget resolution is to adjust the FY-2015 Fire Fund allocations to the actual distribution amount in addition to budgeting the prior year's available cash balances for the fire districts. The fire districts have prioritized their needs so that this funding is expended in the appropriate categories.

### **SUMMARY:**

Please approve this request for a budget increase to the various Fire Districts (209) Fire Protection Fund in the amount of \$1,507,827.





# SANTA FE COUNTY

Page 1 of 7

## RESOLUTION 2014 -

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

Whereas, the Board of County Commissioners meeting in regular session on September 30, 2014, did request the following budget adjustment:

Department / Division: Fire Department/Various Fire Districts Fund Name: Fire Fund (209)

Budget Adjustment Type: Budget Increase Fiscal Year: 2015 (July 1, 2014 - June 30, 2015)

#### 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
209	0831	371	07-00	Fire Allotment	4,221	
209	0831	385	02-00	Budgeted Cash / State Funds	49,513	
209	0832	371	07-00	Fire Allotment	11,349	
209	0832	385	02-00	Budgeted Cash / State Funds	154,757	
TOTAL (if SUBTOTAL, check here X )					219,840	

#### 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
209	0831	422	70-05	Other Operating Costs/Gas & Heating	2,000	
209	0831	422	70-07	Other Operating Costs/Water	700	
209	0831	422	80-01	Capital Purchases/Buildings & Structures	41,034	
209	0831	422	80-99	Capital Purchases/Inventory Exempt	10,000	
TOTAL (if SUBTOTAL, check here X )					53,734	

Requesting Department Approval: [Signature] Title: Chief Date: 9-9-14

Finance Department Approval: [Signature] Date: 9/10/14 Entered by: \_\_\_\_\_ Date: \_\_\_\_\_

County Manager Approval: \_\_\_\_\_ Date: \_\_\_\_\_ Updated by: \_\_\_\_\_ Date: \_\_\_\_\_

# SANTA FE COUNTY

Page 2 of 7

## RESOLUTION 2014 -

### BUDGET ADJUSTMENT CONTINUATION SHEET

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
209	0833	371	07-00	Fire Allotment	8,990	
209	0833	385	02-00	Budgeted Cash / State Funds	123,425	
209	0834	371	07-00	Fire Allotment	14,366	
209	0834	385	02-00	Budgeted Cash / State Funds	46,103	
209	0835	371	07-00	Fire Allotment	6,248	
209	0835	385	02-00	Budgeted Cash / State Funds	58,236	
209	0836	371	07-00	Fire Allotment	4,495	
209	0836	385	02-00	Budgeted Cash / State Funds	43,563	
209	0837	371	07-00	Fire Allotment	7,345	
209	0837	385	02-00	Budgeted Cash / State Funds	167,628	
TOTAL (if SUBTOTAL, check here X )					700,239	

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
209	0832	422	80-01	Capital Purchases/Buildings & Structures	100,000	
209	0832	422	80-99	Capital Purchases/Inventory Exempt	66,106	
209	0833	422	80-09	Capital Purchases/Vehicles	132,415	
209	0834	422	70-03	Other Operating Costs/Telephone	5,000	
209	0834	422	80-01	Capital Purchases/Buildings & Structures	50,469	
209	0834	422	80-99	Capital Purchases/Inventory Exempt	5,000	
209	0835	422	50-81	Services/Medical Services	6,600	
209	0835	422	70-37	Other Operating Costs/Printing & Publishing	4,500	
209	0835	422	80-01	Capital Purchases/Buildings & Structures	53,384	
209	0836	422	50-81	Services/Medical Services	7,920	
209	0836	422	80-01	Capital Purchases/Building & Structures	40,138	
TOTAL (if SUBTOTAL, check here X )					525,266	

# SANTA FE COUNTY

Page 3 of 7

## RESOLUTION 2014 -

### BUDGET ADJUSTMENT CONTINUATION SHEET

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
209	0838	371	07-00	Fire Allotment	5,318	
209	0838	385	02-00	Budgeted Cash / State Funds	120,941	
209	0839	371	07-00	Fire Allotment	5,318	
209	0839	385	02-00	Budgeted Cash / State Funds	109,046	
209	0840	371	07-00	Fire Allotment	6,248	
209	0840	385	02-00	Budgeted Cash / State Funds	28,855	
209	0841	371	07-00	Fire Allotment	3,289	
209	0841	385	02-00	Budgeted Cash / State Funds	177,705	
209	0842	371	07-00	Fire Allotment	3,289	
209	0842	385	02-00	Budgeted Cash / State Funds	32,371	
TOTAL (if SUBTOTAL, check here X )					1,197,619	

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
209	0837	422	70-03	Other Operating Costs/Telephone	3,000	
209	0837	422	80-09	Capital Purchases/Vehicles	171,973	
209	0838	422	80-01	Capital Purchases/Building & Structures	100,000	
209	0838	422	80-99	Capital Purchases/Inventory Exempt	26,259	
209	0839	422	80-01	Capital Purchases/Building & Structures	20,000	
209	0839	422	80-09	Capital Purchases/Vehicles	94,364	
209	0840	422	50-81	Services/Medical Services	13,860	
209	0840	422	80-99	Capital Purchases/Inventory Exempt	21,243	
209	0841	422	80-01	Capital Purchases/Building & Structures	80,994	
209	0841	422	80-09	Capital Purchases/Vehicles	100,000	
209	0842	422	80-01	Capital Purchases/Building & Structures	25,660	
209	0842	422	80-99	Capital Purchases/Inventory Exempt	10,000	
209	0843	422	70-07	Other Operating Cost/Water	1,500	
209	0843	422	80-01	Capital Purchases/Building & Structures	63,136	
TOTAL (if SUBTOTAL, check here X )					1,257,255	

# SANTA FE COUNTY

Page 4 of 7

## RESOLUTION 2014 -

### BUDGET ADJUSTMENT CONTINUATION SHEET

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
209	0843	371	07-00	Fire Allotment	6,578	
209	0843	385	02-00	Budgeted Cash / State Funds	78,058	
209	0844	371	07-00	Fire Allotment	3,124	
209	0844	385	02-00	Budgeted Cash / State Funds	211,676	
209	0846	371	07-00	Fire Allotment	3,289	
209	0846	385	02-00	Budgeted Cash / State Funds	12,483	
TOTAL (if SUBTOTAL, check here )					1,507,827	

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
209	0843	422	80-99	Capital Purchases/Inventory Exempt	20,000	
209	0844	422	70-33	Other Operating Costs/Seminars & Workshops	265	
209	0844	422	70-37	Other Operating Costs/Printing/Publishing/Ads	3,000	
209	0844	422	80-01	Capital Purchases/Buildings & Structures	211,535	
209	0846	422	70-03	Other Operating Costs/Telephones	5,000	
209	0846	422	80-99	Capital Purchases/Inventory Exempt	10,772	
TOTAL (if SUBTOTAL, check here )					1,507,827	

# SANTA FE COUNTY

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## RESOLUTION 2014 -

ATTACH ADDITIONAL SHEETS IF NECESSARY.

DEPARTMENT CONTACT: Name: Donna Morris Dept/Div: Fire Department/Administration Phone No.: 992-3082

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.

This request is to budget FY-14 available cash balances from Fire Fund (209) distributions for expenditure in FY-15 and to adjust the budget for the current year allocation to the actual distribution amount for each fire district for a total amount of \$1,507,827. Each Fire District was requested to prioritize their needs to budget funds in appropriate expenditure categories.

a) Employee Actions

Line Item	Action (Add/Delete Position, Reclass, 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-XX	Additions are being made to carry over funding for future expenditures as needed for buildings, structures, vehicles And Equipment.	1,454,482

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

# SANTA FE COUNTY

Page 6 of 7

## RESOLUTION 2014 - \_\_\_\_\_

ATTACH ADDITIONAL SHEETS IF NECESSARY.

### DEPARTMENT CONTACT:

Name: Donna Morris Dept/Div: Fire Department Administration Phone No.: 992-3082

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 NO X  
If YES, cite statute and attach a copy.
  - b) Does this include state or federal funds? YES X NO 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 a award letter and proposed budget.
  - c) Is this request a result of Commission action? YES NO 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.

The State Fire Fund Allotment.

Not Applicable.

**SANTA FE COUNTY**

Page 7 of 7

**RESOLUTION 2014 - \_\_\_\_\_**

**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 30th Day of September, 2014.**

**Santa Fe Board of County Commissioners**

\_\_\_\_\_  
Daniel W. Mayfield, Chair

**ATTEST:**

\_\_\_\_\_  
Geraldine Salazar, County Clerk





# NEW MEXICO PUBLIC REGULATION COMMISSION

Attachment #1

## COMMISSIONERS

DISTRICT 1 KAREN L. MONTROYA  
DISTRICT 2 PATRICK H. LYONS  
DISTRICT 3 VALERIE ESPINOZA, VICE CHAIR  
DISTRICT 4 THERESA BECENTI-AGUILAR, CHAIR  
DISTRICT 5 BEN L. HALL

## CHIEF OF STAFF

S. Vincent Martinez



STATE FIRE MARSHAL DIVISION  
John Standefer, State Fire Marshal

(505) 476-0160  
800-244-6702 (in state only)  
Fax: (505) 476-0100

P.O. Box 1269  
1120 Paseo de Peralta, Room 413  
Santa Fe, NM 87504-1269

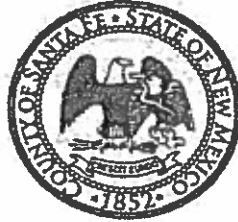
## Calculate Distribution by County with NMFA FY 2015

DEPARTMENT	CL	MS	SS	AD	Main/admin	Sub	Station	Total per main	Total per sub	Total Admin	Fire Fund Distribution	NMFA amount	TOTAL to Dept.
<b>Santa Fe</b>													
Agua Fria	5	2	0	0	\$77,876	\$28,555		\$165,752	\$0	\$0	\$155,752	\$0	\$155,752
Chimayo	6	1	1	0	\$73,982	\$25,958		\$73,982	\$25,958	\$0	\$99,940	\$0	\$99,940
Edgewood	5	2	2	0	\$77,876	\$28,555		\$165,752	\$57,110	\$0	\$212,862	\$0	\$212,862
El Dorado	3	3	0	0	\$89,560	\$33,748		\$268,680	\$0	\$0	\$268,680	\$0	\$268,680
Gallisteo	6	1	0	0	\$73,982	\$25,958		\$73,982	\$0	\$0	\$73,982	\$0	\$73,982
Glorieta Pass	5	1	0	0	\$77,876	\$28,555		\$77,876	\$0	\$0	\$77,876	\$0	\$77,876
Hondo	4	2	0	0	\$81,770	\$31,151		\$163,540	\$0	\$0	\$163,540	\$0	\$163,540
La Cienega	6	2	0	0	\$73,982	\$25,958		\$147,964	\$0	\$0	\$147,964	\$0	\$147,964
La Puebla	6	2	0	0	\$73,982	\$25,958		\$147,964	\$0	\$0	\$147,964	\$0	\$147,964
Madrid	5	1	0	0	\$77,876	\$28,555		\$77,876	\$0	\$0	\$77,876	\$0	\$77,876
Pojoaque	5	1	1	0	\$77,876	\$28,555		\$77,876	\$28,555	\$0	\$106,431	\$0	\$106,431
Santa Fe Co. Admin.	5	0	0	1	\$77,876	\$28,555		\$0	\$0	\$77,876	\$77,876	\$0	\$77,876
Stanley	6	2	1	0	\$73,982	\$25,958		\$147,964	\$25,958	\$0	\$173,922	\$0	\$173,922
Tesuque	6	1	2	0	\$73,982	\$25,958		\$73,982	\$51,916	\$0	\$125,898	\$0	\$125,898
Turquoise Trail	6	1	2	0	\$73,982	\$25,958		\$73,982	\$51,916	\$0	\$125,898	\$0	\$125,898
# 15th Admin	1				count of depts.	14		Santa Fe County subtotal	\$2,036,461.00	\$0.00	\$2,036,461.00	\$0.00	\$2,036,461.00

Daniel "Danny" Mayfield  
Commissioner, District 1

Miguel M. Chavez  
Commissioner, District 2

Robert A. Anaya  
Commissioner, District 3



Attachment #2

Kathy Holian  
Commissioner, District 4

Liz Stefanics  
Commissioner, District 5

Katherine Miller  
County Manager

August 14, 2014

COPY



Mr. John Standefer, State Fire Marshal  
New Mexico State Fire Marshals Office  
PO Box 1269  
Santa Fe, NM 87504-1269

Dear Mr. Standefer,

Santa Fe County's Fire Fund has an estimated Fiscal Year 2014 ending cash balance of \$1,414,360 from the Fire Fund Account Distribution. The balances by Fire districts are as follows:

FIRE DISTRICT	FY 2014 REQUESTED CARRYOVER	FY 2015 GRANT	Total Fund Balance	Fund Utilization Per District
CHIMAYO	49,513	99,940	149,453	Station & Equipment Upgrades
ELDORADO	154,757	268,680	423,437	Station & Equipment Upgrades
EDGEWOOD	123,425	212,862	336,287	Apparatus Purchase / Equipment Upgrades
HONDO	46,103	163,540	209,643	Station & Equipment Upgrades
LA PUEBLA	58,236	147,964	206,200	Station & Equipment Upgrades
POJOAQUE	43,563	106,431	149,994	Station Upgrades & Equipment
STANLEY	167,628	173,922	341,550	Apparatus Purchase & Station Upgrades
TESUQUE	120,941	125,898	246,839	Station & Equipment Upgrades
T TRAIL	109,046	125,898	234,944	Apparatus Purchase & Station Upgrades
LA CIENEGA	28,855	147,964	176,819	Equipment Upgrades
MADRID	177,705	77,876	255,581	Apparatus Purchase & Station Upgrades
GLORIETA	32,371	77,876	110,247	New Substation & Equipment
AGUA FRIA	78,058	155,752	233,810	Station & Equipment Upgrades
GALISTEO	211,676	73,982	285,658	Station Upgrades & Equipment
SFC ADMIN	12,483	77,876	90,359	Station & Equipment Upgrades
TOTAL	1,414,360	2,036,461	3,450,821	

I am requesting your approval to budget the requested FY-14 carryover of \$1,414,360 in fiscal year 2015. Many of our fire districts have been saving their Fire Fund money to make capital purchases such as upgrading or purchasing new fire apparatus as well as station improvements. I appreciate your consideration of this request, if you have any questions or need further information please contact me at 992-3070

Sincerely,

  
Chief David Sperling  
Santa Fe County Fire Department

xc: Asst. Chief Steve Moya  
Teresa Martinez, Finance Director  
Donna Morris, Senior Accountant

## NEW MEXICO PUBLIC REGULATION COMMISSION

## COMMISSIONERS

DISTRICT 1 KAREN MONTTOYA  
 DISTRICT 2 PATRICK H. LYONS  
 DISTRICT 3 VALERIE ESPINOSA, VICE CHAIR  
 DISTRICT 4 THERESA BECENTI-AGUILAR  
 DISTRICT 5 BEN L. HALL



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 Santa Fe, NM 87504-1269

STATE FIRE MARSHAL DIVISION  
 John Standefer, State Fire Marshal

Room 413  
 800-244-6702 (In-state only)  
 (505) 476-0066  
 Fax : (505) 476-0100

## CHIEF OF STAFF

S. Vincent Martinez

September 3, 2014

Dave Sperling, Chief  
 Santa Fe County, Fire Department  
 #35 Camino Justicia  
 Santa Fe, New Mexico 87508

Reference: Santa Fe County Fire Department

Chief Sperling:

In response to your correspondence dated August 21, 2014 you are hereby authorized to carry and, earmark and accumulate Fire Protection Fund monies for FY 2014/2015.

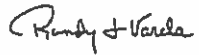
Santa Fe County Volunteer Fire Department \$3,450,821.00

• Chimayo	\$149,453.00	Equipment
• Eldorado	\$423,437.00	Apparatus and station upgrades
• Edgewood	\$336,287.00	Apparatus and Upgrades
• Hondo	\$209,643.00	Apparatus and station and equipment upgrades
• La Puebla	\$206,200.00	Apparatus and equipment purchase
• Pojoaque	\$149,994.00	Equipment and station upgrades
• Stanley	\$341,550.00	Apparatus and station upgrades
• Tesuque	\$246,839.00	Apparatus
• T Trail	\$234,944.00	Apparatus and station upgrades
• La Cienega	\$176,819.000	Equipment and station upgrade
• Madrid	\$255,581.00	Apparatus and station upgrades
• Glorieta	\$110,247.00	Station upgrades and equipment
• Agua Fria	\$233,810.00	Equipment and upgrades
• Galisteo	\$285,658.00	Station upgrades and equipment
• SFC Admin	\$90,359.00	Apparatus and equipment
• Total	\$3,450,821.00	

The Santa Fe County Fire Department is authorized to use fire protection Fund monies

If I may be of additional assistance in this matter, please feel free to contact me at 505-690-9312

Sincerely,



Randy J. Varela  
Fire Department Inspector  
New Mexico State Fire Marshal's Office

xc Steve Moya, Deputy Fire Chief  
Vernon Muller, Deputy State Fire Marshal  
File

## FIRE FUND (209) FY-2014 CASH BALANCE EXPENDITURE PLAN

Fire District	FY-2014 Cash Balance	Description of Expenditures in Accordance with 5 Year Plan
Ghimayo	\$49,513.00	Paving of station #1, improve storm drainage in parking lot, additional apparatus bay & storage in existing station #1.
Eldorado	\$154,757.00	Acquisition of property for sub-station, addition of apparatus bay at station #1, renovations of stations #1, #2, and #3 to include roofs, kitchens, paint and bathrooms. Natural gas line at Station #1.
Edgewood	\$123,425.00	Purchase two new Brush Trucks, possibly a ladder Truck.
Hondo	\$46,103.00	Purchase new Urban Interface Engine, remodel/upgrade kitchen at station #1.
La Puebla	\$58,236.00	External painting, landscaping and paving at station #2. Future apparatus purchases of a Tanker and Brush Truck.
Pojoaque	\$43,563.00	A/E for Pojoaque sub station at Jacona, purchase of a Heavy Rescue apparatus.
Stanley	\$167,628.00	Purchase a Light Rescue, renovation of bathrooms at station #2, Renovation of roof at station #3, expand portal and landscaping at station #1.
Tesuque	\$120,941.00	Replace roof at station #1, general renovations at station #2, renovations to the roof at station #3, and paving at station #3.
Turquoise Trail	\$109,046.00	Purchase a Brush Truck, renovations to station #3 to include drainage issues, internal remodel, new bay doors and upgrade to bathrooms.
La Cienega	\$28,855.00	Purchase a new Tanker to replace Tanker #2.
Madrid	\$177,705.00	Addition of a new training room to station, purchase a Light Rescue.
Glorieta	\$32,371.00	Renovation of main station apparatus bay to meet code compliance.
Agua Fria	\$78,058.00	Upgrade of training ground to include new training props.
Galisteo	\$211,676.00	Addition of apparatus bay and purchase new Light Rescue.
SFC Fire Administration	\$12,483.00	Purchase bunker gear for regional staff.



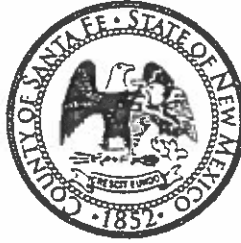




Daniel "Danny" Mayfield  
Commissioner, District 1

Miguel Chavez  
Commissioner, District 2

Robert A. Anaya  
Commissioner, District 3



Kathy Holian  
Commissioner, District 4

Liz Stefanics  
Commissioner, District 5

Katherine Miller  
County Manager

## MEMORANDUM

DATE: September 9, 2014

TO: Board of County Commissioners

FROM: Adam Leigland, Public Works Director *AL*

VIA: Katherine Miller, County Manager *KM*

**ITEM AND ISSUE:** *BCC Meeting Sept 30, 2014*

Resolution 2014-\_\_\_\_, A Resolution Articulating County Policies for the Planning, Design, and Construction of the Aamodt Settlement Agreement Regional Water System

---

**SUMMARY:**

Approval of this resolution will establish the Commission's policies for the planning, design, and construction of the Aamodt Regional Water System.

**BACKGROUND:**

The construction of a Pojoaque Valley Regional Water System (RWS) is one of the pillars of the Aamodt Settlement Agreement. The RWS will comprise a diversion facility on the Rio Grande, a water treatment plant, storage tanks, pumping facilities, back-up wells, and water transmission and distribution lines. The RWS is currently being planned and designed and will be constructed by the US Bureau of Reclamation (BOR). Partners in the RWS are the County and the four Pueblos of San Ildefonso, Pojoaque, Nambe, and Tesuque.

In accordance with the Settlement Agreement, once the RWS is complete and operational, ownership of the physical infrastructure will be conveyed to the five partners according to their respective service areas, and, as detailed in the current draft of the Joint Powers Agreement, the operation of the RWS will fall to the County.

Further, in accordance with the Cost-Sharing and System Integration Agreement, the County has a share of the total capital costs of the RWS as shown in Table 1 below.

The US government will assume the largest share and will cover all aspects of the system required to provide 2,500 acre-feet/year of water to all the Pueblos. The County and State's smaller share is to cover any marginal increases in the system needed to provide 1,500 acre-feet/year of water to any non-Pueblo customers. The Settlement Agreement allows the County to determine the ultimate size of the RWS to accommodate whatever customer base it chooses to serve, with the provision that the

County/State combined cost share must reflect this size, either above or below the amounts shown in the table. The State has placed an upper limit on the total amount of its cost share to the amount shown in the table.

Table 1: Construction Cost Shares\*

Party	Cost Share (in millions)
US	\$106.4
State of NM	\$45.5
Santa Fe County	\$7.4
Total	\$159.3

\*in 2006 Dollars, doesn't reflect indexing

As the BOR progresses with design, it has developed a list of approximately 40 "design criteria" or design questions that must be answered, ranging in nature from size of storage tanks to type of back-up power to form of land acquisition.

#### **DISCUSSION:**

The BOR is asking for County input on the design criteria and for general involvement in the planning and design process. Because these design decisions will have implications for the County in terms of future capital obligations, land use policies, fire protection, and future operating costs, staff feels that it needs policy guidance from the Commission as it interfaces with the BOR in this RWS planning and design process. Staff analyzed the list of design criteria and distilled it down into five categories, listed below. Policy direction from the BCC on these five overarching categories will allow staff to work with BOR in a productive and expeditious way.

1. Service connections.
2. Operation and maintenance costs.
3. Fire protection.
4. Interoperability with other area systems.
5. Construction costs

Each of the five categories, with a staff recommendation on how to address each category, is discussed in more detail here.

Maximize service connections. Staff recommends that every economically reasonable attempt be made to maximize the number of potential service connections. In practice, this means to ensure that the proper number and location of distribution lines is provided to maximize the number of parcels within a short distance of the distribution lines and to upsize any infrastructure necessary to accommodate this potential maximum demand.

This policy recommendation could potentially increase the total construction costs through more or larger waterline, tanks, and pumps, and requisite right-of-way acquisition, and it could expose the County to more, potentially contentious, right-of-way acquisition processes. However, staff believes that it is in the County's best interest to make connections available to as many households as possible for several reasons:

1. The goal of the Settlement Agreement is to decrease drawdown of the aquifer so as to increase surface water flows and thereby preserve traditional surface water uses.
2. The County Sustainable Growth Management Plan and the Conjunctive Use Management Plan both clearly state that County policy is to encourage connection to centrally-provided surface water systems instead of reliance on ground water.
3. The wider the revenue base, the lower the future bills for both customers and the County.
4. Construction costs will never be lower than they are now, both because of the large US and State cost sharing but also because material and labor costs will likely increase in the future.

However, these interests must be balanced with the costs of achieving them. There may be pockets of potential customers that are simply out of economic reach of a waterline. Based on the business practices of investor-owned utilities, staff is recommending that a 20-year return-on-investment criterion be used to judge the economic feasibility of reaching potential customers. In other words, the County/State share of capital costs of providing the infrastructure to reach a potential customer base must be recoverable within 20 years through the anticipated rates those potential customers would pay.

Minimize operation and maintenance costs. For obvious reasons, staff believes that any design decisions should ultimately produce lower operation and maintenance costs, not higher. This policy recommendation may result in higher initial capital costs, but considered over the entire life cycle of the RWS, it should result in savings to the County and the customers.

Improving and increasing fire protection in the Pojoaque Basin. Improving fire protection in the Valley has emerged as one of the most important desires of the community. Increasing the availability of fire water will improve the ISO rating, and therefore commensurately decrease the fire insurance costs of residential and commercial land uses. Further, the Sustainable Growth Management Plan specifically states that any deficiencies in the systems throughout the County needed to provide adequate fire flows should be corrected when feasible. For these reasons, staff feels that incorporating fire protection into the RWS, even if fire protection is not an explicit goal of the Settlement Agreement, is in the County's interest. Because designing for fire protection becomes the controlling factor in a water system design, adopting this policy has the added advantage of making the policy of maximizing service connections easier to implement. That said, staff feels that this policy should also be held to the 20-year return-on-investment standard as explained earlier. In other words, fire protection will only be provided where domestic water infrastructure is provided in compliance with the service connection policy. Adopting this policy will increase the County's capital cost share, though to what extent is hard to estimate at this point.

Maximize potential for interoperability with other area systems. As mentioned earlier, it is anticipated that the County will be operating and maintaining the RWS once it is complete. For this reason, it makes sense to design the system for maximum interoperability with the existing County water system. Examples of this interoperability would be using the same brand and type of meters, valves, and other equipment in the RWS as used in the County's existing system.

Further, the Commission has already articulated its desire for regionalization of water service in the County. Adopting a policy of maximizing interoperability paves the way for any such regionalization.

Minimize capital costs during construction. The desirability of this policy is self-evident. Examples of where it may come into play would be the minimization of fee-simple land acquisition, opting for the bare minimum in structures such as pump houses or water tanks, or relaxing the standards for road cut repair. Staff believes that this policy should be the lowest priority of the five listed here.

**REQUESTED ACTION:**

Approval of the attached resolution.

# **SANTA FE COUNTY**

## **Resolution No. 2014 -**

---

### **A RESOLUTION ARTICULATING COUNTY POLICIES FOR THE PLANNING, DESIGN, AND CONSTRUCTION OF THE AAMODT SETTLEMENT AGREEMENT REGIONAL WATER SYSTEM**

---

**WHEREAS**, on April 25, 2006, the Board of County Commissioners ("Board") of Santa Fe County ("County") approved the Settlement Agreement in the case of New Mexico ex rel. State Engineer v. Aamodt, No. 66cv06639 MV/LCS-ACE (D.N.M.) ("the Settlement Agreement"); and

**WHEREAS**, the County, the State of New Mexico, the City of Santa Fe, the Pueblos of Nambe, Pojoaque, San Ildefonso and Tesuque, and a number of private parties signed the Settlement Agreement on May 3, 2006; and

**WHEREAS**, the Settlement Agreement will resolve the water rights claims of the four Pueblos and will provide financial resources for water infrastructure benefiting the Pojoaque Basin, both for Pueblo and other County residents; and

**WHEREAS**, Congress approved the Settlement Agreement by enactment of the Aamodt Litigation Settlement Act, as part of the Claims Resolution Act of 2010, Pub. L. No. 11-291, tit. VI, §§ 601- 626, 124 Stat. 3064, 3134-56 (2010), which was signed into law by the President on December 8, 2010 ("Act"); and

**WHEREAS**, the County authorized Amendments to the Settlement Agreement and execution of the Cost-Sharing and System Integration Agreement ("Cost-Sharing Agreement") on April 10, 2012; and

**WHEREAS**, as provided in the Act and the Settlement Agreement, the cornerstone of the settlement is the planning, design, and construction by the United States Bureau of Reclamation ("USBR") of a regional water system ("RWS") that will provide water service to the four pueblos in the amount of 2,500 acre-feet per year and to other County residents who elect to connect to what is known as the County Water Utility in the amount of up to 1,500 acre-feet per year; and

**WHEREAS**, the County must bear a portion of the capital costs of constructing the RWS, as detailed in the Cost-Sharing Agreement; and

**WHEREAS**, the County will be responsible for the operation and maintenance of the County Water Utility and desires the County Water Utility to be financially self-sufficient; and

WHEREAS, the Act authorizes up to 1,500 acre-feet of capacity for use by the County, and both the Act and the Cost-Sharing Agreement give the County the right to make its own determination whether a smaller capacity or modified alignment is more suitable for County uses and whether the current plans and designs of the water system should be modified to better serve potential County customers; and

WHEREAS, the USBR is actively planning and designing the regional water system and requires input from the County on design criteria and similar technical policy issues in order to expeditiously continue the design process; and

WHEREAS, the Sustainable Growth Management Plan ("SGMP") identifies as County goals reducing reliance on groundwater (section 11.1.2.2) and expanding centralized water service (section 11.1.2.5) and further states in section 11.2.9 that the Aamodt Regional Water System serves these goals; and

WHEREAS, SGMP section 9.1.1 states that "Several residential areas in the County have insufficient water to provide adequate fire flows. Deficiencies should be corrected where feasible and the County should require adequate fire flows and water infrastructure to improve Fire Department service delivery and Fire District ISO ratings;" and

WHEREAS, the County has adopted the International Fire Code, 2003 edition.

**NOW, THEREFORE, BE IT RESOLVED** by the Board:

1. The items listed below are the articulated policies of the Board in the planning, design, and construction of the Aamodt Settlement Agreement Regional Water System. These policies are listed in priority order, such that if two policies conflict, the higher priority policy shall prevail.
  - a. Maximize service connections. RWS infrastructure will be designed to maximize the number of potential economically feasible non-Pueblo service connections. Service connections shall be deemed economically feasible if the County/State capital costs incurred to make the service connection(s) available can be recovered in 20 years or less through the estimated revenue that could be collected from the service connection(s). The cost recovery model can be applied to individual service connections or to service areas, as appropriate and as determined to be necessary to maximize the number of service connections for the lowest capital cost. The cost recovery model will not be applied to any service connections otherwise required by other agreements.
  - b. Minimize operation and maintenance costs. RWS infrastructure will be designed to minimize the eventual operation and maintenance costs, where operations and maintenance costs shall be broadly construed to include equipment maintenance and replacement, energy costs, water treatment costs, and staffing costs.

- c. Improving and increasing fire protection in the Pojoaque Basin. RWS infrastructure will be designed to provide the maximum economically feasible hydrant protection in accordance with the provisions of the International Fire Code, 2003 edition, or later edition, if the later edition establishes a higher standard that the 2003 edition and such higher standard is justified in the opinion of the Fire Marshall and in light of the other criteria in this Paragraph 1. Hydrant service shall not be deemed economically feasible if the infrastructure necessary to provide the hydrant does not meet the terms of Paragraph 1.a of this Resolution or if other provisions of the International Fire Code trigger significant capital improvements such as the widening of a road.
  - d. Maximize potential for interoperability with other area systems. The RWS shall be designed to provide for the maximum future interoperability, both physical and operational, with the existing County Utility and the Buckman Direct Diversion Project.
  - e. Minimize capital costs during construction. The RWS shall be planned, designed, and constructed to minimize land acquisition, to minimize disturbance to paved roads, and to otherwise minimize construction costs.
2. The Board delegates to the Public Works Department Director the ability to implement this policy guidance in the County's day-to-day dealings with the USBR and other stakeholders during RWS planning, design, and construction. Without limiting the generality of the foregoing, the Board specifically delegates to the Public Works Department Director the authority to make design decisions and communicate those design decisions to the USBR, consistent with the criteria set forth in Paragraph 1 of this Resolution.

**PASSED, APPROVED AND ADOPTED THIS 30<sup>TH</sup> DAY OF SEPTEMBER, 2014.**

**BOARD OF COUNTY COMMISSIONERS**

\_\_\_\_\_  
Daniel W. Mayfield, Chair

**ATTEST:**

\_\_\_\_\_  
Geraldine Salazar, Santa Fe County Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Gregory S. Shaffer, Santa Fe County Attorney









Daniel "Danny" Mayfield  
Commissioner, District 1

Miguel M. Chavez  
Commissioner, District 2

Robert A. Anaya  
Commissioner, District 3



Kathy Holian  
Commissioner, District 4

Liz Stefanics  
Commissioner, District 5

Katherine Miller  
County Manager

To: Board of County Commissioners

From: Gregory S. Shaffer, County Attorney

Via: Katherine Miller, County Manager

Date: September 16, 2014

Re: **A Resolution Authorizing the County Manager to Execute All Applications and Other Documents Required To Be Filed with the New Mexico Office of the State Engineer in Connection with the Transfer of Water Rights Pursuant to the Aamodt Litigation Settlement and for Continuing the Interim Use by Santa Fe County of Its Top of the World Farm Water Rights for Irrigation at the Top of the World Farm Until Needed for the Regional Water System**

**Issue.** No resolution or other document clearly delegates to anyone the authority to sign the technical application and other documents required to be filed with the New Mexico Office of the State Engineer in connection with the transfer of water rights ultimately needed to implement the Aamodt litigation settlement. The above-referenced resolution (Resolution) would delegate this authority to the County Manager, so as to enable Santa Fe County (County) to efficiently and effectively discharge its existing contractual obligations.

**Background.** The Board of County Commissioners (Board) has already approved various agreements related to the Aamodt litigation settlement, including the Settlement Agreement and Cost-Sharing and System Integration Agreement (Cost-Sharing Agreement). The Cost-Sharing Agreement is attached. Paragraph 2.7 of the Cost-Sharing Agreement requires the United States, Pueblo parties to the Settlement Agreement and Cost-Sharing Agreement, and the County to "cooperate to secure the transfer" of the following water rights in connection with the Regional Water System: (i) the 1,141 acre-feet of water per year (AFY) of so-called Top of the World Farm water rights acquired by the United States from the County; (ii) 611 AFY of the Top of the World Farm water rights retained by the County; (iii) the Nambe reserved water rights, as described in Section 613(a) of the federal Aamodt Litigation Settlement Act; and (iv) the San Juan-Chama Project water, as described in Section 613(a) of the federal Aamodt Litigation Settlement Act (collectively, the "Aamodt Water Right Transfers").

The County's 611 AFY of Top of the World Farm water rights will not be needed immediately for the Regional Water System. Accordingly, Paragraph 9.6.4 of the Settlement Agreement authorizes the County to "temporarily use these water rights for other purposes until they are needed" by the Regional Water System to supply Non-Pueblo water utility customers in the Pojoaque basin. Authorizing such temporary use may require the County to file a companion application to the main application to transfer its 611 AFY of Top of the World Farm water rights for the Regional Water System. The Resolution would also authorize the County Manager to execute such companion application to the Office of the State Engineer and related documents to enable the County to continue using these water rights at the Top of the World Farm.

**Recommendation.** Approve the Resolution, so as to allow the County to efficiently and effectively discharge its existing contractual obligations and temporarily use its water rights.



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

**RESOLUTION NO. 2014-\_\_\_\_\_**

---

**A RESOLUTION AUTHORIZING THE COUNTY MANAGER TO EXECUTE ALL APPLICATIONS AND OTHER DOCUMENTS REQUIRED TO BE FILED WITH THE NEW MEXICO OFFICE OF THE STATE ENGINEER IN CONNECTION WITH THE TRANSFER OF WATER RIGHTS PURSUANT TO THE AAMODT LITIGATION SETTLEMENT AND FOR CONTINUING THE INTERIM USE BY SANTA FE COUNTY OF ITS TOP OF THE WORLD FARM WATER RIGHTS FOR IRRIGATION AT THE TOP OF THE WORLD FARM UNTIL NEEDED FOR THE REGIONAL WATER SYSTEM**

---

**WHEREAS**, Santa Fe County (County) is a party to (i) that certain Settlement Agreement, dated April 19, 2012, the purpose of which is to settle the matter of *State of New Mexico, ex rel. State Engineer and United States of America, Pueblo de Nambe, Pueblo de Pojoaque, Pueblo de San Ildefonso, and Pueblo de Tesuque v. R. Lee Aamodt, et al.*, No. 66 CV CV 6639 MV/LCS (D.N.M.) (the "Aamodt Litigation") and (ii) that certain Cost-Sharing and System Integration Agreement (Cost-Sharing Agreement); and

**WHEREAS**, among other things, the Settlement Agreement and Cost-Sharing Agreement call for the creation of a Regional Water System for the diversion, treatment, transmission, storage, and distribution of water within the Pojoaque basin; and

**WHEREAS**, Paragraph 2.7 of the Cost-Sharing Agreement requires the United States, Pueblo parties to the Settlement Agreement and Cost-Sharing Agreement, and the County to "cooperate to secure the transfer" of the following water rights in connection with the Regional Water System: (i) the 1,141 acre-feet of water per year (AFY) of so-called Top of the World Farm water rights acquired by the United States from the County; (ii) 611 AFY of the Top of the World Farm water rights retained by the County; (iii) the Nambe reserved water rights, as described in Section 613(a) of the federal Aamodt Litigation Settlement Act; and (iv) the San Juan-Chama Project water, as described in Section 613(a) of the federal Aamodt Litigation Settlement Act (collectively, the "Aamodt Water Right Transfers"); and

**WHEREAS**, in order to provide the County with flexibility and revenue, it is desirous for the County to be able to lease or otherwise utilize its 611 AFY of Top of the World Farm water rights until they are needed for the Regional Water System, which temporary use is authorized pursuant to Section 9.6.4 of the Settlement Agreement; and

**WHEREAS**, in order to allow for the efficient and effective discharge of the County's contractual obligations to cooperate in the Aamodt Water Right Transfers, the Board of County Commissioners (Board) desires to clearly delegate to the County Manager the authority to sign all applications and other documents required to be filed with the New Mexico Office of State Engineer in connection with the Aamodt Water Right Transfers as well as the County's separate application to lease or otherwise utilize its 611 AFY of Top of the World Farm water rights at the Top of the World Farm until they are needed for the Regional Water System.

**NOW, THEREFORE, BE IT RESOLVED** that the Board hereby delegates to the County Manager the authority to sign on behalf of the County all applications and other

documents required to be filed with the New Mexico Office of the State Engineer in connection with the Aamodt Water Right Transfers as well as the County's separate application to lease or otherwise continuing to utilize its 611 AFY of Top of the World Farm water rights for irrigation at the Top of the World Farm until they are needed for the Regional Water System.

**PASSED, APPROVED, AND ADOPTED** this 30<sup>th</sup> day of September, 2014.

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

\_\_\_\_\_  
**Daniel Mayfield, Chair**

**ATTEST:**

\_\_\_\_\_  
Geraldine Salazar, County Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Gregory S. Shaffer, County Attorney

## **COST-SHARING AND SYSTEM INTEGRATION AGREEMENT**

This Cost-Sharing and System Integration Agreement is made and entered into by and among the United States, acting through the Secretary of the Interior, the State of New Mexico, acting through the State Engineer, the Pueblo of Nambé, the Pueblo of Pojoaque, the Pueblo of San Ildefonso, the Pueblo of Tesuque, the City of Santa Fe and the County of Santa Fe ("the Parties"). This agreement is the August 27, 2009 Cost Sharing and System Integration Agreement referenced in Section 602(5) of the Aamodt Litigation Settlement Act (Act) as amended to conform thereto pursuant to Section 621(a) and Section 621(b) of the Act.

**NOW, THEREFORE,** in consideration of mutual and dependent covenants and conditions contained herein, and in the Settlement Agreement, which each Party acknowledges inures to its respective benefit, the Parties agree as follows:

1. **DEFINITIONS** The following terms shall have the following meanings when capitalized in this Cost Sharing Agreement:
  - 1.1 "Acre-Feet" or "AFY" means acre-feet of water per year.
  - 1.2 "Act" or "Settlement Act" or "Aamodt Litigation Settlement Act" means the Indian Water Rights Settlement Act, Pub. L. No. 111-291, tit. VI, §§ 601 – 626, 124 Stat. 3064, 3134-56 (2010).
  - 1.3 "Cost Sharing Agreement" means this Cost-Sharing and System Integration Agreement.
  - 1.4 "County" means Santa Fe County, New Mexico.
  - 1.5 "County Distribution System" means the portion of the Regional Water System that serves water customers on non-Pueblo land in the Pojoaque Basin.
  - 1.6 "County Water Utility" or "CWU" means the water utility organized by the County to:
    - 1.6.1 receive water distributed by the Regional Water Authority;
    - 1.6.2 provide the water received under subparagraph (A) to customers on non-Pueblo land in the Pojoaque Basin; and
    - 1.6.3 carry out any other activities in accordance with the Act and other applicable law.

- 1.7 “Engineering Report” means the report entitled “Pojoaque Regional Water System Engineering Report” and dated September 2008 and any amendments thereto including any amendments necessary to conform to the Act.
- 1.8 “Operating Agreement” means the agreement between the Pueblos and the County executed under Section 612(a) of the Act.
- 1.9 “Pojoaque Basin”
  - 1.9.1 IN GENERAL.—The term “Pojoaque Basin” means the geographic area limited by a surface water divide (which can be drawn on a topographic map), within which area rainfall and runoff flow into arroyos, drainages, and named tributaries that eventually drain to:
    - 1.9.1.1 the Rio Pojoaque; or
    - 1.9.1.2 the 2 unnamed arroyos immediately south; and
    - 1.9.1.3 2 arroyos (including the Arroyo Alamo) that are immediately north of the confluence of the Rio Pojoaque and the Rio Grande.
  - 1.9.1.4 INCLUSION.—The term “Pojoaque Basin” includes the San Ildefonso Eastern Reservation recognized by section 8 of Public Law 87–231 (75 Stat. 505).
- 1.10 “Pueblo” means each of the Pueblos of Nambé, Pojoaque, San Ildefonso, or Tesuque.
- 1.11 “Pueblos” means collectively the Pueblos of Nambé, Pojoaque, San Ildefonso, and Tesuque.
- 1.12 “Pueblo land” means any real property that is:
  - 1.12.1 held by the United States in trust for a Pueblo within the Pojoaque Basin
    - 1.12.1.1 owned by a Pueblo within the Pojoaque Basin before the date on which a court approves the Settlement Agreement; or
    - 1.12.1.2 acquired by a Pueblo on or after the date on which a court approves the Settlement Agreement, if the real property is located:
      - 1.12.1.2.1 within the exterior boundaries of the Pueblo, as recognized and confirmed by a patent issued under the Act of December 22, 1858 (11 Stat. 374, chapter V); or
      - 1.12.1.2.2 within the exterior boundaries of any territory set aside for the Pueblo by law, executive order, or court decree;
  - 1.12.2 owned by a Pueblo or held by the United States in trust for the benefit of a Pueblo outside the Pojoaque Basin that is located within the exterior boundaries of the Pueblo as recognized and confirmed by a patent issued under the Act of December 22, 1858 (11 Stat. 374, chapter V); or



- 1.12.3 within the exterior boundaries of any real property located outside the Pojoaque Basin set aside for a Pueblo by law, executive order, or court decree, if the land is within or contiguous to land held by the United States in trust for the Pueblo as of January 1, 2005.

1.13 “Pueblo Water Facility”

- 1.13.1 IN GENERAL.—The term “Pueblo Water Facility” means:

- 1.13.1.1 a portion of the Regional Water System that serves only water customers on Pueblo land; and

- 1.13.1.2 portions of a Pueblo water system in existence on the date of enactment of the Act that serve water customers on non-Pueblo land, also in existence on the date of enactment of the Act, or their successors, that are

- 1.13.1.2.1 depicted in the final project design, as modified by the drawings reflecting the completed Regional Water System; and

- 1.13.1.2.2 described in the Operating Agreement.

- 1.13.2 INCLUSIONS.—The term “Pueblo Water Facility” includes:

- 1.13.2.1 the barrier dam and infiltration project on the Rio Pojoaque described in the Engineering Report; and

- 1.13.2.2 the Tesuque Pueblo infiltration pond described in the Engineering Report.

- 1.14 “Regional Water Authority” or “RWA” means the Pojoaque Basin Regional Water Authority described in Section 9.5 of the Settlement Agreement, to operate and maintain the diversion and treatment facilities, certain transmission pipelines and other facilities of the Regional Water System.

1.15 “Regional Water System”

The term “Regional Water System” means the Regional Water System as defined in section 602(18) of the Act.

- 1.16 “Secretary” means the Secretary of the Interior.

- 1.17 “Settlement Agreement” means the agreement among the State, the Pueblos, the United States, the County, and the City dated January 19, 2006, and signed by all of the government parties to the Settlement Agreement (other than the United States) on May 3, 2006, as amended in conformity with the Act.

**2. REGIONAL WATER SYSTEM**

2.1 Planning and Construction

- 2.1.1 Subject to the other terms and conditions of this Cost Sharing Agreement and the Act, the Parties agree to fund and the United States agrees to plan, design and construct the Regional Water System.

2.1.2 The following shall be given the highest priority for construction: the portion of the Regional Water System consisting of the surface water diversion, treatment and transmission facilities at San Ildefonso Pueblo, the Pueblo Water Facilities at San Ildefonso Pueblo, including the barrier dam and infiltration project on the Rio Pojoaque, and that part of the Regional Water System providing 475 AFY of water to the Pueblo of Pojoaque.

2.1.3 The Regional Water System shall be designed and constructed in conformity with the requirements of Section 611(a) of the Act. The Parties shall not be required to expend construction funds if a record of decision, after compliance with the requirements of the National Environmental Policy Act, 42 U.S.C. 4321 *et seq.* ("NEPA"), would require an alternative that does not conform to the Act.

2.1.4 The Parties agree to complete planning for, and obtain necessary approvals for, the Regional Water System.

2.1.5 After completion of construction of the Regional Water System by the United States, members of the Regional Water Authority may construct such further infrastructure at their own expense as may be necessary to fully utilize water delivered by the Regional Water System.

2.1.6 Nothing in this Cost Sharing Agreement affects the outcome of any analysis conducted by the Secretary or any other Federal official under NEPA.

## 2.2 Well Locations

2.2.1 The Parties shall cooperate in locating any wells that are part of the Regional Water System.

2.2.2 The Bureau of Reclamation, or its contractor, shall conduct additional field testing, study, and modeling related to the locations of any wells prior to the preparation of an environmental impact statement or environmental assessment for the Regional Water System. Such testing, study and modeling shall address, among other things, the yield of potential wells and the suitability of the proposed re-injection process with the underlying localized aquifer and an analysis of the impacts of the proposed wells on Pueblo and non-Pueblo water uses.

2.2.3 Any environmental impact statement or environmental assessment addressing the locations of any wells required for the Regional Water System shall assess the impact of such locations on both Pueblo and non-Pueblo lands and water uses.

2.2.4 Prior to final design of the Regional Water System, the Bureau of Reclamation shall consult with the Regional Water Authority, or the County and the Pueblos, if the Regional Water Authority is not yet formed, in determining whether the proposed well sites are adequate for their intended uses and purposes.

2.2.5 The location of any well on Pueblo lands shall be further subject to the provisions of Sections 2.2.5.1 through 2.2.5.3.

2.2.5.1 The Secretary shall conduct government-to-government consultation with the Pueblos throughout the well location process. Such consultation shall be initiated prior to the field testing, study and modeling described in section 2.2.2 and shall continue during the development of the required environmental compliance documents until a final record of decision is issued with regard to the location of the wells. Throughout the consultation process, the Secretary shall preserve confidentiality regarding potential sites that are integral to long-standing traditional cultural practices at a Pueblo, where the location of the well site itself possesses historic, cultural, or archeological value ("HCA site") regardless of the value or existence of any formal structure at the location and would be culturally inappropriate to publicize.

2.2.5.2 No well may be located on Pueblo lands without the consent of the Pueblo. In addition to the requirements of Section 5.7 of the Settlement Agreement, the location and operation of the well fields shall not interfere with (1) HCA sites identified through government-to-government consultation between the Secretary and each Pueblo; (2) existing, or reasonably anticipated future uses of Pueblo land, including, among other things, uses for traditional cultural practices; or (3) uses of water by a Pueblo in accordance with the Settlement Agreement.

2.2.5.3 In the event a well is to be located on Pueblo lands, the Secretary shall negotiate and enter into an agreement with the affected Pueblo governing the construction of and access to said well field. The operation of the well field shall be addressed and governed by the Operating Agreement which shall also address access to the well field and jurisdictional issues.

2.3 Easements and Rights of Way Easements, including rights of way for the benefit and use of the Regional Water Authority, the CWU and the Pueblo Water Facilities, shall be acquired consistent with the Act. The Parties agree that:

2.3.1 The United States shall obtain easements and rights of way across non-Pueblo land for so long as required for construction, use, operation, maintenance, repair and replacement of the Regional Water System. The County shall acquire such rights of way for any subsequent CWU infrastructure construction across non-Pueblo land to deliver water to CWU customers. All easements and rights of way may be used for wastewater purposes, provided the right of way is not increased in width or changed in location due to the use for wastewater purposes.

2.3.2 The United States shall obtain easements and rights of way across Pueblo land as required for construction, use, operation, maintenance, repair and replacement of the Regional Water System. Each Pueblo agrees to consent to the grant of such easements and rights of way by the Secretary to the United States pursuant to the Act of February 5, 1948 (61 Stat. 17; 25 U.S.C. 323-328), and 25 C.F.R. Section 169. The term of each easement and right of way shall begin on the date the easement and right of way is granted by the Secretary and consented to by

the Pueblo and shall continue as long as it is used for the purposes set forth in this Section 2.3.2. In consideration for the funding of the Aamodt Settlement Pueblos' Fund described in Section 617(c)(1)(B) of the Act, each Pueblo agrees to consent to the United States' grants of easements and rights of way for the System, at no cost. Each Pueblo also agrees that the grants of easements and rights of way for the System may be used for wastewater purposes at no additional cost, provided the easement or right of way is not increased in width or changed in location due to such use. For the purposes of determining the easements necessary for the well fields located on Pueblo lands, such easements shall be obtained in compliance with Section 2.2.

2.3.3 To the extent the United States, State or County owns the land or any interest therein that may be used for the Regional Water System, each agrees to grant easements or rights of way, at no cost, for so long as required for the construction, use, operation, maintenance, repair and replacement of the Regional Water System, and each agrees that the grants of easements or rights of way for the Regional Water System, at no cost, may be used for wastewater purposes, provided the right of way is not increased in width or changed in location due to the use for wastewater purposes.

2.4 Conveyance of Regional Water System In accordance with the Act, the United States shall convey the Regional Water System as follows:

2.4.1 That portion of the Pueblo Water Facilities that is located within each respective Pueblo's lands, including easements and rights of way therefor, to each Pueblo. No Pueblo shall transfer ownership of its part of the Pueblo Water Facilities unless a transfer is authorized by an act of Congress enacted after the date of enactment of the Act.

2.4.2 The County Distribution System, including easements and rights of way therefor, to the County Water Utility. The County shall not transfer ownership of the County Distribution System unless a transfer is authorized by an act of Congress enacted after the date of enactment of the Act.

2.4.3 All remaining portions of the Regional Water System, including easements and rights of way therefor, to the Regional Water Authority. The Regional Water Authority shall not transfer ownership of the Regional Water System unless a transfer is authorized by an act of Congress enacted after the date of enactment of the Act.

2.4.4 Prior to the conveyance of the Regional Water System, the Operating Agreement shall be executed and approved in accordance with the Act.

2.4.5 After conveyance of the Regional Water System, the United States shall have no further right, title, or interest in the Regional Water System.

2.4.6 Nothing in any transfer of ownership provided for in sections 2.4.1 through 2.4.3 or any conveyance pursuant thereto shall extinguish the right of any

Pueblo, the CWU or the Regional Water Authority to the continued use and benefit of such easement for right of way for the use, operation, maintenance, repair and replacement of Pueblo Water Facilities, the County Distribution System or the Regional Water System, or for wastewater purposes as provided in the Settlement Agreement and Section 2.3 of this Agreement.

2.5 Operation, Maintenance, Repair and Replacement (OM&R), and Management

2.5.1 The CWU shall have authority over OM&R and management of the County Distribution System. Pursuant to County policies and procedures, the County shall establish a citizens' advisory board to provide local public input into the decisions on the operations of the CWU.

2.5.2 Each Pueblo shall retain its authority over OM&R and management of its portion of the Pueblo Water Facilities.

2.5.3 The Regional Water Authority shall have authority over OM&R and management of the remaining portions of the Regional Water System, including the surface water diversion facilities on the Rio Grande at San Ildefonso Pueblo.

2.5.4 The County and the Pueblos hereby delegate to the Regional Water Authority responsibility for the OM&R and management under Sections 2.5.1 and 2.5.2. The Regional Water Authority shall have the right to contract for OM&R of all or part of the Regional Water System with the CWU, a Pueblo, or another entity.

2.5.5 Notwithstanding Section 2.5.4, the Operating Agreement shall include provisions pursuant to which the County may exercise the right to operate, maintain and manage the County Distribution System and each Pueblo may exercise the right to operate, maintain and manage its portion of the Pueblo Water Facilities.

2.5.6 If the County or any Pueblo determines to exercise its right under Section 2.5.5 to operate its portion of the distribution system, that entity may still contract with the Regional Water Authority pursuant to section 2.5.4 to operate all or part of the Regional Water System.

2.5.7 Nothing contained in sections 2.5.1 through 2.5.6 shall determine the allocation of cost or funding relating to the OM&R costs of the Regional Water System or to the allocation of cost or funding related to the County's or any Pueblo's exercise of its option to operate its portion of the distribution system. Such allocations of cost and funding shall be addressed in the Operating Agreement and in any additional or necessary agreement among the Pueblos relating to the allocation of OM&R funding.

2.6 City of Santa Fe and Santa Fe County

2.6.1 In order to reduce and mitigate the effects of groundwater pumping by the City of Santa Fe on the ground and surface water supplies of the Pojoaque Basin, the City shall develop and implement, in consultation with the Pueblos, a

conjunctive management strategy with regard to its ground and surface water resources which (1) utilizes surface water supplies to the maximum extent feasible in a manner which minimizes effects on the ground and surface water supplies of the Pojoaque Basin; and (2) otherwise utilizes both surface and groundwater in a manner which minimizes effects on the ground and surface water supplies of the Pojoaque Basin. The location(s), timing, and amounts of water deliveries provided by the City of Santa Fe to offset surface depletion effects on the Rio Tesuque in accordance with Section 2.5 of the Settlement Agreement shall be addressed in a separate agreement between the City and the Pueblo of Tesuque.

2.6.2 In order to reduce and mitigate the effects of groundwater pumping by Santa Fe County on the ground and surface water supplies of the Pojoaque Basin, the County shall develop and implement in consultation with the Pueblos, a conjunctive management strategy with regard to its ground and surface water resources which (1) utilizes surface water supplies to the maximum extent feasible in a manner which minimizes effects on the ground and surface water supplies of the Pojoaque Basin; and (2) otherwise utilizes both surface and groundwater in a manner which minimizes effects on the ground and surface water supplies of the Pojoaque Basin. To that end, the County adopted on January 13, 2009 the "Santa Fe County Conjunctive Management Plan for the Santa Fe Basin." Consistent with that plan, 4.49 AFY consumptive use water rights owned by the County under subfile 20.10 shall be deemed existing County offset rights under Section 2.5 of the Settlement Agreement and are available, subject to State Engineer approval, to offset the effects on the Rio Tesuque, Rio Nambe and Rio Pojoaque of future County pumping in the Santa Fe Basin, provided no more than 1.82 AFY of the 4.49 AFY will be used to offset effects on the Rio Tesuque.

## 2.7 Return Flows and Water Rights Acquisition and Transfer Cooperation

2.7.1 The Pueblos, the County, or the Regional Water Authority may apply to the State Engineer for return flow credits for the Regional Water System based upon measured return flows to the stream system above the Otowi gage.

2.7.2 The Pueblos and the County shall agree in the Operating Agreement on a method to account for return flows or reuse of treated effluent, in an effort to increase the supply available to the Regional Water Authority.

2.7.3 Of the 1,752 AFY of consumptive-use water rights appurtenant to the Top of the World Farm owned by the County, the County shall convey to the United States 1,141 AFY at the price of \$5,400,000, and the County shall retain the remaining 611 AFY for the CWU.

2.7.4 The United States, the Pueblos and the County will cooperate to secure the transfer of the Top of the World Farm water rights to the Regional Water System on behalf of the four Pueblos and the County, including requesting the Interstate Stream Commission and the United States to serve as co-applicants.

2.7.5 The United States, the Pueblos and the County will cooperate to secure the transfer of the Nambe reserved water rights and the San Juan-Chama Project water, both described in Section 613(a) of the Act, to the Regional Water System point of diversion.

2.7.6 The Parties shall cooperate regarding the acquisition of a firm reliable supply of up to 4,000 AFY for the Regional Water System. The Operating Agreement shall provide for the joint and cooperative use of the water rights to maximize the supply from the Regional Water System to the Pueblos and the County.

**3. COST SHARING.** The Parties agree to share the costs required to implement the Settlement Agreement as follows:

**3.1 Regional Water System Construction Cost Allocation**

3.1.1 Of the \$177,300,000 in estimated Regional Water System construction costs as of October 1, 2006, the United States shall pay an estimated \$106,400,000 and the State and County shall pay the non-Federal share estimated to be \$70,900,000. These cost share estimates are based upon the Engineering Report and subject to indexing in accordance with Section 617(a)(4) of the Act. Any cost increase above the indexed amounts estimated by the Engineering Report will be allocated based upon the incremental cost difference method used therein, and any such increase in the cost of the shared portion of the Regional Water System shall be allocated to the non-Federal share in substantially the same proportion(s) set forth in Tables 5-1 through 5-11 of the Engineering Report, as applicable, in order to avoid the necessity for multiple design efforts. In the event that revisions to the final project design incorporate substantially different assumptions than those underlying Tables 5-1 through 5-11, the parties agree to meet and consult in order to agree upon an appropriate cost allocation in accordance with the incremental cost difference method. No federal funds shall be available for the construction of the Regional Water System until the Court enters an order approving the Settlement Agreement; provided, that federal funds may be used for planning, design and environmental compliance prior to entry of an order approving the Settlement Agreement.

3.1.2 The Secretary pursuant to Section 611(g) will consult with the Parties, at the following milestones:

3.1.2.1 Completion of feasibility level design and cost estimates;

3.1.2.2 Prior to selection of the preferred alternative during the NEPA/EIS process.

3.1.2.3 Prior to issuance of a Record of Decision pursuant to the NEPA process;

3.1.2.4 Completion of Final Design and Cost Estimates; and

3.1.2.5 Upon any major unforeseen change during construction that would significantly affect cost allocation.

The purpose of the milestone consultation will be to inform and allow review by the Parties of the potential designs and cost estimates. Upon each milestone, the County may elect to continue funding its non-Federal share of the project costs, or reduce the County's portion of the Regional Water System through modifications of either extent, size or capacity, pursuant to Section 611(d)(2) of the Act.

- 3.1.3 County and State construction cost allocations for the Regional Water System, exclusive of service connection costs described in Section 3.1.4, shall be as follows:

\$ 45,500,000	State
\$ 7,400,000	County

Any reductions in these County and State construction costs resulting from modifications, as authorized by Section 611(d)(2) of the Act, to the extent, size, or capacity of the County Distribution System, including its diversion, treatment and transmission facilities, shall be allocated based on the proportion of County and State construction costs, so that 86 (eighty-six) percent of the reductions shall be credited to the State and 14 (fourteen) percent of the reductions shall be credited to the County.

- 3.1.4 Non-Pueblo service connections costs of \$18,000,000 over the projected life of the Regional Water System shall be paid as follows:

3.1.4.1 The State shall contribute to the service connection costs of all those well owners who elect pursuant to Section 3.1.7.2.1 of the Settlement Agreement to connect to the Regional Water System as soon as service is available to them. The State shall appropriate \$4,000,000 to the Pojoaque Valley Water Utility Connection Fund to be established pursuant to Section 9.4.1.3 of the Settlement Agreement for this purpose. In the event that this sum exceeds that needed to pay for service connections for such well owners, the remaining funds shall be made available to the County first for construction of the County Distribution System, and then for any additional non-Pueblo service connection costs. In the event that service connection costs for such well owners exceed this sum, the County shall pay the excess.

3.1.4.2 The County shall provide all other service connection costs for CWU customers over the life of the RWS, pursuant to the CWU's then-applicable policies and procedures.

- 3.1.5 Regional Water System construction costs, and the cost shares of the United States and State and County set forth in Section 3.1.1, are estimates and shall be indexed and adjusted in accordance with Section 617(a)(4) of the Act; provided, however, that the State appropriation of \$4,000,000 referred to in Section 3.1.4.1 shall not be subject to indexing or adjustment. To anticipate and provide for these indexed costs, the State and County shall endeavor to appropriate and reserve their expected cost shares in interest-bearing accounts. In the event that actual construction costs exceed these indexed and adjusted costs, the State shall



not be responsible to pay any of such excess. In accordance with Section 611(g)(2) of the Act, in the event construction cost estimates allocated to the non-Federal share are above the estimates set forth in Paragraph 3.1.1, the County may elect to reduce its portion of the Regional Water System through modifications of either the extent, size or capacity, pursuant to Section 611(d)(2) of the Act in order to reduce the non-Federal share to an amount consistent with the estimates of non-Federal cost share set forth in Paragraph 3.1.1.

- 3.1.6 Within two years after the execution of this agreement, the State and County shall each enter into an agreement with the Secretary to contribute the non-Federal share of the costs of the construction pursuant to Section 611(d)(1)(B) of the Act. Execution by the State and the Secretary of such an agreement shall satisfy the condition that the State provide funding as described in Section 623(a)(2)(F) of the Act.

3.2 Aamodt Settlement Pueblos Fund

- 3.2.1 Prior to the entry of the Final Decree, the United States shall deposit in the Aamodt Settlement Pueblos Fund \$15,000,000, as adjusted according to the CPI Urban Index beginning on October 1, 2006, which, together with any post-deposit interest thereon, shall be allocated for the rehabilitation, improvement, operation, maintenance and replacement of the agricultural delivery facilities, waste water systems, and other water-related infrastructure of the Pueblos, in accordance with Section 617(c)(1)(A)(i) of the Act.

- 3.2.2 Within a reasonable time after execution of this agreement the United States shall deposit in the Aamodt Settlement Pueblos Fund \$5,000,000, as adjusted according to the CPI Urban Index beginning on January 1, 2011, and any post-deposit interest on that amount, which shall be allocated to the Pueblo of Nambé for the Nambé reserved water rights in accordance with Section 613(a)(1)(A) and section 617 (c)(1)(A)(ii) of the Act. The Secretary and the Pueblo shall execute an agreement providing for the remaining terms for the acquisition of the Nambé reserved water rights, including the application of Sections 9 and 10 of the Settlement Agreement. These funds may be used by the Pueblo of Nambé only for the acquisition of land, other real property interests, or economic development.

- 3.2.3 Prior to the entry of the Final Decree, the United States shall deposit in the Aamodt Settlement Pueblos Fund \$37,500,000 which, together with any interest thereon, shall be allocated to assist the Pueblos in paying the Pueblos' share of the cost of operating, maintaining and replacing the Pueblo Water Facility and the Regional Water System.

- 3.3 Water Acquisition The United States shall pay to the County \$5,400,000 for the acquisition of 1,141 AFY of consumptive-use water rights appurtenant to the Top of the World Farm pursuant to Sections 2.8.1.2 and 9.7 of the Settlement Agreement and in accordance with Sections 613(a)(1)(B) and 617(b) of the Act.

Federal funds may be used under this section prior to entry of an order approving the Settlement Agreement.

- 3.4 Pueblo de San Ildefonso Considerations In consideration for the unique contribution that the Pueblo de San Ildefonso provides to the Settlement, and the related water project, the following special considerations are provided to that Pueblo: (a) to the extent authorized by law, employment preference and training to qualified members of the San Ildefonso Pueblo community and second priority to members of other Pueblos for construction, operation and maintenance of facilities located within San Ildefonso Pueblo; (b) the diversion and connected facilities shall be located as specified by Pueblo de San Ildefonso, consistent with the Engineering Report, or other suitable alternative; (c) design and construction of a community waste water system using money from the Pueblo de San Ildefonso's portion of the Aamodt Settlement Pueblos Fund described in Section 617(c)(1)(A)(i) of the Act and shall be done in conjunction with San Ildefonso's portion of the Pueblo Water Facilities; and (d) unless otherwise agreed by San Ildefonso Pueblo, that Pueblo will have one board member more than each of the other Pueblos on the Regional Water Authority.
- 3.5 Impairment Fund Prior to the entry of the Final Decree, the State shall appropriate \$500,000 to the Impairment Fund to be established pursuant to Section 9.4.1.4 of the Settlement Agreement.
- 3.6 City Offset Water The City of Santa Fe shall provide offset water deliveries on the Rio Tesuque pursuant to Section 3.5 of the Settlement Agreement, either through its own facilities or, at its discretion, through the facilities of others.
- 3.7 Operation and Maintenance, Repair and Replacement Costs The County Water Utility and each of the Pueblos shall pay its share of the operations, maintenance, repair and replacement costs as specified in the Operating Agreement.
- 3.8 State Administration The State of New Mexico shall be responsible for the costs of administration required of it by the Settlement Agreement.
- 3.9 Delivery of Certain Water to Tesuque Pueblo

The County shall deliver, or shall pay for the delivery of 20 AFY to Tesuque Pueblo from the CWU water supply for ten years beginning in the year after the Regional Water System begins making deliveries to the Pueblo. The time(s) and location(s) for delivery of the water shall be set forth in the Operating Agreement. This delivery obligation to Tesuque Pueblo shall continue for ten years, regardless of the number of non-Pueblo connections made to that portion of the Regional Water System serving Tesuque Village, Upper Tesuque Village, and Lower Bishop's Lodge and shall not be reduced as a result of any non-Pueblo connections to that portion. Any quantity of water delivered by the County to offset effects on the Rio Tesuque of future pumping by the County in the Santa Fe Basin (pursuant to Section 3.3 of the Settlement Agreement and Section 2.6.2 of this Cost Sharing Agreement) shall be in addition to the quantity of water required to be delivered by Section 3.9.

#### 4. GENERAL PROVISIONS

- 4.1 Condition of Appropriations The requirements of Section 4.0 of this Cost Sharing Agreement are contingent upon sufficient appropriations and authorizations being made by the Santa Fe County Commission, the Santa Fe City Council, the Legislature of the State of New Mexico and the United States Congress. Each Party is expressly not committed to expenditure of any funds until such time as they are programmed, budgeted, encumbered and approved for expenditure.
- 4.2 Amendments This Cost Sharing Agreement shall not be altered, changed or amended except by an instrument in writing executed by the Parties.
- 4.3 Neutral Construction In construing or interpreting any ambiguity in this Cost Sharing Agreement, no presumption shall be made in favor of, or against, any Party or Parties.
- 4.4 Term and Effective Date This Cost Sharing Agreement shall be effective upon the date of execution by the last of the Parties. This Cost Sharing Agreement shall continue in effect so long as the Final Decree remains a binding final order settling all claims in State of New Mexico ex rel. State Engineer and United States of America, Pueblo de Nambé, Pueblo de Pojoaque, Pueblo de San Ildefonso, and the Pueblo de Tesuque v. R. Lee Aamodt, et al., No. 66cv6639 (D.N.M.). In the event the Final Decree is not entered in accordance with the Settlement Agreement and the Act, or is determined to be void, this Cost Sharing Agreement shall automatically terminate and be of no further effect.
- 4.5 Settlement Agreement Controls In the event of any conflict between this Cost Sharing Agreement and the Settlement Agreement, the Settlement Agreement shall control.

IN WITNESS WHEREOF, the Parties have executed this Cost Sharing Agreement as of the dates written below.


FOR THE UNITED STATES OF AMERICA:

UNITED STATES DEPARTMENT OF THE INTERIOR

  
\_\_\_\_\_  
Ken Salazar  
Secretary

Date: 3-14-13

FOR THE PUEBLO OF NAMBÉ:

  
Phillip A. Perez  
Governor

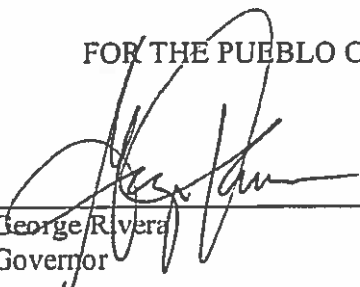
Date: 3/14/2013

FOR THE PUEBLO OF TESUQUE:

  
Mark Mitchell  
Governor

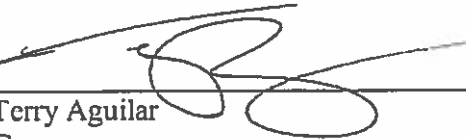
Date: 03.14.13

FOR THE PUEBLO OF POJOAQUE:

  
George Rivera  
Governor

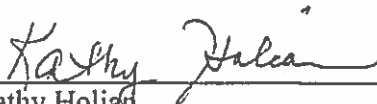
Date: 3/14/13

FOR THE PUEBLO OF SAN ILDEFONSO:

  
Terry Aguilar  
Governor


Date: 3/14/13

FOR THE COUNTY OF SANTA FE:

  
\_\_\_\_\_  
Kathy Holian  
Chair, Board of County Commissioners


Date: 3-14-2013

Approved:

  
\_\_\_\_\_  
Stephen C. Ross  
County Attorney


Date: 3-14-2013

Attest:

  
\_\_\_\_\_  
Geraldine Salazar  
County Clerk


Date: 3/14/2013

FOR THE CITY OF SANTA FE:

  
\_\_\_\_\_  
David Coss  
Mayor

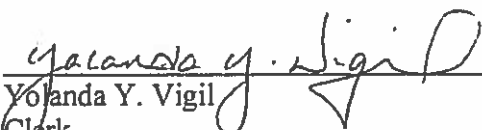
Date: 3-14-13

Approved as to form:

  
\_\_\_\_\_  
Geno Zamora  
City Attorney


Date: 3/14/13

Attest:

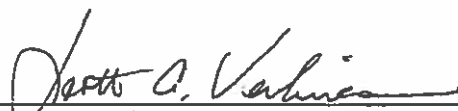
  
\_\_\_\_\_  
Yolanda Y. Vigil  
Clerk

Date: 3-14-13

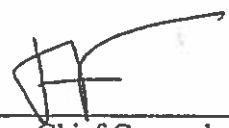
FOR THE STATE OF NEW MEXICO:

  
\_\_\_\_\_  
Susana Martínez  
Governor

Date: 3-27-13

  
\_\_\_\_\_  
Scott A. Verhines, P.E.  
State Engineer

Date: 3-14-13

  
\_\_\_\_\_  
D.L. Sanders, Chief Counsel  
John Stroud  
Edward C. Bagley  
Special Assistant Attorneys General  
Office of the State Engineer

Date: 14 March 2013







