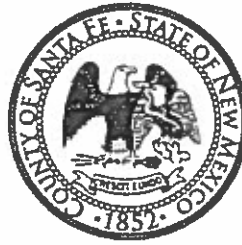


Henry P. Roybal
Commissioner, District 1

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: *April 15, 2015*

TO: *Board of County Commissioners*

FROM: *Adam Leigland, Public Works Department Director*

VIA: *Katherine Miller, County Manager*

ITEM AND ISSUE: *BCC Meeting April 28, 2015*
Resolution No. 2015-____, A Resolution to Support the Middle Rio Grande Basin Study
(Public Works Department/Claudia Borchert)

SUMMARY:

Approval of a resolution supporting the Middle Rio Grande Basin Study in collaboration with the Bureau of Reclamation (BOR) and other interested government and non-governmental participants.

BACKGROUND:

On April 14, 2015, staff presented the results of the Santa Fe Basin Study to the Board of County Commissioners (BCC). In the discussion that followed, the BCC directed staff to prepare a resolution supporting a similar BOR-led effort in the Middle Rio Grande watershed.

DISCUSSION:

Santa Fe County has long supported collaborative, regional, water resource management and planning. By approving the attached resolution Santa Fe County continues to demonstrate its willingness to play a leading role in finding solutions to water supply issues throughout the county, region, and the state. Santa Fe County will be expected to contribute in-kind resources, but it is unclear a financial match will also be requested.

ACTION REQUESTED:

Approval of the attached resolution.

Attachment: A Resolution to Support the Middle Rio Grande Basin Study

SANTA FE COUNTY
RESOLUTION NO. 2015 - _____

**A RESOLUTION TO SUPPORT THE MIDDLE RIO GRANDE
BASIN STUDY**

WHEREAS, Santa Fe County plays an important role in water resource management in the region and state; and

WHEREAS, prudent water supply planning requires consideration of the potential impact of climate change on New Mexico's water supplies; and

WHEREAS, Santa Fe County partnered with the City of Santa Fe and the Bureau of Reclamation in the Santa Fe Basin study under a Memorandum of Agreement signed December 16, 2011; and

WHEREAS, multiple governmental and non-governmental entities within the Middle Rio Grande watershed are interested in partnering with the Bureau of Reclamation in a Middle Rio Grande Basin Study;

NOW, THEREFORE, BE IT RESOLVED as follows:

Santa Fe County supports the efforts of the Middle Rio Grande Basin Study and will participate as feasible.

PASSED, APPROVED, AND ADOPTED THIS 28th DAY OF APRIL, 2015.
BOARD OF COUNTY COMMISSIONERS

Robert A. Anaya, Chair

ATTEST:

Geraldine Salazar, Santa Fe County Clerk

APPROVED AS TO FORM:



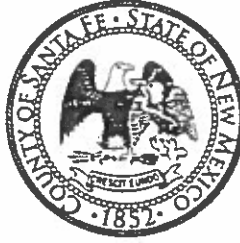
Gregory S. Shaffer, Santa Fe County Attorney



Henry P. Roybal
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: April 8, 2014

TO: Board of County Commissioners

FROM: Adam Leigland, Public Works Department Director *ALC*
4/15/15

VIA: Katherine Miller, County Manager *KM*

ITEM AND ISSUE: BCC Meeting April 28, 2015

Resolution No. 2015-____ A Resolution Adopting Policies and Procedures to Allow Property Owners in Subdivided Areas to Petition the County to Create Road Maintenance Assessment Districts under NMSA 1978, Sections 67-4-20 Through 67-4-24 (2001) (Public Works/Adam Leigland)

SUMMARY:

The attached resolution establishes a process for the creation of maintenance assessment districts, which are state-enabled districts in which residents can be charged for extraordinary road maintenance.

BACKGROUND:

New Mexico State Statute (NMSA sections 67-4-20 to 67-4-24 (1978)) allows boards of county commissioners to determine that certain county roads may require extraordinary maintenance and further allows counties to charge the owners of any property which abuts those roads for that extraordinary maintenance. The owners are charged in the form of a biannual assessment that is billed and collected by the county treasurer at the same time as the property taxes. The full text of the section 67-4-20, the core of the provision, is attached at Attachment A (sections 67-4-21 through 24 deal with handling of liens).

DISCUSSION:

These maintenance assessments provide the County with yet another tool to operate and maintain County roads. However, as can be seen in the attachment, the enabling state statute is rather broad and indefinite. The purpose of the subject resolution, therefore, is to establish an open, orderly, and uniform process for the creation and management of maintenance assessments.

The process outlined in the resolution is modeled after similar County processes for the creation of Public Improvement Districts (Resolution No. 2006-40), County Improvement Districts (Resolution No. 2013-86), and Road Acceptance (Resolution No. 2012-151), with similar petition, noticing, and public hearing requirements. That said, the proposed process is intended to be more streamlined and less expensive than the other processes, reflecting the lower level of obligation on the County.

The state statute requires that the assessment be charged on the basis of linear feet of road frontage and also places bounds on the amount of the assessment. It cannot be less than \$1.00/linear foot or greater than one-half of the average County cost for the work being requested for the prior fiscal year.

Staff can foresee that these maintenance assessment districts would be particularly useful for vegetation removal, snow removal, and grading. Staff anticipates that any extraordinary maintenance performed in a maintenance assessment district would be accomplished by contract.

ACTION REQUESTED:

Approval of subject resolution

Attachment:

Text of New Mexico Statute 67-4-20

Attachment A.
Text of New Mexico Statute 67-4-20

67-4-20. Local county roads; assessment for maintenance; lien

- A. Any board of county commissioners may adopt a resolution determining that any streets totally within a subdivided area approved by the county commission, outside the corporate limits of any municipality, and which the board determines to have such a prospective population density as to require extraordinary street maintenance shall be maintained in part at the expense of the owner of any property which abuts upon the streets. The resolution shall only be adopted after a public hearing, notice of which has been advertised in a newspaper of general circulation within the county for two consecutive weeks, the first such advertisement being at least ten days prior to the date of hearing. In the resolution, the board of county commissioners shall determine:
- (1) the expense of maintaining the streets;
 - (2) the proportion of the expense to be borne by the property which abuts the streets;
 - (3) the charge to be assessed against each lineal foot of frontage of the abutting property which shall not exceed one-half of the average cost per lineal foot of county road maintenance for the prior fiscal year nor be less than one dollar (\$1.00) for each assessment billing; and
 - (4) the assessment, on an equitable basis, of each parcel or tract within the subdivided area according to its proportionate share of the expense of maintaining the streets. As used in this paragraph, "equitable basis" includes an assessment based on a front-foot, improved or unimproved property, zone or area basis or an assessed valuation basis where each tract or parcel bears the same percentage of total costs as the percentage that the tract's or parcel's assessed value bears to the total assessed value of the property included in the improvement district.
- B. The assessment for the expense of maintaining the streets shall be billed and collected by the county treasurer at the same time as the property taxes and shall become delinquent thirty days after the date of billing. All delinquent assessments shall be a lien against the tract or parcel of property abutting the street, and the lien shall be enforced as provided in Section 67-4-21 NMSA 1978.
- B. As used in this section, the term "streets" shall include both improved and unimproved streets, roads, thoroughfares, curbs, divider strips and median strips or any combination of the foregoing.

SANTA FE COUNTY

Resolution No. 2015 -

A RESOLUTION ADOPTING POLICIES AND PROCEDURES TO ALLOW PROPERTY OWNERS IN SUBDIVIDED AREAS TO PETITION THE COUNTY TO CREATE ROAD MAINTENANCE ASSESSMENT DISTRICTS UNDER NMSA 1978, SECTIONS 67-4-20 THROUGH 67-4-24 (2001)

WHEREAS, the Santa Fe Board of County Commissioners ("BCC") has adopted policies and procedures by resolution to facilitate the creation of improvement districts available under New Mexico law that allow property owners to finance all or part of the cost of constructing, operating, and maintaining public infrastructure and other public improvements that benefit their properties; and

WHEREAS, the Public Improvement District Act, NMSA 1978, Sections 5-11-1 through 5-11-27 (2001, as amended through 2013), allows property owners in Santa Fe County ("County") to apply to the BCC to create public improvement districts ("PIDs"), and the BCC adopted Resolution No. 2006-40 to establish policies and procedures to set out minimum requirements, assure that applications provide adequate information, and to govern the PID application process; and

WHEREAS, the County Improvement District Act, NMSA 1978, Sections 4-55A-1 through 4-55A-43 (2003), allows property owners in the County to petition the BCC to create county improvement districts ("CIDs"), and the BCC adopted Resolution No. 2013-86 to establish policies and procedures to set out minimum requirements, assure that petitions provide adequate information, and to govern the CID petition process; and

WHEREAS, under the PID Act, CID Act, and related County resolutions property owners may petition the County to establish improvement districts within which property owners are equitably assessed by the County for all or part of the cost of public improvements within the districts; and

WHEREAS, by Resolution No. 2012-151, the BCC adopted "A POLICY ESTABLISHING PROCEDURES FOR THE ORDERLY AND UNIFORM ADMINISTRATION OF THE SANTA FE COUNTY PROCESS FOR ROAD ACCEPTANCE, DESIGNATION OR RE-DESIGNATION, AND FOR THE VACATION OF COUNTY-MAINTAINED ROADS" ("Road Acceptance Policy"); and

WHEREAS, as recognized in the Road Acceptance Policy, NMSA 1978, Sections 67-4-20 through -24 (2001) authorize counties to create road maintenance

districts as an additional means by which benefited property owners may be equitably assessed to help pay the cost of maintaining the roads abutting their properties; and

WHEREAS, Section 67-4-20(C) broadly defines "street" to include "both improved and unimproved streets, roads, thoroughfares, curbs, divider strips and median strips or any combination of the foregoing"; and

WHEREAS, Section 67-4-20(A) provides that "[a]ny board of county commissioners may adopt a resolution determining that any streets totally within a subdivided area approved by the county commission, outside the corporate limits of any municipality, and which the board determines to have such a prospective population density as to require extraordinary street maintenance shall be maintained in part at the expense of the owner of any property which abuts upon the streets"; and

WHEREAS, Sections 67-4-20(A)(1) through (A)(4) authorize boards of county commissioners to assess certain charges against the properties abutting streets in subdivided areas to cover up to one half of the cost of performing extraordinary maintenance; and

WHEREAS, Section 67-4-20(B) provides that the "assessment for the expense of maintaining the streets shall be billed and collected by the county treasurer at the same time as the property taxes"; and

WHEREAS, Section 67-4-20 does not define "extraordinary maintenance" or establish procedures by which property owners may petition the BCC to create a road maintenance district; and

WHEREAS, the BCC desires to establish policies and procedures to allow property owners in County-approved subdivided areas to petition BCC to establish road maintenance districts under Section 67-4-20;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Santa Fe County that the Policies and Procedures for Petitioning the BCC to Establish Road Maintenance Districts, attached to this Resolution as Exhibit "A," are hereby approved and adopted.

PASSED, APPROVED, and ADOPTED this ____ DAY OF _____, 2015.

BOARD OF COUNTY COMMISSIONERS

Robert A. Anaya, Chair

ATTEST:

Geraldine Salazar, Santa Fe County Clerk

APPROVED AS TO FORM:

Greg Shaffer, Santa Fe County Attorney

EXHIBIT A
POLICIES AND PROCEDURES FOR ESTABLISHMENT OF ROAD
MAINTENANCE ASSESSMENT DISTRICTS BY PETITIONING THE BCC

1. Definitions.

- a. "BCC" is the Santa Fe County Board of County Commissioners.
- b. "Director" means the Public Works Department Director or designee.
- c. "District" means a Road Maintenance Assessment District established under NMSA Section 67-4-20 (2001) and these Policies and Procedures, as the same may be amended from time to time.
- d. "Extraordinary maintenance" means any road maintenance activity that must be undertaken on a greater frequency or at a greater intensity than normal because of the population density within a proposed or existing District, including but not limited to motor grading, pothole repair, pavement preservation treatments, vegetation control, snow removal, fencing, signage, drainage maintenance, or pavement markings.
- e. "Streets" mean both improved and unimproved public streets, roads, thoroughfares or bridges, including all curbs, divider strips and median strips, storm drains, drainage ditches, or any combination of the foregoing within the County right-of-way.
- f. "Subdivided Area" means any single subdivision or group of subdivisions approved by the BCC outside the corporate limits of a municipality.

2. Applicability.

To be eligible for inclusion within a District, the Streets to be maintained must be:

- a. On the approved County Road List or expressly accepted for maintenance by the County under the road acceptance procedures adopted by Resolution No. 2012-151 or other applicable authority; and
- b. Totally within a Subdivided Area.

3. Petition.

- a. Residents who seek the creation of a District shall submit a petition with owner signatures representing 66 2/3% of the linear feet of streets to be maintained within the proposed district in favor. Petitioners must own land that directly abuts the Street or Streets within the proposed District. Petitions shall be submitted to the Director.
- b. Accompanying the petition must be:
 - 1) A description of the extraordinary maintenance activities desired.
 - 2) Plats and other documents demonstrating that the petitioners meet the land ownership requirements, that the proposed District is located entirely within a Subdivided Area, and that the Streets within the District meet the requirements of Section 2.
- c. The BCC shall have complete discretion in whether to establish a District. To assist the BCC in determining whether to establish a district, the Director shall evaluate the petition to ensure that the legal and policy requirements are met. The evaluation criteria shall include:
 - 1) Whether the petition is complete and the petitioners and streets to be maintained meet the requirements of these policies and procedures.
 - 2) Applicability and suitability of desired maintenance activity.
 - 3) Ability of County to perform desired maintenance activity.
 - 4) Impacts to private property.
 - 5) Status of applicable road easements.
- d. The costs and interests of the County in creating a District.
- e. The purpose of these policies and procedures is to create a procedure to allow property owners to petition the BCC to establish Districts under Section 67-4-20. However, nothing in these policies and procedures shall be interpreted as requiring such a petition or otherwise limiting BCC's authority to establish Districts under Section 67-4-20 as the BCC in its sole discretion deems appropriate and in the best interests of the County.

4. Public Hearing.

- a. Upon evaluation and acceptance of the petition by the Director, a hearing at a regularly scheduled meeting of the BCC shall be held at which the BCC considers a resolution directing the Director to prepare an Assessment Report, either in-house or by a consultant, to include the following:
 - 1) Assessment District boundary map.
 - 2) List of all streets to be maintained in the district, including beginning and ending termini.
 - 3) Copies of plats showing public easements or rights-of-way for the streets.
 - 4) Description of extraordinary road maintenance services required including both scope and frequency.
 - 5) The prior fiscal year average cost per lineal foot of road maintenance.
 - 6) Estimated annual additional maintenance costs for performing extraordinary maintenance, if any.
 - 7) Determination of whether the population density will necessitate the performance of extraordinary maintenance.
 - 8) Report of prior fiscal year road maintenance costs for services for roads under consideration.
 - 9) The proposed method of assessment per lineal foot, which under Section 67-4-20(A) shall have an "equitable basis" and not exceed "one-half of the average cost per lineal foot of county road maintenance for the prior fiscal year nor be less than one dollar (\$1.00) for each assessment billing."
 - 10) Assessment roll.
- b. Upon completion of the Assessment Report, the BCC shall conduct a second public hearing, notice of which shall be advertised in a newspaper of general circulation within the County for two consecutive weeks, the

first such advertisement being at least ten days prior to the date of hearing, at which it considers for adoption a second resolution that contains the following:

- 1) Acceptance of the Assessment Report.
- 2) Creation of the District.
- 3) The estimated expense of maintaining the streets, including a survey if needed.
- 4) A provision requiring formal dedication of streets and rights-of-way to and acceptance by the County if necessary.
- 5) The equitable method of assessing each tract within the District per lineal front-foot in accordance with Section 67-4-20(A).

5. Assessment.

If the BCC adopts a resolution creating a District:

- a. The Public Works Department shall document the actual costs for material, labor and administration for the performance of any and all road maintenance services, including extraordinary maintenance, for each District.
- b. In accordance with NMSA 1978, Sections 67-4-20 through 67-4-24, the assessment for the expense of maintaining the streets shall be billed and collected by the County Treasurer at the same time as the property taxes and shall become delinquent thirty (30) days after the date of billing. Liens shall be placed on all delinquent assessments within the Road Maintenance Assessment District.
- c. The charge shall be assessed against each lineal foot of frontage of the abutting property.
- d. The charge shall not exceed one-half of the average cost per lineal foot of county road maintenance for the prior fiscal year nor be less than one dollar (\$1.00) for each assessment billing.

6. Record Maintenance

All roads included in a District shall be indicated on the annual County Road List, along with a description of any specific extraordinary maintenance activities to be performed.

7. Dissolution of Road Maintenance District

- a. A District or portion of a District shall automatically be dissolved upon annexation by a municipality.
- b. The BCC may by resolution dissolve a District at any time if the BCC determines that dissolution is in the best interests of the County.
- c. Any liens on properties within a District for delinquent assessments existing at the time a District is dissolved shall remain in effect and shall continue to encumber the properties until the lien is foreclosed or all delinquent assessments are paid in full.



Henry P. Roybal
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 of Santa Fe County
From: Gregory S. Shaffer, County Attorney
Via: Katherine Miller, County Manager
Date: April 16, 2015
Re: Resolution No. 2015-__, A Resolution Amending Resolution No. 2012-53 Concerning the Negotiation of the Pojoaque Basin Regional Water Authority Joint Powers Agreement

Issue: The above-referenced resolution would authorize the County Commissioner for County Commission District 1 to lead the negotiations concerning the Pojoaque Basin Regional Water Authority Joint Powers Agreement (JPA). The JPA would still be subject to the approval of the Board of County Commissioners (Board) of the County.

Background: Among other things, Resolution No. 2012-53 directed and authorized the County Attorney to negotiate the JPA with the Pueblo of Nambe, Pueblo of Pojoaque, Pueblo of San Ildefonso, and Pueblo of Tesuque (collectively, "Pueblos"), subject to consideration and final approval by the Board. Commissioner Roybal has expressed an interest in and the willingness to participate directly in the JPA negotiations with the Pueblos. The resolution would amend Resolution No. 2012-53, so as to make the County Commissioner for County Commission District 1 the lead negotiator, while maintaining the Board's authority to make the final decision concerning the JPA.

In addition, the resolution would recognize constitutional and statutory limits on the County's ability to commit funds in future fiscal years and clarify that the County Commissioner for County Commission District 1 will determine how to consult with potential customers during the JPA negotiations.

The resolution attached as Exhibit A uses redlines to show changes to the existing text of Resolution No. 2012-53 being amended. Should the Board adopt the resolution, the recorded version will not include such redlines.

Recommendation: Take action on the resolution.

Attachments:

Exhibit A – Subject Resolution
Exhibit B – Resolution No. 2012-53

THE BOARD OF COUNTY COMMISSIONERS OF
SANTA FE COUNTY
RESOLUTION NO. 2015-_____

A RESOLUTION AMENDING RESOLUTION NO. 2012-53 CONCERNING THE
NEGOTIATION OF THE POJOAQUE BASIN REGIONAL WATER AUTHORITY
JOINT POWERS AGREEMENT

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 6639 MV/LCS (D.N.M.) (the "Aamodt Litigation") and (ii) that certain Cost-Sharing and System Integration Agreement (Cost-Sharing Agreement); and

WHEREAS, through the Settlement Agreement and Cost-Sharing Agreement, the County and the Pueblo of Nambe, Pueblo of Pojoaque, Pueblo of San Ildefonso, and Pueblo of Tesuque (collectively, "Pueblos") have agreed to form the Pojoaque Basin Regional Water Authority (Authority) to oversee the operation of the Regional Water System to be constructed pursuant to the Settlement Agreement and Cost-Sharing Agreement; and

WHEREAS, the County and Pueblos propose to negotiate and execute a joint powers agreement (JPA) to form the Authority, as authorized under the Joint Powers Agreements Act, NMSA 1978, Chapter 11, Article 1; and

WHEREAS, among other things, Resolution No. 2012-53 directed and authorized the County Attorney to negotiate the JPA with the Pueblos, subject to consideration and final action by the Board of County Commissioners (Board) of the County; and

WHEREAS, the current County Commissioner for County Commission District 1 has expressed an interest in and willingness to participate directly in the JPA negotiations; and

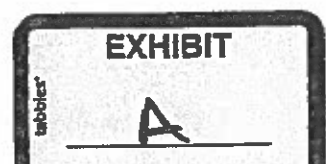
WHEREAS, the Board has concluded that such direct participation would be appropriate, given that the Pojoaque Basin is located entirely within County Commission District 1 and given the significance of the Settlement Agreement and Authority to the Pojoaque Basin; and

WHEREAS, the Board desires to amend Resolution No. 2012-53 to recognize such direct participation.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD as follows:

1. Paragraph 3 of Resolution No. 2012-53 is hereby amended to read in its entirety as follows:

"3. Governance of Regional Water Authority. In conjunction with The the County Attorney and other appropriate County staff, the County Commissioner for County Commission District 1 is directed to shall work with the Pueblos to prepare a proposed Joint Powers Agreement (hereinafter referred to as "JPA") pursuant to New Mexico state law that will create a joint board and will establish governance of the regional water authority. The JPA shall assure the following:



- a. Protection against withdrawal. The JPA shall contain strict provisions to deter withdrawal of any of the five members from participation in the authority.
- b. Reliability of Service. The JPA shall contain provisions to protect the County's participation in the governance of the authority and to assure that service to County customers is reliable. The JPA shall contain voting rights protections and dispute resolution mechanisms to assure no disruption in service to customers.
- c. Assurance of financial integrity. Subject to limitations contained in the Constitution of the State of New Mexico and New Mexico state law. ~~The the~~ JPA shall require its member entities to be responsible for their respective financial obligations to operate and maintain the system. The authority shall at all times have in place appropriate and sufficient insurance to cover its operations. Any liability incurred in connection with operations of the authority shall be subject to the immunities and limitations of the New Mexico Tort Claims Act.

In addition, the JPA shall contain such other provisions as ~~the County Attorney recommends~~ are necessary to carry out the purpose of the regional water authority and to protect the interests of the County and of its utility customers. ~~Once the County Attorney and Pueblo representatives have negotiated a draft of the JPA, the County shall consult with representatives of potential customers to receive comments regarding any additional provisions that may be needed. Once a final proposed JPA is prepared, it shall be placed on one or more a public meeting agendas of the Board of County Commissioners for consideration and action by the Board of County Commissioners. As determined by the County Commissioner for County Commission District 1, the County shall consult with representatives of potential customers concerning the proposed JPA.~~

2. Nothing in this Resolution or Resolution No. 2012-53 obligates the Board to approve, in whole or in part, the JPA negotiated by the County Commissioner for County Commission District 1.

PASSED, APPROVED, AND ADOPTED this 28th day of April, 2015.

THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY

Robert A. Anaya, Chair

ATTEST:

Geraldine Salazar, County Clerk

APPROVED AS TO FORM:

Gregory S. Shaffer, County Attorney

SANTA FE COUNTY

Resolution No. 2012 - 53

A Resolution Authorizing Amendments to the Aamodt Settlement Agreement, Authoring Execution of a Cost Sharing Agreement and a Cooperative Agreement, and Directing County Staff to Prepare Plans and Analysis of the Design of the County Water System that will Serve the Pojoaque Basin and in order to Inform County Residents of the Availability and Cost of Water Utility Service to be Provided as part of the Water Rights Settlement of the Pueblos of Nambe, Pojoaque, San Ildefonso, and Tesuque in the Case of New Mexico ex rel. State Engineer v. Aamodt

WHEREAS, on April 25, 2006 the Board of County Commissioners of Santa Fe County (hereinafter referred to as "the 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.) (hereinafter referred to as "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 Aamodt settlement 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 (hereinafter referred to as the "Act"); and

WHEREAS, the Act authorized the Secretary of the Interior to execute the Settlement Agreement as revised to conform to the Act and further authorized the Secretary to execute the Cost-Sharing and System Integration Agreement (hereinafter referred to as "Cost-Sharing Agreement") and to acquire a portion of the County's Top of the World water rights in the amount of 1,141 acre-feet, for a purchase price of \$5,400,000.00 (hereinafter referred to as "Pueblo Top of the World Rights") under the terms of the proposed Cooperative Agreement between the County and the United States Bureau of Indian Affairs; and

WHEREAS, Section 3.1.7.2 of the Settlement Agreement provides each non-Pueblo domestic well owner a choice with respect to the future use of the well: (i) to connect to the County water utility after service becomes available and thereafter take domestic service from the County rather than the well; (ii) to continue using the well in perpetuity but at a reduced or limited amount with no obligation to connect to the County water utility; or (iii) or agree to connect to the County Water Utility upon transfer of property and discontinue use of the well at that point; and

WHEREAS, as provided in the Act and the Settlement Agreement, the cornerstone of the settlement is the construction by the United States Bureau of Reclamation of a regional water system that will provide service to the four pueblos in the amount of 2,500 acre-feet and to other County residents who elect to connect to the County Water Utility in the amount of up to 1,500 acre-feet; 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, under the terms of the Cost-Sharing Agreement, the United States Bureau of Reclamation will prepare engineering designs and cost estimates before the County must make its final capacity and alignment determination; and

WHEREAS, the Settlement Agreement calls upon non-Pueblo well owners to make an election either to continue receiving supply from their wells or to connect to the regional water system;

WHEREAS, although execution of the amendments to the Settlement Agreement and execution of the Cost-Sharing Agreement and the Cooperative Agreement are necessary to continue implementation of the Aamodt settlement, the County recognizes that additional significant steps will be required to fully and fairly consummate the settlement; and

WHEREAS, an essential step to implement the settlement is the creation of a joint utility or regional water authority by the County and the Pueblos to govern and operate the regional water system; and

WHEREAS, in particular, as the settlement moves forward significant additional information, analysis and planning will be needed (1) for the County to reach a final determination on the sizing and alignment of County water utility (2) for potential County customers to be informed of the availability and cost of service when making their connection elections (3) for creation of a regional water authority comprised of the

County and the four Pueblo governments and (4) to assure adequate water rights for use by the County water utility;

NOW THEREFORE BE IT RESOLVED, that the Board of County Commissioners of Santa Fe County:

Approves the Amendments to the Settlement Agreement and approves the Cost-Sharing Agreement and Cooperative Agreement and hereby authorizes the Board Chair to sign the amended Settlement Agreement, the Cost-Sharing Agreement and the Cooperative Agreement.

AND FURTHER, BE IT RESOLVED, that County staff is directed to gather information and engage in further planning and analysis in support of implementation of the Aamodt settlement, and in particular shall focus on the following tasks:

1. Design and Alignment of County System. The County shall work with the U.S. Bureau of Reclamation to design the County utility portion of the regional water system. The design should be optimized to provide cost-effective service to areas that currently have or are projected to have sufficient demand to justify extension of service. To this end, within the next twelve months the County shall perform the following tasks:
 - a. Existing Demand Estimate. The County Utilities Division shall be responsible for defining the demand area by area so that corresponding water service infrastructure will be properly designed for size and alignment. If staff deems it necessary, residents and other water users within particular areas proposed for service may be canvassed to more accurately determine demand levels.
 - b. Future Demand - Land Use Analysis and Demographic Projections. The County Planning Division shall prepare an assessment of undeveloped non-Pueblo lands located within potential service areas and shall use the most current demographic information and projections to estimate future County customers. The analysis shall take into account existing County development plans that are conditionally approved upon requirement of connection to available County water utility service.
 - c. Water Quality Considerations. In preparing the above analyses, the County Utilities and Planning Divisions should seek to determine those areas most susceptible to groundwater quality degradation and therefore that are more likely to need County utility service in the future.
 - d. Fire Protection Considerations. The Utilities Division shall consult with the County Fire Department to consider what areas would benefit most

from improved access to reliable fire fighting water flows such as those provided by a public water system. This information should be considered in determining system capacity and alignment.

- e. Rural Character and Density Considerations. Estimates of future demand shall incorporate the County's policies for preservation and protection of traditional agriculture.
 - f. Integration with existing County Utility. The Utilities Division shall determine whether benefits will derive from integrating the proposed infrastructure and operations with those of existing or other proposed County utilities, such as improved efficiencies, cost effectiveness or improved reliability of supply.
 - g. Financial and Capacity Analysis and Recommendations. Taking into account all of the information and analysis described above, along with other relevant data, the Public Works Department shall prepare a cost-benefit and capacity analysis of the County's portion of the system and shall recommend to the Board of County Commissioners the preferred design for such portion. The preferred design shall be based upon a capacity and alignment that will make the system economically viable. The cost-benefit analysis shall include an estimate of the capital costs the County will be required to pay and an estimate of costs for operations, maintenance and replacement of the system.
2. Customer Information. In conjunction with the analysis described above, the Utilities Division shall prepare the following:
- a. Service Map and Timeline. The Division shall prepare a preliminary service area map delineating the likely alignment of distribution lines and the projected timeline for service availability, area by area.
 - b. Customer Costs. The Division shall prepare estimates of service rates, based on water used, as well as fees for connection to the system for potential customers who elect not to connect, or are not eligible for free connection as provided by the settlement.
3. Governance of Regional Water Authority. The County Attorney is directed to work with the Pueblos to prepare a proposed Joint Powers Agreement (hereinafter referred to as "JPA") pursuant to New Mexico state law that will create a joint board and will establish governance of the regional water authority. The JPA shall assure the following:

SFC CLK RECORDED 04/16/2012

- a. Protection against withdrawal. The JPA shall contain strict provisions to deter withdrawal of any of the five members from participation in the authority.
- b. Reliability of Service. The JPA shall contain provisions to protect the County's participation in the governance of the authority and to assure that service to County customers is reliable. The JPA shall contain voting rights protections and dispute resolution mechanisms to assure no disruption in service to customers.
- c. Assurance of financial integrity. The JPA shall require its member entities to be responsible for their respective financial obligations to operate and maintain the system. The authority shall at all times have in place appropriate and sufficient insurance to cover its operations. Any liability incurred in connection with operations of the authority shall be subject to the immunities and limitations of the New Mexico Tort Claims Act.

In addition, the JPA shall contain such other provisions as the County Attorney recommends are necessary to carry out the purpose of the regional water authority and to protect the interests of the County and of its utility customers. Once the County Attorney and Pueblo representatives have negotiated a draft of the JPA, the County shall consult with representatives of potential customers to receive comments regarding any additional provisions that may be needed. Once a final proposed JPA is prepared, it shall be placed on a meeting agenda of the Board of County Commissioners for consideration and action.

4. Water Rights Assessment. In addition, the Utilities Division and the County Attorney are directed to prepare an assessment of adequacy of the water rights, including the Top of the World right, that have been identified to provide the basis for supply to the County system. In the event the identified water rights are inadequate or deficient in any manner, the assessment shall contain a contingency plan to assure that adequate water rights are in place in order to provide the service intended.

PASSED, APPROVED and ADOPTED this 10 DAY OF April, 2012.

BOARD OF COUNTY COMMISSIONERS



Liz ~~Stefanics~~, Chair

ATTEST:

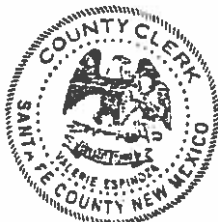
Valerie Espinoza y OT

Valerie Espinoza, Santa Fe County Clerk

APPROVED AS TO FORM:

Stephen C. Ross

Stephen C. Ross, Santa Fe County Attorney



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC RESOLUTIONS
PAGES: 6

I Hereby Certify That This Instrument Was Filed for
Record On The 18TH Day Of April, 2012 at 10:16:52 AM
And Was Duly Recorded as Instrument # 1666578
Of The Records Of Santa Fe County

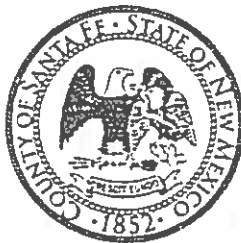
Deputy *Marcella Ralaz* Witness My Hand And Seal Of Office
Valerie Espinoza
County Clerk, Santa Fe, NM



Henry P. Roybal
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: April 8, 2015

To: Board of County Commissioners

From: Carole Jaramillo, Finance Director

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

Re: Resolution No. 2015 - ____ A Resolution Requesting a Budget Increase to the GOB Series 2013 Fund (351) and the Capital GRT Fund (313) to Budget for Various Capital Projects and to Request an Increase the Thornton Ranch Project Budget Allocation. / \$6,860,180 (Finance Division/Carole Jaramillo)

ISSUE:

This resolution will budget a portion of the capital project allocations approved by the Board of County Commissioners at its February 24, 2015 meeting. In addition, this request seeks to increase to the allocation for the Thornton Ranch Project and to budget funds previously held in escrow for the project.

BACKGROUND:

On July 31, 2012, the Board of County Commissioners approved approximately \$68,000,000 of capital projects throughout Santa Fe County. On February 10, 2015, the BCC held a Study Session and discussed capital project priorities and possible direction of funds to specific current projects with identified shortfalls and priority projects with unfunded needs. On February 24, 2015, the BCC approved allocation of funding for some projects and the reallocation of funding from others. This action will bring some of these allocations into budget. The remainder will be budgeted in a subsequent meeting of the Board.

In 2000, Santa Fe County purchased approximately 780 acres from the Trust for Public Lands as part of the Thornton Ranch Open Space. At the time of the purchase, \$20,000 was put into an interest-bearing escrow account for the purpose of completing an archaeological study of the property. The escrow was originally funded from the 1999 Open Space General Obligation Bond Series. On February 25, 2014 Santa Fe County awarded a contract to Parametrix, Inc. to complete

the archaeological study of the property. Santa Fe County and the Trust for Public Land signed a release authorizing the escrow agent to release the funds with interest to the County. The escrow agent wired a total of \$24,564.40 to the County on August 19, 2014. The wire was receipted in the GOB Series 2013 fund for Thornton Ranch but was not budgeted. Further, the allocation approved for Thornton Ranch did not include this escrow reimbursement. This request authorizes an increase to the allocation for the Thornton Ranch Project in order to have sufficient funding for the project which includes the archaeological survey.

It is important to note that some, but not all, of the approved projects have been budgeted. Some projects approved in July 2012 and in January 2015 will utilize funds from General Obligation Bonds that have not yet been sold or from FY2016 GRT; those projects will be budgeted once funds are available.

SUMMARY:

The Public Works Department and Finance Division request approval to budget \$6,264,228 from GOB Series 2013 Funds (351) and \$595,952 from Capital GRT Fund (313) for a total of \$6,860,180 for various capital project allocations approved by the BCC on February 24, 2015.

SANTA FE COUNTY

Page 1 of 5

RESOLUTION 2015 -

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

Whereas, the Board of County Commissioners meeting in regular session on April 28, 2015, did request the following budget adjustment:

Department / Division: Public Works/Project Development Fund Name: GOB Series 2013 (Fund 351)
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
351	0000	385	0400	Budgeted Cash	\$6,264,228	
313	0000	385	0200	Budgeted Cash	\$595,952	
TOTAL (if SUBTOTAL, check here)					\$6,860,180	

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	0692	453	8010	La Barbara	\$500,000	
351	6214	453	8010	Capital Purchases/Roadways (Bridges/Culverts)	\$91,000	
351	6213	453	8010	Avenida Buena Ventura	\$28,000	
351	6215	453	8010	Capital Purchases/Roadways (Bridges/Culverts)	\$200,000	
TOTAL (if SUBTOTAL, check here X)					\$819,000	

Requesting Department Approval: Title: Date:

Finance Department Approval: Date: Entered by: Date:

County Manager Approval: Date: Updated by: Date:

SANTA FE COUNTY

RESOLUTION 2015 - _____

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
351	6181	453	8010	NE/SE Connector Capital Purchases/Roadways (Bridges/Culverts)	\$602,615	
351	1473	482	8010	Quill Capital Purchases/Roadways (Bridges/Culverts)	\$2,205,994	
351	7708	481	8010	Santa Fe Greenway Capital Purchases/Roadways (Bridges/Culverts)	\$2,636,619	
Subtotal 2013 GOB Fund 351					\$6,264,228	
313	7711	481	8010	Thornton Ranch Capital Purchases/Roadways (Bridges/Culverts)	\$314,952	
313	6167	453	8010	Los Pinos Road Low Water Capital Purchases/Roadways (Bridges/Culverts)	\$281,000	
Subtotal CO GRT Fund 313					\$595,952	
TOTAL (if SUBTOTAL, check here)					\$6,860,180	\$

SANTA FE COUNTY

RESOLUTION 2015 - _____

ATTACH ADDITIONAL SHEETS IF NECESSARY.

DEPARTMENT CONTACT: Name: Agnes Leyba-Cruz Dept/Div: PW/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.
In July of 2012, the Board of County Commission approved a list of Capital Projects to be funded from Capital Outlay GRT and proceeds from the 2012 Approved Bond for Capital Improvements. Public Works created an implementation schedule for the approved projects budgeting funds as needed. On February 10, 2015, the Board of County Commission held a special study session to develop a comprehensive financing strategy, using all types of funding available to create a successful long-term capital improvement program. These allocations were subsequently approved by the BCC at its February 24, 2015 meeting. In that meeting, the board reallocated funds from projects that were no longer viable to projects that had existing shortfalls and directed staff to budget all allocated funds to complete the projects. This resolution will budget funds from the first sale 2012 bond sale and 2 GRT projects that are ready to be bid. This resolution also authorizes an increase to the allocation and budget for the Thornton Ranch Project to include funds held in escrow for the project that were not included in the allocation approved by the BCC on February 24, 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
	Construction of Improvements to La Barbara Rd	\$500,000
	Construction of Improvements to Avendia Buena Ventura in Eldorado	\$91,000
	Construction of Improvements to Puye Road	\$28,000
	Construction of Improvements to roads in Glorieta Estates	\$200,000
	Construction of Improvements to NE/SE Connector	\$602,615
	Design and Improvements to the Quill Plant	\$2,205,994
	Construction of trails on the Santa Fe Greenway Frenchy's to Siler(2,536,619) El Camino Real Park (\$100,000)	\$2,636,619
	Improvements to Thornton Ranch	\$314,952
	Improvements to Los Pinos Road	\$281,000

SANTA FE COUNTY

RESOLUTION 2015 - _____

ATTACH ADDITIONAL SHEETS IF NECESSARY.

DEPARTMENT CONTACT:

Name: Agnes Leyba-Cruz _____ Dep/Div: PW/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.):

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

BCC meeting held on February 24, 2015.

- d) Please identify other funding sources used to match this request.
(See Spreadsheet Attached)

SANTA FE COUNTY

Page 5 of 5

RESOLUTION 2015 - _____

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

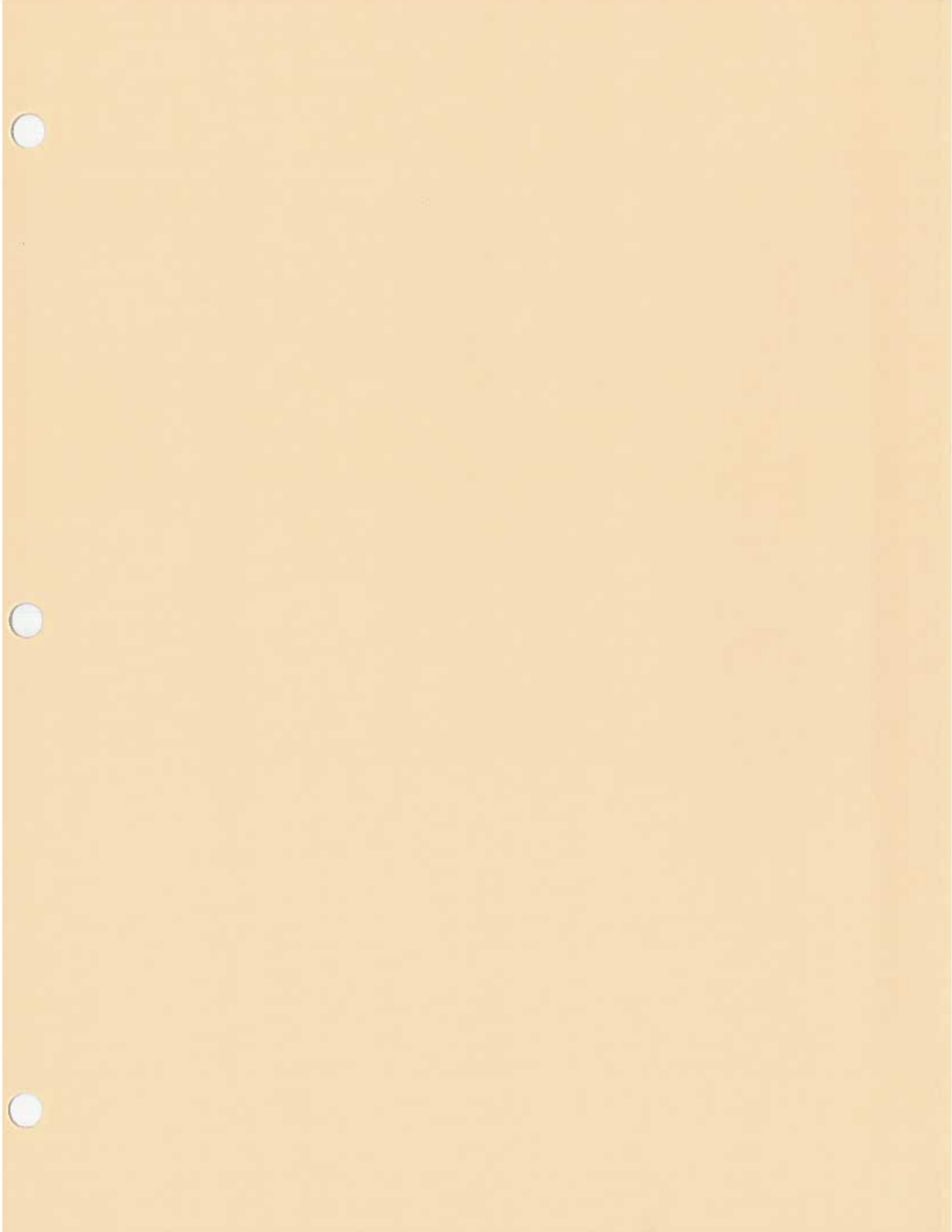
Approved, Adopted, and Passed This 28th Day of April, 2015.

Santa Fe Board of County Commissioners

Robert A. Anaya, Chairperson

ATTEST:

Geraldine Salazar, County Clerk



Henry P. Roybal
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

Date: April 28, 2015

To: Board of County Commissioners

From: Kathy Holian, County Commissioner

Via: Katherine Miller, County Manager ✓

Re: A Resolution Requesting that the U. S. Department of Agriculture and the U.S. Department of Health and Human Services Adopt *The Scientific Report of the 2015 Dietary Guidelines Advisory Committee*. (Commissioner Holian)

Key Points from 2015 Dietary Guidelines:

- *Health Realities*
 - About half of all US adults (117 million individuals) have one or more preventable, chronic diseases.
 - About two-thirds of US adults (155 million individuals) are overweight or obese.
 - Poor dietary patterns:
 - low intakes of vegetables, fruits, whole grains, dairy
 - high intakes of sodium, saturated fat, refined grains, and added sugars
 - "...immigrants are at high risk of losing the healthier dietary patterns characteristic of their cultural background as they acculturate into mainstream America" (p. 5, lines 186-188 Executive Summary).
- *Dietary Guidelines & Healthy Lifestyles*
 - Higher intake of vegetables, fruits, whole grains, lean meats, seafood, legumes, and nuts.
 - Moderate intake of low- and non-fat dairy products and alcohol (in adults).
 - Lower intake of red and processed meats.
 - Low intake of sugar-sweetened foods and beverages, and refined grains.
 - Physical activity is essential for health promotion and disease prevention.
- *Individual Change & Context*
 - For dietary and lifestyle changes to take place, "...it will be essential that the food environments in communities available to the US population, particularly low-income individuals, facilitate access to healthy and affordable food choices that respect their cultural preferences" (p. 5, lines 173-175 Executive Summary).
 - Collaborative partnerships and strategic efforts to combat obesity, which promote nutrition and physical activity, in places where food is available—namely schools, community food access points, child care, and worksites—are necessary to help drive change.
- *Sustainability*
 - The current average US diet has a large environmental impact, and is associated with

increased greenhouse gas emissions, land use, water use, and energy use.

- Diets higher in plant-based foods and lower in calories and animal-based foods as recommended are not only healthier, but also are associated with less environmental impact than current patterns.

ACTION REQUESTED

Commissioner Holian respectfully requests the Board of County Commissioners support and approve this resolution.

THE BOARD OF COUNTY COMMISSIONERS OF

SANTA FE COUNTY

RESOLUTION No. 2015- _____

A RESOLUTION REQUESTING THAT THE U.S. DEPARTMENT OF AGRICULTURE AND THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES ADOPT *THE SCIENTIFIC REPORT OF THE 2015 DIETARY GUIDELINES ADVISORY COMMITTEE* AND DIRECTING THE SANTA FE CITY AND COUNTY ADVISORY COUNCIL ON FOOD POLICY TO ALSO MAKE THIS REQUEST

WHEREAS, the Santa Fe County Board of County Commissioners (BCC) adopted Resolution 2008-5, which along with City of Santa Fe Resolution 2008-26 created the Santa Fe City and County Advisory Council on Food Policy (Food Policy Council);

WHEREAS, the purpose of the Food Policy Council is to integrate all departments of the City and County as well as non-profit organizations and food and farming businesses in a common effort to improve the availability of safe and nutritious food at reasonable prices for residents, particularly those in need;

WHEREAS, the Food Policy Council recommends food policies for the County to adopt and implement relating to: direct service of food, lobbying and advocacy before state and federal legislatures and agencies, referral to social services, economic development and education on nutrition and health;

WHEREAS, Resolution 2014-131 adopted the Food Policy Council's Food Plan, *Planning for Santa Fe's Food Future: Querencia, A Story of Food, Farming, and Friends* (the "Plan"), which was developed by the Food Policy Council as a guiding policy document to ensure that a safe, healthy, and affordable food supply will be available to all residents;

WHEREAS, the *Plan's* recommendations are aligned with existing policy documents, such as the *Sustainable Growth Management Plan*, the *2014 Santa Fe County Economic Development Plan*, and the *County Health Action Plan: FY 2015 to 2017*;

WHEREAS, the U.S. Department of Agriculture and the U.S. Department of Health and Human Services review and amend the National Dietary Guidelines every five years, and have recently released the *Scientific Report of the 2015 Dietary Guidelines Advisory Committee (2015 Dietary Guidelines)* and requested public comment on the document;

WHEREAS, the new nutritional recommendation of the 2015 Dietary Guidelines have a multi-sectoral impact in the fields of health, nutrition, poverty, farming, the environment, and policy;

WHEREAS, at least 14.9% of individuals living in Santa Fe County can be classified as "food insecure," meaning that they live in a household in which access to food adequate to

support a healthy lifestyle is limited or uncertain, and these individuals are therefore at a higher risk for diabetes and obesity because the only foods they can afford are high in calories and poor in nutrients;

WHEREAS, obesity increases the risk of numerous diseases including cancer, heart, disease, stroke and Type 2 Diabetes, and the percentage of Santa Fe County adults who are obese increased from 14.5 percent in 2004 to almost 20 percent in 2010;

WHEREAS, the 2015 Dietary Guidelines would if implemented have positive impacts, increasing access to healthy foods for food insecure families and decreasing the prevalence of obesity and diet-related diseases such as heart disease, stroke, and Type 2 Diabetes;

WHEREAS, the recommendations in the *2015 Dietary Guidelines* – especially those pertaining to nutrition, increased access to healthy foods for low-income individuals, and environmental sustainability and food—align with the goals and recommendations laid out in the *Plan*.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Santa Fe County requests that the Secretary of the U.S. Department of Agriculture and the Secretary of the U.S. Department of Health and Human Services adopt the guidelines and recommendations of the *Scientific Report of the 2015 Dietary Guidelines Advisory Committee*;

BE IT FURTHER RESOLVED that Santa Fe County directs the Food Policy Council to submit comment to this effect to the U.S. Department of Agriculture and the U.S. Department of Health and Human Services by the Federal Comment deadline of May 8, 2015.

APPROVED, ADOPTED AND PASSED this 28th day April, 2015.

Robert A. Anaya, Chairman

Attest:

Geraldine Salazar, Santa Fe County Clerk

Approved As To Form:



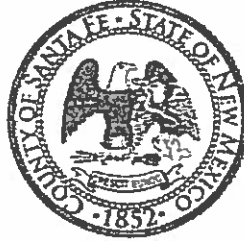
for Gregory Shaffer, County Attorney



Henry P. Roybal
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

Date: April 28, 2015

To: Board of County Commissioners

From: Robert Griego, Planning Manager
Rosemary Bailey, Affordable Housing Specialist

Via: Katherine Miller, County Manager *KM*
Penny Ellis-Green, Growth Management Director
Gregory S. Shaffer, County Attorney
R. Bruce Frederick, Assistant County Attorney

Re: Resolution 2015-____, a Resolution delegating authority to the County Manager to sign releases of Affordable Liens and Mortgages and Down Payment Assistance Liens and Mortgages.

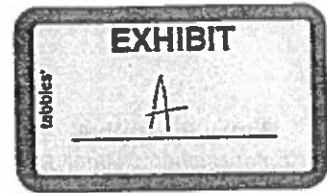
Issue: Ordinance No. 2015-2 requires Eligible Buyers to grant the County a mortgage or lien (collectively referred to as "lien") in the amount of the difference between the Maximum Target Housing Price and ninety-five percent of the unrestricted fair market value of the Affordable Unit at the time of the initial sale. A lien is also required under the County's Down Payment Assistance Program, as implemented in Ordinance No. 209-14, 2010-3 and 2011-6. After an Eligible Buyer satisfies the condition of its lien, whether through payment or otherwise, the Buyer is entitled to a release of lien executed by the County. Currently, only the BCC is authorized to sign releases of lien for the County. To better facilitate the closing of real estate transactions involving affordable units, the Program requests that the BCC delegate the authority to sign releases of lien to the County Manager. The County Attorney has determined that such delegation is within the BCC's authority and has approved the proposed resolution as to form.

Recommendations: Staff recommends that the Board approve Resolution 2015-____, delegating authority to the County Manager to sign releases of affordable liens and mortgages and down payment assistance liens and mortgages.

Attachments:

Exhibit A: Copy of Resolution

**SANTA FE COUNTY
RESOLUTION NO. 2015 - _____**



**A RESOLUTION DELEGATING AUTHORITY TO THE COUNTY MANAGER
TO SIGN RELEASES OF AFFORDABLE LIENS AND MORTGAGES AND
DOWN PAYMENT ASSISTANCE LIENS AND MORTGAGES**

WHEREAS, as a condition of eligibility under the Santa Fe County's Affordable Housing Program, and to help assure long-term affordability, Ordinance No. 2015-2 requires Eligible Buyers and Entry Market Buyers (collectively referred to as "Eligible Buyers") to grant the County a mortgage or lien (collectively referred to as "lien") "in the amount of the difference between the Maximum Target Housing Price and ninety-five percent of the unrestricted fair market value of the Affordable Unit at the time of the initial sale"; and

WHEREAS, under the County's Down Payment Assistance Program, as implemented in Ordinance Nos. 2009-14, 2010-3 and 2011-6, an Eligible Buyer must grant the County a lien to secure any down payment assistance loan provided by the County, which may be up to \$20,000.00; and

WHEREAS, after an Eligible Buyer has satisfied all terms and conditions set out in the County lien or liens encumbering the Buyer's residence, the Buyer is entitled to a release of lien, which must be signed by the Board of County Commissioners ("BCC") or a person to whom the BCC has delegated signing authority; and

WHEREAS, Eligible Buyers most often become entitled to releases of lien during the closing of a purchase and sales transaction, which are commonly scheduled and rescheduled with little advance notice; and

WHEREAS, to assure that the County can timely provide releases of lien to Eligible Buyers who have satisfied all conditions of their lien and any other applicable contractual and legal requirements that they may have to the County, the BCC desires to delegate to the County Manager the authority to sign releases of lien.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners, that the County Manager is hereby delegated authority to sign on behalf of the County all releases of liens and mortgages granted to the County under the County's Affordability Housing and Down Payment Assistance Programs, provided that the County Attorney shall first review the releases and approve them as to form.

**PASSED, APPROVED, AND ADOPTED THIS 28th DAY OF APRIL, 2015.
BOARD OF COUNTY COMMISSIONERS**

Robert A. Anaya, Chair

ATTEST:

Geraldine Salazar, Santa Fe County Clerk

APPROVED AS TO FORM:



 _____
Gregory S. Shaffer, Santa Fe County Attorney

SANTA FE COUNTY
RESOLUTION NO. 2015 - _____

**A RESOLUTION DELEGATING AUTHORITY TO THE COUNTY MANAGER
TO SIGN RELEASES OF AFFORDABLE LIENS AND MORTGAGES AND
DOWN PAYMENT ASSISTANCE LIENS AND MORTGAGES**

WHEREAS, as a condition of eligibility under the Santa Fe County's Affordable Housing Program, and to help assure long-term affordability, Ordinance No. 2015-2 requires Eligible Buyers and Entry Market Buyers (collectively referred to as "Eligible Buyers") to grant the County a mortgage or lien (collectively referred to as "lien") "in the amount of the difference between the Maximum Target Housing Price and ninety-five percent of the unrestricted fair market value of the Affordable Unit at the time of the initial sale"; and

WHEREAS, under the County's Down Payment Assistance Program, as implemented in Ordinance Nos. 2009-14, 2010-3 and 2011-6, an Eligible Buyer must grant the County a lien to secure any down payment assistance loan provided by the County, which may be up to \$20,000.00; and

WHEREAS, after an Eligible Buyer has satisfied all terms and conditions set out in the County lien or liens encumbering the Buyer's residence, the Buyer is entitled to a release of lien, which must be signed by the Board of County Commissioners ("BCC") or a person to whom the BCC has delegated signing authority; and

WHEREAS, Eligible Buyers most often become entitled to releases of lien during the closing of a purchase and sales transaction, which are commonly scheduled and rescheduled with little advance notice; and

WHEREAS, to assure that the County can timely provide releases of lien to Eligible Buyers who have satisfied all conditions of their lien and any other applicable contractual and legal requirements that they may have to the County, the BCC desires to delegate to the County Manager the authority to sign releases of lien.

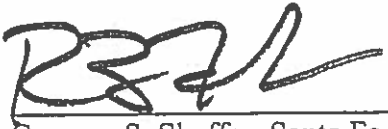
NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners, that the County Manager is hereby delegated authority to sign on behalf of the County all releases of liens and mortgages granted to the County under the County's Affordability Housing and Down Payment Assistance Programs, provided that the County Attorney shall first review the releases and approve them as to form.

PASSED, APPROVED, AND ADOPTED THIS 28th DAY OF APRIL, 2015.
BOARD OF COUNTY COMMISSIONERS

Robert A. Anaya, Chair
ATTEST:

Geraldine Salazar, Santa Fe County Clerk

APPROVED AS TO FORM:



Gregory S. Shaffer, Santa Fe County Attorney

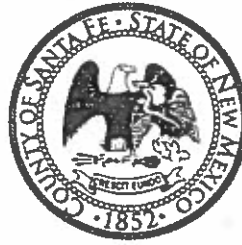
fn



Henry P. Roybal
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

DATE: April 28, 2015

TO: Santa Fe Board of County Commissioners

VIA: Katherine Miller, County Manager

FROM: Liz Stefanics, Santa Fe County Commissioner, District 5
Miguel Chavez, Santa Fe County Commissioner, District 2

RE: A RESOLUTION REGARDING THE "STEPPING UP INITIATIVE TO REDUCE
THE NUMBER OF PEOPLE WITH MENTAL ILLNESSES IN JAILS"
(Commissioner Stefanics & Commissioner Chavez)

BACKGROUND :

Recognizing the critical role that local and state officials play in supporting change, the National Association of Counties (NACo), the Council of State Governments (CSG) Justice Center, and the American Psychiatric Foundation (APF) have come together to lead a national initiative to help advance counties' efforts to reduce the number of adults with mental and co-occurring substance use disorders in jails. With support from the U.S. Justice Department's Bureau of Justice Assistance, the initiative will build on the many innovative and proven practices being implemented across the country.

The key components of this initiative include (a) a Call to Action, and (b) a national summit. The majority of this initiative will focus on county efforts; however, states will be engaged at every step to ensure that legislative mandates, policies, and resource-allocation decisions do not create barriers to plan implementation.

ACTION REQUESTED:

Commissioner Stefanics and Commissioner Chavez seek board approval of this resolution.

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

RESOLUTION NO. 2015-_____

**A RESOLUTION SUPPORTING THE NATIONAL STEPPING UP INITIATIVE TO
REDUCE THE NUMBER OF PEOPLE WITH MENTAL ILLNESSES IN JAILS AND
SIGNING ON TO THE INITIATIVE'S CALL TO ACTION**

WHEREAS, counties routinely provide treatment services to the estimated 2 million people with serious mental illnesses booked into jail each year; and

WHEREAS, prevalence rates of serious mental illnesses in jails are three to six times higher than for the general population; and

WHEREAS, almost three-quarters of adults with serious mental illnesses in jails have co-occurring substance use disorders; and

WHEREAS, adults with mental illnesses tend to stay longer in jail and upon release are at a higher risk of recidivism than people without these disorders; and

WHEREAS, county jails spend two to three times more on adults with mental illnesses that require interventions compared to those without these treatment needs; and

WHEREAS, without the appropriate treatment and services, people with mental illnesses continue to cycle through the criminal justice system, often resulting in tragic outcomes for these individuals and their families; and

WHEREAS, Santa Fe County (County) and all counties take pride in their responsibility to protect and enhance the health, welfare and safety of its residents in efficient and cost-effective ways; and

WHEREAS, through the Electronic Monitoring Program, which utilizes the latest technology to constantly monitor persons assigned to the program, the County provides an inexpensive and non-intrusive, community-based alternative to traditional sentencing and incarceration, thereby helping to prevent the unnecessary confinement of mentally ill (and other) persons charged with or convicted of crimes; and

WHEREAS, the County employs the Teen Court Program to provide teen offenders with a second chance while holding them accountable for their actions, thereby attempting to interrupt and prevent developing patterns of criminal behavior by promoting self-esteem, motivating self-improvement, and providing teen offenders with community-based treatment and support; and

WHEREAS, through the *Stepping Up* initiative, the National Association of Counties, the Council of State Governments Justice Center, and the American Psychiatric Foundation are encouraging public, private and nonprofit partners to reduce the number of people with mental illnesses in jails.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners (Board) of the County as follows:

1. The Board supports the *Stepping Up* initiative.

2. The Board hereby (i) signs on to the Call to Action component of the *Stepping Up* initiative to reduce the number of people with mental illnesses in the County Adult Detention Facility; (ii) commits to sharing lessons learned with other counties in New Mexico and across the country to support a national initiative; and (iii) encourages all County officials, employees, and residents to participate in the *Stepping Up* initiative.

3. The Board resolves to utilize the comprehensive resources available through the *Stepping Up* initiative to:

- Convene or draw on a diverse team of leaders and decision makers from multiple agencies committed to safely reducing the number of people with mental illnesses in jails.
- Collect and review prevalence numbers and assess individuals' needs to better identify adults entering jails with mental illnesses and their recidivism risk, and use that baseline information to guide decision making.
- Examine treatment and service capacity to determine which programs and services are available in the County for people with mental illnesses and co-occurring substance use disorders, and identify State and local policy and funding barriers to minimizing contact with the justice system and providing treatment and supports in the community.
- Develop a plan with measurable outcomes that draws on the needs and prevalence assessment data and examination of available treatment and service capacity, while considering identified barriers.
- Implement research-based approaches that advance the plan.
- Create a process to track progress using data and information systems, and to report on successes.

4. The Board directs the County Manager and County staff to take appropriate action to implement this Resolution.

PASSED, APPROVED, AND ADOPTED this 28th day of April, 2015.

THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY

Robert A. Anaya, Chair

ATTEST:

Geraldine Salazar, County Clerk

APPROVED AS TO FORM:

Gregory S. Shaffer, County Attorney

THE STEPPING UP INITIATIVE

STEPPING UP: A National Initiative to Reduce the Number of People with Mental Illnesses in Jails

THERE WAS A TIME WHEN NEWS OF JAILS serving more people with mental illnesses than in-patient treatment facilities was shocking. Now, it is not surprising to hear that jails across the nation serve an estimated 2 million people with serious mental illnesses each year¹—almost three-quarters of whom also have substance use disorders²—or that the prevalence of people with serious mental illnesses in jails is three to six times higher than for the general population.³ Once incarcerated, they tend to stay longer in jail and upon release are at a higher risk of returning than individuals without these disorders.

The human toll—and its cost to taxpayers—is staggering. Jails spend two to three times more on adults with mental illnesses that require intervention than on those without those needs,⁴ yet often do not see improvements in recidivism or recovery. Despite counties' tremendous efforts to address this problem, they are often thwarted by significant obstacles, such as coordinating multiple systems and operating with minimal resources. Without change, large numbers of people with mental illnesses will continue to cycle through the criminal justice system, often resulting in missed opportunities to link them to treatment, tragic outcomes, inefficient use of funding, and failure to improve public safety.

The National Initiative

Recognizing the critical role local and state officials play in supporting change, the National Association of Counties (NACo), the Council of State Governments (CSG) Justice Center, and the American Psychiatric Foundation (APF) have come together to lead a national initiative to help advance counties' efforts to reduce the number of adults with mental and co-occurring substance use disorders in jails. With support from the U.S. Justice Department's Bureau of Justice Assistance, the initiative will build on the many innovative and proven practices being implemented across the country. The initiative engages a diverse group of organizations with expertise on these issues, including those representing sheriffs, jail administrators, judges, community corrections professionals, treatment providers, people with mental illnesses and their families, mental health and substance use program directors, and other stakeholders.

The initiative is about creating a long-term, national movement—not a moment in time—to raise awareness of the factors contributing to the over-representation of people with mental illnesses in jails, and then using practices and strategies that work to drive those numbers down. The initiative has two key components:

1. **A CALL TO ACTION** demonstrating strong county and state leadership and a shared commitment to a multi-step planning process that can achieve concrete results for jails in counties of all sizes.

The Call to Action is more than a vague promise for reform; it focuses on developing an actionable plan that can be used to achieve county and state system changes. As part of this Call to Action, county elected officials are being asked to pass a resolution and work with other leaders (e.g., the sheriff, district attorney, treatment providers, and state policymakers), people with mental illnesses and their advocates, and other stakeholders on the following six actions:

- Convene or draw on a diverse team of leaders and decision makers from multiple agencies committed to safely reducing the number of people with mental illnesses in jails.

- Collect and review prevalence numbers and assess individuals' needs to better identify adults entering jails with mental illnesses and their recidivism risk, and use that baseline information to guide decision making.
- Examine treatment and service capacity to determine which programs and services are available in the county for people with mental illnesses and co-occurring substance use disorders, and identify state and local policy and funding barriers to minimizing contact with the justice system and providing treatment and supports in the community.
- Develop a plan with measurable outcomes that draws on the jail assessment data and inventory of available treatment and service capacity, while considering identified barriers.
- Implement research-based approaches that advance the plan.
- Create a process to track progress using data and information systems, and to report on successes.

In addition to county leaders, national and state associations, criminal justice and behavioral health professionals, state and local policymakers, others with jail authority, and individuals committed to reducing the number of people with mental illness should sign on to the Call to Action. Stepping Up participants will receive an online toolkit keyed to the six actions, with a series of exercises and related distance-learning opportunities, peer-to-peer exchanges, and key resources from initiative partners.⁵ The online toolkit will include self-assessment checklists and information to assist participants working in counties in identifying how much progress they have already made and a planning template to help county teams develop data-driven strategies that are tailored to local needs.

2. A NATIONAL SUMMIT to advance county-led plans to reduce the number of people with mental illnesses in jails.

Supported by the American Psychiatric Foundation, a summit will be convened in the spring of 2016 in Washington, DC, that includes counties that have signed on to the Call to Action, as well as state officials and community stakeholders such as criminal justice professionals, treatment providers, people with mental illnesses and their advocates, and other subject-matter experts. The summit will help counties advance their plans and measure progress, and identify a core group of counties that are poised to lead others in their regions. Follow-up assistance will be provided to participants to help refine strategies that can be used in counties across the nation. After the 2016 summit, participants will be notified of potential opportunities for sites to be selected for more intensive assistance through federal and private grant programs.

Although much of the initiative focuses on county efforts, states will be engaged at every step to ensure that their legislative mandates, policies, and resource-allocation decisions do not create barriers to plan implementation.

To learn more about the initiative, go to www.StepUpTogether.org.

Endnotes

1. Steadman, Henry, et al., "Prevalence of Serious Mental Illness among Jail Inmates." *Psychiatric Services* 60, no. 6 (2009): 761–765. These numbers refer to jail admissions. Even greater numbers of individuals have mental illnesses that are not "serious" mental illnesses, but still require resource-intensive responses.
2. Abram, Karen M., and Linda A. Teplin, "Co-occurring Disorders Among Mentally Ill Jail Detainees," *American Psychologist* 46, no. 10 (1991): 1036–1045.
3. Steadman, Henry, et al., "Prevalence of Serious Mental Illness among Jail Inmates."
4. See, e.g., Swanson, Jeffery, et al., *Costs of Criminal Justice Involvement in Connecticut: Final Report* (Durham: Duke University School of Medicine, 2011).
5. Among the key partners are the National Alliance on Mental Illness; Major County Sheriffs' Association; National Association of County Behavioral Health & Developmental Disability Directors; National Association of State Alcohol and Drug Abuse Directors; National Association of State Mental Health Program Directors; National Council for Behavioral Health; National Sheriffs' Association; and Policy Research Associates.

