

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 

**VIA:** Katherine Miller, County Manager

**DATE:** October 15, 2014

**SUBJECT:** Resolution 2014- \_\_\_\_\_, A Resolution Requesting a Budget Increase to the EMS Health Services Fund (232) to Budget to Supplement and Diversify Funding for the Mobile Crisis Team / \$100,000 (Finance Department/Teresa Martinez)

### Issue

The Community Services Department Health Services Division is requesting an increase to the Health Administration Budget to provide funding for the Mobile Response Unit for crisis intervention services.

### Background

The fiscal year 2015 budget has allocated \$350,000 for the purpose of funding a mobile crisis team to respond to people suffering from acute psychiatric or substance abuse symptoms in an effort to address immediate acute conditions of distress.

Historically, individuals who experienced significant disturbance in thought, mood, behavior, or social relations resulting from psychiatric or substance abuse symptoms requiring immediate attention, were evaluated and managed in a general hospital emergency department. However, an emphasis on delivering the most appropriate care in the most appropriate setting has led to greater need for care provided in the community. In response to this need, various models for alternative community-based crisis stabilization services have been developed. The primary goal of these services is to address the immediate acute conditions of distress and link individuals to the most appropriate course of treatment or level of care.

Santa Fe County is in the process of re-releasing a request for proposals (RFP) to fund a Mobile Crisis Team. The most recent studies from the Substance Abuse and Mental Health Services Administration (SAMHSA) suggest that "mobile crisis services are effective at diverting people in crisis from psychiatric hospitalization, effective at linking suicidal individuals discharged from the emergency department to services; and better than hospitalization at linking people in crisis to outpatient services." The purpose of a Mobile Crisis Team is to do the following:

- Provide timely and accessible aid;
- Stabilize persons as quickly as possible and assist them to return to their pre-crisis level of functioning;
- Increase and maintain their community tenure;
- Increase their ability to recognize and deal with situations that may otherwise result in crises;
- Increase or improve their network of community and natural supports, as well as their use of these supports for crisis prevention.
- Link to appropriate level of care and other services

The County released a request for proposals in September for \$350,000 of funds from the Health Care Assistance Program to fund the team. We did not receive any proposals due to the lack of diversity in the funding stream to serve non-indigent clients. We are requesting to budget \$100,000 in EMS Health Services fund monies to supplement the amount provided to serve indigent clients.

**Recommendation**

The Finance Division recommends and respectfully requests approval of the budget resolution to increase the EMS Health Services Fund (232) budget by \$100,000 to diversify the available funding for this program.

SANTA FE COUNTY

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 October 28, 2014, did request the following budget adjustment:

Department / Division: CMO/Finance for CSD/Health Services Fund Name: EMS Services Fund (232)

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
232	0000	385	0200	EMS Services Fund – Budgeted Cash	\$100,000	
TOTAL (if SUBTOTAL, check here )					\$100,000	

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
232	0421	461	5003	Health Administration/Contractual Services	\$100,000	
TOTAL (if SUBTOTAL, check here )					\$100,000	

Requesting Department Approval: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_

Finance Department Approval: Jewel A. Arth Date: 10/29/14 Entered by: \_\_\_\_\_ Date: \_\_\_\_\_

County Manager Approval: \_\_\_\_\_ Date: \_\_\_\_\_ Updated by: \_\_\_\_\_ Date: \_\_\_\_\_

# SANTA FE COUNTY

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

**ATTACH ADDITIONAL SHEETS IF NECESSARY:**

DEPARTMENT CONTACT: Name: Carole Jaramillo Dept/Div: CMO/Finance Phone No.: 55-986-6321

**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 resolution will increase the contractual services line item of the Health Administration cost center to supplement and diversify funding allocated in the FY 2015 budget to contract for a Mobile Crisis Team to provide intervention services for individuals suffering from psychiatric and substance abuse symptoms that are in acute distress.

a) Employee Actions

Line Item	Action (Add/Delete Position, Recluses, 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
232-0421-461-5003	Contract for Mobile Crisis Team – vendor TBD	\$100,000

- 2) Is the budget action for RECURRING expense \_\_\_\_\_ or for NON-RECURRING (one-time only) expense x additional contract may be awarded if outcomes are beneficial.

SANTA FE COUNTY

RESOLUTION 2014 -

ATTACH ADDITIONAL SHEETS IF NECESSARY.

DEPARTMENT CONTACT:

Name: Carole Jaramillo Dept/Div: CMO/Finance Phone No.: 505-986-6321

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   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.

**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.

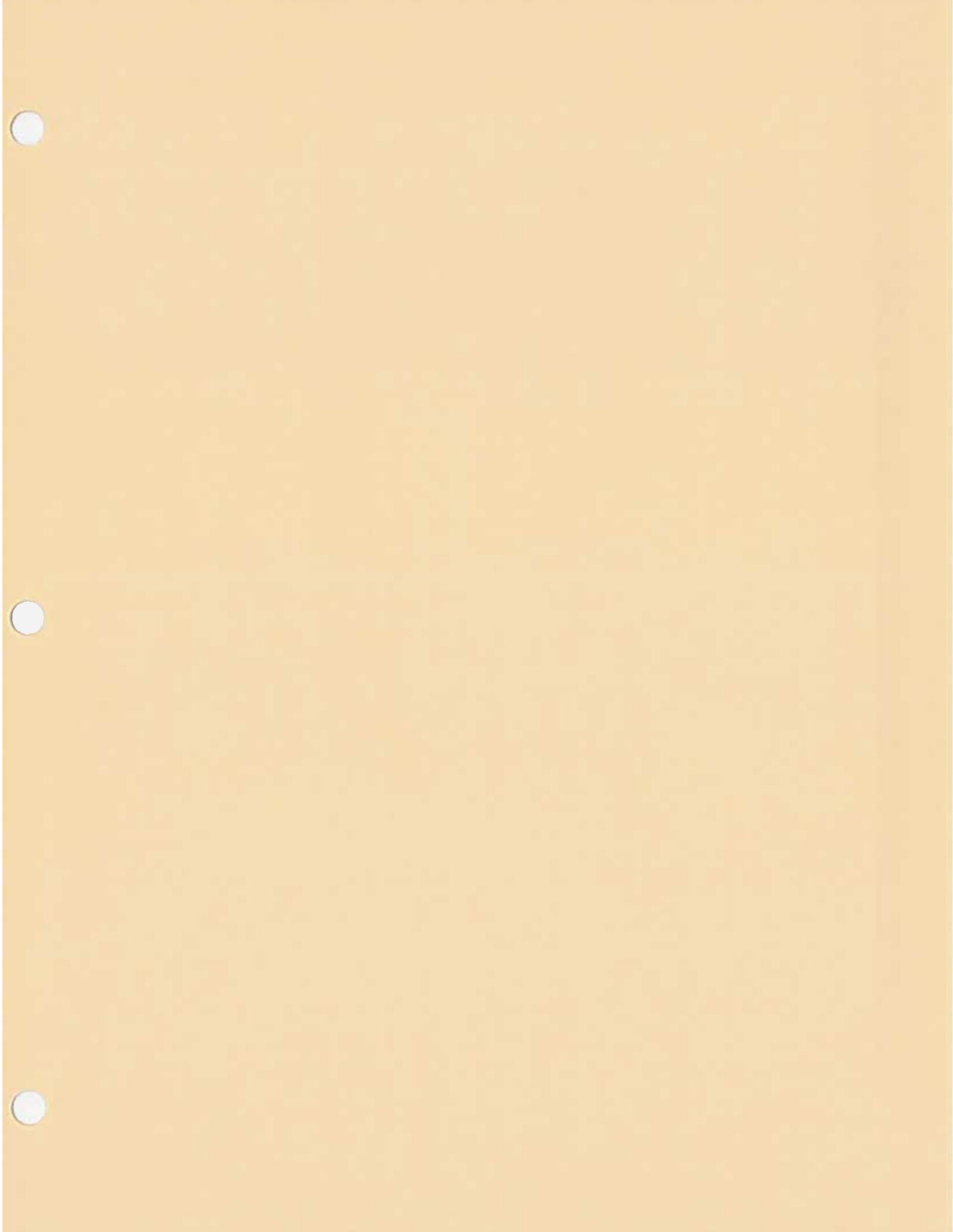
Approved, Adopted, and Passed This 28th Day of October, **2014.**

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 *DMS*  
Pablo Sedillo, Public Safety Director *[Signature]*

Katherine Miller, County Manager *[Signature]*

Date: October 3, 2014

Re: Resolution 2014 - A Resolution Requesting a Budget Increase to the Fire Operations Fund (244) to Budget a Donation and Available Cash for Operational Expenses, and to Carry Forward Balances / New Funding for Multiple Grants / \$199,163 (Public Safety/Fire)

### BACKGROUND:

The Santa Fe County Fire Department is requesting BCC approval to budget the following increases to the Fire Operations Fund (244).

- A monetary donation in the amount of \$200 made by Elizabeth Estes to the Santa Fe County Fire Department. This donation will be utilized to purchase rehabilitation supplies such as water, Gatorade and snacks which are used at extended Fire and EMS scenes.
- To budget available cash in the amount of \$12,000 to increase the electric utility encumbrance for the new Southern Region / Edgewood Station needed to cover incorrectly billed electrical usage.
- To budget a State DOH Local System Improvement Special Projects Grant Award in the amount of \$7,970 to the Turquoise Trail Fire District to purchase a Stryker Power Cot to be utilized on emergency responses.
- To budget the FY-2015/2016 YCC Grant Award in the amount of \$145,787 to employ local youth ages 18-25 and provide training in natural resources such as forest management, fire ecology, and watershed health for a period of six months as well as be available to respond to wildland fires.

- To budget the available cash balance from FY-2014 for the Hazmat Grant in the amount of \$32,023 to be expended in FY-2015 on Hazmat training and vehicle/satellite equipment for the Emergency Management fleet.
- To Budget the State Forestry Reimbursement received for the Cordova Fire in the amount of \$1,183 which will be utilized to cover the overtime for the SFC Fire Department Wildland Urban Interface Specialist employees and the volunteer pay for the Tesuque Fire District members who responded to the fire.

**SUMMARY:**

Please approve this request for a budget increase to the Fire Operations Fund (244) in the amount of \$199,163.

# SANTA FE COUNTY

## 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 October 28, 2014, did request the following budget adjustment:

Department / Division: Fire Department/Fire Administration Fund Name: Fire Operations 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	0000	360	01-90	Revenue/Miscellaneous Donation	200	
244	0000	385	02-00	Budgeted Cash/Fire Operations	12,000	
244	0839	371	05-00	State Grant / DOH	7,970	
244	0880	371	19-00	State Grant / YCC	145,787	
TOTAL (if SUBTOTAL, check here <input checked="" type="checkbox"/> )					165,957	

#### 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	0801	421	60-12	Supplies/Rehab/Program/Facility Food	200	
244	0801	421	70-04	Other Operating Costs/Electricity	12,000	
244	0839	422	80-14	Capital Purchases/Medical Equipment	7,970	
244	0880	422	10-24	Salaries & Wages/Temp Employees	114,078	
244	0880	422	20-01	Employee Benefits/FICA Regular	7,659	
244	0880	422	20-02	Employee Benefits/FICA Medicare	1,791	
244	0880	422	20-07	Employee Benefits/Unemployment Insurance	3,000	
244	0880	422	20-08	Employee Benefits/Workers Comp	101	
TOTAL (if SUBTOTAL, check here <input checked="" type="checkbox"/> )					146,799	

Requesting Department Approval: [Signature] Title: Chief Date: 10-15-14

Finance Department Approval: [Signature] Date: 10/15/14 Entered by: \_\_\_\_\_ Date: \_\_\_\_\_

County Manager Approval: \_\_\_\_\_ Date: \_\_\_\_\_ Updated by: \_\_\_\_\_ Date: \_\_\_\_\_

# 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
244	0806	385	02-00	Budgeted Cash/Hazmat Grant	32,023	
244	0809	360	09-02	Revenue/State Forestry	1,025	
244	0838	360	09-02	Revenue/State Forestry	79	
244	0872	360	09-02	Revenue/State Forestry	79	
<b>TOTAL (if SUBTOTAL, check here )</b>					<b>199,163</b>	

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	0880	422	60-02	Supplies/Safety Supplies	18,658	
244	0880	422	80-99	Capital Purchases/Inventory Exempt	500	
244	0806	422	30-04	Travel/Out of State Travel	12,357	
244	0806	422	60-07	Supplies/Operational Supplies	218	
244	0806	422	70-33	Other Operating Costs/Seminars & Workshops	7,605	
244	0806	422	80-09	Capital Purchases/Vehicles	6,000	
244	0806	422	80-99	Capital Purchases/Inventory Exempt	5,843	
244	0809	422	10-25	Salary & Wages/Overtime	947	
244	0809	422	20-01	Employee Benefits/FICA Regular	63	
244	0809	422	20-02	Employee Benefits/FICA Medicare	15	
244	0838	422	60-07	Supplies/Operational Supplies	79	
244	0872	422	10-55	Salary & Wages/Volunteer Reimbursements	72	
244	0872	422	20-01	Benefits/FICA Regular	5	
244	0872	422	20-02	Benefits/FICA Medicare	2	
<b>TOTAL (if SUBTOTAL, check here )</b>					<b>199,163</b>	

# SANTA FE COUNTY

## 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 Fire Operations Fund (244) for a monetary donation made by Elizabeth Estes to the Santa Fe County Fire Department to be utilized for the purchases of rehabilitation supplies used at extended fire and EMS scenes by the SFC Fire Department field staff and volunteers in the amount of \$200. To budget available cash into the Fire Operation Fund to be utilized to pay the electrical utilities for the new Edgewood Station. To budget the FY-2014 available cash balance for the Hazmat Grant to expended in FY-2015 for Hazmat training and equipment for Emergency Management. To budget revenue from NM State Forestry for personnel and equipment utilized on the Cordova Fire in the amount of \$1,183. To budget a NM State DOH grant awarded to the Turquoise Trail Fire District to purchase a Stryker Power Cot in the amount of \$7,970 and to budget the FY-2015/2016 YCCC Grant awarded in the amount of \$145,787 to employ local youth ages 18-25 and provide training in natural resources such as forest management, fire ecology, and watershed health for a period of six months.

**a) Employee Actions**

Line Item	Action (Add/Delete Position, Reclash, Overtime)	Position Type (permanent, term)	Position Title
10-24	Add Wildland Hand Crew	Temporary	Forestry Technician
10-25	Overtime for WUI Specialist FTE's / Revenue	FTE	WUI Specialists

**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	Emergency Lights and Equipment for EM Truck	6,000
80-17	Stryker Power Cot	7,970
80-99	Chain Saw	500
80-99	Satellite receiver/equipment for the CBRNE	7,241

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

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

*ATTACH ADDITIONAL SHEETS IF NECESSARY.*

**DEPARTMENT CONTACT:**

Name: Donna Morris Dep/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 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. NM State Forestry Revenue, NM State YCC Grant, NM DOH Grant, Hazmat Grant (NM PRC/Fire Marshal's Division)
  - 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. The Turquoise Trail Fire District will utilize their annual EMS Fund Distribution and Fire Fund Allotment as their match for the purchase of a Stryker Power Cot. The YCC Grant will be 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 funded by the 244-0801--421 Fire Operations Budget.

**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 28th Day of October, 2014.

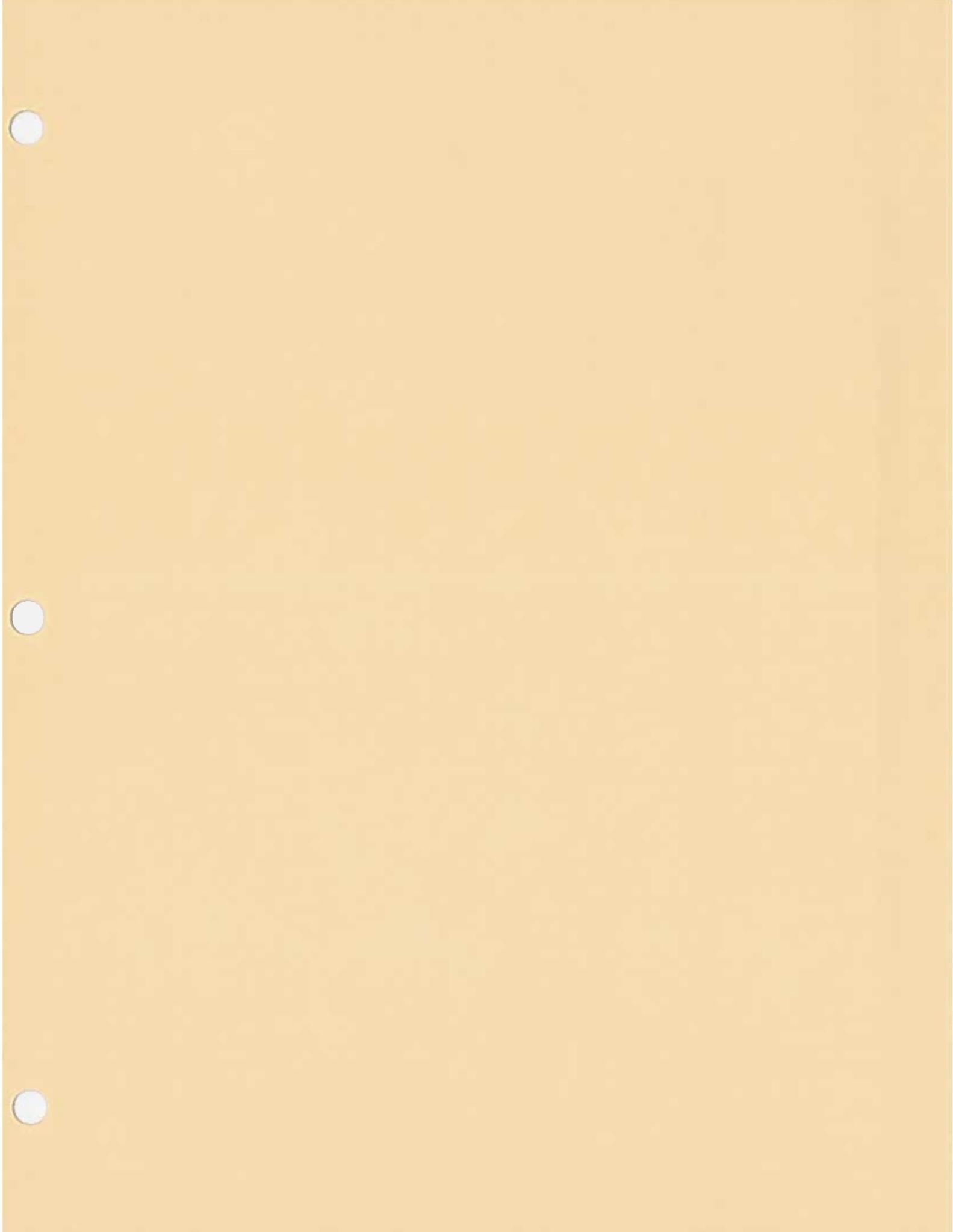
Santa Fe Board of County Commissioners

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

**ATTEST:**

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



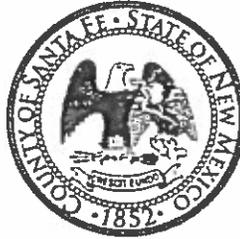




**Daniel "Danny" Mayfield**  
Commissioner, District 1

**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:** *October 15, 2014*

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

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

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

**ITEM AND ISSUE:** *BCC Meeting October 28, 2014*

**Resolution 2014-\_\_\_, A Resolution Delegating Authority to the County Manager to Acquire Real Property Interests Necessary for the Construction of the Santa Fe River Greenway from Frenchy's Field to Siler Road. (Public Works/Scott Kaseman)**

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### **SUMMARY:**

The purpose of this resolution is to facilitate the acquisition of real property for the Santa Fe River Greenway by granting the County Manager authority to execute any and all documents necessary to purchase the properties and the County Attorney the authority to initiate eminent domain proceedings to condemn the properties if negotiations are unsuccessful.

### **BACKGROUND:**

Since 1998 Santa Fe County Open Space and Trails Program has been working to acquire the land along the Santa Fe River to achieve the long term goal of creating a public greenway and trail system along the river.

The Board of County Commissioners passed Resolutions 2008-145 and 2012-89 and voters approved the sale of General Obligation Bonds to acquire, design, construct, improve, equip and restore the Santa Fe River Greenway from Frenchy's Field to Siler Rd. The County has identified the real property that is necessary to construct the project (Exhibit A & B) and has budgeted \$1,202,675 to complete the acquisition of the properties. There is also \$3,894,067 in 2012 General Obligation Bonds and GRT budgeted for construction of the Greenway once the properties are acquired.

The proposed resolution grants the County Manager authority to negotiate for and execute any and all documents necessary to effectuate the purchase of the properties, and authorizes the County Attorney to initiate eminent domain proceedings to condemn the properties if reasonable efforts to achieve negotiated settlements are unsuccessful.

**ACTION REQUESTED:**

Approval of subject resolution

THE BOARD OF COUNTY COMMISSIONERS  
OF SANTA FE COUNTY

RESOLUTION NO. 2014 - \_\_\_\_\_

---

**A RESOLUTION DELEGATING AUTHORITY TO THE COUNTY MANAGER TO  
ACQUIRE REAL PROPERTY INTERESTS NECESSARY FOR CONSTRUCTION OF  
THE SANTA FE RIVER GREENWAY FROM FRENCHY'S FIELD TO SILER ROAD**

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WHEREAS, in 2008 and 2012, the voters approved the sale of General Obligation Bonds for open space, trails, and parks within Santa Fe County; and

WHEREAS, the County has completed the design for the Santa Fe River Greenway from Frenchy's Field to Siler Road; and

WHEREAS, the County has identified the real property necessary for the construction of the Santa Fe River Greenway from Frenchy's Field to Siler Road, which property is depicted in Exhibit A and Exhibit B (collectively, the "Properties"); and

WHEREAS, acquisition of the Properties by the County will allow for construction of the Santa Fe River Greenway from Frenchy's Field to Siler Road; and

WHEREAS, the County has budgeted \$1,202,675 in General Obligation Bond proceeds for the Santa Fe River Greenway from Frenchy's Field to Siler Road.

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

1. The County Manager is authorized to negotiate the acquisition of suitable real property interests for the Santa Fe River Greenway from Frenchy's Field to Siler Road, the location of which shall substantially conform to the locations shown in Exhibit A and Exhibit B; provided, however, that the purchase price shall not exceed the fair market value of the property interests to be obtained as determined by appraisal(s) prepared by one or more certified appraisers.
2. The Board delegates to the County Manager the authority to execute on behalf of the County all documents necessary to effectuate the acquisition of such real property interests.

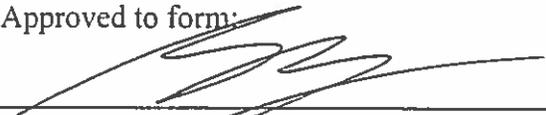
PASSED, APPROVED, AND ADOPTED THIS \_\_\_\_\_ DAY OF OCTOBER, 2014.

THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY

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

ATTEST:

\_\_\_\_\_  
Geraldine Salazar, Santa Fe County Clerk

Approved to form:  
  
\_\_\_\_\_  
Gregory S. Shaffer  
County Attorney









**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:** *October 10, 2014*

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

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

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

**ITEM AND ISSUE: BCC Meeting October 28, 2014**  
**Resolution 2014-\_\_\_, A Resolution Delegating Authority to the County Manager to Acquire Real Property Interests Necessary to Construct the Old Santa Fe Trail Multimodal Trail (Public Works/Chuck Vigil)**

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### **SUMMARY:**

The purpose of this resolution is to facilitate the acquisition of real property by granting the County Manager authority to negotiate for and execute any and all documents necessary to purchase the properties and the County Attorney the authority, if necessary, to initiate eminent domain proceedings to condemn the properties if negotiations to purchase are unsuccessful.

### **BACKGROUND:**

In 2012 the County received a grant from the New Mexico Department of Transportation (NMDOT) to design a multimodal trail along old Santa Fe Trail. In June of 2012, the Board of County Commissioners approved the Capital Improvement Plan (CIP) which included \$1,500,000 for the construction of the Old Santa Fe Trail Multimodal Trail. Public Works hired a contractor to design the trail which includes five-foot shoulders for multimodal travel, bicyclists and pedestrians, and the addition of turn lanes at the El Gancho Way and Old Santa Fe Trail intersection. The design also identified three properties that are required for the construction of the trail.

The first property is right-of-way located along El Gancho Way that ends at Old Santa Fe Trail. The property is owned by Buscan Vocale, Inc. and is 0.3385 acres of right-of-way. The second property also owned by Buscan Vocale, Inc., is located at the intersection of El Gancho Way and Old Santa Fe Trail and 0.0278 acres are required for the turn lanes. The third property is right-of-way located at 7250 Old Santa Fe Trail. It is owned by Robert C. Ortiz and Eva C. Otiz and is approximately 0.1871 acres. A Phase I Environmental Assessment was conducted on the three properties and it was determined that there is no evidence of recognized environmental conditions on any of the properties.

If approved, staff will make an offer to the owners based on the appraised value of the properties. The proposed resolution grants to the County Manager authority to negotiate for and execute any and all documents necessary to effectuate the purchase of the properties, and authorizes the County Attorney to initiate eminent domain proceedings to condemn the properties if efforts to achieve negotiated settlements are unsuccessful.

**ACTION REQUESTED:**

Staff requests approval of subject resolution

THE BOARD OF COUNTY COMMISSIONERS  
OF SANTA FE COUNTY

RESOLUTION NO. 2014 - \_\_\_\_\_

---

**A RESOLUTION DELEGATING AUTHORITY TO THE COUNTY MANAGER TO  
ACQUIRE REAL PROPERTY INTERESTS NECESSARY TO CONSTRUCT THE OLD  
SANTA FE TRAIL MULTIMODAL TRAIL**

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**WHEREAS**, in July, 2012, Santa Fe County (County) received a \$129,692 grant from the New Mexico Department of Transportation to design a multimodal trail along Old Santa Fe Trail; and

**WHEREAS**, in June, 2012, the Board of County Commissioners (Board) approved the County's Capital Improvement Plan, which included \$1,500,000 from the County's 2013 General Obligation Bond for the construction of the Old Santa Fe Trail multimodal trail; and

**WHEREAS**, the County has completed the design of the Old Santa Fe Trail multimodal trail, which (i) begins at the intersection of El Gancho Way and Old Santa Fe Trail and extends to the County/City border on Old Santa Fe Trail and (ii) includes the addition of five foot shoulders for multimodal travel, including bicyclists and pedestrians, and the addition of turn lanes at the El Gancho Way and Old Santa Fe Trail intersection; and

**WHEREAS**, the County has identified real property interests along Old Santa Fe Trail and El Gancho Way that are required for the construction of the multimodal trail, including turning lanes, and has completed the due diligence necessary to complete the acquisitions of these real property interests, the location of which are generally depicted on the maps attached hereto as Exhibit A.

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

1. The County Manager is authorized to negotiate the acquisition of suitable real property interests for the multimodal trail along Old Santa Fe Trail, the location of which shall substantially conform to the locations shown in Exhibit A; provided, however, that the purchase price shall not exceed the fair market value of the property interests to be obtained as determined by appraisal(s) prepared by one or more certified appraisers.
2. The Board delegates to the County Manager the authority to execute on behalf of the County all documents necessary to effectuate the acquisition of such real property interests.

PASSED, APPROVED, AND ADOPTED THIS \_\_\_\_\_ DAY OF OCTOBER, 2014.

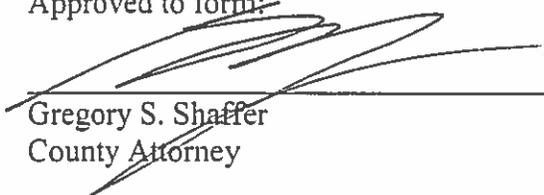
THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY

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

ATTEST:

\_\_\_\_\_  
Geraldine Salazar, Santa Fe County Clerk

Approved to form:

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

# Exhibit A

## OLD SANTA FE TRAIL MULTIMODAL LANES PROJECT (CN# C511204)

### Busan Vocale, Inc.

A parcel of land comprising a portion of EL GANCHO TRACT, as said tract is shown and designated on the Plat thereof entitled "BOUNDARY SURVEY PREPARED FOR BUSAN VOCALE, INC. and LEVNAT, INC. TRACTS 1 AND 2 OF THE BYBEE REPLAT, THE "EL GANCHO TRACT", AND PARCEL 1", said plat being filed in the Office of the County Clerk of Santa Fe County on March 15, 1999, in Book 408, Page 026, said parcel being more particularly described by New Mexico State Plane grid bearings (Central Zone, NAD 83) and horizontal ground distances as follows:

Beginning at a point on the northerly boundary line of the said EL GANCHO TRACT, said point of beginning also being a point on the present (2013) southerly right-of-way line of Santa Fe County Road No. 36 (aka LL GANCHO WAY), from which the Morris Surveying Engineering control point "CP-200" (5'8" rebar with Alum. Cap stamped "Morris Surveying Eng. Control Point 200") bears N14°27'16"W, a distance of 3235.71 feet:

Thence, N52°00'08"E a distance of 148.61 feet along said northerly boundary line and said present southerly right-of-way line to an angle point:

Thence, S85°38'01"E a distance of 517.00 feet along said northerly boundary line and said present southerly right-of-way line to an angle point, a 5'8" rebar w/cap found in place:

Thence, N67°07'38"E a distance of 196.12 feet along said northerly boundary line and said present southerly right-of-way line to an angle point, a 5'8" rebar w/cap found in place:

Thence, N63°41'30"E a distance of 158.83 feet along said northerly boundary line and said present southerly right-of-way line to the northeast corner of said EL GANCHO TRACT, a nail and washer found in place:

Thence, S00°01'00"W a distance of 20.49 feet along the easterly boundary line of said EL GANCHO TRACT to the intersection of said easterly boundary line with the new southerly Right-of-Way line of Santa Fe County Road 36:

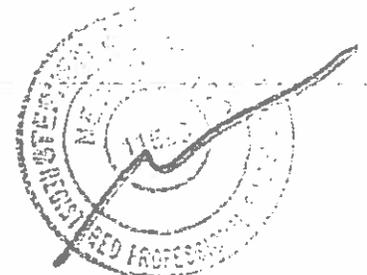
Thence, S65°02'19"W a distance of 230.00 feet along said new southerly Right-of-Way line to a point of curvature:

Thence, southwesterly along said new southerly right-of-way line on a curve (radius = 454.40 feet, chord = S83°23'22"W a chord distance of 286.12 feet) through an arc of 36°42'06" to the right a distance of 291.07 feet to a point of tangency:

Thence, N78°15'35"W a distance of 75.82 feet along said new southerly Right-of-Way line to a point of curvature:

Thence, southwesterly along said new southerly right-of-way line on a curve (radius = 548.46 feet, chord = S80°41'45"W a chord distance of 393.89 feet) through an arc of 42°05'20" to the left a distance of 402.89 feet to the point and place of beginning.

Said parcel contains 0.3385 Acre (14,747 square feet), more or less.



OLD SANTA FE TRAIL MULTIMODAL LANES PROJECT  
(CN# C5111204)

Busan Vocale, Inc.

A tract of land comprising a portion of PARCEL 1, as said parcel is shown and designated on the Plat thereof entitled "BOUNDARY SURVEY PREPARED FOR BUSAN VOCALE, INC. and LEVNAT, INC. TRACTS 1 AND 2 OF THE BYBEE REPLAT, THE "EL GANCHO TRACT", AND PARCEL 1", said plat being filed in the Office of the County Clerk of Santa Fe County on March 15, 1999, in Book 408, Page 026, said tract being more particularly described by New Mexico State Plane grid bearings (Central Zone, NAD 83) and horizontal ground distances as follows:

Beginning at the northwest corner of said PARCEL 1, said point of beginning being a point on the present (2013) southerly right-of-way line of Santa Fe County Road No. 36 (aka EL GANCHO WAY), a nail washer found in place, from which the Morris Surveying Engineering control point "CP-200" (5/8" rebar with Alum. Cap stamped "Morris Surveying Eng. Control Point 200"), bears N31°00'05"W, a distance of 3423.58 feet:

Thence, S82°57'16"E a distance of 53.91 feet along the northerly boundary line of said PARCEL 1 and said present southerly right-of-way line the northeast corner of said PARCEL 1, a 5/8" rebar w' Alum. cap found in place:

Thence, S24°56'07"E a distance of 91.80 feet along the easterly boundary line of said PARCEL 1 and the present (2013) westerly right-of-way line of Santa Fe County Road 67 (aka Old Santa Fe Trail) to a point on the easterly boundary line of the Sebastian De Vargas Grant, a 1/2" rebar found in place:

Thence, S08°59'59"E a distance of 38.63 feet along the easterly boundary line of said PARCEL 1, the easterly boundary line of said Sebastian De Vargas Grant, and said present westerly right-of-way line to the point of intersection of said common boundary lines with the new southerly Right-of-Way line of Santa Fe County Road 36, from which mile corner = 31 in the easterly boundary line of the Sebastian De Vargas Grant, (a 2 1/2" USGLO BC stamped "T16N R10E SVG MC31 S7 1939"), bears S08°59'59"E, a distance of 109.23 feet:

Thence, N22°00'09"W a distance of 112.79 feet along said new southerly Right-of-way line to a point of curvature:

Thence, northwesterly along said new southerly right-of-way line on a curve (radius = 25.00 feet, chord = N68°28'55"W a chord distance of 36.26 feet) through an arc of 92°57'32" to the left a distance of 40.56 feet to a point of tangency:

Thence, S65°02'19"W a distance of 24.56 feet along said new southerly Right-of-Way line to a point of intersection of said new southerly Right-of-Way line with the westerly boundary line of the said PARCEL 1:

Thence, N00°01'00"E a distance of 20.49 feet along said westerly boundary line to the point and place of beginning.

Said tract contains 0.0278 Acre (1,210 square feet), more or less.

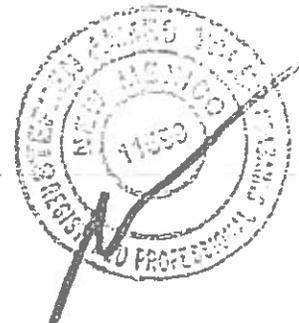


Exhibit "A"

OLD SANTA FE TRAIL MULTIMODAL LANES PROJECT  
(CN# C5111204)

PRELIMINARY

Roberto C. and Eva C. Ortiz, Husband & Wife

A tract of land being a portion of the Lands of Roberto C. and Eva C. Ortiz, as said Lands are described in the Warranty Deed filed in the office of the Santa Fe County Clerk on July 1, 1964 in Book 214, Page 524, said lands lying within the Sebastian DeVargas Grant and also within a portion of Lot 2, Section 7, Township 16 North, Range 10 East, New Mexico Principal Meridian, said tract being more particularly described by New Mexico State Plane grid bearings (Central Zone, NAD 83) and horizontal ground distances as follows:

Beginning at a point on the present (2014) westerly right-of-way line of Old Santa Fe Trail, from which the northeasterly corner of the property of the grantor bears N06°27'25"W a distance of 49.21 feet, also from which Meander Corner No. 35 in the easterly boundary line of the Sebastian DeVargas Grant (standard USGLO brass cap stamped "SVG MC35 S7 T16N R10E 1939" found in place) bears S32°16'01"E a distance of 1314.43 feet;

Thence, S06°27'25" E a distance of 250.71 feet along said present westerly right-of-way line to a point of curvature,

Thence, southeasterly a distance of 63.18 feet along said present westerly right-of-way line on a curve to the left, said curve having a radius of 383.07 feet, a central angle of 09°26'59", a chord bearing S11°20'16"E, and a chord distance of 63.11 feet to an angle point, from which the southeasterly corner of the property of the Grantor (3/4" iron pipe found in place) bears S20°34'00"E a distance of 64.61 feet,

Thence, S75°52'21"W a distance of 18.43 feet to an angle point;

Thence, N14°18'14" W a distance of 149.95 feet to an angle point;

Thence, N05°44'56" W a distance of 115.85 feet to an angle point;

Thence, N25°16'10"E a distance of 60.73 feet to the point and place of beginning;

Said tract contains 0.1871 Acre (8,149 square feet) more or less.



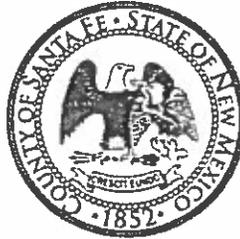




Daniel "Danny" Mayfield  
Commissioner, District 1

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:** *October 15, 2014*

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

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

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

**ITEM AND ISSUE:** *BCC Meeting October 28, 2014*

**Resolution 2014-\_\_\_, A Resolution Delegating Authority to the County Manager to Acquire Real Property Interests for the Mt. Chalchihuitl Open Space Project and to Participate in the New Mexico Environment Department Voluntary Remediation Program (Public Works/Colleen Baker)**

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### SUMMARY:

The purpose of this resolution is to facilitate the acquisition of Mt Chalchihuitl as open space by granting the County Manager authority to execute any and all documents necessary to purchase the properties and enter into a voluntary remediation program and the County Attorney the authority to initiate eminent domain proceedings to condemn the properties if negotiations are unsuccessful.

### BACKGROUND:

The Board of County Commissioners approved the acquisition of Mt Chalchihuitl under the Open Space and Trails Program on June 12, 2001, and directed staff to proceed with negotiations to purchase the property. It has taken extensive time and effort to complete the due diligence necessary to purchase the property due to the complex title and environmental issues associated with the historic mining patents that make up the property. The two most significant issues that had to be resolved were obtaining legal access to the property and mitigating the potential health hazard posed by the mine tailings. The County has identified the real property that is necessary to acquire in order to obtain legal access to Mt Chalchihuitl and to remediate the mine tailings (Exhibit A). The Board of County Commissioners has approved \$1,564,000 to complete the acquisition and remediation of the properties.

County staff, with the assistance of professional consultants, has now completed the due diligence necessary to purchase the properties, including obtaining title reports, Environmental Site Assessments, appraisals and review appraisals in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act, 49 C.F.R. § 24.104 and to ensure compliance with the Uniform Standards of Profession Appraisal Practice. The environmental

investigations of the properties include a work plan and cost estimate for remediating the mine tailings and an application to the New Mexico Environment Department Voluntary Remediation Program to protect the County from liability for the environmental conditions on the properties.

**DISCUSSION:**

The next step is to make an offer to each of the owners based on the appraised value the properties. Timely execution and submittal of the documents is critical to entering the Voluntary Remediation Program prior to purchasing the properties in order to protect the County from liability. The proposed resolution grants the County Manager authority to negotiate for and execute any and all documents necessary to effectuate the purchase of the properties, and authorizes the County Attorney to initiate eminent domain proceedings to condemn the properties if reasonable efforts to achieve negotiated settlements are unsuccessful.

**ACTION REQUESTED:**

Approval of the subject resolution

THE BOARD OF COUNTY COMMISSIONERS  
OF SANTA FE COUNTY

RESOLUTION NO. 2014 - \_\_\_\_\_

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**A RESOLUTION DELEGATING AUTHORITY TO THE COUNTY MANAGER TO  
ACQUIRE REAL PROPERTY INTERESTS FOR THE MT. CHALCHIHUITL OPEN  
SPACE PROJECT AND TO PARTICIPATE IN THE NEW MEXICO ENVIRONMENT  
DEPARTMENT VOLUNTARY REMEDIATION PROGRAM**

---

**WHEREAS**, Mt. Chalchihuitl is the site of the largest and most significant prehistoric turquoise mine in North America; and

**WHEREAS**, on June 12, 2001, the Board of County Commissioners (Board) of Santa Fe County (County) approved the acquisition of the Mt. Chalchihuitl property under the Open Space and Trails Program, to protect this internationally significant cultural site; and

**WHEREAS**, the County has completed the due diligence necessary to acquire the real property interests necessary for the Mt. Chalchihuitl open space project; and

**WHEREAS**, the real property in which interests are to be acquired are outlined in black on the map attached hereto as Exhibit A; and

**WHEREAS**, this real property requires work to be done to remediate legacy environmental issues stemming from its former use as a mining site; and

**WHEREAS**, the Voluntary Remediation Program administered by the New Mexico Department of the Environment (NMED) provides a means by which a property owner or purchaser may be relieved from further liability by taking voluntary remediation action pursuant to a NMED approved work plan; and

**WHEREAS**, the County has budgeted \$888,000 in Gross Receipts Tax revenues and allocated \$676,000 from General Obligation Bond proceeds to complete the Mt. Chalchihuitl project, including environmental remediation.

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

1. The County Manager is authorized to negotiate the acquisition of suitable real property interests in the real property identified in Exhibit A for the Mt. Chalchihuitl open space project; provided, however, that the purchase price shall not exceed the fair market value of the property interests to be obtained as determined by appraisal(s) prepared by one or more certified appraisers.
2. The Board delegates to the County Manager the authority to execute on behalf of the County all documents necessary to effectuate the acquisition of such real property interests.
3. The County Manager is authorized to execute on behalf of the County any and all documents necessary for the County to participate in the NMED Voluntary Remediation Program with respect to property acquired by the County for the Mt. Chalchihuitl open

space project, including, but not limited to, applications and a Voluntary Remediation Agreement.

PASSED, APPROVED, AND ADOPTED THIS \_\_\_\_\_ DAY OF OCTOBER, 2014.

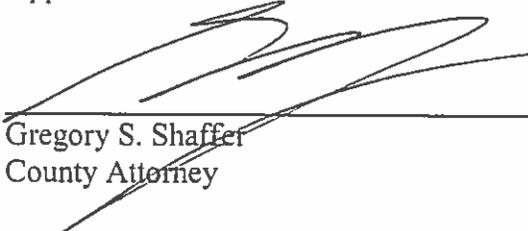
THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY

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

ATTEST:

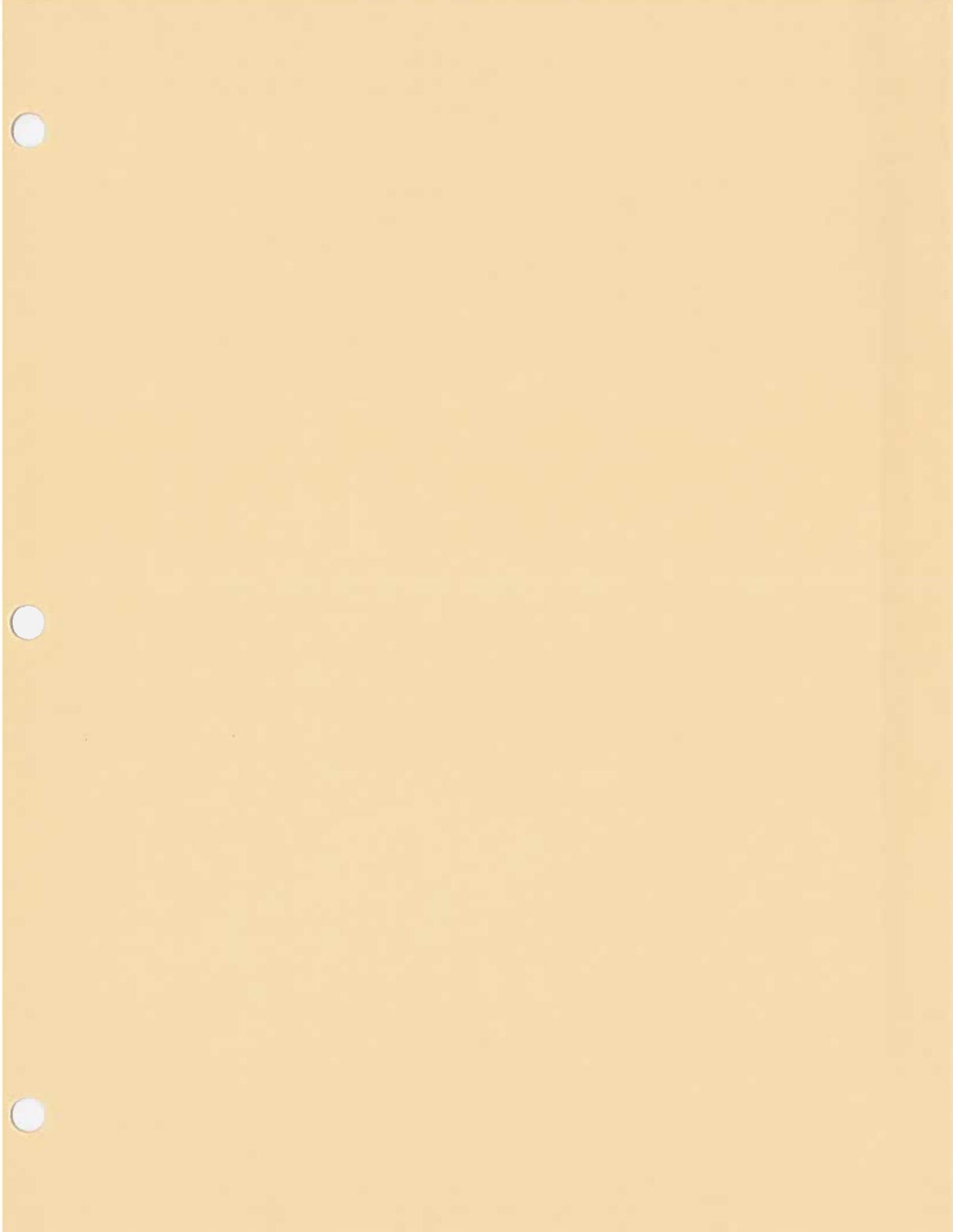
\_\_\_\_\_  
Geraldine Salazar, Santa Fe County Clerk

Approved to form:

  
\_\_\_\_\_  
Gregory S. Shaffer  
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

**MEMORANDUM**

To: Board of County Commissioners

Via: Katherine Miller, County Manager *KM*  
Bernadette Salazar, Human Resources Director *BS*

Date: October 15, 2014

Re: Resolutions 2014-\_\_\_\_, A Resolution Authorizing Legal Holidays and the 2015 Santa Fe County Employee Calendar

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**Issue:**

The Santa Fe County Employee Calendar requires approval by the Santa Fe County Board of County Commissioners.

**Background:**

Annually, the HR Division presents the Board of County Commission with an Employee Calendar. The annual employee calendar delineates pay period ending dates, pay days and observed holidays. The Board of County Commissioners considers approval of the resolution authorizing legal holidays, closing of County offices and the Employee Calendar annually. The observed holidays requested have remained the same for many years and are consistent with many other federal, state and local governmental offices.

**Recommendation:**

The Human Resources Division is requesting approval of the attached resolution and the 2015 Santa Fe County Employee Calendar.

**Attachments:**

- 1) Resolution authorizing legal holidays, closing of County Offices, and the 2015 Santa Fe County Employee Calendar
- 2) The 2015 Santa Fe County Employee Calendar

Your consideration is greatly appreciated. If you have any questions, I can be contacted at 992-9886. Thank you.





# 2015 Santa Fe County Employee Calendar



January						
S	M	T	W	T	F	S
					1	2
	4	5	6	7	8	9
	11	12	13	14	15	16
	18	19	20	21	22	23
	25	26	27	28	29	30
					31	

February						
S	M	T	W	T	F	S
	1	2	3	4	5	6
	8	9	10	11	12	13
	15	16	17	18	19	20
	22	23	24	25	26	27
					28	

March						
S	M	T	W	T	F	S
	1	2	3	4	5	6
	8	9	10	11	12	13
	15	16	17	18	19	20
	22	23	24	25	26	27
	29	30	31			

April						
S	M	T	W	T	F	S
			1	2	3	4
	5	6	7	8	9	10
	12	13	14	15	16	17
	19	20	21	22	23	24
	26	27	28	29	30	

May						
S	M	T	W	T	F	S
					1	2
	3	4	5	6	7	8
	10	11	12	13	14	15
	17	18	19	20	21	22
	24	25	26	27	28	29
	31					

June						
S	M	T	W	T	F	S
	1	2	3	4	5	6
	7	8	9	10	11	12
	14	15	16	17	18	19
	21	22	23	24	25	26
	28	29	30			

July						
S	M	T	W	T	F	S
			1	2	3	4
	5	6	7	8	9	10
	12	13	14	15	16	17
	19	20	21	22	23	24
	26	27	28	29	30	31

August						
S	M	T	W	T	F	S
						1
	2	3	4	5	6	7
	9	10	11	12	13	14
	16	17	18	19	20	21
	23	24	25	26	27	28
	30	31				

September						
S	M	T	W	T	F	S
			1	2	3	4
	6	7	8	9	10	11
	13	14	15	16	17	18
	20	21	22	23	24	25
	27	28	29	30		

October						
S	M	T	W	T	F	S
					1	2
	4	5	6	7	8	9
	11	12	13	14	15	16
	18	19	20	21	22	23
	25	26	27	28	29	30
					31	

November						
S	M	T	W	T	F	S
	1	2	3	4	5	6
	8	9	10	11	12	13
	15	16	17	18	19	20
	22	23	24	25	26	27
	29	30				

December						
S	M	T	W	T	F	S
			1	2	3	4
	6	7	8	9	10	11
	13	14	15	16	17	18
	20	21	22	23	24	25
	27	28	29	30	31	

Approved:



Pay Period Ending



Pay Day



Observed Holiday



**SANTA FE COUNTY  
RESOLUTION NO. 2014-**

---

**AUTHORIZING LEGAL HOLIDAYS, CLOSING OF COUNTY OFFICES AND THE  
2015 SANTA FE COUNTY EMPLOYEE CALENDAR**

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WHEREAS, the Board of County Commissioners proposes to allow certain legal holidays to be observed as non-working days for employees of Santa Fe County;

WHEREAS, it is incumbent upon all employees to be allowed the opportunity to celebrate these historic events; and

WHEREAS, it is beneficial for employees to have an Employee Calendar that reflects observed holidays, dates that the pay period ends and pay days.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Santa Fe County that the following dates shall be observed as legal holidays and non-working days by the employees of Santa Fe County and the 2015 Santa Fe County Employee Calendar attached hereto as Exhibit A and made a part hereof by reference, shall be used as the official Santa Fe County Employee Calendar unless otherwise stated in collective bargaining agreements. Employees on the 207K partial exemption will observe holidays on the actual holiday.

<u>Holiday/Event</u>	<u>Actual Holiday</u>	<u>Observed Holiday</u>
New Year's Day	Thursday, January 1, 2015	Thursday, January 1, 2015
Martin Luther King, Jr. Day	Monday, January 19, 2015	Monday, January 19, 2015
President's Day	Monday, February 16, 2015	Friday, November 27, 2015
Memorial Day	Monday, May 25, 2015	Monday, May 25, 2015
Independence Day	Saturday, July 4, 2015	Friday, July 3, 2015
Labor Day	Monday, September 7, 2015	Monday, September 7, 2015
Columbus Day	Monday, October 12, 2015	Monday, October 12, 2015
Veteran's Day	Wednesday, November 11, 2015	Wednesday, November 11, 2015
Thanksgiving Day	Thursday, November 26, 2015	Thursday, November 26, 2015
Christmas Day	Friday, December 25, 2015	Friday, December 25, 2015

**BOARD OF COUNTY COMMISSIONERS**

---

Commissioner Daniel W. Mayfield, Chairperson



**ATTEST:**

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

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Greg S. Shaffer, 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

Date: October 21, 2014

To: Board of County Commissioners

From: Penny Ellis-Green, Growth Management Director and Land Use Administrator 

Via: Katherine Miller, County Manager

Re: **A Resolution Finding the Existence of Severe Economic Conditions and Authorizing the Suspension of the Enforcement of Specified Provisions of Article V of the Land Development Code that Concern Expiration of Master Plans and Final Plats Pursuant to Ordinance No. 2011-11**

---

**Background.**

Ordinance No. 2011-11 (the Ordinance), adopted by the Board of County Commissioners (Board) on December 13, 2011, provides that the Board may by resolution authorize the suspension of enforcement of the provisions of the Land Development Code (Code) concerning the expiration of master plans, preliminary plats, and final plats. (The Ordinance is attached as Exhibit B). In essence, it allows such approvals to continue to be valid longer than is otherwise allowed by the Code.

Such suspension is authorized only when "severe economic conditions" are present. The Ordinance provides that "'severe economic conditions' are present when the Conference Board Leading Economic Index® for the United States is less than 100 for any quarter, and **for three years following any such event.**" (Emphasis added.)

Also on December 13, 2011, the Board adopted Resolution No. 2011-193, a copy of which is attached as Exhibit C. It found severe economic conditions to be present and suspended enforcement of expiration provisions in the Code for master plans, preliminary plats, and final plats, subject to the following:

- "an order approving the specific suspension for the development in question" had to be approved by the Board; and
- any suspension granted by the Board was to "be valid for a period of two (2) years from the date suspension is authorized."

Severe economic conditions, as defined in the Ordinance, continue to be present. Specifically, the Conference Board Leading Economic Index for the United States was less than 100 during the entirety of the fourth quarter of calendar year 2013 (i.e., October to December 2013).

**Previous Suspensions Authorized by the Board.**

The Board has previously authorized the suspension of expiration provisions for the following projects:

<u>Case Number</u>	<u>Development Description</u>	<u>Approvals Affected by Suspension</u>	<u>Date of Board Action</u>
BCC Case # MIS 12-5270	Ponderado Estates Subdivision, Phase II	Final Plat and Development Plan	9-11-2012
BCC CASE # MIS 12-5350	Turquoise Trail Subdivision North Phase	Final Plat and Development Plan	11-13-2012
BCC Case # MIS 12-5380	Concierto at Las Campanas Subdivision, Phases I and II	Final Plat and Development Plan	12-11-2012
BCC CASE # MIS 13-5020	Black Mesa, Mesa del Oro and Las Terrazas Phase III, Formerly Known as Estancias at Las Campanas	Final Plat	5-14-2013
BCC CASE # MIS 13-5021	Estancias Phase III (Formerly Tesoro Enclaves) at Las Campanas	Final Plat	5-14-2013
BCC CASE # MIS 10-5121	Suerte del Sur Subdivision, Phases 1-4	Final Plat and Development Plan	5-14-2013
BCC CASE # MIS 02-4326	La Pradera Subdivision, Phases 4, 5 and 6B and the Master Plat Lots (Lots 33 and 69) in Phase 1	Final Plat and Development Plan	5-13-2014
BCC CASE# MIS 14-5231	High Summit III, Phases 2 – 5	Final Plat	9-9-2014

Previously authorized suspensions for some projects are about to expire, which, along with developer inquiries, is prompting the Resolution to be brought forward.

### **The Resolution.**

The proposed Resolution is attached as Exhibit A. It would authorize further suspensions for master plans and final plats. Preliminary plats are not included in the Resolution because of provisions of the subdivision act that seemingly limit how long a preliminary plat may be valid. Significant points of the Resolution are as follows:

1. Suspension approvals would be granted administratively, given the objective nature of the facts upon which a suspension is authorized, with right of appeal to the CDRC and the Board. In addition, an administrative process reduces the cost and administrative burden of suspension requests.
2. Suspensions would be valid through December 31, 2016, which is the end of the severe economic conditions found in the Resolution. (December 31, 2013 was the end of the last quarter with a Leading Economic Index below 100, plus three years allowed by the ordinance, takes the date to December 31, 2016). This is true no matter when the suspension was applied for and approved. This ties the length of the suspension directly to the severe economic conditions justifying it, which is conceptually sound. In addition, it avoids having different expiration dates based upon the date of the application and approval.
3. Makes clear that applicability of the Sustainable Land Development Code (SLDC) is not determined by the grant of a suspension. Rather, applicability will be determined by the SLDC and New Mexico law.

### **Staff Recommendation.**

Approval of the Resolution, since severe economic conditions, as defined in Ordinance No. 2011-11, continue to be present.

THE BOARD OF COUNTY COMMISSIONERS OF  
SANTA FE COUNTY

RESOLUTION NO. 2014-\_\_\_\_\_

A RESOLUTION

FINDING THE EXISTENCE OF SEVERE ECONOMIC CONDITIONS AND  
AUTHORIZING THE SUSPENSION OF THE ENFORCEMENT OF SPECIFIED  
PROVISIONS OF ARTICLE V OF THE LAND DEVELOPMENT CODE THAT  
CONCERN EXPIRATION OF MASTER PLANS AND FINAL PLATS  
PURSUANT TO ORDINANCE NO. 2011-11

WHEREAS, Article V, Sections 5.2.7, 5.3.6, and 5.4.6 of the Santa Fe County Land Development Code (the "Code") and the now-repealed Extraterritorial Zoning Ordinance contain expiration dates for master plans, preliminary plats, and final plats; and

WHEREAS, Article V, Sections 5.2.7, 5.3.6, and 5.4.6 of the Code require an applicant to apply for an extension of these approvals and precludes an extension should the approval expire; and

WHEREAS, the national, state and local economies experienced a severe downturn in recent years that has heavily affected the housing sector, and the economic recovery is not yet firmly rooted; and

WHEREAS, pursuant to Ordinance No. 2011-11, the Board of County Commissioners (the "Board") may suspend provisions of Article V, Sections 5.2.7, 5.3.6 and 5.4.6 of the Code for up to three years upon a finding that "severe economic conditions" are present, which are defined as being present when the Conference Board Leading Economic Index® (LEI) for the United States is less than 100 for any quarter, and for three years following any such event; and

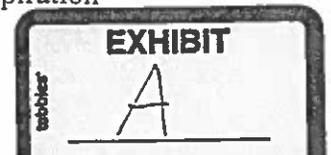
WHEREAS, in Resolution No. 2011-193, the Board found severe economic conditions to exist, and suspended the enforcement of those sections of Article V that set forth expiration of master plans, preliminary plats and final plats for two (2) years pending an economic recovery, so long as "an order approving the specific suspension for the development in question is approved by the Board"; and

WHEREAS, pursuant to Ordinance No. 2011-11 and Resolution No. 2011-193, the Board approved for two years the suspension of the expiration provisions for several final plats, development plans, and master plans; and

WHEREAS, NMSA 1978, Sections 47-6-11.1 (1995) and 47-6-11.3 (1995) provide that expiration of an approved preliminary plat prior to preparation of a final plat shall terminate all proceedings on the subdivision, necessitating preparation of a new preliminary plat.

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

1. Pursuant to Ordinance No. 2011-11, the Board finds that severe economic conditions are present, in that the LEI was less than 100 during the entirety of the fourth quarter of calendar year 2013 (i.e., October to December 2013). These continuing severe economic conditions justify the additional suspension of the enforcement of expiration



dates for master plans and final plats (and related final development plans) until December 31, 2016.

2. The Board hereby delegates to the Land Use Administrator the authority to suspend for a specific development the enforcement of Article V, Sections 5.2.7 and 5.4.6 of the Code and related policies and procedures of the Land Use Department whereby master plans and final plats (and related final development plans) expire, subject to the following:

- a. The Land Use Administrator may approve such suspensions for those developments located within the unincorporated lands of Santa Fe County and those areas within the extraterritorial planning and platting jurisdiction as described in NMSA 1978, Sections 3-20-5 (1965) and 3-21-2 (1965) lying outside the Presumptive City Limits, as defined in that certain Settlement Agreement by and between the City of Santa Fe and County of Santa Fe, dated May 19, 2008.
- b. All expiration extensions available under Article V, Sections 5.2.7 and 5.4.6 of the Code must be requested and expire prior to requesting suspension of the enforcement of expiration provisions under Ordinance No. 2011-11 and this Resolution.
- c. Suspension of enforcement is not available for master plans and final plats expiring more than three (3) years prior to the effective date of Ordinance No. 2011-11.
- d. The Land Use Administrator may approve applications for the suspension of enforcement of master plan and final plat expirations until December 31, 2016, or until this Resolution is rescinded, whichever first occurs.
- e. For those developments requesting their first suspension after the effective date of this Resolution, the suspension shall be valid until December 31, 2016.
- f. Those developments for which the Board previously suspended the enforcement of applicable expiration provisions for master plans and final plats (and related final development plans) for two years may apply to the Land Use Administrator to extend the period of suspension until December 31, 2016.
- g. Notice of any application pursuant to Ordinance No. 2011-11 and this Resolution shall be posted in accordance with Article II, Section 2.3.1c of the Code.
- h. Article II, Section 2.3.1f and related provisions of the Code shall govern appeals from and the finality of the Land Use Administrator's decision with respect to applications pursuant to Ordinance No. 2011-11 and this Resolution.

2. The authorization of a suspension for a development pursuant to Ordinance No. 2011-11 and Resolution No. 2011-193 or this Resolution does not mean

that the development does not have to comply with the Sustainable Land Development Code (SLDC). Applicability of the SLDC to a development shall be determined in accordance with the provisions of the SLDC and New Mexico law.

3. This Resolution supersedes and replaces Resolution No. 2011-193 with respect to any applications pursuant to Ordinance No. 2011-11 made after the date this Resolution is adopted by the Board.

**PASSED, APPROVED, AND ADOPTED THIS 28<sup>TH</sup> DAY OF OCTOBER, 2013.**

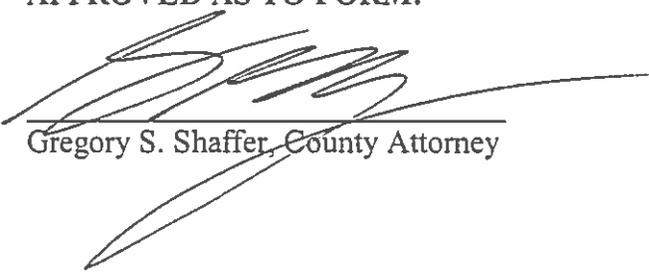
**THE BOARD OF COUNTY COMMISSIONERS OF  
SANTA FE COUNTY**

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

THE BOARD OF COUNTY COMMISSIONERS OF  
SANTA FE COUNTY

ORDINANCE NO. 2011-11

AN ORDINANCE SUSPENDING ON A CASE-BY-CASE BASIS PROVISIONS OF  
ARTICLE V OF THE LAND DEVELOPMENT CODE CONCERNING EXPIRATION OF  
MASTER PLANS, PRELIMINARY PLATS AND FINAL PLATS UPON A FINDING OF  
ECONOMIC NECESSITY

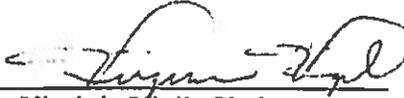
BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE  
COUNTY OF SANTA FE:

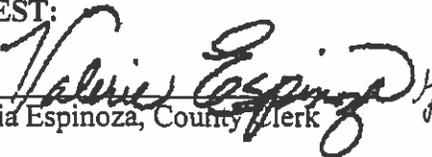
**Section 1. Suspension of Expiration.** A new paragraph of Article V of the Santa Fe  
County Land Development Code is enacted, as follows:

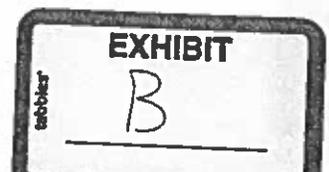
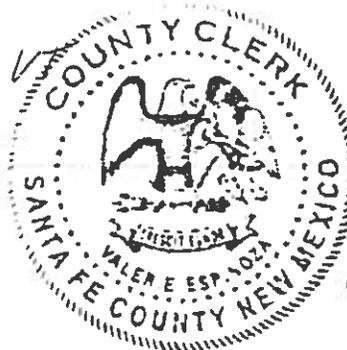
The Board of County Commissioners may approve, by resolution, temporary retroactive suspension of enforcement of Article V, Sections 5.2.7, 5.3.6 and 5.4.6 of this Code concerning expiration of master plans, preliminary plans and final plats for any development located within the unincorporated lands of Santa Fe County and within the extraterritorial planning and platting jurisdiction as described in NMSA 1978, Sections 3-20-5 (1965) and 3-21-2 (1965), upon a finding that severe economic conditions justify such a suspension either for a particular project or for a described class of projects. Any such resolution shall not suspend enforcement of Article V, Sections 5.2.7, 5.3.6 or 5.4.6 more than three (3) years, nor apply to a master plan, preliminary plan and final plat expiring more than three (3) years prior to the effective date of this ordinance, and such resolution may contain conditions that the Board deems appropriate to such approval. For purposes of this section "severe economic conditions" are present when the Conference Board Leading Economic Index® for the United States is less than 100 for any quarter, and for three years following any such event.

PASSED, APPROVED and ADOPTED THIS 13th DAY OF DECEMBER, 2011.

THE BOARD OF COUNTY COMMISSIONERS OF  
SANTA FE COUNTY

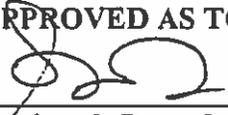
By:   
Virginia Vigil, Chair

ATTEST:  
  
Valeria Espinoza, County Clerk



SFC CLERK RECORDED 12/16/2011

APPROVED AS TO FORM:

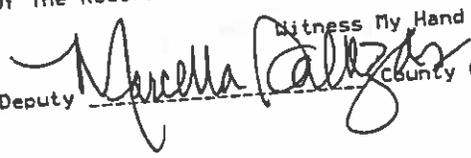
  
\_\_\_\_\_  
Stephen C. Ross, County Attorney

SFC CLERK RECORDED 12/16/2011

COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss  
I Hereby Certify That This Instrument Was Filed for  
Record On The 16TH Day Of December, 2011 at 10:32:21 AM  
And Was Duly Recorded as Instrument # 1654502  
Of The Records Of Santa Fe County

BCC ORDINANCE  
PAGES: 2



Deputy  \_\_\_\_\_  
Witness My Hand And Seal Of Office  
Valerie Espinoza  
County Clerk, Santa Fe, NM

THE BOARD OF COUNTY COMMISSIONERS OF  
SANTA FE COUNTY

RESOLUTION NO. 2011-193

A RESOLUTION

FINDING THE EXISTENCE OF SEVERE ECONOMIC CONDITIONS AND  
SUSPENDING ENFORCEMENT OF SPECIFIED PROVISIONS OF ARTICLE V  
OF THE LAND DEVELOPMENT CODE THAT CONCERN EXPIRATION OF  
MASTER PLANS, PRELIMINARY PLATS AND FINAL PLATS PURSUANT TO  
ORDINANCE NO. 2011-11.

WHEREAS, Article V, Sections 5.2.7, 5.3.6 and 5.4.6 of the Santa Fe County Land Development Code ("the Code") and the former Extraterritorial Zoning Ordinance contain expiration dates for certain development approvals such as master plans, preliminary plats and final plats;

WHEREAS, Article V, Sections 5.2.7, 5.3.6 and 5.4.6 require an applicant to apply for an extension of these approvals and precludes an extension should the approval expire;

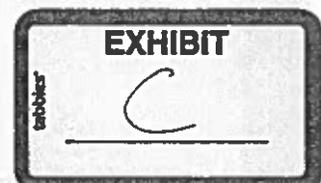
WHEREAS, the national, state and local economies have experienced a severe downturn in recent years which has heavily affected the housing sector, and signs of an economic recovery are ambiguous at best; and

WHEREAS, pursuant to Ordinance No. 2011-11, the Board of County Commissioners ("the Board") may suspend provisions of Article V, Sections 5.2.7, 5.3.6 and 5.4.6 of the Code upon a finding of economic necessity, which is defined in terms of a score of 100 or less on the Conference Board's Leading Economic Index® for the United States for any quarter, and for three years following any such event, and the Board recognizes that these conditions are present and desires to temporarily suspend the enforcement of those sections of Article V that set forth expiration of master plans, preliminary plats and final plats for two years pending an economic recovery.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. Pursuant to Ordinance No. 2011-11, The enforcement of Article V, Sections 5.2.7, 5.3.6 and 5.4.6 and related policies and procedures of the Land Use Department whereby master plans, preliminary plats and final plats expire are hereby suspended until approval of a subsequent resolution of this Board for those developments located within the unincorporated lands of Santa Fe County and those areas within the extraterritorial planning and platting jurisdiction as described in NMSA 1978, Sections 3-20-5 (1965) and 3-21-2 (1965), *so long as* an order approving the specific suspension for the development in question is approved by the Board.

SEC CLERK RECORDED 12/16/2011



2. Any suspension of enforcement of Article V, Sections 5.2.7, 5.3.6 and 5.4.6 granted by the Board pursuant to paragraph 1 herein shall be valid for a period of two (2) years from the date suspension is authorized.

ADOPTED THIS 13th DAY OF DECEMBER, 2011.

THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY

By: *Virginia Vigil*  
Virginia Vigil, Chair

ATTEST: *Valerie Espinoza*  
Valeria Espinoza, County Clerk



APPROVED AS TO FORM:  
*Stephen C. Ross*  
Stephen C. Ross, County Attorney

SFC CLERK RECORDED 12/16/2011

COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss BCC RESOLUTIONS  
PAGES: 2

I Hereby Certify That This Instrument Was Filed for Record On The 16TH Day Of December, 2011 at 10:32:22 AM And Was Duly Recorded as Instrument # 1654503 Of The Records Of Santa Fe County



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

