



**SANTA FE COUNTY**  
**REGULAR MEETING**  
**BOARD OF COUNTY COMMISSIONERS**

**January 25, 2005**

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 10:10 a.m. by Chairman Mike Anaya, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

Following the Pledge of Allegiance, roll was called by County Clerk Valerie Espinoza and indicated the presence of a quorum as follows:

**Members Present:**

Commissioner Mike Anaya, Chairman  
Commissioner Harry Montoya, Vice Chair  
Commissioner Paul Campos  
Commissioner Jack Sullivan  
Commissioner Virginia Vigil

**Members Absent:**

[None]

**IV. Invocation**

An invocation was given by Deputy Treasurer Phillip Trujillo.

CHAIRMAN ANAYA: Mr. Trujillo, thank you very much. That was very, very nice. Thank you.

PHILLIP TRUJILLO (Deputy Treasurer): You're welcome, Commissioner.

CHAIRMAN ANAYA: Before we go on to approval of the agenda I would just like to first of all thank our past chairman, Commissioner Campos, for doing a wonderful job this last year and I'd like to give him a big hand.

COMMISSIONER CAMPOS: Thank you, Mr. Chair.

CHAIRMAN ANAYA: You're welcome. Thank you. I would also like to thank the Commission for allowing me to be chairman. I really appreciate that. I'd also like to thank all the legislators and their staff to Santa Fe County for the 47<sup>th</sup> legislative session that's going on as we speak. And I'd also like to thank the New Mexico Association of Counties to Santa Fe County for their New Mexico legislative conference. So thank you all, and we'll move on to item VI.

**V. Approval of the Agenda**  
**A. Amendments**  
**B. Tabled or withdrawn items**  
**C. Consent Calendar Withdrawals**

GERALD GONZALEZ (County Manager): Thank you, Mr. Chair, members of the Commission. I have the following suggested changes to the agenda. Under Section IX, Matters from the Commission, it will be the additions of items B, a matter regarding County Road 62, E, update of film initiative, and F, direction to staff regarding RPA. And then, the one other proposed change would be to Section XI, Committee resignations, appointments and reappointments, the addition of item C, appointment to the Multi-line Pool Board. That's all that I have from the staff level.

CHAIRMAN ANAYA: Thank you, Gerald, Commissioner Vigil.

COMMISSIONER VIGIL: Thank you, Mr. Chair. In the interest of moving the agenda forward, I would ask that the Commission consider that we move item E up to item A, and just move the rest of the items on down. We have here today Jerry King, the deputy commissioner from the State Land Office to report to you what the film initiative status is with regard to the Land Office's position. I know that his services are required at the state legislature. So if the Commission is in favor I'd like to move that item up.

CHAIRMAN ANAYA: Okay, any comments?

COMMISSIONER MONTOYA: Mr. Chair, maybe when he comes here then maybe move to that agenda.

CHAIRMAN ANAYA: That sounds good. What I'm hearing is we'll just kind of approve the agenda as the amended agenda, and then when Commissioner Lyons gets here we'll take that item. Is there a motion to approve as amended?

COMMISSIONER VIGIL: So moved.

COMMISSIONER SULLIVAN: Mr. Chair, are you going to include the withdrawals in the motion? I just wanted to put item K in the withdrawals.

CHAIRMAN ANAYA: On the Consent?

COMMISSIONER VIGIL: Mr. Chair, with all the withdrawals and amendments made.

COMMISSIONER CAMPOS: I just have a comment, Mr. Chair. Under XIII. C. 3, basically it says Request approval of memorandum of understanding with DFA. It doesn't give us any substantive indication of what that matter's about and I just wonder if there's a notice issue here. XIII. C. 3.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: While we're figuring that one out, Commissioner Sullivan, where are we going to move K?

COMMISSIONER SULLIVAN: I don't think we need to move it anywhere. When we get to it on the Consent Calendar, we'll approve the Consent Calendar and then just

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discuss that last one.

COMMISSIONER MONTTOYA: Okay.

MR. GONZALEZ: Mr. Chair, I'll let David Sims respond to the MOA with DFA.

DAVID SIMS (DWI Coordinator): Mr. Chair, Commissioner Campos, this is an agreement that we do annually with DFA that allows us to be the recipients of the DWI grant fund. The reason it's very general is -

COMMISSIONER CAMPOS: I understand that because I did read the material, but if you just look at the notice that goes out to the public they wouldn't have any inkling, any idea what this is about. And that's the purpose of notice, isn't it? That's what I would think. That's my comment.

CHAIRMAN ANAYA: So Commissioner Campos, what do you want to do with that.

COMMISSIONER CAMPOS: Well, to staff, do you feel comfortable moving forward with that? Mr. Ross?

STEVE ROSS (County Attorney): Mr. Chair, Commissioner Campos, I share your concerns about that. I believe we talked about this in staff meeting a couple of weeks ago and asked that it be more fully described. It is in the packet materials so if somebody were to look in the packet they would understand what it's about.

COMMISSIONER CAMPOS: Is there an urgency that we do this today? I think there is a notice issue to the public. Perhaps we should delay this to the next regularly scheduled BCC.

CHAIRMAN ANAYA: Are there any other changes to the agenda? So Commissioner Vigil, would you add in your motion to table XIII. C. 3 and to remove item K from the Consent.

COMMISSIONER VIGIL: Yes, Mr. Chair.

CHAIRMAN ANAYA: Is there a second?

COMMISSIONER SULLIVAN: Second.

CHAIRMAN ANAYA: Any discussion?

**The motion to approve the agenda as amended passed by unanimous [5-0] voice vote.**

**VII. Approval of Minutes**

**A. December 14, 2004**

COMMISSIONER CAMPOS: Move to approve.

COMMISSIONER MONTTOYA: Second.

CHAIRMAN ANAYA: Motion and second. Discussion?

COMMISSIONER VIGIL: Mr. Chair.

CHAIRMAN ANAYA: Virginia.

COMMISSIONER VIGIL: I need to abstain. I was not present.

COMMISSIONER SULLIVAN: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Two minor typographical corrections I'd like to insert.

**The motion to approve the minutes of December 14 as amended passed by unanimous [4-0] voice vote, with Commissioner Vigil abstaining.**

**B. December 15, 2004 – Special BCC – Capital Outlay**

COMMISSIONER CAMPOS: Move to approve.

COMMISSIONER MONTOYA: Second.

CHAIRMAN ANAYA: There's a motion, second. Discussion?

**The motion to approve the December 15<sup>th</sup> minutes passed by unanimous [5-0] voice vote.**

**VIII. Matters of Public Concern – Non-Action Items**

CHAIRMAN ANAYA: Come forward.

SAGEMAYA DANDY: Thank you, Mr. Anaya and Commissioners. My name is Sagemaya Dandy and I'm at 1492 Upper Canyon Road in Santa Fe. I have given the County Manager, Mr. Gonzalez, a copy of a letter that was sent to me from Rothstein and Donatelli regarding the lawsuit against the jail and they maintain evidence that it would be beneficial to the County. I'm only willing to discuss that either on an individual basis with the councilors or in executive session. The second item that I have that I'm concerned about though is voter identification. This seems to be making its way to the legislature and there's concern over the country about paper trails. I have confidence in my ability to answer all of the questions that I've seen raised in the paper. I would like to see Santa Fe County become the exemplar for confidence. It is my belief that in a democratic society, any claim to legitimacy is grounded in the integrity of the voting process. I am unwilling to of course simply go to the legislature and ask them to approve a bill. I believe that we should take the initiative regarding voter identification. I believe that I can set up a system that will be far better than anything that I see anywhere in the United States. Yet this would be, if we could set up the system of voter identification, we could locate it here in Santa Fe and it would be something that would generate money for the community and likewise be a hallmark, something that could last.

CHAIRMAN ANAYA: Okay. Thank you. Any questions of Mr. Dandy?  
Thank you, Mr. Dandy. How are you doing?

MARTIN LUJAN: Good. Congratulations.

CHAIRMAN ANAYA: Thank you.

MR. LUJAN: Mr. Chair, members of the Commission, I'm here on behalf – actually myself, my name is Martin Lujan and I reside at 8-B Paseo de Estrellas, and I'm here with a few of my neighbors to follow up and to clarify some concerns that we had as neighbors that front Caja del Rio Road. We have an understanding that there is an agreement in place that was signed by the County and Las Campanas and I think the King Brothers Ranch. I was unable to make it to the SWMA meeting last week and I know there was some discussion regarding our concerns. We are hoping that we can resolve this problem that we as neighbors are facing in regards to commercial traffic that goes in front of our house. It's not only the commercial traffic but it's the jake brakes that go into effect when they're trying to slow down.

I think safety is a priority of our neighborhood and we want to continue that. I know there was discussion by Commissioner Vigil in regards to reviewing this and possibly creating an ordinance and we just wanted to follow up and see if there was a possibility to move forward on this ordinance and then whatever we need to do as a neighborhood to support this.

CHAIRMAN ANAYA: Mr. Lujan, thank you very much. Any questions of Mr. Lujan?

COMMISSIONER VIGIL: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Vigil.

COMMISSIONER VIGIL: I just have a question. Is this the same issue that we'll be discussing under item IX. D?

CHAIRMAN ANAYA: Yes, I believe it is. We're going to be talking about it to see if we can clarify Caja del Rio and the concerns that Mr. Lujan has.

COMMISSIONER VIGIL: Thank you, Mr. Lujan.

MR. LUJAN: Thank you very much.

CHAIRMAN ANAYA: Thank you, Martin.

MR. LUJAN: You bet.

CHAIRMAN ANAYA: I just want to recognize Judge Barbara Vigil. Thank you for being here. Any other matters from the public?

**IX. Matters from the Commission**

**A. Commissioner David Shutz, Department Of Transportation District 5, to Convey to the Santa Fe County Fire Department, Glorieta Pass Fire District 1, with A Small Tract of Land in the Glorieta Pass Fire District Area (Commissioner Anaya)**

STAN HOLDEN (Fire Chief): Mr. Chair, thank you. Joining me today are Commissioner David Schutz from the Department of Transportation, Commission District 5, Deputy Chief Hank Blackwell, and Assistant Chief Steve Moya. Mr. Chair, back in April 2003 the department recognized as part of its first five year plan that we needed to obtain a piece of property in Glorieta on which to construct a new fire substation for the Glorieta Pass Fire District. As a result of the efforts of Julian Garcia and others with the Glorieta Fire District, they wrote a letter to the Department of Transportation expressing an interest in a piece of property that was owned by the Department of Transportation.

Over the course of time not much progressed on this piece of property and in March of 2004 we brought this issue to the Commission chairman, Mr. Mike Anaya, and with his efforts he was able to involve Commissioner Schutz. We had a meeting and during that meeting Mr. Schutz expressed his optimism that he would be able to do his best to try to obtain a piece of property for us in Glorieta. Mr. Chair, I'm happy to report today that as a result of Commissioner Schutz' efforts the Department of Transportation is conveying to Santa Fe County 1.643 acres of property in the Glorieta Pass Fire District for the explicit purpose of constructing a fire substation in that area. And I appreciate the efforts of Mr. Schutz and you, Commissioner, for your efforts and all the teamwork that went into obtaining this piece of property for this important purpose. Thank you very much. We do have some gifts for Mr. Schutz, Commissioner Schutz for his efforts but I'd stand for any questions.

CHAIRMAN ANAYA: Thank you, Chief Holden and we just want to, I just want to personally thank Commissioner Schutz for listening and helping out. It's about working together with other governmental entities, state, anything that we can do to help out each other, to move forward, we appreciate it. Commissioner Schutz, thank you very much and we have a little gift for you. If you'd like to make a comment you're welcome to.

DAVID SCHUTZ: I know you have a long day, Commissioners, and I'll be very brief, but thank you for your kinds words. I'd like to welcome Commissioner Vigil to the Commission. It's the first time I've had an opportunity to see her in her new role as County Commissioner and I must say it's great to see a woman on this body.

I'm delighted to be here for the purpose of conveying this property to the County. It's great when governmental entities can work collaboratively to accomplish good things for our constituents and this is certainly one of those success stories. So I'm happy to have been a part of it and I'd like to commend Chief Holden and Steve Moya and yourself,

Commissioner, for working with me on this matter. Jennifer helped a lot as well. I just wanted to tell you that I'm here to work with you in a collaborative effort as partners and if there's anything I can do at DOT over the months and years ahead, please call me directly like we have been working together.

On another matter, regarding 599, you may know that the RPA and the Tano Road Association have asked the department to take a closer look at the traffic issues along that corridor, and I wanted to update you and let you know that I have directed staff to seek funding for a 599 corridor study. So those of you that serve on the RPA and those of you who are in communication with the Tano Road folks, you can let them know, but there will be a letter forthcoming from my office to you in that regard. So we are working on it. I just wanted to update you.

With that, I would like to present the Chief with the warranty deed to the property in Glorieta.

CHIEF HOLDEN: Mr. Chair, we have a coat for the Commissioner and also a hat from the fire department and we did not inform him prior to this that as a result he is now an honorary member of the Glorieta Pass Fire District and because he lives in the area, we would expect him to show up at the next training meeting.

**IX. B. Resolution No. 2005-8. A Resolution Supporting the Efforts of the New Mexico Environmental Department Illegal Dumping Task Force (Commissioner Anaya)**

CHAIRMAN ANAYA: That's in your packets and we have Cindy Padilla here with the Environment Department and instead of just reading the whole resolution, maybe Cindy – thanks for being here – if you could just summarize what this is.

CINDY PADILLA (NMED): Chairman Anaya, members of the Commission, first of all I would like to thank you very much for allowing me to present the resolution to you today. Before I start I would also like to echo Commissioner Schutz' congratulations to Commissioner Vigil for being – and it is wonderful to see a woman on the County Commission. So I'd like to echo that.

COMMISSIONER VIGIL: Thank you.

MS. PADILLA: I would also like to present the resolution on the illegal dumping task force first as an official of the Environment Department, and then as a constituent of Santa Fe County. As an official, I am the Bureau Chief of the Solid Waste Bureau of the New Mexico Environment Department and I would like to commend the Commission for your leadership and initiative on this very, very important issue facing New Mexico. Secondly, on a personal level I would like to thank you again for your leadership and initiative. As a native New Mexican I've lived in New Mexico all my life and it not only hurts personally but you see the degradation of our environment when you see illegal dumping scattered throughout the state. And it's a huge issue. Not an issue facing Santa Fe

County alone but all 33 counties in the state. So I appreciate your support and your leadership in this effort.

The resolution supports the efforts of the New Mexico Environment Department and the Solid Waste Bureau in the fact that we've created a statewide task force that's built on Commissioner Anaya's comments on partnership and working together because we know the strength and any success that we have in anything that we do cannot be done alone. It can only be done if we work in partnership with other state agencies, federal agencies, local governments, non-profit organizations and all the people that are committed to addressing a particular issue.

What this task force has done is we've brought together representatives from all of those areas, federal agencies, state agencies, local governments, non-profit organizations and volunteers to say we need to address illegal dumping in New Mexico. Illegal dumping is a crime and we need to make sure that we stop the degradation of our environment. So what we're going to do is we've put together several work groups and we're going to come together with a plan that addresses illegal dumping in a very uniform statewide effort. Illegal dumping is a crime and whether you're in Roswell, New Mexico or Farmington, New Mexico you're going to see the same message and enforcement is going to be similar. We understand people have slight difference in how they enforce ordinances and codes and laws, but you will see the same initiative statewide.

We're asking that our judicial system support these efforts. Many times when our citations are issued for illegal dumping they come before a court or a judge and the judge will – maybe not understanding the complete effects of illegal dumping or not understanding whatever the cases may be, oftentimes they are dismissed. We're asking the judicial system and the courts of New Mexico to take a strong stance on illegal dumping and say illegal dumpers will be prosecuted.

This resolution supports those efforts and again it also supports the efforts that have been made, the leadership and initiative of Santa Fe County in the area of illegal dumping. You all have built partnerships, I believe with BLM, with Santa Fe County, with the Solid Waste Management Agency, the Environment Department, and they have cleaned up several illegal dumps in your county and for that we're definitely appreciative. But we're also there to offer our support from the Environment Department for those initiatives. I can stand for questions if you have any questions about the resolution. Again, we don't need to read it. I just want to commend you as a Commission and to thank you for your leadership and initiative in this effort.

CHAIRMAN ANAYA: Thank you, Cindy. Commissioner Campos.

COMMISSIONER CAMPOS: Ms. Padilla, there's two resolutions. The first is fairly general. The second one is very specific. What is the purpose of the first resolution? Are you intending to deliver it to the legislature? Are you using it to support any particular type of legislation? What is the strategy?

MS. PADILLA: Commissioner Anaya, Commissioner Campos, thank you for asking that question. Actually what we would like to do is share these resolutions with the New

Mexico Association of Counties and show the initiative again of Santa Fe County but also ask that the rest of the counties follow suit in bringing this issue to the forefront. Bringing this and to elevate it to the priority that we as a Commission are going to address illegal dumping and we're going to ask that the other counties follow suit, that they would also have resolutions, that they would organize task forces, that they would join our efforts with the statewide task force and again, building on the partnerships with the agencies and everybody that's interested in this so that we can move forward.

So we're going to take this resolution as an example to other counties and ask them to follow suit.

COMMISSIONER CAMPOS: Are you proposing any legislation in this 60-day session that would be in line with what you're talking about in this resolution?

MS. PADILLA: Commissioner Campos, the second resolution, which is on the recycling and illegal dumping act, yes, very much related to the first, and it is a lot more specific as you mentioned and we do have legislation that has been introduced in both the house and the senate. The house bill was introduced actually yesterday. The senate bill last week. And what this legislation does is it takes the current tire recycling act, which many of our local governments already are recipients of grant money available for the recycling of tires and the abatement of illegal tire dumps. What this legislation does is it amends this legislation and it broadens the scope to include all of recycling in New Mexico on a 2/3-1/3 split, and also addresses all illegal dumping.

So this then provides all of our local governments the opportunity to apply for grants to the Environment Department for the abatement of illegal dumps and for the promotion of recycling in the state.

COMMISSIONER CAMPOS: Great. I just want to thank you for your support of SWMA's efforts to gain addition money for the huge recycling plant, the regional recycling plant that they're working on right now. We appreciate your support on that.

MS. PADILLA: You're welcome and again, it is the leadership of the Solid Waste Management Agency in Santa Fe, knowing again that we have to work together and those recycling efforts that are going to be hopefully funded and brought forward will provide a regional approach to recycling for northern New Mexico. So all of our northern New Mexico communities will be very grateful to the Solid Waste Management Agency, the City of Santa Fe and Santa Fe County for helping them to recycle in the north.

COMMISSIONER CAMPOS: We really appreciate your efforts. Also I'd like to thank our chairman for his efforts in this direction. He's been on the job for two years working on this very diligently in many areas of the county, keeping the county clean, cleaning up areas that really need cleaning and I think you deserve credit for a lot of this, Mr. Chair.

CHAIRMAN ANAYA: Thank you, Commissioner. Commissioner Vigil.

COMMISSIONER VIGIL: Thank you, Mr. Chair. Cindy, thank you so much for coming forth and for all the efforts you've actually made in this area. With regard to the illegal dumping, when you actually appoint the work groups involved in it, don't think you have to go too far for assistance in the local government entity, which you probably know. But

I know with Santa Fe County, through our own planning processes, within that process, we bring the neighborhoods in together and we hear a lot about illegal dumping going on. So connecting any kind of surveys that are conducted in high areas of illegal dumping, a good resource for you would be the planning processes that are actually going on through Santa Fe County. We've got several of them going and through those processes you'll be able to conduct surveys and be able to gain a lot more information on particular areas.

MS. PADILLA: Right. I definitely appreciate that, Commissioner Vigil. Thank you. And I imagine we'll get similar information from throughout the state. It's interesting, we are going to be mailing out a survey to all of the counties here in the very near future as part of our efforts to find out what type of illegal dumping efforts are being undertaken in their communities and around and then what the concerns are, what are the constituent concerns and whether they keep coming up. And then being able to use that as part of a strategic plan so that we can actually address the actual problems, not just provide lip service to things but say, this is our plan and these are the things that we need to do. It's going to be a very big plan. We're going to need to involve everybody throughout the state and people are going to have to be committed to it and say, yes, we can make this happen. But we hope to have a plan, a very researched plan, a very strong plan so that we can take it to the counties and say, can we follow this? So I appreciate that.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: I want to thank you, Cindy for bringing this forward, Mr. Chair, for your efforts as well. As you know, we're trying to do a lot of this as well in the north and I would move for approval of this Resolution No. 8.

CHAIRMAN ANAYA: Thank you. Is there a second?

COMMISSIONER CAMPOS: Second.

CHAIRMAN ANAYA: There's a motion and a second. Any more discussion?

**The motion to approve Resolution 2005-8 passed by unanimous [5-0] voice vote.**

**IX. C. Resolution No. 2005-9. A Resolution In Support of Improving the Infrastructure Related to Recycling and the Quantity and Quality of Recycling Generated by Communities throughout New Mexico**

MS. PADILLA: Chairman Anaya, members of the Commission, we talked about this resolution to Commissioner Campos' question and this resolution really does support the legislative efforts that are being presented to the legislature this year. I would just like to add a couple of things on the area of recycling. Recycling for New Mexico has many what we call opportunities. Some people might call them challenges. Some people might call them barriers, but we look at them as opportunities. Recycling requires the collection of materials, the processing of materials and the marketing of those materials.

These materials are valuable resources and recycling definitely does work towards the conservation of our natural resources. So what we look at – we have these opportunities in New Mexico because we obviously have very rural communities that have very great opportunities for collection and I guess it would be challenges for collection in rural communities. We also have opportunities and challenges. We have long distances, in terms of transportation for recyclable materials that are collected. And then we have opportunities and challenges in the marketing of those recyclable once they're actually processed for the end market.

This recycling legislation, which is the recycling and illegal dumping act, what that does is that provides for a recycling alliance, again, partnering with existing organizations, agencies and the New Mexico Recycling Coalition has been instrumental in getting this piece of legislation together. It was the result of a memorial that was passed last year. We had Senator DiDi Feldman, Representative Jeanette Wallace, had entered both those memorials last year that said we need to study the economics of recycling. We need to look at making recycling economical for New Mexicans so that we can actually support that.

This legislation will create that alliance so that we can develop a strategic plan that looks at recycling in New Mexico regionally, looks at it through building partnerships, and also we need to provide education and addressing recycling as a whole, part of our solid waste management in the state. So this legislation definitely supports that and supports the efforts of our smaller communities, supports the efforts of rural New Mexico, and supports the efforts of even our larger communities again, like Santa Fe County, with materials recovery facilities that we're looking to find what would then create an end market for recyclable for northern New Mexico.

So the materials collected in northern New Mexico would not have to travel out of state, which they have to do now, they would actually just have to come to Santa Fe. They could be processed here in Santa Fe for market, and then marketed cooperatively. So these are the types of examples that this particular legislation can help in developing a strategic plan and looking at recycling regionally throughout the state. Santa Fe would be a center, Albuquerque, Roswell, Farmington, Las Cruces, Demming. We have some strategic communities throughout the state that can be the end markets for smaller communities.

So again, I just want to commend you. Thank you for your leadership initiative on this resolution, which you also would take to the Association of Counties today, ask that other counties follow suit with similar resolutions or similar actions, supporting this legislation which definitely supports recycling in some of our smaller and larger communities in this state.

CHAIRMAN ANAYA: Thank you, Cindy. Commissioner Montoya.

COMMISSIONER MONTOYA: Thank you, Mr. Chair. I move for approval of Resolution 2005-9.

COMMISSIONER VIGIL: Second.

**The motion to approve Resolution 2005-9 passed by unanimous [5-0] voice vote.**

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CHAIRMAN ANAYA: Cindy, thank you very much. We're going to sign these and you can take them across the street. I believe you're going to the Commissioner's Affiliate meeting and present the same thing.

MS. PADILLA: Absolutely.

CHAIRMAN ANAYA: Thank you very much.

MS. PADILLA: Thank you. Appreciate it.

COMMISSIONER VIGIL: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Vigil.

COMMISSIONER VIGIL: I believe that Commissioner Patrick Lyons and his Deputy Commissioner Jerry King are here with the item on the film initiative, and we had decided earlier, upon his arrival we would have a brief hearing on that. And just to introduce them, I will state to the Commission that I have met with Deputy Commissioner Jerry King and asked them to participate in today's update just to express their concerns and identify any issues they may have. May we proceed with Commissioner Patrick Lyons?

**IX. E. Update of Film Initiative (Commissioner Vigil)**

CHAIRMAN ANAYA: You bet. Thank you, Commissioner Vigil. How are you doing, Commissioner? How have you been?

PATRICK LYONS (State Land Commissioner): Doing great, Commissioner. Congratulations on the chairmanship.

CHAIRMAN ANAYA: Oh, thank you very much. Go ahead.

COMMISSIONER LYONS: Virginia, we miss you over at the Senator's office. I've just come from the capitol. We just did a [inaudible] over there. And that's one reason I wanted to come right after that over here, because I want to come here just as a commitment to the County Commission here and what we want to do with the Santa Fe Business Park. We believe that's a tremendous winning opportunity for Santa Fe County and the Land Office and our beneficiaries there. So I just want to give you a commitment that we want to try to get that Santa Fe Business Park going, work with the Community College and work with you and anyone else we need to try to get that initiative going for the film industry.

Just a few minutes ago we gave \$7.4 million to a new film in the state investment council to start shooting here starting on Valentine's Day. That brings the total to about \$50 million we've given to the film industry out of the state investment council and we believe the Santa Fe Business Park and the film industry should all be working together and we can make this deal a win-win situation for the County. We're from the Land Office and Jerry King and I were just committed, wanted to show you our commitment. That's why we wanted to come, to try to get this rolling and get the initiative and see what we can do to help you.

CHAIRMAN ANAYA: Thank you, Commissioner, and we want to also recognize the Assistant Commissioner, Jerry King, for being here. Is there any acting roles for some cowboys?

COMMISSIONER LYONS: That's the same thing, Jerry wanted. He showed up in his cowboy hat and chaps and wanted a role there and they wouldn't let him play but I think we can try to get you in there.

CHAIRMAN ANAYA: Okay. I need another job. Any questions of the Commissioner?

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Campos.

COMMISSIONER CAMPOS: Commissioner Lyons, we had a problem with your office concerning the Whirling Rainbow, Deborah Johnson production company. They wanted to move out to the business park and we had a problem between the Board of Finance and your organization. Are you still dealing with that problem or have you decided to back off or what's the status there?

COMMISSIONER LYONS: That's why I brought this along with me, the state statute says sales, trades or leases has to be board of finance approval. I'm going to give this to Valerie so she can enter it into the record here. [Exhibit 1] They didn't approve that. We were ready to roll ahead and do that and we still want to do it, working with the Community College, however you all want to do it, but the Board of Finance has to approve that and that's where it kind of balled up there but we're ready to roll.

COMMISSIONER CAMPOS: Were you ready to go to the Board of Finance and have it approved?

COMMISSIONER LYONS: Yes.

COMMISSIONER CAMPOS: At this point and willing -

COMMISSIONER LYONS: I don't know what you all want to do now or not since Santa Fe Community College has gotten into it and they may do the building of it. So if we can use that entity to go through and make it easier for you then we would go that route, whichever way you all would like to do.

COMMISSIONER CAMPOS: There's enough land, I would think to do both projects. I was just curious. We did have a project coming down the pipeline and it was stalled and I was just curious what that was.

COMMISSIONER LYONS: Let Jerry answer that.

JERRY KING: Mr. Chair, Commissioner Campos, one of the things, and again, we've gone round and round with the stuff on the Board of Finance, and that's why we want to put that into the record. Steve and I have talked time and time again and if the need be, we get the Attorney General's opinion on whether that needs to be. Also, the Board of Finance itself, we would like for them to maybe weigh in on this. We're thrilled that it's with the Community College now. We're hoping that through that entity, and then even if the County just wants to develop some of the business park itself, that again, that would not be entered there.

The one thing that, Commissioner Campos, in a statement as far as having the Board of Finance and having all those entities in there and the way we interpret it and when we got with Commissioner Lyons, one of the things that we felt, it's sort of like having the Board of Finance approve something that we don't think is necessary. It's sort of like you're going over to the City of Santa Fe and giving them your zoning powers. So we absolutely don't think it's necessary. We think we can go one. We've had a lot of lawyers look at that and I think the Commissioners told you that we're absolutely wanting to move forward on this. So I think that's where all that fits, Commissioner.

COMMISSIONER CAMPOS: So it's in the same position it was a month or two ago. We haven't moved forward. SLO or the State Land Office has taken the same position. You don't need BLM approval and BOF says we absolutely need approval.

COMMISSIONER LYONS: We've never seen that.

COMMISSIONER CAMPOS: You've never heard that from the Board of Finance?

COMMISSIONER LYONS: The Board of Finance has specifically never told us –

COMMISSIONER CAMPOS: But you know that, don't you? That Board of Finance –

COMMISSIONER LYONS: I guess that's where we come back down to it and I guess that's where the Commission as a whole or a majority should decided, that if that is the issue that we could go forward and Commissioner Lyons came here again today. We voted on all those things. We've tried to go forward. We've tried to do those things. I don't see us as the bad guy here, Commissioner. We really want to go forward and we really want to go through those things. The law is very, very clear. Under the enabling act with the state, with the State Land Office, absolutely we're exempt. The County does not own that land. It's not something – and again, we're just trying to refer back to the law. There's a lot of legal rambling that goes on in government that I've relied on and I'll try and answer anything I can, Mr. Chair.

COMMISSIONER CAMPOS: Thank you. So basically you're saying you're not going to budge from that position.

MR. KING: That's up to the Commissioners.

COMMISSIONER LYONS: Let me just tell you and just kind of straightforward like Mike likes it. We're ready to move ahead without their approval and they can challenge us in court if they don't like it.

COMMISSIONER CAMPOS: That killed the project, Commissioner. It's a dead-end for the project or for the person wanting to move forward. It's going to be litigated. It gets stuck in court. What good is that as an investment?

COMMISSIONER LYONS: It doesn't do any good. That's why we want to move forward.

COMMISSIONER CAMPOS: Litigation doesn't do any good.

COMMISSIONER LYONS: If the Board of Finance doesn't approve it

either it won't get done.

CHAIRMAN ANAYA: Thank you. Commissioner Vigil.

COMMISSIONER VIGIL: Thank you, Mr. Chair. I think one of the clear and distinct issues with regard to this initiative is that it doesn't involve a local government entity and a private entity. One of the benefits that can occur with this is joint powers agreements can actually be entered into and Santa Fe Community College and Santa Fe County are both considered local government entities. So I think that whether or not there's litigation pending, I don't know that we can represent what the Board of Finance's position would be in this, but I think we should move forward and not make decisions based on our past experience because I think there are, Mr. Chair, some really clear distinctions that can be made through this partnership. And I appreciate Commissioner Lyons and Deputy Commissioner King's energy and willingness to partner with us on this initiative. The film initiative as you know is a statewide initiative and I believe us moving forward is Santa Fe County's part of moving forward in that frame of economic development.

Also, Mr. Chair, in order to give a little more focus on this, Barton Bond is here from Santa Fe Community College to kind of state the issue and their position on that.

CHAIRMAN ANAYA: Okay. Thank you, Commissioner. Appreciate that. Any other comments to Commissioner Lyons? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Yes. We certainly look forward to evaluating this proposal from the Community College, but if we're going to make the film industry a major focus of that business park we're going to have to have private investment. We're going to have to partner with private entities. And private entities are going to have to come forward. This is a million dollar project of which we have \$400,000 or you have \$400,000, or correct me on my numbers if they're wrong. But if that's to become the prime tenant as it were, or focus for this piece of property, we're going to have to have some answers to that question that our staff has been posing to your staff and Commissioner Campos has brought up again. If we don't have that, certainly this project can move forward because it's funded with another non-private entity. But where does that leave us in trying to attract other satellite businesses that could work off of this facility? It leaves us in the same position. What would you suggest, Commissioner, that the county do at this point in time?

COMMISSIONER LYONS: Commissioner, you bring up a good point. We have our legal opinion out of the State Land Office. We have six attorneys there. We'll get that and if that doesn't satisfy we'll try to go to the AG's office and get an opinion on that.

COMMISSIONER SULLIVAN: Well, I guess what we need to get, and we've got our legal opinion as well of course from our staff on this, and I'm sure DFA has its legal opinion, which, that's my understanding, conflicts with our legal opinion as well of course from our staff on this and I'm sure DFA has its legal opinion which to the best of my understanding conflicts with your legal opinion. So we have all these legal opinions, which are conflicting. What do we do now?

COMMISSIONER LYONS: Well, if you can get the Board of Finance to approve it, that suits me. It doesn't bother me at all if they want to do that. If they'll approve it for you -

COMMISSIONER SULLIVAN: Okay, but if the Board of Finance were not to approve it, then what would happen?

COMMISSIONER LYONS: Okay, if they will not approve it then I'd like to proceed ahead with Santa Fe County and if they challenge it they challenge it. With our opinion, with two legal opinions we have, if they don't approve it we'd like to proceed ahead. Because if they don't approve it the project's dead anyway so let's try to move forward with Plan B.

COMMISSIONER SULLIVAN: I'm just trying to look forward to if this becomes a separate facility and we're not able to leverage it with other private investment, which is the purpose of the business park, to provide jobs, not to just transfer jobs from one place to another but to provide new industry, new jobs, new opportunities we need to solve this question. And it seems to be an issue between two state agencies and I don't feel comfortable that the County is the arbiter of that. Even though statutorily we can be the arbiter of that. Would you agree?

COMMISSIONER LYONS: I agree with you Commissioner. I hate to put you in the middle between two state agencies. That's not the proper thing to do.

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Campos.

COMMISSIONER CAMPOS: Just a quick comment. Time is important here, Commissioner. We could have done this two or three months ago but we were lingering and it's dying on the vine and we need some resolution. BOF has taken a clear position. We need specific terms in this contract and we will approve it. And we go back to you and say, Well we don't need those specific terms, and we're caught. So if you guys could think about this very seriously, we need to get moving on it. This thing is dying. It could produce a great number of jobs and working together with the Community College it could be a fabulous location and a job producer for New Mexico. I don't mean to put the burden on you but of BOF and the State Land Office could work this out quickly that would be wonderful.

CHAIRMAN ANAYA: Assistant Commissioner King.

MR. KING: One of the other things I want to say on Commissioner Lyons behalf is that this was not a lease that we agreed to in his administration. This was a lease that when we came on board, we had it. We actually even sent a letter to Mr. Ross saying that we didn't think this lease may not be workable and if that was the case we would try and look at some of those other avenues. So there's a lot of other things we've done out there to try and maybe look at some of those things. Now we have this. We have a governmental entity there and Commissioner, I'm sorry to interrupt.

COMMISSIONER LYONS: We'll amend the original lease in any way that will help Santa Fe County. Don't think you have to be binding to that particular lease. We

can amend that at any time.

COMMISSIONER CAMPOS: If we could do that we could move forward very quickly. We appreciate your cooperation.

COMMISSIONER LYONS: We'd be to amend that.

CHAIRMAN ANAYA: Maybe what we need to do is get all the attorneys at one table. Instead of writing letters back and forth maybe we ought to walk across the street and go sit down and talk to them.

COMMISSIONER CAMPOS: And have the chairman sit there until they make a decision, right?

COMMISSIONER LYONS: That's right.

COMMISSIONER CAMPOS: Let's get it done.

CHAIRMAN ANAYA: Would you like to say a few comments?

BARTON BOND: Mr. Chair, members of the Commission, I'd also like to thank the Commissioner and the Assistant Commissioner for coming, particularly during the legislative session. We should all be very impressed. I'm Barton Bond from Santa Fe Community College. This is a very important issue and I'm preaching to the choir here, I understand, but every one of you understands how important this process is. And I also understand, because I have been a lessee from the State Land Office for about 18 years for our radio tower, the process and the procedure they have to go through. So we're not taking this lightly. But I would like to suggest or request from the Commission that this be a parallel track kind of a situation where if you will allow, authorize or designate the County staff to continue to work with the Community College on our scene shop proposal to keep that going at the same time that the legal staffs are getting together to look at the bigger issue. So that if we can reach resolution on both of these things we can move ahead. As Commissioner Campos says, it's a very time critical issue and we would definitely very much of course like to work with the County in building the scene shop and moving ahead and we understand fully, as Commissioner Sullivan has pointed out that the total value is if this is an anchor that attracts other businesses of the same ilk to the business park. That's really the benefit to all of us. And even though, as I said, I would maintain this, as a stand-alone project has some merit, it's really only good for the County and the region if all of these things come together. But again, I would make the request that if the Commission would, officially or otherwise, continue to endorse the activities of particularly Mr. Flores and his staff to work with us to move ahead and continue to provide these reports and updates to the Commission. I think that would be very helpful.

CHAIRMAN ANAYA: Thank you. Have we given them clear direction yet to work with the Community College? Or what have we done?

COMMISSIONER CAMPOS: Mr. Chair, my recollection is that we did discuss this once. Is that not correct?

COMMISSIONER VIGIL: That is correct. I think it was introduced as a prospect and I think the Community College is here today to gain some direction towards continued working with staff to hammer out all the preliminary issues that need to be

hammered out.

COMMISSIONER CAMPOS: I think we directed Mr. Flores to look at this. To sit down with folks at the Community College and report back to us in the near future. I'm not sure where that is at.

CHAIRMAN ANAYA: So we did give direction for them to work with the Community College and that is being done.

COMMISSIONER CAMPOS: I hope so.

MR. FLORES: Mr. Chair, Commissioner Campos, what the Board directed or discussed in the initial – what the Board directed was to begin discussions but there was no clear direction that we would move forward as an option for this in the park. There were questions from Commissioner Sullivan and Commissioner Campos on working out mechanics. So we have not received clear direction that this is a project that we want to look at specifically.

COMMISSIONER VIGIL: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Vigil.

COMMISSIONER VIGIL: I hope that there's consensus that that direction can be given at this point.

COMMISSIONER CAMPOS: I'm certainly in favor of it. I wanted more specifics and I thought that's what we were doing at this point.

MR. FLORES: Mr. Chair, Commissioner Campos, we have started the discussions with them. We have started the discussions with the State Land Office. I think there's seven points of discussion that we have to work out to be able to bring you back a full packet. So we have started initial discussions. What we're looking for today is direction to staff that this is a process or a project that you want to consider.

COMMISSIONER CAMPOS: How much time do you need to complete this discussion process?

MR. FLORES: On the parallel track that Barton has indicated, we could shoot for the February meeting to have those answers to you, provided staff's time is not taken up at the legislature.

COMMISSIONER CAMPOS: Okay. Well, I'm in favor of it but I certainly want to look at the specifics. I think it's a great idea, especially if we get the Whirling Rainbow production company out there or some other production company together. What a fabulous opportunity for the county.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: I'm fine.

CHAIRMAN ANAYA: You're fine with it?

COMMISSIONER SULLIVAN: I'm fine too, just as long as we don't change the rules. The contract for this one should be similar to one for a private entity and should be approvable by whatever state entities feel they have to throw their hat into the ring here. We want to keep everyone happy but we want to get something done too. What I'm saying is we want to move this thing forward, not as an exception to the rule but

hopefully by means of clarifying the rule and I think this is where Tony is going with his seven points.

MR. FLORES: That's correct.

CHAIRMAN ANAYA: Thank you. So Tony, do you have clear direction?

MR. FLORES: Yes, sir.

CHAIRMAN ANAYA: Okay. Thank you, and thank you Commissioner for being here. Take care.

**IX. D. Discussion Regarding County Road 62 (Commissioner Anaya)**

CHAIRMAN ANAYA: I think that should be Caja del Rio Road. Would the residents in that area just like to come forward and just state your concern real brief, or do you have one spokesperson you would like to speak on behalf of this? And then we'll let you know what we have done and what we plan on doing. Mr. Lujan.

MR. LUJAN: Thank you, Commissioner Anaya. Again, our concern as neighbors is the traffic, the commercial traffic that is going down County Road 62 north on Caja del Rio Road into and through Las Campanas Drive. It is our hope, we understand that there is an agreement in place and we can enforce this with a possible resolution that will limit commercial traffic north on Caja del Rio and utilize the access, I think it's Wildlife Way, into the landfill.

CHAIRMAN ANAYA: Okay. I know, Mr. Lujan, we are looking at that issue. I've gotten a lot of phone calls along with a lot of the Commissioners up here have received phone calls in concern of that and my personal comment on that is that if we limit to 10,000 pounds, I think the intention is not to limit the cement trucks that are delivering to residents, the building trucks that are going to deliver materials. I think your concern is basically heavy trucks hauling material and maybe waste, so we are looking into that. And I'd like to maybe - why don't we just hear from the rest of you all and then we'll move forward. Thank you, Mr. Lujan.

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Campos.

COMMISSIONER CAMPOS: Also, Mr. Kippenbrock. From the Solid Waste Management and maybe we could hear from him too to get his perspective.

CHAIRMAN ANAYA: You bet. Come on forward. State your name.

Andrew.

ANDREW LEYBA: Commissioners, my name is Andrew Leyba. I'm a resident out on Caja del Rio Road. As some of you may know, the County entered into an agreement with the King Brothers Ranch who we bought our property from, and it was represented to us in the beginning when we purchased the property that no heavy truck traffic in and out of the landfill would go past Wildlife Way. It's inevitable that during construction that trucks carrying debris from construction sites travel north to the landfill,

but we're hoping that at least the Commissioners will consider placing an ordinance that's specific to heavy truck travel in and out of the landfill be restricted to Wildlife Way as ingress and egress to the landfill.

CHAIRMAN ANAYA: Thank you, Mr. Leyba, for coming. Anybody else who'd like to speak?

GEORGE ROYBAL: Chairman Anaya, my name's George Roybal, County Commissioners. I just want to echo the same thing that has been stated over here before, and in particular, we're not interested in blocking any transportation of cement trucks as you pointed out or any of those delivery trucks that are going to be needed to deliver any kind of materials, the things that are going to be necessary for the development that will be taking place. We are concerned about the traffic generated to transport materials out of the landfill that's going to jeopardize the conditions for which we live out there for. And I would appreciate either an ordinance or some condition that would prevent this type of traffic to go through.

CHAIRMAN ANAYA: Thank you, Mr. Roybal.

FRED LOPEZ: Mr. Chair, members of the Commission, my name is Fred Lopez. I live at 17 Via de Estrellas and obviously, what brought this to our attention was all the trucks coming in and going in the last three weeks. I think the more important issue here is the safety issue. I myself almost got clipped. Trucks pulling out of 62 onto Caja del Rio going north towards Las Campanas are pulling out at 30, 40 miles an hour. Cars heading north on Caja del Rio to Las Campanas moving at 55, 60, 65 miles an hour. And a lot of people don't wait. They will go around them. We're going to see a head-on collision. That's a two-lane road, not a four-lane road. You're going to see a head-on collision if that continues.

Conversely, when the trucks are coming back from the Las Campanas area and they're heading back to the landfill empty and they're coming down an incline at about 45 to 50 miles an hour, there's going to be traffic going out there and somebody's going to get hurt. So your consideration of limiting that kind of traffic would be appreciated. Now, understandably, you've got to get materials in there, you've got to get concrete in there, and I think Commissioner Vigil stated it with proper notification to the neighborhood prior to any of this activity would probably help.

CHAIRMAN ANAYA: Thank you, Mr. Lopez.

LARRY LUJAN: My name's Larry Lujan and I'm here for two-fold. First of all, I'm a resident of Paseo de Estrellas and also I'm the administrative manager of the Marty Sanchez Golf Course. Our concerns is we don't have an at-grade intersection and our worry is if the trucks start moving down the road and if they don't turn off on Wildlife Way then we might have -- especially the amount of traffic that has really grown. We worry for our patrons that go to the Marty Sanchez, and if the construction continues, especially with our softball teams and soccer teams moving on, we worry for those also.

RANDALL KIPPENBROCK (SWMA Director): Good morning, Chairman Anaya, Commissioners. Approximately two weeks ago -- let me back it up. For the

information, for the public and private haulers to go to the landfill, the primary route is to take the highway frontage of 599, go north on Caja del Rio, then go west on Wildlife Way. That is the primary route for about 250 vehicles per day, seven days a week. We do have a contractor on-site that blasts, crushes, removes rock and other materials for his contract. Approximately two weeks ago they had a contract with Los Santeros Builders into Las Campanas to deliver approximately 7,000 to 10,000 cubic yards of fill material.

They were using the north gate as opposed to the primary route I just mentioned to you earlier. And because of that, that north gate leads to County Road 62 and the intersection of County Road 62 and Caja del Rio. Last week, I did what I did last Thursday administratively for the contractor to not use that north gate but to use the primary route for ingress and egress of Wildlife Way. I have conferred with the citizen in that area of the intersection of County Road 62 and Caja del Rio where there is noise problems, speeding problems, jake braking and other dust controls, etc. For the time being, the north gate used for County Road 62 will not be used at this time and they will be using Wildlife Way for the time being. My understanding also is that the project is near completion. They won't be seeing as many trucks as they have been seeing in the last two weeks.

CHAIRMAN ANAYA: Thank you, Randall. Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Kippenbrock, how long is for the time being?

MR. KIPPENBROCK: The north gate being closed?

COMMISSIONER MONTOYA: Yes.

MR. KIPPENBROCK: Indefinite, until we get some more answers.

COMMISSIONER MONTOYA: More answers –

MR. KIPPENBROCK: From the contractors and internal permit conditions, etc.

COMMISSIONER MONTOYA: Okay.

CHAIRMAN ANAYA: Any other comments? What I'd like to do is see the staff kind of work on an ordinance possibly, if the Commission agrees. We can move forward with this and see what we can do to help these residents out and take care of their issues.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: I would echo those comments. I would like to see some sort of an ordinance worked on so that there are restrictions placed so that we know what's going on and what's going on and create a way of eliminating or preventing some of these problems that we're encountering there. It does sound like a safety issue to me as well.

COMMISSIONER VIGIL: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Vigil.

COMMISSIONER VIGIL: Thank you. I'd like to thank the residents of the Caja del Rio area for being here. It must be a frustrating experience because I know you

have a settlement agreement that prohibits what you've actually been experiencing. So I hope the County, and I'm glad the chairman has given direction to move forward and look at all of the issues and I do believe that notification needs to be a significant part of it, because there are times when traffic routes are needed on a temporary basis for whatever reason that the neighbors need to know about. You've been such a conciliatory group that it seems you're happy to work out whatever issues but don't want to be taken by surprise and I think that's probably what created the impetus for this and I thank you for organizing and coming to the SWMA meeting and bringing this to our attention.

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Campos.

COMMISSIONER CAMPOS: It seems that from Mr. Kippenbrock is saying is that the issue has essentially been satisfied or resolved somehow.

MR. KIPPENBROCK: I believe so, for the time being.

COMMISSIONER CAMPOS: For the time being.

CHAIRMAN ANAYA: But we still need to work on an ordinance, I believe.

COMMISSIONER CAMPOS: Okay.

MR. KIPPENBROCK: I think the main issue is County Road 62 and Caja del Rio, as opposed to using the main road which is Wildlife Way. Had they used Wildlife Way there would be less traffic congestion, eliminate the dangerous intersection as the trucks pull out and pull in, as mentioned by a previous speaker.

COMMISSIONER CAMPOS: Okay. So do you feel that we do need an ordinance to regulate the access on that road and limit the -

MR. KIPPENBROCK: Yes. Use the Wildlife Way and not the County Road 62.

COMMISSIONER CAMPOS: So that would cause no problems to your operation?

MR. KIPPENBROCK: Yes. It doesn't bother our operations at all. They may increase the delivery time by the contractor by 15 minutes, but that's something he needs to put into his bidding price.

COMMISSIONER VIGIL: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Vigil.

COMMISSIONER VIGIL: I wouldn't limit the staff direction to just look at the ordinance for that particular road because this problem exists countywide. There are other roads that actually have this kind of traffic that is unexpected. So as the ordinance is looked at please look at the other areas in the county that may be impacted.

CHAIRMAN ANAYA: Thank you. Thank you, Randall. Thank you, residents for coming. I appreciate it.

I'd like to recognize Laura Banish from the *Albuquerque Journal* is here. Thank you, Laura and Julianne Grim from the *New Mexican* for being here. If I could, Commissioners, go into presentations and hold off on item F until after the presentation. Does

anybody have a problem with that? No problem? Okay.

**X. Presentations**

**A. Recognition and Appreciation of the Santa Fe County Building Services Division (Commissioners Anaya and Montoya)**

CHAIRMAN ANAYA: Could we have the Building Services Division come to the front pew please? Ish, round them up. Well, Commissioners, I just wanted, Commissioner Montoya and myself along with the rest of the Commissioners wanted to bring you all forward and just recognize you and the hard work and dedication that you bring to Santa Fe County under the leadership of Ish Lovato, Tony Flores, Frank Jaramillo and Dennis Hernandez, Rudy Garcia and all the PFMD people. We know that you work hard, you keep the offices clean, the bathrooms, the hallways, and we recognize all that. The parking lots – these are the people that put up our signs in our parking lots to reserve our parking, so we’ve got to get along with these guys or they won’t save us a spot when we drive in. Keeping our sidewalks and our furniture clean, and watering our plants. I think in my office they do. And keeping the windows and the doors operating and the carpets clean and the blackboards clean.

So with that, we really appreciate it and if Commissioner Montoya or any of the other Commissioners would like to say something at this point.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: I just want to thank each and every one of you for the work that you do. People from the public, from our different districts come in, see the facility and the facilities that we’ve got and I think just the real pristine way that you keep our building, and sometimes it’s not easy to keep a building that’s aged a little bit in such pristine condition but you really do a great job and I just really want to thank each and every one of you for what you do for Santa Fe County.

CHAIRMAN ANAYA: Thank you, Commissioner. Commissioner Vigil.

COMMISSIONER VIGIL: Thank you, Mr. Chair. Not only for the work that they do but for how friendly they are and how amicable they are with people coming into the buildings. Probably they get asked questions before anybody else does because they’re about the building more than – well, I’m not going to say more than. I just want to say that the way this notice was posted, it had Commissioner Anaya and Commissioner Montoya and perhaps I wasn’t on board at the time, and I’m sure that Commissioner Sullivan and Commissioner Campos are truly in support of recognizing you and wanting to appreciate you. So as it was posted, probably was an issue between Commissioners Anaya and Montoya but we as a full Commission appreciate your work and all that you do for Santa Fe County. Thank you very much.

CHAIRMAN ANAYA: Thank you, Commissioner Vigil. Commissioner

Sullivan.

COMMISSIONER SULLIVAN: Let me just echo what Commissioner Vigil has said. Four years ago, just about this time of year, there was a major snow storm in Albuquerque and in Edgewood and it was something that no one had predicted or dealt with and at that time our Public Works Department worked overtime and did a fantastic job and we brought them in and we recognized them for that. There hasn't been a snowstorm like that for the last four years although we certainly could have used one. But I point that out just that in your business it's a little difficult to have a significant event unless we had a tsunami or something in Santa Fe that would affect all the buildings. So we don't always have that type of a critical event that brings to our attention what some of the employees do, like with what happened with the Public Works Department where we saw how capably they responded to that issue. So I do want to thank you and we see all of you, many of you every day and I appreciate your friendliness and if there's anything that I or any of the Commissioners can do for you just please let us know.

COMMISSIONER VIGIL: They probably want pay raises, Commissioner.

COMMISSIONER SULLIVAN: Not a problem. Where do I sign.

CHAIRMAN ANAYA: Commissioner Campos.

COMMISSIONER CAMPOS: I too want to thank you. I think you do a fabulous job. You're here late often at the meetings. I mean really late and you don't complain about it and smile when we come in and I appreciate the work, is great. As Commissioner Montoya said, the building is in outstanding condition so thank you very much for your hard work and your concern and your great attitude. Thank you very much.

CHAIRMAN ANAYA: We've got a little presentation that we want to show you so stick around.

CHAIRMAN ANAYA: We've got a little certificate that we've all signed to give you. The first one's to Frankie Baca, but he's not here, but we'll make sure. Tony Chavez, come forward, Tony.

COMMISSIONER MONTOYA: Anthony Gallegos, Ish Lovato, Albert Lucero, Ron Lucero, Roman Mata, Jayla Ortiz, Sammy Romero, Johnny Romero, Christine Sanchez, Jude Torres, Ted Valdez.

CHAIRMAN ANAYA: Let's give them all a big hand. Keep up the good work.

MR. GONZALEZ: Mr. Chair, as the Commission is moving back up to the podium, I just want to say, tell a little story. A couple of weeks ago somebody came to visit us at the County. It was a woman who had been working with us. She came into my office and she said, I want to tell you I had the most amazing experience. You guys have a real treasure here in Santa Fe County. And I said, What? She said, I walked in the building – first of all the building looked great. Then she said, I walked into the ladies room and there was one of your building services people in the ladies room. She was friendly. She was happy. She asked if she could show me where I needed to go. She said I've never had that experience in any other public building before. She said, You guys have a real treasure

here in Santa Fe and I just want to acknowledge that that's true.

At the last Commission meeting when I received the Employee of the Quarter award, I said it was really all the employees here at the County who were responsible for that award and I just want to tell you today that you guys are one of our treasures and you're part of that award as well. So thank you for being here.

**IX. F. Direction to Staff Regarding the Regional Planning Authority's (RPA) Affordable Housing Implementation Plan (Commissioner Vigil)**

COMMISSIONER VIGIL: Mr. Chair, at the Regional Planning Authority, we've got the most current update of the affordable housing plan and I asked that staff bring this forth before the Commission so we can discuss the next steps that we can look at in order to look at some of the recommendations, perhaps even identify priorities. Some of the recommendations really directly affect policy and some of those policies should be implemented quite readily, but some of the other recommendations might take some time planning. And I proposed at the time that we actually look at a resolution that would implement – first of all adopt the affordable housing task force study and create an implementation team with regard to that. And I do believe, Mr. Chair, that this can be done in a short period of time.

So I'm bringing this before the Commission so we can discuss that and perhaps give staff direction with regard to the next step we'd like to get done.

CHAIRMAN ANAYA: So Commissioner, are you asking us right now to get started on this?

COMMISSIONER VIGIL: Correct.

CHAIRMAN ANAYA: Any comments?

COMMISSIONER MONTOYA: I think what I would recommend, I think in talking to Commissioner Sullivan, is there a task force already that's set up? What was the recommendation, Commissioner? In terms of – we were looking at a two-month assessment process to get something back to the Commission. I can't remember exactly.

COMMISSIONER SULLIVAN: We communicated about that, Mr. Chair and Commissioner Vigil, to take some of the issues that Commissioner Vigil is alluding to in that task force and some can be implemented fairly quickly and others will take some ordinance changes and some more public discussion because there's always both sides to the issue. And I think that within a two-month period if we were to charge the affordable housing task force with coming back to us with input from the public, from private landowners and so forth, and giving us some recommendations, some prioritization of those issues and some recommendations to move forward with whatever ordinances we need to make this work. Does that fit, Commissioner Vigil, with that you're looking at?

COMMISSIONER VIGIL: I do believe – I guess in my mind, Mr. Chair, Commissioner Sullivan, I'm not sure how this would be assigned or to whom, so I'm open to options.

COMMISSIONER MONTROYA: I think it fits, Mr. Chair, Commissioner Vigil, in terms of what you're recommending, in terms of the overall direction, in terms of the big picture. But I think that's certainly something that we can do immediately, which I think we do need to do because at the RPA we did adopt, through the RPA at least the housing task force, the joint City/County housing task force that looked at what we needed to look at for affordable housing and implementation of it.

CHAIRMAN ANAYA: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Chair, I would recommend that we have not only the affordable task force look at some of these issues but I think we need to have our own County staff look at these issues. We need to take a hard look at what's being proposed. I like the ideas that were being proposed but they're going to be expensive and they're going to be subject to challenge. It's not going to be a slam dunk. This is really a question about resources. How much are we willing to commit? Any time we have limited resources we have to say Yes to x and No to y. And we have to know what the resources are so we can make a decision whether we're going to be able to make that tough cut. It's going to be a very tough decision for us. Right now, it's just in the rah-rah stage. We all love the ideas. I think we have to have our staff look at it generally and then we've got to look at the resources, because they're going to be quite expensive. It's going to be some money and some staff time and it ain't going to be easy. So that's what I would recommend.

CHAIRMAN ANAYA: Okay, Commissioner Vigil, could you kind of summarize exactly what you're trying to do so that I can kind of comprehend it a little better?

COMMISSIONER VIGIL: From what I'm hearing today, I think I'm gaining a sense of consensus that we will have staff look at the recommendations that the Regional Planning Authority has heard and adopted with regard to the affordable housing plan. And I know that staff was a part of that and I'm understanding that within a two-month period staff will come before the Board of County Commission to give us a summary and perhaps a prioritization and an avenue for what to identify as what policies could easily be implemented and what couldn't. Not an avenue, but a time frame, perhaps. And I know we all want to move on this very quick. I just don't know - I think we should have some input from staff with regard to what their position is on this and Dodi, maybe you'd like to come to the podium, or Robert, with regard to this in terms of what the task force intended.

It was my understanding at the Regional Planning Authority and my intent to have the Board of County Commission actually adopt their affordable housing report.

ROBERT ANAYA (CHDD Director): Mr. Chair, Commissioner Vigil and Commissioners, I was part of the task force that invested a lot of time and energy into that document that forward to the RPA. I do think that Commissioner Campos' suggestion that staff also play a role in providing some topics and issues that are going to be hashed over is a good idea, but I stand ready to implement whatever this Commission desires. I would make a suggestion if I could. When the RPA Housing Task Force was established, it was established with individuals primarily located in and around the City of Santa Fe, and I would just ask that if they're going to be asked to continue their work that they maybe expand it and include people

from the north as well as the southern part of Santa Fe County. That way we can look at the entire issue and have input. That would be the only suggestion.

But we stand ready to take that direction and have staff analysis and go back and work with the task force and expand it if that's the desire of the Commission.

CHAIRMAN ANAYA: Commissioner Campos.

COMMISSIONER CAMPOS: Resources is the issue to me also. Good ideas, our own County staff assessment, but we need to talk about resources. Let's not forget about that. I think that has to be one of the main, main topics, because that's how we'll be able to decide whether we really can afford to do it or how much we can afford to do. And how much of other things we may not be able to do. Because we as politicians want to be all things to all people but we can't. We may have to say No to some things. This could be expensive.

MR. ANAYA: Mr. Chair, could I propose a suggestion that staff come back in one month with an internal evaluation of where we're at and what some of those questions are going to be dealt with, come back to the Commission, bring those to the Commission and then see if we're on the right track and also maintain constant contact with all the Commissioners through that month. That's a suggestion I would offer, Mr. Chair.

CHAIRMAN ANAYA: Okay. I want to clarify a few things. Do we already have an affordable housing task force right now?

COMMISSIONER VIGIL: Mr. Chair, it's a joint City/County task force.

CHAIRMAN ANAYA: Joint City.

COMMISSIONER MONTOYA: So we don't have one just for the county.

COMMISSIONER SULLIVAN: Not just for the County.

COMMISSIONER MONTOYA: I think we need that number one. That's my personal opinion.

CHAIRMAN ANAYA: So I'm hearing that we've got a joint City/County affordable housing task force. Commissioner Montoya is suggesting that we have an affordable housing task force in the county. Robert mentioned something about including people from all over Santa Fe County and not just keeping it in the City of Santa Fe. So I guess what I want to do is find clear direction so we can give to Robert and to staff on what we want to do.

COMMISSIONER SULLIVAN: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chair, I think we should work this in parallel. I think we've received a number of reports and directions and ideas and suggestions but quite frankly, we haven't gotten anything done. I think the time has come here to start either fishing or cutting bait. My suggestion would be that we work in parallel with any issues that the staff may have. That we also ask the affordable housing task force because there's a lot of expertise on there, mortgage expertise, building expertise, construction expertise, development expertise on there to participate and if it looks like we need to spin off a county task force to address some of the county's specific issues we do that as well. But I wouldn't want to delay it another month while we get another staff report and then decide, well, let's form a task force. My suggestion is to move forward in both directions.

I think probably Mike Loftin and the people that work with that housing task force could come back with some specific suggestions in a month and those could be coupled with the staff's input as well. If the staff wants to make a progress report in a month that would be useful too. I'd like to see any kind of movement that we could see, I'd be happy to see but I'd start it in parallel, would be my recommendation.

CHAIRMAN ANAYA: Okay, that's Commissioner Sullivan's comment. Any other comment?

COMMISSIONER CAMPOS: I would go along with Commissioner Sullivan. The parallel track. We have the task force, they're very good people. They have some good ideas. We have our staff. They can work together, ask each other questions and get all the information we need about what we want to do and what we can afford to do, perhaps in a month. I think that's the way to go.

CHAIRMAN ANAYA: Any other comments? I'd like to see the County develop its task force and work throughout the county on the issue of affordable housing and work with the RPA hand in hand and see if we can move forward and try to get things done. Is that something that's pretty much in line?

COMMISSIONER MONTOYA: I feel comfortable with that but I think eventually we are going to have to have our own task force within the County to address some of the things that Mr. Anaya referred to which is the northern districts that I represent and of course the southern districts that you represent. The RPA was limited within the boundaries of the RPA that took a look at that affordable housing study that was done. So in order to keep the momentum going, if we can go along the dual track as Commissioner Sullivan is suggesting and then looking at some point of developing a County affordable housing task force I think that's eventually where we need to end up.

CHAIRMAN ANAYA: Commissioner, so let's see if we can give clear direction. You want the staff to create an affordable housing task force in the county?

COMMISSIONER VIGIL: Mr. Chair, yes. But one of the issues that I'd like for them to focus on is not necessarily a task force to repeat what actually has already occurred, but perhaps maybe the better way to look at it is an implementation advisory task force to review the work that has been done, to assist us in identifying priorities, looking at resources, addressing all of the issues, and I think it does need to be from the County. So if we're on parallel tracks, perhaps staff could evaluate the needs of what that task force would be and the tasks and the job descriptions, and identify as ancillary and parallel to the affordable housing task force report that we've actually already received.

CHAIRMAN ANAYA: Okay, so Robert, do you have pretty much clear direction for what this body wants?

MR. ANAYA: Mr. Chair, I think so.

CHAIRMAN ANAYA: Do you want to repeat it so that way we get it right?

MR. ANAYA: Mr. Chair, I believe the desire is to work with the RPA task force, which many of my colleagues, I worked a lot of hours with them and have no problem whatsoever continuing that relationship.

CHAIRMAN ANAYA: Good.

MR. ANAYA: I'll also bring back suggestions on how to create a task force that probably will more than likely be inclusive of those that exist plus some additional members that would be of value to the Commission in making policy decisions, analyze the policies that you'll be looking at and bring back the suggestions as to where we suggest you might head and then leave it up to the Commission to decide where they want to go. I believe, Mr. Chair, that encapsulates the comments of the five Commissioners. If there's anything I misstated feel free to let me know now or individually or over the phone or however you desire.

CHAIRMAN ANAYA: Any comments? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chair, I would just reiterate Commissioner Vigil's focus on implementation. I think what we're looking at now is taking those recommendations and determining how best to implement them. And some of those, as I mentioned are County-specific. Some of those are City/County where we can take advantage of the HOP Ordinance together with our own Community College District Ordinance and come up with a hybrid that may work very well. So I think we want to focus not on studying but on implementation. That direction, I would be very comfortable with that.

MR. GONZALEZ: Mr. Chair, if I could sort of make a parallel.

CHAIRMAN ANAYA: Gerald, the County Manager. Go ahead.

MR. GONZALEZ: It sounds like we're talking about doing something similar to what we've done in the water area. With the City, as you know, we've partnered with the Buckman Direct Diversion because we're focusing there not on the city but the periphery around the city and I think that's where the RPA task force was focused. At the same time, we're also working on a water and wastewater authority kind of concept which would encompass the entire county and I hear sort of the County effort is encompassing the entire county in sort of a parallel type of way. I hope I heard that appropriately.

COMMISSIONER SULLIVAN: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: The reason I think we need to maintain the base with the affordable housing task force, at least with those people who are still active in it, is that I know that one of the Councilors on the EZA has brought forward an affordable housing proposal in the EZA. And I think we want to connect with that as well. I don't think it's gone forward yet but it's been discussed in past EZA meetings. I don't think there's any specific ordinances that have been developed yet, but whatever we come up with, what we don't want is what we often have in the land use situation is we have one ordinance in the city, we have another one in the EZA and we have another one in the county, which creates havoc with the staff in trying to interpret and deal with those. So that's why I think we need to keep the City on board with this and then as we move out beyond the EZA then there are going to be issues that are going to be unique to the County that we're going to have to address in addition. So I think it's still going to have to focus that way.

CHAIRMAN ANAYA: And Commissioner Sullivan, we do have cities in Santa

Fe County, so we've got to also focus out on those areas. Thank you, Commissioner Sullivan. Commissioner Campos.

COMMISSIONER CAMPOS: Briefly, just that instead of creating another task force perhaps just expanding the task force. We have a very good task force. Affordable housing is a countywide issues. We can get new members from the south and the north, supplement that. And instead of creating duplication of the bureaucracies, we have one committee that is really looking at this issue. That's a better approach.

COMMISSIONER VIGIL: Mr. Chair, question. Does the current affordable housing task force consider that their task is complete or are they ongoing?

MR. ANAYA: Mr. Chair, Commissioner Vigil, no, they had to turn in a report within a prescribed time frame but they still understood that there was other work that the County and City may want them to do. So I think they're excited about the opportunity to continue to take the next step which Commissioner Sullivan alluded to as the implementation piece. And I'm excited about it as well.

COMMISSIONER VIGIL: Mr. Chair, I would not be opposed to having the task be completed by the same with the additional representation from the north and south counties.

CHAIRMAN ANAYA: Okay, so what I'm hearing now is that we're back to one affordable housing task force with the inclusion of southern and northern people from Santa Fe County. Is that what I'm hearing? Robert, do you understand? You're okay? All right. Any other comments? Thank you, Robert.

MR. ANAYA: Thank you, Mr. Chair.

## **IX. Other Matters from the Commission**

COMMISSIONER SULLIVAN: Mr. Chair, I had a matter that we've discussed before in the Commission and I just got some information late yesterday so I wasn't able to put it on your revised agenda, but the staff and the members of the Eldorado Water and Sanitation District have continued to work as per your direction to them to come up with some type of an agreement where we in Santa Fe County could help the Eldorado Water and Sanitation District become a viable public water entity. I believe that members of the district and their legal counsel have met separately with as many of the Commissioners as they could during that interim. They met with the staff. They refined and hammered out a joint powers agreement and they've restructured their thinking as to where the County could help them saying at this point in time they would ask the County to assist them in this additional money by way of a loan only that they need to come up with the additional funds to meet the court-ordered purchase price for the system.

So they have put together a joint powers agreement and I've just read through it briefly. You don't have copies in front of you. We do have copies available here to pass out for you but I didn't want to do that unless you wanted to see them. Basically, Mr. Ross has gone through

the agreement and during the term of the loan, which I understand we do have the funds to do, the County would be the owner of 1/3 of the Eldorado water system, as collateral so to speak during that period. After the repayment of the loan, in 20 years, that obligation would go away.

In addition to that there are a number of other partnering agreements in that joint powers agreement to allow the County to wheel water through their system, to jointly participate in wastewater and recycling activities and a number of really good goals and directions that would go with that and again, as I say, we're looking at a loan and not a grant and I think it's a great way for the County to make some income on its funds and also to help that very large system get moving. Mr. Ross, is there anything that you would want to add on that?

MR. ROSS: Mr. Chair, Commissioner Sullivan, no I think you did a really good job of reviewing what's in these agreements. I will pass this out either now or later to the other Commissioners. The key difference between this and earlier agreements that have been circulated is of course the 1/3 ownership interest that's proposed and Mr. Coppler talked to me before the meeting and he's offered to cement that relationship with a deed in escrow to an undivided 1/3 interest in the system, if you will, to secure this loan. It wouldn't really be a loan because the terms of the agreement provide for essentially a partnership on the part of the two entities.

COMMISSIONER SULLIVAN: We do get interest on it though.

MR. ROSS: Apparently we do get interest on it.

COMMISSIONER SULLIVAN: I call that a loan.

COMMISSIONER VIGIL: What is the interest?

COMMISSIONER SULLIVAN: Two percent.

COMMISSIONER CAMPOS: That's not very good.

COMMISSIONER SULLIVAN: Depends on where you're going.

CHAIRMAN ANAYA: Any other comments?

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Campos.

COMMISSIONER CAMPOS: I don't find the proposal very compelling. I have started having discussions with members of staff and there may be some better ideas out there for the County to consider and I'd like to ask that the County Commission engage in those discussions with Steve Wust, our attorney, our County Manager. I've asked them to come up and have a discussion to maybe meet next week and I think there are some interesting ideas floating around that are better than ones being offered by the water system. There are two new board members. I think they may be amenable to a different way to go. Thank you.

COMMISSIONER VIGIL: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Vigil.

COMMISSIONER VIGIL: Are any of the board members here and would they like to address this? Is there a consensus with the current board?

COMMISSIONER SULLIVAN: Mr. Chair, we have the recently re-elected chairman of the Eldorado Water and Sanitation District, Ray Nichols is here.

CHAIRMAN ANAYA: Would you like to comment?

RAY NICHOLS: Yes. Thank you very much. Mr. Chair, Commissioners, we are in the process of pursuing revenue bonds but this would be a much better deal for the community and I think a reasonably good deal for the County as well. We have paid into the court \$7 million for the utility and we owe another \$4,047,128. In order to complete the purchase, and we have to do that by the first of June, we do have to come up with that other \$4,047,000. What we're faced with at the moment is paying six percent on the outstanding balance, six percent of the \$4 million, and as of February 1<sup>st</sup> it goes up to ten percent. That's a fairly heavy burden. The community is already fairly heavily taxed with the GO bonds that were approved and sold a year ago and we have fairly high water rates.

So we're looking for some assistance without it actually costing the County any more money. We think the two percent interest charge that we would pay would be a boon to us but it would also permit the County to get as much interest as if the funds were left in a state investment pool. So we're most interested in completing this kind of arrangement and the joint powers agreement lays it out, I think, fairly well as to what we would agree to in terms of meeting the County's requirements without it costing the County anything in addition. We had hoped of course for a grant, but this looks like a reasonable win-win situation and I would be happy to respond to any questions that you may have.

CHAIRMAN ANAYA: Thank you, Mr. Nichols. Any questions?

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: Regarding the interest rate, is that a locked rate or would that be a variable interest rate according to the fluctuations that may go on over the next 20 years, with that potential return?

MR. NICHOLS: As the JPA is structured right now it's a two percent figure. I think the actual figure as of last week it was a little bit less than two percent that the state investment pool was paying and it does fluctuate. But I think to make it simpler, the two percent figure is a reasonable figure.

CHAIRMAN ANAYA: Any other comments? Frank, would you come forward and state your name. Thank you.

FRANK COPPLER: I'm Frank Coppler, counsel to the Water and Sanitation District. I might just supplement that Commissioners Anaya and Commissioner Montoya, there wouldn't be any problem in putting a variable interest rate. We could tie it to your rate of return on your current investments. So it would be guaranteed to pay you any more or any less than you are getting now. That is not a problem and we can put that into the agreement. We just tie it into the LGIT return that you're getting now and we could recalculate it, let's say every six months, if that's what you would like, Commissioner Montoya.

COMMISSIONER MONTOYA: Okay. That may be something for us to consider as opposed to a locked rate.

MR. COPPLER: Inflation may go up and the earnings on the pool may go up and we can reflect that.

CHAIRMAN ANAYA: Thank you, Mr. Coppler. Any other comments? So Commissioner Sullivan, is this kind of a –

COMMISSIONER SULLIVAN: This is a for-direction item. The district has some deadlines and I apologize for bringing it here so late, but they have some deadlines to meet which if a majority of the Commission was amenable to this general outline of assistance, they would want to hammer out the final agreement and then bring it back at the next Commission meeting for your review in detail and for your approval. So we try to get these ideas out the way we're doing here today to see if we can move forward.

COMMISSIONER MONTOYA: Mr. Chair, this would be the February 8<sup>th</sup> meeting then?

CHAIRMAN ANAYA: Right.

COMMISSIONER MONTOYA: Is that okay?

MR. COPPLER: Yes, Commissioner. As Mr. Nichols mentioned earlier, the court judgement goes to ten percent on the first, but if we could follow that suggestion of Commissioner Sullivan and get it back with an agreement approved by the staff for approval on the February 8<sup>th</sup> agenda we would only suffer six or seven days of that higher rate because we could then make the deposit and file the JPA. This is a contract as opposed to an ordinance or a bond issue, so we don't have the complications of an ordinance or a bond issue. We don't have to go through publications, etc. This being a contract between two public entities. You don't have all those publication issues. So we could get it on the agenda for the 8<sup>th</sup> and take final action here on the 8<sup>th</sup>. What we would have to do then is get approval by DFA. We believe that DFA would promptly approve this contract. They basically approve JPAs only as to form and then we could get the deposit and cut off the ten percent. The difference between ten and six is in this particular case about \$6,000 a month.

CHAIRMAN ANAYA: Thank you. One of my concerns is I know this is a complicated issue and we'll iron it out but one of my concerns in that area is Cañoncito water system, and I know Commissioner Campos has the same concern and maybe we can work that in to where we can possibly supply water to the Cañoncito area. It's close by, we can talk about it and maybe you can work that in and possibly other small communities that are around there. If we want to talk regional that's something that we need to put in.

MR. COPPLER: We're certainly amenable. We've been suggesting different drafts over the last 90 days and we do have a lot of language in the current draft dealing with cooperation on a regional basis with the County Commission and so language, if you'd like, along the lines of cooperation and a chance to help these other systems, we have no problem with that.

CHAIRMAN ANAYA: Thank you. Any other matters from the Commission; Commissioner Sullivan?

COMMISSIONER SULLIVAN: Not from me. I just want to be sure we've got –

CHAIRMAN ANAYA: We want to wrap up. Commissioner Campos.

COMMISSIONER CAMPOS: I don't want to give staff that direction. I think

there are some ideas out there that we need to consider as a County Commission, ideas that would better serve the county and I'd like to have this discussion with staff in the next few days. And I've already encouraged them to come up with ideas and start generating discussion.

CHAIRMAN ANAYA: Commissioner Vigil.

COMMISSIONER VIGIL: Mr. Chair, I actually think this is a creative way for the County to join up in partnership with the Eldorado Water and Sanitation District and I actually appreciate your efforts in coming forth and looking at this more from a loan perspective than a grant perspective. I don't see any reason in not giving staff direction to try to see how we could hammer out the interest issue that was brought up today, and in effect perhaps come back and have our Finance Department inform us and through the public process if there's any impact to the County with regard to this. If in fact it's a positive impact as a result of the interest or a negative impact I think that's another piece of information that we need to have.

CHAIRMAN ANAYA: Thank you, Commissioner Vigil. Commissioner Montoya.

COMMISSIONER MONTOYA: Thank you, Mr. Chair. I agree with everybody.

CHAIRMAN ANAYA: So you've got clear direction to move forward.

COMMISSIONER MONTOYA: I think if there's some – and I'm not sure what Commissioner Campos is referring to but if there's something that makes sense that may make this thing even more of an amicable partnership that maybe we look at that. But at least we explore it in terms of some of the ideas that he may have, which I don't think would be contrary to what we're working toward here.

MR. COPPLER: I guess from our standpoint, we have people working on a revenue bond issue on the private side to raise the money. And so we're having to spend a lot of money with bond lawyers and bond consultants and marketing people on that. So that clock is ticking. So basically, what we're wanting to do is have direction as Commissioner Vigil said, to finalize this JPA and bring it back for a vote by your body, up or down on the 8<sup>th</sup>. Because if you vote it down, we have got to go out to the private market which is going to cost the people of Eldorado over the life of the loan several hundred thousand more dollars. And so what we would like to do is to bring this JPA back to you, that's the direction we'd like to hear, as Commissioner Vigil mentioned, to bring the JPA back to you on the 8<sup>th</sup> with a vote up or down so that we know whether or not we have a way to, in effect, put County idle funds to work on this project, as opposed to having to go out to the private sector and spend several hundred more thousand dollars to raise the money. So we're really looking for that direction to the staff to bring this JPA back on the 8<sup>th</sup>, up or down.

CHAIRMAN ANAYA: Okay. Thank you, Mr. Coppler. I guess what I'm hearing is that they bring it back on the 8<sup>th</sup>. The Commission is not sure is which direction we are going to go; we need more information. Is that correct?

COMMISSIONER SULLIVAN: I think, Mr. Chair, just let me add a postscript. If there are other issues that can come forward that can be resolved by the 8<sup>th</sup> and

implemented I'm all in favor of it. There is a provision at least in this draft that the County can recall and demand repayment of the entire funds any time after February 1, 2008. So there are a lot of partnering agreements and concepts in the JPA. If for any reason the Eldorado Water and Sanitation District were to renege on any of those we have a pretty big stick. We have the ability to recall that loan. And there's nothing better than forced cooperation sometimes. And I think that, if we have some innovative ideas, that that's a good leverage to keep us talking and to implement them. So we've gotten a lot of teeth in this agreement since we first started working on it.

CHAIRMAN ANAYA: Okay, is that what the Commission wants? I'm hearing no from Paul Campos. I don't have a problem with coming and hearing it, getting some more information and working towards the goals that we need, but Commissioner Vigil are you in favor of what Commissioner Sullivan is asking?

COMMISSIONER VIGIL: I agree with Commissioner Sullivan and as he stated, if before the 8<sup>th</sup>, through your working through some of these issues in the JPA there is another avenue as Commissioner Campos is exploring for, perhaps that information could be before us too.

CHAIRMAN ANAYA: Okay. Do you have clear direction?

MR. ABEYTA: Yes.

COMMISSIONER SULLIVAN: Thank you, Mr. Chair.

CHAIRMAN ANAYA: Any - Commissioner Vigil.

COMMISSIONER VIGIL: Mr. Chair, I do have one matter and it's really short and quick and it's to Gerald and Roman. I would just like to get an update and perhaps not now but in a future meeting and activate the investment committee. We are the Board of Finance with regard to that and I know that if we initiated the investment committee we might be looking at getting a better return for our investments. So I know there are resolutions in place that actually require us to appoint an investment committee and I don't know what the status of that is. If you feel you want to give me a summary on that and it can be real short. Otherwise I'm happy to wait until the next meeting.

MR. ROSS: Mr. Chair, Commissioner Vigil, we do have an investment committee. It has not met yet but the members are appointed by description. It's the chairman of the Board of County Commissioners, the County Manager or his designee, myself or my designee, the Treasurer, the head of the Finance Department. I know I'm forgetting somebody. There is a committee it just has not met and for that reason we haven't had a Board of Finance Committee meeting yet. We had anticipated when we started the process of having more regular Board of Finance meetings that we would have quarterly meetings for the Board of Finance and it just hasn't happened.

CHAIRMAN ANAYA: Commissioner Campos.

COMMISSIONER CAMPOS: A quick question for Attorney Ross. The designated chairman can either sit or designate. Now, if they designate for a period of time? Is it meeting by meeting? How does that work?

MR. ROSS: It's not specified.

COMMISSIONER CAMPOS: Mr. Chair, either you're going to sit or you're going to designate someone to sit on that board at some time.

CHAIRMAN ANAYA: Just let me know, unless someone else is interested in sitting on it, I'll sit on it.

COMMISSIONER MONTOYA: Mr. Chair, just on that point. Commissioner Vigil, just for your information, I've been on the Commission for two years and we've met once in my tenure as the Board of Finance and Investment.

CHAIRMAN ANAYA: So you're on the board now?

COMMISSIONER MONTOYA: Well, we are the board. And before that – we met once.

CHAIRMAN ANAYA: Okay, we need to work on it. Commissioner Montoya, do you have anything?

COMMISSIONER MONTOYA: Yes, Mr. Chair, just a couple things. I'd like to ask staff to contact Barbara Deaux from the North Central New Mexico Economic Development Corporation. We have a seat on that board of directors and she's looking that we appoint someone to that board. Also I just wanted to thank David Sims for helping coordinate the DWI Awareness Day at the capitol, which was January 20<sup>th</sup>. Thank you, David, It turned out great. Mr. Chair, congratulations on your chairmanship. I look forward to the next 12 months of your chairmanship. A little plug there. And if anyone is available this Friday we have some visitors from Chiapas, Mexico who are going to be visiting our program Hands Across Cultures regarding the programs that we're implementing within the valley and they're hopefully going to take away something that they'll be able to replicate down in Chiapas as well.

And I just wanted to also recognize and thank our County Clerk for hiring Denise Lamb who's one of my constituents in Chimayo and welcome to Santa Fe County, Denise. We're glad to have your expertise and knowledge here in the County.

CHAIRMAN ANAYA: Thank you, and congratulations on your vice chair. Commissioner Campos.

COMMISSIONER CAMPOS: I'd also like to congratulate you, Mr. Chair, and I look forward to working long and hard with you.

## **XI. Committee Resignations/Appointments/Reappointments**

### **A. Request Reappointment of Member to the DWI Planning Council**

MR. SIMS: There are three requests for appointments for the DWI Planning Council. One of them I apologize for just getting to you now, Glenn Wieringa. Many of you if not all of you know Glenn very well and are very familiar with his work in the DWI Planning Council. The other two, one is Beth Nichols with Esperanza Shelters, the domestic violence organization here in Santa Fe and the third is Kurt Smith who is a student at Highlands University working on his social work degree, and he's also a case

manager for St. Elizabeth's Shelter here in Santa Fe. I stand for any questions.

CHAIRMAN ANAYA: Okay, so there's three people. Glenn – say them again.

MR. SIMS: Glenn Wieringa with the Department of Health, Beth Nichols with Esperanza Shelters, and Kurt Smith with St. Elizabeth's Shelter.

COMMISSIONER MONTOYA: Mr. Chair, move for approval.

COMMISSIONER VIGIL: Second.

CHAIRMAN ANAYA: There's a motion and a second. Any discussion?

**The motion to appoint Glenn Wieringa, Beth Nichols and Kurt Smith to the DWI Planning Council passed by unanimous [5-0] voice vote.**

CHAIRMAN ANAYA: Thank you, David and congratulate them for us.

**XI. B. Appointments to the County Open Land and Trails Planning and Advisory Committee (COLTPAC) [Exhibit2: Updated Information]**

PAUL OLAFSON (Open Space Director); Thank you, Mr. Chair. On the agenda today we have appointment of members to the County Open Land and Trails Planning and Advisory Committee. We currently have seven openings and one opening that will be in March and we're asking for appointments for all of those seats. We've had some term limits as well as a couple resignations that have created these openings. We have members that represent three regions in the county, the north, central and south region, as well as a representative for the city, an at-large representative and two alternates. And what I've just handed out to you is the last set of letters of interest as well as the second page of that is a kind of chart that shows where the openings or vacancies are to help you follow along with the discussion.

We have advertised this in all of the local newspapers in the county, the *Rio Grande Sun*, the *Journal*, the *Santa Fe New Mexican*, *Independent* and the *East Mountain Telegraph*. I think it's something else now, but that area.

CHAIRMAN ANAYA: Commissioner Campos.

COMMISSIONER CAMPOS: I'd like to say, Mr. Olafson, that this list is outstanding. We have people with incredible talent and we have so many people. It would be nice if we could use them in other ways. Do you have any ideas?

MR. OLAFSON: Use all of the people?

COMMISSIONER CAMPOS: There are so many good people.

MR. OLAFSON: Mr. Chair, Commissioner Campos, I completely agree. And what we've been doing is keep people involved through e-mail and keeping them on a list. And some of the people here have also applied previously; some are new applicants. But we've tried to keep them engaged and informed of when we're asking for new

applicants and volunteers to serve on the committee as well as project-specific activities.

COMMISSIONER CAMPOS: What about alternates? Usually we have several alternate positions. Are we going to appoint alternates today?

MR. OLAFSON: Yes. If you go to the second page of what I just handed out.

COMMISSIONER CAMPOS: The new one?

MR. OLAFSON: The one I just handed out. It's got some blanks. It shows the north there's two vacancies, central there's one vacancy and Robert Findling will expire in March so we'd like to have an appointment for his position so there's two there. In the south there's three vacancies. The city is vacant and then the two alternates have requested that they would also be moved up to sitting members from alternates. So if the Board chose that, Cherie Rife-Smylie under alternate would go to the south and Bob Wilbur would go to the central. That would create two alternate positions as well.

COMMISSIONER CAMPOS: So that would mean there would be two more appointments.

MR. OLAFSON: Well, the total would be eight, but it would change the numbers for the different regions.

COMMISSIONER CAMPOS: I'm ready to make a motion but I'd leave it up to the chair to make –

CHAIRMAN ANAYA: Any other comments?

COMMISSIONER VIGIL: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Vigil.

COMMISSIONER VIGIL: I'm not sure how to advocate for this, Paul, and perhaps you can give me some direction because if we're moving up the alternates into the city position and then the central position that means that central position has all their positions filled. I'm really advocating for Elise McLaughlin who is a planner and has a lot of experience in various areas. I would agree with Commissioner Campos; the resumes are excellent. Elise would be sort of new to this. I do advocate for those that have had experience such as the alternates to move into open positions, but because I'm advocating for her, where would she fit?

MR. OLAFSON: Mr. Chair, Commissioner Vigil, just to note that if Bob Wilbur moves up to the central region that would take one vacancy but Robert Findling is term-limited in March so that would be another opportunity for Elise McLaughlin as well as the city slot. I'm assuming she lives in the city. I'm pretty sure she does, or the two alternate positions, if the two alternates move. So to answer your question directly, there's one city slot that can be appointed. There's one central slot and the two alternate slots if it all goes that way.

COMMISSIONER VIGIL: Thank you, Mr. Chair.

CHAIRMAN ANAYA: Commissioner Montoya, do you want to do the north?

COMMISSIONER MONTOYA: Sure. Mr. Chair, I'd like to nominate for

the north positions Levi Valdez and Leon Roybal.

CHAIRMAN ANAYA: There's been a motion.

COMMISSIONER CAMPOS: I'll second that.

CHAIRMAN ANAYA: And then a second. Any discussion?

**The motion to appoint Levi Valdez and Leon Roybal to COLTPAC passed by unanimous [5-0] voice vote.**

COMMISSIONER CAMPOS: Mr. Chair, I'd like to advocate for Dr. Bill Johnson. I think we need a strong advocate for trails. I think he'd be excellent.

CHAIRMAN ANAYA: In what area?

COMMISSIONER CAMPOS: In the central/city.

CHAIRMAN ANAYA: Bill Johnson?

COMMISSIONER CAMPOS: Yes, sir.

CHAIRMAN ANAYA: Is there a second?

COMMISSIONER MONTTOYA: Second.

CHAIRMAN ANAYA: Discussion.

COMMISSIONER SULLIVAN: Mr. Chair, I don't know whether we're going to vote on each one individually. I'd like to put John Buchser's name in. He's been very active in the northern group of the Rio Grande Chapter of the Sierra Club. And I certainly feel he would do an excellent job, either as an alternate or as a member.

CHAIRMAN ANAYA: Okay. Commissioner Campos.

COMMISSIONER CAMPOS: Well, we do have two alternates. We have two pretty good alternates. I like Elise McLaughlin. I think she had an excellent resume. I think Buchser is a great representative. He represents the Sierra Club and we've had a member of the Sierra Club and I think it's important to do so. Bill Johnson is an active trails advocate. He's gone to a lot of our functions. He's been very active. I think those are three really good people for the central. And maybe we could move Alina Bokde into the city. That's a recommendation. I think those are three excellent choices. She's worked for the County. She's done a great job. That might be a way of resolving this.

CHAIRMAN ANAYA: Say it again.

COMMISSIONER CAMPOS: Bill Johnson, Buchser, Elise McLaughlin. And then move Bokde into the city vacant position.

COMMISSIONER MONTTOYA: So who would we put in the city.

COMMISSIONER CAMPOS: Well, actually Bokde's at large, isn't she? She isn't expiring?

MR. OLAFSON: No. Correct.

COMMISSIONER CAMPOS: So we basically have Cherie Rife-Smylie and Bob Wilbur.

MR. OLAFSON: Yes. And Rife-Smylie would like to be moved up to the south and Wilbur would like to be moved up to the central.

COMMISSIONER CAMPOS: So that's the situation.

CHAIRMAN ANAYA: Now you've got me confused. You want to go back to Bill Johnson?

COMMISSIONER CAMPOS: I have a motion for Bill Johnson.

CHAIRMAN ANAYA: There's been a second. There's been discussion.

**The motion to appoint Bill Johnson to COLTPAC passed by 3-0 voice vote with Commissioners Sullivan and Vigil abstaining.**

COMMISSIONER SULLIVAN: There's no vote from here, Mr. Chair, because I don't agree with the process.

CHAIRMAN ANAYA: Okay, there's three yeses and one no, doesn't agree or abstaining.

COMMISSIONER VIGIL: I'm abstaining because I'm certainly understanding that if Bob Wilbur moves up to the central position then that entire position – all the vacancies are full.

COMMISSIONER CAMPOS: He doesn't have to move up. That's not automatic.

MR. OLAFSON: Yes, that decision hasn't been made, and secondly, there's the vacancy in the central and Robert Findling, he will expire in March so an appointment can be made today and that person would take over for him after March. So there's actually two central spots. If Dr. Johnson were appointed to one of the central spots that would leave the option of bringing Mr. Wilbur up to the second slot then having an alternate placed in that slot, or there's also the city slot that a person could fit into from that central region as well.

COMMISSIONER MONTOYA: Mr. Chair, we just appointed Johnson to the central, so that's taken care of. Wilbur remains where he's at.

CHAIRMAN ANAYA: So Wilbur remains. We appointed Bill Johnson to the central and Robert M. Findling is still on the central?

MR. OLAFSON: But he will expire in March. So we're asking for an appointment to his position.

CHAIRMAN ANAYA: Do you want us to appoint somebody?

MR. OLAFSON: Correct.

COMMISSIONER VIGIL: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Vigil.

COMMISSIONER VIGIL: Elise McLaughlin. I move for her appointment to replace Robert M. Findling in March.

CHAIRMAN ANAYA: There's been a motion.

COMMISSIONER SULLIVAN: Second.

CHAIRMAN ANAYA: Any discussion?

**The motion to appoint Elise McLaughlin to COLTPAC passed by unanimous [5-0] voice vote.**

CHAIRMAN ANAYA: Okay, we've got central taken care of; Bill Baxter's going to stay there.

MR. OLAFSON: Correct.

COMMISSIONER CAMPOS: Have we taken care of the city?

MR. OLAFSON: The central has been taken care of. The city has not been taken care of yet.

COMMISSIONER CAMPOS: So what about a motion to have Buchser be the city rep?

COMMISSIONER MONTOYA: Does he live in the city?

COMMISSIONER CAMPOS: He's under central/city. And he's from the Sierra Club and I think we need to have someone from the Sierra Club on that.

CHAIRMAN ANAYA: Do I hear a motion?

COMMISSIONER SULLIVAN: So moved.

COMMISSIONER CAMPOS: Second.

COMMISSIONER VIGIL: Mr. Chair, I am in favor of the recommendation, I just would point out that Elise McLaughlin is also a member of the Sierra Club.

CHAIRMAN ANAYA: Okay, there's a motion and a second.

**The motion to appoint John Buchser to COLTPAC passed by unanimous [5-0] voice vote.**

CHAIRMAN ANAYA: Okay, we've got the city taken care of. Now the southern part. I'd like to appoint James P. Edmiston and Mary Lindsey. Is there a third that you have?

MR. OLAFSON: Mr. Chair, Cherie Rife-Smylie, who is the current alternate would like to request to be moved up.

CHAIRMAN ANAYA: And move Cherie Rife-Smylie to the third. That's my motion.

COMMISSIONER VIGIL: Second.

CHAIRMAN ANAYA: Any discussion?

COMMISSIONER CAMPOS: Let me ask a question. Basically, you're saying, Mr. Chair, Edmiston and Lindsey would take the primary positions and Cherie Rife-Smylie would remain as an alternate. Is that what you're saying?

CHAIRMAN ANAYA: No.

COMMISSIONER CAMPOS: What is your motion?

COMMISSIONER MONTOYA: Rife-Smylie moves up.

CHAIRMAN ANAYA: I put James, Mary and Cherie in the southern part and now there's an alternate open. Correct?

MR. OLAFSON: Correct.

**The motion to appoint James Edmiston, Mary Lindsey and Cherie Rife-Smylie to COLTPAC passed by unanimous [5-0] voice vote.**

CHAIRMAN ANAYA: Now alternate.

COMMISSIONER VIGIL: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Vigil.

COMMISSIONER VIGIL: I'd like for the Commission to consider Jack C. Frost, who was a previous employee of Santa Fe County.

COMMISSIONER MONTOYA: Second.

CHAIRMAN ANAYA: Any discussion?

**The motion to appoint Jack Frost as COLTPAC alternate passed by unanimous [5-0] voice vote.**

[The Commission recessed from 12:30 to 2:05]

**XI. C. Appointment to the Multi-Line Pool Board**

COMMISSIONER MONTOYA: Typically, Santa Fe County, because of the fact that we're one of the larger counties has a seat on the multi-line pool board. In the past year Commissioner Anaya has been serving on that. So we're at the point in time that we need to make an appointment again to that board. That's where we're at.

COMMISSIONER CAMPOS: Commissioner is that a one-year appointment.

COMMISSIONER MONTOYA: Yes. That's one or two.

CHAIRMAN ANAYA: I think it's one.

COMMISSIONER CAMPOS: That's through the New Mexico Association of Counties.

COMMISSIONER MONTOYA: Yes, sir.

COMMISSIONER CAMPOS: Is there anybody who really – have you talked to anybody as to who wants to be on?

COMMISSIONER VIGIL: Mr. Chair, I nominate Paul Campos.

COMMISSIONER CAMPOS: I don't want to be on it.

COMMISSIONER MONTOYA: Mr. Chair, I nominate Virginia Vigil.

COMMISSIONER CAMPOS: I second it.

CHAIRMAN ANAYA: Is there any discussion?

**The motion to appoint Virginia Vigil to the Multi-Line Pool Board passed by unanimous [5-0] voice vote.**

CHAIRMAN ANAYA: Congratulations. You'll do very well. I had the privilege and honor of serving on that for two years or a year and a half and I learned a lot. I'd like to pass it on to Virginia. You'll be wonderful. Thank you.

**XII. Consent Calendar**

- A. Request Authorization to Enter into an Agreement with Southern Ute Indian Tribe and Santa Fe County to Provide Juvenile Services at the Santa Fe County Youth Development Program (Corrections Department)**
- B. Request Authorization to Enter into Amendment #1 for the Price Agreement #24-0094-FD with Artesia Fire Equipment, Inc., for the MSA Safety Equipment for the Santa Fe County Fire Department (Fire Department)**
- C. Request Authorization and Ratification of Amendment #1 for the Price Agreement #24-0093-FD with NASCO, LLC for the MSA Safety Equipment for the Santa Fe County Fire Department (Fire Department)**
- D. Resolution No. 2005-10. A Resolution Requesting an Increase to the EMS - Healthcare Fund (232)/Health & Human Services Administration Division Budget for Charges of Services Revenue for Expenditure in Fiscal Year 2005/\$10,000 (Health & Human Services Department)**
- E. Resolution No. 2005-11. A Resolution Requesting an Increase to the EMS - Healthcare Fund (232)/Santa Fe Care Connection Division Budget for Charges of Services Revenue for Expenditure in Fiscal Year 2005/\$117,234 (Health & Human Services Department)**
- F. Resolution No. 2005-12. A Resolution Requesting a Decrease to the General Fund (101)/Maternal & Child Health Program Budget to Realign the Fiscal Year 2005 Budget with the Final Grant Awarded through the New Mexico Department of Health/\$48,085 (Health & Human Services Department)**
- G. Resolution No. 2005-13. A Resolution Requesting an Increase to the General Fund (101)/DWI Program Budget for Local DWI Distribution Funds Approved by the New Mexico Department of Finance and Administration for Expenditure in Fiscal Year 2005/\$39,657 (Health & Human Services Department)**
- H. Resolution No. 2005-14. A Resolution Requesting an Increase to the General Fund (101)/Land Use Department to Budget Special Appropriation Project (SAP) Grant for a Regional Water System Feasibility Study for Cuatro Villas Mutual Domestic Water Users Association Received from the New Mexico Environment Department**

- for Expenditure in Fiscal Year 2005/\$47,595 (Land Use Department)**
- I. Request Authorization to Enter into a Professional Services Agreement with Vista Grande Library to Provide Educational Programs for the Seniors and Youth in Santa Fe County/\$15,000 (Manager's Office)**
  - J. Request Authorization to Accept and Award an Indefinite Quantity Price Agreement to the Lowest Responsive Bidder for IFB #25-40 for the 5 Ton HVAC's for the Santa Fe County Project and Facilities Management Department (Project & Facilities Management Department)**
  - K. Request Authorization of the First Amendment to Signalization and Lighting Agreement with the New Mexico Department of Transportation (NMDOT) for the Intersection at County Road 36 & NM 300 Old Las Vegas Highway (Public Works Department) *ISOLATED FOR DISCUSSION* – Page 47**

CHAIRMAN ANAYA: Do I have a motion to approve?

COMMISSIONER CAMPOS: Motion to approve, Mr. Chair, all items unless any have been taken off.

COMMISSIONER MONTOYA: Item K.

COMMISSIONER CAMPOS: Other than K.

COMMISSIONER MONTOYA: Second.

CHAIRMAN ANAYA: Any discussion?

**The motion to approve Consent Calendar items A through J passed by unanimous [4-0] voice vote. [Commissioner Sullivan was not present for this action.]**

CHAIRMAN ANAYA: Commissioner Sullivan was the one that pulled this one off.

COMMISSIONER MONTOYA: I hope he's okay with it.

CHAIRMAN ANAYA: We'll go ahead and move item K off and then just wait until he shows up and then we'll come back to it.

### **XIII. Staff and Elected Officials' Items**

#### **A. Clerk's Office**

- 1. Request Authorization for Santa Fe County to Enter into an Agreement with Election Systems and Software for Data Processing Services**

VALERIE ESPINOZA (County Clerk): Chairman Anaya, Commissioners, because federal law requires the Clerks to use the centralized voter system, I'd like to introduce Denise Lamb from my office, Deputy Elections Bureau Chief and Trena Watson with the

Secretary of State's Office. We are one of two counties that is not in compliance thus far with this system so they are here to explain the agreement.

CHAIRMAN ANAYA: Okay. Thank you, Valerie. Denise, how are you?

DENISE LAMB (Elections Bureau Chief): I'm fine. Mr. Chair, Commissioners, you may recall about, oh, maybe six months ago, Commissioner Vigil, I'll just do a little quick synopsis for your benefit. But about six months ago I was in here with the Secretary of State and she gave about a 40 minute presentation to you on the state's implementation of the Help America Vote Act and what's required under that. As a result of the 2000 presidential election, the Congress of the United States passed a law and part of that law requires that all states have a centralized voter registration database system that resides with the chief election officer of the state, and that it has to be interactive and allows all counties to tie into it.

New Mexico was in a unique situation because we started this process in 1999 and had approached the legislature and received funding for phase 1 and phase 2 of the project. We had our first county, San Juan County was up and running for the 2000 primary election. Because of some difficulties that we had here in Santa Fe and some had to do with data lines and then some other difficulties there's been a delay in the full implementation of this project. And what we'd like to do is we'd like to move forward with it.

The contract is the same contract that all the other 31 counties are now signed on to. I had it reviewed by the County Attorney and we present it to you for your approval. I do have Trena Watson here from the Secretary of State's Office that can answer any technical questions about the data processing capabilities and other than that I'll be happy to answer any of your questions.

CHAIRMAN ANAYA: Thank you, Denise. Any questions of Denise?

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Campos.

COMMISSIONER CAMPOS: Any dollar implications?

MS. LAMB: This contract is going to replace the current contract that we have with Triatic.

COMMISSIONER CAMPOS: No additional dollars?

MS. LAMB: I can't answer that question.

COMMISSIONER CAMPOS: Who can?

MS. LAMB: Trena, do you know?

TRENA WATSON: Chairman Anaya, Commissioner Campos, I can't address it exactly. It's in the current Clerk's office right now. To my knowledge this project has been going five years. I do know that there has been equipment purchased. There may be hardware or additional software that is necessary to complete the implementation of this. So there will be some more money that Santa Fe County is going to have to put out, but not as a direct result of this contract. This is in the normal operation of business because this is an update to the current system that you have. Did that answer your -

COMMISSIONER CAMPOS: Well, you're changing contractors, right?

MS. WATSON: Yes, we're changing contractors.

COMMISSIONER CAMPOS: I assume the contract rates will be the same. Contract A and B, the contract rates will be the same.

MS. WATSON: Not between Triatic and the estimates. The [inaudible] are not exactly the same because there's a different system. Without having ever looked at your Triatic contract I can't answer that. I know how much the price is for a Class A county with the ES&S. So there could be \$2,000 difference.

COMMISSIONER CAMPOS: I'd be curious to know. The other issue, obviously, the budget. If we're going to be transforming from point A to B to C you've got to start looking at the budget and how much we need to put in the budget to pay for the new equipment.

MS. LAMB: Mr. Chair, Commissioner Campos, one of the things about this is that the initial costs for hardware and software are being paid by the state, as was, I believe the state picked up the cost of the T-1 line.

MS. WATSON: Chairman Anaya, Commissioner Campos, the Secretary of State's Office paid for all the installed lines for the T-1 lines. We paid for the first year of maintenance with ES&S. We paid for all the training that the County Clerk's office received.

COMMISSIONER CAMPOS: Okay.

MS. WATSON: So after the first year of implementation it was accrued to the County Clerk. It wasn't Ms. Espinoza at that time. It was Ms. Bustamante. But they were very aware that they needed two plans for that maintenance in the following years.

COMMISSIONER CAMPOS: Okay. Thank you very much.

CHAIRMAN ANAYA: Any other comments? Questions? Commissioner Vigil.

COMMISSIONER VIGIL: Mr. Chair, I didn't get a copy of the agreement in my packet but if there is one available I would just ask that it be made part of the record if we have one available.

MS. LAMB: Commissioner, I did forward all that information. It's not in there?

COMMISSIONER VIGIL: It's not on mine. Am I the only Commissioner missing the agreement.

MS. LAMB: I supplied three copies of the contract to the County Manager's office for the meeting.

COMMISSIONER VIGIL: I'm just asking that it be made part of the record.

CHAIRMAN ANAYA: Okay. Any other comments? Commissioner Sullivan.

COMMISSIONER SULLIVAN: As I read the letter, and I don't have a copy of the contract either in the packet. I don't think any of the Commissioners do. The Secretary of State says, I will no longer approve any AVRS contracts for any data processor except ES&S. I don't see that the County Commission has any say-so in this whatsoever. Why don't you just go do what you want to do?

CHAIRMAN ANAYA: Is that a motion?

COMMISSIONER CAMPOS: Go where you want to go... Can we sing that

song? Do what you want to do.

COMMISSIONER SULLIVAN: I really hate to waste the public's time and the Commission's time if this is just a fait accompli.

COMMISSIONER MONTOYA: Second.

MS. LAMB: Mr. Chair, Commissioner Sullivan, you are correct in a way. It is a mandate. It's a federal mandate that the federal government actually paid for for a change and the state in turn is passing it on, but also the state is paying for it with those federal funds. And it's true, we don't have an option really. The decision was made by the county clerks, actually to go with this particular vendor about four years ago.

COMMISSIONER CAMPOS: Has this been reviewed by legal counsel for the County?

MR. ROSS: Commissioner Sullivan, I looked it over. It's the same, essentially it's the same contract that's been used in the state for 20 years. I've seen them a lot. The only difference is the contractor. It doesn't have money in the contract. It just has a list of duties and responsibilities for the contractor. One of the primary reasons for these contracts is to ensure that the contractor treats the data properly. The contractor can't just release the data to anybody. There's some strict rules about who they can and cannot release the data to.

COMMISSIONER SULLIVAN: Thank you.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chair, just for my point of information anyway, in terms of being a member of the board of elections for the County, I think I would like to be informed, as we are being informed when these types of things do come before us. So I just think it's important for myself to be informed of these sorts of things. So thank you.

CHAIRMAN ANAYA: Okay, so there's a motion and second. Any more discussion?

**The motion to authorize the data processing contract passed by unanimous [5-0] voice vote.**

CHAIRMAN ANAYA: Thank you, Denise and Trena.

MS. ESPINOZA: Commissioner Sullivan, we will be implementing that service, the centralized voting service within six months. So we'll go ahead and do what we need to do. Thank you.

CHAIRMAN ANAYA: Thank you, Valerie.

**XII. K. Request Authorization of the First Amendment to Signalization and Lighting Agreement with the New Mexico Department of Transportation (NMDOT) for the Intersection at County Road 36 & NM 300 Old Las Vegas Highway**

CHAIRMAN ANAYA: Let's go back to item K.

COMMISSIONER SULLIVAN: Mr. Chair, James, I wondered if you could just give us some background on this. We've had agreements with the Highway Department before where we were required to do lighting and I couldn't tell from the packet material even where this was. Could you give us a little background on it?

JAMES LUJAN (Public Works Director): Mr. Chair, Commissioners, yes. Commissioner Sullivan, we entered into this lighting and signalization agreement back in October 22, 2003. I believe what happened is that the DOT had some more public input and they're going to do away with the luminaires, not the traffic signal, but just the luminaires. This is at the intersection of El Gancho and the Old Las Vegas Highway. They're reconfiguring that intersection and then they're putting in a traffic signal. But I understand it was people that didn't want luminaires for the lighting for whatever reason. So that's the portion they're doing away with.

In the past we've had agreements just for signalization. We had them combined, luminaires and signalization and this one we're just going for the signalization.

COMMISSIONER SULLIVAN: So this is an agreement that the Commission has already approved.

MR. LUJAN: It was approved, yes, like I say, in October 2003, but the DOT eliminated the luminaires and started with a whole new agreement for whatever reason. We don't know.

COMMISSIONER SULLIVAN: So that will be less cost to the County because we have to pick up the electricity on it.

MR. LUJAN: The power, yes. Correct.

COMMISSIONER SULLIVAN: The Department of Transportation builds the signals and the luminaires but the County gets stuck with the electric bill. Is that right?

MR. LUJAN: That is correct, Commissioner.

COMMISSIONER SULLIVAN: So this is – and they feel of course that there's not a safety issue there, that the luminaires are not needed.

MR. LUJAN: That is correct. They will have the flashing light that they feel will illuminate some light in there and the lights. I guess it's the people from that area that didn't want the luminaires for the night light.

COMMISSIONER SULLIVAN: And does the staff –

MR. LUJAN: We're fine with it, yes. It's a state road and we're fine with the intersection as long as they have the signalization.

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

CHAIRMAN ANAYA: Any other comments?

COMMISSIONER SULLIVAN: Move for approval of item K of the Consent Calendar.

COMMISSIONER MONTROYA: Second.

CHAIRMAN ANAYA: Motion and a second.

**The motion to approve item XII. K passed by unanimous [5-0] voice vote.**

**XIII. B. Corrections Department**

**1. Resolution No. 2005-15. A Resolution Requesting an Increase to the Jail Operations Fund (518)/Adult Facility to Budget Charges of Services Revenue for Expenditure in Fiscal Year 2005/\$39,500**

GREG PARRISH (Corrections Director): Mr. Chair, Commissioners, that resolution has to do with the transfer of funds to the budget for the Corrections Department for the compliance officer that was approved by this Commission last year. The compliance officer is on board and is working at the adult facility. The funds were taken from part of the St. Vincent's MOU, and we're just transferring those to start paying his salary, basically. He's on board at this time.

CHAIRMAN ANAYA: Any questions of Greg?

COMMISSIONER MONTOYA: Mr. Chair, move for approval.

CHAIRMAN ANAYA: There's been a motion.

COMMISSIONER VIGIL: Second.

CHAIRMAN ANAYA: Any discussion?

**The motion to approve Resolution 2005-15 passed by unanimous [5-0] voice vote.**

CHAIRMAN ANAYA: I'd like to recognize a County Commissioner from Quay County, Grace Madrid. Grace, thanks for being here.

**XIII. B. 2. Resolution No. 2005-16. A Resolution Requesting an Increase to the Jail Operations Fund (518)/Adolescent Residence Center Budget for Care of Inmate Revenue from the U.S. Department of Justice for Expenditure in Fiscal Year 2005/\$335,000**

MR. PARRISH: Mr. Chair, Commissioners, as you recall, on September 14, 2004 we submitted the final proposal for a non-secure residential treatment center for the juveniles to be operated out of our facility. On October 22, 2004, this was approved by the Department of Justice and we were awarded the contract. We are on schedule at this time to open that facility on April 1<sup>st</sup> and this transfer of funds is the start-up money that is necessary to hire staff and put people on board to provide training. A final walk-through by the Bureau of Prisons will be March 15 and we anticipate the arrival of 16 juveniles on April 1<sup>st</sup>. And this is the start-up money, basically. And we're moving it from the Corrections fund to this line item so we can start that.

CHAIRMAN ANAYA: Any questions of Greg?

COMMISSIONER VIGIL: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Vigil.

COMMISSIONER VIGIL: Just that I'm really excited that this opportunity has come to Santa Fe County, Mr. Parrish. If it's start-up money, what's going to create the sustainable part of it?

MR. PARRISH: Commissioner Vigil and Mr. Chair, this is - we will receive payments from the Bureau of Prisons for each one of these juveniles, and unfortunately, I didn't bring the amount, but we get paid a per diem on each one of these so when they arrive on the 16<sup>th</sup> we'll start income from that point from the federal government paying us for this operation, and that will go back into our Corrections Department fund. Does that answer your question?

COMMISSIONER VIGIL: So Mr. Chair, this amount of money is not for a definite period of time? It's ongoing?

MR. PARRISH: This amount of money, Commissioner Vigil, is for the start-up fund until we start receiving income from the Bureau of Prisons. The first two months that we'll be paying our staff and things like that because we won't have the income from the Bureau of Prisons until after the first month when they're billed and there will be probably a two or three month lag. So this is just the start-up money. After that we should be able to sustain the operation with the funds that we take in.

COMMISSIONER VIGIL: No further questions, Mr. Chair.

CHAIRMAN ANAYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Greg, when we applied for this, how much did we apply for?

MR. PARRISH: We submitted that we would provide services for 16 to 20 juveniles.

COMMISSIONER SULLIVAN: What was the dollar amount of the grant?

MR. PARRISH: The dollar amount for this contract from the Bureau of Prisons is just a little over \$6 million for four years.

COMMISSIONER SULLIVAN: So that's what we applied for in the grant.

MR. PARRISH: Right. Well, it's not actually a grant. We have an agreement with them to provide these services and they will pay us for this service. And if it goes four years it will be worth a little over \$6 million.

COMMISSIONER SULLIVAN: Okay. And at that time I recall there were some upgrades that they wanted done and I was just a little concerned that sometimes we get into this blank check thing of submitting for a fixed amount of money and then having these continual facility upgrades. And my recollection is they were going to have an inspection and that was going to be finalized. Is that taken care of now? Do we have the facility upgraded?

MR. PARRISH: No, we don't have the facility completed yet. It actually is a major remodeling of the facility where we're actually redoing part of the secure area to make it more dormitory style and that funding is coming from capital funds that we had for the juvenile facility from last year, is my understanding. And Tony - I know the remodeling is coming out of the capital improvement funds we had for the juvenile facility

that was allocated by the legislature last year. And that's what we're using for the remodeling and that.

COMMISSIONER SULLIVAN: So those are legislative funds that we had?

MR. FLORES: Mr. Chair, Commissioner Sullivan, 98 percent of it is legislative funds. There's a balance of \$20,000 from the GRT appropriation of the quarter percent that you authorized last February. So 98 percent of the funds for the remodels are coming from state appropriations that were received by the County on December 30<sup>th</sup>.

COMMISSIONER SULLIVAN: And what's the total amount?

MR. FLORES: \$386,712.54.

COMMISSIONER SULLIVAN: Okay. So that is going to be done, and after that's done the Bureau of Prisons is going to look and see if that meets their requirements. Is that right?

MR. FLORES: Mr. Chair, yes. They will come out for two inspections. They'll come out for what they're calling a preliminary review on February 14<sup>th</sup> or 15<sup>th</sup> and then 30 days from there they'll come out for the final inspection, certify the facility and then a couple weeks later they'll be able to accept the residents.

COMMISSIONER SULLIVAN: And if they decide that it's not acceptable and there's more work that's needed, can some of that come from this \$335,000?

MR. FLORES: No, Mr. Chair, but I'm confident that the inspections, because we have been working with the Bureau of Prisons and their facility manager to make sure we have designed the renovations to meet their requirements through their statement of work.

COMMISSIONER SULLIVAN: So if there were any other improvements those would have to come from general fund monies.

MR. FLORES: Mr. Chair, yes. And that would be PFMD staff probably completing any minor renovations or completions of renovations at that time.

COMMISSIONER SULLIVAN: Thank you.

CHAIRMAN ANAYA: Any other questions?

COMMISSIONER VIGIL: Move for approval

CHAIRMAN ANAYA: There's a motion. Is there a second?

COMMISSIONER SULLIVAN: Second.

CHAIRMAN ANAYA: Any more discussion?

**The motion to approve Resolution 2005-16 passed by unanimous [5-0] voice vote.**

**XIII. B. 3. Request Authorization to Accept a \$200,000 Award from the New Mexico Juvenile Justice Advisory Committee (CYFD) to Santa Fe County for a Juvenile Day Reporting Center**

MR. PARRISH: Mr. Chair, Commissioners, approximately last summer, the Children Youth and Families Division of the State of New Mexico approached us with

the proposal to develop a day reporting center. And at that time we indicated that we had space at our facility to operate that but we would need operating funds. They initially – we talked about numerous or different amounts that could be provided by the state to staff this, and then subsequently on January 3, 2005, CYFD provided us with an award grant for \$200,000 to operate a day reporting center out of the juvenile facility. The day reporting center will be used as an alternative to incarceration.

The purpose of this is for the judges to have some latitude in sanctioning juveniles rather than putting them into the juvenile justice system. They can send them to this day reporting where they would report from 8:00 to 5:00 and they'd receive their educational component, some skills components that we will provide and then at 5:00 they'd go home. There are some of these juveniles that just need a push in the right direction that we're aiming at. We are hoping that this would alleviate some of our individuals that have to go to detention because at this time when a juvenile is stopped by the Police Department there's a rating system that the officers use with CYFD and often the Children Youth and Families Department will override that rating system and put the juvenile into detention because they have no alternative.

This is an alternative for them so that they don't have to go to detention. It's a sanction program. The judges have the latitude to send them to this program first and if they continue to be a problem it can be stepped up to electronic monitoring or even detention if it's necessary. We're hoping this will cause a reduction in our detention population regarding the juveniles. Earlier Ted Lovato from the Children Youth and Families was here to also comment on this as was Judge Barbara Vigil, and Terry Rodriguez. The grant is for \$200,000. We have to have a 10 percent match and the City of Santa Fe has indicated that they will provide \$18,000 in matching funds and the rest of the \$2,000 will come from the Corrections fund. We will hire 4.5 staff members to staff this from 8:00 to 5:00 Monday through Friday. And they will be under the supervision of the Corrections Department.

CHAIRMAN ANAYA: Thank you, Greg. Any questions of Greg?

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Campos.

COMMISSIONER CAMPOS: Question, Mr. Parrish. There are three counties involved, right?

MR. PARRISH: Yes.

COMMISSIONER CAMPOS: Two counties aren't making any contributions, or how does that work? Los Alamos and Rio Arriba.

MR. PARRISH: Los Alamos and Rio Arriba and Santa Fe County are the partners in this. It's based on a judicial district that's served by Judge Barbara Vigil. The funding comes from the state and one of the issues was they wanted to make sure that we at least serve these other communities if necessary. And that we have agreed to do. We anticipate a population, because of the staffing, that we had to cut down, of probably six to eight juveniles. To do more than that we'd have to hire additional staffing, but with this

dollar amount that's about the amount of services we could provide.

COMMISSIONER SULLIVAN: And this will be from 8:00 to 5:00. Most people will be close to this area then.

MR. PARRISH: Commissioner Campos, that's probably accurate. It will mostly be the City of Santa Fe and that area. And that's the majority, 80 percent of our population.

CHAIRMAN ANAYA: Any other comments? Commissioner Vigil?

COMMISSIONER VIGIL: Mr. Parrish this actually was the item that I was concerned about with sustainability. This truly does look like start-up money. So would this be a burden to the County? And I don't mean burden in a sense, I mean will it be a budget impact?

MR. PARRISH: I've been told by CYFD that this is probably going to be a grant that we will receive for three years. After that time we would have to determine how we are going to fund this. We would have to make a determination if it's worthwhile to continue this program, if it's cost-effective, if it has an impact on our detention population and reduction. So basically every year we'll have to reapply for this grant and locate and identify matching funds and then keep it going. And then after two years, three years, we'd have to make a determination if the County or the state has other funding that we can address at that time. This is coming from the Juvenile Justice Advisory Committee.

CHAIRMAN ANAYA: Any other comments? Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chair, this is certainly one of the issues that the Santa Fe Regional Juvenile Justice Board has been working on in terms of juvenile justice reform. And this is certainly the day reporting mechanism, hopefully a mechanism by which we will reduce our juvenile population in our Youth Development Facility and see some cost savings, hopefully on that end, that if this is proven successful as has been proven I believe in Luna County, that they actually reduced the costs of incarceration and can put it more towards these types of programs.

I think there's ways to evaluate the effectiveness of this approach and I certainly approve of - I know Judge Vigil has been very active in trying to promote these types of programs. And I would move for approval, Mr. Chair.

CHAIRMAN ANAYA: There's a motion.

COMMISSIONER CAMPOS: Second.

CHAIRMAN ANAYA: Motion and a second. Any more discussion?  
Commissioner Vigil.

COMMISSIONER VIGIL: Mr. Chair, just a brief statement. I'm really excited, Greg, that you have worked collaboratively in moving this forward. Having been head of Children's Court in the First Judicial District at one point in time it was a very frustrating experience to know that there were juveniles out there and resources were null. This is an alternative to incarceration and to have the structure that many of them will need. So I wish it success.

**The motion to accept the day reporting center grant passed by unanimous [5-0] voice vote.**

**XIII. B. 4. Resolution No. 2005-17. A Resolution Requesting an Increase to the Jail Operations Fund (518)/Day Reporting Assessment Center Budget for a Grant Award Received by the New Mexico Children Youth and Families Department for Expenditure in Fiscal Year 2005/\$73,927**

MR. PARRISH: Mr. Chair, Commissioners, this is just moving the funding to the jail operations fund. The \$73,927 represents through this fiscal year. It's part of that \$200,000 award. So we're just doing it through the fiscal year of this year and then we'll be billing the state as we go.

COMMISSIONER MONTOYA: Mr. Chair, move for approval.

CHAIRMAN ANAYA: There's been a motion. A second?

COMMISSIONER CAMPOS: Second.

CHAIRMAN ANAYA: And a second. Any discussion?

**The motion to approve Resolution 2005-17 passed by unanimous [5-0] voice vote.**

CHAIRMAN ANAYA: Thank you, Greg, and Judge Barbara Vigil just showed up. We just approved the request for authorization for the \$200,000 and if you would like to come forward and say a few words we would love to have you.

JUDGE BARBARA VIGIL: Thank you, Mr. Chair and members of the County Commission. I just want to thank you for allowing us the opportunity to serve our children at the Youth Development Center. I also want to commend Greg Parrish for the wonderful work he has done in his staff in putting together the proposal for Children Youth and Families Department. Through the efforts of the Regional Juvenile Justice Board, in collaboration with the City and with the County we are in a position where we are beginning to attract resources, federal, state, resources into the community to help us with our juvenile justice work. And for that I thank you for your support and I thank your staff for an outstanding job that they have done in helping us to receive this \$200,000 grant. And I hope to continue to work closely with the County and your staff to see to it that those dollars are put to good use. Thank you.

CHAIRMAN ANAYA: Thank you, Judge. Commissioner Vigil.

COMMISSIONER VIGIL: I was just going to say to Judge Barbara Vigil that she actually was an anchor for this project so kudos to you for taking the initiative on it. You've made a huge difference in Children's Court. I know, because I was there before and you are there now. But for your leadership and the coordination you've provided for this I'm not sure we'd even be here today. So thank you.

**XIII. C. Health & Human Services Department**

**1. Request Approval of Local DWI Distribution/Grant Application for FY06**

MR. SIMS: Mr. Chair, Commissioners, the packet materials contain the application for the Local DWI, both the distribution and grant application combined for FY06. The application for the distribution amount is for \$649,220 and we're applying for a grant of \$120,000 for FY06, and I'd be happy to respond to any specific questions that the Commission has.

CHAIRMAN ANAYA: Any questions of David Sims?

COMMISSIONER MONTOYA: Mr. Chair, move for approval.

CHAIRMAN ANAYA: There's a motion. Is there a second?

COMMISSIONER VIGIL: Second.

CHAIRMAN ANAYA: Motion and a second. Any discussion?

**The motion to approve the LDWI grant application passed by unanimous [4-0] voice vote. [Commissioner Campos was not present for this action.]**

**XIII. C. 2. Request Approval of Local DWI Detoxification Grant Application for FY06 [Exhibit3: Updated Information]**

MARY JUSTICE (CARE Connection Project Manager): Hello, Mr. Chair, Commissioners. This is an application to the DFA that's sort of a companion piece to David's application. For several years, the detox fund that the County receives from DFA which is in the amount of \$300,000, and that's an amount that's set by statute, for several years it's been used to implement and develop the CARE Connection project. This application going to DFA is for support of the assessment center that has opened this month. It's being operated by the Presbyterian Medical Services. I think we've talked about the assessment center a number of times. They're going to be conducting clinical assessments of people with mental health, substance abuse problems. They'll be doing referrals to provider agencies for treatment and they'll be doing case management follow-up of clients.

These services are also wrapped around the Access to Recovery voucher grant that's coming from the Department of Health. The CARE Connection project will receive \$1.4 million and that is for substance abuse treatment and recovery services, such as emergency housing, childcare, transportation or other kind of services that would aid a person in either staying in treatment or seeking treatment to begin with.

Part of the assessment project also is to develop a central database and network that would virtually connect all the care providers, all the behavioral health providers in the

community that are working with the voucher program. The total amount for this is \$300,00 and we seek your approval. I have given out, by the way, on the budget page I had made a typo on the original that you had in your packet so that it shows \$30,000 in screening and assessment, \$240,000 in treatment and \$30,000 in compliance monitoring, tracking, which is the case management piece.

CHAIRMAN ANAYA: Thank you, Mary. Any questions of Mary? What's the pleasure of the Board?

COMMISSIONER MONTOYA: Mr. Chair, move for approval.

CHAIRMAN ANAYA: There's a motion.

COMMISSIONER VIGIL: Second.

CHAIRMAN ANAYA: Discussion. Commissioner Sullivan.

COMMISSIONER SULLIVAN: In the abstract, Mary, it may be a minor point but it's one that I'd like to make nonetheless. In the center of the abstract where you put this application in where it says, The CARE Connection assessment center operated by Presbyterian Medical Services, I would prefer since we have worked long and hard on this, that that were to read, The CARE Connection assessment center, operated by Santa Fe County under contract with Presbyterian Medical Services.

MS. JUSTICE: I take that and I will change that. Thank you, Commissioner.

COMMISSIONER MONTOYA: I accept the amendment.

CHAIRMAN ANAYA: Does the seconder accept that?

COMMISSIONER VIGIL: Yes.

CHAIRMAN ANAYA: Okay, we've got a motion and a second. Any more discussion?

**The motion to approve the detox grant passed by unanimous [5-0] voice vote.**

### **XIII. D. Land Use Department**

#### **1. Resolution No. 2005-18. A Resolution Identifying an Economic Development Organization for New Mexico Economic Development Department's Certified Communities Initiative Program**

ROBERT GRIEGO (Planner): Mr. Chair, Commissioners, the New Mexico Economic Development Department division director, Kathy Keith, made a presentation to the Board in November of last year in regard to the Economic Development Department certified community initiative. The Board gave us direction to pursue submitting the application to the Economic Development Department. The certification process requires that a local economic development organization be identified for the certification process.

Santa Fe Economic Development, Incorporated has been identified as a local

economic development organization that fills the requirement of the state program. Kathy Keith is the Santa Fe Economic Development, Incorporated. The president of the organization is here to talk a little bit about their program but this resolution before you is to submit this application to the state to become a certified community.

CHAIRMAN ANAYA: Any questions of Robert? What's the pleasure?

COMMISSIONER VIGIL: Mr. Chair, I do have a question.

CHAIRMAN ANAYA: Commissioner Vigil.

COMMISSIONER VIGIL: I'm very interested in this because it is a step forward toward partnering with a state department on economic development. I know there are small grants available as a result of this. Are those grants available for assistance in doing a business plan or perhaps anything else that might be needed as a next step?

MR. GRIEGO: Mr. Chair, Commissioner Vigil, yes, it's available. Part of the certification process requires the County to submit a community business plan. So that would be one of the steps in the process. Also, we would do a land and building inventory, a community assessment and develop a plan for retention and expansion of economic development and a community profile. That would be the application that we would submit to the state. After we've received certification, then the grants would be available and we'd be able to use the grants for whatever purposes that we thought were necessary for economic development purposes and we would work with the state in identifying that.

COMMISSIONER VIGIL: So internal staff will have to prepare all those plans, the business plan, doing the inventories and the surveys? Is that what you're saying?

MR. GRIEGO: Commissioner Vigil, we would work with the economic development organization, Santa Fe Economic Development. We're also partnering with Regional Development Corporation. They have started working with us on this as well and so they will be partnering with us in submitting the application, so we have Regional Development Corporation as well as Santa Fe Economic Development, Incorporated.

Part of the application submittal would be that there would be a representative committee, so it would be a diverse committee that would be a part of the application for the – as part of the plan, the community business plan.

COMMISSIONER VIGIL: Is that available to us already through SFEDI?

MR. GRIEGO: SFEDI would be partnering with us, and Kathy Zachary, the president of Santa Fe Economic Development is here to talk a little bit about how they would partner with us.

KATHY ZACHERY: Mr. Chair, Commissioners, I'm Kathy Zachary and I'm president of Santa Fe Economic Development and I'm here representing our board of directors. We talked about this at our board meeting this morning and we're very excited that the County came and talked to us about doing this. I think all of you know, because of our newsletters and our events that we do what we call the Santa Fe Plan, the cluster approach to economic gardening. So we're kind of a different kind of economic development group. We do work with companies that are interested in coming to the community, but we have a very unique community. So not everyone who thinks they want

to be here actually ends up here. But we have a very strong base of local entrepreneurs that are very eager to grow. So we spend a lot of our time helping them.

We really look forward to this and we think it's about time that Santa Fe County be identified in this initiative from the state.

CHAIRMAN ANAYA: Thank you, Kathy. What's the pleasure of the Board?

COMMISSIONER MONTROYA: Move for approval, Mr. Chair.

CHAIRMAN ANAYA: There's a motion.

COMMISSIONER VIGIL: Second.

CHAIRMAN ANAYA: And a second? Any more discussion?

**The motion to approve Resolution 2005-18 passed by unanimous [5-0] voice vote.**

**XIII. D. 2. Staff Requests Direction Regarding Ordinance 2004 - , An Ordinance Amending Ordinance 2003-2 Article V, Section 5.2.2g8 and Section 5.2.2g9 (Master Plan Procedures), and Ordinance 1996-10, Article V, Section 5.4.2 (Final Plat Submittals), and Article VII, Section 6.4 (Water Availability Assessments) of the Land Development Code [Exhibit 4: Powerpoint presentation]**

WAYNE DALTON (Project Coordinator): Thank you, Mr. Chair, Commissioners. On December 16, 2004 the CDRC tabled this ordinance and required staff to clarify issues regarding State Engineer review and BCC concerns. Staff has met with the State Engineer's Office and has a clear understanding of what they'll review at master plan level. Mr. Chair, Commissioners, at this time I'd like to do a short power point presentation on issues regarding this ordinance and request direction from the BCC so this ordinance can proceed to the CDRC on February 17, 2005.

As you know this ordinance concerns water supply plan requirements at master plan level. Direction, as the board knows, on November 30, 2004, the BCC authorized staff to proceed with an ordinance amendment Ordinance 2003-2 which requires a water supply plan to be submitted with the master plan. Ordinance 2003-2, Section 5.2 states, for all non-residential developments proposing to use more than one acre-foot of water per year and all Type I, II, and IV subdivisions, the applicant must submit a water supply plan and water permits as required by Article VII, Section 6 of the Code for the first sustainable phase of development.

This is issue number one that staff has. The existing ordinance is unclear as to what stage water rights need to be transferred to a development. Staff has come up with possible solutions. Solution one: Master plan level will require that water rights shall be owned by the applicant, under contract or optioned to the applicant or otherwise available. The applicant shall submit sufficient written documentation such as a water rights deed, an option agreement to

purchase water rights or a permit to appropriate water rights. The water rights transfer process must be complete at the time of final plat submittal.

Issue number two: The BCC has also requested modeling draw-down on existing wells adjoining a development. Staff requests direction to whether this requirement be for all projects submitting water availability assessments, or for all Type I, II, and IV subdivisions, and non-residential development using more than one acre-foot of water per year.

Possible solutions: If the direction of the Board is to recommend modeling draw-down of the water table on properties adjoining the development for all developments then additional language would be inserted in Article VII, Section 6.4.2.c of the Land Development Code. And if the direction from the Board is to require modeling of draw-down of the water table on properties adjoining the development for Type I, II, and IV subdivisions, then additional language would be added into Article V, Section 5.2.

Issue number three: The BCC also requested that the State Engineer's Office do some type of review of water rights at a master plan level. The State Engineer's Office has stated that they will not give a determination of water rights at a master plan level regarding the question of transferability because of the applicant's right to due process.

Possible solution: No requirement from the State Engineer's Office to review at master plan level. County Hydrologist review of the water plan. Solution two: The State Engineer's Office is required to review all water availability at preliminary under Article V, Section 5.3.3.d of the Land Development Code. The State Engineer's Office water rights transfer process must be complete at time of final plat.

Mr. Chair, this concludes the presentation. The last slide here is just an overview of what I just went over, the three issues and the possible solutions to each issue. Dr. Wust is here and I believe John Longworth from the State Engineer's Office is supposed to be here to answer any questions that you have. Thank you.

CHAIRMAN ANAYA: Thank you, Wayne. Any questions of Wayne?

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: I don't have any questions but I would just say that regarding the three issues that have been brought up and more importantly the solutions under each of those issues is pretty clear to me and I don't really have any issue with any of the solutions. I think they're right on target. I would support staff's recommendations. Dr. Wust, is there anything that you had to add to any of these? I'm sure you were consulted and had some input into developing the solutions.

STEPHEN WUST (County Hydrologist): Mr. Chair, Commissioner Montoya, in fact the language on modeling the draw-down was language I submitted as a possible solution. The language on the water rights was contributed to by pretty much all staff including legal to try to get a resolution about how to go about that process.

COMMISSIONER MONTOYA: Okay. Thank you. Thank you, Mr. Chair. I think this is – I'm comfortable in proceeding with what's going on here.

CHAIRMAN ANAYA: Commissioner Campos.

COMMISSIONER CAMPOS: I have a question about a particular application, Suerte del Sur that's pending. Did you resolve the issue of whether we needed an interpretation or a Code rewrite to deal effectively with that particular case. Anybody want to address that? Because that was discussed.

DOLORES VIGIL (Land Use Administrator): Good afternoon. I don't think we've resolved that issue yet as to what the direction is and how we would work with that applicant as far as the ordinance that is in place right now. What we would like to do is try to get some direction. I believe that they will be coming before the County Commission February 8<sup>th</sup>.

COMMISSIONER CAMPOS: And we should have some idea before then, I would hope.

MS. VIGIL: I would hope so, yes, sir.

COMMISSIONER CAMPOS: Because the ordinance the way it's written seems to require –

MS. VIGIL: The way it's written and the way we've understood it is that they would have to bring in some water rights.

COMMISSIONER CAMPOS: Up front.

MS. VIGIL: Yes.

COMMISSIONER CAMPOS: Yes, so – okay. How long would the rewrite process take? Do you suspect? Because I agree with Commissioner Montoya. I think it's pretty good.

MS. VIGIL: We have gone through the procedure of requesting the County Commission to advertise for it, publish and then from there we went to the CDRC where it basically died. And the ordinance that we had presented was interesting because we had one of the Commissioners come into the that CDRC meeting and basically say that he thought the BCC should see the ordinance before it goes in front of the CDRC. So there was some confusion there and that's why we're here in this presentation instead of bringing forth an ordinance, because there are some solutions of the issues at hand.

COMMISSIONER CAMPOS: So at this point you want direction. You're not asking for authorization to publish title and general summary.

MS. VIGIL: Not at this time.

COMMISSIONER CAMPOS: Okay. Thank you.

CHAIRMAN ANAYA: Thank you. Commissioner Sullivan.

COMMISSIONER SULLIVAN: I see just two, I think, issues that the staff is asking us to give them direction on. First of all, on issue number one, let me just be clear that the possible solution – and correct me Dolores or Steve if I'm wrong – the possible solution is everything that's written on this slide. Is that correct? These three dots.

MR. DALTON: Mr. Chair, Commissioner Sullivan, that is correct.

COMMISSIONER SULLIVAN: Okay. Then when it gets to issue number two, at a prior meeting Mr. Wust had recommended that with the existing information that the applicant typically submits anyway, we could model not only the effects on the property but the

effects adjoining the property. And that's what issue two is about. Is that correct?

DR. WUST: Mr. Chair, Commissioner Sullivan, that's correct.

COMMISSIONER SULLIVAN: Okay, so then the only thing that you appear to be asking us for direction on there is whether it should apply to Type I, II, and IV subdivisions, or whether it should apply to all subdivisions. Is that correct?

MR. DALTON: Mr. Chair, Commissioner Sullivan, that's correct.

COMMISSIONER SULLIVAN: And of course I don't know that the water knows if it's in a I, II, III or IV subdivision. I think it's there or it's not there, regardless of that. So my personal preference in that regard would be that that apply to all subdivisions. If we have to fine-tune that some time in the future we could do that. And the last question I had was about the State Engineer not reviewing water rights at the master plan level, and I understand that they have to keep the process open and not prejudicial. But I was looking at the letter that we received dated January 21, 2005 from the State Engineer where they said, they appear to say, "We discussed my concern that our office was overwhelmed with requests from the County to review development proposals not covered by the New Mexico Subdivision Act, i.e., proposals at master plan level." I guess that's what's that saying. Because they do review them at the preliminary level.

"Your staff expressed concern about deciding how best to differentiate a proposed development that should be reviewed by the Office of State Engineer and when one should not. I reflected that we did not necessarily need to be included in that process and was concerned that we would end up appearing non-responsive to the County's request if we declined to review certain requests. However, upon reflection and discussion with my executive, your idea is the most appropriate course of action. I've attached a sample form letter that we intend to use in responses to requests for review of these proposals. Let me know if you have any concerns with this response."

So I see a form letter attached to this letter and correct me if I'm wrong, but it appears that what the State Engineer is saying is that at least they will give us this kind of feedback where they say "After reviewing the submitted information the Office of State Engineer has not identified any unique water supply issues." This is the form letter dated December 30<sup>th</sup>. So my question I guess, Mr. Wust is that is this when we ask the State Engineer for a run-through at the master plan level, is this the kind of letter he would send back to us?

DR. WUST: Mr. Chair, Commissioner Sullivan, that's correct. The discussion was that the County felt uncomfortable trying to decide for the State Engineer what projects we thought they would be interested in, and the State Engineer was uncomfortable with us making assumptions that they would just review everything, which they're not supposed to do. So we thought this was a good compromise. If they've got to see everything, then they could decide what they felt was a unique issue and what was not, and anything else that they thought was not, we would just get the form letter and they wouldn't really have to put much effort into that.

COMMISSIONER SULLIVAN: Okay, so then at the master plan level they would send this letter out.

DR. WUST: Commissioner Sullivan, that's correct. If they thought there wasn't any overriding issue they had to deal with.

COMMISSIONER SULLIVAN: Okay. And if they thought there was an overriding issue, what would they do?

DR. WUST: Mr. Chair, Commissioner Sullivan, we probably didn't get specifics on that but my estimate from our discussion was they'd let us know they'd like to review it and then we'd give them the 30 days or whatever we usually give for review, so they could take the time and look at it.

COMMISSIONER SULLIVAN: I see. Now all of this is predicated on being required, these documents as a part of master plan submittal. Is that right?

DR. WUST: That is correct.

COMMISSIONER SULLIVAN: Then once we got this letter that said, Okay, gee, we don't see any big problems on the horizon. We could be wrong, but this is just a first brush look, they'd still do an in-depth review at the preliminary level, is that correct?

DR. WUST: At preliminary. That is correct.

COMMISSIONER SULLIVAN: And that's required by statute anyway.

DR. WUST: Yes.

COMMISSIONER SULLIVAN: So everything is going to go to them at the preliminary level.

DR. WUST: And that was their point. In the Subdivision Act, they're required to do it at that level but there's -

COMMISSIONER SULLIVAN: We have nothing to say about that. That's required by the New Mexico State Subdivision Act. So what we're just trying to do is get information a little bit ahead of time so that both developers, applicants and the surrounding neighbors know what's going on from the standpoint of the water planning for the project.

DR. WUST: Mr. Chair, that's correct. So we know early on in the process that there's some overriding issue that we should be paying some real close attention to. If I may, Mr. Chair, Commissioner Sullivan, I'd like to back up here with something Commissioner Sullivan mentioned. I'd like to make sure we're very clear on it. In the language up here it says the modeling which they do already, I believe the language there says required water availability assessment, but we had some discussion on that and actually it would be in essence all those hydro reports where they already have to do a model. For example, there's like reconnaissance reports where they don't do any models. So this would be an added burden. And we were envisioning it to all those water availability assessments where they're already doing modeling, this would be included. So it wouldn't be for everything necessarily. Only those ones that already require the modeling.

COMMISSIONER SULLIVAN: And which ones require modeling?

DR. WUST: The ones that require a geo-hydrology report. Currently what it says is they must model the draw-down in their own well, and that's the model that produces enough information that they could look at the aquifer over an extended area. So we just added the language to that. Wherever that's required, then it would be easy enough to say, And draw-

down in the adjoining properties, because that's already done. But in a reconnaissance report or a water availability report, which is the simplest thing that doesn't even require a well on site, there's no modeling, there's no pump test or anything. So it would be very difficult to do any kind of a model in that case.

So just to clarify, that language that requires that modeling is for all those instances where they're already doing the modeling or the pump test as required under the Code.

COMMISSIONER SULLIVAN: So for example, lot splits, family transfers, that type of thing would not require the modeling.

DR. WUST: Mr. Chair, Commissioner Sullivan, that's correct.

COMMISSIONER SULLIVAN: Thank you, Mr. Chair.

CHAIRMAN ANAYA: Okay, what clear direction do we want to give? Commissioner Vigil. It's going to take me a year to figure it out.

COMMISSIONER VIGIL: It's not as if I'm not unique to the Commission. I just had a question with regard to issue number one and a concern that came to me. I wasn't involved in the preliminary discussions of this, and I guess I'll refer this to Steve Ross. With regard to issue number one, does that provide sufficient options whereby the concerns that were brought about from some of the initial discussions with this regarding a vested interest satisfy our legal department?

MR. ROSS: Mr. Chair, Commissioner Vigil, that's really why we're here today is to see if it satisfies, you, the Board of County Commissioners. These are some ideas we had whereby someone who's proposing to use a well to supply a development could satisfy you that they had the water rights that would be necessary to supply the development with water and some point. These are some ideas. I think it covers the universe of ideas but I couldn't swear to it. But I think if you have a deed or if you have an option to purchase water rights, or you actually have water rights, or you have a permit in hand, a permitted water right at some other location, that if you show that to us you can satisfy that you do have some sort of water rights now.

As the State Engineer's letter goes into great detail on the process whereby they would ultimately determine whether – that water rights could actually be put to beneficial use, that's kind of another question, but generally, we can look at these things and determine whether at sort of a low-level threshold there are actually water rights that they can bring to the project. But obviously, when you're talking about a complex administrative process at the State Engineer's Office and the complex rules that are in place in New Mexico for water, you can't ever guarantee it until you have that permit in hand. So this was as close as staff could get to giving you some sort of low-level assurance at the initial phases without requiring a permit. I don't know if that answers your question or not.

COMMISSIONER VIGIL: I'm not sure either. Mr. Chair, maybe perhaps this is for staff. If I'm reading issue number one correctly, there are differing options that an applicant would have at the master plan level to prove transfer of water. Is that correct?

MR. DALTON: Mr. Chair, Commissioner Vigil, that's correct.

COMMISSIONER VIGIL: Okay. That's the only clarification I needed and I

think I do support this.

CHAIRMAN ANAYA: Thank you, Commissioner Vigil. Commissioner Sullivan.

COMMISSIONER SULLIVAN: I would just add, since Commissioner Vigil brings it up that I think it would be a good belt and suspenders type of ordinance to include the language in there that says, as we have in the existing language, this does not convey any vested interest. We have that in the existing language and I know that Mr. Ross had some concerns with that, as you brought up. This doesn't appear to require anything that would trigger a vested interest. But nonetheless, would you see any problem with keeping language in the ordinance such as in there now, Mr. Ross?

MR. ROSS: Mr. Chair, Commissioner Sullivan, I absolutely think we need to keep that language in there. I think it's always been staff's intent not to monkey with that particular language and I think if you adopt the solution that's identified here you won't step over the line, at least as far as my comfort level is concerned with respect to vested rights. Because we're not requiring any property being transferred. We're not making any guarantees about anything.

COMMISSIONER SULLIVAN: And I've thought too, if the Commission hasn't read it or had time to read the State Engineer's letter that their response was interesting in regard to, we've heard at least one applicant say, Well, we can't do it because if we transfer the water rights we have to use it or lose it. And in fact the State Engineer responded that that was not correct. That applications could be conditioned upon the use and water rights could be transferred back. So that reason for not complying with the ordinance has been shot down by the State Engineer. But aside from that I think this is a real good effort on the part of the staff to clarify this issue and be sure that we have a handle and that the community has a handle on where water is going to come from when we review a development proposal. So I would say good job.

CHAIRMAN ANAYA: Thank you. So I guess what I'm hearing is staff is moving in the right direction and we keep moving in that direction. Good job.

COMMISSIONER CAMPOS: It makes sense, actually. After reading the notes last night, all three sets of them, this makes sense, guys.

CHAIRMAN ANAYA: Thank you, staff. Okay, Commissioners, I know that we've already approved the agenda but I'm wondering if we could deviate from the agenda and possibly hear the case XIII. E. 3, that is the Madrid case. How many people are here from Madrid that would like to comment on it? Okay. So if I could ask the Commission if that would be okay?

COMMISSIONER VIGIL: No objection.

COMMISSIONER CAMPOS: No objection.

CHAIRMAN ANAYA: Thank you, Commission.

**XIII. E. Project & Facilities Management Department**

- 1. Request Approval of Land Purchase Agreement between Santa Fe County and the Madrid Landowners Association, Inc., the Madrid Water Cooperative, and the Madrid Volunteer Fire Department Association, Inc. for Approximately 11 Acres of Land in the Village of Madrid for Inclusion in the Santa Fe County Open Space and Trails Program/\$60,000 [Exhibit 5: Additional Information]**

MR. OLAFSON: Mr. Chair, Commissioners, before you today we have a purchase agreement for approximately 11 acres of land that roughly runs down the middle of the Village of Madrid. It's called the Greenbelt, referred to as the Greenbelt. The project was brought forward to COLTPAC and recommended for approval at the COLTPAC level, brought to the County Commission, recommended and approved for staff to go ahead with negotiation to purchase. We worked long and hard with the three property owners and developed this purchase agreement. I think it accommodates existing roads and easements and also potential future benefits for the community as far as use of the property. The idea of the purchase is to have the property serve largely as it is, which is an open area within the village center and also serve as an area for trails that are already existing on the property. It also ties in well with some of the purchases we've made in the area including the 45-acre wilderness area. It has also a connection to the ballpark and to the church lot which we have also purchased in the area. And the price is \$60,000 and staff and COLTPAC recommended purchase. I'll stand for any questions.

CHAIRMAN ANAYA: Any questions?

COMMISSIONER MONTOYA: Mr. Chair, move for approval.

COMMISSIONER VIGIL: Second.

CHAIRMAN ANAYA: There's a motion and a second. Hold on one second. There might be some people in the public. How many here would like to speak for this project? Okay. And how many are here that would like to speak against this project? Okay. Maybe I'd like to hear from you. If you would come forward, the ones that are against the project, I'd like to hear your reasoning behind it. If we could hold off on the motion and second. Thank you.

MARK BREMER: Good afternoon, Chairman Anaya and members of the Commission. My name is Mark Bremer and I'm a landowner in the Township of Madrid. I'm like to make it clear that the letter that has been prepared that I'm about to read is from members who sit on the board of the board of the landowners association. I want to make it clear that this letter is not from the Madrid Landowners Association.

CHAIRMAN ANAYA: This is just the board?

MR. BREMER: This is just from members of the board. We do not – and I want to make this clear. We do not represent the Madrid Landowners Association. We

represent landowners who happen to sit on the board.

CHAIRMAN ANAYA: Okay.

MR. BREMER: I hope that's clear. A majority of the board of advisors of the Madrid Landowners Association, 6-2, is not in agreement with the land purchase agreement to sell the Greenbelt Tract A owned by the Madrid Landowners Association, the Madrid Water Co-op and the Madrid Volunteer Fire Department Association. The majority of the board of advisors of that MLA - I'll call it that to make it easy - support retirement of the current \$36,000 debt through a fundraising effort rather than through this Santa Fe County purchase.

In November 2004 the MLA balloted the landowner membership. 48 votes were in favor of the sale of the Greenbelt to the County and 42 votes were in favor of refinancing that loan to pay off the debt and retain ownership of the Greenbelt within the community. Six ballots were received after the official cut-off date. I mean to say they are unofficial and they cannot be officially counted but they were all in favor of refinancing. That unofficially, and I stress that word, puts the membership who voted equally split on this issue. We wish to present to the Board of Commissioners that in the community of Madrid there's a serious lack of agreement of the community in selling the property.

The fundraising effort has so far collected over \$6,700 in cash, \$5,000 in a pledge from a non-profit, and \$8,500 in a matching pledge, a one to two dollar matching pledge, leaving only \$16,000 remaining to be raised before the end of 2005. The majority of the board of advisors of the Madrid Land Association feel the monies can be raised. Currently there is a petition that is being circulated to request the Santa Fe Board of County Commissioners deny approval of the Madrid Greenbelt, or land purchase agreement. Excuse me, and retract their offer to purchase. This effort is not sponsored by the MLA but by concerned community members who wholly disagree with the coming sale.

Finally, we feel there are serious questions as to the legality of the signature for the MLA on the purchase agreement. The signature was secured in a public meeting environment that included intimidation and may be in conflict with the bylaws. Therefore we, as landowners who sit on the board of advisors of the MLA ask you and the Board of County Commissioners to consider these facts and deny approval of the land purchase agreement and retract the offer to purchase. Thank you very much for your consideration.

CHAIRMAN ANAYA: Thank you, Mark. Commissioner Campos.

COMMISSIONER CAMPOS: Why do you not want the County to purchase this property?

MR. BREMER: I have a list of 11 reasons.

COMMISSIONER CAMPOS: Very briefly. What are the three most important ones?

MR. BREMER: I think that the fact is that the maintenance of the property is going to be retained with the community. The County has said through various people that I've been in contact with that they will not support any maintenance of the property, the roads. Secondly, there's a perception that the liability will be increased because of that

maintenance responsibility on the landowners.

COMMISSIONER CAMPOS: Liability to adjoining landowners?

MR. BREMER: To adjoining landowners, yes. Because they're the ones that are ultimately going to be responsible for maintaining the roads that are in front of their house. And thirdly, I think the fact that a conservation easement - I'm going to give you four, if I may.

COMMISSIONER CAMPOS: Sure.

MR. BREMER: A conservation easement, we feel is that is the highest public protection for that property, whereas I think under the purchase agreement the protection for open space in perpetuity will be covered on a use restriction on a deed, which is good but I think the conservation easement is the ultimate level of protection. And the last issue I think is the fair market value of the property. The appraisal that was prepared, I think by the County back in 2001 was established fair market value or the value of the land at \$160,000. I think the fact that the property is being sold for \$60,000 is probably maybe a bitter pill for some people. And other people would feel that, well, the County's getting it and they're keeping it as open space, so there's disagreement. So I think those are some issues.

COMMISSIONER CAMPOS: Thank you, sir.

CHAIRMAN ANAYA: Thank you, Mark. Who else would like to speak?  
Come forward.

CHRIS BODEI: Hello, my name is Chris Bodei. I stand as the president of the Madrid Landowners Association. I'm not representing the association as I speak here today. I'm representing solely myself.

CHAIRMAN ANAYA: Thank you, Chris.

MR. BODEI: I feel that the procedures that led to the signing of this document are not remotely in accordance with the bylaws that govern the MLA. There was no acceptance of this purchase agreement by the board of elected advisors. Therefore I would consider this course unjust and erroneous if these documents are accepted as such and would urge the MLA advisors and all affected by this sale that the Town of Madrid be compensated for the great loss of our town's independence, freedom, and monetary sacrifice. Thank you.

CHAIRMAN ANAYA: Thank you, Chris.

COMMISSIONER VIGIL: Mr. Chair, I have a question.

CHAIRMAN ANAYA: Commissioner Vigil.

COMMISSIONER VIGIL: I guess I'm really not clear in terms of what you're saying is a sacrifice.

MR. BODEI: It's owned by the town right now and we get to enjoy dogs without leashes and little freedoms like that. We own it and control its destiny. We can make simple decisions to do simple things or great decisions to do great things. That lies in our hands.

COMMISSIONER VIGIL: Thank you, Mr. Chair.

CHAIRMAN ANAYA: Thank you, Commissioner Vigil. Thank you, Chris. Ma'am, would you like to come forward?

ANDRIA FIEGEL: Good afternoon, Commissioner Anaya and the board. I'm Andria Fiegel. I'm a landowner in Madrid. I live and work in Madrid. I own my land and my home up on the back road and I expect that property to remain my primary residence for many years to come. I'm dedicated to our community. I've held a seat on the Madrid Landowners Association board of advisors and currently serve as its secretary. I'm also a member of the Madrid Water Cooperative.

The 11-acre Greenbelt property is the geographical heart of our town. It's our communal backyard. I see it from my house and I know by sight every person and every dog I see out there. Our quality of life is largely defined by our sense of community as well as our privacy. The roads are owned by all of the landowners and are posted as private at each entrance from the public highway. Our Greenbelt is private property. The idea of this central interior acreage becoming publicly owned, accessible by easements on our roads to anyone at any time is abhorrent.

The COLTPAC deal was begun before many of us were here. I myself am part of a newer generation of Madrid landowners, a member of a group who has the time and the energy to put into community and fundraising efforts that our predecessors did not. Where they saw COLTPAC as the only way out from under the financial commitment of the \$36,000 balloon payment on the Greenbelt, we have a broader vision of our community and its ability to own and maintain this property. We only need the time. The balloon payment is not due until the end of 2006 to raise this money and retire our loan. We do not want this sale forged against our will and depriving us of the ownership of the heart of our town leaving us with a legacy that we will regret and resent.

Fifty percent of the landowners responding to the question of whether to refinance our loan or to sell the Greenbelt to the County voted to refinance and to retain ownership. 75 percent of the board of advisors, 6 to 2, including all four of its officers, wish for the Madrid community to retain ownership of this property. I speak for myself and for 100 or more community members when I state that I do not want the County to buy the Madrid Greenbelt. Please deny approval of the land purchase agreement. Thank you.

CHAIRMAN ANAYA: Thank you, Andria.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: I withdraw my motion.

COMMISSIONER VIGIL: I withdraw my second.

COMMISSIONER CAMPOS: I have a question for Mr. Olafson. Mr. Olafson, looking through your report I didn't anticipate the kind of response from the public. Do you feel that there's a consensus within the community not to go forward? Let's say, do you think a majority of the residents of Madrid would say, Don't do this, County. We want to keep it?

MR. OLAFSON: Mr. Chair, Commissioner Campos, I really don't have

that sense. I'm not there. I don't live there. I can't really speak to that.

CHAIRMAN ANAYA: Commissioner Campos, a little clarification. There's still about 15 more people in the audience that would like to speak in favor.

COMMISSIONER CAMPOS: There's a split in the community.

CHAIRMAN ANAYA: Apparently, and that's why we're listening to both sides.

COMMISSIONER CAMPOS: Okay. I'm just kind of surprised by these three speakers.

CHAIRMAN ANAYA: Who would like to speak in favor of this purchase? Go ahead and come forward, and if we could not repeat what the last speaker has said.

GAVIN STRATHDEE: Mr. Chair, members of the Commission, my name is Gavin Strathdee. I'm a resident of Madrid for 31 years. I live within the traditional community of Madrid. I'm a founding member of the Madrid Landowners Association, the Madrid Water Cooperative, the Volunteer Fire Department and the Volunteer Fire Department Association. It is my privilege to serve currently as the president of the Madrid Water Cooperative and I am here representing landowners, my personal interest as a landowner and the community water cooperative. I would like to make clear I think, one thing that everybody in this room would agree to as being stipulated and stated before. The community of Madrid is unified behind the concept of retaining this piece of property as open space.

A brief history is that we were involved nine years ago in the possibility of this piece of property being developed by the original owners. At that time, the three community organizations, the landowners association, the water cooperative and the fire department association banded together to prevent this from happening. We put down \$10,000 as a down payment and came to an agreement between the landowners association and the water cooperative that they would carry alternatively the monthly payments on the note, which were reasonable in the fact that we had a \$36,000 balloon payment, which would come due in ten years.

We have carried that note for eight years. We currently have approximately \$3,000 in equity on that note. A little over four years ago the County Open Space program came to the fore and we realized as a community that this was a viable option for the community to both maintain the space as open space, to relieve ourselves as a community of the financial burden of maintaining the payments on it, to be able to free up funds that would be better used in other community purposes, and we approached COLTPAC on the basis of acquiring this land.

The negotiations have been extensive with the County. We've gone through several personnel changes in the County department which we have been able to overcome. We've worked very well with the present staff and past staff for that matter. I would thank Paul Olafson of the open spaces program and Patrick Kraich for the work that they have done and their willingness to listen to our concerns. We have a proposal before you, the purchase agreement, which basically secures the community's interest in present and future

infrastructure requirements, the waterlines, the community fire line, future well site, the protection of the roads, these are all written into the purchase agreement.

The purchase agreement was finalized. It was agreed to and has been signed off by both the water cooperative and the fire department association, and the membership at large of the MLA basically, on several votes, including the last one, did vote 48 to 42 to proceed with the sale to the County. I would like to thank the County for the support of the community in the past and I would hope that the Commission would support the community in this matter as well. The Madrid Water Cooperative urges the Commission to approve this purchase agreement to help relieve the community of the financial burden that it has caused to it. Our interests are protected in the long term by this process going forward and the open space would be preserved to the benefit of all. Thank you.

CHAIRMAN ANAYA: Thank you, Gavin. Any questions of Gavin?

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: Sir, could you just highlight for me on the map that we've got, are we purchasing a roadway, a hillside, an arroyo? What is it that we're purchasing?

MR. STRATHDEE: The space is the open space that when the town was originally platted back in 1974, '75, from the Albuquerque and Cerrillos Coal Company, it was designated the railroad right-of-way and drainage easement.

COMMISSIONER MONTOYA: Railroad and drainage.

MR. STRATHDEE: Railroad right-of-way and drainage easement.

COMMISSIONER MONTOYA: So is there a railroad on it?

MR. STRATHDEE: There's an old rail bed which the community would hope in the future could be linked up to the trails program and possibly linked into the Cerrillos Hills.

COMMISSIONER MONTOYA: And what type of drainage is there?

MR. STRATHDEE: There is an arroyo drainage that comes down through there. The state highway has a drainage culvert under Highway 14 that drains a large area to the south of the community.

COMMISSIONER MONTOYA: So if we were to not purchase this there might be the potential loss of drainage?

MR. STRATHDEE: I don't see that there would be potential loss of drainage. I actually believe that geographically the drainage is going to come down there whoever owns the piece of property because it is a long-standing drainage area. I think –

COMMISSIONER MONTOYA: How large is that drainage area, sir?

MR. STRATHDEE: It's a reasonably small arroyo that runs through this eleven acres, roughly north and south.

COMMISSIONER MONTOYA: Paul, have you seen it? How small is it? Width?

MR. OLAFSON: Mr. Chair, Commissioner Montoya, it's a long narrow

strip. It is largely an arroyo. And just to clarify the point, it was the rail bed and the rail alignment in the arroyo. I guess just to speak directly, it would not change its use as an arroyo or as a drainage because that's the lay of the land, without some major engineering. Secondly, its other potential uses, and this goes back to one of the earlier comments, it could be developed in parts of it because they're high enough and flat enough for homesites, but its largest practical function at the moment is largely as a place for the trails. It's called a Greenbelt within the community.

COMMISSIONER MONTOYA: Thank you. Thank you, sir.

CHAIRMAN ANAYA: Thank you, Gavin. Anybody else like to come forward and speak for this?

CHRISTOPHER HODGE: Mr. Chair and Commissioners, my name is Christopher Hodge. I live at 2872 Main Street in Madrid. I'm a 15-year resident of the town and for over seven years I've been a board member of the Madrid Water Co-op. I was appointed by the Madrid Landowners Association a number of years ago as a liaison to the County to negotiate their interests in the Madrid Greenbelt purchase. As open spaces liaison for the community I've been instrumental in the formulation of the larger vision of Madrid's open spaces, which already includes the 45-acre wilderness greenbelt and the two-acre church lot in front of St. Anne's Church.

The purchase of this Greenbelt which we are addressing today will connect these two existing open spaces and several small garage lots still to be added to this larger parcel. I support the County's purchase of the Greenbelt to add to Madrid's open spaces and the connectivity to the Cerrillos Hills and other open spaces that the County owns.

CHAIRMAN ANAYA: Any questions of Christopher? Thank you. Come on up, sir.

PETER HODGE: Mr. Chair, Commissioners, I'm Peter Hodge representing the Madrid Volunteer Fire Department Association. I just want to let you know that the association has voted for and fully supports the purchase of the Madrid Greenbelt by the County.

CHAIRMAN ANAYA: Thank you, Mr. Hodge. Anybody else? Come on up.

GLEN BOWDEN: Commissioners, my name is Glen Bowden. I'm vice president of the Madrid Water Co-op and the Madrid Water Co-op also have voted unanimously to pass this and is in favor of it. Thank you.

CHAIRMAN ANAYA: Thank you, Glen.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: How many members are there in your co-op?

MR. BOWDEN: I'm going to guess 110.

COMMISSIONER MONTOYA: And was it unanimous? All 110 people voting.

MR. BOWDEN: The board is unanimous.

COMMISSIONER MONTOYA: Oh, it was the board. How many members on the board.

MR. BOWDEN: Nine.

COMMISSIONER MONTOYA: And it was 9-0?

MR. BOWDEN: Yes.

CHAIRMAN ANAYA: Thank you, Glen. Anyone else? Are you for it?

LISA INTERLANDI: Good afternoon. My name is Lisa Interlandi. I have lived and mostly worked in Madrid for about 25 years. I've also collected hundreds of thousands of dollars of gross receipts taxes for the state of New Mexico there in Madrid because of its unique character. I feel that its unique character also benefits the County of Santa Fe and it would benefit Santa Fe County to purchase the Greenbelt because it would help maintain the character of Madrid. I hope that the Commissioners will support the purchase of the Greenbelt. Thank you.

CHAIRMAN ANAYA: Thank you, Lisa. Come on up, sir.

JOSEPH MANGUS: Good afternoon, Mr. Chair and Commissioners. My name is Joseph Mangus. I'm an attorney with the Comeau law firm, and I'm here representing the water cooperative. I just wanted to point out as far as the - there were some allegations that the resolutions weren't properly passed or problems with the board of directors and I think all of those matters are taken care of with the agreement to purchase and sale. Title insurance will be issued and there will be time after this agreement is entered into to make sure the resolutions or anything required by the title company is taken care of. So the technical problems can be taken care of between now and closing and there's plenty of time to do that.

CHAIRMAN ANAYA: Thank you, Joseph. Come forward.

JERRY WARRICK: Good afternoon, Mr. Chair and Commissioners. My name's Jerry Warrick. I'm a 30-year resident of Madrid. I was on the Madrid Landowners Association Board in 1994 when we came up with a proposal to purchase the property to take it out of the developmental realm when heirs to the coal company were attempting to proceed with developing part of the Greenbelt area. Our intention at that point was not to hold it ourselves, we didn't think we could afford to buy it, but to take it off the market and eventually get another entity to purchase it as open space or as an easement and subsequent to that the open space project came along which seemed like a perfect fit.

I think the majority of the board who is against this - I am a board member and one of the two dissenting members on the board currently - they have ignored that they have an equal partner and a junior partner in this process who have both approved the process to go forward with the purchase by the County. And the fact that they have been holding this up for a long time seems like it's meant to frustrate the County's efforts so that they would eventually retract the purchase offer. Thank you.

CHAIRMAN ANAYA: Thank you, Jerry. Any questions of Jerry? Anyone else want to speak. Okay, come on up. This will be the last speaker.

REBECCA NAFEY: Chairman and Commissioners, my name is Rebecca Nafey and I'm a landowner in Madrid. I think there is a lot of division. I feel like the bottom line in this matter though is that the majority of the membership has consistently voted to complete this sale. They've voted four times over the years, each time the membership has said Yes, we want to go forward with this. This will protect our rights. We still need to take care of the roads. We've always taken care of the roads. There's nothing to that. We actually trust – most of us, anyway – trust the County Open Space program. A lot of us have many years of experience with this program. We've seen other areas that they've purchased. Parts of Madrid that they already own and we're more than pleased with the results that these programs have given to our community and we would like to see this extra piece added to the pieces that are already protected.

CHAIRMAN ANAYA: Thank you, Rebecca. Commissioner Sullivan.

COMMISSIONER SULLIVAN: Paul, or maybe one of the speakers could help me. When Madrid completed its community plan, which I recall we passed last year. Wasn't it last year?

MR. OLAFSON: A couple of years, Mr. Chair. I think it was two or three years ago.

COMMISSIONER SULLIVAN: Oh, time flies. What was the opinion of people regarding this parcel then, and what was the parcel zoned for?

MR. OLAFSON: Mr. Chair, Commissioner Sullivan, I was the planner at the time and worked on that project which means it was at least three years ago. So dredging through my cobwebs, it was identified as a Greenbelt and identified – it wasn't zoned per se, I don't think. And I can't say that because I haven't looked at that ordinance directly for quite some time. But it was identified as an open space parcel that should be maintained as open space. And I think both sides here today have kind of said that.

COMMISSIONER SULLIVAN: But during that process there was a lot of community input in the planning process, and also during that time the purchase was going on. They had already contacted COLTPAC and that purchase was going on. So was there not any discussion or dissension or disagreement about how that parcel would be maintained and dealt with?

MR. OLAFSON: Mr. Chair, Commissioner, to my recollection it was identified or acknowledged that it was a potential sale to the County for open space and my recollection, and I don't want to speak for anyone was that that was approved or supported within the community. And I think the opposition to the sale, to my knowledge has been a more recent event in that planning process.

COMMISSIONER SULLIVAN: Well, two concerns I heard. One was that they would have greater flexibility with the property. But leash laws apply to private property as well as public property so I'm not sure that you could do that. And the other issue was one, which we see a lot of was one of being concerned that the public utilizing private or quasi-private property. And I assumed perhaps the question of littering it and damaging it and not being respectful to the neighbors and to the people who live there and

enjoy it. And that's where I'm having the problem thinking about this is, is this just an issue of we don't want the public here? We don't want the public on this land? Those are the only two specific issues that I heard. Are there others that you think are critical here?

MR. OLAFSON: Mr. Chair, Commissioner, I'll address the issues that I heard through talk and that covers both of those and a couple others. One was, to go back and explain, there are several roads that cross this property or connect through this property at different points. When the County, through this agreement, the agreement says the County will purchase this and grant the roads back to the existing owners, which are the three entities, for their use. However, we don't take over the maintenance responsibility. Because it's like a private driveway across our land. And we would say, Okay, go ahead and use this land but you take care of your road because we don't want to take that on, and the County has its own separate process for adoption which you're all familiar with.

The liability I think is the same in that the road and also the easement says it's granted back to the owners and public and public utilities. So the granting of the easement to the public is the concept of bringing the public on that. In my opinion, practically I don't see that there's going to be a new influx of people who want to pass on this. You have to pass through a private road to get to the public section and then back onto private. I don't see that as a draw for people to want to go off 14. And they are existing driveways that have been used forever by the residents and by their visitors.

COMMISSIONER SULLIVAN: Is there parking space for people to park and use the parking?

MR. OLAFSON: Currently, no. And the way that I would envision it, I don't think we would envision parking within this area because there's more of a Greenbelt focus as a trail through the community.

COMMISSIONER SULLIVAN: Is there public access to the parcel?

MR. OLAFSON: Yes. There has to be. That's the easements into it.

COMMISSIONER SULLIVAN: But I mean now?

MR. OLAFSON: Yes. The public uses these every day as well as all the landowners who live there. And people who live outside the community also traverse some of the roads to get from 14 to their residences.

COMMISSIONER SULLIVAN: If Santa Fe County purchases it, there's not an issue that we have an island of County land and then we have private land surrounding it to get to it.

MR. OLAFSON: No, there is access to the property, so it's not landlocked in that sense. And on the very northern end it does connect with our existing 45-acre Madrid wilderness property.

COMMISSIONER SULLIVAN: Thank you, Mr. Chair.

MR. OLAFSON: Mr. Chair, if I could just touch on a couple of other points very briefly. I know we're going long. The idea of a conservation easement, versus a deed restriction, they've documented, the agreement clearly spells out that this is

intended for use in perpetuity. A conservation easement was explored. However, due to the finances in paying off the note, it was felt that that wouldn't have the same viability as a straight-out fee purchase. The market value, if it was to be sold today, to get the full market value, it's highest and best use would be to develop it residentially, which would then take away its use as open space. So that the value there, for example if you protected only as open space through a conservation easement you dramatically devalue that property.

I think that's all of the issues I've covered.

CHAIRMAN ANAYA: Thank you, Paul. First of all I want to thank all of the people that came and spoke and the people that are here on behalf of either purchasing it or not purchasing it. But I strongly am in support of the County purchasing this property. I think it's a win-win situation. I think you've had the landowners association of Madrid, water cooperative, and Madrid Volunteer Fire Department working together to purchase this from the beginning, and I think they're in agreement to purchase – the County to purchase it and I think it's a win-win situation. You're going to get monies back. It's going to go back to the fire department, back to the water associations and back to the Madrid landowners. And I think if we don't act on this now we'll lose out and we'll say we wish we would have done it a long time ago. So I'm in favor of it. I make a motion to approve this.

COMMISSIONER CAMPOS: Second.

CHAIRMAN ANAYA: There's a motion and a second. Any discussion?

**The motion to approve the purchase of the Madrid Greenbelt passed by unanimous [5-0] voice vote.**

CHAIRMAN ANAYA: Thank you very much.

MR. OLAFSON: Mr. Chair, Commissioners, thank you.

**XIII. E. 1. Request Authorization to Accept and Award a Professional Services Agreement to the Highest Rated Offeror for RFP #25-08 for the Professional Architectural and Engineering Services for the Youth Shelters & Family Services Phase II/\$54,140.31**

SUSAN LUCERO (Finance Director): Mr. Chair, members of the Board, the Finance Department in conjunction with Project and Facilities Management Department are requesting authorization and acceptance of the formal solicitation #25-08 for professional architecture and engineering services of the Youth and Family Services Shelter, phase 2.

The solicitation is for the purpose of the planning and design of phase 2. It was sent out and we received six responsive bids. Of those six responsive bids the three companies

that rated the highest based on written evaluation criteria were then asked back for an interview and once the interviews were completed, the scores were tabulated and ultimately, NCA Architects was rated number one. We conducted reference checks on NCA. The negotiation began with them in terms of a cost to the County for A&E services. Their quote was actually slightly below the recommended rate from the Professional Technical Advisory Board architect rate schedule that we used as a guide for estimating their fees. Therefore we're requesting approval of this contract and award to NCA Architects in the amount of \$54,140.31. I stand for any purchasing questions.

COMMISSIONER CAMPOS: Move to approve.

COMMISSIONER MONTOYA: Any questions for staff? We have a motion to approve by Commissioner Campos.

COMMISSIONER VIGIL: Second.

COMMISSIONER MONTOYA: Second by Commissioner Vigil.  
Commissioner Sullivan.

COMMISSIONER SULLIVAN: Thank you, Mr. Chair. Who were the three firms?

MS. LUCERO: Mr. Vice Chair, Commissioner Sullivan, the three highest rated firms were NCA Architects, Mullen Heller, Architects, and Kells & Craig, Architects.

COMMISSIONER SULLIVAN: And are any of those firms local firms?

MS. LUCERO: Commissioner Sullivan, I am not sure. I'd have to pull the actual bid file. I don't know exactly. Local in terms of the city?

COMMISSIONER SULLIVAN: Santa Fe area, as opposed to Albuquerque.

MS. LUCERO: That I am not aware of. I'd have to pull the file.

COMMISSIONER SULLIVAN: You mentioned that you checked references. We had brought up the issue before that the firm of NCA Architects had had some problems in its project with the Pojoaque Valley School District. Were they checked as a reference?

MS. LUCERO: Mr. Chair, Commissioner Sullivan, yes, they were checked as a reference. There were seven reference checks made to numerous entities including schools, counties, such as Eddy County, Luna County, McKinley County. And of those references of those seven, the Pojoaque School reference was the only one that noted any negative information. All the others were positive in terms of their experience with NCA and how they would evaluate the final project, how responsive NCA was to their questions and concerns, and if they had any complaints, if they did in fact respond to those.

COMMISSIONER SULLIVAN: My concern, Mr. Chair, is that we just recently hired this firm not two months ago to do the Eldorado Senior Citizens Center. And they did, at that time the references for Pojoaque weren't checked by the staff. I just feel, number one, that we should spread the work around, and number two that we should develop our own experience with the firm in a design environment before we give them two projects end to end, particularly in light of the fact that one very close to us, and in

fact in our county had some negative references on them. It seems to me that I'm sure there are other competent firms. I don't know the firms personally. I have no business relationship with any of them, but it just seems to me that we should allow other firms, competition is good. It makes better product and that we're dealing sometimes with a firm that can make a very slick and polished presentation but may not always provide the product that the County wants. For that reason, Mr. Chair, I don't support the staff's recommendation.

COMMISSIONER MONTOYA: Okay. Any other discussion?

COMMISSIONER CAMPOS: I'd like to hear from staff. I'd like to hear a response to what Commissioner Sullivan has said from Mr. Flores or Ms. Lucero.

MS. LUCERO: Mr. Chair, Commissioner Campos, in terms of Commissioner Sullivan's remark regarding spreading competition, I can state that from the purchasing evaluation end of it, a discount is given, if you will, against the points when someone already has an existing contract in place with us. So even with that in consideration, NCA still had the highest score. Just so you are aware, we did include that.

COMMISSIONER CAMPOS: I'm mostly concerned about the quality of the performance. I think that's what Commissioner Sullivan is maybe questioning.

MS. LUCERO: I can't speak to the current contract that we have with them unless PFMD has comments.

COMMISSIONER MONTOYA: Mr. Flores.

MR. FLORES: Mr. Chair, Commissioner Sullivan, I'm also for spreading out the work. However, in this instance, this is the third RFP that we've had to put out for this. We have not had the opportunity to work with NCA other than six weeks for programming phase for the current Vista Grande. With the work that they're performing on that project, both the CIP director and myself have discussed this and we feel confident that they can accomplish the tasks before them. Unfortunately, the timing of this puts us in the situation where I am recommending we go forward with this contract at this time.

COMMISSIONER CAMPOS: I have a motion. I just ask for the vote.

COMMISSIONER MONTOYA: Tony, I have a question. This is the third RFP that's been out on this project?

MR. FLORES: Mr. Chair, we started this process in December of 2003. We've put out two solicitations, Purchasing put out two solicitations. This is the third RFP that's gone out for this project. So we are a little behind the gun right now of moving this project forward. This project received full funding through the legislature. I have two grants that are expiring in June of this year for this project and that is one of the reasons why I need to move this project forward.

COMMISSIONER MONTOYA: I think we're more than a little behind, don't you think? 2003?

MR. FLORES: Yes, Mr. Chair.

COMMISSIONER SULLIVAN: Mr. Chair.

COMMISSIONER MONTOYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I think if anything, that provides a good reason not to use the same firm for two projects. I don't know what the circumstances on the other three were but it's certainly within the Board's purview to select any firm it feels is qualified for the job based on the staff's recommendation and I wasn't recommending that we hold up the selection but any time you give two jobs to a firm, then you're going to put that additional workload on that firm that's going to come from one project to the other.

MR. FLORES: Mr. Chair, Commissioner Sullivan, I looked at the project because I was not part of the evaluation team but I have looked at the project schedule and it is rather tight to accomplish what I need to accomplish. However, I do feel that if the architectural firm assigns a project manager to us that addresses the concerns that we've had on other issues relative to this firm we can move this project forward. I'm an advocate of the purchasing process. I would be reluctant to do anything other than move forward with this recommendation at this time.

COMMISSIONER MONTOYA: Okay, we have a motion and a second.  
Commissioner Vigil.

COMMISSIONER VIGIL: I don't have a problem with moving forward with this particular firm. I guess in particular because I'm familiar with the procurement process and the review process that you go through and the objectivity that's incorporated into that. I just don't know. We're getting so much information about this particular firm and their one negative report out of seven reports. I'm not sure that the other bidders would not have one, perhaps even two negative reports. We don't have that information. So based on my experience with staff's diligence in trying to create the objectivity and make a recommendation to us for the best possible candidates in their review, I'd like to call for the question, Mr. Chair.

COMMISSIONER MONTOYA: Commissioner Anaya.

CHAIRMAN ANAYA: Mr. Chair, I just want to know what the motion is.

COMMISSIONER MONTOYA: The motion is for approval of this contract.

CHAIRMAN ANAYA: Thank you.

COMMISSIONER MONTOYA: We have a motion, second.

**The motion to approve the contract with NCA passed by majority 4-1 voice vote with Commissioner Sullivan voting against.**

COMMISSIONER MONTOYA: Thank you, Mr. Chair.

**XIII. E. 2. Recommendation to the Board of County Commissioners from the County Open Land and Trails Planning and Advisory Committee (COLTPAC) Regarding Acceptance of an Easement Donation of Approximately 8.9 Acres for One Section of the Proposed "Arroyo Hondo Trail Easement" for Inclusion in the County Open Space and Trails Property Inventory**

MR. OLAFSON: Mr. Chair, Commissioners, I stand before you today. This is a donation of a trail easement to the County. This project was actually initiated a couple years ago with the help of Commissioner Sullivan working with the landowner, Mrs. Jane Petchesky. She has included all of her family holdings there. She is in the process of putting them under a conservation easement. She was aware of the idea of the Arroyo Hondo Trail and she was willing to donate the easement areas to the County for that trail. There's two parcels and you can see on the exhibit with this, this is one section. It's the beginning section from Richards Avenue heading west. We are currently under negotiation with other property owners to continue that westward direction to Highway 14. Staff recommends acceptance of this donation of an easement. I stand for any questions.

CHAIRMAN ANAYA: Any questions of Paul? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Paul, the Area 1, does that then stop at the Emerald Alliance property? I can't tell. It appears to be shaded on through that, but I'm not sure if that's part of Area 1 or if that's still yet to be acquired.

MR. OLAFSON: Mr. Chair, Commissioner, Area 1 that starts from the east on Richards Avenue and it continues all the way across to what is Area 2, which is kind of that S-shaped section. So it is directly linked. I think it's a 20-foot or 30-foot easement that's all the way across the bottom there, along that line.

COMMISSIONER SULLIVAN: Okay. So Ms. Petchesky owns an additional piece of land on that side of the section land? I'm not quite sure because that piece was sold. It was sold to Gillentine.

MR. OLAFSON: Oh, I'm sorry. The Burttram is a different one. It's a separate parcel. At the corner of Burttram and Petchesky, now Burttram is also going to grant us that easement area and then Petchesky's on the far left side, the far western side of the map, is also granting that bottom portion. So you're correct. I was misunderstanding the question.

COMMISSIONER SULLIVAN: Now I'm confusing myself here.

MR. OLAFSON: Maybe if I point to it. Starting from Richards going east, there's a long, narrow strip. It comes to this corner here. That's Burttram, and then Petchesky starts over here. So Petchesky's property is this portion here and then this portion below. Does that answer your question?

COMMISSIONER SULLIVAN: No. Not yet. The portion that says Emerald Alliance, Inc. It's owned by Emerald Alliance. Does Petchesky own a portion of that?

MR. OLAFSON: No, she owns north of that. I'm sorry. So those are private lines in there as well. There's one, two three, I believe. Or two parcels.

COMMISSIONER SULLIVAN: That are not owned by Petchesky?

MR. OLAFSON: Correct.

COMMISSIONER SULLIVAN: So where does Area 1 stop?

MR. OLAFSON: Okay. From Richards over to that Emerald Alliance.

COMMISSIONER SULLIVAN: To the Emerald Alliance property line?

MR. OLAFSON: Yes.

COMMISSIONER SULLIVAN: Okay, so then there's a gap still to be acquired between Area 1 and Area 2?

MR. OLAFSON: Correct. But we have already worked with those landowners. They've agreed to it. The reason we're bringing Petchesky's piece forward first instead of the whole project at one is that Mrs. Petchesky has concerns of managing her estate and getting things cleaned up and she requested that we move this forward.

COMMISSIONER SULLIVAN: Okay, but Trujillo and Emerald Alliance have already agreed to easements across their property?

MR. OLAFSON: Correct.

COMMISSIONER SULLIVAN: Okay. Thank you.

CHAIRMAN ANAYA: Any other questions?

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: Paul, is there any potential liability in terms of this property?

MR. OLAFSON: Mr. Chair, Commissioner Montoya, we're simply getting an easement to build a trail. Until we actually open the trail and make it open to the public we don't have a liability per se, other than an action we would take. And I can't speak for the County Attorney but that's my interpretation of our liability here, that we don't have one until we start opening and operating.

COMMISSIONER MONTOYA: Move for approval.

CHAIRMAN ANAYA: There's a motion. Is there a second?

COMMISSIONER VIGIL: Second, but I have a question.

CHAIRMAN ANAYA: Second, discussion, Commissioner Vigil.

COMMISSIONER VIGIL: Mr. Chair and Paul, are there any potential open trails or space besides the Santa Fe River Restoration project in the northwest quadrant? Because I know, what I'm hearing to day with the Madrid and this particular purchase is the connectivity of that starting to feel good, but is there any initiative going on with trails and open space in the northwest quadrant, my district?

MR. OLAFSON: Yes, Mr. Chair, Commissioner Vigil, there is. The river is envisioned as the primary spine, running east-west from the city all the way out to 599. Then from that spine there is an existing city easement or trail going north up to the MRC. We're also working with the new South Meadows Extensions, both the river crossing and the road up to Cerrillos, of building a trail connection there that would link the river, the spine going south to the Tierra Contenta area. So those trail links are in action and actually there is a project

underway that's looking at bringing the Arroyo Chamiso Trail that now kind of ends at Sam's Club and Rodeo Road, across Rodeo, around behind the mall and then heading west into the Tierra Contenta area as well. So that would create another loop.

COMMISSIONER VIGIL: Thank you, Mr. Chair. Thank you, Paul.

**The motion to accept the easement donation passed by unanimous [5-0] voice vote.**

**XIII. F. Utilities Department**

**1. Request Authorization to Accept and Award a Professional Services Agreement to the Highest Rated Offeror for RFP #25-11 for the Geohydrologic Study and Regional Aquifer Evaluations for the Santa Fe County Utilities Department/\$249,812**

DR. WUST: First, I apologize if procedurally I go in the wrong direction. This is the first contract I've presented to the Commission. But with me today is Kathryn De Lima who was the lead for Finance on this contract. Also I think Susan Lucero is still here from the Finance Department, Doug Sayre. He was with the Utilities Department on the evaluation team, and Tony Flores, who was also on the evaluation team, so they can speak to any questions regarding procurement, project management or history. Also attending the Commission meeting is Cynthia Ardito who is the designated lead for the chosen company, and David Jordan who is also from Intera. They're here too in case you have questions of them.

Mr. Chair, the contract, this is the culmination of a project that's been looked at for probably about two years now that we were trying to develop a study for the hydrology to get an idea of where we could find potential water sources for the County. Originally, the contract was let, was put out for a combination of modeling and well drilling, and that was deemed an inappropriate combination at some point. And so a new RFP was let to concentrate primarily on the modeling, first off, and then evaluation of the data in order to select locations and then we'll have a subsequent RFP in terms of well drilling and potential production wells being integrated into the County system.

We had four submittals to the RFP. Three of the four were deemed sufficient enough that we could interview them, however, the team felt that since there were only four submittals that we would go ahead and interview all four. There was one clear superior selection and that is Intera and that is the company that we propose to go with on the contract for modeling. Also participation in public meetings and training and implementation of the model for the County staff to utilize in the future.

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Campos.

COMMISSIONER CAMPOS: Dr. Wust, would you tell us a little bit about Intera. I'm not familiar with the name. Is it a local Santa Fe company? The other issue that was raised during the RFP process was conflict. We were hoping there wouldn't be conflict with

like that done.

MR. GONZALEZ: And we can, Mr. Chair, Commissioner Campos, we can leave the request open so that we can discuss what kinds of terms of access they'd feel comfortable with.

CHAIRMAN ANAYA: Okay. Any other questions? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Thank you, Mr. Chair. I would just like to hear from one of the principals, to associate a face with the contract here. And I guess my question to you, what do you see as the constraints and what do you see as the opportunities in this contract.

CINDY ARDITO: Mr. Chair, Commissioner Sullivan, my name is Cindy Ardito and I'm a vice president with Intera in Albuquerque. Certainly the opportunities are that the City model is one of them, so I concur with your recommendation to try to get that model because it might be very helpful to us to help us to expedite the development of the County's model. There's a lot of really good information out there so there's a lot of opportunity to pull the data together and be able to make some analyses and recommendations about the best places for the County to go for future water development. What was the second part of your question?

COMMISSIONER SULLIVAN: That was the opportunities and the second one was what are the constraints?

MS. ARDITO: The constraints are certainly being able to get the City's model is a constraint. There are limitations in terms of schedule for doing the work, but I think we're comfortable with the budget and the schedule as it sounds today. It's technically challenging to develop a model like this. We need to have the State Engineer on board with us. We've talked already about how important it is to have them involved from day-one and how we're going about this and working in a partnership with them.

COMMISSIONER SULLIVAN: We don't have either the contract or the scope of work in our packet. All we have is the cover letter from the Finance Department. What is the schedule?

MS. ARDITO: The schedule, assuming we were to start today, we are to be finished with the model by I believe the end of September. Actually, October 1<sup>st</sup>. There's a list. I believe you have this in your packet.

COMMISSIONER SULLIVAN: The end of September –

MS. ARDITO: October 1<sup>st</sup> is when our report is due, documenting the results of the presentations. We have a series of presentations to both the public –

COMMISSIONER SULLIVAN: Eight months then. Eight months to that part. And then there would be a subsequent RFP for the drilling and so forth that would follow that. Are you going to be looking at – I know primarily we're looking at groundwater modeling. Are you going to be looking at any surface water resources and any recharge options?

MS. ARDITO: Yes. The surface water, recharge, discharge points, all that is part of the hydrological – we'll be incorporating all of those hydrological processes into the model and calibrating the model to make sure it fits with all the data that's out there today.

COMMISSIONER SULLIVAN: Okay. But then that will all go into the model,

but the purpose of the model is to determine where the best place to drill wells is.

MS. ARDITO: That's right. There's a decision analysis component as well so that we can play what-if games if you will. We can put different pumping centers into different areas of the model and evaluate what the hydrologic impacts will be as well as we are also going to be evaluating the economic impacts of different scenarios with regard to future water development.

CHAIRMAN ANAYA: Thank you. Any other questions?

COMMISSIONER MONTOYA: Mr. Chair, I just wanted to express my support for this, Mr. Chair, but I need to leave now. I have a meeting with the governor at 4:30. But I would vote in favor of it.

CHAIRMAN ANAYA: Commissioner Vigil.

COMMISSIONER VIGIL: Thank you, Mr. Chair. Not knowing the full scope of this, is your evaluation going to go beyond the Santa Fe Water Basin?

MS. ARDITO: Mr. Chair, Commissioner Vigil, no. We will be staying within the Santa Fe County area. One of the first steps of the process is to evaluate all the data that's out there, work with the technical team at the County to understand exactly what the questions that we're trying to address are, and then make a decision together what the boundaries of the model are going to be. But we will be encompassing as much of Santa Fe County as makes sense for addressing the hydrologic issues that are ongoing to that.

COMMISSIONER VIGIL: It's my understanding, Mr. Chair, that some of at least southern Santa Fe County is within the Galisteo Basin and there's other basins. So I'm wondering if we've provided sufficient opportunity to do a comprehensive study. And perhaps I'm wrong. I'll defer to Steve.

DR. WUST: Mr. Chair, Commissioner Vigil, the original intent of this RFP way back when, and it's historical context is to try to develop water sources for the utility as it grows. And since the utility service area is concentrated around the metro area at the moment, that was deemed to be the most appropriate place to be looking for these sources at this time. It's envisioned that as the County, if it's 40-year plan goes forward and we become water supplier to more extensive areas then we can repeat this process further out. The other issue is the most extensive data that allows a comprehensive model is within the metro area because that's where the most wells are and that's where other models have been done.

However, in terms of the Galisteo Basin, the Eldorado area, which is mostly within the Galisteo Basin, there's a model that was done for that that's the Shomaker model and that is one of the models that's going to be evaluated by Intera in terms of looking at it to see how easily we could integrate that in. In fact if it could easily be integrated in as a piece of the bigger model, we can include a part of the Galisteo Basin. But as we get beyond that, we don't have very much data and it's going to be pretty much cost-prohibitive to look at water sources there to try to integrate into the existing utility area which is again, the primary, first purpose of looking at this.

So putting that all together, we're mainly looking at the metro area, but you'll see, we don't have defined boundaries about how far that model is going to go and that is to allow us

the flexibility to be able to say we can move the model a little bit over this way because we have some good data, or like the Shomaker model, and we can integrate those things. So we have the flexibility to look at areas without being tied to a specific boundary. But going to like the southern part of the county, we just don't have the data or it doesn't look like a future potential for water sources at this time.

COMMISSIONER VIGIL: Thank you, Mr. Chair.

CHAIRMAN ANAYA: Any other questions or comments? What's the pleasure of the Board?

COMMISSIONER SULLIVAN: Move for approval, Mr. Chair.

CHAIRMAN ANAYA: Motion. Is there a second?

COMMISSIONER VIGIL: Second.

CHAIRMAN ANAYA: Motion and a second.

**The motion to award the PSA for hydrologic study passed by unanimous [4-0] voice vote. [Commissioner Montoya was not present for this action.]**

**XIII. G. Matters from the County Manager**

MR. GONZALEZ: I didn't have anything today, Mr. Chair, other than welcoming on board the new chair and I thank our outgoing chair for the wonderful leadership he provided us last year.

MR. ABEYTA: Mr. Chair, the only thing I have is that we need to, at the next County Commission meeting appoint alternates to the EZA, SWMA and some of these other boards. So we'll take care of that on the 8<sup>th</sup>.

CHAIRMAN ANAYA: There's one thing that we left out and that was the Road Advisory Committee. Do we republish it? I know we need some members on that advisory committee. It's important. So maybe we do the same thing.

MR. ABEYTA: Okay. Thank you, Mr. Chair. That's all I have.

**XIII. H. Matters from the County Attorney**

**1. Executive session**

**a. Discussion of pending or threatened litigation**

**b. Limited personnel issues**

**c. Discussion of possible purchase, acquisition or disposal of real property or water rights**

**Commissioner Vigil moved to go into executive session pursuant to NMSA Section 10-15-1-H (7, 2, and 8) to discuss the matters delineated above.**

**Commissioner Campos seconded the motion which passed upon unanimous roll call vote with Commissioners Anaya, Campos, Sullivan and Vigil all voting in the**

**affirmative.**

[The Commission met in executive session from 4:27 to 6:05.]

**Commissioner Vigil moved to come out of executive session having discussed only the matters outlined in the agenda, and Commissioner Montoya seconded. The motion passed by unanimous voice vote.**

COMMISSIONER CAMPOS: Mr. Chair, we need to make an announcement as to what action we did take relative to the County Manager's contract.

CHAIRMAN ANAYA: That's right. We talked about the County Manager's contract. Commissioner Vigil did you want to say something?

COMMISSIONER VIGIL: If you'd like me to summarize. Mr. Chair, we do need to take action on the County Manager's contract. I think we should move forward and I move that we do, in entering into an agreement with Gerald Gonzalez for his wonderful services. Do we need to put on the record the amounts? We discussed a two-year commitment with a review of the contract in one year for the amount of \$106,000 and hope that Gerald will continue in the leadership role that he has for us, Mr. Chair. So I move that we enter into that agreement with the Manager.

COMMISSIONER MONTOYA: Second.

MR. ROSS: I think we can do that today. I'll draft the agreement and present it to you I guess on the Consent Agenda next time.

CHAIRMAN ANAYA: Thank you, Commissioner Vigil. There's a second. Is there any discussion?

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: I would just like to thank Gerald for his service and would hope that we continue in the direction that we're headed. I think we're headed in the right direction and I think it's a wise move that we're making here tonight.

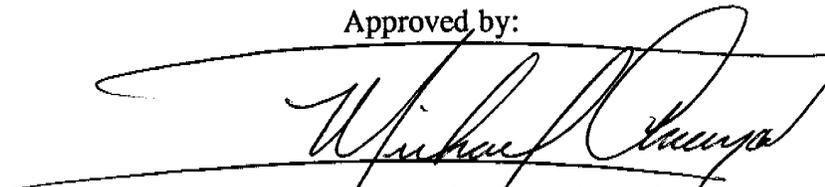
CHAIRMAN ANAYA: Any other comments? I echo all of the comments the Commissioners have said.

**The motion to approve a contract extension with the County Manager passed by unanimous [5-0] voice vote.**

**XIV. ADJOURNMENT**

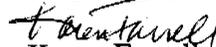
Chairman Anaya declared this meeting adjourned at approximately 6:10 p.m.

Approved by:



Board of County Commissioners  
Mike Anaya, Chairman

Respectfully submitted:

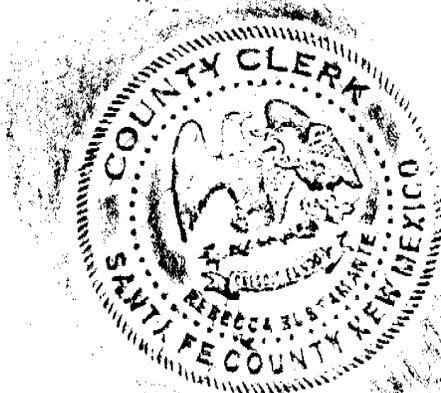


Karen Farrell, Commission Reporter

ATTEST TO:



VALERIE ESPINOZA  
SANTA FE COUNTY CLERK



att.

having a current resale value of more than five thousand dollars (\$5,000) made by a state agency, local public body, school district or state educational institution if the sale or disposition has been approved by the state budget division of the department of finance and administration for state agencies, the local government division of the department of finance and administration for local public bodies, the public education department for school districts and the commission on higher education for state educational institutions.

E. Prior approval of the appropriate approval authority is not required if the tangible personal property is to be used as a trade-in or exchange pursuant to the provisions of the Procurement Code.

F. The appropriate approval authority may condition the approval of the sale or other disposition of real or tangible personal property upon the property being offered for sale or donation to a state agency, local public body, school district or state educational institution.

G. The appropriate approval authority may credit a payment received from the sale of such real or tangible personal property to the governmental body making the sale. The state agency, local public body, school district or state educational institution may convey all or any interest in the real or tangible personal property without warranty.

H. This section shall not apply to:

- (1) computer software of a state agency;
- (2) those institutions specifically enumerated in Article 12, Section 11 of the constitution of New Mexico;
- (3) the New Mexico state police division of the department of public safety;
- (4) the state land office or the department of transportation;
- (5) property acquired by a museum through abandonment procedures pursuant to the Abandoned Cultural Properties Act [18-10-1 NMSA 1978];
- (6) leases of county hospitals with any person pursuant to the Hospital Funding Act [4-48B-1 NMSA 1978];
- (7) property acquired by the economic development department pursuant to the Statewide Economic Development Finance Act [6-25-1 NMSA 1978]; and
- (8) the state parks division of the energy, minerals and natural resources department.

**History:** 1978 Comp., § 13-6-2, enacted by Laws 1979, ch. 195, § 3; 1980, ch. 89, § 17; 1984, ch. 47, § 2; 1987, ch. 15, § 2; 1989, ch. 211, § 7; 1989, ch. 380, § 3; 2001, ch. 291, § 9; 2001, ch. 317, § 2; 2003, ch. 203, § 1; 2003, ch. 349, § 21; 2004, ch. 95, § 1.

**2003 amendments.** — Laws 2003, ch. 349, § 21, effective June 20, 2003, added Paragraphs G(6) and (7). However, this section was also amended by Laws 2003, ch. 203, § 1, effective June 20, 2003, to add a Subsection B that read:

"B. A state agency, local public body, school district or state educational institution may sell or otherwise dispose of real property:

"(1) by negotiated sale or donation to an Indian nation, tribe or pueblo located wholly or partially in New Mexico, or to a governmental unit of an Indian nation, tribe or pueblo in New Mexico, that is authorized to purchase land and control activities on its land by an act of congress or to purchase land on behalf of the Indian nation, tribe or pueblo;

"(2) by negotiated sale or donation to other state agencies, local public bodies, school districts or state educational institutions; or

"(3) through the central purchasing office of the state agency, local public body, school district or state educational institution by means of competitive sealed bids, public auction or negotiated sale to a private person."

This act proposed to delete "real or" following "disposed of" in Subsection A, to insert "tangible personal" following "required if the" in Subsection D and to add paragraphs to Subsection G concerning leases of county hospitals and the state parks division of the energy, minerals and natural resources department.

Because Laws 2003, ch. 349 was approved on April 8, 2003, and Laws 2003, ch. 203 was approved on April 6, 2003, this section was set out as amended by Laws 2003, ch. 349, § 21. See 12-1-8 NMSA 1978.

The 2004 amendment, effective March 9, 2004, deleted the last sentence of Subsection A relating to the disposal of real or tangible personal property by negotiated sale or donation, added new Subsection B, redesignated former Subsections B through G as Subsections C through H and added Paragraph (8) of Subsection H to exclude the state parks division.

### 13-6-2.1. Sales, trades or leases; board of finance approval.

A. Except as provided in Section 13-6-3 NMSA 1978, for state agencies, any sale, trade or lease for a period of more than five years of real property belonging to a state agency, local public body or school district or any sale, trade or lease of such real property for a

consideration of more than twenty-five thousand dollars (\$25,000) shall not be valid unless it is approved prior to its effective date by the state board of finance.

B. The provisions of this section shall not be applicable as to those institutions specifically enumerated in Article 12, Section 11 of the constitution of New Mexico, the state land office, the state transportation commission or the economic development department when disposing of property acquired pursuant to the Statewide Economic Development Finance Act [6-25-1 NMSA 1978].

**History:** 1978 Comp., § 13-6-2.1, enacted by Laws 1989, ch. 380, § 1; 2001, ch. 122, § 1; 2003, ch. 142, § 3; 2003, ch. 349, § 22.

**2003 amendments.** — Laws 2003, ch. 349, § 22, effective June 20, 2003, in Subsection B, updated the reference to the state transportation commission and added "or the economic development department when disposing of property acquired pursuant to the Statewide Economic Development Finance Act". However, this section was also amended by Laws 2003, ch.

142, § 3, effective July 1, 2003, to change the reference to the highway commission to the transportation commission in Subsection B. Because Laws 2003, ch. 349 was approved on April 8, 2003 and Laws 2003, ch. 142 was approved on April 1, 2003, this section is set out as amended by Laws 2003, ch. 349, § 22. See 12-1-18 NMSA 1978.

### **13-6-3. Sale, trade or lease of real property by state agencies; approval of legislature; exceptions.**

A. Any sale, trade or lease for a period exceeding twenty-five years in duration of real property belonging to any state agency, which sale, trade or lease shall be for a consideration of one hundred thousand dollars (\$100,000) or more, shall be subject to the ratification and approval of the state legislature prior to the sale, trade or lease becoming effective. The provision specified in Section 13-6-2 NMSA 1978 requiring approval of the state budget division of the department of finance and administration as a prerequisite to consummating such sales or dispositions of realty shall not be applicable in instances wherein the consideration for the sale, trade or lease shall be for a consideration of one hundred thousand dollars (\$100,000) or more and wherein a state agency not specifically excepted by Subsection B of this section is a contracting party, and, in every such instance, the legislature shall specify its approval prior to the sale, trade or lease becoming effective.

B. The provisions of this section shall not be applicable as to those institutions specifically enumerated in Article 12, Section 11 of the constitution of New Mexico, the state land office, the state transportation commission or the economic development department when disposing of property acquired pursuant to the Statewide Economic Development Finance Act [6-25-1 NMSA 1978].

**History:** 1953 Comp., § 6-1-8.1, enacted by Laws 1961, ch. 41, § 1; 1979, ch. 195, § 4; 1987, ch. 15, § 3; 2003, ch. 142, § 4; 2003, ch. 349, § 23.

**2003 amendments.** — Laws 2003, ch. 349, § 23, effective June 20, 2003, in Subsection B, updated the reference to the state transportation commission and added "or the economic development department when disposing of property acquired pursuant to the Statewide Economic Development Finance Act". However, this section was also amended by Laws 2003, ch.

142, § 4, effective July 1, 2003, to change the reference to the highway commission to the transportation commission in Subsection B. Because Laws 2003, ch. 142 was approved on April 4, 2003, this section is set out as amended by Laws 2003, ch. 349, § 23. See 12-1-8 NMSA 1978.

## **ARTICLE 7**

### **Health Care Purchasing**

Sec.

13-7-1. Short title.

13-7-8. Maximum age of dependent.

#### **13-7-1. Short title.**

Chapter 13, Article 7 NMSA 1978 may be cited as the "Health Care Purchasing Act".

Harry B. Montoya  
*Commissioner, District 1*

Paul Duran  
*Commissioner, District 2*

Michael D. Anaya  
*Commissioner, District 3*



**MEMORANDUM**



*Commissioner, District 5*

Gerald T.E. González  
*County Manager*

**Date:** 25 January 2005

**To:** Santa Fe County Board of County Commissioners  
Harry B. Montoya, District 1  
Virginia Vigil, District 2  
Michael D. Anaya, District 3 (Chairman)

Paul Campos, District 4  
Jack Sullivan, District 5

**From:** Paul Olafson, Open Space and Trails Program Manager

**CC:** Tony Flores, Director, Project and Facilities Management Department

**Re:** **Appointments to the County Open Land and Trails Planning and Advisory Committee (COLTPAC) (Project and Facilities Management Department).**

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Attached with this memo are additional applications received for appointments to the County Open Lands and Trails Planning and Advisory Committee (COLTPAC). Also attached is an updated summary chart of applicants.

**Summary of Applicants' Letters of Interest for COLTPAC – January 2005**

*Note: This chart is meant as a summary informational piece. For more details on each applicant, please refer to the attached letters of interest and other information that were submitted by the applicants.*

**North**

NAME	LOCATION	INTERESTS and EXPERIENCES
Levi Valdez	Pojoaque	Current member of the Pojoaque Planning Committee. Professional licensed engineer with experience on design and construction of civil projects.
Archie Velarde	Espanola	Avid jogger who is interested in increasing the amount of areas in the County for public recreation.
Leon Roybal	San Ildefonso	Application pending Pueblo approval

**Central and City**

NAME	LOCATION	INTERESTS and EXPERIENCES
James S. Bordegaray	Santa Fe	Served on open space board for Bernalillo County prior to moving to Santa Fe. Avid hiker and mountain biker. Currently employed as a project manager in a real estate development firm.
John R. Buchser	Santa Fe	Involved in the Northern Group and the Rio Grand Chapter of the Sierra Club. Currently employed by the Office of the State Engineer.
Jack P. Frost	Santa Fe	Interested in open space and natural resources management and hydrology. Currently employed by the Office of the State Engineer.
Roxanna Hannan	Santa Fe	Background in finance, administration and management. Has gained knowledge and interest in open space issues through employment at the Nature Conservancy.
Kelly Huddleston	Santa Fe	Avid user of trails and open space in the area. Former project manager at the Trust For Public Land.
Bill Johnson	Santa Fe	Trails advocate and board member of the Santa Fe Conservation Trust. Has worked with open space on the Santa Fe Rail Trail and other Countywide trails projects.
Janine V. Johnston	Santa Fe	Coordinator of the Adopt a River Program of the Santa Fe Watershed Association. Has worked with open space program on river projects and management.
James H. Karp	Santa Fe	Currently employed as the general counsel to the New Mexico Department of Game and Fish. Address access and habitat issues on private and public lands on behalf of outdoor enthusiasts.
Elise McLaughlin	Santa Fe	Currently employed as a landscape designer practicing holistic design. Has experience in trails planning from previous employment as New Mexico State Trails Planner.
Justin Stockdale	Santa Fe	Interested in the preservation of open space to enhance the quality of life of County citizens. Currently employed as the recycling manager for Santa Fe Solid Waste.
Martha E. Schumann	Santa Fe	Avid user of trails and open space in the County. Has experience in drafting conservation easements for current employer the Forest Guild.

**South**

NAME	LOCATION	INTERESTS AND EXPERIENCE
James P. Edmiston	Edgewood	Enjoys riding horses and is interested in preserving open space in Santa Fe County.
Mary Lindsey	Sandia Park	Active member in the Back Country Horseman, Pecos Chapter.

TO: Santa Fe County Open Space and Trails Program  
ATTN: Paul Olafson, Program Manager  
PHONE: (505) 992-9866  
FAX: (505) 992-9869  
DATE: Jan. 21, 2005

I am interested in joining COLTPAC. As you may recall, I live in very southern Santa Fe County and my husband and I enjoyed working with you while we were on the board of the San Pedro Neighborhood Association. You were instrumental in our obtaining our designation as a Contemporary Community.

I have been a past board member and am still active in the Back Country Horsemen, Pecos Chapter. We have three horses which we would love to ride on closer trails. Also, as an avid hiker and backpacker, I understand the needs of enthusiasts from the point of view of horsemen, hikers and bikers and the types of trails appropriate for these activities.

In my Houston life I was president of the Board of Santa Maria Hostel, a United Way Agency dedicated to rehabilitating alcohol and drug abusers. I was also founder and president of Commercial Services Company, a small LP-gas consulting and publishing firm which I began in 1983 and is still flourishing today. I am accustomed to dealing with employees and customers and hope that I can be of help to COLTPAC. I can be reached at:

Mary Lindsey  
1567 SR 344  
Sandia Park, NM 87047  
Phone: (505) 281-5100  
Fax: (505) 281-5140  
E-mail: [maryal222@aol.com](mailto:maryal222@aol.com)

Thanks for considering my application as a volunteer.

Mary Lindsey

James P. Edmiston  
11 Weathersby Drive  
Edgewood, New Mexico 87015  
505 286-6233

Subject: Letter of Interest (County Open Land and Trails Planning and Advisory  
Committee (COLTPAC))

To the Selection Committee:

I am very interested in serving as a volunteer on the COLTPAC committee for the County of Santa Fe. First off, I am a resident of southern Santa Fe County, residing with my wife, Sandy, just outside of Edgewood. On our property we have five dogs and four horses and we are interested in and committed to preserving the open spaces of Santa Fe County.

In my professional career I have managed people and projects, both in "worker-bee" and supervisory positions. In my current duties with IBM, I manage large outsourcing engagement teams from receiving the Request for Proposal (RFP) to after contract signing transition activities. These engagements run from \$60 million to over \$6.8 billion in total contract value.

However, the greatest strength I bring to engagements (and this will be especially critical for the COLTPAC committee), is my team work, spirit and people skills. Nothing ever gets accomplished in a vacuum, and I firmly believe in incorporating everyone's opinions and desires, if possible, in whatever I do. My wife, Sandy, is now participating in the reconstitution of the East Mountain Equine Association. As such, we are very interested in preserving and planning for utilization of the open spaces in Bernalillo, Torrance and Santa Fe Counties. We trail ride our horses extensively throughout the local area and have made the acquaintance of many horse people in the East Mountain area. Since I work for an international company, I do not have any financial or business interests in local enterprises or entities.

While serving in the military, I was very conscious of the environmental impact of the US Army's activities and can utilize that experience with the committee. I fully believe that the open space in Santa Fe County should be managed and set aside now, so that future generations of New Mexicans can enjoy our beautiful environment.

I am ready, willing and able to participate as a member of the County Open Land and Trails Planning and Advisory Committee (COLTPAC) if selected. Thank you for considering my application.

Sincerely,  
James P. Edmiston

## **JAMES P. EDMISTON**

11 Weathersby Drive

Edgewood, NM 87015

Office: (505) 286-6235 Residence: (505) 286-6233

Email: jedmis1@us.ibm.com

**Summary of Civilian and Military Experience:** Over twenty-nine years experience in developing, implementing and management of innovative computer and communications systems in response to business client and military special mission requirements. Proven strengths in start-up projects and asset management thru establishment of business client and military requirements, mission statements, goals, budgets, operating procedures, personnel resourcing and procurement of required materials. Very adept at utilizing minimal personnel and hardware resources in order to maintain low operating costs for maximum efficiency. Thoroughly versed in system life cycle management and management of multiple projects simultaneously. Possess excellent interpersonal, written, and oral presentation skills. Strong understanding of LAN/WAN/MAN networks and their associated infrastructure, i.e., Mainframe, Midrange, Data Storage, Disaster Recovery, and End User services for those networks to include voice, data, and video technologies. Adept at integrating hardware and software technologies to implement unique technical solutions in order to solve individual client requirements.

### **Major Areas of Performance:**

Technical and Personnel Resource Management

Technical and Legal Analysis

Requirements Definition and Systems Acquisition

Communications Architectures and Network Design

Systems Engineering and Integration Project Management

Maintenance and Logistics

Fiscal Resource Management

### **September 2003 to Present**

International Business Machines (IBM),

Delivery Manager (DEM), Strategic Outsourcing, IBM Global Services

Responsible for the development, presentation and support of \$20.5 billion in new business signings across the Americas, including new, addenda, extension, and renegotiated deals. Developed cost creative, innovative technical solutions and provided strategic direction of the solution design for Williams Energy (\$325 million revenue) and Stanford Hospital and Clinics (\$480 million revenue). Personally directed the activities of the Technical Solution Architects (TSAs) and other Solution Delivery Center (SDC) personnel in the preparation of the solutions. Responsible for the cost competitiveness, Quality Assurance review process and buy-in of total solution costs and schedules from the various delivery centers for each IBM client. Leveraged my delivery implementation knowledge and technical skills across multiple offerings to ensure that the proposed solutions were technically sound and deliverable within established time frames. Responsible for all communications including risk management and mitigation strategies between SDC and business competency executives.

### **April 1997 to August 2003**

International Business Machines (IBM),

Technical Solutions Manager (TSM), Strategic Outsourcing, IBM Global Services

Responsible for the development and presentation of technically and financially complex outsourcing engagements for IBM. Served as the Lead TSM or Network Tower TSM on multi-tower, multi-national engagements such as Sears, Roebuck and Co. (\$400 million revenue); Allstate Insurance (\$135 million revenue); Morgan, Stanley, Dean Witter and Discover Companies (\$400 million revenue), and J.P. Morgan Chase (\$5.8 billion revenue). For the JPMC deal, was responsible for the global network financials as they related to the network solution, as well as led the solution team for the Internet, Extranet, and iVPN and Remote Access solutions. At the beginning of the JPMC engagement, was also responsible for establishing the technical solution for the Asia Pacific, South America and Caribbean regions until regional TSMs could take control of the solution. On all engagements, responsible for setting the technical direction of the solutions and balancing sales and delivery issues in order to address the client's business requirements. Within the

TSM organization, considered a subject matter expert on Broadband and Satellite technologies. Handled successful contract and vendor negotiations with such companies as Sears, Allstate, AT&T, Hughes Network Services, MCI, and Qwest. Adept at cutting across company "boundaries" in order to gather a diverse and competent team in order to deliver a technically correct and financially sound solution.

**August 1996 to March 1997**

Headquarters, US Army Intelligence and Security Command (INSCOM),  
Special Projects Officer

Prior to retirement from active military duty, was responsible for establishment of the US Army INSCOM web site; wrote, staffed and implemented several INSCOM directives establishing Internet guidance for the world-wide command. Ensured all INSCOM guidance reflected HQ, Department of the Army regulations. Authored several articles for the INSCOM Journal concerning the Internet, Internet security and Information Warfare.

**October 1994 to July 1996**

310<sup>th</sup> Military Intelligence Battalion, 902d Military Intelligence Group, U.S. Army  
Chief, Information Warfare Branch

Responsible for the development of tactics, techniques, and procedures for the Command and Control Protect (C2P) portion of the Army's Information Warfare effort. Designed, resourced, and built the first, state-of-the-art, \$750,000 Command and Control (Protect) Laboratory in the Army. Participated in various Army and Department of Defense level committee's which produced landmark Information Warfare Doctrine, including FM 100-6, Information Operations; the Army Intelligence Master Plan (AIMP); and the Concept of Operations for the 902d Military Intelligence Group Counterintelligence Support to Information Warfare. Managed and directed Counterespionage investigations related to the use of Automated Information Systems for the purpose of protecting and neutralizing espionage activities involving intrusions into highly sensitive or classified Army computer systems and databases. Provided critical electronic vulnerability assessments and open-source analysis of specific Army units and activities as part of 310<sup>th</sup> MI BN RED TEAMS. Developed and instituted cutting-edge investigative and forensics techniques to support new and advanced operating systems in investigations. Supervised the day to day activities of over 25 personnel and was responsible for the fiscal, legal, technical, training, and other operational activities of the Branch.

**July 1992 to August 1994**

Foreign Intelligence Activity (FIA), U.S. Army  
Commander, Communications Support Detachment

Transported, installed and prepared for initial operational capability (IOC), a special communications system valued at over \$55 million dollars in a remote overseas location. Transitioned the unit from Air Force to Army control with no loss of operational capability and a 100 percent personnel turnover. Responsible for the continuous, around the clock preparation, broadcasting, and reception of critical, special purpose communications up to 10,000 kilometers from the base station. Maintained a rapid deployment capability in support of warfighting regional Commanders. Developed comprehensive operations and maintenance training programs for 28 Detachment personnel and instituted tight logistical controls to account for sensitive communications-security (COMSEC) materials and high-dollar intelligence property. Negotiated and established inter-service support agreements which resulted in savings of over \$200,000 yearly. Responsible for all administrative and financial activities for the Detachment with a one million dollar annual budget. Received Legion of Merit award for exceeding technical and program requirements and for the successful establishment for the Detachment.

**January 1990 to July 1992**

Foreign Intelligence Activity (FIA), U.S. Army  
Staff Officer, Operations Division

Totally responsible for the Measurement and Signature Intelligence (MASINT) collection of the FIA. Exercised direct staff control of high risk/high gain collection missions supporting critical Strategic Defense Command, Missile and Space Intelligence Command, and Army Material Command weapons development requirements. Personally planned and executed a collection mission over 7,000 miles away from the continental U.S. Designed and built special slide in/slide out instrument "packages" to be used in UH-60 Blackhawk helicopters. Coordinated and obtained the air worthiness certification of six airframes for special collection purposes. Coordinated the total fiscal, logistical, security, communications and safety package and directed the collection activities of over 50 personnel which gleaned previously

unknown information concerning foreign weapons systems during peacetime missions prior to Desert Storm and during the war effort. During Desert Storm, developed and procured within 72 hours protective anti-laser measures which were deployed and utilized in the war zone for thousands of US troops. Received the Legion of Merit award and other military awards for achievement and bravery.

**January 1988 to December 1989**

Detachment A, Operational Group, U.S. Army

Area Intelligence Officer

Responsible for obtaining foreign research, development, testing, and evaluation data from HUMINT subjects in support of special Army projects. Specialized in Directed Energy Warfare and Laser technology arenas. Received the Exceptional HUMINT Collector of the Year Award from the Director of Central Intelligence (DCI) in 1989.

**March 1983 to December 1987**

Administrative Survey Detachment, Intelligence and Security Command, U.S. Army

Operations Officer

Designed, built, and deployed two secure communications systems in support of special mission requirements. Both systems were built and installed in over 40 locations world-wide within a nine month period. Arranged total fiscal, logistical, COMSEC, transportation, security and training requirements for both systems. Provided direct technical support to the Presidential Protection Detail of the U.S. Secret Service during the Gorbachev Summits in several locations worldwide. Led the development and fielding of a unique, secure worldwide computer network valued at over \$10 million dollars. Was the senior technical representative responsible for the definition and design of system specifications. As the primary interface between the military and the civilian contractor responsible for manufacturing the computer equipment, ensured on time compliance with the contract and accepted the equipment on behalf of the government prior to shipment to user locations worldwide.

**March 1975 to February 1983**

U.S. Army in various enlisted and officer assignments

**Education**

MBA, Central Michigan University

BS, State University of New York

U.S. Army Command and General Staff College

Military Operations Training Course

Signal Officer Basic and Radio Systems Officer Courses

Counterintelligence Special Agent

**Thesis Research:** The Design and Implementation of a Secure Internet Gateway for the 310<sup>th</sup> Military Intelligence Battalion, February 1996 (implemented as the first C2P Information Warfare Lab as stated above).

**Leon T. Roybal**

---

**From:** Leon T. Roybal [ltroybal@sanipueblo.org]  
**To:** Paul M. Olafson  
**Cc:** Dale Martinez  
**Subject:** position

Hello Paul:

This is a little note to let you and the Santa Fe Commissioners' know that I am very interested in joining the committee for Open Space. As you might know, I am currently the 2nd Lt. Governor for the Pueblo of San Ildefonso. Before I can accept any kind of position, that may or may hinder my position as the 2nd Lt. Governor, I also have to go through a process receiving permission for the Tribal Council. This is a must. Although I do work for my pueblo, as the Director of Realty, I am also working for the Governor and Tribal Council. So this sort of puts my in a little dilemma, but that is a process I have to follow.

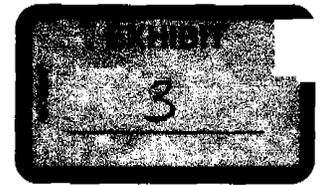
I am confident that the Governor and Tribal Council will look at this committee that I have been ask to serve on in a positive way, and will give me their blessing.

Should you have any questions please call me. Again, Thank you for your consideration.

Leon

Leon T Roybal  
2nd Lt. Governor/  
Director of Realty  
Pueblo of San Ildefonso  
Mobile: 505-670-2606  
Phone: 505-455-2273  
Fax: 505-455-2424  
email address: [ltroybal@sanipueblo.org](mailto:ltroybal@sanipueblo.org) <<mailto:ltroybal@sanipueblo.org>>

**DWI-1 Grant/Distribution  
Grant/Distribution Funding Application  
Local DWI Grant Program  
Local Government Division – DFA**



**Application No. (Office Use Only): \_\_\_\_\_ Date of Application: 2/17/05**

**County: Santa Fe County**

**Contact Person or Project Director:**

Name: Mary Justice  
Address: PO Box 276

**Fiscal Agent:**  
Name: Susan Lucero

City, Zip: Santa Fe, NM 87504

Address: PO Box 276  
City, Zip: Santa Fe, NM 87504

Phone: 505-992-9858 Fax: 505-992-9855

Phone: 505-986-6375 Fax: 986-6277

**Categories of Program Areas to be addressed by Proposed Project. [Indicate amounts budgeted for each program area.]**

	Grant Request	Distribution Request	Component Total
Prevention			
Enforcement			
Screening	30,000		30,000
Domestic Abuse			
Treatment	240,000		240,000
Compliance Monitoring/ Tracking	30,000		30,000
Coord. Planning & Evaluation			
Alternative Sentencing			
Totals	\$300,000		\$300,000
	Total Grant	Total Distribution	Program Total

**Certification:**

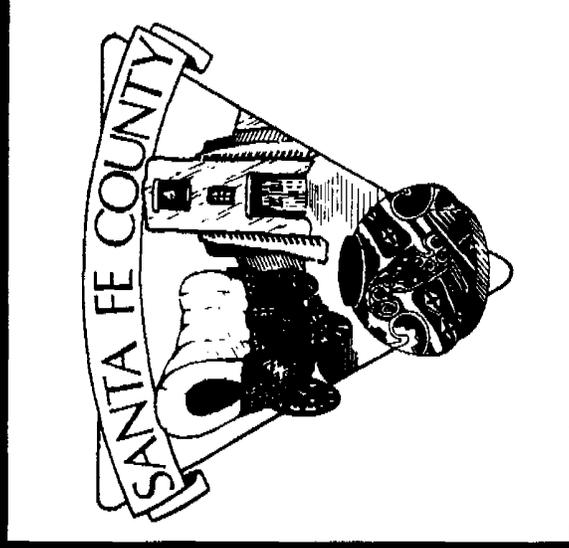
**The attached resolution adopted by the governing body of the Santa Fe County Board of Commissions on December 14, 2004**

**(Applicant) (Date adopted)**

**Authorizes the applicant to file this application for assistance from the State of New Mexico. To the best of my knowledge, the information presented in this application is true and correct.**

\_\_\_\_\_  
Signature of County Commission Chairperson or Mayor

# Water Supply Plan Requirements at Master Plan Level



- On November 30, 2004 the BCC authorized staff to proceed with an Ordinance amending Ordinance 2003-2 which requires a water supply plan to be submitted with a Master Plan.

# Existing Ordinance

- The existing Ordinance is unclear as to what stage water rights need to be transferred to a development.

## Possible Solution

- Master Plan level will require that water rights shall be owned by the applicant, under contract or optioned to the applicant, or otherwise available.
- The applicant shall submit sufficient written documentation such as a water rights deed, an option agreement to purchase water rights, or a permit to appropriate water rights.
- The water rights transfer process must be complete at the time of Final Plat submittal.

- The BCC has also requested modeling of draw-down on existing wells adjoining a development.

## Possible Solution

Additional language would be inserted in Article VII, Section 6.4.2c of the Land Development Code to require modeling of draw-down of the water table on the properties adjoining the development.

Additional language would be inserted in Article V Section 5.2 to require modeling of draw-down of the water table on the properties adjoining the development.

•The BCC requested that the State Engineer's Office do some Type of review of water rights at a Master Plan level.

## Possible Solution

- No requirement from the State Engineer's Office to review at Master Plan level. County Hydrologist review of the water plan .
- State Engineer's Office is required to review all water availability at Preliminary under Article V, Section 5.3.3d of the Land Development Code.
- The State Engineer's Office water rights transfer process must be complete at time of Final Plat.

## SOLUTION

- Master Plan level will require that water rights shall be owned by the applicant, under contract, optioned to the applicant, or otherwise available.
- The applicant shall submit sufficient written documentation such as a water rights deed, an option agreement to purchase water rights, or a permit to appropriate water rights.
- The water rights transfer process must be complete at the time of Final Plat submittal.

## SOLUTION

Additional language would be inserted in Article VII, Section 6.4.2c of the Land Development Code to require modeling of draw-down of the water table on the properties adjoining the development.

## Additional

language would be inserted in Article V Section 5.2 to require modeling of draw-down of the water table on the properties adjoining a development.

## SOLUTION

- No requirement from the State Engineer's Office to review at Master Plan level. County Hydrologist review of the water plan.
- State Engineer's Office is required to review all water availability at Preliminary under Article V, Section 5.3.3d of the Land Development Code.
- The State Engineer's Office water rights transfer process must be complete at time of Final Plat.

January 2005

# Madrid Water Co-op

PO Box 37 • Cerrillos, NM 87010

## Contact Info:

- billing and related questions:  
Marcia Reifman  
471.2419
- Water problems, shut-offs, etc.:  
Gavin Strathdee  
471.7296

## Monthly Board Meetings:

Second Tuesday of  
each month

8 p.m.

Fire Station

Everyone invited

The wonderful thing about living in a community such as ours is that we all don't always agree

The challenge of living in a community such as ours is that we all don't always agree.

## Greenbelt Update

After many years of negotiations we have finally obtained a contract from the county to purchase the Greenbelt for open space. There have been several votes taken over the years, and each time the majority of landowners voted to have the county purchase the Greenbelt as open space. The Madrid Water Co-op, Madrid Landowners Association, and the Madrid Volunteer Fire Department have jointly owned the Greenbelt. The MWC and the MLA have been making monthly payments. The land was originally purchased jointly by our organizations because the majority of the landowners agreed that we did not want to lose the land to development, even though there was opposition to using our funds to buy it. Because the majority voted to do it, we purchased the Greenbelt, agreeing to joint monthly payments, and large balloon payments (which the MLA would be responsible for.)

The contract has been signed by the Fire Chief, President of the water co-op, and Christopher Hodge, as agent for the MLA; appointed by Laura Lindsey, acting chair at the January 11 MLA board meeting. During the January 11 board meeting Chris Bodei resigned as chairperson because he did not want to sign the contract. The bylaws of the MLA state that the chair sign contracts and other documents when instructed by the membership (which had been done by voting to have the county buy the Greenbelt.) The bylaws also state that an agent may be appointed to sign contracts and other documents; which was done. The contract has been delivered to the county. The MLA and the MWC will each receive approximately \$10,000 as a result of the sale. The land will be kept undeveloped and any improvements will be made with co-operation and input from our community.

We are aware that there have been differing opinions about the sale of the Greenbelt and respect everybody's point of view. There have been questions raised about the value of the property. A greater value would be attributed to the property only if it were subdivided and commercially developed. The county will keep the land undeveloped and we will no longer have to worry about making payments.

Please know that the efforts made to sell the land to the county were done with continuous diligence for the community's welfare. Whenever there was any question that the conditions were not in our favor, negotiations began again. It has taken many years, a lot of time and effort, and a lot of money. We believe we have been given a very good contract, and look forward to using the monies each organization will be receiving in a way to further enhance our community. The Madrid Water Co-op share will go into our reserve fund, which we use for large capital expenses (pump, well, tank, large system repairs, etc.)

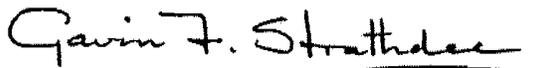
**MADRID WATER CO-OPERATIVE Inc.  
P.O.BOX 37  
CERRILLOS, NM. 87010  
11/02/04**

**Board of Advisors,  
MADRID LANDOWNERS' ASSOCIATION Inc.  
P.O.BOX 237  
CERRILLOS, NM. 87010**

Please be advised of the following positions of the MADRID WATER CO-OPERATIVE Inc. ( M.W.C. ) with regard to the proposal put forward by the Board of Advisors of the Madrid Landowners' Association Inc. ( M.L.A. ), to refinance the real estate contract purchasing the property commonly known as the Madrid "Greenbelt."

- 1) The existing real estate contract on this property names three community organisations as co- owners of the Madrid "Greenbelt" - the M.L.A.; the M.W.C. and the Madrid Fire Department Association Inc. ( M.V.F.D.A. ) The M.L.A. is acting improperly in proposing refinancing of the existing loan without the prior approval, consent and support of the M.W.C. and the M.V.F.D.A.
- 2) The membership of the M.W.C. has previously approved transfer of title to Santa Fe County under the Open Spaces Procurement Program, as has the membership of the M.V.F.D.A.
- 3) The M.W.C. has not agreed to financially support refinancing by the M.L.A. and hereby withdraws its financial statements as supporting documentation for the proposed refinancing.
- 4) Should the M.L.A. continue to proceed with refinancing, against the express wishes of the M.W.C., the M.W.C. shall require purchase of its interest in the property at appropriate market value.
- 5) It is the opinion of the Board of Directors of the M.W.C. that the long term interests of the community are best served by proceeding with the transfer of Title to the "Greenbelt" to Santa Fe County. The County has agreed to protections for existing roads, present and future waterlines, future sewer lines and a future well site. The County has agreed to pay all closing costs, to bear the cost of all surveying and to pay the present holders of the real estate contract the sum of sixty thousand dollars ( \$ 60,000.00 ), which sum is sufficient to pay off the outstanding \$36,886.00 balloon payment owed, and return the balance of \$ 23,114.00 to the community.

Respectfully,  
Board of Directors,  
Madrid Water Co-operative Inc.  
per



Gavin F. Strathdee  
President.

Madrid Water Co-op Minutes  
January 11, 2005

Meeting called to order at 8:08 p.m. by Gavin Strathdee. Board members present: Al Leedom, Bob Selby, Jethro Bowden, Elisa Keir, Christopher (Woofy) Hodge, Diana Johnson, and Marcia Reifman.

Non-board members present: Eleanor Strathdee.

Minutes read by Marcia Reifman. Motion to accept as amended by Al. Second by Don. Motion carried.

Treasurer's report. (See attached)

Operators Report: (see attached)

Highlights: The well is now pumping 26.9 gallons per minute. A leak was found in the system at the end of December. The polyphosphate pump needs to be taken apart and repaired, or possibly replaced.

OLD BUSINESS

1. Sol Steinberg has assured Gavin he would remove everything from the Madrid Water Co-op property, where he has been living. However, it looks like he has not done this. We might have to have everything removed by the water co-op so we are in compliance with the county regulations. A letter was written November 24, giving Sol Stein two weeks to clean up and vacate. It is now overdue. Motion by Marcia to hire a hauler to clean up and remove debris on said property (old reservoir property.) and bill Sol Stein for clean up expenses. 2<sup>nd</sup> by Jethro. Motion carried unanimously.
2. New Well Source: As soon as Gavin has collected necessary data he and Dick Thomas, the hydrologist, will meet.
3. Greenbelt: The contract with the county has been signed Monday, January 10 at the monthly MLA board meeting. Chris Hodge, appointed as agent, by Laura Lindsay, acting chairperson, signed it, since Chris Bodei, MLA president, resigned after being shown in the MLA bylaws that it was one of his duties to sign contracts and follow the direction of the membership, which he refused to do. Gavin Strathdee and Chris Hodge will bring the contract to the county. Marcia noted that we have a some checks which have been donated to the Greenbelt fund. Motion by Marcia to return the checks, accompanied by a letter suggesting the money be redirected to the Greenbelt management fee or the MCP ballpark grandstand renovation. 2<sup>nd</sup> by Bob. Motion carried unanimously. Motion by Marcia to include a newsletter in the January water bill, which includes information about the greenbelt. 2<sup>nd</sup> by Jethro. Motion carried unanimously.
4. A copier has been ordered from Staples. The cost is \$525.00 and will be delivered Wednesday. Motion by Marcia to repair the old copier and put in the president's office for MWC use.
5. Lien by Bill Surlles on the greenbelt. Marcia will get a copy of the lien and pursue it with a lawyer.

6. Motion by Marcia to table the termination of f Joe Aguilar until next month, after contacting him.
7. David Baca (properties 61 and 43b) is severely overdue. He owes \$181 on each property. Motion, by Jethro, to table the terminations to the next meeting. 2<sup>nd</sup> by Elisa. Motion carried.
8. Gavin reported that the interior of the water tank will be painted and repaired in the spring.

#### NEW BUSINESS

1. Motion by Marcia to approve a transfer on property 191, Tom Allen to Werbrouck. 2<sup>nd</sup> by Jethro. Motion carried.
2. 2005 budget: A draft of the budget was distributed and discussed. The final budget will be presented at the next meeting for approval.
3. The date for the general meeting will be set at the next meeting.

Meeting adjourned at 9:48 p.m.

Madrid Water Co-op Minutes  
December 7, 2004

Meeting called to order at 8:04 p.m. by Gavin. Board members present: Don, Elise, Diana, Al, Woofy, and Bob.

Minutes read by Marcia. Motion to accept as read by Bob. Second by Don. Motion carried.

Treasurer's report. (See attached)

Operators Report: (see attached)

Highlights: The pump was pulled to see why the yield has been dropping. A new pump had been installed in August 2000 and a new pump head installed August 2003 and once again replaced in November, 2004. Gavin brought in pieces to show how the minerals have clogged it. Discussion about ways to counteract the mineral build-up. It was reported that since the pump head replacement, the yield has increased considerably.

*the pump head*

#### OLD BUSINESS

1. Gavin reported that a letter has been sent to Sol Stein, <sup>Waltberg</sup> and a copy to the county agent, concerning the MWC property where he has occupied. The letter stated that he had to vacate the premises and remove everything on it. There is one more day for the removal, and if Sol does not do this, we may have to.
2. New Well Source: Gavin has talked to Dick Thomas, a hydrologist who lives in Madrid, and he will do some preliminary investigation and, hopefully, come up with viable possibilities.
3. Greenbelt: The plat has been finalized and signed by the appropriate people from the MVFD and the MWC. The chairperson of the MLA, Chris Bodei, has not signed it. Unfortunately, the time has passed to get the contract to this month's County Board Meeting g, but it can be put on next month's agenda. The MLA board is holding up the process by not signing the papers. There is a MLA board meeting on the following Monday, and it will be on the agenda.
4. Copier for the MWC: Marcia finally has time to research and buy one, which she will do before the next meeting.

#### NEW BUSINESS

1. Our monthly meetings will be changing to the second Tuesday of the month because the MVFD has to meet the first Tuesday, to stay in compliance with the county. This change will take effect in January, when the meeting will be held January 11. A note will be included in the December bill, announcing this change.

Meeting adjourned at 9:15 p.m.

*Marcia Reifman 1/11/05*  
*Gavin F. Steathdee 2/11/05*

Madrid Water Co-op Minutes  
November 2, 2004

Meeting called to order at 8:05 p.m. by Gavin. Board members present: Diana, Bob, Al, Don, Elisa, Marcia. Non-board member present: Mark Bremer.

Minutes read by Marcia. Motion to accept as read by Bob. Second by Al. Motion carried.

Operators Report: see attached.

OLD BUSINESS

1. Gavin has had a conversation with Helen McClosky. Her well was drilled in October 2002; depth 600 ft.; pipe, 7.5 inch diameter; yield: 20 gallons per minute. It was tested with a five gallon bucket, so the yield is not completely accurate. She is not interested in sharing her water source.
2. Greenbelt. The MLA has put out a ballot to landowners asking whether the MLA board should continue with attempts at refinancing the loan via the bank and other sources. The MWC has decided in favor of having the Greenbelt purchased by the county, as it was decided at the onset of negotiations with the county, years ago. Motion made by Marcia to send a letter to the MLA board stating our intent and withdrawing the use of our financial statement in obtaining other funding sources. Second by Don. Motion carried: 4, yes; 2, abstain. The MLA will have a meeting at 6 p.m., at which time this issue will be addressed.
3. Purchase of new copier. Marcia reported that we could easily get by with a less expensive copier, than what we have been using until now. Motion by Al to amend the original motion so that it now reads a maximum of \$600.00 for purchase of a copier. Motion carried.

NEW BUSINESS

1. We have been notified by the county that the MWC owns property which is presently inhabited by someone who has to be given notice to vacate the premises. The water co-op has been given formal notice and we have been asked to do the same to the person living on the property. Motion by Bob to write a letter to the inhabitant, Saul, stating that he has to clear and vacate the property within two weeks from receipt of the letter. Second by Don. Motion carried.
2. New water source. We were reminded of our responsibility to further investigate and have information about a new well by the time of the next general meeting. Gavin will contact a hydrologist and Marcia will get in touch with Brian Lappe, the dowser.

Meeting adjourned at 9:50 p.m.

# **GREENBELT SALE TO COUNTY**

## **And now the rest of the story...**

One of the jobs of the MLA is to settle disputes, in a democratic manner, by a majority vote. This sale to the County has been voted on four times and every time the majority of the membership has voted to sell. The Board of Advisors only job is to uphold the wishes of the members, in this issue they are currently in violation.

The majority of the membership is appalled at the current Boards unwillingness to do their job and finalize this sale as instructed by the majority of the membership and to learn or stick to, the facts in the case. There have been some numbers presented and referred to at MLA meetings that are all wrong and have been skewed to justify their opinion. and I fear that a lot of folks are basing their opinion against the sale, based on these erroneous numbers, showing a huge loss from the sale. While the numbers by themselves are each valid, they cannot be added together in this fashion. There is no accounting system in the world that would justify this.

You simply cannot take Projected income, add expenses and then add to that a Liability (unpaid debt) and come up with a number that means anything. It's like apples and oranges. While these sheets of numbers look good, nice spreadsheet, cute boxes, if you know anything about accounting practice, you can see at a glance that they mean absolutely nothing other than propaganda tools. So please beware!! I did accounting, payroll, bookkeeping, taxes, balance sheets, profit and loss statements, ad naseum, for over 25 years in the work force, so I actually know what I am talking about here.

The County already owns many acres in town including the only buildable lots in the greenbelt, on Backroad next to Madrid Lodging. They have not harmed the land or the town in all the years they have owned it. Actually, just the opposite, it got cleaned up, at their expense.

The Greenbelt has always been open to the public to walk in. If you ask around I am sure you can find someone who has pictures of this scenic drainage ditch overflowing its banks and creating lake front property for the homes along its borders at the north end of town. And did you know that the old coal bed, for the water train down to the Galisteo Creek, used to be in the Sierra Club walking guide to New Mexico, and still there were very few people that wanted to walk thru the greenbelt, they pretty much stick to Main St.

Most of the FACTS being presented in various letters floating around town are just so much smoke and mirrors, again beware!! Let's finish this and move on, there are many issues needing our attention at this time. This one is a done deal and some members of the Board of Advisors need to just do their job and let go.

Please see attached actual figures for the MLA,  
Rebecca Nafey

## Madrid Landowners Association

### Projected income based on last year

Dues	\$6,821.00
Possible concerts - (is all hopeful profit for the MLA?)	<u>(3,000 - 6,000??)</u>
Total Income - maybe, could also be only \$5,000	\$9,821.00

### Expenses based on last year

Insurance	1,133.00
Parking lot payment	1,400.00
Greenbelt payment	1,963.68
Property taxes	214.51
Off. Exp.	1,015.00
MLA Treasurer & Secretary	2,400.00
Legal	2,379.00
Ballpark (total)	<u>1,989.00</u>
Total Expenses	\$12,494.19

Shortfall/Loss (2,673.19)

Add'l Greenbelt payments as MWC calls note due to them -1,963.00

**2005 Shortfall/Loss (\$4,636.19)**

Greenbelt due to MWC -19,709.00  
Greenbelt due to MVFDA - 2,000.00

**2005 Projected Loss (\$26,345.19)**

Equity in Greenbelt 12/31/04 \$13,032.00

### Sale to County

MLA would get	\$10,500.00
MVFDA would get	\$10,500.00
MWC payoff down payment	\$ 2,000.00

ALL MLA liabilities (bills) could be paid OFF and we would still have money in the bank for future projects. What a concept!!

MLA would loose **all** liability for accidents in the Greenbelt plus losing yearly bills for liability insurance and property tax for an additional gain of \$1,947.51 per year.

January 25, 2005

Commissioner Mike D. Anaya  
Santa Fe County Commission  
715 C B-Anaya Road  
Stanley, New Mexico 87056

RE: Land Purchase Agreement between Santa Fe County from the Madrid Landowners Association, Inc., the Madrid Water Cooperative, and the Madrid Volunteer Fire Department Association

Chairman Anaya,

I live and work in Madrid. I own my land and my home up on the back road, and I expect that property to remain my primary residence for many years to come. I am dedicated to our community, have held a seat on the Madrid Landowners Association Board of Advisors (currently serving as its Secretary), and am a member of the Madrid Water Cooperative.

The eleven-acre Greenbelt property is the geographical heart of our town. It's our communal back yard. I see it from my house, and know by sight every person (and dog!) utilizing its trails.

Our quality of life here is largely defined by our sense of community as well as privacy. The roads are owned by all of the landowners, and are posted as private at each entrance from the public highway. Our Greenbelt is private property. The idea of this central, interior acreage becoming publicly-owned, accessible by easements on our roads to anyone at any time, is abhorrent.

The COLTPAC deal was begun before many of us were here. I myself am part of a newer generation of Madrid landowners, a member of a group who has the time and energy to put into community and fundraising efforts that our predecessors did not. Where they saw COLTPAC as the only way out from under the financial commitment of the \$36,000 balloon payment on the Greenbelt, we have a broader vision of our community and its ability to own and maintain this property. We only need the time -- the balloon payment is not due until the end of 2006 -- to raise this money and retire our loan.

We do not want this sale, forged against our will and depriving us of ownership of the heart of our town -- leaving us with a legacy we will regret and resent.

50% of the landowners responding to the question of whether to refinance our loan or sell the Greenbelt to the County voted to refinance and retain ownership. 75% of the Board of Advisors -- 6 to 2, *including all four of its officers* -- wish for the Madrid community to retain ownership of the property.

I speak for myself and for a hundred or more community members when I state that I do not want the County to buy the Madrid Greenbelt. **Please deny approval of the Land Purchase Agreement.**

Thank you for your time and consideration of my and our community's feelings.

Sincerely,



Andria Daacon Fiegel  
Back Road, Madrid  
(505) 440-5819