

1620912

BOARD OF COUNTY COMMISSIONERS

SANTA FE, NEW MEXICO

REGULAR MEETING

MARCH 9, 1999

Paul Duran, Chairman
Richard Anaya, Commissioner
Javier Gonzales, Commissioner
Joe Griñé, Commissioner
Marcos Trujillo, Commissioner

SANTA FE COUNTY
REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

March 9, 1999

This regular meeting of the Santa Fe Board of County Commissioners was called to order at 5:00 p.m. by Chairman Paul Duran in the Santa Fe County Commission Chambers.

Roll Call preceded the Pledge of Allegiance and indicated the presence of a quorum as follows:

Members Present

Commissioner Paul Duran, Chairman
Commissioner Joe Griñé
Commissioner Richard Anaya
Commissioner Marcos Trujillo

Members Excused

Commissioner Javier Gonzalez

IV. INVOCATION

The invocation was given by Youth Pastor Chris McMillan.

V. APPROVAL OF AGENDA

CHAIRMAN DURAN: David, are there any amendments?

DAVID WOLF (City Manager): Yes, Mr. Chairman, two requested amendments. First of all, item VII. B. 1, request that that be tabled until the administrative meeting.

CHAIRMAN DURAN: What was the \$12 million for?

MR. WOLF: That's for the sale of the general obligation bonds for the open space that were approved in the general election November 3, and with that we would actually obtain the funds.

CHAIRMAN DURAN: Okay.

MR. WOLF: And the other item is item VII. B. 2. is added as Legislative

update. And then I have one other item that isn't really an amendment to the agenda. Well, let me stop there, and then Commissioner Gonzales asked that I give an explanation of why he wasn't able to attend this meeting for the record.

CHAIRMAN DURAN: Go ahead.

MR. WOLF: Thanks, Mr. Chairman. He is not able to attend tonight's meeting. He is occupied in Washington with two issues important to Santa Fe County. One is, he's led a delegation of represent from Santa Fe County, the city and San Ildefonso Pueblo to meet with Congressional leaders and cabinet officials regarding the Santa Fe Regional Water Management and River Restoration project, and he's speaking on behalf of that for these entities. Also tomorrow, he will testify before the US House Committee on Resources in favor of a bill increasing the funding for the payment in lieu of taxes. That's money that we get from the Forest Service, different county governments throughout the state get a payment in lieu of taxes from the Forest Service from the federal government for those lands within the county boundaries. Thank you.

CHAIRMAN DURAN: Thank you, David. Are there any other amendments or changes? Commission?

Commissioner Griñé moved to approve the agenda as amended and Commissioner Anaya seconded. The motion passed by unanimous voice vote.

VI. APPROVAL OF MINUTES: February 23, 1999

Commissioner Trujillo moved to approve the minutes of the February 23, 1999 meeting as submitted. Commissioner Griñé seconded and the motion passed unanimously.

VII. STAFF AND ELECTED OFFICIALS

A. Land Use Department

1. Request authorization to publish title and general summary of an ordinance amending and replacing Ordinance 1998-4 declaring a moratorium on new subdivisions serviced by Eldorado Utilities, Incorporated and encouraging conservation measures within the Eldorado Utilities, Inc. service area

ORALYNN GUERRERORTIZ (Subdivision Engineer): Mr. Chairman, Commissioners, Jack Frost was going to be presenting this but I believe he's still at the legislature presenting some information there.

This is identical to last year's ordinance that provided for a moratorium in Eldorado. We don't have any further information since last year about any better water resource

1620915

situation and we're in a drought year, and so staff is recommending that we continue the moratorium. Again, if you have larger lots, you can still create 12.5-acre lots, but you can't go down to the 2.5-acre lots which you could do if there was a water source out there.

We're just requesting to be able to publish and then at the next meeting we will actually take public testimony and then the first meeting in April we'll take public testimony again.

CHAIRMAN DURAN: Any questions of Oralynn?

COMMISSIONER TRUJILLO: Just one. Oralynn, so the moratorium has continued up to now?

MS. GUERRERORTIZ: Yes, sir.

COMMISSIONER TRUJILLO: Okay. So this is to extend it for however long.

MS. GUERRERORTIZ: Another year.

Commissioner Griñé moved to authorize the request to publish title and general summary for an ordinance maintaining the Eldorado moratorium. Commissioner Anaya seconded for discussion.

COMMISSIONER GRINÉ: Mr. Chairman, I don't know if we got any better source than what we had as of late last week, Oralynn, but also I know we have people from the water and sanitation district here from Eldorado. But I got some information also that the Lamy well, it's really gone down or it may be already completely dry. Do you have anything like that?

MS. GUERRERORTIZ: Commissioner Griñé, I'm sorry, I have no information about Eldorado's water situation. I'm sure Jack does but unfortunately I didn't discuss this with him beforehand.

COMMISSIONER GRINÉ: I guess we can discuss this at the next meeting. Maybe we'll have Jack Frost here then.

MS. GUERRERORTIZ: We will have him present then.

CHAIRMAN DURAN: Could you ask him to get up to speed -- I'm sure he probably is, but if he could get us up to speed on the issues, where the State Engineer's Office is actually. Are they still taking the same position that they have last time we adopted the moratorium?

MS. GUERRERORTIZ: That's my understanding, sir.

CHAIRMAN DURAN: And then the concerns that Commissioner Griñé had.

MS. GUERRERORTIZ: Yes, sir, we will.

COMMISSIONER GRINÉ: That's all I have.

CHAIRMAN DURAN: Any other questions of Oralynn.

The motion passed by unanimous voice vote.

1620916

VIII. A. 2. Request authorization to enter into a funding agreement between Santa Fe County and the City of Santa Fe regarding the Relief Route easement design work

KEN PIN (Planner): Mr. Chairman, Commissioners, the Board of County Commissioners adopted Resolution No. 1998-118, a resolution requesting the State Highway and Transportation Department to adopt and implement the recommendations of the County regarding the Santa Fe Relief Route. These recommendations were for trails crossings for pedestrians and equestrians. These recommendations were outlined in a letter dated October 27 from David Wolf to Secretary Rahn. The County, contingent upon Board approval, has agreed to split the cost of the design work of up to \$100,000 with the City of Santa Fe.

I think you've just received the funding agreement. The language is very clear that the County's portion would be capped at \$50,000. This is something we've been working on a long time and I think the resolution is very clear that the Commissioners were in full agreement with this. So we're just seeking your approval to go ahead to enter into the funding agreement with the City.

CHAIRMAN DURAN: Are there any questions of Kenny?

COMMISSIONER TRUJILLO: This is part of the design that will put in place these crossings and hopefully give impetus or address health and safety concerns by the community?

MR. PIN: Mr. Chairman, Commissioner Trujillo, it's primarily for -- it is for health and safety, but primarily for the equestrians and pedestrians who need to cross and access the Relief Route. It doesn't quite address the interim safety measures of traffic lights or stop signs. That's a separate issue that's also being addressed, that's still being addressed actually.

COMMISSIONER TRUJILLO: That's still being addressed?

MR. PIN: That's correct. This is for trails access.

COMMISSIONER TRUJILLO: And what's anticipated is going to happen with the issues regarding pedestrian and/or people health and safety? What's going to happen there?

MR. PIN: The trails access is to alleviate some of the concerns about crossing the Relief Route. It works hand in hand with the speeds on the highway right now that people have concerns about. I think the Highway Department is still looking into other interim safety measures whether they find it necessary to put up stop signs or other traffic calming measures, traffic lights or stop signs, if those are necessary or other measures.

But these seven crossings will certainly allow for safer access for pedestrians and equestrians to cross over and I think that was one of the main concerns that came out of all the public hearings.

COMMISSIONER TRUJILLO: We still have the graded approaches at intersections and stop signs, two-way stop signs and stuff like that, right?

1620917

MR. PIN: That's correct.

COMMISSIONER TRUJILLO: What's going to happen with stop lights, for example at County Road 70?

MR. PIN: I think the Highway Department still needs to do some traffic reports and some warrant studies to see what kind of measures are necessary. I have not gotten an update yet from them as to what they're doing. But the designs for the crossings have been submitted to the Highway Department and they're going to implement it with the rest of the design for the four-lane.

COMMISSIONER TRUJILLO: Do you think something is going to happen in that regard?

MR. PIN: As far as the --

COMMISSIONER TRUJILLO: As far as the four-way stops, or stop lights or things like that? Is the Highway Department more receptive to put those things in place?

MR. PIN: I think they've been put on notice that there is a lot of concern on behalf of the local entities and people that live in and around there and on either side of the Relief Route that although this is one small measure there are other things that still need to be put in place and those issues were outlined in various letters and communications to the Highway Department and to Secretary Rahn. And we're still waiting for an update at least on the interim safety measures.

COMMISSIONER TRUJILLO: Thank you.

CHAIRMAN DURAN: Any other questions of Kenny? If not, what's the pleasure of the Board?

Commissioner Grinë moved to approve the request to enter into the funding agreement with the City on Relief Route design work. Commissioner Anaya seconded and the motion passed by unanimous voice vote.

VII. B. Matters from the County Manager

2. Legislative Update

VIRGINIA VIGIL (Assistant County Attorney): Mr. Chairman, Commissioners, we do have a hand-out of materials for you if I may give you those.

Commissioners, we're in the last two weeks of the legislature so the pace and the rate of legislation has really sped up. In some ways also died down. Those bills that affect counties, and I don't know if you're aware that there were over 200 bills presented to the legislature that affect counties in some way or another. The Association has been tracking those pretty well and those that are moving I've been working and coordinating testimony with the Association in terms of coverage because many of these bills are being heard simultaneously.

I thought it might be good just to give you an update with regard to our capital outlay requests. They have all been entered for the record through the legislature and those are listed in the first page of this memo. And just for a little bit of background information, how these were presented to the legislature was through our infrastructure plan. All those that were priority ones were requested from the legislator who was affected by that request, either a road improvement program or infrastructure plan and all of that is represented on the Senate side and on the House side. On the House side we had capital outlay hearings and both Larry and Corky and myself were there and Commissioner Grifé was there for all of the capital outlay requests.

The most current status of the bills that affect counties are also highlighted at the bottom of the page and on to page two. Added to this report is the current status of some of the other priority bills that the Association is presenting to the legislature and their current status. I think maybe just to highlight it for you, the bills that are really active right now are the ones that are on page one and page two. That's House Bill 202 and that is the prisoners in transit reimbursement. There was an alert by the Association saying that that bill may be in jeopardy and so we're trying to follow that and see where it's going to go to next. It appears that at the legislature right now, all those bills that have appropriations, even though this particular bill was amended not to take effect for another year, are being tabled right now because there's a balancing of the budget issue before the legislators.

The term limits bill does have some popularity that will be heard and I will follow that and testify on that bill. The next meeting is Thursday morning. The forty-hour work week for County elected officials did pass the Senate. I think its current status is that it has to go to one committee in the House before it goes to the governor.

House Bill 858, which is the tax reform proposal by Ben Lujan that does affect Santa Fe County will be heard within the next couple of days also. And the Indigent Fund Reversionary Bill, the one that allows us to keep the Indigent Fund excess monies, got into trouble today. It was heard before the Senate Finance Committee and Senator Smith had some technical questions with regard to that and our head lobbyist is trying to respond to those. Nancy Rodriguez feels very strongly that she has bipartisan support on that and wants to get it to the floor so that it can pass. She has a strong sense of confidence that that Indigent Reversionary Bill will pass and --

COMMISSIONER GRIÑÉ: Mr. Chairman, that's the bill repeals?

MS. VIGIL: Right. Right. Exactly. And that bill would mean we do not have to go to the legislature every two years to ask them to extend the limitation on that.

CHAIRMAN DURAN: I'm sorry. Say that one more time.

MS. VIGIL: Nancy Rodriguez' bill specifically says that the counties no longer have to go back to the legislature every two years on the Indigent Fund. It repeals that requirement.

The food gross receipts tax bill that we had a high concern about has not surfaced. We think it's died in the House. The other gross receipts tax bill, Senate Bill 291 on the

1620919

food gross receipts tax, we are concerned about that because that would have a large adverse impact on monies that are received from gross receipts tax. We think that's died in the House.

So the other gross receipts tax that we had concern about that impacted the County seem to slowly be dying. There isn't a lot of support for them. But we're looking for them to surface just in case. If any of you have any questions about any specific bills, I'll be happy to answer them or refer to my notes to answer them.

COMMISSIONER GRINÉ: Mr. Chairman, so Senate Bill 291, wasn't that the PNM bill, instead of the gross receipts?

MS. VIGIL: Senate Bill 291 was the bill that construction industries code sort of trumped -- community, actually county and actually it affects municipal codes even more so because it affects the building codes specifically. We think that one's died.

COMMISSIONER GRINÉ: What's the Senate number bill for the one that PNM submitted and I know they crashed through Senate floor immediately?

MS. VIGIL: I think that was Senate Bill 291. That's the construction industries code.

COMMISSIONER GRINÉ: That's in the consumer Indian Affairs Committee or something now in the House, right?

MS. VIGIL: Yes, but it hasn't surfaced for a hearing so we think it's died but we're keeping our eyes on it.

COMMISSIONER GRINÉ: I know it got a committee assignment so I think for sure three and maybe even four and every time they get too many committee assignments usually that's what happens to them. That's all the questions that I had.

COMMISSIONER TRUJILLO: And that's the bill that PNM was introducing to have communities pay for the burying of lines and that sort of stuff, right?

MS. VIGIL: Commissioner Trujillo, you're referring specifically to a Senate Joint Memorial and I believe that the underground utility bill that you were concerned about that is being sponsored by PNM is Senate Joint Memorial 53. That has not surfaced for hearing within this last two days, three days, but we are keeping our eyes on it. It has not received a lot of popularity.

COMMISSIONER TRUJILLO: What does it mean, "The following requests were all priority ones that have been tabled in committee"?

MS. VIGIL: That is the standard practice in both Senate Finance and in the House Taxation and Revenue Committee. All capital outlay requests that are heard are tabled and actually what in reality occurs is once the budget is delegated to the House and the Senate, all the requests that are heard are divvied up, so they are routinely tabled.

COMMISSIONER GRINÉ: And I may add on, Mr. Chairman, the purpose for tabling means that it's going to carry a financial package and at that point they don't know if there's going to be enough to go all the way around the table, so they just table and then they go to another committee and they find out exactly how that money is going to be

1620920

allocated statewide between all the representatives and state senators.

COMMISSIONER TRUJILLO: So these are still viable?

MS. VIGIL: Yes, they've all been requested and they will be prioritized once the appropriations have been made.

COMMISSIONER TRUJILLO: Thank you.

CHAIRMAN DURAN: Virginia, I have one question. Senate Bill 123, I talked about this once before, where the bill requires local elected officials to work forty hours per week. That doesn't include County Commissioners, is that correct?

MS. VIGIL: You're correct. It is not effective to Commissioners. In its original draft it did, but actually the draft that was presented would not include Commissioners. We have been supporting that though. I mean, we have been against it.

CHAIRMAN DURAN: I was wondering if I was going to have to get a day job.

COMMISSIONER TRUJILLO: We already spend sixty hours here.

COMMISSIONER GRINÉ: Mr. Chairman, there's also that bill, I don't know if it's in the House or in the Senate, for Class A counties, if it goes through, the Commissioners will be able to appoint the County Clerk, the County Treasurer and the County Assessor.

MS. VIGIL: That's correct.

COMMISSIONER GRINÉ: And if that ever goes through then this county will be Class A in the next census too.

CHAIRMAN DURAN: So there wouldn't be an elected County Clerk?

MS. VIGIL: Mr. Chairman, Commissioners, 200,000 population and \$6 billion assessment.

CHAIRMAN DURAN: Is that what it is?

MS. VIGIL: Yes, sir. We're watching it.

CHAIRMAN DURAN: I'd appoint you anyway, Becky.

MS. BUSTAMANTE: Thank you.

MS. VIGIL: And I stand for any further questions if you have any.

COMMISSIONER ANAYA: I just think you're doing a good job done there, tracking all these bills. That's the kind of support we needed down there.

MS. VIGIL: Thank you, Commissioner Anaya. And I appreciate the opportunity.

CHAIRMAN DURAN: Thanks, Virginia.

VII. C. MATTERS OF PUBLIC CONCERN - Non Action Items

CHAIRMAN DURAN: Is there anyone out there in the public that would like to address the Commission? Please state your name for the record, and your address.

1620921

BECKY FRANKEL: I'm Becky Frankel, League of Women Voters, and that is an old letter that I gave you last July. I want you to continue considering the television of your meeting, especially for those, I think there are three of us here tonight to watch. We know there are thousands of people out there in the county, who if they had an opportunity to watch the Commission hearings they would. I recognize that you do not have cable to many of these people so that they can watch it.

Since you will be considering and talking with some cable people this evening, I hope that you will keep this in mind when you talk to them about the services that they're going to be providing to the citizens outside of the Channel Six, or the cable which is in the city and in the immediate environment, because I think they care about what you do and it would be a good opportunity for them to be able to watch it and I urge you as you plan for your next year's budget to plan to put something like this in there so that you can be televised for the benefit of the citizens in the county.

COMMISSIONER ANAYA: Mr. Chairman, Rebecca, I don't know whether you're aware of it, but we just voted in the EZA to televise the EZA portion of it.

MS. FRANKEL: Wonderful.

COMMISSIONER ANAYA: Chairman Duran is the one that made the motion to approve that so we're progressing that way and remember those are held here in the County chambers.

MS. FRANKEL: Thank you. I appreciate that and I know many citizens will. And as I said, I hope you will talk to the people who are wanting to provide services in the county who will be before you this evening to see if they can find some way to provide that service to the rest of the county too. Thank you.

COMMISSIONER ANAYA: Well, once the equipment is there I think it will be a lot easier.

CHAIRMAN DURAN: One of my thoughts is that all of us have constituents that live within the city limits. Every one of our districts have some people that live in the city and would benefit from that. I'm not sure -- there's been some discussion that there are a number of people out there that would not be able to get the meetings because it's not televised in the outlying areas but I believe that if we can at least begin with the people that have that service, that's a beginning.

MS. FRANKEL: I don't have cable so I can't speak to it but I know that the cable station for the city does carry Channel Six, and then you'll have applications tonight for the Edgewood area and for the Eldorado area and I hope they can be encouraged to also carry Channel Six so that this can be provided.

CHAIRMAN DURAN: Maybe we could offer this on the web. I bet we could access it off the Internet.

MS. FRANKEL: You're more computer literate than I am.

CHAIRMAN DURAN: I don't know about that but it's something to check on. Any other questions of Rebecca?

1620922

MS. FRANKEL: Thank you.

CHAIRMAN DURAN: Is there anyone else out there in the audience that would like to address the Commission?

MS. BUSTAMANTE: Commissioner, I would just like to update you on one thing that happened today. Today was March 9, which was the filing date for the Edgewood area and we had one person who filed for mayor, six people who filed for four council positions, and we had two people who filed for the municipal judge position.

CHAIRMAN DURAN: Thank you.

VII. D. MATTERS FROM THE COMMISSION

1. Resolution No. 1999-27. A resolution supporting legislation to require safety belts on all buses transporting children

CHAIRMAN DURAN: It was several weeks ago that I was actually thinking of actually bringing a resolution forward to address that buses don't have safety belts for our children and it was unfortunate that an accident occurred that reminded me of what I wanted to do. I asked the County Attorney, Denice Brown, to prepare this resolution and I'd like to read it into the record. It's Resolution No. 199-27. A resolution supporting legislation to require safety belts on all buses transporting children.

"Whereas a recent tragic bus accident in Santa Fe County has brought to light the need for safety belts on all buses that transport children; and whereas currently buses used for public transportation and school buses are exempt from New Mexico's child passenger restraint laws and therefore are not required to be equipped with safety belts; and whereas Senate Bill 15, currently being considered by the New Mexico legislature would require safety belts on all school buses but not on buses used for public transportation; and whereas House Bill 696, currently being considered by the New Mexico Legislature would require safety belts only on school buses manufactured on or after January 1, 1997, and exempts private schools from compliance; and whereas Santa Fe County believes that is imperative that all buses that transport children, whether the buses are school buses or buses used for public transportation, whether the buses are newer or older, and whether the buses are used by public or private schools, should be equipped with safety belts to protect all of our children. Now therefore be it hereby resolved that the Board of County Commissioners of Santa Fe County supports the passage of Senate Bill 15 which requires safety belts on all school buses with the request that an amendment be added to include buses used for public transportation. In the alternative, the Board of County Commissioners of Santa Fe County supports House Bill 696, which requires safety belts on public school buses manufactured on or after January 1, 1997, with the request that amendments be added to delete the date of manufacture, to include private school buses, and to include buses used for public transportation."

1620923

I would like to ask that the Board of County Commissioners consider adopting this resolution, and if we adopt it, I would like the County Manager to forward this resolution over to the City and ask them to consider adopting a similar bill, so that when these bills come up for approval, that the legislature realizes that both the City and the County are in support of these bills. In addition to that, if we pass this tonight, I would like Virginia to find out who is sponsoring these bills and ask them if they would consider the amendments that we are requesting.

Are there any questions? No, well I had a question for Denise, if the bill doesn't pass, can we adopt an ordinance that would require buses in the county to have safety belts?

MS. BROWN: Mr. Chairman, I don't believe we have jurisdiction over this.

[Audio technical difficulties remainder taken from reporter's notes]

Upon motion by Commissioner Anaya and second by Commissioner Trujillo the resolution supporting legislation to require safety belts on all buses transporting children passed by unanimous voice vote.

- Commissioner Trujillo remarked that the presence of graffiti throughout the County is impacting the value of property. He recommended that the penalty for defacing property be heavy and the county develop an ordinance to address this problem.

- Commissioner Griñé informed development review staff that was contacted and informed by Jerry Powers of Edgewood that notice of CDRC cases are not being published in the *East Mountain Telegraph*. Ms. Guerrerortiz responded that there had been some problem with the notification but staff has noticed all development proposals that would impact Edgewood area. She indicated that her staff would stay on top of this issue.

- Chairman Duran recommended that the County present the City Council a request to use railroad property to build a County administration and judicial complex. He pointed out that there was no question that the County has outgrown its current facilities and he suggested a public statement from the BCC would prompt a dialogue and directed staff to open those negotiations. He advocated the County and City combining resources to build a joint administration building to better serve the public.

Referring to the old St. Vincent, Chair Duran said if the City wanted that building they should purchase it but the railroad property is far more desirable for administrative and judicial services.

Responding to Commissioner Trujillo's question of what use the current Courthouse would have if vacated by the County, Chair Duran indicated that it could serve as a great revenue source for the County. He said the Eldorado Hotel as well as the Georgia O'Keeffe Museum have expressed an interest in the building.

1620924

VIII. PUBLIC HEARING

A. Land Use Department

EZ CASE Z 99-4050. Turquoise Trail Business Park. Jim Siebert, agent for Thornburg Enterprises, request an amendment to a master plan, preliminary and final plat and development plan approval to add a 1.8 acre tract within the Turquoise Trail Business Park. The property is located off SR 14 within Section 5, Township 16 North, Range 10 East within the two-mile EZ District.

Ms. Guerrerortiz provided the staff report indicating that the addition of this lot will not change the subdivision classification nor result in any addition requirements. She said the amendment was reviewed for access, water supply, liquid waste disposal, terrain management and environmental review.

The EZC and CDRC have reviewed and recommended approval of this case with the following conditions:

1. this lot is subject to all conditions of the original Turquoise Trail Business Park approval.
2. The additions to the plat of survey as per the Santa Fe County Subdivision Engineer and Plat Checklist will need to be addressed prior to recording the plat. The plans and checklist may be picked up from Roman Abeyta and resubmitted with the mylar.

Duly sworn, Jim Siebert stated that they agreed to all staff conditions.

There were no questions nor members of the audience wishing to speak to this case.

Upon motion by Commissioner Anaya and second by Commissioner Trujillo, EZ Case Z 99-4050 was unanimously approved as presented.

CDRC CASE #MIS 98-5790. Jones Communication of New Mexico Franchise Agreement. Jones Communication of New Mexico has requested a transfer of cable television franchise from Multimedia Development Corporation to Jones Communication of New Mexico and to expand the existing franchise area. Jones Communications of New Mexico's franchise area would encompass the lands bound by Frost Road/Kings Highway to the north, the Torrance County line to the south, the Bernalillo County line to the west and County Road 13A to the east. The entire franchise area will be 42 square miles.

The staff report was provided by Ms. Guerrerortiz with the following information:
Recommendation: All submittal requirements have been met and staff recommends approval

1620925

with the following conditions:

1. That all transmission cable within the county must be underground unless existing pole structures are used.
2. Any associated equipment buildings must be zoned pursuant to the Land Development Code.
3. All provisions of Ordinance 1993-8 shall be complied with as determined by staff.
4. The applicant must maintain insurance naming the County, its officials and staff as an additional insured throughout the term of the franchise agreement.
5. The applicant must execute a Certificate of Acceptance of Franchise with the BCC.
6. The applicant must apply for a new franchise prior to the existing franchise expiring in May 2004.
7. That the Franchise fee will be the lesser of 3% of the gross revenue collected in the SF County franchise area or as is legally allowed or what is prescribed by state law. The franchise fee will be the lesser of 3% of the gross revenue collected in the Santa Fe County franchise area or as it is legally allowed or what is prescribed by state law.
8. The applicant shall comply with all local, state and federal regulations

Mr. Schultz stated that at present they are unable to provide the public access channel which aires local government meetings, however once the channel capacity is available he would certainly offer that broadcasting.

There was no one in the audience wishing to address this item.

Commissioner Trujillo moved approval CDRC Case MIS 98-5790 with staff conditions. Commissioner Anaya seconded the motion and added an amended condition that accomodations other utilities using the same trench lines would do so at their own expense, other than Santa Fe County. The motion passed by unanimous voice vote.

Resolution No. 1999-28. A resolution granting a certificate and acceptance of franchise to Jones Communication of New Mexico, Inc., to operate a cable television system within Edgewood, Cedar Grove and Stanley areas of Santa Fe County and approving the transfer of a cable television franchise from Multimedia Development Corporation to Jones Communication of New Mexico, Inc.

MS. GUERRERORTIZ: Mr. Chairman, Denice has a change, I hear.

MS. BROWN: Just before we begin, there is some confusion on page two in the paragraph that says "Now therefore be it resolved..." We will work out the language

but I just want you to be aware that we need to change that language to make it clear that the change in ownership and transfers occurs only if a sale is consummated between Multimedia and Jones, and if that sale occurs within 60 days. So there's some confusion about whether that transfer is effective immediately or that, after a 60 day period the transfer occurs whether there's a sale or not, and that the two conditions for the transfer will be that a sale occurs and that the sale occurs within 60 days. So we will work on that language. I'll work on it with the folks here from Multimedia and Jones and make sure we clear it up.

CHAIRMAN DURAN: So how do we pass a resolution that hasn't been fully developed?

MS. BROWN: Well, we actually do that frequently with ordinances, because sometimes we're here and you ask us to amend our ordinances and so --

CHAIRMAN DURAN: I've never asked you to do that.

MS. BROWN: So as long as you all understand what the amendment will be or what the change would be and that's the only thing that we would propose changing is clarifying that language. We then correct the draft and then submit it to the chair for signature.

CHAIRMAN DURAN: So you think that's an acceptable procedure?

MS. BROWN: Yes, I do.

MS. GUERRERORTIZ: Mr. Chairman, Commissioners, you do have this resolution before you. It lays out the same conditions that you just adopted related to what the CDRC recommended. And I stand for any questions.

CHAIRMAN DURAN: So we can just enter the resolution into the record as amended?

COMMISSIONER ANAYA: As amended by the previous motion?

CHAIRMAN DURAN: No, with the understanding that it will be amended as stated by the County Attorney.

CHAIRMAN DURAN: Is there anyone who would like to address the Commission concerning this resolution?

Commissioner Grifé moved to approve Resolution No. 1999-28 and his motion was seconded by Commissioner Anaya. The motion passed by unanimous voice vote.

CDRC Case #MIS 99-5020. Communication Services, Inc. Communications Services, Inc., has requested a transfer of a cable television franchise from Eldorado Cable TV, Inc. to Communication Services, Inc. Communication Services Inc. plans to serve the entire existing service area of Eldorado Cable TV Inc. in the Eldorado area of Santa Fe County

MS. GUERRERORTIZ: This is basically the same kind of case. We've got

1620927

a transfer between the existing company, which is Eldorado Cable Company selling to Communication Services, Incorporated. The map is shown on the resolution. It shows the service area and it's pretty much the heart of the original Eldorado Development. They're not planning to change any of the prices or the fees that they charge today and they have very similar conditions as the last case. And the CDRC did recommend approval at the last meeting.

COMMISSIONER ANAYA: Mr. Chairman, Oralynn, this is just an ownership transfer?

MS. GUERRERORTIZ: Exactly, sir. There are changes to the service area in this case.

CHAIRMAN DURAN: Any questions of Oralynn? Thank you, Oralynn. Is the applicant here? Please state your name and address for the record and let the clerk swear you in.

[Duly sworn, Lynae Juffer, testified as follows:]

LYNAE JUFFER: Mr. Chairman, Commissioners, my name is Lynae Juffer. I represent TCI of Santa Fe. The address, 2534 Camino Entrada.

CHAIRMAN DURAN: Are you in agreement with all the recommendations of the staff?

MS. JUFFER: Yes, we are.

CHAIRMAN DURAN: Are there any questions of the applicant?

COMMISSIONER TRUJILLO: How soon would you be able to provide coverage of Commission meeting?

MS. JUFFER: That's been a request of the Cable Advisory Board that I report to for the City of Santa Fe. They've requested the same thing. It looks like we'll probably be tying the Eldorado properties into the Santa Fe head in??? by the end of the year. So that will become a reality.

CHAIRMAN DURAN: Great. Just before election time. Any other questions of the applicant? Is there anyone out in the audience that would like to address this issue? If not, what's the pleasure of the Board?

Commissioner Anaya moved to approve the request to transfer the Eldorado Cable TV franchise to Communication Service, Inc. and Commissioner Griñé seconded. The motion passed by unanimous voice vote.

1620928

- A. 5. Resolution No. 1999-29. A resolution granting a certificate and acceptance of franchise to Communication Services, Inc. to operate a cable television system within the Eldorado area of Santa Fe County and approving the transfer of a cable television franchise from Eldorado Cable Television, Inc. to Communication Services, Inc.

MS. GUERRERORTIZ: I'm sorry. I feel like a broken record. It basically says the same thing as the last one, with the conditions repeated that you just adopted.

CHAIRMAN DURAN: Any questions of Oralynn? Any questions of the applicant, or does the applicant have anything to say?

MS. JUFFER: Well, we just look forward to continuing working with Santa Fe County and we would just love to televise these meetings so you can all be stars.

Commissioner Grifé moved adopt Resolution No. 1999-29. His motion was seconded by Commissioner Anaya and passed by unanimous voice vote.

ADJOURNMENT

Chairman Duran declared this meeting adjourned at approximately 6:35 p.m.

Approved by:



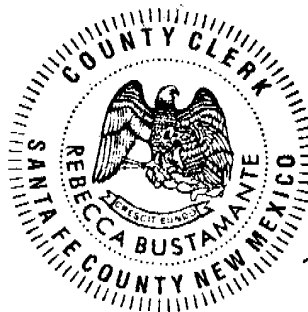
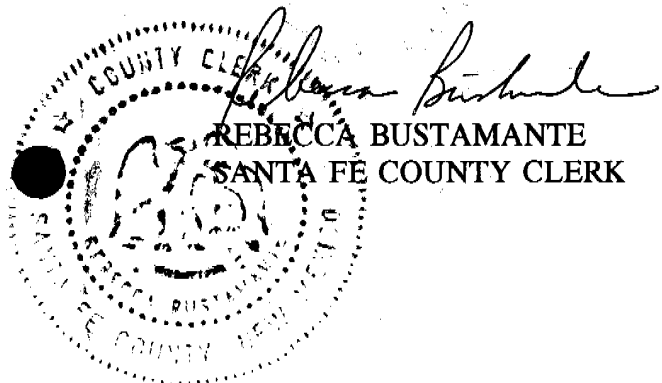
Board of County Commissioners
Paul Duran, Chairman

Respectfully submitted:



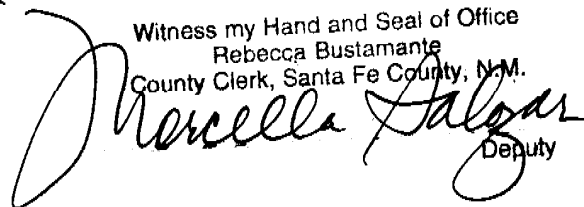
Karen Farrell, Commission Reporter

ATTEST TO:



1067.716
COUNTY OF SANTA FE)
STATE OF NEW MEXICO)SS
I hereby certify that this instrument was filed
for record on the 31 day of Mar A.D.
19 99 , at 8:26 o'clock a m
and was duly recorded in book 1620
page 912-928 of the records of
Santa Fe County.

Witness my Hand and Seal of Office
Rebecca Bustamante
County Clerk, Santa Fe County, N.M.



Marcelle Salazar
Deputy