

START OF BOOK

MINUTES OF THE BOARD OF COUNTY
COMMISSIONERS

DATE OF MINUTES-----3-31-98-----

DATE OF FILMING-----

CAMERA OPERATOR YVONNE SANCHEZ

REGULAR MEETING

1491883

BOARD OF COUNTY COMMISSIONERS

SANTA FE, NEW MEXICO

REGULAR MEETING

MARCH 31, 1998

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

1491883

SANTA FE COUNTY
REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

March 31, 1998

This regular meeting of the Santa Fe Board of County Commissioners was called to order at 1:35 p.m. by Chairman Javier Gonzales 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 Javier Gonzales, Chairman
Commissioner Paul Duran, Vice Chairman
Commissioner Richard Anaya
Commissioner Marcos Trujillo
Commissioner Joe Grifé

Members Absent

none

IV. APPROVAL OF THE AGENDA

CHAIRMAN GONZALES: Domingo, are there any changes at this time?

DOMINGO SANCHEZ (County Manager): Yes, Mr. Chairman. First of all, Mr. Chairman, there are three items that we've included on an amendment to the agenda and those three items are under VII. under Presentations. We have an additional presentation as item number 1 on the amended agenda, and that is for Census 2000, a Department of Commerce presentation.

Then on page 2 of the agenda, items Roman numeral X, B under Administrative Services, items number 1 and 2 are going to be removed. We're not at the point that we would like to be today to actually have them heard, so we're removing items 1 and 2. The we can go to page 3 and again, this is the second item on the amendment. It would go under item E. Matters from the County Manager, item number 4, and that is Request authorization

1491883

to execute a professional services contract with Frank Rendon for Housing Services.

Then continuing on down the page under Matters from the Commission, item F. 5. My understanding is that that item has been moved to the next meeting, so that would be deleted. That's item number 5. Again, referring to the third item under amendments to the agenda we have Request consideration to grant the Acequia de la Cienega an easement along the west side of County Road 54.

Then if you turn to page 4, at the top of the page under X. H. 1.a. Pending or threatened litigation is deleted.

With that, Mr. Chairman, those are all the changes to the agenda that I'm aware of.

CHAIRMAN GONZALES: I'm having a really hard time hearing you. Ish, did you check the -- just want to make sure that we speak as much into the mike. Commissioner Platts, can you hear us back there? I know that was a concern of people.

Are there any other changes to the agenda at this time? Commissioner Anaya?

COMMISSIONER ANAYA: Mr. Chairman, I would like to -- Matters from the Commission. There's one matter. I know the media's here and we have to get going. Just the one item, F. 2., to move it up on the agenda, before or after the Consent Calendar at your discretion, Mr. Chairman. I would like to move at least that one item up so that we can get it out of the way.

CHAIRMAN GONZALES: We'll move it after the presentation if that's okay.

COMMISSIONER ANAYA: That's fine.

CHAIRMAN GONZALES: And then I'm also going to add under Presentations, Mayor Larry Delgado to address the Commission and also the executive director of the New Mexico Association of Counties, Kelly Orrick. I'd like to add that.

Are there any other changes to the agenda? If none, what's the pleasure of the Commission?

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

V. APPROVAL OF THE MINUTES: March 10, 1998

CHAIRMAN GONZALES: Are there any changes at this time? If none, what's the pleasure of the Commission?

Commissioner Trujillo moved to approve the minutes as presented. Commissioner Duran seconded the motion which passed by unanimous voice vote.

1491883

VI. CONSENT CALENDAR

County Manager Sanchez presented the Consent Calendar as follows:

- A. Resolution No. 1998-23. A resolution requesting a budget increase to the fire fund to budget fire impact fees to allow for expenditures in the fiscal year 1998 (Fire Department - La Cienega Fire District)**
- B. Resolution No. 1998-24. A resolution requesting a budget increase to the fire fund to budget fire impact fees to allow for expenditures in fiscal year 1998 (Fire Department - Pojoaque Fire District)**
- C. Resolution No. 1998-25. A resolution requesting a budget increase to the fire fund to budget ambulance receipts to allow for expenditures in fiscal year 1998 (Fire Department - Turquoise Trail EMS District)**
- D. Resolution No. 1998-26. A resolution requesting a budget increase to the road fund to auction proceeds to allow for expenditures in fiscal year 1998 (Public Works Department)**
- E. Resolution No. 1998-27. A resolution requesting a budget increase to the road fund to budget proceeds from the sale of a road grader to allow for expenditures in fiscal year 1998 (Public Works Department)**

MR. SÁNCHEZ: With that, Mr. Chairman, those are all the items that are in the Consent Calendar.

CHAIRMAN GONZALES: What's the pleasure of the Commission?

Commissioner Duran moved approval of the Consent Calendar as presented above. Commissioner Grifé seconded the motion which passed by unanimous voice vote.

VI. PRESENTATIONS

CHAIRMAN GONZALES: We'd like to welcome Mayor Larry Delgado. It's a treat, Larry, to have you with us. I guess I thought we'd never see the day that we actually got to see the mayor of Santa Fe come over to the Commission. I think this really shows your commitment, your dedication to wanting to see a more cooperative relationship exist between the City and the County. I just want to thank you on behalf of all the Commissioners for being here and allow you to say some words and we look forward to when you can bring the councilors so we can begin working together.

MAYOR LARRY DELGADO: Thank you, Chairman Gonzales and Commissioners for allowing me some time to come and visit with you. I know you have a busy schedule. I just wanted to come here and I'm very excited about a near era of

cooperation that I hope to see between the County and the City of Santa Fe. I also am very pleased about the resolution that was passed at our last meeting where not only did all the City Councilors sign on it, but all the County Commissioners signed on it in a spirit of cooperation and that we want to start today. I'm excited about that. I'm here to also say that I'm going to be instructing our staff as soon as I can get a City Manager on line to get with your staff, Mr. Chairman, so that we can set up meetings between the two governing bodies and also a spirit of cooperation and meetings between our staffs.

I think what we have to keep in mind in this situation and I think it's the only way it's going to work is if we make sure Members of the Commission, that we're going to keep political and personal agendas out of this and just really consider working for what is good for the people who live in the County and good for the people who live here in our City. So that's what I'm going to be asking. That's the message I intend to send to our City Councilors that we just go ahead and work in an area so that the lives of the people that live in the County and the City are better because of the actions that we take.

Again, I'm looking forward to further meetings with you. I'm looking forward to talking to you about the corridor commission that is being brought forward by your body. It's another that's going to show the people of Santa Fe and the people who live in this City and the County that we can cooperate and that our goals are to make sure that this cooperation continues and that we don't have one meeting and walk away and not meet again for six months. So with that, again, I thank you for your time and I'm sure we'll be visiting often. Thank you very much.

CHAIRMAN GONZALES: Thank you, Mayor. Members of the Commission, are there any questions of the mayor at this time?

COMMISSIONER ANAYA: Congratulations, again, Larry. I know we go back a long ways and have quite a history here in Santa Fe. Your family, my family, and I think it's a blessing that you did get elected as mayor. I think that your efforts and your positions in the past with the Commission I think will go a long ways for the benefit of the entire community. Congratulations.

MAYOR DELGADO: Thank you, Commissioner Anaya. Thank all of you Commissioners.

CHAIRMAN GONZALES: Thank you for being with us, Mayor Delgado.

MAYOR DELGADO: You're welcome.

VII. 2. Association of Counties

CHAIRMAN GONZALES: Moving on the agenda, we have Kelly Orrick the executive director for the Association of Counties. Thank you, Ms. Orrick for being with us.

KELLY ORRICK: Thank you, Mr. Chairman. I appreciate it and I thank you for accommodating me. I just wanted to have an opportunity to come by and to say

1491883

hello to everyone. I'm visiting all of the counties, although this is a little unique for me because I'm also a resident of Santa Fe County in the unincorporated area. I have a house out in Eldorado. We moved here in June and we're very thrilled to be here.

I thought I could give you maybe a brief update on some legislative items. The session was a pretty positive one for counties overall. Salaries increase bill, which increases the maximum allowable for county elected officials passed and was signed by the governor. There was a new gross receipts tax authorization that allows counties some additional flexibility. It's a new 1/8 in unincorporated counties with voter approval and it provides some additional flexibility in the use of the third 1/8 by earmarking the statutory mandates that 50 percent of those monies be utilized for indigent health.

Another bill that we were very excited about was the bill that will allow counties two additional years to spend down indigent fund balances. There's a statute on the books that indicates that indigent fund balances above a certain amount go to the state in the county-supported Medicaid fund. Previously that was supposed to happen as of July 1998 and now that will be July 2000. That gives the counties some additional time to have the ability to spend those funds at the local level where they've been collected and imposed.

There was also an interesting memorial. We've been having an ongoing dialogue for a number of years with the Highway and Transportation Department on the issue of transferring state roads from state maintenance to county maintenance, with or without funding for the counties to be able to properly maintain those roads. It was a memorial that passed that asked that the State Highway Department get the permission of counties before any state roads were to be transferred. Now this doesn't carry the weight of law, but it certainly sends a message about legislative intent on that issue.

There were a couple of bills that are going to have a negative impact on counties, one of which has received a lot of attention in the press and that's the tax reduction package that was put together. It does three things, only one of which impacts counties. It provides for a reduction of personal income tax rate. It's an increase in the low income tax credit, and it removes the gross tax on prescription drugs, and that will have a negative fiscal impact on all of the counties in the state. It is estimated for Santa Fe County that that will be about \$70,000 for the County in lost revenues from that.

There's also a bill that reduces [inaudible] the gross receipts tax on Medicare B payments to certain health care providers. The state is estimating that the impact for Santa Fe County from that bill will be about \$47,000 and I'd be happy to give these numbers to your staff.

There were some bad bills that didn't pass. There were about six bills that would have radically changed the way in which counties and cities in New Mexico can issue industrial revenue bonds and none of those bills were passed. There were also about \$100 million worth of bills that would have eliminated different gross receipts tax authorizations on different commodities or services and there were only two of a very long list of bills that actually passed.

1491883

There's a lot of things going on at the Association that are not necessarily legislative. We're in the process of seeking a permanent home for our offices in Santa Fe. Currently we're located right across from the Round House in rental property and we're looking at negotiating with the property owners of the Old Santa Fe Trail Bookstore, just around the corner from where we are now. Our insurance pools are going strong. Santa Fe County has members representing them on both of our insurance pool boards and we're very excited with that level of participation. Our multiline has given equity credits in the last billing cycle in January and the Workers Compensation is going to be giving equity rebates, probably within the next thirty days or so to counties.

We've added some new coverages. Injunctive relief coverage is a new trial program that we're doing. Normally insurance providers don't cover a claim unless there's damages, actual cash damages that are being sought. And this limited injunctive relief coverage will help to pay for just attorneys' bills when something other than just damages are being sought. And we're adding some land use coverage. So if anyone has any questions about anything that's going on at the Association I'll be very happy to field them or talk with you after the meeting, and I very much appreciate the opportunity to come and appear before you.

CHAIRMAN GONZALES: Thank you, Ms. Orrick. Are there any questions of Kelly at this time? Thank you and thank you to the Association for doing such a good job on behalf of all the counties. We really appreciate the work that your staff is doing.

COMMISSIONER ANAYA: Kelly, how close are we to purchasing our own office for the Association of Counties?

MS. ORRICK: Well, we had an offer on the table for another parcel and that offer fell through. Our offer was not accepted by the property owner, so we have gone, our building committee is searching for a different alternative. There were three alternatives that we were looking at and the board has authorized the building committee to at least begin negotiations on the Old Santa Fe Bookstore and to report back to the board for authorization. So we would be looking at possibly purchasing that building and possibly renovating it for use for our office.

COMMISSIONER ANAYA: So it will still be in the immediate area?

MS. ORRICK: That's correct. We'd still be within easy walking distance of the Capitol and that's an important issue for our members from other areas around the state to have that close proximity to the Capitol.

COMMISSIONER ANAYA: Thank you.

CHAIRMAN GONZALES: Thank you, Kelly.

1491883

VII. A. Santa Fe Water Shed Association, Presentation given by Paige Morgan

COMMISSIONER DURAN: I'd just like to say I met with Paige Morgan and Mayor Delgado and some concerned citizens about a month and a half ago concerning the Santa Fe River and the watershed. The Corps of Engineer was also at that meeting. So what we're trying to do is put together, to find a day that we can have a meeting with the City and the County and other entities to all attend.

CHAIRMAN GONZALES: Very good. Thank you for being with us, Ms. Morgan.

PAIGE MORGAN: Thank you for the invitation to speak before you and excuse me for taking too much time to pass things out. What I'm giving you is first of all, the invitation, a draft invitation to the event that Commissioner Duran was describing and I'd like to step back and explain a little bit about how this came about.

Commissioner Duran and I were both invited by a group from the Agua Fria community several weeks ago. I know it was before the City election, to talk about some problems that they were experiencing with the river cutting in the vicinity of Agua Fria and making it impossible for people to access their properties and causing a lot of damage that was of concern to them. They wanted to bring this to the attention of the political level of people in the County and the City and also had a representative from Congressman Redmond's office there and they invited me to make a presentation putting their problems in the context of the problems of the watershed and the Santa Fe River more generally.

After that meeting, several things came about. One was that Commissioner Duran and Mayor Delgado, then Councilor Delgado, agreed to work together on requesting assistance from the Corps of Engineer, which was also present at that meeting, in doing a watershed reconnaissance, which would be a two-year study, \$100,000 fully funded by the federal government to look at the problems of the Santa Fe watershed and instead of just having a sort of a concrete bandaid approach when there's a particular problem, for instance the San Ysidro Crossing is getting a lot of attention right now, instead to look at the whole situation and where the problems are coming from.

Another thing that came about was that Commissioner Duran expressed the thought that the political level people were not fully informed about the problems of the river and he thought it would be useful to have what he described as a river walk for people to get down in there and take a look at the situation. I got together with Dave Pike, who was the member of the Agua Fria community who had initially called the meeting and we put our heads together on an agenda and it kind of blew up into something much bigger than just a couple hours walk, because it seemed to us important to take a look at the watershed from the top. If you look at the map you'll see over at the right hand there's a kind of thumb that sticks up there? That thumb is what people usually call the Santa Fe watershed. That's just the watershed above the city reservoirs. The whole rest of that black outline is the Santa Fe River watershed, a watershed of the entire portion of the landscape where any rain that falls

or snow that melts goes toward a central outlet, and that outlet is the Santa Fe River.

So that entire watershed is something that impacts the condition of the Santa Fe River and vice versa. So this is what I meant by trying to establish a watershed perspective. So between us, we wanted to go take a look at the upper watershed where there are problems of beautiful but very densely grown forest, a forest that needs our complete protection and artificial control of fire to the point that we now have a high fire-prone situation. In 1996 when we had that fire and it burned in the Jemez, that's the kind of fire we're afraid of having in the upper watershed now. The Forest Service is concerned about this and so is the City and they're working on research to look at some options for control of that situation.

But the river up there is beautiful. It's a healthy river with a healthy riparian zone, no erosion problems. So we want to start up there and take a look at [inaudible] down through the city where the river's been cutting and cutting for a number of reasons that we're going to go into and look at impacts on the river and the way that the river impacts on the land adjacent to the river also. And we'll wind up down at Cieneguilla where the river turns back into a river again and it's a very beautiful setting.

So that's the outline for the river tour and a brief introduction to the Santa Fe WaterShed Association. I gave you a little flyer about what we're doing. We're really just sort of in the process of planning, in fact we have a meeting scheduled for Thursday of the week which will be when we're going to sit down and sort of figure out what our goals are, how we define membership, and get serious about formulating the association. Up until now it's been a kind of a loose association of like-minded people.

So thank you very much for inviting me to present before you. I appreciate it and I look forward to working with you on the river tour. I managed to sneak a copy of the invitation and the draft agenda to Mayor Delgado as he was sitting here so that's been done as well. Thank you so much.

CHAIRMAN GONZALES: Thank you for being with us. Let's see if there are any questions.

COMMISSIONER TRUJILLO: Other than erosion, what other problems are there?

MS. MORGAN: Within the river? I personally think erosion is the worst of the situations, but the river's been impacted by the water table being pulled out from under it, which has had a lot to do with why there's no longer a bosque along the river and the erosion trouble has a lot to do with not having a bosque along the river. When we had a river that has a healthy bosque there is stability of the banks and there's a method for when the river runs higher for the vegetation along the banks to cause the water to slow up and deposit some of its sediments instead of just carving through and cutting deeper and deeper. That's not the only reason for the river's having entrenched the way it has. There's also been a history of gravel mining in the river. In fact I talked to a man named Al Ulibarri in Agua Fria who has a business providing gravel and so on. He told me that in the Agua Fria

1491883

area he's seen the river banks cut down thirty feet or more in certain areas. So there's been a tremendous volume of materials removed from there and when you do that, the river has to re-establish its bed by cutting in an upstream and downstream direction until it has a consistent gradient. So those two things are pretty much why the river is in the condition it is.

CHAIRMAN GONZALES: Thank you, Paige.

COMMISSIONER DURAN: Mr. Chairman, I just have one more comment. I received the other day a letter from Senator Pete Domenici stating that President Clinton announced an initiative that was intended to establish American Heritage river initiative. And I have a copy and I'd like to give this to you and we can work together on trying to get the Santa Fe River designated as -- there's funds available for maintaining it.

CHAIRMAN GONZALES: Thank you for your time, Paige. We do appreciate it. I'm looking forward to seeing this become a reality and a success. It's really important to all of us.

VI. B. Census 2000

CHAIRMAN GONZALES: We have a presentation by Mr. Joseph Sandoval with the United States Department of Commerce. Thank you for being with us, Joe.

JOSEPH SANDOVAL: Commissioner Gonzales and members of the Commission, thanks for having me here today. I'm here to talk about Census 2000, which is actually in 2000, but we're going to be starting in Santa Fe County this summer.

[Audio difficulties experienced]

There are some areas that are so sparsely populated it is difficult to conduct census. This summer we're starting and will hire sixty people in Santa Fe County. We're looking for local people. In certain places we find ten, twenty houses spread miles apart. [inaudible] When our operation is done we will do what's called local [inaudible] or address list review.

Commissioner Gonzales, you may have gotten a letter on this from our Denver regional office. There's form you need to fill out and send back if you guys are going to participate. What it is is after this list is done, you guys designate who in the County would review it to be sure that it is complete and everybody is counted, that we have every house in Santa Fe County on a map so when we do the census everybody is counted and we have a good number.

[The following portion is taken from the reporter's notes]

Mr. Sandoval indicated that all information obtained from the 2000 census is entirely confidential. He indicated that approximately 60 census takers will be hired and four crew

1491883

leaders. He said supplied the census toll free number (888 688 6948) for anyone wishing more information or employment.

Mr. Sandoval requested support from the Commission in making this census successful. He noted that due to the diverse population in Santa Fe County, undocumented workers and non-English speaking residents special coordination was necessary.

He concluded his comments stating that the U.S. Department of Commerce will be conducting national advertising to better educate the public about the census. He stood for questions.

CHAIRMAN GONZALES: Joe, how would you make sure that the folks, especially in the Hispanic and the Native American communities would be properly counted? Is there going to be some mechanism in place because I know that in the last census both groups were severely undercounted.

MR. SANDOVAL: We will have Spanish language forms, but we need to know where to target them, to go out and count these areas. We want to work with you in figuring out how to extend to the populations. It's to benefit them. One county that I heard is going to try to figure out all the funding they'll receive based on the census that affects such populations have advertised that, put it out, put the word out that this is why it's important for you to respond to this. It's not that people are trying to be nosey. It's going to involve your pre-schools, your schools, other things.

We want to work with you. You guys in Santa Fe County, we want to work and figure out the mechanisms which make sure that everybody is counted. I know that we have the undocumented worker population that we need to work with real closely. I used the word alien in Rio Arriba County and undocumented is more correct. You guys know your districts and where we really have to concentrate our efforts on.

CHAIRMAN GONZALES: Okay, thank you. Any other questions? Thank you for your presentation and again, consider us your contact with the administration concerning our commitment.

MR. SANDOVAL: We encourage everybody to participate.

CHAIRMAN GONZALES: Okay, Domingo, what we need to do is designate staff to work on this.

MR. SÁNCHEZ: Mr. Chairman, we can identify someone to work with him.

IX. F. MATTERS FROM THE COMMISSION

2. DWI Planning Council - Committee appointments, resignations, removal

CHAIRMAN GONZALES: I guess this came to me, myself and Commissioner Grifé had asked that this be put on the agenda for discussion to bring forth

1491883

some issues that have surfaced after an article was written stating that members of this community were concerned about Commissioner Anaya's involvement on that council so, Commissioner Anaya, I want to allow some time for you because I know that you have been the one that's been affected by this issue and before I let the other commissioners speak, I would let you speak.

I would say that we would remove our commission activity and membership on the DWI Council so that we could remove any appearance of politics. We can remove any appearance of conflict and rather than having a Commissioner on there, have a member of the community who's been active in fighting DWI issues. So with that, Commissioner Anaya, we'll turn it over to you to say some words.

COMMISSIONER ANAYA: Thank you, Mr. Chairman. First of all this was my issue. I guess the first step that I need to do is to let the Commission know that I am formally stepping down and submitting my resignation from the council. I served on it for one meeting. I thought it was very productive and very informative, that one meeting.

I'd like to, however, justify my rationale as to why I wanted to be on this committee. First of all, I've got a history of representation. First of all, I agree with this Commission that most of the recommending bodies that serve at our pleasure do not have Commissioners, the EZC, the CDRC, the Tax Advisory Board and so forth, the Road Advisory and the history of this particular council did have representation by a Commissioner of one kind or another. Commissioner Platts, I know served on that commission. I don't recall exactly what her capacity was, whether she was an actual voting member, but I think she was, or if not a voting member, just a participant.

But however, looking at the situation, I feel that I would never compromise away the stability of this Commission by serving on this council because I think this is such a working Commission and I would never jeopardize that stability that we've established on this commission. So therefore I'm stepping down.

I do feel though, however, that I could have submitted some really good input, good common sense and good rationale into this committee if I would have been able or allowed to serve. However, I really understand the position of this commission and so therefore I am stepping down so be it.

CHAIRMAN GONZALES: Commissioner Anaya, thank you for doing this at this point. This has been a difficult issue. I know this is something that everyone in Santa Fe is concerned about. I really hope that you continue to offer your ideas even if not by being a voting member, if you had ideas on how to prevent drunk driving, that that would certainly be something I think that the council would appreciate as well. It just happens to be an issue that's bigger than each of us individually and something that we have to be responsive to in our community.

COMMISSIONER ANAYA: I understand, Mr. Chairman.

If it's appropriate, may I make a recommendation at this time may I make a recommendation for a nomination to replace me on this board?

1491883

CHAIRMAN GONZALES: Actually, what we would like to do is actually hold off for a little while to wait for more letters to come in, Commissioner, if that's okay? I checked with Andrew and we received about four letters, and I've heard from people who've called and said they'd like to submit letters and would like to be a part of it. So we can make an appointment now or we can hold off to allow more people to participate. I'd prefer that we announce the vacancy first.

COMMISSIONER DURAN: Mr. Chairman, I was just going to add, why don't we just let the committee appoint this vacancy? If we're going to -- if we're trying to keep the political aspect out of it, I think it would be best to leave it to them.

COMMISSIONER ANAYA: If I may offer just a recommendation and go along with your concept, Commissioner Duran, the one meeting that I did serve at I had the opportunity to listen to Glenn Wieringa and his presentation on advertising and steering away from youth. I thought that was really, really an appropriate thing. Unfortunately it was misinterpreted at the time and taken totally out of proportion. But I did have the opportunity to see him in action and if I were to make any recommendation it would be him because he puts in so much effort to do this type of work, Mr. Chairman, and I just send that out as a recommendation to the Commission and to the council.

CHAIRMAN GONZALES: Commissioner Duran, I think that's appropriate that we leave it up to the council. We have to make the appointment and that's the difference. We should hear from them on who they think is appropriate and make those appointments. So I think that direction should be sent to Andrew because I believe they're meeting Monday. The direction would be to ask the council to make at least a couple of recommendations to the Commission for the appointment.

We're going to need a motion to accept Commissioner Anaya's resignation. Do I hear a motion to accept Commissioner Anaya's resignation from the council?

Commissioner Trujillo moved to accept Commissioner Anaya's resignation from the DWI Council. The motion was seconded by Commissioner Griñé.

CHAIRMAN GONZALES: Is there any discussion?

COMMISSIONER DURAN: I would just like to make one comment. In all fairness to this board, at the time of the appointment of Commissioner Anaya to the committee I thought he brought another dimension to the committee that had not been represented in the past. I think that this was a proper appointment when we did this. I do understand that there's public outcry over the concerns that there might be some conflict there. But again, when we made the appointment it was because we felt that Commissioner Anaya did bring something of value to the committee.

Upon voice vote, the motion passed by a 3-1 vote with Commissioner Anaya abstaining.

VIII. AWARD

CHAIRMAN GONZALES: We're going to pass out an award at this time, a plaque. Mr. Frank Rendon, would you please step forward? Frank has decided to trade in his desk in trade for a fishing rod and maybe a little bit of traditional work as we'll say later on in the meeting. But we'd like to present you with this plaque and state our recognition of Frank Rendon for your outstanding commitment, dedication, and leadership to the citizens of Santa Fe, as a Santa Fe County General Services Department Director, our gratitude and appreciation from all the Commissioners.

Frank, I know that a lot of people from General Services are here because they appreciate what you've done, and I want you to accept this on behalf of the Commissioners along with our appreciation for your taking on some very tough issues and certainly having to deal with our constant requests. I think we can just walk into this building and take a walk around our housing units and look at the situation at our Housing Authority, it just seems that your service to Santa Fe County and you're largely responsible for that, with the help of all the staff, in making sure that this building is something that people can be proud of. I want to step down and present this to you.

[The Commissioners, other elected officials and department heads personally congratulated Mr. Rendon while he received a round of applause from the audience.]

[The Commission recessed from 2:30 to 2:48.]

IX. ADMINISTRATIVE ITEMS

- A. Committee expirations, resignations, vacancies**
 - 1. Extraterritorial Zoning Committee (EZC)**

COMMISSIONER DURAN: I've been approached by a couple people.

CHAIRMAN GONZALES: Did we agree that we would not consider anyone unless they submitted a letter with their resume? So I don't know where we stand with that. I guess we can just act on the resignation of Carol Robertson Lopez.

Commissioner Duran moved to accept the resignation of Carol Robertson Lopez. His motion was seconded by Commissioner Grifé and passed by unanimous voice vote.

Commissioner Grifé moved to table consideration of the EZC vacancy appointment and the motion was seconded by Commissioner Anaya. The motion passed by unanimous voice vote.

1491883

COMMISSIONER TRUJILLO: Mr. Chairman, on the EZC vacancy, are we asking for resumes, and applications, or expressions of interest?

CHAIRMAN GONZALES: I'd be really surprised if we received as many requests as I thought. So maybe what we should go out and do is find people within our districts to submit letters for our review. I don't know how else we can do it other than --

MR. SÁNCHEZ: Mr. Chairman, we might be able to put out a press release asking for the public's interest in it, or you could pursue individually people in your district. We haven't had much response. It's still really early. We hadn't received the formal resignation until today.

COMMISSIONER DURAN: How about a press release. In addition to that we can contact people who personally express an interest.

IX. B. Committee appointments
1. Library Board

CHAIRMAN GONZALES: The Santa Fe Library Board respectfully submits the name of Ms. Helen McCarty Eubanks for an appointment to the Library Board. The Library Board has two current members representing Santa Fe County and would like the endorsement of Ms. Eubanks as a third member. What's the pleasure of the Commission?

Commissioner Duran moved to approve the recommendation and appoint Ms. Eubanks to the Library Board. The motion was seconded by Commissioner Grifé and passed by unanimous voice vote.

X. STAFF AND ELECTED OFFICIAL ITEMS:

A. County Treasurer
1. Quarterly Report

CHAIRMAN GONZALES: Thank you for being here, Phil.

PHIL TRUJILLO (County Treasurer): Thank you for having me here this afternoon, Chairman Gonzales, Commissioner Trujillo, Commissioner Duran, Commissioner Anaya, Commissioner Grifé. Quite frankly, we're kind of in what could be considered one of our slower times at the office because the property taxes do tend to be a seasonal type of a situation where some of the offices are not. We got into the first half of the collection process during the months of November, December and January. February and March are always times for us to kind of work on situations that sometimes kind of fall between the cracks.

We're beginning now to collect the second half taxes. As a matter of fact we are

1491883

sending out the second half reminders. It's nothing more than just a little post card. It doesn't have any amounts on it. We've used this notice in the past. It's been well received by the community. For the most part it's a positive idea for our office. There's been very little negative response. Most of the community is happy to receive a reminder on their second half taxes.

During the 1997 tax year we were charged with about \$45 million of taxes to be collected and to date we have brought in about \$33 million. So we are looking at about somewhere between \$15 to \$16 million of taxes yet to be collected. Considering that we still have the second half between now and April and May, that is really a very small amount compared to the overall amount of taxes that is charged to our office.

We anticipate that after the second half of collections which will be about the middle of May we will be at about 97 percent to 98 percent collection rate, which is something that our office is extremely proud of.

It's ironic that considering the controversy of property taxes in this county, considering the people that complain, considering the fact that it's been such a hot item of discussion by taxpayers and everyone around, it's still never ceases to amaze me that people take their tax obligation not only seriously, but very, very seriously. The fact that we are at about 98 percent collection come the middle of May is not only good news for all of us but I'm sure that our bonding companies find that certainly good news.

Other items that might be of interest to you: We are having our delinquent tax specialist -- there's people in our office that do delinquent taxes -- right now are working on mobile homes and those mobile homes that are delinquent. As a matter of fact, scheduled for May 11 is an auction. I always like to make sure the County Commissioners are aware of this because invariably, some people that are in jeopardy of having their property auctioned might direct their attention or complaints to you people.

Although the lists always begin with quite a few items, there again, because these people take their tax obligations so seriously, by the time the auction actually gets here on May 11, there's very little really left to auction. Remember again, these are mobile homes. The other auctions that we have in conjunction with the state are generally done towards the end of the year, usually around December. We have red-tagged about 70 to 75 mobile homes. The people become very alarmed. They realize how serious we are about collecting on the taxes and it's just a matter of time before they start calling us and asking us what they can do to take care of their obligations and of course we like to work with these people.

It's never been our intention to sell their properties. We would much rather that the property taxes be paid than for properties to actually be sold at auction. If you have any questions regarding the auctions, I would encourage you -- of course I'm here to answer any questions you might have, but you might want to visit with us. You might want to visit the office so that we can show you this, show you in detail exactly what we are doing. I think it would behoove you to particularly in some of your respective areas where mobile homes, for example, Commissioner Gonzales, a lot of the mobile homes are over on the west side

1491883

of Santa Fe. Commissioner Trujillo, I know that up towards the northern part of the county there's many mobile homes in that part of those areas. Those are probably the two areas where we find the concentration of mobile homes.

So feel free to visit our office and we can explain to you in detail what the process involves. The fact that you need to realize that amidst our collections that there certainly is a great deal of compassion. We try to work with these people as best we can to make sure that their taxes get paid.

We've been working very closely with our fiscal agent bank. I'm impressed with the technology that they're starting to talk about. We're looking at the possibility of being able to access right from our office our accounts. We will actually be able to go into our computer systems into their computer systems, right into the bank and be able to view the checks and bank account balances and things of this nature that is certainly going to make our work a lot simpler and be able to offer increased efficiency in our office. We're excited about that.

Other than that, I don't have too much more to relate to you. Tomorrow at noon, I and my very favorite assistant, our former treasurer Angie Gonzales and a couple of our staff will be leaving for Alamogordo. We will be there tomorrow evening, all day Thursday and Friday to attend our annual treasurers' retreat. It's kind of a school that we ourselves put on. We do this on an annual basis. We will be there all day Thursday and Friday and return late Friday.

Commissioners, I'm delighted to be here this afternoon. If you have any concerns, any questions you might have, I'd be happy to answer them. And please feel free to visit our offices and spend time with us.

CHAIRMAN GONZALES: Are there any questions of Mr. Trujillo? Thank you for being with us.

MR. TRUJILLO: You're welcome

X. B. ADMINISTRATIVE SERVICES DEPARTMENT

3. Request authorization to enter into a contract with Christine Atwell, RPh., for consulting pharmacist services

ANDREW CHAVEZ (Administrative Services Director): Mr. Chairman, the Santa Fe County EMS Department requires the services of a consulting pharmacist to perform required quarterly visits to each district licensed as an Emergency Medical Service Clinic to assist in drafting the Drug Procedures Manual and to repackage, destroy and/or remove pharmaceuticals. These contracted services are not to exceed \$5000 per fiscal year and a total \$15,000 for three years.

The Santa Fe County EMS Department and the Purchasing Section request approval of the consulting pharmacist professional services agreement with Christine Atwell,

1491883

Registered Pharmacist, for an amount not to exceed \$15,000, including gross receipts tax for services rendered from effective date of the contract until June 30, 2000.

CHAIRMAN GONZALES: Any questions? What's the pleasure of the Commission?

Commissioner Anaya moved to approve the professional services agreement as presented. Commissioner Griñé seconded the motion, which passed by unanimous voice vote.

X. C. PUBLIC WORKS DEPARTMENT

- 1. Request authorization to enter into a professional services contract with Tierra Engineering Consultants, Inc. for the County Road 91A Bridge project design in Arroyo Seco**

[Chairman Gonzales is not present for this item]

[Mr. Velasquez's statement was inaudible and the following is taken from the staff report.]

"In the summer of 1997 a flood devastated a portion of County Road 91A, Bone Yard Road in Arroyo Seco, that crosses the Arroyo Seco. A primitive drainage structure that existed had been washed out several times in the past.

"In 1994 the County contracted with Tierra Engineering Consultants, Inc., to perform a drainage analysis and to design a proper structure at the crossing. In 1994, Tierra Engineering determined that the most economical and long lasting solution to the problem was a concrete span bridge.

"The County has tried in the past to obtain the funding to construct the bridge at the crossing, but were unable to get the sufficient levels from the New Mexico State Legislature. In the years since the completion of the bridge design the arroyo has changed along with several residential sites. The existing bridge plans need to be updated, reviewed and made ready for bid. The work to be done under this professional services contract can most advantageously be done by Tierra Engineering because they are the original designers. Therefore we are requesting a sole source selection process to select an engineering firm to update the plans and specifications for the bridge construction project.

Commissioner Anaya moved to approve the request. Commissioner Griñé seconded the

1491883

motion which passed by unanimous [3-0] voice vote.

- X. C. 2. Request authorization for change order number one to the construction agreement with Triad Builders of New Mexico for the Agua Fria Street Utility paving and drainage project, Phase I**

[Mr. Velasquez's statement was inaudible and the following is taken from the staff report.]

"The Agua Fria Street - Phase I project consists of two miles of paved roadway extending from San Felipe to Lopez Lane. The contract for the construction of the project was awarded in the fall of 1997 to Triad Builders of New Mexico for a total contract price of \$1,856,073.24. to date the project is approximately 10 percent complete. The purpose of this change order one is to amend the contract price as a result of changes."

Commissioner Trujillo moved to approve the change order request. Commissioner Griñe seconded the motion which passed by unanimous [3-0] voice vote.

- X. C. 3. Request authorization of amendment number one to the professional services agreement with Tierra Engineering Consultants, Inc., for the Walnut Subdivision project**

[Mr. Velasquez's statement was inaudible and the following is taken from the staff report.]

"Santa Fe County received funding from the 1995 New Mexico Legislature in the form of Severance Tax Bond funds for constructing road improvements and drainage improvements in Walnut Subdivision. During the 1998 Legislative session, the County also received additional funding for the project in the amount of \$100,000. Walnut Subdivision (County Roads 91D and 91E) is located in Sombrillo, 18 miles north of Santa Fe."

"Tierra Engineering has completed design of the roadway. At a public meeting held in February in the community, the design plans met with approval. The only concerns expressed by the residents were drainage concerns. Since that meeting Tierra Engineering has come up with an alternate solution to the drainage problems. This solution will require Tierra

1491883

Engineering to provide additional design services to the County. These services consist of the analysis and design of a storm trunk conveyance system to carry the runoff produced in the subdivision to the river. Services provided by Tierra Engineering will produce construction drawings ready for building."

Commissioner Anaya moved to approve the request. Commissioner Grifé seconded the motion, which passed by unanimous [3-0] voice vote.

- X. C. 4. Request authorization to assign a professional services agreement to Bohannon-Huston Inc., for services regarding the Agua Fria landfill closure**

[Mr. Velasquez's statement was inaudible and the following is taken from the staff report.]

"In January of 1993 the County contracted with what was at the time Prindle-Hinds to design a plan for closing the Agua Fria landfill. Hinds Environmental was progressing on development of the closure plan with an anticipated bid date for closure in February 1998. On February 11, 1998 the County was notified that Hinds Environmental, Inc., had ceased business operations and will be unable to complete the contract for the landfill closure. Bohannon-Huston Inc. (BHI) was a subcontractor to Hinds Environmental Inc., and performed a significant amount of the tasks in the original contract. BHI has extensive knowledge and effort in the project minimizing the delay to construction. Public Works is requesting authorization to assign the remaining tasks of the agreement to BHI to complete the project."

Commissioner Anaya moved to approve the request. Commissioner Grifé seconded the motion which passed by unanimous [3-0] voice vote.

X. D. UTILITIES DIVISION

- 1. Request authorization to execute an agreement with Frijoles Village Limited Liability Company for a commitment of water service by the Santa Fe County Water Utility**

ESTEVAN LOPEZ (Utilities Division Deputy Director): Mr. Chairman, Commissioners, good afternoon. The County Utilities Division has negotiated a contract under which it would commit to providing water service up to the amount of 50 acre-feet per

year for the development planned within the West Sector service area, that is the area that is northwest of the city and this would be for Frijoles Village Limited Company development that is planned for that area. It is a residential and commercial development and the commitment would be, as I said, up to whatever 50 acre-feet can serve.

The actual allocation will be done in accordance with our line extension policy and the overall payment for this commitment is one million dollars on the part of Frijoles Village. The rest of the construction of the facility, that is distribution lines and any other facilities that are needed to provide the service would also be done according to the utility's line of extension policy.

The commitment that we have in this agreement is not the entire amount that would be required by Frijoles Village. However, it goes a long way towards getting them started on the initial phase of their project. The Utilities Division recommends that the Board of County Commissioners approve the contract.

COMMISSIONER DURAN: Estevan, do you know about how many residences 50 acre-feet would provide for?

MR. LOPEZ: How many residences it would provide for? On the allocation of .31 acre-feet per residence, that would be 161 residences. However, as the contract lays out, it also gives the developer an option to allocate some of the water not only to residential but also to some of the commercial projects that they want to include in that development.

COMMISSIONER TRUJILLO: Mr. Chairman, regarding water, do you know how much water is used to irrigate the golf courses up there? Do you have any idea?

MR. LOPEZ: I do and I have some documents here right now. The number escapes me. It's pretty substantial amount.

COMMISSIONER TRUJILLO: It's potable water; right?

MR. LOPEZ: It is.

COMMISSIONER TRUJILLO: I understand that this project will provide effluent to irrigate those golf courses as a result we'll save the potable water sources in that area. So that would be good for that community.

MR. LOPEZ: Mr. Chairman, Commissioner Trujillo, you're correct, Mr. Arthur Fields, who is the project manager for the Frijoles Village has committed that he would work with us in terms of making the effluent that's generated within this development available for the irrigation needs of the Las Campanas golf courses if that will somehow make additional water available to the overall development. It's not necessarily an integral part of this agreement here but there is a commitment on his part to do this.

COMMISSIONER ANAYA: I think, Mr. Chairman, to elaborate a little further, since Arthur Fields is in the audience, I think there's also a coordinated effort there to try to bring in the College of Santa Fe development coordinated with that effluent effort. Is that true, Arthur?

ARTHUR FIELDS: ca, Commissioners, there were discussions with the College of Santa Fe. There's no commitment. There's been discussion and there's interest

there and we would like to pursue that but there are no deals, no commitments at this time. The College of Santa Fe has a 2.5 acre lot subdivision approved on a 145 acres. We'd very much like to see them join our project. We think the two together would be a fabulous project. We will pursue those negotiations.

COMMISSIONER ANAYA: Thank you for that information.

COMMISSIONER DURAN: Any other questions of the staff? If not, what's the pleasure of the board?

Commissioner Grifé moved for approval. The motion was seconded by Commissioner Anaya and passed by unanimous [3-0] voice vote.

X. E. MATTERS FROM THE COUNTY MANAGER

1. **Resolution No. 1998-28. A resolution relating to the proposed Santa Fe County, New Mexico County improvement district for Rancho Viejo, directing C.R. Walbridge and Associates, P.E., to prepare, submit and file with the County Clerk certain preliminary plans, estimates of costs and plats with addendum**

MR. SÁNCHEZ: Thank you, Mr. Chairman. Mr. Chairman, we have Bob Strumor here will make a presentation on this particular item.

ROBERT STRUMOR (Bond Counsel): Mr. Chairman, members of the Commission, Robert Strumor, from Hughes and Strumor Limited, Co. your bond counsel.

What we have for consideration here today is really the first step towards the creation of an improvement district. The petition was presented and accepted in October from Rancho Viejo de Santa Fe which is the corporation that owns the property. Since that time the legislature met and considered amendments to the County Improvement District act which would permit essentially an owner/developer through an election process to impose a referendum property tax not to exceed 20-mills [inaudible] for infrastructure.

We believe that this proposed district, presuming they proceed that way, will be the first one of its kind. So it's kind of a landmark project. The action today would direct the professional engineers to essentially do preliminary plans estimates of construction and come back to the board with a report and at that point the County and the developer will know exactly the scope of the project. So there's the election process and the bond issuance that's in the future but this is step one. And I stand for questions.

COMMISSIONER DURAN: So Bob, the developer gets to assess someone else to do this?

MR. STRUMOR: Right, right.

COMMISSIONER DURAN: And then --

MR. STRUMOR: It's an assessment.

1491883

COMMISSIONER DURAN: It's an ongoing assessment.

MR. STRUMOR: Essentially, it's a tax levy. So it continues to be a part of the property provided to the property owners.

COMMISSIONER DURAN: And that would be added to the market value?

MR. STRUMOR: Basically, it's an addition to the property tax. And what it permits is, essentially the homeowner benefits, the developer benefits by getting the lower tax-exempt financing up front and apparently the financial markets in other states where this is used, in California, Arizona and in several other states, the buyers of the bonds feel more secure with a tax levy in place than an assessment pledge. And the way the County is protected is in the event of non-payment, the property is sold at auction as in any other failure to pay taxes. So essentially the reason for it is to obtain more advantageous financing for infrastructure. It's very essential to the assessment process that it's considered to be more secure.

COMMISSIONER DURAN: My understanding was that the developer was able to get lower interest rate bonds.

MR. STRUMOR: Yes. Technically --

COMMISSIONER DURAN: It seems to me that the consumer is ultimately paying for it.

MR. STRUMOR: In other words, consider, let's say the assessment costs to the district was ten million dollars worth of improvements. In current financial markets the tax-exempt rate is likely to be in the sixes or low sevens. Bank financing is much, much higher by 200 basis points. So the homeowner benefits by being assessed at the lower rate.

It's similar to what's called a [inaudible] district in California, which is the name of the legislation. So it's essentially an add-on tax specifically for infrastructure.

COMMISSIONER DURAN: Any questions of Bob? What's the pleasure of the board?

Commissioner Anaya moved for adoption of Resolution No. 1998-28 as presented. Commissioner Grifé seconded the motion which passed by unanimous [3-0] voice vote.

X. E. 2. Request authorization to amend the contract with Cornell Corrections, Inc., to allow for the purchase of furniture, fixtures and equipment for the Santa Fe County Detention Facility

MR. SÁNCHEZ: Thank you, Mr. Chairman. [Inaudible: microphone interference] The amendment does two things and I've handed you the change with the highlights. Number one, it changes the amount in the contract from \$22 million to \$23,500,000. That's the first change. The second thing it does is adds furniture and fixtures and equipment. [inaudible] They're buying all the things that go into the actual jail and so

we're amending that list.

COMMISSIONER DURAN: I have a couple questions. Is there a list of what is needed at the facility and do we have some idea of -- is there an itemized list? I was concerned that the money would be spent on furniture and equipment we don't need. So my question is does the department have an approved list?

MR. SÁNCHEZ: Mr. Chairman, we have a list and we actually negotiated and there were a number of items that I did not feel constituted furniture, fixtures and equipment. So we whittled that down and we pushed a number of those expenditures into supplies and materials that the operators will be responsible for. [Inaudible: microphone interference]

Commissioner Grifé moved to approve the amended contract with Cornell Correction. His motion was seconded by Commissioner Trujillo and passed by unanimous voice vote.

X. E. 3. Resolution 1998-29: Authorizing the Santa Fe Solid Waste Management Agency to Accept Solid Waste from San Miguel County for up to one year.

[The manager's comments are inaudible and what follows is taken from staff report]

"San Miguel County has asked for authorization from Santa Fe County to allow for disposal of waste at the Caja del Rio landfill beginning in early April '98. The landfill that services San Miguel County is closing in early April due to financial assurance requirements. San Miguel County intends to send their waste to Daniels Landfill in Mora County but the Daniels landfill will not be available until late '98.

"San Miguel County requests authorization to dispose of about 10 tons per day for up to one year. The waste will be charged at the current rate structure. If the rates are modified within the one year time period the new rate will be applied.

Mr. Sanchez added that accepting this resolution shows a good faith effort to work with other counties and may add to the landfill revenues. He said the resolution will go before the City Council before final action by the Solid Waste Management Agency Board action.

Commissioner Grifé moved to approved Resolution 1998-29. His motion was seconded by Commissioner Anaya and passed by unanimous voice vote.

X. C. 4. Request Authorization to execute a Professional Services Contract with Frank Rendon for Housing Services.

Chairman Gonzales returns to the chambers and Mr. Sanchez provides the following report:

"That there exists a need to contract for professional services effective April 1, 1998 through June 30, 1998 for housing services. The proposed contract will pay \$55/per hour, not to exceed \$20,000 including gross receipts to Frank Rendon who has retired from his current position as General Services Director."

Commissioner Duran moved to approve the professional services contract for a 60 day period with Frank Rendon. His motion was seconded by Commissioner Anaya and passed by unanimous voice vote.

X. F. MATTERS FROM THE COMMISSION

1. Resolution 1998-30: A joint City/County Resolution requiring cooperation between City and County staff in initiating analysis for cooperative regional planning

Commissioner Trujillo presented the resolution which promotes cooperation between the city and county staff in initiating analysis for cooperative regional planning.

Commissioner Trujillo moved to approve Resolution 1998-30. His motion was seconded by Commissioner Duran and passed by unanimous voice vote.

Commissioner Duran remarked that his district makes up both County and City residents and he felt strongly support this initiative.

X. F. 3. Resolution 1998-31: A resolution supporting concerns expressed by the Estancia Basin Water Planning Committee regarding the Estancia Ground Water Basin.

Presenting this item was Bud Hagerman member of the Estancia Basin Water Planning Committee. He offered the following corrections to the resolution:

4. The new water rights applications, excepting Chapter 72-12-1 NMSA 1978 for increased pumping in the absence of basin wide evidence of long term water

1491883

- availability for existing rights and application be carefully examined and studied to being granted by the State Engineer Office.
6. That the sale or transfer of groundwater rights from the basin or outside of the Estancia Basin and Santa Fe County be discouraged.
 8. That all affected governmental entities ~~begin~~ continue discussions regarding the Estancia Groundwater Basin resources.

County hydrologist Jack Frost indicated that he and Steve Kopelman concur with the changes as proposed by Mr. Hagerman.

Commissioner Anaya moved to approve Resolution 1998-31 as amended. His motion was seconded by Commissioner Trujillo and passed by unanimous voice vote. [Commissioner Grifé was not present for this action]

X. F. 4. Resolution 1998-32: A resolution establishing a Highway Corridor Planning Committee

Chairman Gonzales reminded the members that he introduced this issue a few weeks ago to discuss zoning and land use issues pertaining to the corridors around Eldorado and Lamy and also in the Arroyo Seco area. He proposed that the committee be composed of two County Commissioners, three City Councilors, one property owner from each of the five County Commission districts, and one neighborhood representative from areas adjacent to the Highway Corridor from each of the five districts. The chairman shall be elected from these members and the committee should consider using a facilitator to help conduct the proceedings.

Chairman Gonzales said he hoped the Commissioners would support his recommendation to allow for elected City officials to participate as major players in decisions that occur outside the City limits.

Jack Kolkmeier, Planning Director, said this project dovetails with the resolution to initiate cooperation with the City in regional planning. He said the committee will identify the corridor boundaries, delineate the problems and make recommendations on possible solutions. The next step would be the creation of a highway corridor plan which would be presented to the committee for its comments. Following that, the plan would be reviewed and approved by the City Council and County Commission. He noted that the plan could be used to amend the EZ Plan.

Commissioner Duran expressed concern regarding the proposed committee's composition with three councilors and only two commissioners. He said he preferred the

1491883

original idea of two councilors and three commissioners.

Chairman Gonzales said he wanted to avoid a quorum of the Extraterritorial Zoning Authority.

Commissioner Duran said he wanted this committee to have a balance between the City and County representatives which he was the composition proposed in the resolution lacked. He pointed out that the original draft resolution contained a different composition and asked the Chairman if he made any other changes.

Chairman Gonzales said that was the only change he made and he defended the composition as an opportunity to show the City that the County is serious in this planning effort.

Commissioner Anaya reminded the members that the committee would function as an interim/recommending body and he was prepared to support the composition as set out in the resolution. Mr. Kolkmeyer concurred with Commissioner Anaya that this is an advisory committee.

Mr. Kopelman cautioned the members that it was imperative to avoid a quorum of the EZA and he recommended adding language to the resolution: Two County Commissioners, no more than one of whom will be a member of the EZA; three City Councilors, no more than one whom will be a member of the EZA.

Commissioner Grifé moved to approve Resolution 1998-32 with the amended language avoiding an EZA quorum. His motion was seconded by Commissioner Anaya and passed by unanimous voice vote.

X. F. 5. Ratifying a Proclamation regarding the Battle of Glorieta Pass at Apache Canyon.

Chairman Gonzales stated that the proclamation sets out the history of the battle and proclaims that in "...Homage and honor of the individuals who lost their lives in this pivotal military battle, and whose lives and valor have contributed to the greatness that has become our United States of America, we hereby request all citizen of the County of Santa Fe, State of New Mexico, United States of America to display the American flag proudly on March 26, 27, 28 and 29 to honor and recognize the significant role New Mexicans and Coloradans contributed in preserving these United States of America during the American Civil War."

Commissioner Grifé moved to ratify the proclamation. His motion was seconded by Commissioner Anaya and passed by unanimous voice vote.

X. F. 6. Request Consideration to Grant the Acequia de la Cienega an easement along the westside of County Road 54

Acequia de la Cienega Mayordomo Raymond Romero presented this request to drill a supplemental well for the acequia. He said the State Engineer was preparing the budget for this well and what is needed is a two-mile easement for a pipeline along CR 54 by the racetrack area.

Mr. Velasquez said staff needed to review the easement request with legal staff. Directing his comment to legal staff, Chairman Gonzales said the acequia was under a time constraint to obtain the state financing. Mr. Kopelman said the issue could be reviewed an agreement drawn up if appropriate within a couple of weeks.

Chairman Gonzales directed staff to meet with Mr. Romero and return within two weeks.

Mr. Romero thanked the Commission for its attention to this matter.

Chairman Gonzales asked Mr. Sanchez to follow-up on the request made by the residents of Paseo C de Baca in La Cienega to hookup to County water.

He remarked that there is a tremendous amount of junk in the arroyos and asked if County staff could review that problem. He said the town was willing to participate in a clean-up if they could obtain some financial assistance from the County.

Commissioner Trujillo mentioned that there was a problem in the Santa Cruz area where a tremendous amount of trash has been dumped in the arroyos. He suggested staff work in cooperation with Española to address dumping, groundwater and septic tank issues.

Chairman Gonzales requested an update on the Madrid fire department tank. Stan Holden said the tank has been inspected and cleaned. The exterior will be painted, the interior rubberized and the valve replaced to allow for a fire hydrant hookup.

Mr. Holden stated that a contract has been issued to engineer the fire protection system in the Village of Madrid with a closure date June 31, 1998. Following the engineering, the actual fire line will be installed through the Village.

Chairman Gonzales announced that at the 599 intersection where there have been a number of fatalities, the Highway Department will install flashing lights and they hope to have a signal in by 1998.

1491883

G. MATTERS OF PUBLIC CONCERN

BETTY PLATTS: Thank you, Mr. Chairman. I have a couple of brief comments. One has to do with the Highway Corridor which I noticed as 285 down to Lamy, I would just like to remind you that the 285 Citizens Coalition has been working on protecting that for some time so when you come to planning your commission, I hope you'll keep them in mind and involved because this is something that they care very much about and they've worked on for some years.

The other comment I wanted to make, it won't surprise you I guess, that I've been following this DWI Council controversy with some interest. I would just like to say because Commissioner Anaya mentioned my name, I would like to give you a little background on this because I was the first one that was asked to serve and represent the commission on this as it was being formed. I was never a voting member and I served until my term was up but I saw myself not as a political entity or to express views but to serve as liaison between that council and the commission to report for them and to support them. I'm just sorry that it became political at this point because I thought it was a useful purpose to have someone from the Commission there as part of that. And I just wanted to make that comment.

CHAIRMAN GONZALES: Thank you, Commissioner Platts and now we rely heavily on staff to provide that liaison to the Commission.

Any other issues?

H. MATTERS FROM THE COUNTY ATTORNEY

MR. KOPELMAN: Mr. Chairman, two matters. One is I'd like to let the commission know that we made an offer and we've got an acceptance to finally fill the vacant attorney position. An attorney from Albuquerque named Robert Kidd who graduated from UNM Law School in 1991. He has fairly extensive experience and I think he'll be a great addition to our staff. Just to let you know that and I have more information if anyone is interested. He'll be starting next Wednesday.

H. Executive Session: Discussion of collective bargaining negotiations with CWA

MR. KOPELMAN: Also we have a very brief matter for executive session. Under the Open Meetings Act we're entitled to go into executive session with respect to meetings to discuss bargaining strategies, preliminary collective bargaining negotiations between the policy making body and the bargaining unit representing the employees of that policy making body and collective bargaining session at which the policy making body and

the representatives of the collective bargaining unit are present. We would request a short executive session to briefly discuss matters regarding the CWA contract with the Sheriffs.

Commissioner Anaya moved to meet in executive session to discuss collective bargaining negotiations with CWA. His motion was seconded by Commissioner Griñé and passed with a Roll Call vote with Commissioner Griñé, Commissioner Anaya, Commissioner Duran, Commissioner Trujillo and Chairman Gonzales all voting in the affirmative.

[The BCC met in executive session from 4:09 to 4:30]

CHAIRMAN GONZALES: We discussed collective bargaining negotiations with CWA; is there a motion to come back into session?

Commissioner Duran so moved. His motion was seconded by Commissioner Griñé and passed by unanimous voice vote.

XI. PUBLIC HEARING

- A. Ordinance 1998-3: An Ordinance relating to Santa Fe, New Mexico Hyde Park Estates Road Improvement Special Assessment District; Ratifying the proceedings taken in providing for certain road paving and drainage improvements in such district; providing for the payment of the cost and expense of such improvements; providing for the filing of a claim of lien; assessing the cost of such improvements against the tracts, parcels and lots of land benefitted by such improvements and providing for a penalty for delinquent payments**

MR. VELASQUEZ: Mr. Chairman, Commissioners, the ordinance before you is essentially the law that wraps everything up that we did in the assessment district for Hyde Park Estates. The ordinance provides that within thirty days the assessments become due. The thirty days is essentially a grace period in which they can pay in full with no penalty. If an assessment is not paid within that time frame then the assessment becomes amortized over a ten-year period at an interest rate that will 7 3/4 percent per annum and payable in semi-annual installments with the first payment due May 15 and the second payment due November 15 of each year.

The first payment will be due on May 15 of 1998. The ordinance also provides for filing of liens and penalties for delinquent payments. In the ordinance we will advertise, there is a notice that will be legally advertised. Also a notice that will go to the landowners and at the end of thirty days we will do a lien that will be filed with the Clerk's office for those people that did not pay in full within the thirty days and that lien will be carried until

the assessment is paid. It will be over a ten-year period. Again, it will be at 7 3/4 percent, and if they don't pay within the grace period the first payment will be due in May of this year.

CHAIRMAN GONZALES: Any questions of Larry? Okay, what's the pleasure of the Commission? Okay, this is a public hearing. Is there anyone that would like to address the Commission concerning this issue?

Commissioner Duran moved to approve Ordinance No. 1998-3. The motion was seconded by Commissioner Anaya. Upon roll call vote, the ordinance passed unanimously.

XI. B. Ordinance No. 1998-4. An ordinance amending and replacing Ordinance 1997-5 declaring a moratorium on new subdivisions serviced by the Eldorado Utilities, Inc. and encouraging conservation measures with the Eldorado Utilities, Inc. service area

CHAIRMAN GONZALES: Jack, unless the Commission wants you to go back and say what said at the last meeting, if you have some new information, we just want this to be timely. Commissioners, do any of you want Jack to go over what was mentioned in the last meeting? To represent his findings?

COMMISSIONER DURAN: I have one question.

CHAIRMAN GONZALES: We could open up to the question part. This is the second hearing. I just don't want to be redundant.

COMMISSIONER DURAN: I was just approached by somebody a week or so ago about some concerns. They had told me that Eldorado Utilities had become the County and asked the County to transfer some water rights over to help take care of the water problem out there and that your department, someone, said that the County was going to oppose any transfer of water rights.

MR. FROST: Commissioner, I never heard that before. I wouldn't be the person to say what the County would do regarding the transfer.

CHAIRMAN GONZALES: David, do you have any knowledge of this request in terms of water rights?

DAVID WOLF: Mr. Chairman, I didn't hear Commissioner Duran's question.

COMMISSIONER DURAN: I was approached by someone who told me that -- he was under the impression that Eldorado Utilities, that they were going to make an attempt to transfer water rights over to this aquifer to alleviate the water problem out there. He was told by someone -- that the County would oppose the transfer of any rights to assist them.

MR. WOLF: Mr. Chairman, Commissioner Duran, I don't know. I've not heard of this proposed transfer. The County would probably look at each transfer on its own merit and determine if we wanted to be involved or not.

CHAIRMAN GONZALES: Thank you, David. Any other questions of the staff at this time concerning the moratorium? Okay, we'll go ahead and allow the Eldorado Utilities if you have anything further to add to what we discussed last month, you can do so.

MATT SPANGLER: Mr. Chairman, members of the Commission, it was my understanding that the comments we made at the last hearing are incorporated in this. Then I would just add to those and not reiterate them. I think first of all, we're here to oppose the extension of the moratorium as we explained previously on the basis that there is no longer an emergency. In fact the utility has more than enough water supply to meet the needs of its citizens. As I explained previously, the utility based on the pumping averages for 1997 has over 800 acre-feet of water available to it. And that is based on actual pumping during 1997, not on projected pumping of wells that are not in use. That is actual capacity available.

The utility used only about 450 acre-feet in 1997, so it has almost double capacity of what was used in 1997. It has excess capacity and that can be verified by the fact that not all the wells are being used and that the gauge levels are consistently high. Since the last meeting, the utility has received a bid for the storage tanks in cells two and three from the County and those tanks are currently under construction. When those tanks are completed, which will be in about three months, the utility will have its complete storage capacity built out for full build-out. It will have the total master plan storage capacity completed. Storage capacity is not an issue. The utility has complied with everything that it said it would do and that is required for the system.

I also wanted to point out something that I think was in confusion at the last meeting. It was the object of certain questions. And that is the County Subdivision Ordinance requires a private subdivider in a subdivision served by a private utility to prove water for a 100 year supply. However, that same ordinance excepts out subdivisions served out by the County system. The County system does not have to make that proof. Essentially, the private systems such as Eldorado under your ordinance are being treated unequally or unfairly with the County system.

I also wanted to point out, since the question came up at the last meeting, that the state law does not require 100-year proof. I don't remember which Commissioner, but one of you had asked that of staff. State law requires a minimum of 40-year proof and allows counties to exceed that. However, in your ordinance, the County system is not required to prove any year requirement of proof, whereas private systems are required to prove 100 years. And that is essentially what we're here about, because as you remember at the last meeting Mr. Frost told you that the short term is not what he's concerned with; it's the 100-year requirement.

This is especially damaging to the utility because as the County has a system and

Eldorado has a system, essentially they have become competitors in the market for new subdivisions. What your moratorium is doing is it forcing subdividers who are looking for a place to develop to not develop in the Eldorado area because they can't get their subdivisions approved, but instead to go to the County system. That damages Eldorado because they lose customers. We feel that that's unfair and unequal enforcement of the law.

Because of these things, and because there currently is not an emergency in the Eldorado area, there's currently an excess of water, we would ask you to not extend this moratorium and allow it to expire. Thank you.

CHAIRMAN GONZALES: Thank you. Are there any questions?

COMMISSIONER TRUJILLO: [inaudible] What is the sustainable water supply?

MR. SPANGLER: Our experts say that we currently have a sustainable supply of approximately 818 acre-feet of water at this time. We have additional wells that we have not brought on-line but that is just the wells that are currently on-line and producing.

CHAIRMAN GONZALES: Given your current demand and your need, what sustainability do you have, over what period of time? I mean the County says 100 years. The states says 40 years. What are your experts telling you that you have given the current water situation?

MR. SPANGLER: We believe that that's a long-term sustainable water system, in excess of 40 years and generally, up to 100. However, my understanding is that it's extremely difficult to prove that you have 100 years of water. Just think about that for a second. If we were here in 1898, we would be trying to prove in 1898 that we had a sustainable source of water until today. The requirement, if you think about it in terms of practicality it's extremely difficult for any expert. But what our hydrologist tells us is that the amount of water that we have is sustainable for the long term, which would be in excess of 40 years and then at some point it becomes extremely difficult to say after that.

CHAIRMAN GONZALES: Is that given the current demand minus all the master planned subdivisions that are held up by this moratorium or does it include all of the master plans that have not been able to go through the system? What are you measuring? The current system?

MR. SPANGLER: Well, in terms of supply, we're basing what comes from our wells.

CHAIRMAN GONZALES: Given the current amount of hook-ups today?

MR. SPANGLER: The wells' supply would be, regardless of how many hook-ups there are. What we've done is we've projected out based on full build-out as to what the demand would be and we essentially have enough water to meet demands. What I've stated is that we have -- we project approximately 850 acre-feet of demand at full build-out, which is slightly in excess of what we have, but it's far in excess of what's been approved and where we are now.

1491883

CHAIRMAN GONZALES: So full build-out, that means all the committed hook-ups you have out there plus the people that are actually current customers?

MR. SPANGLER: Yes, plus additional projected customers. What we can foresee at this point.

CHAIRMAN GONZALES: Okay, I'd like Jack to respond to that if you would. Seems to me that Mr. Spangler thinks that their current hook-ups plus what ever is anticipated at full build-out over forty years that they have sufficient water to meet demands.

MR. FROST: Chairman Gonzales, Commissioners, if I'm not mistaken, the utility has not brought an expert witness in these matter with them, either at the last meeting or this meeting. The County and the State Engineer would welcome submittals that substantiate some of these comments. They have not been forthcoming. In my opinion, they don't have the water rights to the volume suggested by Mr. Spangler. I would also make the point that regarding the long-term 100 year test requirement, the utility has failed several different technical tests regarding its source of supply and long-term capability, tests cooked up by the State Engineer, the County and the Public Utilities Commission.

And finally, the utility itself in a hearing at the Public Utilities Commission, declared that commitments they made to future developments have expired and changed the terms for getting a commitment in the future. So in response to those comments, that's what I say.

CHAIRMAN GONZALES: I guess the question I want to ask and what the Commission is probably wondering is if there are -- if there is this expert testimony, documentation, has that been submitted to the State Engineer, just today? We could at least get a response from the State Engineers whether it meets the 40-year requirement. Do you know when that's going to happen?

MR. SPANGLER: We could do that. The problem is that under your current requirements, the State Engineer is looking at it for a 100-year requirement because that's what you currently have. That's what you currently ask him for. If you would like us to submit additional information to the State Engineer we can do that.

CHAIRMAN GONZALES: The State Engineer, I don't know whatever data you submit, would they be able to provide the County with what they feel is their best estimate as to the duration of the sustainability, so we at least get that.

MR. SPANGLER: Yes, and that's a good point because the way that the state statutes are set up, that's exactly what's supposed to happen is that a subdivider comes into the County. The County then sends a request to the State Engineer asking for this data. But the moratorium has kind of side-stepped that process, because it has stopped the subdivider from coming in and making that request so that the State Engineer can give that information. If this moratorium was allowed to lapse, that is exactly what would happen. The subdivider would come in, he would make the request, the request then would be sent by the County to the State Engineer to get that opinion.

CHAIRMAN GONZALES: But then I guess what we're asking is has Eldorado Utility supplied all the technical data to the State Engineer to ascertain what

1491883

duration, or what sustainability you have?

MR. SPANGLER: We will supply all the data that we have. I can't predict what the State Engineer will do, but yes, we will supply the data that is necessary for that determination.

CHAIRMAN GONZALES: And Jack, your statement was that you would welcome this, that that would be something that would help us make the determination as to the assertions that Mr. Spangler said.

MR. FROST: I agree, sir. The State Engineer in a letter to the utility in April of 1997 said exactly the same thing. And I quote, "Furthermore, due to the geologic complexity of the Eldorado area, extensive testing beyond code specifications may be necessary for the State Engineer to adequately address water availability. Until the availability issue is resolved, the State Engineer subdivision review bureau will continue to respond with the request for additional information from those developers who propose to have Eldorado supply them with water.

CHAIRMAN GONZALES: Any questions. This is a public hearing. Please come forward, those of you who want to address the Commission.

MARK CONKLING: Mr. Chairman, Commissioners, I'm Mark Conkling here on behalf of Eldorado Utilities as well. And I wanted to add a couple of things from last time, a couple of items of good news. Now, all 486 of the fire hydrants have been tested and adjusted and are all in good working order, and we've started the second round of testing. They've started at the beginning point and started through again. This time, however, they're assisted by a very expensive computer model that is nearly complete that we are able to use to forecast pressures and storage requirements.

In addition to the 486 hydrants having been tested and starting again, we're convinced that the health, safety and welfare of the area is assured, not only by an outstanding volunteer fire department, but the constant, steady availability of plentiful, fire-fighting water. So it's our position you do not have to worry about the health, safety and welfare of the area. That's not an issue that should be addressed in the moratorium.

I'm happy to report that since the last meeting, the Lamy well continues to function at acceptable levels in excess of a million gallons a month. Over the last 56 months it hasn't missed a beat. All litigation is behind us. Once you enter the arena of 100-year forecasting with any experts on any topic, you begin to get people saying, "Gee, we don't know how to talk about 100-year forecasts, not only of the solar system, but of the availability of water." Fortunately, we can tell when the comets are coming, but I don't think we can tell 100 years out, about water supply. I know in your own County system that's been a problem as well.

So what we're suggesting is that you allow the process to go forward. Step out of the way. Allow the process to go forward. Allow us to work with the State Engineer on acceptable, professional compromises associated with projecting the best that we can find. The utility has never been in as good of condition as it's in now. We can show many things

1491883

that we've been unable to show in the past. The data is outstanding and we'll submit whatever anybody wants. But it's a moving target. And so long as it's a moving target it's hard to work with it and so long as there's a moratorium the motivation associated with responding to it is circumscribed by your own rules. So we can't sit down with staff and say, well, what do you guys really need? We'll go test this, or we'll go pump that, or we'll pump this well while this one is being checked. Those things are not available to us because there's a moratorium.

So please, in the interests of progress, and good professional judgement, lift the moratorium so we can proceed with the processes that you already have in place. You have more than enough checks and balances. You have a lot of knowledge and we would appreciate your consideration. Thanks a lot.

CHAIRMAN GONZALES: Thank you. Any questions? Okay, we'll continue with the public hearing part. Actually, we still have one more staff representation. Sorry. Stan, I apologize, sir.

STAN HOLDEN: Mr. Chairman, members of the Commission, on behalf of the Santa Fe County Fire Department we take issue with the statement made by Mr. Conkling regarding the testing of the 486 fire hydrants. We have yet to see proof from the subdivision or from the utility that the testing has occurred, that the necessary repairs to any of the fire hydrants that were necessitated by the testing have been completed, and we have yet to have any cooperative arrangement with Eldorado Utilities that includes independent or Fire Department assistance during that testing.

The computer modeling that Mr. Conkling is referring to has not, as far as I'm aware, been accepted by the National Association for Fire Prevention as an acceptable testing method for flowing hydrants. Until such time as we have type of arrangement, I would urge you not to lift the moratorium.

CHAIRMAN GONZALES: Thank you, Stan. We'll let Eldorado respond to that real quick and then we'll move on.

MR. SPANGLER: Mr. Chairman, members of the Commission, contrary to what was stated, we have tested every fire hydrant and have submitted the results to the County. I did not know that was an issue because in our last meeting, there was no issue taken with the identical statement. If you would like, I did not bring the documentation with me because I did not know that that was an issue today, based on our last meeting. But I have the documentation to support the statement that every single hydrant has been tested and has passed, and I will supply that to you as part of this record, that documentation.

CHAIRMAN GONZALES: Okay, thank you, Matt. Okay, sir. Please state your name for the record.

[Duly sworn, Thomas Warren testified as follows:]

THOMAS WARREN: My name is Thomas Warren and I am president of the El Vadito de los Rios Water Association. I represent some 300 memberships and over 600 people that use water. Our water source is the watershed basin and the headwaters are above

1491883

Eldorado, as you know. And we are at the other end of the system, the south end of the system. The dam was built by the railroad 108 years ago and supplies water to this village. We are very concerned about continued or expansion of drilling wells in the Eldorado area for two reasons.

One is that it may diminish the amount of water that eventually makes its way down through the watershed basin to our dam and hence the village, and secondly we're concerned because if drilling goes ahead, it means that homes will be built and additional septic systems will be installed.

Now, the effluent that's put back into the ground will eventually make its way down to our water system and it may potentially pollute our water, therefore the traditional village will be without water. I see the inscription above me. It says "protection of property." I think one of the deliberations that the honorable Commission has is to consider the people that already have homes and already have established businesses in the watershed area, not just the Eldorado area. I recall one of the statements made earlier that the health, safety and welfare of Eldorado is being assured. I am not sure that the health, safety and welfare of the citizens of Cerrillos have that same welfare.

I urge the Commission to extend the moratorium at least until your own funded watershed study is completed, therefore all the facts can come forward. I also represent the Ortiz Mountain Health Center. I'm on their board of advisors. And they are also very concerned about health issues because of the effluent that can be put into the groundwater. Two years ago, there was a serious drought in the summer. Our clear well measured less than twelve inches. Another month or so of that drought and we would have been without water. The more we tap water off above in the basin, the less water is going to reach the village of Los Cerrillos. So on behalf of the Ortiz Mountain Health Center I also urge you to continue the moratorium until your study is completed. Thank you.

CHAIRMAN GONZALES: Thank you very much. Next please.

[Duly sworn, Don Dayton testified as follows:]

DON DAYTON: Mr. Chairman, Commissioners, I am Don Dayton, board member of the Eldorado Water and Sanitation District. I have a short statement to give to you on behalf of our board. As you know, the Eldorado Water and Sanitation District was created by District Court action on July 2, 1997. In addition to specific responsibilities spelled out in the state statute, the district also "performs a general governmental function involving the administration of sanitation and health services in the district." Therefore the district is vitally concerned that for the health of the community water availability and water consumption be in balance in the Eldorado area for both the short run and long run.

Accordingly, the district was successful in getting \$100,000 appropriated by the state legislature in the last session for the district to schedule a comprehensive study of Eldorado water resources. Next month the district board will meet with the State Engineer, the County Hydrologist to lay out a plan to study the water resources for the Eldorado area. We realize there have been a lot of studies in the past and we feel though, because of

1491883

controversy over the last ten years we need to finally pin the issue down and have more extensive studies on the water availability in the area.

The goal of the district board of directors is that this study will provide data to help the State Engineer, the County Commission, and the district to better estimate the total available water resources currently developed or that can be developed under existing legal restrictions for the Eldorado area communities. This in turn should help determine if, or to what extent that new proposed subdivisions can be accommodated for water service. We hope that this study will provide sufficient data to establish limits on water distribution based on current and projected water availability until imported water may be made available some time in the future.

On the advice of attorney and the fact that we do not at this time own or operate a water system, we are not taking any position on the issue of the moratorium.

CHAIRMAN GONZALES: Thank you, Mr. Dayton. Any questions? Okay, next please. Anyone else want to address the Commission concerning this issue. It seems to me that there is a lot of miscommunication that's going on.

[Duly sworn, Kathy Pilnock testified as follows:]

KATHY PILNOCK: I'm Kathy Pilnock. I've addressed you before on behalf of the US 84/285 Coalition and tonight I'd just like to address you on behalf of the Lamy Water Users Association. It is our opinion that the moratorium should continue. We have some concerns due to the fact that the wells in the Lamy Valley seem to be fairly drought-sensitive. In 1996, RG-18556 from Eldorado Utilities went dry and that supplies nearly 1/3 of their water. I would also remind you that there are 600 lots out there that have been approved but aren't built on yet. I hear the utility representative saying that there was plenty of water in 1997, and I think that was true for most of our communities. There was a lot of rainfall.

The water was laying around on the ground everywhere. It's a very different situation when that major well goes dry for them and because of those facts, I don't believe that they have proved that they have an amount of water that can sustain the community and the additional lots that are approved but not hooked up yet in another drought situation. They had plenty of water last year but they didn't in 1996. I think I would agree that we need more information on the situation and I just wanted to relay our concerns to you. Also, I just want to mention, they are talking about other wells that they're going to hook up to the system, I would suggest that those wells have not been sufficiently tested, or have the water capacity proven over a period of time with varying weather conditions and factors such as that.

CHAIRMAN GONZALES: Okay, anyone else?

[Duly sworn, Ross Lockridge testified as follows:]

ROSS LOCKRIDGE: Ross Lockridge, Post Office Box 22, Cerrillos, New Mexico. Many people of the Village of Cerrillos have fought to keep the water pure and clean, spent many hours and actually years of their lives doing this. Please help insure that

the water keeps arriving at the stream. Please support an extension of the moratorium so that this water situation can be studied. The State Engineer's newsletter just came out and from my reading of it, I think that statements from their people would also support further study of this issue. Thank you.

[Chairman Gonzales left the podium at this time.]

COMMISSIONER DURAN: Is there anyone else out there that would like to address the board? If not, what's the pleasure of the Commission?

COMMISSIONER GRINÉ: Mr. Chairman, move for approval of the ordinance.

COMMISSIONER DURAN: There's a motion on the floor. Is there a second?

COMMISSIONER TRUJILLO: Seconded.

COMMISSIONER DURAN: Commissioner Gonzales had something to say. I want to see if he still wants to speak.

CHAIRMAN GONZALES: Just real quick before we take the vote, as I was saying, it appears there's a lot of miscommunication that's going on between staff and Eldorado Utilities and it just seems that every time we come back that staff says one thing, Eldorado Utilities says well, if we would have known we would have been able to respond. What I would like to do is set up a meeting, Deborah, if you could coordinate it with Matt and Jack and Steve so we can sit down at the table and figure out exactly what the staff is asking you and come up with a time line for you to bring it back because -- this is assuming that the Commission goes with this extension of the moratorium but on page 7 of the ordinance it says this ordinance shall remain in effect until the earlier of one year from its effective date or until the Santa Fe County Board of County Commissioners, County technical staff and the State Engineer are satisfied that developments which propose EDU as a water supplier are in full compliance with state and county standards.

So it really seems that that gives Eldorado Utilities a way out of this moratorium if we can just actually sit down and figure out exactly what kind of information we need. It seems like you guys are collecting a lot of data. You feel very comfortable with your water supply. Our staff is saying they don't feel comfortable. Somehow we need to figure out how to bring that together so that we don't continue to say this year after year.

So I'm willing to meet, Matt, with you and Jack so that we can sit down and come up with some agreements as to exactly what's needed and what you have and get it looked at in a timely context so we're not here 180 days from now or a year from now saying the same thing. It just seems like it's a recurring testimony. You come forward and you say you've got plenty of water. Jack says you don't and we're left here trying to figure out which way to go. So I think we need to sit down and come up with some agreements as to what you'll bring forward, what type manner, what you're going to submit to the State Engineers Office so that we can validate the data that you're offering to the Commission. So I would offer that and ask Deborah and Jack to work on getting that set up. So with that,

1491883

is there any other discussion? If not we're going to call for roll call.

Upon roll call vote, Ordinance No. 1998-4 passed 4-0 with Commissioner Anaya not present for the vote.

CHAIRMAN GONZALES: Okay, so let's move on that quickly and we don't have to wait for another 90 days. They're asking for a review three months from now and hopefully by that point we're going to come back with some data and the Commissioners can act on this.

ADJOURNMENT

Chairman Gonzales declared this meeting adjourned at approximately 5:05 p.m.

Approved by:



Board of County Commissioners
Javier Gonzales, Chairman

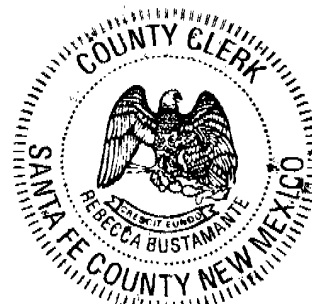
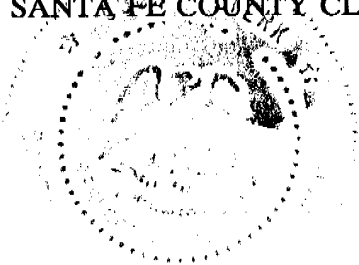
Respectfully submitted:

Karen Farrell, Commission Reporter

ATTEST TO:



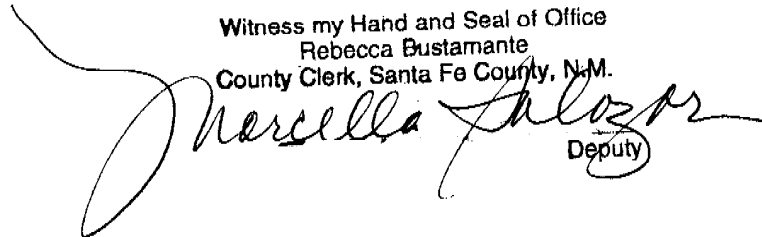
REBECCA BUSTAMANTE
SANTA FE COUNTY CLERK



1024.276
COUNTY OF SANTA FE
STATE OF NEW MEXICO

I hereby certify that this instrument was filed
for record on the 14 day of May A.D.
19 98, at 9:56 o'clock a.m.
and was duly recorded in book 1491,
page 883 of the records of
Santa Fe County.

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



Deputy

**END
OF
BOOK**

**MINUTES OF THE BOARD OF COUNTY
COMMISSIONERS**

DATE OF MINUTES-----3.31.98-----

DATE OF FILMING-----

CAMERA OPERATOR YVONNE SANCHEZ

REGULAR MEETING