

SANTA FE BOARD OF COUNTY COMMISSIONERS
COMMISSION CHAMBERS COUNTY ADMINISTRATION BUILDING

REGULAR MEETING
(Public Hearing)

April 11, 2000 - 5:00 P.M.

Amended Agenda

- I. Call to Order
- II. Roll Call
- III. Pledge of Allegiance
- IV. Invocation by Pastor Sandoval, from Grace Community Church
- V. Approval of Agenda
 - A. Amendments
 - B. ~~Tabled or Withdrawn Items~~
- VI. Approval of Minutes *- E. (Heard Here)*
- VII. Administrative Items:
 - A. Committee Expirations/Resignations/Vacancies:
 - 1. Agua Fria Development Review Committee
 - 2. Tesuque Development Review Committee
 - B. Committee Appointments:
 - 1. Open Land and Trails Planning and Advisory Committee
- VIII. Staff and Elected Officials:
 - A. Community, Health and Economic Development Department
 - 1. *Approved* Request Authorization to Submit a Grant Proposal to the Substance Abuse and Mental Health Services Administration/Center for Substance Abuse Treatment for the Alcohol Abuse/Alcoholism Treatment Services for the Citizens of Santa Fe County
 - 2. Resolution No. 2000-⁴¹ A Resolution Adopting the Admissions and Occupancy Policy Amendments
 - 3. Resolution No. 2000-⁴² A Resolution Adopting the Criminal, Drug Treatment and Registered Sex Offender Classification Records Management Policy

- 43
4. Resolution No. 2000- A Resolution Adopting the Rent Collection Policy
44
5. Resolution No. 2000- A Resolution Amending the Santa Fe County Housing Authority Maintenance Policy and Approving the Hazardous Material Policy
45
6. Resolution No. 2000- A Resolution Adopting the Equal Housing Opportunity Policy

B. Land Use Department

- Tabbed 1. Request Authorization to Enter into a Memorandum of Agreement with the City of Santa Fe for a Master Planning Initiative in the Airport/Cerrillos Road Planning Area

C. Public Works Department

- Tabbed 1. Request Authorization to Enter into a Lease/Purchase Agreement with Caterpillar Financial Services Corporation for Five Motor Graders

D. Matters from the County Manager, Samuel O. Montoya

- Tabbed 1. ~~Presentation by Joe Salgado, Deputy Laboratory Director for Business Administration and Outreach~~

E. Matters of Public Concern - NON-ACTION ITEMS

F. Matters from the Commission

G. Matters from the County Attorney

1. Executive Session

- a. Discussion of Possible Acquisition of Real Property or Water Rights
b. Discussion of Pending or Threatened Litigation
c. Limited Personnel Matters

IX. Public Hearings:

- 3
A. Ordinance No. 2000- An Ordinance Amending Ordinance 1996-10 of the Land Development Code, Article I, Section 8.1 - Zoning Provisions, to Clarify Applicability to Federal, State, Tribal and Municipal Lands (Second Hearing)

B. Land Use Department Items:

1. CDRC Case #V 99-5520, Richard Wheeler Appeal/Variance. Richard Wheeler, applicant, requests a variance of Article III, Section 10 (lot size requirements), of the Land Development Code to allow for a second dwelling unit on 1.03 acres. The property is located within the traditional community of Glorieta, within Section 2, Township 15 North, Range 11 East (Commission District 5). Frank White

2. CDRC Case #Z 99-5660. Santa Fe Horse Park. Charlie Kokesh, applicant, Ike Pino, agent, request master plan zoning under Other Development for approval for existing and additional uses at the Santa Fe Horse Park. Uses to include horse boarding, horse training, equestrian events and large outdoor events. Additional structures/uses are to include additions to the arenas, pens, shelters, exercise tracks, 3 park areas, expansion of club house, workshop/studio (2,400 sq. ft.), additional hay barn (1,200 sq. ft.), 10 RV spaces, hay and feed sales, storage and maintenance sheds, draft horse barn (6,000 sq. ft.), foaling shed (7,200 sq. ft.), breeding barn (4,500 sq. ft.) and veterinary barn (7,200 sq. ft.). The 81.6 acre property is located northwest of County Road 56, within Section 17, Township 16 North, Range 8 East (Commission District 3). Penny Ellis-Green

X. ADJOURNMENT

The County of Santa Fe makes every practical effort to assure that its meetings and programs are accessible to the physically challenged. Physically challenged individuals should contact Santa Fe County in advance to discuss any special needs (e.g., interpreters for the hearing impaired or readers for the sight impaired).

1759525

BOARD OF COUNTY COMMISSIONERS

SANTA FE, NEW MEXICO

REGULAR MEETING

APRIL 11, 2000

**Joe S. Griñé, Jr., Chairman
Paul Duran, Commissioner
Richard Anaya, Commissioner
Marcos Trujillo, Commissioner
Javier Gonzales, Commissioner**

SANTA FE COUNTY
REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

1759625

April 11, 2000

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 5:00 p.m. by Chairman Joe S. Griñé, Jr., in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

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

Members Present:

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

Members Absent:

None

An innovation was given by Pastor Sandoval from the Grace Community Church.

APPROVAL OF AGENDA

Commissioner Gonzales moved that Public Issue/Non-action items be heard after action on the minutes. Commissioner Duran seconded and the motion passed without opposition.

Commissioner Anaya suggested postponing action on the minutes of the March 27, 2000 minutes until the minutes of the March 29, 2000 were presented. Ms. Bustamante pointed out that they were two separate meetings and recommended acting on each set separately.

County Manager, Sam Montoya, requested that tabling of items VIII. B through D.

1759325

Those three items include: Request authorization to enter into a memorandum of agreement with the city of Santa Fe for a Master Planning initiative in the Airport/Cerrillos Road planning area; Request authorization to enter into a lease/purchase agreement with Caterpillar Financial Services Corporation for five motor graders and; presentation by Joe Salgado, deputy laboratory director for business administration and outreach.

Commissioner Duran moved to approve the agenda as amended. His motion was seconded by Commissioner Anaya and passed without opposition.

APPROVAL OF MINUTES: March 27, 2000

Upon motion by Commissioner Trujillo and second by Commissioner Duran, the minutes of the March 27, 2000 special hearing passed by unanimous voice vote.

Matters of Public Concern - Non-action Items

COMMISSIONER GONZALES: Mr. Chairman.

CHAIRMAN GRINÉ: Yes, Commissioner Gonzales.

COMMISSIONER GONZALES: Before we hear the public comments, I would like to make a statement and have it said for the record. I wanted to take a moment to make some comments concerning this immigrant jail issue.

About a week ago I changed my mind about this issue. I believe I have that right. I was the chief proponent of this project for many months. From a policy perspective this opportunity was just too good to pass up. Many in our community are suffering while the rest of the nation prospers, New Mexico and Santa Fe county has been left behind.

For instance, we see parents in our community struggling to raise families while each are working two jobs. This stagnant economy not has a direct effect on people's pocketbook, but has an effect on issue like crime, education and health care. Eventually, the effects of a poor economy can spiral out of control and affect the whole community. A poor economy also forces government to reach out to find any solution to the problem. This is why I became interested in this facility.

The prospect of 300, \$30,000 a year jobs is just too inviting to pass up. I have not, by the way, heard any facts that contest those promising figures. Those jobs have their positive affect on gross receipt taxes, tax revenues, county revenues and other areas. I ask you; if not from the corrections industry, from where will those jobs come? The state doesn't seem to have the answer, the city doesn't seem to have the answer. Who has the answer?

My pursuit of the jail was out of a desire to see the county take a step forward towards economic progress. But we can't have economic progress in a divided community.

1759525

When I listened to opponents of the jail and their strong arguments, I realized that this prospect would serve to divide not unite the community.

While we can debate the Cornell contracts. We can debate the faults of the 196 federal immigration law. We can debate the policies of the INS and others, but I realize the debate will never end and only drive us farther apart. We all came to this country and one time or another, whether your ancestors crossed the Barring Strait, crossed the Mississippi, crossed the Atlantic or crossed the Rio Grande. Santa Fe enjoys an incredible cultural mix and that's why this mural is behind me and that's what it is all about: celebrating, and not denying our diversity.

I am convinced that this facility would contribute to the discrimination of an important segment of our community. The Easter holiday is only a couple of weeks away and the weeks leading up to Easter is when Christians take time to reflect on the sacrifices that have been made on their behalf. We are asked to sacrifice in our lives to remind us of the sacrifice that was made for us. Upon reflection, I realize that opposing in jail we may be sacrificing the lure of high paying jobs but what we sacrifice in opposing the jail we gain in community harmony and community. I hope we take an issue that has divided us and turn it into a wake-up call for a unified community action to fight the economic problems that we face. And, finally, I hope that together we will embrace the diversity of this incredible community.

Thank you, Mr. Chairman.

COMMISSIONER ANAYA: Mr. Chairman.

CHAIRMAN GRINÉ: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chairman, in echoing what Commissioner Gonzales says, I did see some benefit coming forth to Santa Fe County and perhaps even the immigrants that were supposed to be transported to this facility. I saw perhaps the centralization of focus to hopefully put some effort in there to try to alleviate those immigrants problems. I met with the people of Somos son Pueblos unidos personnel and I've met also with Cornell personnel and I saw exactly what Commissioner Gonzales did. Diversification in one of the hottest issues of the Commission since I've been up is probably the hottest issue and the most emotional issue that I have ever been relied on to take action on.

Mr. Chairman, a house divided amongst itself cannot exist. I see that type of scenario being structured should we move forward with approving this type of prison usage that is still in our hands in talking with Gloria Mendoza we discussed what positions we could take and perhaps to answer what Commissioner Gonzales's concerns are and challenge city hall and the state, we structured some kind of thought there too. Where we could come in and start some community-based effort particularly in lieu, Commissioner Gonzales, Mr. Chairman, that we still have a handle on this property that was graciously supported by both legislative bodies.

I see it as an opportunity and I still see some means of productivity coming forth

1759525

from this endeavor or this new challenge.

A prison is not the answer. And it definitely took a lot of soul searching on my part. I wondered about the immigrants themselves that are housed all over the country in different walks of life with different walks of people, that challenge the high criminal element that is still mingled in there but obviously, this community does not want this and that's the sentiment that this Commission needs to respect. And, by golly, with my vote I will respect that, Mr. Chairman.

CHAIRMAN GRINÉ: Commissioner Duran.

COMMISSIONER DURAN: Mr. Chairman, I would just like to thank the Commissioners for changing their minds and coming over with me on this issue. I am proud to be a member of this Commission once again.

COMMISSIONER TRUJILLO: Mr. Chairman.

CHAIRMAN GRINÉ: Commissioner Trujillo.

COMMISSIONER TRUJILLO: Mr. Chairman, I appreciate and respect the consternation and struggle that my fellow county commissioners have faced and put themselves through for the community.

I see a sea of opinions out here. I see -- I believe that the position I took in favor of this prison was for the benefit of the community from a humanitarian, compassionate, honorable position. I still believe that this institution, this facility, will provide jobs to the community. I believe that this is something that this community needs wholeheartedly. I have, and I've told this audience before, a compadre from Mexico. I tapped into the lifeline from Chihuahua to Juarez Lopez Mateo to Tierra Azul and I met with Somos un Pueblos Unidos for four hours last night. I met with them and I understand their position. It's not a holistic position. It's a very segregated position. I am sensitive to the immigrant. We need to look at this in a well-rounded position.

I still support the jail. I will continue to support the jail. A lot of effort was made in this regard and I commend our staff, our commission, and the community for taking a stand in this issue.

CHAIRMAN GRINÉ: Since you guys know where the votes are please stay brief, please, because we do have business to take care of. There's no reason to grandstand up here and keep us here to whatever hours in the afternoon or the evening. Please, respect the Commission, please.

FATHER JOHN McKENNA: *Caballeros, Buenos Dias, le de Dios*, my name is Father John McKenna and I appreciate you allowing me to address you today. Recently Pope John Paul the Second and the Archbishop of Santa Fe asked the apology to the world for it's sins of commission and sins of omission. And that was in regard to what happened in World War Two with our Jewish brethren that was put in concentration camps and subsequently slaughtered.

What we're afraid of is that we need to, in this new millennium, speak out, on behalf of people -- especially in this country, peoples of color, peoples of hispanic origin, people

1759525

that perhaps are looked down upon because of where they come from. And we, the Catholic church, need to speak up on behalf of these people who are very often defenseless. Incarcerating them as a group, putting them together in one place, targets them. It makes a target of them. We believe that if you target one group, then any group can be targeted and suffer. And so please, rescind this vote. Thank you very much.

GLORIA MENDOZA: Commissioners, my name is Gloria Mendoza. Today I come as a long time community organizer to oppose the proposed immigrant prison. I, and other community organizers around Santa Fe, could not believe that our elected officials have made such a careless vote on such a deplorable issue.

My personal concerns are as follows: to think that our own people would condone prisons who will house a large percentage of Latinos shows how badly we need to practice our unity instead of division amongst the largest race across the world. We should immediately reject segregated prisons of any kind. Why are we supporting prisons who are imprisoning by class or race. I consider this type of prison racist and discriminating. We want to support small clean industries, we want industry which enhances our county.

Our children do not want penal institution jobs. They want jobs which have a future. They don't want to be correctional officers or bussing tables in restaurants all their lives.

The tourism and construction industries in this town will suffer dramatically. Immigrants will do jobs nobody wants. Do you really think that the people from La Cienega, Valle Vista, Lone Butte, El Dorado, and Rancho Viejo want a prison next to them. They have never been asked about that. They never wanted the old prison. Did you ever ask them about this one. Don't give Santa Fe a bad name. If the Feds in Washington want immigrant prisons, let them build them in Washington.

Maybe even Governor Johnson will volunteer to be a warden. Don't fall into Gary Johnson's agenda, prisons, druggies. We need so many other things to get our children ready for the future. Surely this Commission is more intelligent and can come up with something else besides prison as an industry and I suggest a vocational-technical school for the dropout kids and other kids in Northern New Mexico because we don't have anything like that.

Let's work together as a community to find a better industry. Don't sell your souls to prisons. Rescind your vote on April 25th. Thank you.

REVEREND DAVID MCGOWEN: Mine will be a very brief statement. You've heard from me before. As you know, I'm Reverend David McGowen from the Presbyterian Church, the oldest Protestant Church in the State of New Mexico. With Jesus as our mentor, love of neighbor is central in our faith. Mexican immigrants are our neighbors. A prison for immigrants is incompatible with the County of Holy Faith, Santa Fe. I urge reconsideration of your recent action regarding the prison. Thank you.

SERGIO RODRIGUEZ: *Mi nombre es Sergio Rodriguez, soy originalmente - soy Mexicano. Como mexicano conosco un poco la historia de nuestro Mexico and conosco tambien un poco la historia de lo que ha pasado entre estas dos naciones, Mexico y los Estados Unidos. Desgraciadamente la gente de Mexico es abusada por un gobierno*

1759528

que es corrupto y que nos empuja a este pais. Ha no hablar un idioma aqui somos explotados. Somos explotados duramente quiseramos estar en nuestra patria donde podemos ser frutiferos, donde hablamos nuestro idioma, donde el sol nos alumbra, donde tenemos alas y podemos ser lo que queremos. Sin embargo, en este precioso momento quieren hacer carceles aqui en Santa Fe, esto es inaceptable. Nuevo Mexico pertenecio a Mexico. Y ahora es -- nos rebaja.

Alguno veces el hablar en nuestro -- el idioma Espanol tenemos la mayorea, los mexicanos, no tenemos dignifacion para poder diregir y espresar nuestras ideas. Superarnos. Construyir, sepan construyir desde esta sociedad y fortalecerla. El Mexicano que viene aqui, y que limpia los platos que trabajan en el restauran, y trabajan en construccion, si esta prision se hace, psicologicamente va ser un tremendo golpe para todos mis hermanos que ni siquiera podemos hablar el Ingles. Este pais es un pais libre. Con su historia es floriosa. Todo alrededor del nuestro vemos cultura, la universidad. En estas corazonas, los que estan con la prision, parece que su coracones los tienen en sus pils. Iremos inmoral lo que nos dice, diversidad cultural. Yo considero que mis companieros que estan con las tan cartas, que quieren trabajos, hay alternativa de trabajo. Yo considero que ser guardia en una prision, no es muy digo que digamos. Estamos en plano siglo veinte, donde hay muchas alternativas para tener diferentes profesiones. Por favor Senores Comisionados, no apresen la prision en Santa Fe por el bien de todos, Gracias.

FATHER SHEA: First of all, I'd like to thank you for the opportunity to speak here and I do agree with what my *companerio* said that there are probable alternatives that we could have. It is evident that the people of Santa Fe are uncomfortable with this idea of having a prison for immigrants associated with our community. As a newcomer to this area, I've been attracted to many beautiful buildings and areas that have been set up for the benefit of all of our people.

The Genoveva Chavez Community Center impressed me and many people told me the history of a delightful person who brought this into our community. I can point to such facilities, to family and friends, of the sense of pride in our Santa Fe Community. I believe that some other use could be made of the old prison facility that would benefit our local community and enhance the community pride for us. I am sure that there's a wealth of people who are skilled in community development who could arrange a public forum and receive ideas in what could be done to the old prison facilities. This information would give many positive options for you to consider and give the community itself a sense of involvement. Again, many thanks for listening to us.

DEACON ANTHONY TRUJILLO: Mr. Chairman, Commissioners, I'm Deacon Anthony Trujillo from Our Lady of Guadalupe Parish. For many thousands of years, there was a trail between Santa Fe and deep into Mexico and into Central America. This trail was developed by the native peoples. Around the year 1598 that trail was blazed and broken wide open. At the end of that trail stood sacred ground on where a couple of hundred years later a church would be raised and that was the Santuario de Nuestra Señora

1759525

de Guadalupe. I would pray, and I am thankful for your words tonight, that you will continue to welcome the immigrants and the people from all areas to Santa Fe on this road with a church and not a prison. I'd like to read you a letter from Deacon Juan Barajas:

As director of the Diocesan Office for Hispanic Ministry I want to tell you that I joined the bishop of our state, other diocesan offices, parish priests and community organizations who oppose an immigrant prison in Santa Fe. As community advocates, we are disappointed at the war our country has declared against immigrants. A prison for them in Santa Fe will continue this war coming close to violating the Civil Rights of low income inmates who would be far away from their families, from legal defense and from any access that they may have to basic public benefits.

This is signed by Deacon Juan Barajas, again the Director of the Diocesan Office of Hispanic Ministry. And again Commissioners, I thank you for your words tonight.

LEONARD HELMAN: Mr. Chairman, Commissioners, my name is Leonard Helman. I've been a rabbi in Santa Fe, New Mexico for about twenty-six years. I would like to start by thanking a good priest, the bishop, the pope, the Roman Catholic Church, for reconciliation to the Jewish Community in terms of what has gone in the past, sin against people. During the week at hand, Mr. Chairman, the Jewish Community will celebrate Passover, which is a holiday of freedom where children of Israel were slaves in Egypt and crossed the Red Sea and entered a new land of freedom.

Easter is coming, also, which is a sign of spiritual freedom from sin and guilt. What we're talking about is freedom tonight, Mr. Chairman, freedom of these people who have risked their lives to come across the border, who work hard, who with peanut salaries, they're being misused and abused by the so-called good people of our society. They have a dream. They have a vision. To create an immigrant prison in this city defies against anything which is dear and sacred to Christianity and Judaism.

I realize that these good people here who want the prison feel a need for jobs in this community and certainly there are a need for jobs in this community. But to build a prison to put immigrant people in there is not an answer. The answer is more education, opportunities, training, etc. These people are brave and courageous and I do hope that in your wisdom, you will rescind your vote, and not say that the person who is an immigrant is a slave to American society. Thank you.

DEACON CARLOS FELIX PACHECO: Your honor, my name is Carlos Felix Pacheco and I'm a deacon in the church. I agree with Rabbi Helman. We need education other than prisons. We have to be educated. I'm still -- I think I know many of your grandfathers. Practically, many of the grandfathers that have brought a lot of wisdom to our community. And I can see, by what you said tonight, that our leaders in this community have some wisdom. By expressing their vote and changing the vote in a precious constitution that we have in the United States of America. It's wonderful. That if we say one thing and then read about it and educated about it, then we can change our vote. I stand

1759525

here as an individual. That's my expression. Many times I couldn't get up to speak to a public and I'm cut down to five maybe, never spoke over two minutes. But I've been cut down and that's great.

If you want to talk about prisons, first you have to experience some of it and then you can get up here and recognize. Not like in computers, computers don't recognize. I have recognition to people that have wisdom and justice and this is what Rabbi Helman just said, our pastor just got through saying, that we can all be educated and not go into prison to be educated. We can be educated outside by lots of good leaders, like yourselves and others, and we're in a barrel of problems. There's good and bad in the barrel. We try to find the best of it, the best score if we go along and hope for justice and wisdom and peace and I enjoyed the prayer you started with just a few minutes or hour ago. Thank you very much for letting me speak.

JAMES HUGHES: Thank you for the forum. I'm not here representing any group. This is an individual and my family. My name is James Hughes and I've worked at the hospital for over twenty years and I've lived on Highway 14 for over twenty years. And I don't -- I mean I don't stand to gain, I think, anything either way, financially, depending how this decision goes. I'm just speaking for myself and my family. But out there in that area, I'm feeling somewhat inundated with prisons, with the new jail, the new main unit there, in fact, we've began to refer to the intersection there as Crime Corners. And I think enough is enough. I think, you know, we really are feeling overrun with prisons.

My second point is, I did work at the hospital during the riot. I remember the National Guard on 2100 West, our surgical unit, and I remember the smoke coming off the prison down there and it's -- the old building there is a sight of such major atrocities, unspeakable atrocities. I feel that we should just tear the place down. I don't care if it's not sound, financially, I think it should go as a statement that we should never let that happen again in our country.

And my last point is the idea of an immigrant prison brings to mind, to my mind, the old logic of separate, but equal, which was used to support racial segregation for a period of a hundred years after the Civil War. And that's just the kind of thinking that that brings to my mind and so those are the points I wanted to make. Thank you very much for listening.

VIOMA TRUJILLO: Good evening Commissioners, my name is Vioma Trujillo. I am from La Cienega. Commissioner Trujillo, we're not related by the way, I'd like some clarification on this. Your points are well taken when you were talking about economic needs. However, Commissioner Trujillo, there are those of us that are educated the same as you, that come in with rhetoric and I'm not trying to put you down, I'm just saying that usually when economic means are discussed, it's a means by which there's a need for supply and demand. I do not think that this state and it's constitution said that we have to have a supply and demand for prisons of any type. Human rights values are never taken into

1759525

consideration for these things. So while I understand the economic constraints of these beautiful people and I am feeling what they are going through, I just don't feel that -- I am coming to you with in my back yard, I don't want another prison.

I was there when the riot happened. I was there when those prisoners broke out and were, in fact, in my back yard. I was there alone with two babies, nowhere to turn, didn't know who to call, and you weren't there. I experienced it. And you come forward now with this prison for immigrants and you supposedly say, "well, some of them are felons." I know can say personally to you because I'm reeling after burying my father two months ago from a felon in my family. And if you want to know the damage that a felon can do to you, spend some time with me. And see if you can muster putting up with my tears because the pain is there and this person was a felon but no danger. Probably not to you, but a danger to the senior citizens that existed for their lifetime in this state who built up their money, their home and their land and had a convicted felon rob them of it.

Why don't you look at creating jobs for these beautiful people by educating them further. Make a college for them instead. Give them jobs with dignity. Don't make them feel, once again sub-servient because, to me, that's exactly what Cornell would love us to believe. That you are only able to be sub-servient. Don't come with high-priced dollars signs to buy out human rights and say to me, "they're only convicted felon." A criminal is still a criminal. Thank you.

CHAIRMAN Grifé: People, I'm just going to ask you please, don't grand stand up here. Tell us something different, you know, don't tell us the same thing over and over.

WANDA ROCK PADILLA: My name is Wanda Rock Padilla. I'm the president for the National Association for the Advancement of Colored People here in Santa Fe. I am very, very proud to call Santa Fe my home. I am very proud that a resolution was passed to treat immigrants with dignity and respect. And now to entertain an idea of a prison for immigrants. It's good for the economy. If you could remember our history, that's that same thing that they said about slavery, "good for the economy." So by any means necessary is that what we're saying, "so let's," I don't think so. Let's be creative about economic development and get together and get good jobs here in Santa Fe, not a prison economy. Thank you.

RAQUEL CASILLAS: Hello, my name is Raquel Casillas. I'm the daughter of an immigrant father who worked in the orange fields in California. He's from Guadalajara, Mexico. I have lived in east L.A. where I've seen immigration officials do such horrible actions and divide the community. I'm here to protest against the installation of the immigration prison. Really, the prison is a dead end. It's a predatory economy. We should invest and take the luxury of time to invest in education and trying to promote an educated working class that can do so much more than just a prison. Thank you.

MATTHEW LIGHTFOOT: My name is Matthew Lightfoot and this is Evelyn Facio. We're from the Southwest Organizing Project in Albuquerque. We're located

1759525

now in Albuquerque but we're a statewide organization with members also in Santa Fe. And the Southwest Organizing Project is against the proposed prison. We are against racial segregation, we are against the cruel and inhumane practices of private prisons. We are against the racist immigration law and practices of the U.S. Government and INS. And we are against the terrifying trend of putting more and more public money into the prison system and less and less into the education system.

EVELYN FACIO: I would like to commend the Commissioners who came in here and said that they had changed their minds. I had never seen politicians do that in my life and I have been involved in politics for a long time. Politicians that actually listen to the people, this is brand new to me. I commend you, I am so happy, my faith has been restored. May God bless all of you and may his will be seen in your decision tonight.

CAROLYN SIGSTEDT: My name is Carolyn Sigstedt and I, too, am simply here to say thank you and commend you for changing your decision. I also want to acknowledge since I've been coming to county commission meetings for nearly two years, the good work that you've brought in, good money, federal monies that you have brought in to this community. You've brought in T-21 money in a tune of 10 million dollars that will be coming to this community that will preserve our rail into the county. This was a very good effort and it took your connections, Javier, in Washington, to bring us this money. To protect and keep our rail corridor.

You also brought us land water conservation money that you and staff worked on very hard and this will be millions of dollars to our community. And I'm glad that you recognize that this federal prison money was not money that any citizens in Santa Fe were interested in. Thank you.

GINA TORRICELLI: My name is Gina Torricelli and I worked at the old main until the day that it closed. We heard all of the rumors. This is not about jobs. There wasn't one agency in town. The county did not fight for the jobs that were lost in the old main when it closed. The city counsel did not fight for the jobs. Everybody was noticeably silent. There were jobs that were lost. This is about Gary Johnson. This is about his effort to privatize everything that's decent in the State of New Mexico and to just bring it down. These jobs that you're saying that exist under privatization are not saved. Have you not seen the CO that died in Santa Rosa. If I were you, I mean, I know that now you are probably going to rescind this vote, I would go a step further and I would send Gary Johnson \$10.00 and tell him that you will buy the old main since it's -- he's saying that it will take \$27 million to fix. It will not. Send him \$10.00, take it off his hands and turn it into a useful building for community services. Thank you.

VALENTIN VALDEZ: *Mi nombre es Valentin Valdez. Y yo estoy en contra de la prision para los inmigrantes porques los de la inmigracion son muy prejudice. El gobierno federal siempre ha sido muy prejudice. Since la segunda guerra a quien no trujieron. No trujieron alemanes, no trujieron russio, no trujieron nadie. Trujieron japoneses, los que estan mas bajitos. Y eso es una verguenza que a la gente menor la*

1759825

traigan, que van hacer con los de Mexico.

Los de Mexico son mis hermanos. Los indios son mis hermanos, ustedes son mis hermanos. Y es una verguenza que tengan que trair sangre para nuestro pueblo. Es una patada, ya saben donde. Es una disgracia que traigan jente hacina. Porque llevan, uno de la inmigracion, si roban una torta de pan, or qualquier otra cosa pa comer. Lo meten ha la penitensaria, la carcel. Otros, de los grandes, se roban millones y esos los dejan libres. No se hacen nada.

Aye esta la esquila, por ejemplo. Aye gente que se robaron millones y todavia no aye investigacion en eso. Pero un Mexicano se roba qualquier cosita y a la carcel va dar. Y ha sido discriminado dos veces. Mi hermana fue discriminada en Denver porque traia un vestido de Mexico. La partaron, pa que, pa investigarla. A mi, en Albuquerque, salir de hospital de los veteranos y la inmigracion me levanto. Me paro, que si yo era -- era yo mas nativo de aqui que el trampe ese. Y es una verguenza que sea una persona asina. Discriminada, haciendo de este pais, haciendo soldado de este lugar, desde nacion y que me traten hacina. No es bueno. Esa prision es lo que va ser. Va ser injusticias con los pobres inmigrantes.

En Louisiana, hora mismo, algen salio en el television. Un torcido juez a tenido inmigrantes cerrados por mas del tiempo que soponen. Eso es -- y asi va pasar aqui. Es una disgracia que tengan encerrada la gente como animales. Nomas porque son Mexicanos o nomas porque hacen cualquier delito. Si, no es bueno que hagan ningun mal, pero que no lo hagan ni los de nosotros.

Aqui tenemos suficientes bandidos, suficientes ladrones, suficientes y es suficiente. Muchas gracias y gracias Javier por cambiar tu mente y todos los que han cambiado su mente. Porque no queremos sangre aqui. Gracias.

COMMISSIONER GONZALES: Mr. Chairman, for those that are waiting in line, and again, we want to make sure that you're allowed to speak your peace during this process.

Keep in mind that the Commission has a full agenda and people are waiting. So please, as the chairman has asked, please offer us some -- either new information or some direction but let's try and keep cognizant that we still have got a full agenda tonight and we would just ask that you, please, be cognizant of that. Thank you, Mr. Chairman.

GLORIA NIETO: First of all, I'd like to thank you for your thoughtfulness and response to the issues that have been brought before you. And I would like to offer some suggestions in terms of not just no to the prisons, but providing something else in place of that in order to support economic development. The first would be that the City of Santa Fe has established an immigration task force that has been in operation for over a year. I'm the chair of that task force. We would have liked to invite the Commission to appoint their representatives to come work together in a city/county collaboration to work at the ongoing range of issues affecting immigrants in Santa Fe.

The second, my aunt has suggested that the prison be used to create a facility which

1759528

would provide drug rehabilitation. Because if there's anything in Northern New Mexico that we need right now, it's a twenty-four hour, seven day a week, sorry Becky, seven day -- twenty-four - seven where people could get detoxed. Nothing exists like that right now in Northern New Mexico and then from there channel that -- the direction of those people into job development skills, so that we're looking at computer classes, literacy programs, E.S.L., you know, just all the basic components that people need in order to attract different corporations, different types of businesses here so that we're elevating the skills of people, not just people who need to go into drug rehab, but people who need to develop those skills in a setting.

It's my understanding that the county was running a T-1 internet line out there so why not build new computer classes and develop those skills for people that need it so that we can have a higher paid work class by attracting businesses that will pay as much as this prison would, if not more. And of course, I forgot the last thing, except that Becky said that I need to state my name for the record and my name is Gloria Nieto and I am the granddaughter of Herminio (inaudible) who is an immigrant from Chihuahua. Thank you.

CHRISTINE REED: I'm with a youth organization called Seize and Resist. And we are here not only to oppose an immigrant prison but a prison period. We see as a group, nationally, a politics of cruelty in place. We now have 2 million prisoners incarcerated in our country. We need to cease a reactionary agenda and embark upon an action agenda within reach of our communities and build on the strengths with each other.

Unity, education and the things that she was just speaking about just now. And I also just wanted to say thank you, absolutely, thank you for rescinding your vote.

LINDA GIBBS: My name is Linda Gibbs. And I just wanted to start with a very quick story. Last month I visited my second cousin and his father was a county commissioner in Green County. And my grandfather was his identical twin and he was a county commission in Fayette. And when they ran for office the first time in these neighboring counties that made national news, I just want to say I think it's national news when this kind of public process can take place and you can see persons in a political office listening and taking in the concern, the wish of a community. And it is my wish that we not have this kind of prison in our community.

I feel that the laws that were passed against the immigrants, especially the national legislation of 1996, have many flaws. I listened as we opened to the phrase, "with liberty and justice for all," and I was watching that sign above your heads, "equal justice under law." Unfortunately laws are often less than perfect and so that prisoners in this main unit who are immigrants would be there for reasons that are very, very unjust. And I feel that we cannot create human misery for private profit. So I ask very, very much that those of you who have not had a change of heart, consider what will unite this community further.

We all came here today as immigrants. And I feel an broken continuity between my own ancestry and those of my brothers and sisters here in the audience. We do not wish to see this prison come here. We do need to have jobs, we do need business, but this is bad

1759525

business. Thank yo very much.

CHAIRMAN Griñé: People, we do have business to take care of this afternoon and we're out of the order of the agenda. You're not telling us anything different. We've heard all this already. So I don't know what you're grand standing here for.

VIRGINIA MILLER: I'll try to be brief. Thank you very much for -- I do appreciate those who have changed their vote and you for your original opposition. I oppose the prison and the immigrant prison, we don't need any more prisons. I know you've heard all this before. I would like to see the money put into training and education for/and support services for immigrants and the organizations like the Somos Un Pueblo Unido, which is doing an incredible job, a tremendous job, in supporting the immigrants and helping them to develop the skills that they need to succeed here in the Santa Fe area. And it's like preventive programs that are needed to keep people out of prison in the first place and to help them do what they want to get a good job and survive here.

One of the things I could add to this is that I was working with the literacy volunteers of Santa Fe helping immigrants learn the english language, how to speak, read and write the english language. And it's an organization that really struggles. They don't have near enough volunteers to do the job. And the language skill is critical in a success of the people as they come into our country and try to get a job and establish their families and in the schools and even help the children survive in the schools. So the language is really important. And perhaps funding could be provided to create jobs, paying people to do this work instead of relying on volunteers. I mean volunteers are great but this is a way to be creative, doing something very positive and very needed in developing the skills for immigrants to survive and contribute to our community as they do. They contribute a great deal to our community. So thank you for listening.

MOLLY MEHAFFY: Good evening. My name is Molly Mehaffy. I'd like to thank you for this public process even though it's not efficient. It is democracy and it's so important and I really appreciate this opportunity to speak with you. I work in a construction industries in Santa Fe County. I have a perspective that might be a little different than yours in terms of economic development. I believe that our county, our city and our county are enormously enhanced in terms of economic development by the presence of these people who are will to work so hard at jobs that don't have the greatest numeration. That don't have the greatest dignity but they bring dignity to these jobs and that's supports all the rest of us. I would like for you also to think about the fact that these private prisons will only work economically if they're full. That means that people who are working hard, risking their lives, paying enormous sums to come here and have a better way of life are at risk of being rounded up because these prisons need to be kept full. Thank you very much for hearing me.

JERRY EASLEY: Members of the Commission, my name is Jerry Easley. I'm president of the Chamber of Commerce in Santa Fe County. At the risk of being a voice in the dark, let me offer an opposing viewpoint to the previous speakers. The Santa

1759525

Fe County Chamber urges you to continue your support for the Cornell Corrections and Bureau of Prisons proposal. We base our opinion on 2 basic rational. Number 1 is jobs. The jobs to be created are decent paying jobs with good benefits and opportunities for advancement. The jobs are not limited to corrections officers, but they include medical personnel, case management personnel, business and accounting and finance personnel, human resources, recreation, plus many other professions that support these other jobs. These are jobs that add value to a local economy. In other words, they have a multiplier affect of creating the need for additional jobs in our economy. Even though Santa Fe has a very low unemployment rate, Santa Fe has a very high under-employment rate and these jobs would certainly go a long way toward helping serve our under-employed citizens. And then there are the additional business opportunities that would come once the construction jobs are finished and once the corrections facility is up and operating. The second rationale is that this turns a potential 6 million dollar tax payer liability which is the estimated cost of raising a facility into a 27 million dollar asset. Once improved, Cornell is going to have to maintain this asset in it's improved condition. So if at the end of the 15 years the county decides not to go forward with the contract, then the county will have a fully improved asset as opposed to having had a 6 million dollar liability. Over the course of the 15 years, if my math is right, just this effect alone would have a 43.5 million dollar positive impact on the tax payers.

Now let me make just one other point, that the people to be incarcerated in this facility, have been widely portrayed as innocent immigrants. That simply is not true. These are people who legally or illegally have entered this country and have chosen to commit a crime. They've been found guilty of that crime and are being incarcerated as a part of their sentence. Some of them are being deported back to their home country and it takes awhile to handle the deportment of these people.

For these and other reasons, we think that you should support this. I think -- another point -- I think you should look, you should investigate to see what kinds of conditions these convicted felons are currently being housed in. I don't think you'll find the kind of support services that you'll find in a facility like this. So for these and other reasons we strongly urge you to continue your support of this project. Thank you.

STEVE LOGAN: Thank you Commissioners for this opportunity to have a public forum. My name is Steve Logan. I'm the chief executive officer of Cornell Corrections. One of the things I think is important and the reason why I'm down here, a gentleman had spoken very eloquently about 15 minutes ago about what's important is to have the public educated and have all the facts out, for the Commission to be able to make your decision. Whether it's upholding your decision or turning your decision over. The importance is to have all the facts and that's why I'm here.

There's been a lot of misinformation that I have heard about. And in fact, if that's all the information that I'd had, I would side with Commissioner Gonzales. But I don't because it's an inaccurate information. As was just stated, this has been portrayed as an

1759525

immigrant prison or immigrant jail. It's not. As was stated, these are felons who have committed, non U.S. citizens who have committed a felony while they are here. But I think what's important to do is say why is this prison here and why is the federal government doing what they're doing. Currently, a woman a little while ago, spoke like that there's 2 million people locked up on any given day and that's true. The unfortunate things, that's going to be over 2.1 million next year. But if you look at that 2 million incarcerated individuals, right now there's 13 individuals for every 10 beds in the federal system packed in like sardines, however you want to call it. They're scattered throughout the nation. They're in Pennsylvania, they're in Oklahoma, they're in Georgia. They're in a lot of places that do not have the cultural values and the cultural saying as they would have here in Santa Fe. The reason why the federal government is doing this, is not to round people up. In fact, there will be no INS, no border patrol, none of that. The few INS employees that will be here will be strictly administrative or attorneys, they will not be law enforcement, so there will be no risk of increasing incarceration. In fact, if someone does commit a crime here, they won't even go to this prison. They've got to go through the federal system to come out through here. But you've got an overcrowded system and what this does and the reason why we believed in Santa Fe is this offers the best for everybody. You've got offenders that are in overcrowded conditions that sometimes are not humane. You definitely don't have culturally relevant programs going on. By having it here and by having groups like the Somos Un Pueblo Unido who we extend a hand to partner with because what we want to do is have them help us to help these offenders. This is where it can be done. We would have culturally relevant programs inside of the facilities. We would also be able to draw upon all the support of the local community. A couple of people have mentioned what's important. What you should be doing, forget the prison, what you should be doing is you should be focusing on education, welfare, getting people jobs, teaching them computer skills, giving them language skills. That's what's important, not this prison. The odd thing is this prison is exactly what brings that here unlike any business in the United States. If you look at what we do inside of our prison, we offer job skills. Someone mentioned drug rehab, big problem. Like it's the single biggest problem in our criminal justice system. That's what we do. We offer drug rehabilitation programs. We offer life skills. We offer the ability to get transition and have jobs, how to interview. We teach them english as a second language. We teach them computer skills. Everything that's a group, oddly enough, I agree with a majority of what was said. But everything they're saying, again, it goes after the education, everything they're saying is what we provide. And if you don't have this prison for convicted felons, you won't have that. This provides over 2 million dollars for the county to do other things in addition to what we do. And I'll talk about that in a minute and I'll promise, I'll try and be brief. The 2 million dollars allows you to put it into education, social services, many thing that right now you can not fund. We will fund this for as long as we're here, the next 15 years. If you'll also look at a couple of things that were said, I very much believe in what we do. And I won't even talk

1759525

to you about the economic numbers because they speak for themselves. That's not why I'm here. It's not why I do this business. I'm here because we truly change people's lives for the better. That's what we do.

Another thing that I want to point out and I cannot emphasize this enough is there's been a lot of talk about don't have my child grow up to be a correctional officer. Or worse yet, call them a guard, because they're not. This is a very professional, very honorable position that has extremely high education abilities either coming in with college or through our company, we offer college credits. We offer high-tech communications, computers, whatever you want to have. We hope that our correctional officers and our police stay with us forever. But if they don't, they are highly skilled professionals in computers or whatever you want to have, to go into any other job. We've put more training into our people because they are our asset then most any other industry that I know. So I need to dispel this about the correctional officers because they're extremely honorable, extremely professional profession.

I'd like to close by saying that everybody wins if this come into play. And we will, as I mention before, extend a hand to the Somos Un Pueblo Unido or any other group that want's to. I've offered them many times to meet with them. And I will do it any time, anywhere. We will work as partners with them because they do have some valid issues. We think we can solve those issues together. We don't think we can solve them apart. We think this prison solves those issues.

Lastly, Cornell views itself and we are and we've been doing this for a long time, as a very good corporate citizen, very good partner. It's why we support the Commission's decision to wait until the 25th, get all the information in, please get all the information in, and make the decision. We support that. We are good partners now, we are good partners in the future. What we want to do and we will extend this offer to anyone, is to sit down and talk about the issues because they are very valid issues. I would bring, again, I would side with Commissioner Gonzales if that is all I had heard. What is important is to hear all the facts, hear what this really does and then make your decision. Thank you.

ELLIOTT SKINNER: My name is Elliott Skinner. I've been a resident of Santa Fe since 1965. We were asked twice for some new -- something new and the person who asked it, I guess couldn't take any more old because he's gone now but I'll say something new. Last night, I heard on a national radio that a federal court decision rules that prisoners from other countries being held in federal facilities who have finished their sentences can no longer be continued to be held. I looked in the New York Times for this article, I looked in the New Mexican, but I didn't see it, but I would urge the Commission to pursue this.

We were just told that this is a tremendous growth industry that you're thinking of buying into. I'm not so persuaded of that. The housing, if I understand, from what I've read in the papers, part of your estimated profit that you're anticipating and probably (inaudible) profit is holding people after they've finished their sentences because they're like

1759525

that story I was forced to read in junior high, The Man Without A Country.

I would urge that you either tear that facility down or at least you use it for education, directly for education, not spinoff, corporate spinoffs that you just heard about. So please, when you continue your conversations with the Chamber of Commerce and when you continue your conversations with Cornell Correction, also follow the stock market. Follow the stock value of Cornell Corporation.

Keep an eye on what's going on in Los Angeles, what's going on in New York. This is not a unique event we're having here in Santa Fe. This is happening all over the country. People are getting sick and tired of this prison industry that we have. People are getting sick and tired of police that beat up on people unfairly, and I think there's going to be a revolt. And when there is that revolt, we're going to be stuck. A lot of people are going to be stuck who have taken jobs in this facility and I'm afraid that I'm not as optimistic, as the person you just heard, that they're going to be highly skilled to move onto another profession. I think we can find other work for them with a lot of collaboration between the county and the city and the state which is absolutely necessary.

Since you weren't here I just want to mention, I want you to --

CHAIRMAN GRINÉ: I've got speakers in the office, when I'm back there. I heard everyone of you.

ELLIOTT SKINNER: Thank you. I'm glad to hear that. Thank you for your attention.

COMMISSIONER ANAYA: Ladies and gentlemen, let me remind you that we still have a lengthy agenda before us, it's pretty well been said as to which direction that the vote's going to go, so keep that in mind and keep it short, please.

CHAIRMAN GRINÉ: Please people, I'm going to give you only until 6:30. Cause there's only like five people left on the line or 6 people, so 6:30 will be the cutoff.

JOSE VILLEGAS: Commissioner Griné, Board of County Commissioners, Executive Staff, and members of the public. *Buenas tardes le de Dios*. My name is Jose Villegas for the public record. I'm also a former correctional officer of 7 years. Cornell Corrections, can, anytime they want to debate the issue about corrections, they can do it with me. Other than that I have a prepared statement for you.

The purpose of my petition is to ask you to do the right thing. What Commissioner Gonzales did was noble and courage. I personally want to commend you Commissioner Gonzales for standing up for what is socially responsible. I trust that Commissioner Gonzales will not turn his back on his people because I truly believe that his dad, as well as his mother, raised him with good morals. Just like my parents did for me. I ask for each one of you to reconsider your actions. Remember one thing, when you were born onto this earth, your parents baptized you in the hold spirit. Your parents brought you into this earth to heal people and not injure your brothers or sisters.

Most of you are Catholic and need to be reminded that God will count your deeds in actions. I expect that you will pay for those deeds to him, not me or anyone else. So if you

1759525

choose to make this decision that will hurt and injure your brother, then you answer to him, not Cornell Corporations of Texas. And I really believe that what you're doing today, it's good that you're listening to us but I want you to remember, *la sangre de mi madre es mexicana*. And I'm not going to back off. And our blessed mother, you see her face, she's counting on everything that you're saying. *Muchas gracias*.

CHAIRMAN Griñé: You've got six minutes left people. I am going to cut it off at 6:30. Six minutes left.

DEBBIE HARDIWICK: My name is Debbie Hardiwick and I heard someone say that I'm going to get trapped in a deadend job at the jail. Well I started off as a correctional officer and within three years I became a case manager. That's considered a form of skilled labor, I would think, or a professional position. I make better money now. And I've heard a lot of people say a lot of things. They say our children need schools, our children need this, our children need that.

When I came here 18 years ago, I heard about a roller rink that they wanted to make, it took them 18 years to get it here and half of the kids in this community and the people can't even afford to go there. I mean, parents are having to work two jobs so our kids are on the streets, they can't even go to a community center that they can afford to go to. I mean, we need jobs that we can afford to -- that both parents don't have to work a job or two in order to stay home with our kids. If our kids are an issue here, then why are they left alone so much. Because people can't afford to live in this community. I mean we need jobs here that will enable us to raise our families with dignity. I mean, it's a shame when kids have to go and women have to go -- we have our people, our people that we care about that have to go stand in stinking cheese lines so that they can feed their kids. You know, and embarrassed to pull a debit card so that they can feed their babies. That's sad. We need jobs so that we can raise our children with dignity and so that they don't have to turn to drugs and then we won't have to have rehab centers. And we won't have to have teen pregnancy centers because we'll have parents there to take care of them. You know, the problem here is we need to think of our community. It doesn't matter, we're never going to abolish prisons. That's just a fact of life. There's always going to be crime, there's always going to be sin in the world, that's just basically the way it is. Everybody's going to have their own opinions on these but basically what it comes down to is our community needs jobs. And you know what, and we are taking a tragedy and turning it into something for the better of our community. I mean and if they can't think of something to do with all those millions of bucks, pay the employees at the community centers so my kids can go there and swim for free. I mean it's pathetic. You know, there's nothing for our children to do and people talk about how it's all for our children, where, I don't see where it's for our kids, you know. Would you want your kid going to school in an old prison. I mean, get realistic here, you know. Those things are not going to cut it. I think that we need jobs in this community and people aren't wanting to say, you know, let me get into Santa Fe so we can pay your people more money. And Cornell's willing to do that. And I think we should take it and run. Our

1759525

community needs it.

TERESA PADILLA: My name is Teresa Padilla and for the last 16 years I have developed a very promising career at the Santa Fe County Correctional Facility and I really wish you would support this project.

MATTHEW LANE: Gentlemen, I'll be brief. My name is Matthew Lane. I am a Cornell employee. Presently I'm the director of electronic monitoring program.

I did want to just make a couple of points here. I've heard a lot of people say well let's spend the money on education, let's spend the money on this, let's spend the money on that. There is no money folks. We're not seeing this money. This money is coming from Cornell, Cornell is generating this. The second point that I'd like to make is that we're not warehousing folks. Coming from a main facility, I worked in that building 10 years. Anybody wants to debate it, we can debate it anytime. I worked it 10 years. The riot happened for a lack of programs, for a lack of activities, they warehouse these individuals.

I believe that Cornell makes a difference, we strive on our programs. Right now we're doing a community based program, we don't make any money on it. But we're doing that to benefit the county and to benefit the individuals that live here in this county and the offenders. What we want to do is we want to help these individuals so that they correct their problems, they get counselling, they job development skills, they can get a job, we're working with the community, and placing these individuals so it's not a revolving door and we don't just keep putting these people back in jail and releasing them and putting them back in jail. I would beg for you guys to reconsider your vote and you know, think about it. It's not just an income thing, Cornell does make a difference.

MARIA BELEN RIOS: *Buenas tardes. Mi nombre es Maria Belen Rios. Ojala que el Senor Griñé all donde esta me esta escuchando, nesecitamos un poco mas de su tiempo, okay. Tenemos ese derecho. Y antes que nada quiero decirle al Senor Gonzales muchas gracias por el apoyo y yo aprecio el valor que tuvo de reconocer el error donde estabamos calleyendo. Esto es un pais todos absolutamente ustedes lo saben y no somos ninos chiquitos. Todos lo sabemos que somos inmigrantes y que este pais es fuerte por la inmigracion. Yo no se como tienen el corazon ha darle un ejemplo ha nuestros hijos chiquitos, de que puede ser aqui la carcel de los inmigrantes y que van a crecer con eso, siempre va ser un circulo que nunca se va acabar. Ahora, que la carcel va ser buena. No se. No se porque hay gente que es muy inteligente, you pienso, y yo mire como estoy de pobre con unas garras y yo no me conformaria con una -- un puesto en la prision, no gracias. Prefiero ser otra cosa que estar en la prision de servienta. Senor Griñé y tolos ustedes senores aqui presentes, tambien les quiero decir que esto esta disintegrando nuestra comunidad. Y espero que no sea algo planado para que se desentregue la comunidad de Santa Fe y de Nuevo Mexico. Querian algo nuevo, pues lo tienen. Porque entre las conosco la politica, mas se parece ha la esqerosa politica de Mexico que es un bastardo. Toda nuestro sistema es hasqueros, corrupto. Tambien quiero decir que esta carcel va ser pagada por los impuestos de todos nosotros. Okay. So tambien tenemos derecho dicer no*

1759525

carcel, no prision, queremos escuelas para nuestras futuras generaciones. Porque somos mas inteligentes que tener una bola de prisioneros o una bola de carceleros tambien. Gracias.

TOM JENKINS: Good evening Commissioners. I'd like to take this opportunity to speak this evening. I have to tell you I sincerely empathize with the challenges and the decisions that are in front of you. This is very difficult. My name is Tom Jenkins. I'm the chief operating officer for Cornell Companies. I have been a -- I am a practicing social worker, I have been in this honorable profession for the past 30 years and I enjoy it very much. Our is a profession that our company sincerely embraces. I also had the privilege to work for a company that has a set of values and has a mission that is very appropriate in the context of the difficulties that we face in society today. Most specifically, we are in this business to make a difference. We believe that people can change. We write it in our mission, we write it in our values. When we hire people, when we make decisions in our company, we make them relative to these values. First and foremost we want to put on the line a quality product for anywhere that we are. We respect and value our employees. And yes, many of these people who work for us are correctional officers. People who everyday, do difficult and challenging work. People who many people in this society cannot do that work or do they want to do that work. But they are people that we cannot live without if someone isn't doing it.

We are leaders in this industry. If you take a look at our programs, they are a cut above anybody else that is doing them. Our programs are operated according to the highest standards that exist in corrections today. We are partners with the community. And herein is the real irony for us as a company. When we came to Santa Fe to locate and site this facility, in our mind, alright, we believed that the location of this facility here in Santa Fe was consistent, culturally consistent with the community. We hear much different now. And we understand that. And this is something we need to work with. Never the less, our thinking had it that this was a place where we can use the culture here, that we can use the speaking people, the people who are able to communicate are able to teach or able to translate the culture from the community into the facility. We fought and believed that there were many benefits that we could reap from locating here. Unfortunately, you know, we understand it here and see that people see this very differently. Ours was never an intent to divide as many people have said, but rather to unite, to bring people together so that we can serve those who are less fortunate than us.

Again, as I said earlier, you know, we are in this business to make a difference. There's been much support that has been raised for the facility. You know we had over three hundred people who expressed their concern and advocacy for the prison. Over 100 people showed up for job fair that we had sponsored. The house and senate of New Mexico have approved the project. The state board finance which the governor chaired has supported the project. There have been three public hearings on the project. This project will probably be to most over or the most monitored facility in the history of the Federal

1759525

Bureau of Prisons, and if there will be 12 POB monitors on site in the facility. An opportunity on a quarterly basis for a community grand jury to provide oversight to the facility. There will be a county monitor, you know, in the facility. And as Steve Logan, our CEO said, this is not an immigrant prison. It is a facility will house non-U.S. felons, people who have committed a crime.

It will be our objective to renovate the old main facility to rid the community of the evil that is there. To reap of the economic benefits that have been well documented. And again, we welcome the opportunity to meet and discuss and to sit and decide based on facts rather than emotion. You know and I would implore you as leaders in the community to lead us and not put us in a position where we have to go thumbs up or thumbs down to decide yes or no, yea or nay. But rather -- we would rather talk -- look for the genius in the end here, you know, lead us in a way that we could satisfy the cultural concerns. That we could put fear and paranoia to rest. That we could reap the economic benefits that this project will allow us and that we can ultimately treat our inmates with dignity and respect. Thank you.

CHAIRMAN Grifé: Okay, ladies and gentlemen, we're past the 6:30 hour and again I want to remind you we have a long agenda. I think there's only three speakers left. Okay, three speakers and we're going to end it.

STEVE ARMENTA: Gentlemen, thank you very much for your patience and what I see here is something very beautiful. The community is speaking and you are listening even though it's torture for you. And a lot of things have been repeated. I will be very, very short. My name is Steve Armenta. I'm a teacher. And I went to St. Mike's when I was a child and when I was a child there was a prison right on Cordova Road, right where Furr's Shopping Center is. And that prison was moved from the City in those days it was far away from the city but the city grew around it so they had to move it to the prison in over which we are arguing right now. And the particular prison now is inadequately located. A gentleman that went before me said that they are very good people. He told me before he came up here, I'm a very good man, I don't doubt that. But I do have no doubts about is that that location is very, very detrimental to our city. The city is a city of Holy Faith and we are all sons and daughters of immigrants. And to pin the immigrants against the people of Santa Fe, in a sense, because as a gentleman said there, many of them are felons, and to have this city of peace and city of Holy Faith and have it on its altar this prison is not good. Some people are after money at the cost of human flesh, but I think we ought to go towards peace and the promotion of another gentleman says, schools, education. That building possibly could be turned into some educational facility. So I am totally against this because it pins our people against our people. We are all sons and daughters of immigrants and I think we ought to support education. And if this prison is and the people are very adequately trained in connecting prisons, they can go do it somewhere else, but please, not here. Thank you very much.

UNIDENTIFIED FEMALE: And *ya por ultima*, I would like to again,

1759525

commend Commissioner Paul Duran for voting against this project from the beginning. Commissioner Javier Gonzales for having a change of heart and an open mind and so the same with Commissioner Richard Anaya, we will be here behind you and working with you to look for alternatives for that prison and I would direct also my comments to Commissioner Mark Trujillo with whom some of us spoke with him for 4 hours and I guess it did not work. But we're going to say some prayers and we ask you to also say prayers to open your heart to what will be the best thing to do for our community. Cornell came from Houston. Cornell is a for-profit corporation.

CHAIRMAN Grinë: Ma'am please address the Commission.

UNIDENTIFIED FEMALE: Cornell doesn't have the best interest or no interest in the best of our community. Cornell just said that they wanted to use our culture. That they thought that bringing a prison, an immigrant prison here was an appropriate thing because of the culture. That showed me how far they are from the thinking of our community. So what I'm saying is, I don't want to partner with Cornell to violate human rights. I refuse to do that. I also will not take money from Cornell. Cornell is offering money, one hundred thousand dollars for immigrants to go to school. Money is real important. But we won't sell ourselves for money. That's all.

CHAIRMAN Grinë: Okay, this is the last speaker, go ahead.

GABRIEL ORTIZ: I'd just like to say thank you. My name is Gabriel Ortiz and I am a Cornell employee. I just wanted to say that everybody's talking about money and school and everything else, I graduated from Capital High School. Cornell's from Houston, yes, but I am from Santa Fe. I live here, I was born and raised here, and if it wasn't for Cornell, I wouldn't have the shot to go to college. You know I work there and after that I'm afforded the opportunity to go to college to further my education to get a degree to move on to go to bigger and better places. They have a lot of interest in the employees in the community to help out. And I think we need to listen to that and assess it and see where we can go from there. Thank you.

COMMISSIONER ANAYA: Thank you very much ladies and gentlemen. Thank you very much for sharing your concerns with this commission.

COMMISSIONER GONZALES: Just for clarification, just so people do understand that April 25 is the vote for the reconsideration. So there are lots of opportunities for those that are supporting it and opposing it to send comments to the Commission or to make arrangements to visit with us. The 25 though, for clarification is an administrative meeting and that's when the vote on the contract with the amendments will take place. So those in favor and those opposed, there are two weeks for you to continue in this public process and visit with your local officials.

CHAIRMAN GRINÉ: I want to make a clarification too. And that is that legally the vote cannot be rescinded. The only opportunity left in this process is that if there are amendments coming back to us at this contractual agreement that has been approved, that's the only possibility that it can be revisited. But if the attorney general doesn't come

1759525

back with any amendments, then you've got to be assured that this is a done-deal.

COMMISSIONER DURAN: Mr. Chairman.

COMMISSIONER GONZALES: Mr. Chairman.

COMMISSIONER ANAYA: Mr. Chairman.

CHAIRMAN GRINÉ: I'm not speaking in favor or against. I just want to make it clear because I just met with legal and legal has conveyed that to me. I'm taking the advice of legal on how the process works so that there is no misrepresentation out there.

I just to explain this because I did meet with legal and it's in the hands of the attorney general. We have not visited with her. We don't where it is at this point. That's how the process works and I just wanted everyone to be aware of that.

COMMISSIONER ANAYA: Mr. Chairman.

CHAIRMAN GRINÉ: Commissioner Gonzales.

COMMISSIONER GONZALES: Mr. Chairman, I want to be clear about this. We can unless we state otherwise, we can -- there is a planned vote on these contracts with the amendments. That's going to take place on the 25th. This vote is either going to be to affirm or to oppose the contract with the amendment. The contract is coming back for a vote and so I don't want anyone leaving here, Mr. Chairman, thinking that this is a done deal.

CHAIRMAN GRINÉ: Commissioner Gonzales, let's have one point of clarification again. If the attorney general doesn't give us those amendments on the 25th, there is no vote that can be taken. If she does give us those amendments then we can revisit at that time.

COMMISSIONER ANAYA: Mr. Chairman.

COMMISSIONER GONZALES: Mr. Chairman, there are amendments that are in place in this contract that have been into place that are coming back. There are amendments that have been worked on. It has to come back to this commission. The contract and the amendments are coming back to this commission on the 25th for a vote up or down. If the Commission votes up, you're right it proceeds. If the Commission votes down, then those contracts no longer exist. So I think it's important that this community understands that process and the fact that this is not a done deal and that this contract is coming back for a vote because there have been amendments that have been made.

COMMISSIONER ANAYA: Mr. Chairman.

CHAIRMAN GRINÉ: Commissioner Anaya.

COMMISSIONER DURAN: Commissioner Griné, with all due respect, I think that you're entirely wrong about this. Several years ago we had an issue that came up that the community requested that it be reconsidered --

CHAIRMAN GRINÉ: But there's not a --

COMMISSIONER DURAN: I have the floor, please. And the Commission, the legal advice we got from our legal staff at that time was that it could be brought up for reconsideration if the person that made the motion agreed to rescind their motion and be

1759525

person that seconded agreed to withdraw their second. So, I disagree with you entirely on and I think that this community is expecting for us to get the right legal advice and I think wherever you got that legal advice you're absolutely wrong.

CHAIRMAN GRINÉ: That was my understanding from legal. Barbara, would you like to say anything?

COMMISSIONER DURAN: This opinion was give to us by Steve Kopelman and Denice Brown at the time that the issue of the ski hill came up and I can't imagine that legal advice that they gave us then has changed in the last couple of years.

BARBARA MULVANEY (Deputy County Attorney): Mr. Chairman, and Commissioners, there is a provision in Robert's Rule, the rescission is not covered under the BCC rules, when that happens, the chairperson is to get together with the county attorney and come up with the appropriate rules. We relied on Robert's Rule of Order and I think that they are all correct.

COMMISSIONER DURAN: Can't we suspend those rules?

MS. MULVANEY: Let me finish. The rescission is not as clear cut if it is a contract as opposed to other action of the Commission. What Commissioner Gonzales said is correct; there have already been substantial amendments made to those contracts.

There are two options. One, when the contracts come back from the attorney general -- the attorney general has to approve the contracts. If the attorney general does not approve the contract, there is no contract. If it does come back from the attorney general's office, then it still has to come back to the commission because we sat with the attorney general for four hours making amendments: we altered the contract that you approved. So it has to come back.

Whether it will come back by the 25. whether the AG makes a decision by then is out of our control. But once it does come out of the AG's office you need to reapprove it.

COMMISSIONER GONZALES: The amendments should be completed by the 25 and whatever is going to be put in place can come back on the 25 whether there is an AG approval or not.

MS. MULVANEY: That's correct.

COMMISSIONER GONZALES: So the important message is that even if the attorney general approves this thing tomorrow, it still has to come back to the Commission for a vote up or down.

CHAIRMAN GRINÉ: I just wanted to make sure for clarification that if they don't come back, Barbara, what happens?

MS. MULVANEY: It's exactly what Commissioner Gonzales just said. We will bring the contract back to the commission. The contract independent of the AG's office you can still look at it and see whether you agree with the amendments that were made to those contracts and you can vote up or down. If it's not out of the AG's office they still could not approve the operating contract.

CHAIRMAN GRINÉ: Thank you.

[The Commission took a five-minute recess.]

1759525

VII. ADMINISTRATIVE ITEMS

A. Committee expiration/resignations/vacancies:

1. Agua Fria Development Review Committee

PENNY ELLIS-GREEN (Development Review Specialist): Mr. Chairman, members of the Commission, David Pike's term on the AFDRC expires on April 30 of this year. Commissioner Duran has recommended that Mr. Pike be reappointed to serve on the AFDRC. Staff recommends that his term begin immediately and end December 31, 2001.

CHAIRMAN GRINÉ: Is that your wish; Commissioner Duran?

COMMISSIONER DURAN: Yes, Mr. Chairman.

Commissioner Duran moved to reappoint David Pike with the term recommended to the AFDRC. His motion was seconded by Commissioner Trujillo and passed without opposition. [Commissioner Gonzales and Commissioner Anaya were not present for this action.]

2. Tesuque Development Review Committee

MS. ELLIS-GREEN: Mr. Chairman, Commissioners, the TDRC was established in April 1999. Seven members were appointed at that time and terms have now expired on four members: Doug McDowell, Catherine Sullivan, Patricia Jimenez and Irene Barela.

Doug has agreed to serve for another two year term. The other three members did not want to be reappointed. Commissioner Trujillo has recommended that Doug McDowell be reappointed to serve for an additional two year term and that Alfred VonBachmayr, Catherine Macken and Abel Davis be appointed to the TDRC.

Staff recommends that the terms begin immediately and end April 30, 2002.

Commissioner Trujillo moved to approve the reappointment of Doug McDowell and new appointments of Alfred VonBachmayr, Catherine Macken and Abel Davis with terms beginning immediately and ending April 30, 2002. His motion was seconded by Commissioner Duran and passed without opposition. [Commissioner Anaya and Commissioner Gonzales were not present for this action.]

B. Committee Appointments:

1. Open Land and Trails Planning and Advisory Committee

ROMAN ABEYTA (Deputy Land Use Administrator): Thank you, Mr.

1759525

Chairman. The county advertised that it is seeking volunteers through three different newspapers in March. By March 31 we received four letter from the following interested volunteers: Bruce Richardson of Chimayo, Orlando Romero of Santa Fe, Robert H. Roybal from Santa Fe and Roy Stoesz of Santa Fe.

Commissioner Trujillo moved to appoint Orlando Romero to the COLTPAC committee. His motion was seconded by Commissioner Duran and passed without opposition.

Commissioner Trujillo moved to appoint Bruce Richardson. His motion was seconded by Commissioner Duran and passed without opposition.

VIII. Staff and Elected Officials:

A. Community, Health and Economic Development Department

- 1. Request authorization to submit a grant proposal to the substance abuse and mental health services administration/center for substance abuse treatment for the alcohol abuse/alcoholism treatment services for the citizen of Santa Fe County**

LINDA DUTCHER (DWI Program Prevention Specialist): Thank you, Mr. Chairman. We request approval to submit this grant to the federal government. As you know, we currently have some treatment services for people who have been convicted of DWI. This would allow us to provide treatment to people for alcohol and mixed substance abuse who have not been convicted.

I'm pretty excited about this grant. I won't take more of your time unless you want me to answer questions. But I'm really pleased to be working on this.

CHAIRMAN GRINÉ: Any questions of Linda.

Commissioner Trujillo moved approval to grant authorization as requested. His motion was seconded by Commissioner Duran and passed by unanimous voice vote.

- 2. Resolution 2000-41: A resolution adopting the admissions and occupancy policy amendments**
- 3. Resolution 2000-42: A resolution adopting the criminal, drug treatment and registered sex offender classification records management policy.**
- 4. Resolution No. 2000-43: A resolution adopting the rent collection**

1759525

policy

5. **Resolution No. 2000-44: A resolution amending the Santa Fe County housing authority maintenance policy and approving the hazardous material policy.**
6. **Resolution No. 2000-45: A resolution adopting the equal housing opportunity policy**

DODIE SALAZAR (Santa Fe County Housing Services): The housing authority is here today to present five resolutions for your approval.

To give you a little background, the Quality Housing and Work Responsibility Act of 1998 in accordance with HUD required housing authorities to prepare five-year and annual plan which was approved at the last BCC meeting. The preparation of these two plans allows the housing and services division to examine their current policy and to revise or create new policy accordingly.

The five resolutions before you today are a result of that review. Would you like me to present each resolution individually?

CHAIRMAN GRINÉ: No, that's fine we'll just enter them into the record.

COMMISSIONER DURAN: Is there a task force that reviews these resolutions?

MS. SALAZAR: What happened is that when we reviewed our current policies these were the policies that we thought we needed to create in order to come into compliance with the requirements.

Commissioner Duran moved to approve resolution 2000 41-45 as presented by staff. His motion was seconded by Commissioner Anaya and passed without opposition.
[Commissioner Gonzales was not present for this action.]

[B-D were tabled at the time of agenda approval.]

F. Matters from the Commission

COMMISSIONER DURAN: Several months ago I asked you Gene Wisebell from the mentoring program to come forward and make a presentation to us and its effect on the dropout rate. Out of that presentation, I asked Sam Montoya to put a questionnaire in the checks asking the employees of the county whether or not they would be interested in participating in the mentoring program and we had an overwhelming number of people expressing their interest in doing that. Most of them said they would be willing to participate not for additional pay but rather as comp time. So that if they left the building they could

1759525

participate and would not be docked pay and it would be the same as if they worked in here. I checked with legal, Denice Brown before she left, because there was some concern that it might conflict with the anti-donation clause and she indicated that it would not provided that the service that we were providing was to another government agency or another public school.

I would like for this commission to consider adopting some sort of mentor or asking Sam to develop a program and then ask each department head to let us know how many hours of their department they could let their employees leave so it wouldn't affect the day-to-day business. So I would ask, Sam, that within the next week you come up with some sort of estimate of how many hours each department could dedicate and then we could get the program indoctrination to begin.

CHAIRMAN GRINÉ: Very good. Any other matters?

COMMISSIONER GONZALES: Mr. Chairman. If there are no objections from the other Commissioners, concerning the issues of Sunrise Springs, I would respectfully ask that we bring it back for reconsideration of the master plan. The owner has met with the community and she continues to do so. There are still questions I have concerning the project but I believe that the owner is working pretty diligently to address those issues.

So unless there's objection, Mr. Chairman, I would just like to ask the staff to bring the issue of Sunrise Springs to the Commission at our next land use meeting.

CHAIRMAN GRINÉ: That's fine.

COMMISSIONER GONZALES: As to the issue of land use. Mr. Chairman, I would like to see if we could send direction, I spoke with Estevan briefly yesterday about basically putting into high gear the 40-year water plan for the county. If there's no objection, we'd like to work with the county manager in establishing a time line for the 40-year plan to come before this Commission for adoption and would make available, you know, my staff assistant and Chris Graeser I know has been working heavily on water issues and I would just like to request of the city manager that we could free up those two to support Estevan in getting this plan.

With my discussions with Estevan it sounds like it'll be a summer project for us but quite possibly by August we may have a 40-year plan we can present to the community and to ourselves for adopting. That'll basically govern how we plan on using water resources in this community. Long-term, I would respectfully ask that Estevan goes out for an RFP for a consultant that can help in this area and that in that RFP include community meetings with acequia groups that are affected by this issue and so that we have a continuous dialogue with all the concerned parties as we move forward to develop this 40-year plan so that the plan isn't developed and then we turn it over for the community for review and then there's lots of concern -- we need to make sure that there's continuous interaction with the water users.

If there is no objection, I'd like to send that direction that the county manager to work on setting some type of priority up. And, also, if we can -- I asked Rudy Garcia of

1759525

the staff to bring forward on April 25 the RPA the regional planning authority/joint powers agreement before the Commission for its adoption. One of the issues, Estevan, that I want to point my concern and I'd like to see it reflected in the amendments so that we can discuss it is that we've gone down a long process to create community plan and there are community plans that are underway and particularly the community college district where we've all worked very hard on and it's almost to a point where we're ready to adopt that. La Cienega has been performing their community plan. Tesuque has been performing their community plan -- community plans that have already substantially been taken underway and at the point that the Commission chooses to release it to the RPA but I am very concerned, especially in the communities of La Cienega and Tesuque that are going to be in this regional area that all of a sudden you're going to have four councilors, four commissioners that have this new regional planning authority that could very well preempt what they're already doing and what I'd like to do is allow that process to continue to happen. I would like our community college district process to continue to happen and work on the areas that we truly need to work on. The Highway corridor should come to the RPA. The moratorium that is being proposed by the City should come to the RPA. All those areas that we can put on our plate. There are plenty of areas that need to be planned and I would like to send the direction to staff to bring back for consideration by the Commission an amendment to the RPA that would exclude areas that we have already pursued some type of planning mechanism and that the only way it can go back into the RPA is if the Commission has a whole releases that planning back in. For instance, if Tesuque never gets anywhere, if La Cienega never gets anywhere or the Community College -- then at some point by a vote of this board we can throw it back into the RPA for some planning but I really don't want to preempt what we have talked about in the general plan which is for communities to come together and plan their future and if we turn them over to this RPA this regional planning authority if we turn the Community College District over to the RPA we're basically going to wipe out many months of hard work by our staff and by people out in those communities and we're going to basically take away from the community planning effort that we have instilled in these communities when it comes to planning.

So if there's no objection, I'd like to see if we can get an amendment.

COMMISSIONER DURAN: Mr. Chairman. I would just like to say that in the months that we were working on that RPA it was always intended that our general plan would be and the city's general plan would serve as the foundation of the RPA's planning process. I think that it's good that you make this clarification -- I don't know that it's an amendment or just a clarification.

COMMISSIONER GONZALES: I want to make sure that this is an amendment, Commissioner Duran, because I didn't see it in the RPA itself as I reviewed it and my concern is that the first thing the RPA decides they want to do, and this could come from the city, they want to plan for La Cienega or they want to control that or they want to plan for the community college or for Tesuque. I basically want a hands-off of those areas

1759525

because we've gone so far that we should allow that process to continue to progress. If it doesn't progress where there isn't any form of completion then at that point the Board of Commissioners as a whole can release it into the RPA. But I do believe -- I don't want to send out the wrong message to these people who have worked very hard to create a community plan that all of a sudden they're getting this 800 gorilla that's going to start looking over their shoulders as to what they're doing. And there are plenty of areas, as we know they're doing. And there are plenty of areas, as we all know, there the Highway Corridor Plan and the Airport Road issues are going to take a lot of time for us to work out the plan in that area.

So I want to be specific in the RPA that the Commission maintains in our planning efforts that those are areas we maintain control of and not really fit into that.

COMMISSIONER DURAN: Mr. Chairman, is it not correct that we're going to bring the RPA up for discussion on the 25th; right?

COMMISSIONER GONZALES: We'll bring it up for a vote on the 25th is what I'm asking with the amendment.

COMMISSIONER DURAN: So we'll bring it up for some discussion rather than actually -- I thought we were going to have one or two meetings however many we needed to go over and feel comfortable with the RPA and then arrive at an understanding of exactly what it is going to mean to the community and to the County.

COMMISSIONER GONZALES: My impression was we were going to bring it back for a vote on the 25.

COMMISSIONER DURAN: The RPA?

COMMISSIONER GONZALES: The RPA for a vote. Now we can review it on the 25th if the Commission would like but I would just ask that we approve it on the 8th and get it moving so that it's on some time table.

COMMISSIONER DURAN: I really think we need two meetings and that's really all I'm saying.

COMMISSIONER GONZALES: I just want to make sure that we have those amendments and once the amendment is drafted I would like to send it to the city so that they know what we're doing and it's up front. But I do believe that in this regional area, this five-mile area, that we have individual communities that have invested money and time and the last thing we want to do is to throw this wet blanket over their planning process. And I certainly don't want it to happen over the Community College District which I really like. I think that's a model plan for where we want to go and I just don't want to leave it subject to the whim of the RPA if they decide they're going to replan after we've done all this effort in doing the planning.

COMMISSIONER DURAN: I would agree with you on that and I guess just in closing I would like to say that if we decide that we want to approve it on the 25th I think that we should be able to do that. I was merely asking that we be able to go two meetings because some of us haven't been that involved in the creation of that.

1759525

COMMISSIONER GONZALES: I have no objection to two meetings.

COMMISSIONER DURAN: So if someone feels that we need two, I think that we should at least take it to that.

COMMISSIONER GONZALES: I have no objection to that.

COMMISSIONER DURAN: And I'm in agreement with what you're saying.

CHAIRMAN GRINÉ: Yes, Sam Montoya.

MR. MONTOYA: Mr. Chairman, to follow up on Commissioner Duran's point. We were hoping to have an internal work-study with the County Commission, members of the land use department, members of legal to go over all of the particulars in the plan itself and make sure that all of the Commissioners are aware of all the details and that everyone has consensus that the content is ready for presentation back to the city. And we were hoping and possibly if the Commission is poised to consider on the 25th for final approval that we could get a date from the Commission possible tonight of when we could have a work study that would probably take an hour or an hour and a half at the maximum to go over the content and I think it would behoove the staff, the county commission to know exactly what is in the plan and to make sure that we can incorporate Commissioner Gonzales's recommended amendment and if there are any others that come forth from the discussion that would take place.

But I do believe, Mr. Chairman, that that would be an expeditious way and an efficient way of dealing with this very important tool that is going to have a major impact on our community.

COMMISSIONER GONZALES: Mr. Chairman, I would just offer that if we're going to go that route, and I think that this is proper, I'm about to move into a very heavy travel schedule for the next three months so there are days -- I'll be here for the County Commission meetings and I would just ask that the Commission allow that we have this hour possibly the day, the 25th, before the meeting starts possibly or doing something to accommodate my schedule.

COMMISSIONER DURAN: That's fine. So just an hour before?

COMMISSIONER GONZALES: Just so we can go over and discuss and focus on that issue.

MR. MONTOYA: Mr. Chairman, if I could, being very cognizant of the travel schedule of Commissioner Gonzales, we were also going to ask the board to consider giving us some specific time to go over some budget issues, very timely and very soon here, so when we determine that time frame we could dovetail the regional planning discussion shortly after that and compress it into a two- hour meeting and be done with both issues.

That would be our recommendation, Mr. Chairman, and I think we could work around Commissioner Gonzales's schedule if that you give us the go ahead.

CHAIRMAN GRINÉ: That's fine. Commissioner Gonzales.

COMMISSIONER GONZALES: Just one last issue and the clerk can talk about the new hire at the Association of Counties. But I want to commend Sam for the

1759525

outstanding job and Katherine that they have done -- it's just amazing that these two individuals have literally moved and I do want to do a special recognition and thanks but in line with that would like to also place on this Commission's agenda the contract for the county manager. When we hired Sam we talked about a six month probation and I think that we're far beyond that. He has shown that he has definitely listened to the employees and he's done a lot for this Commission in terms of continuing to provide strategic direction so I would ask again at the pleasure if we could bring that contract in. Also, I know Sam has done this but however we can award Kathrine and make sure that she feels that she has to stay -- as with all our employees, but she has really done a phenomenal job stepping in to play many roles over the last few months and I want to thank her for that publicly. It's too bad that there's not a lot more people here but I think they're very invaluable to us.

So if there's no objection, I'd like to ask that the manager's contract be brought up for a vote on the 25th as well.

COMMISSIONER DURAN: Second.

CHAIRMAN GRIÑÉ: Is that a motion?

COMMISSIONER GONZALES: No, it's just direction.

COMMISSIONER DURAN: And to give Kathrine six months off, without pay. [Laughter]

CHAIRMAN GRIÑÉ: Any other matters from the Commission.

G. Matters from the County Attorney

1. Executive session

- a. Discussion of possible acquisition of real property or water rights
- b. Discussion of pending or threatened litigation

CHAIRMAN GRIÑÉ: Do we have to go into executive?

MR. MONTROYA: Mr. Chairman, we do have a matter under pending litigation that will be fairly quick.

Commissioner Trujillo moved to go into executive session to discuss the matters delineated above. Commissioner Anaya seconded the motion which passed upon unanimous roll call vote with Commissioners Anaya, Duran, Trujillo, Gonzales and Chairman Griñé all voting in the affirmative.

[The Commission met in executive session from 7:30 to 8:00.]

Commissioner Duran moved to return to open session. His motion was seconded by Commissioner Anaya and passed by unanimous voice vote. [Commissioner Trujillo is not present for the remainder of the meeting.]

1759525

Chairman Grinë announced that the only items discussed during executive session were possible acquisition of water rights and pending or threatened litigation.

IX. PUBLIC HEARING

- A. Ordinance No. 2000-3: An ordinance amending ordinance 1996-10 of the Land Development Code, Article I, Section 8.1 - Zoning provisions to clarify applicability to federal, state, tribal and municipal lands**

CHAIRMAN GRINÉ: Any discussion on this? Okay, this is a public hearing, anybody in the audience want to address us about this ordinance?
No, then what are the wishes of the board?

Commissioner Duran moved approval of Ordinance 2000-3. His motion was seconded by Commissioner Anaya and passed by unanimous roll call vote as follows: Commissioner Anaya, Commissioner Duran, Commissioner Gonzales, and Chairman Grinë all voting affirmative.

B. Land Use Department Items:

- 1. CDRC CASE #A/V 99-5520. Richard Wheeler Appeal/Variance. Richard Wheeler, applicant, is appealing the Land Use Administrator's decision to deny a second dwelling unit on 1.03 acres, which would result in a variance of Article III, Section 10 (Lot size requirements) of the Land Development Code. The property is within the traditional community of Glorieta, within Section 2, Township 15 North, Range 11 East**

FRANK WHITE (Review Specialist): Thank you, Mr. Commissioners.

Article III, Section 10 of the Land Development Code states that the minimum lot size in traditional communities is 0.75 acres per dwelling unit, except where both community water and community sewer is utilized. In which case the minimum lot size would be 1/3 of an acre. The applicant is not connected to community water or sewer. There is currently a mobile home, a well and a septic system on the property. The second dwelling unit will be used by the applicant's daughter and her daughter.

According to the applicant, Ms. Gonzales, the applicant's daughter, is a single mother that is working nights. She states that she is unable to afford a babysitter, a mobile home payment and a space at the same time. Therefore she feels that placing a second mobile

1759525

home on the property would secure her living.

A letter of opposition by an adjacent property owner voices the concern that the Wheelers' well is too close to their septic system, and having two septic system on the Wheeler property in close proximity to the well is potentially hazardous to the groundwater in the area. They also state that they are saddened by how many ponderosa and pinon trees were removed already and approval of a second home would result in more mature trees being removed. These trees currently provide a buffer between their property and the applicant's property.

Staff is recommending that this appeal be denied based on Article III, Section 10 of the Land Development Code which requires .75 acres of land per dwelling unit. Two homes, each with a septic system and an on-site well is not a safe condition and the intent of the Code is to set minimum lot size in this area at .75 acres per dwelling unit. Therefore, staff recommends that the case be denied.

COMMISSIONER DURAN: Excuse me, I'm sorry. Can we just enter the recommendations into the record?

MR. WHITE: Certainly.

If the BCC grants the appeal, staff recommends the following conditions:

1. Temporary three-year permit to be approved for an additional two-year term administratively if the existing hardship continues.
2. If the existing septic system can handle waste from both homes it shall be utilized. If it is not adequate an enlarged system is to be installed to accommodate both homes on one system.
3. No additional permanent structures to be erected on site to support either dwelling unit until second dwelling unit is removed.
4. Existing driveway will serve both homes.
5. Mobile home is not to be placed on a permanent foundation.
6. Utilities supplying mobile home are to be removed upon removal of mobile home.
7. Failure to comply with all conditions shall result in administrative revocation of the variance.
8. Applicant shall sign a "Temporary Density/Area Variance Conditions of Approval" affidavit accepting the conditions of approval as set forth by the County Development Review Committee.

CHAIRMAN GRINÉ: This is a public hearing. Is the applicant here?

[Duly sworn, Richard Wheeler testified as follows]

RICHARD WHEELER: Good evening, Mr. Chairman, my name is Richard Wheeler. I reside at Box 5 in Glorieta, New Mexico.

CHAIRMAN GRINÉ: Okay, Mr. Wheeler, are you in agreement with all the conditions?

MR. WHEELER: Yes, sir.

CHAIRMAN GRINÉ: Any questions of Mr. Wheeler? Okay, thank you.

1759525

This is a public hearing anybody want to speak for or against this case?

Commissioner Gonzales moved approval with the conditions. His motion was seconded by Commissioner Anaya and passed by unanimous voice vote.

2. **CDRC CASE # Z 99-5660. The Santa Fe Horse Park. Charlie Kokesh, applicant, Ike Pino, applicant, request master plan zoning under "Other Development" for approval of existing and additional uses at the Santa Fe Horse Park. Uses to include horse boarding, horse training, equestrian events and large outdoor events. Additional structures/uses are to include additions to the arenas, pens, shelters, exercise tracks, three park areas, expansions of the club house, workshop/studio (2,400 square feet), additional hay barn (1,200 square feet), ten RV spaces, hay and feed sales, storage and maintenance sheds, draft horse barn (6,000 square feet), foaling shed (7,200 square feet), breeding barn (4,500 square feet) and a veterinary barn (7,200 square feet). The 81.6-acre property is located northwest of County Road 56, within Section 17, Township 16 North, Range 8 East**

PENNY ELLIS-GREEN (Review Specialist): Mr. Chairman, Commissioners, the applicant states that the property is currently boarding an average of 120 horses year round, during the polo season, which is June to August, that number increases to 300 to 350 horses. Equestrian events such as polo, pony clubs and competitions take place on the property as do charity and fundraising events, private functions, and shows.

As phase one, the applicant proposes to the indoor arena, they intend to replace the bleachers, install an A/V system, addition of concession stand and electrical outlets. The cowboy arena, replace exist fencing and addition of storage shed, judges stand, concessions, seating, lights and PA system. The dressage arena, replace fencing and addition of judges stand, seating, lights and PA. Warm-up/practice arena, replace fencing, addition of storage shed, lighting and PA system. Training arena, replace fencing, addition of judges and viewing stands, storage shed, lights, PA system. Round pen #1, addition of a sprinkler system for dust control and electric service. Hunter/jumper arena, replace fencing, addition of judges stand, seating, storage shed, lights and PA system. Galloping/exercise tracks, grading and perimeter footings.

The applicant also proposed the following new structure and uses in phase 1: 3 park areas to be landscaped with picnic and barbecue areas with plumbing and lighting; the clubhouse is an existing 3-bedroom residence will be converted into a clubhouse with office

1759525

space and meeting rooms, a 600-square foot addition to the existing structure is proposed; haybarn, a 1200 square foot pre-fab building for hay storage and sales to polo clients; round pen #2, a 60-foot diameter arena with coyote fence walls with a viewing stand and sprinkler system for dust control; hay and feed sales area, a loading area located in the northeast corner of the property; storage barn; workshop studio, 1800 to 2400 square feet to be located south of the clubhouse for workshop and storage, bootmaking, saddle making and tack repair; cisterns, with up to 60,000 gallons capacity to capture stormwater runoff to be used for irrigation; RV parking area for up to 10 RVs with electric hook-up. No sewer connection is proposed. This will mainly be used during the polo season but will be open year round; machine shed. Phase two, will be a period of 3 to 5 years and they propose a draft horse barn and 6,000 square foot, a foaling shed, 7200 square feet, a stallion/breeding barn, 4500 square feet and a veterinary barn, 7200 square foot.

Recommendation, the CDRC recommended master plan zoning subject to the following 19 conditions, and if I may, I would like to enter those into the record with staff recommending condition number two be reworded [shown below]:

1. Under this approval, the maximum number of boarding horses is 350. The maximum number of RVs permitted is ten.
2. The applicant will submit a detailed water budget for full build out setting the maximum number of people attending events, a water quality analysis, and proof of adequate long-term water availability with the preliminary development plan submittal. Commercial water rights may be required to be determined by the State Engineers Office and the County Hydrologist with the preliminary development plan submittal. If commercial water rights are required, the applicant will provide proof of ownership and applicability with the final development plan submittal.
3. The applicant will meter all wells and update well records with the State Engineers Office.
4. The applicant will not irrigate the fields with well water unless approved by the Land Use Administrator and the State Engineers Office. The applicant will provide documentation that treated effluent is obtained from the City with the preliminary development plan.
5. The applicant will not widen CR 56C but will improve the driving surface to local road standard from CR 56 to the southern entrance of the Horse Park. The intersection of CR 56C and CR 56 will be redefined into a right angle surface.
6. The northern access road must meet local road standards with a minimum easement of 38 feet and a 24-foot driving surface.
7. The applicant will work with the gravel pit operator to consolidate the northern access to the horse park with the gravel pit access at County Road 56, to be approved by the Public Works Department.
8. The following will be submitted with preliminary development plan:

1759525

- a. Lighting plan for new and existing outside light. All lights are to be shielded
 - b. Proof of legal access meeting Code requirements (minimum 38-foot easement) and plans for the access road improvements
 - c. Parking plan
 - d. Landscape plan to include landscaping in and around the parking areas and west of the existing arena/barn and the proposed stallion barn
 - e. Drainage calculations to size and locate retention ponding to be prepared by a registered New Mexico Professional Engineer
 - f. Building elevations
 - g. Solid waste disposal plan
9. The applicant is to submit a fire protection plan meeting Code requirements with the preliminary development plan submittal as follows:
- a. Two 30,000-gallon water storage tanks with hydrants, dedicated for fire protection use only, are required at opposite ends of the development. The design and location is to be approved by the Fire Marshal
 - b. Building construction details are to be provided
 - c. Fire access lanes and building identification signage
 - d. A fire inspection is required for all existing and proposed buildings
10. The applicant will encourage traffic to gain access to the property from CR 56 via SR 599. Brochures and webpages should identify this as primary access.
11. The applicant will provide a wastewater budget and approved Environment Department permits for all existing and proposed liquid waste systems. If total project flows exceed 2,000 gallons per day, the applicant must submit a discharge permit approved by the Environment Department.
12. The applicant will provide hand-washing facilities with the public bathrooms to be constructed in Phases 1.
13. All existing and new horse park utilities are to be underground.
14. All new or replacement structures are to be set back five feet from the property line.
15. The wells will be registered as a public water supply in accordance with Environment Department regulations.
16. The applicant is to disclose to all guests at the RV park where the nearest dump station is and the fee for dumping waste.
17. The applicant will identify the limits of the flood zones and provide elevations certifications for any new proposed structures within the 100-year flood plain.
18. Compliance with the applicable review comments from the following:
- a. State Engineers Office
 - b. State Environment Department
 - c. County Subdivision Engineer
 - d. County Fire Marshal
 - e. County Public Works

1759325

19. The master plan is to be recorded with the County Clerk's office.

COMMISSIONER DURAN: Mr. Chairman, for the record I will be recusing myself from this case. I had a business relationship with the applicant within the last three years.

CHAIRMAN GRINÉ: Thank you, Commissioner Duran. Any questions of staff? Thank you, Penny.

[Duly sworn, Isaac Pino testified as follows]

CHAIRMAN GRINÉ: Ike, is the applicant in agreement with all the conditions?

ISAAC PINO: Yes, we are, Mr. Chairman.

CHAIRMAN GRINÉ: Any questions of the applicant?

COMMISSIONER DURAN: And the amendment conditions?

MR. PINO: Yes, Commissioner Anaya, we are.

MS. BUSTAMANTE: I'm sorry, sir, please give your name and address for the record.

MR. PINO: My name is Isaac Pino and my address is 1921 Morris Place in Santa Fe.

CHAIRMAN GRINÉ: Any other questions. This is a public hearing, anybody want to speak for or against this project which is at master plan only?

[Duly sworn, Robert Romero testified as follows]

ROBERT ROMERO: Robert Romero, I reside at 28 La Masita del Rey, La Cienega, New Mexico. I'm here representing the La Cienega Valley Association. The Valley Association has reviewed this project and we had much concern over this project because of traffic, water concerns, and other issues.

The applicant has met with us and I would like to commend staff for addressing our concerns through conditions and this project has the approval of the association, although, I would like to state that it does not have the support of the community at this time, although, we are going to continue to work with the applicant as this project moves forward and hopefully that support will be generated through this process.

We are concerned in particular about one of the conditions regarding the effluent, I believe it is condition number four. Right now, there is some question about the availability of that effluent in the future. We would prefer that the city provide a long-term contract in this particular project because if not, this effluent contract could fade away and may not be renewed, thus leaving the applicant reliant upon ground water. We're very concerned about that because the water will be pumped up, probably locally from the community for a commercial use and it will impact the residents in the surrounding areas.

What I would like to ask is if this use of effluent should change, that it comes before this board for a public hearing for that change of use rather than just being done administratively. So that the board can review it and determine the feasibility of it at that

1759525

time. I was hoping that the city will accommodate the Santa Fe Horse Park with a long term contract that way he does not have to go out in the community and seek water rights to accommodate his irrigation needs.

CHAIRMAN GRINÉ: Thank you, Mr. Romero. Ike, do you have any problems with working something out to meet Mr. Romero's concerns?

MR. PINO: Mr. Chairman, Mr. Romero is referring to a recent staff report from the city where we have gone into renew our contract for effluent and they're recommending a one-year renewal. We had asked for a multi-year renewal and frankly we believe that they are trying to lean towards the potential larger users of the effluent but that's not a done deal as they say, and we're going to continue to insist that we have our contract with the city. So Mr. Romero's asking that we come in before the Commission if that contract were to expire and we would have to rely on fresh water and we certainly would agree to do anything that the Commission wishes to do at that time if they wish to do it in a public forum.

CHAIRMAN GRINÉ: Okay. Mr. Romero, is that okay?

MR. ROMERO: I'm fine with that.

CHAIRMAN GRINÉ: Anybody else?

[Duly sworn, Philip Baca testified as follows]

PHILIP BACA: Mr. Chairman, my name is Philip Baca. I reside at 3902 Karen Drive in Las Cruces, New Mexico. I have several concerns that I would like to bring up.

A lot of you are aware, I think that this area down there is basically an agriculturally/residential area. What we're talking about here and I don't know what it falls under here, I looked it up and I can't figure out what master development and other means but what we're looking at to me is just a rezoning into commercial. When you start talking about hay and feed sales, to me that is a commercial use. When you start talking about veterinary services, that's a commercial use. When you start talking about an RV park although even if it's only 10 spaces, that is a commercial use and to me that all falls under a rezoning for commercial purposes and not a horse barn.

When you start talking about boarding horses that is a commercial use and it should become, in my mind and all I know about uses of land, it should be a rezoning and you're actually being asked to rezone and any one parcel that is in the middle of a residential area to commercial. I just don't understand how you can call something a redevelopment of a other use when it is basically all commercial and to me it's just a rezoning of commercial into a residential area.

The second item I would like to bring up is as I understand in any hearings before this body or any other bodies, property owners within 100 feet excluding right-of-ways are supposed to be notified by registered mail/return-receipt requested. This is the second time that this has happened to our family in this area. Last fall it happened to us and at that time Commissioner Duran was chairing the meeting and Leeder Construction Company came in

1759525

for a rezoning on some land and they did not notify my two brothers.

Mr. Jim Siebert stood here at that time and told Commissioner Duran when he questioned on him, if they had notified everybody and he said yes. But they had notified me. How they got my address in Las Cruces, I do not know, because our taxing address on the property that we own out there is on 222 Delgado Street, Santa Fe, New Mexico.

Now for this particular one my brother that lives at 222 Delgado Street was notified. I don't know when. He spends a lot of time out of state, he's got business out of state. I didn't learn about it until last Tuesday which is way after the deadline for notifying a property owners. My other brother, Edward, was not notified either. I have been before this body many times before some of your planning people and your staff people, your corridor committee, and a lot of times that I have been before you and I think that it's a pretty well known fact that the Baca land holdings west of Santa Fe belong to three brothers. I don't know where the mystic comes in that we don't notify but one person at a time and leave the two others out. I just want it for the record know that Edward and myself we were not notified by registered mail return receipt requested as we're suppose to.

The other thing that I would like to bring up is some real major concerns that I have not only for ourselves but for the whole community of La Cieneguilla. The first one I'd like to bring up is the potential contamination of the groundwater. The neighbors out there have not been good neighbors. And I'd like to pass a picture here that you can see -- [out of microphone range] -- that was taken yesterday. I talked to your staff last week and at that item Penny had told me that when she was out there about a month ago that they had started moving the manure from the area. There's a huge pile of manure, it's still there, and about one-story high and it's a huge area and it's piled up against our fence and against our ranch road. And it's been there for over a year. They just dump it there and they just leave it there. That to me is a perfect place to start contamination of the groundwater. The groundwater is very shallow in that area. We have dug some holes in our property immediately to the east of there and the water table at one area there is at 12 feet. The water table on the Arroyo Calasbas there which is most of the 81 acres is in the Arroyo Calasbas floodplain -- we have one well two miles north of there and the ground water is at 60 feet. We have another well at 3/4 of a mile there and the groundwater is at 50 feet. At this particular area which is a lot more shallow -- most of the people in the Cieneguilla area who have wells, their wells are less than 50 feet.

Now, the manure is not the biggest problem because the manure you can pile up and haul it away. How are you going to do it with the urine of 120 horses on a year-round basis and another 300 in the summer time. I think all of you are acquainted with the problems that we're having the groundwater in the Pecos Valley and Eddy and Chaves counties down there. Another area that is having a big problem with pollution of the groundwater is Dona Ana County with dairies in that area. Most of their groundwater has been polluted down there and I submit to you that the same thing is going to happen in this area. I asked staff if there was any that had been down as far as EID is concerned and they told me that that

1759525

might come later. I think that it is a huge mistake to approve a project that is going to have 300 horses and not in 81 acres, most of that area is a running area and a polo field area. The horses are going to be housed in probably 10 to 15 acres and you have all the excrement of 300 horses to do and you're going to have a tremendous water problem for the whole community of La Cieneguilla -- all those people are going to have their wells polluted including ourselves.

We are immediately adjacent to this property. Two of the current barns are approximately 8 feet from our property line. Now the other thing that I want to bring up is something that was done by the owners there this past summer to my knowledge without the approval of anyone and that was the damming of the Arroyo Calabasas. The arroyo at that area consists of Arroyo Calabasas which starts up here by Tano Road and the Arroyo Frijoles which are two major watershed areas that lean off right into the polo fields and the flood plain. The Arroyo Frijoles for those of you who do not know starts right here by the bypass intersection as you get on the bypass you go down a little dip and there's a little arroyo there that comes towards the national cemetery and you go up a little hill and you're right there at the head waters of the Arroyo Frijoles. Now, when the bypass is finished about seven miles of the bypass is going to drain right into the Arroyo Frijoles and you're going to have major runoff coming just from the bypass itself not regarding any other runoff that comes out of there. Now, Commissioner Anaya and Commissioner Gonzales I think you were on the Commission on July 1996 when we had a similar situation we warned -- I did of staff when they installed a culvert on the Arroyo Frijoles right by the soccer fields, the city soccer fields, they installed a 10 foot diameter culvert and we told them that that was not going to be adequate that it was going to get plugged and dam-up the water and you're going to have flooding down below. On July 11, 1996, exactly what we told the staff, which told us that we were crazy and it was going to handle the water, we had a big rain storm and the watershed of the Arroyo Frijoles that was before the bypass was built, a lot of water went down, it plugged up and it created a huge lake and finally breached the Caja del Rio Road and took the culvert downstream about 100 yards and destroyed it. A wall of water went down the Arroyo Frijoles into the Calabasas down through the polo fields and took out half a mile of CR56 right by the village of Cieneguilla. You might remember that and it cost you a lot of money to repair CR 56, it took you about three years to repair it.

Now, I'd like to show you some pictures of where this Arroyo Calabasas was dammed this past summer and also the spillway that consists of three culverts that were installed there to take care of all the run-off of Arroyo Calabasas. The culverts are approximately 18 inches in diameter. Now, the berm that was built across the arroyo there at that particular area is approximately half a mile wide. The berm or the dam that was built across the Arroyo Calabasas is approximately 15 feet from our property line so that when all this water goes down and hits this berm which is approximately 4 feet high the water is going to back up and it's real flat in that area. The majority of that water -- and right behind you it says protection of property -- we would like for you to protect our property.

1759525

That water is going to dam up and be ponding on our property right on the Baca Ranch Road that you saw in that picture. That road has been serving us for many years. As the water standards on that road it's going to become a quagmire and it's going to become impassable. That road also serves the Santa Fe Mining Company that has been mining up there since the 1970's hauling red pumice and they ship it off over here for the Highway Department and that's where they fill the railroad cars. They've been hauling on that road since the 1970s. We lease that road to them and that road is going to be impassable for their trucks because that water is going dam up.

Now if you have a fairly good drain, those three culverts in no way -- it's going to be an engineering marvel and probably the eighth wonder of the world if you can stuff all the water going down the Arroyo Calabasas into three 18 inch culverts. And I tell you right now that the water is going to dam up and you're going to have a breach of that dam which is part of this overall proposal that they're asking you to approve and when that wall of water goes down, CR 56 is going to be washed out as La Cieneguilla. You're going to lose that road all over again.

And, we're going to lose our road. We're not going to be able use that road. And I think it's incumbent upon this Commission to vote and have that dam removed from there so that our property will not be underwater whenever we have some runoff there. And including the County property when you have a big flood. And if I'm not mistaken it's also against some federal and probably state regulations to dam a major water course in the State of New Mexico and the County of Santa Fe and by approving this you would be sanctioning what they have already done without a permit according to my knowledge. And that was done last summer and that dam is right there. Last summer we were lucky cause it was pretty dry and we didn't have any big runoffs going in from the Calabasas or the Frijoles but when you have both of those arroyos running, by the time it gets to this point those arroyos join together approximately 1.5 miles north of their you have a huge watershed that pours into that area and you're going to have major problems.

So the two major issues that I want to make sure you all consider is the flooding situation and the contamination of the water table by having all those animals with no provisions made for the excretion created by these animals. And I think before this Commission acts on this project, they should be required to go to EID the State Engineer's Office and all the property approving officials and bodies in the state of New Mexico and the County of Santa Fe that have to approve these matters and have their blessing and have a plan that is approved by people that know about water contamination and the water table. That know about runoff on huge watersheds like the Arroyo Frijoles and Calabasas and that they satisfy all the requirements, engineering requirements, and water requirements and bring proof of that before you act on it to approve something and also I do not think that this Commission should approve commercial use in that area at this point in time. I think that area has potential, great potential in the future to build up nicely as it is building up La Cieneguilla as a nice rural residential area for basically the citizens of this community. They

1759525

only want -- this is the only area where they can afford to buy some land in Santa Fe County and it's becoming a beautiful community down there. It's been developed, you know, over the last 20 years and there's a lot of beautiful homes down there but they all have shallow wells and I think it's going to be a detriment to the whole community of La Cieneguilla if this thing is approved and the contamination of the water.

If there's any question, I would be happy to answer them and again I want to reiterate that I was not properly notified. My brother, Edward, was not properly notified about the public hearing. I never knew when it came up before at the CDRC or CDC whatever it is called when they approved this I don't know when that happened because I never notified about it. If you have any questions I would be real happy to answer them.

CHAIRMAN GRINÉ: Any questions of Mr. Baca?

COMMISSIONER GONZALES: I would just ask staff to respond to some of Mr. Baca's issues.

MS. ELLIS-GREEN: One of the issues that was raised was regarding the commercial zoning, this is actually reviewed under "other" development and staff is consistently reviewed equestrian uses under other development. That means the commercial uses do not need to be located in a commercial district.

RV parks as well was an issue and they have consistently been reviewed under other development as well. When staff reviewed this application we considered the commercial uses, for instance the hay and feed sale, as incidental to the equestrian use on this property and the applicant's submittal actually states that the hay and feed sales are mainly for the people using the polo fields and boarding their horses.

Regarding the solid waste, there is a condition 8G saying the disposal plan does need to be submitted with the preliminary development plan. At that point that will be reviewed by the ED by both surface and groundwater to see if there is any contaminating issues.

I guess regarding the dam that Mr. Baca was talking about. I'm not actually familiar with where that is. Is that on this subject property?

MR. BACA: Yes, I don't know where that picture is but it parallels our property line for about half a mile -- and it's approximately 15 feet from our property line and it was built last summer and the spillway for the dam consists of three culverts approximately 18 inches in diameter and if a 10 foot culvert could not handle the Arroyo Frijoles, I'd like to see those three 18" culverts handle both the Arroyos Frijoles and Calabasas.

MS. ELLIS-GREEN: Mr. Chairman, Commissioners, I'm not sure who reviewed this from staff when the culverts were installed. However, condition 8E does state that we need drainage calculations and also a drainage and grading plan will be required with the preliminary development plan and that may need modification regarding the three culverts.

CHAIRMAN GRINÉ: This is a public hearing anyone else? If not, Ike do you want to talk about some of the concerns?

1759525

MR. PINO: Thank you, Mr. Chairman. I'd like to address a few of them. First of all with respect to the commercial concerns, I tried to explain to Mr. Baca the other night when we spoke that unlike the feedstore out on SR14 or the Feedbin out of West Alameda where you have no cattle being boarded. People come in to buy hay and feed because that's what they sell. Obviously, if we're going to board up to 300 horses at the horse park, they have to eat hay and they have to eat feed and we're not going to give it away so we are going to sell it primarily to the customers of the horse park and if somebody occasionally comes in and wants to buy a few bales of hay I'm sure we'll sell it to them but we're not setting up -- the commercial context is there for the benefit of the users not as a side item that we thought might be a profitable way to make money but a way to service the user.

The same thing for all the uses that are there. The veterinary use down the road, when there is an emergency with one of the animals rather than have to load the animal up and take it to a veterinary we can service that animal right on the site. A lot of people prefer to have full-service boarding including foaling and breeding and veterinary and all of that.

So, Mr. Chairman and Commissioners, the commercial activity would be in the context of the people using the park but not for the general benefit of everybody in the county. It's not set up that way.

With respect to the excrement and contamination, I do want to reiterate that all of our submittals have been sent to all the state agencies as contained in condition 18 which includes the State Engineer, the State ED, the County Subdivision Engineer, the fire marshall and public works and so we've agreed that we will comply with any conditions that they bring forward now or at development plan. I would add that in our stables we have a controlled environment where a mixture of scoria and sawdust and hay is used and cleaned out twice a day in the stalls: a horse litter if you will. So the excrement is collected and hauled off. This is something that just falls onto the raw ground and seeps its way into the ground. I think that -- I can tell you that there's a greater problem with cows that are grazing out there that excrete right into the water stream itself. Because when I had the authority at the city that was always a concern on nitrates. It was excrement of cows right into the stream. This is not going to be a problem of that magnitude by a long shot. And it will continue to be a controlled environment.

With respect to the damming of the arroyo; that berm that's there was there when this property was purchased by the current owners. The current owners do maintain that berm and it was there in 1996 when that last 100 year storm happened. Mr. Chairman and Commissioners, there has never been an issue about that berm until tonight and I'm not sure what the staff or the reviewing agencies down the road are going to want to do about it. But obviously in order to get a development plan approved they'll have to comply with something if they deem it to be a problem. But I think Mr. Baca was incorrect in stated that we built that last summer we didn't. We do have continuous maintenance on it and there

1759525

is equipment seen on that berm in that area continuously. It could appear to somebody, perhaps, who doesn't live here and is visiting for a weekend, that somebody is building something because they're not aware of the maintenance issue that are going on.

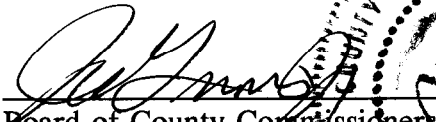
With respect to the notification, Mr. Chairman, as required by code we went to the County Assessor's office and picked up the addresses that are on there and in this case it was Antonio Baca on Delgado Street. Ms. Green has the receipt and the way the County Assessor handles whose name is on a property is there business and as near as I can tell I don't know how you can get two or three other names. I can tell you on many other cases that I have done, what the County Assessor puts in there is a trustee for a trust or a general partner for a partnership but they never list three or four names of partners of brothers or sisters or anything. It seems that those that have made a point about it have been given a title on the property that says you are the trustee and you get the notice. But I just wanted to be clear for the record that the notice was sent and was signed by Mr. Baca and the staff does have the receipt. With that, Mr. Chairman, I'll stand for questions.

Commissioner Gonzales moved to approve CDRC Z 99-5660 with the 19 staff imposed conditions. His motion was seconded by Commissioner Anaya and passed by unanimous voice vote.

ADJOURNMENT

Chairman Griñé declared this meeting adjourned at approximately 8:45 p.m.

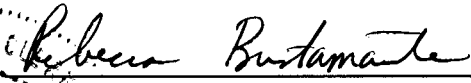
Approved by:

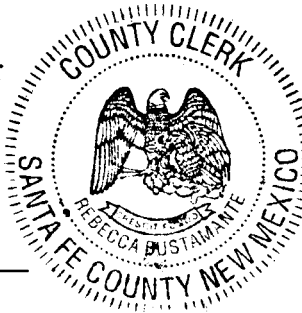

Board of County Commissioners
Joe S. Griñé, Jr., Chairman

Respectfully submitted:


Karen Farrell, Commission Reporter

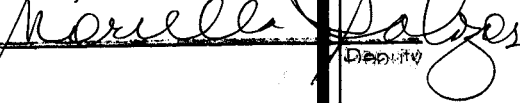
ATTEST TO:


REBECCA BUSTAMANTE
SANTA FE COUNTY CLERK



1114 214
COUNTY OF SANTA FE
STATE OF NEW MEXICO
I hereby certify that this instrument was filed
for record on the 26 day of April A.D.
20 00 at 9:34 o'clock a.m.
and was duly recorded in book 1759
page 525 of the records of
Santa Fe County.

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


Deputy