

SANTA FE BOARD OF COUNTY COMMISSIONERS
COMMISSION CHAMBERS COUNTY ADMINISTRATION BUILDING

REGULAR MEETING
(Administrative Items)

April 25, 2000 - 1:30 P.M.

Amended Agenda

- I. Call to Order
- II. Roll Call
- III. Pledge of Allegiance
- IV. Approval of Agenda
 - A. Amendments
 - B. Tabled or Withdrawn Items
- V. Approval of Minutes *March 28, 2000 April 11, 2000*
- VI. Consent Calendar:
 - A. Resolution No. 2000-46 A Resolution Requesting a Budget Increase to the Debt Service Fund/General Obligation Debt to Budget Prior Year Cash Balance for Debt Service Expenditure in Fiscal Year 2000 (Finance Department)
 - B. Resolution No. 2000-47 A Resolution Requesting a Budget Increase to the Fire Protection Fund/Various Fire Districts to Budget Fire Impact Fee for Expenditure in Fiscal Year 2000 (Fire Department)
 - C. Resolution No. 2000-48 A Resolution Requesting a Budget Increase to the Road Projects Fund/La Tierra Association to Budget Revenues Received for Road Maintenance, Repair and Improvement Expenditure in Fiscal Year 2000 (Public Works Department)
 - D. Resolution No. 2000-49 A Resolution Requesting a Budget Increase to the General Fund/Public Works Solid Waste Department to Budget Insurance Recovery Revenue for Supply and Capital Equipment Expenditure in Fiscal Year 2000 (Public Works Department)

- E. Resolution No. 2000-50 A Resolution Requesting a Budget Transfer from the General Fund/Various Departments to the Information Systems Department for Telephone Expenditure in Fiscal Year 2000 (Finance Department)
- F. Request Authorization to Accept and Award an Indefinite Quantity Price Agreement to the Lowest Responsive Bidder, IFB #20-36 RB1, for a Fire Mini Pumper (Fire Department)
- G. Request Authorization to Accept and Award an Indefinite Quantity Price Agreement to the Lowest Responsive Bidder, IFB #20-60, for Various Self-Contained Breathing Apparatus (Fire Department)
- H. Request Authorization to Enter into a Price Agreement, #20-0171-PW, for Cattle Guards (Public Works Department)

VII. Administrative Items:

- A. Committee Expirations/Resignations/Vacancies:
- B. Committee Appointments:
 - 1. County Development Review Committee

VIII. Presentations & Awards:

- A. Presentation on the Open Land and Trails Plan (Draft)
- B. Recognition Certificates to the County Open Land and Trails Planning and Advisory Committee Members
- C. Presentation by David Manzanares, Regional Coordinator for the Northern Rio Grande Resource Conservation and Development Council
- D. Quarterly Report by Santa Fe Youth and Family Shelters

IX. Staff and Elected Officials Items:

- A. County Clerk
 - 1. Resolution No. 2000-⁵¹ A Resolution Imposing an Annual Liquor License Tax Upon Persons Holding State Liquor Licenses
- B. Community, Health & Economic Development Department
 - 1. Resolution No. 2000-⁵² A Resolution Dedicating a Right-of-Way to the City of Santa Fe for a Sanitary Sewer Line
 - 2. Resolution No. 2000-⁵³ A Resolution Dedicating a Right-of-Way to the Public Service Company of New Mexico for an Overhead Electric Power Line
 - 3. Request Authorization to Enter into a Lease Agreement with the New Mexico State Land Office for a Five-Acre Parcel for the Construction of the Multipurpose Teen Center
 - 4. Request Authorization to Submit a Request for Fiscal Year 2001 Community DWI Funds to the Traffic Safety Bureau

C. Finance Department

1. Request Authorization to Enter into a Professional Services Agreement, RFP #20-47, for Bond Counsel Services
2. Request Authorization to Enter into Amendment Number One to the Professional Services Agreement with Richard Crane for Legal Services (County Manager's Office)

D. Fire Department

1. Resolution No. 2000-⁵⁴ A Resolution Supporting a Program of Hazardous Materials Training, Preparedness and Public Information in Santa Fe County
2. Resolution No. 2000-⁵⁵ A Resolution Establishing Fire Hydrant Testing Requirements for Santa Fe County

E. Public Works Department

1. Request Authorization to Enter into an Agreement with Tierra De Oro Homeowners Association for Improvements to County Roads
2. Request Authorization to Enter into Change Order Number One with J.R. Hale Contracting Inc. of New Mexico for the County Road 62, Alamo Lane and San Isidro Drainage, Paving and Sewer Improvements Project
3. Request Authorization to Enter into a Lease/Purchase Agreement with Caterpillar Financial Services Corporation for Five Motor Graders
4. Request Authorization to Enter into a Lease/Purchase Agreement with Caterpillar Financial Services Corporation for Two Backhoe Loaders

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

1. Request Authorization to Enter into or Rescind a Sublease Agreement with Cornell Corrections for the Santa Fe County Jail Annex Located at the Main Unit of the New Mexico State Penitentiary
2. Request Authorization to Enter into or Rescind an Operating Agreement with Cornell Corrections for the Santa Fe County Jail Annex Located at the Main Unit of the New Mexico State Penitentiary

G. Matters of Public Concern - NON-ACTION ITEMS

H. Matters from the Commission

1. Resolution No. 2000-⁵⁷ A Joint City/County Resolution to Bring Three Hundred Jobs at \$30,000/Year to Santa Fe County Residents in Three Hundred Days
2. Resolution No. 2000-⁵⁷ A Resolution Dedicating Five Percent of the Purchase on COLTPAC Acquisitions to Establish a Capital Improvement and Maintenance Fund for Open Space Projects
3. Discussion of and Possible Action on a Joint Powers Agreement with the City of Santa Fe Authorizing the Creation of a Regional Planning Authority
4. Request Authorization to Enter into a Memorandum of Agreement with the City of Santa Fe for Planning of the Southwest Santa Fe City/County Planning Areas
5. ^{Tabled} Discussion of Youth Shelters and Family Services Organization

I. 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

X. Public Hearings:

- A. ^{OK} Emergency Ordinance No. 2000-⁰⁴ An Emergency Ordinance Declaring Hazardous Fire Conditions Warranting a Situation in Santa Fe County to Impose Restrictions on Fireworks, Open Fires and Smoking within Santa Fe County
- B. ^{OK} Ordinance No. 2000-⁰³ An Ordinance Regarding the Santa Fe County Fair Board; Establishing the Duties, Powers and Procedures of the Board; Repealing Ordinances 1986-6 and 1987-4 (One Hearing Required)
- C. Ordinance No. 2000- An Ordinance Regulating Cable Television Services within Santa Fe County (One Hearing Required)
- D. ^{ADJ} Ordinance No. 2000- An Ordinance Declaring La Cienega and La Cieneguilla Traditional Historic Communities under State Law (First Public Hearing)

XI. 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).

1771069

BOARD OF COUNTY COMMISSIONERS

SANTA FE, NEW MEXICO

REGULAR MEETING

APRIL 25, 2000

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

1771069

SANTA FE COUNTY
REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

April 25, 2000

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 1:45 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

IV. APPROVAL OF AGENDA

SAM MONTOYA (County Manager): Thank you, Mr. Chairman, and good afternoon. There are some amendments today's meeting. The first amendment is on page 4, under IX. H 4.: the memorandum requesting authorization to enter into with the City of Santa Fe, the planning of the Southwest City/County Planning areas. Mr. Chairman, that is an amendment on today's agenda.

The items we're asking to table are, on page 2, items IX. B. 3., which is a lease agreement with the New Mexico State Land Office for a 5 acre parcel for the construction of a multi-purpose teen center. This is the teen center in La Puebla, Mr. Chairman. We're working out some additional details that have come up recently but we feel very comfortable that we will resolve it. It's just not ready for today's approval.

The next tabled item is on page 4, X.C., it's an ordinance regulating cable television services within Santa Fe County. Mr. Chairman, again we have been asked by the cable

1771069

companies to consider some additional language and Mr. Graeser from legal has asked that we table that.

Mr. Chairman, those are the amendments and tabling requests on today's agenda.

COMMISSIONER TRUJILLO: Mr. Chairman. Yes, Sam, on the teen center will it be ready for ground breaking in the middle of May?

MR. MONTOYA: Mr. Chairman, Commissioner Trujillo, we plan to have this agreement for you on the first meeting in May. So, yes, the answer is yes.

COMMISSIONER TRUJILLO: Thank you.

COMMISSIONER DURAN: Mr. Chairman. I was wondering if the board would consider bringing item F, 1 and 2 the items from the County Manager regarding the sublease for Cornell Corrections and the County Jail annex and I would ask that we bring that up as the first item of business for today.

CHAIRMAN GRINÉ: Which one was that again, Commission?

COMMISSIONER DURAN: That's items IX F 1 and 2 on page 3. I'd like to bring those up either before the consent calendar or after.

CHAIRMAN GRINÉ: Let's just do it before the consent calendar.

Commissioner Duran moved to approve the amendments. His motion was seconded by Commissioner Gonzales and passed by unanimous voice vote.

Commissioner Duran moved to approve the agenda as amended. His motion was seconded by Commissioner Gonzales and passed by unanimous voice vote.

IX. F. Matters from the County Manager

1. Request Authorization to enter into or rescind a sublease agreement with Cornell Corrections from the Santa Fe County Jail Annex located at the main unit of the NM State Penitentiary

CHAIRMAN GRINÉ: What's the wishes of the board?

COMMISSIONER DURAN: Mr. Chairman. Due to the information that we have received from the Cornell where the Bureau of Prisons has rescinded their offer to allow them to operate a facility for the INS or an INS facility and that coupled with the fact that we now have the ability today to rescind and end the negotiations on this lease agreements because of the amendments made to it, I would like to make a motion that this board terminate the negotiations with Cornell Corrections for the sublease agreement and that we also terminate negotiations and rescind our agreement to operate the facility out there. I'm asking to deny the request of items one and two.

COMMISSIONER GONZALES: Second.

1771069

CHAIRMAN GRINÉ: Second, for discussion. Sam.

MR. MONTTOYA: Mr. Chairman, if I could suggest something to Commissioner Duran, which might get directly to the intent. If the Commissioners simply choose or act not to concur with the amendments as proposed, that would basically kill both the lease agreement -- the sublease agreement and the operating agreement, Mr. Chairman.

COMMISSIONER DURAN: Thank you, Sam. That is what I want my motion to reflect.

CHAIRMAN GRINÉ: Okay, that's the motion as recommended by the County Manager. Do I have a second on that?

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

COMMISSIONER GONZALES: Mr. Chairman.

CHAIRMAN GRINÉ: Commissioner Gonzales.

COMMISSIONER GONZALES: It seems like we're going a real complicated route to do something that we're all going to do. So, Commissioner Duran, if I understand your motion it was to rescind the sublease agreement and the operating agreement and to reject any amendments that have been proposed. Can't we just simply rescind the agreement? Can't we just do that or do we have to rescind the agreement and all proposed amendments?

COMMISSIONER DURAN: Commissioner Gonzales, it's my understanding that we don't have any information from Cornell -- we don't have anything written from Cornell that they're withdrawing their proposal or their agreement. So we really can't use those for withdrawing because they have not been selected. But we do, under contractual law, have the ability to terminate these agreements because of the amendments that were made to them.

COMMISSIONER GONZALES: But it's all saying the same thing.

BARBARA MULVANEY (Deputy Attorney): Mr. Chairman, Commissioners, we don't have an agreement. There is no signed agreement. The amendment -- the documents that came in front of you at the previous meeting which you voted for, the operating agreement, the lease and the sublease -- the operating agreement and the sublease and particularly the operating agreement went over to the Attorney General Office and was substantially altered. There are seven to ten different areas that it was altered. Those are now in front of you and have been amended and they're here to be voted either up or down on those agreements. It's just a little bit cleaner -- there are different ways to withdraw from this situation. The Attorney General Office could reject the agreement. Cornell could withdraw because they didn't get the BOP contract or what you have right in front of you is the amended agreement. What you have before you are the amended agreements. You can either vote up or down on those agreements. By voting down the amended agreements it successfully terminates the negotiation.

COMMISSIONER GONZALES: It would just be a simple motion to vote no on the --

1771069

CHAIRMAN GRINÉ: On the amendments.

COMMISSIONER GONZALES: -- on the sublease to Cornell Corrections on the county jail annex and no on the operating agreement; can we just do a simple motion like that and accomplish everything that we need to accomplish?

MS. MULVANEY: That's correct. Because the other two things are out of our hands and then this is the easiest. The Commission, if they would like, could give instruction to the County manager to cease negotiation.

What you have right now are the amended agreements. It's exactly as Commissioner Gonzales said, you're going to vote up or down right now on the amended operating agreement and the amended sublease.

COMMISSIONER DURAN: And to cease further negotiations?

MS. MULVANEY: Yes, you can send that direction to staff.

COMMISSIONER DURAN: I'll make my motion like that with the instruction to cease any further negotiation.

MS. MULVANEY: I suggest you do it separately. First the operating agreement and then the sublease and then you can send direction to staff.

CHAIRMAN GRINÉ: We need to back-up. We have two motions and two seconds. Let's withdraw those first.

COMMISSIONER DURAN: Okay, I'll withdraw all those motions.

COMMISSIONER GONZALES: I'll withdraw my second.

COMMISSIONER TRUJILLO: I'll withdraw too.

COMMISSIONER DURAN: My motion is to vote "no" on these agreements.

MS. MULVANEY: That's correct. If you look at the agenda under F.1., it's a request to grant authorization to enter into or rescind a sublease agreement. The reason rescind is in there is because had we gotten a letter from Wackenhut, excuse me, Cornell it would have been a rescind. It was in the alternative. So, basically, what you want to do is make a motion to deny authorization to enter into the sublease agreement with Cornell.

COMMISSIONER DURAN: That's my motion.

CHAIRMAN GRINÉ: The motion is to deny to enter into a sublease and also to the operating agreement, Commissioner Duran.

COMMISSIONER GONZALES: One at a time.

CHAIRMAN GRINÉ: You want to do it separate, okay. Your motion is?

COMMISSIONER DURAN: To deny the request for authorization to enter into a sublease with Cornell.

COMMISSIONER GONZALES: Second.

The motion passed by majority voice vote with Commissioner Trujillo voting against.

1771069

2. **Request authorization to enter into or rescind an operating agreement with Cornell Corrections for the Santa Fe County Jail annex located at the main unit of the NM State Penitentiary**

COMMISSIONER DURAN: My second motion would be to deny the request for authorization to enter into an operating agreement with Cornell Corrections.

COMMISSIONER ANAYA: Second.

MS. MULVANEY: Just for clarification since the County has another operating agreement with Cornell, let's just attach it to the jail annex.

COMMISSIONER DURAN: To deny the request as stated in the agenda.

COMMISSIONER ANAYA: Yes, second.

The motion passed by majority voice vote with Commissioner Trujillo voting against.

CHAIRMAN GRINÉ: Okay, we're done. Let's move on to our regular agenda.

COMMISSIONER GONZALES: Mr. Chairman, just real quick as Commissioner Duran had indicated so the public knows the direction from the Commission has been to terminate or discontinue any discussion with Cornell concerning use of that facility.

COMMISSIONER TRUJILLO: Mr. Chairman, this is in perpetuity. The negotiations will never resurrect again?

MR. MONTOYA: Mr. Chairman, if I could, I would like to ask for some clarity as well. I understand that the Commission is interested in keeping the lease agreement between the County and the State of New Mexico for this facility. The guidance that I am to receive is that we should not continue to negotiate any further with Cornell on this particular facility; however, you do want us to continue looking into any other possible uses for this facility; correct?

COMMISSIONER ANAYA: That's correct.

COMMISSIONER GONZALES: Correct.

COMMISSIONER DURAN: I think you could basically say that this facility cannot be used for housing any type of prisoner and that in the future if we look at using this facility for whatever purpose it should not be for the exploit or incarceration of prisoners but rather something more positive and something that the community would embrace.

Basically, the resolution would be that this facility is no longer considered for the housing of any prisoners.

CHAIRMAN GRINÉ: You've got to direct staff to that resolution.

COMMISSIONER DURAN: I asked Barbara about that and maybe at the next meeting we can have something for this commission to consider.

MR. MONTOYA: Thank you for the guidance, Mr. Chairman.

1771069

V. Approval of Minutes
March 28, 2000

COMMISSIONER DURAN: I just have one correction on page 46. This is very important to me. It should say "I am sure he has not studied at St. John's College."

CHAIRMAN GRINÉ: Any other corrections to the minutes?

Commissioner Duran moved to approve the minutes as corrected. His motion was seconded by Commissioner Anaya and passed without opposition. [Commissioner Gonzales was not present for this action.]

April 11, 2000

Commissioner Duran moved to approve the minutes as published. His motion was seconded by Commissioner Anaya and passed without opposition. [Commissioner Gonzales was not present for this action.]

VI. Consent Calendar

- A. Resolution No. 2000-46: A resolution requesting a budget increase to the debt service fund/general obligation debt to budget prior year cash balance for debt service expenditure in FY 2000
- B. Resolution No. 2000-47: A resolution requesting a budget increase to the fire protection fund/various fire districts to budget fire impact fees for expenditure in FY2000
- C. Resolution No. 2000-48: A resolution requesting a budget increase to the road projects fund/La Tierra Association to budget revenues received for road maintenance, repair and improvement expenditure in FY 2000
- D. Resolution No. 2000-49: A resolution requesting a budget increase to the General Fund/Public Works Solid Waste Department to budget insurance recovery revenue for supply and capital equipment expenditures in FY2000.
- E. Resolution No. 2000-50: A resolution requesting a budget transfer from the General Fund/Various Departments to the Information Systems Department for telephone expenditure in FY 2000
- F. Request authorization to accept and award an indefinite quantity price agreement to the lowest responsive bidder, IFB #20-36RB1, for a fire mini pumper

1771069

- G. Request authorization to accept and award an indefinite quantity price agreement to the lowest responsive bidder, IFB #20-60, for various self-contained breathing apparatus
- H. Request authorization to enter into a price agreement #20-0171 PW, for cattle guards.

Commissioner Anaya moved to approve the consent agenda as presented. His motion was seconded by Commissioner Duran and passed by unanimous voice vote. [Commissioner Gonzales was not present for this action.]

VII. Administrative Items

A. Committee expirations/resignations/vacancies

ROMAN ABEYTA (Deputy Land Use Administrator): Thank you, Mr. Chairman and members of the Commission. Theresa Delgado has resigned her motion on the CDRC committee due to a conflict of interest. Her term expires January 31, 2001, staff is requesting that the Board of County Commissioners accept her resignation.

Commissioner Duran moved to accept the resignation. His motion was seconded by Commissioner Trujillo and passed without opposition. [Commissioner Gonzales was not present for his action.]

B. Committee appointments

1. County Development Review Committee

Commissioner Duran moved to appoint Lucy Chavez to the CDRC. His motion was seconded by Commissioner Trujillo and passed without opposition. [Commissioner Gonzales was not present for his action.]

VIII. Presentations & Awards

A. Presentation on the Open Land and Trail Plan

LESLIE ELLIS (Planner): Good afternoon, Mr. Chairman and Commissioners. It's been awhile since we've given you an update on COLTPAC and the progress of the projects through the Wildlife Mountains and Trails program. So I'll try and be really brief because I know you have a full agenda and my high tech presentation didn't work out. This should be fairly quick.

As you know, the committee COLTPAC has been expanded now to 9 members. The

1771069

original 30 members finished their work back in September and their work was to recommend a long-term plan which you have in front of you. We've now had a series of public meetings in different locations around the county and have heard some recommendations to amendments to the plan. Most of the amendments are fairly minor at this point and there seems to be a lot of favorable comment about the plan. You have a new revised proposed amendment sheet in front of you as well as the negotiation status of project list.

So I'll go through the plan very briefly and if you have any questions, I'll be glad to answer those. We're hoping to bring this forward in the month of May for adoption assuming when we have the other public meeting in the next few weeks with nothing unexpected coming up in regards to the contents of the plan. The plan -- the vision statement in the plan talks about this open space program in the County as a way to create a network of cultural, historical, recreational and natural open space and trails. It's a voluntary participation program and these parcels around the county would serve as focal points and preserve and honor the cultural heritage and natural qualities of the county.

Chapter one gives you some background. The county is very committed to a citizen based process which we have been working on with COLTPAC. The purpose of this plan is to establish the long-term priorities and strategies for the county and also give us some guidance on how to establish this program to acquire and manage land. Chapter two basically gives you an outline of all the existing park facilities that we have in the county and there are a number of parks that we currently operate through our general services department as well as other public lands in the county. It also gives you a resource inventory and some of the maps that you see on the wall over there, maps three and four in the plan, show the historic areas in the county, archaeological sites, sacred sites and cultural places as well as the natural areas in the county for protection. Chapter three gives the recommendations and a series of goals and these goals are very much in line with the vision statement that COLTPAC created and these goals came directly out of that committee's work. The chapter also talks about proposed parks and recreation for the next 20 years and estimates that within 20 years time based on the population of the county we'd need 14 neighborhood parks and 12 community parks. So that's something to plan for over the next 20 years.

The master plan map which is the last map in the plan, outlines the resource protection areas in the county and these are areas where all of these cultural sites and natural areas overlap and there are areas in the county where a lot of the natural resources overlap and those are places like the northern valley agricultural area, grasslands around the county, La Cienega creek, all the rivers and arroyos are considered significant areas. It also shows traditional community buffers in the county, a proposed primary trail system as well as the neighborhood and community parks. It also shows two areas of critical environmental concern and one of those is the two-mile reservoir site which was recently donated to the Nature Conservancy.

1771069

Chapter four talks about the strategies and how we're going to accomplish this over the long-term and mainly discusses the voluntary methods that we'll use as well as enforcing existing land use development code regulations that apply to trails and open space. It doesn't propose new regulatory methods for open space acquisition or protection. It does talk about the application process that we're using now for reviewing projects. We have applications that are submitted and COLTPAC then reviews those projects and makes recommendations to the board. As you know, the first phase was completed back in October last year. And that chapter also discusses the criteria that that committee developed to review projects.

Chapter five talks about administration and financing of the program and we did do a comparison of the program and other city programs and found that on average that programs on average in Colorado, Arizona and New Mexico are spending about \$150 per 1,000 acres of land that they own and manage to manage that land. As well as approximately two full-time staff people to take care of the responsibilities of any sort of management of the property and improvements that need to be done on the property. So there are recommendations on this plan for our county establishing a budget and trying to find ways of financing this management, the long-term management of these parcels that we acquire.

Chapter six talks about the actual management strategies and developing management plans for each parcel which we acquire with the communities that support those projects involving local community efforts as well as stewardship programs. We're looking at developing a rules ordinance for rules that would be in effect on these parcels, and working on other partnerships with other agencies and organizations, and education and outreach and volunteer programs.

The last chapter just talks about the update process for this plan and because we don't have all the data that we need at this point and because we can't complete the maps in a way that is necessarily completely up-to-date we'd like to update this plan every two years or as necessary. There may be changes to the criteria or other changes that may come up so we'd like to have a way of going back and revisiting this plan as necessary and updating it if we need to.

So that's it in a very brief nutshell. I also wanted to just quickly touch on the negotiation status of the phase one projects that were approved -- that you approved back in October. We have currently closed on five properties, and Barbara may need to correct me if I've missed something. And those are the La Cienega properties, the Cerrillos Hills, Madrid, Rio en Medio, one of the properties in Rio en Medio, and --

MS. MULVANEY: Cerrillos Hills is three different properties.

MS. ELLIS: And then we're ready to close, shortly, on the scenic gateway, the Pop's project and the Fisher --

COMMISSIONER TRUJILLO: Mr. Chairman. I thought that we had closed on one of the properties in Chimayo.

MS. ELLIS: The Chimayo property is up for review in this next phase of

1771069

projects. So we actually haven't even begun negotiations on that one.

COMMISSIONER TRUJILLO: There's two properties there, right?

MS. ELLIS: At this time, there's currently one property that involves a willing land owner.

COMMISSIONER TRUJILLO: So we haven't closed on that one yet?

MS. ELLIS: It hasn't even gone through the approval process yet. So that one will come before the board next month.

Also, in your packet is this list of projects that is currently under review for phase two and following COLTPAC review it will hopefully come before the Board next month.

COMMISSIONER DURAN: Lesli, I was wondering if you could tell me, I know when Max Coll found out that there was an overage of funds from the private sector that he was trying to get them to lessen the amount that was allocated at the legislative session. Can you give me an update on that?

MS. ELLIS: At this point, I don't know any more than you do. Barbara may know a little bit more.

CHAIRMAN GRINÉ: What I understand what can happen is that if Max Coll wants it back -- I don't know if he can get it back legally and maybe the public can give us more detail on that, but what I was hoping since it was in excess in \$25,000 that it just be put back in the COLTPAC funds. That's what I am hoping.

MS. MULVANEY: Mr. Chairman, Commissioners, it's still up in the air. We don't really know when we're going to get the state money. We don't know if the seller will be charging us interest on that money. We haven't quite worked out some of the details. And as soon as we do, I know the city wants some of the money back. The county should get some money back. The state should get some money back. So far the private donations, no one has suggested that we give that back because there are so many individuals it would be difficult to give a little to each person. We may need it for interest and I don't think we're giving anything back until the details are worked out.

COMMISSIONER DURAN: Interest; we don't even have a signed contract yet.

MS. MULVANEY: If in fact, we're suppose to close on May 15, and we have not figured out yet when we're going to get the \$125,000 from the state. It may be that the seller of the property carries paper for \$175,000, I'm just not sure. So we need to work out some of those details before we decide who gets money back.

It would make sense to me that the County who has contributed the most money would get some money back but I don't know if it's going to work that way.

COMMISSIONER DURAN: Why can't we just leave that excess on site?

MS. MULVANEY: I think that would be a great idea.

COMMISSIONER DURAN: The reason I say that is because they sell a lot of things right next door to this piece of property and there are no facilities there so what happens is they use this lot and it would be nice to have a facility for those people -- it looks

1771068

like they're going to be there for a long time.

MS. MULVANEY: Actually, Chairman, Commissioners, on that property and each property is different as far as any kind of deed restriction going on and I don't know if we would be able to put a structure on that property because it's going to probably be a conservation type easement.

I don't see any reason why we couldn't put the money in capital improvement and maintenance fund that we're talking about developing. So maybe we can just approach the different parties and see if that works for them and then we'll put it in the general fund for open space capital improvements and maintenance.

COMMISSIONER DURAN: The property also has a well on it with water rights and it would be -- I think that there's a lot of things that we need to think about. Perhaps we can use that money to enhance that well -- something. But everybody is going to want something back and maybe it would just be better if we found a way of spending that money on site.

CHAIRMAN GRINÉ: Any other discussion on this or questions of staff.

B. Recognition certificates to COLTPAC members

MS. ELLIS: There are several members of COLTPAC that are here today and you should have the certificates in front of you and if you'd like to read the names out.

Ms. Ellis read off the names as follows: JoAnn Grannemann, Mary Jane Vinella, Walter Wait, John Wheat, Elizabeth Waldron, Mary Louise Williams, Dana Weiser, David Gold, David Cox, Erik Aaboe, Edward Archuleta, Charles Montano, Eldon Reyer, Robert Romero, Cherie Scheick, Matt Schoelder, Rita Lloyd Simmons, Liz Stephanics, Roy Stoesz, Eduardo Vigil, Harold Grantham, Patricia Hotchkiss, Denise Lamb, Michael Larson, Dale Lewis, Lucy Lippard, Joseph Maestas, Danny Martinez, Marilyn Miezner, and Richard Schrader. And those individuals received a certificate and a round of applause.

C. Presentation by David Manzanares, regional coordinator for the Northern Rio Grande Resource Conservation and Development Council

DAVID MADRID: Mr. Chairman and members of the Commission, the County of Santa Fe is sponsoring entity of the Rio Grande Resource Conservation and Development Council and I would just like to let you know that the Northern Rio Grande RC&D provides assistance in the following areas: organization help to assist in the establishing or strengthening local groups organized to address a specific project or provide

1771069

a service to the community. They provide technical help to develop and coordinate projects by locating the expertise necessary to bring about a successful completion of the project. They provide financial help in the form of assisting groups and organizations in locating funding sources for specific projects as well as writing proposals for foundations, corporations and government entities. They also provide community development help to seek new or expanded markets for natural resource products like promoting local or regional business while conserving the natural and historic sites located in the area.

This group, the RC&D, has met here within the Santa Fe County and they have made presentations to both the public works department and land use. At this time I'd like to introduce you to the regional coordinator a good friend of mine, David Manzanares.

DAVID MANZANARES: Thank you, David.

Mr. Chairman, members of the County Commission, and the County Manager and ladies and gentlemen, like David said, I'm the RCD coordinator. We're a small entity and I work both for the Forest Service and the Soil Conservation Service. Both of these agencies pay 50 percent of my salary and basically my job is to work with rural communities that the Forest Service and Soil Conservation Service don't get involved in those projects. And so that's my job. I work through a board of directors and our area of concern is Rio Arriba County, Taos County, Santa Fe County and Los Alamos County and that makes up the Northern Rio Grande.

We have eight of these areas throughout New Mexico and the Northern Rio Grande is one of the first ten nationwide. It was established as a pilot project back in the John F. Kennedy era in 1964 and we're still in existence today. Part of the ten pilot projects, the ten areas, today we have around 385 areas nationwide.

Let me give you a little background on myself. I was raised in Canjilon, New Mexico about 30 miles south of Chama. I went to school at New Mexico State and I got 14 years for the SCS and an additional 8 years with the Forest Service. Some of the projects that we work with is the Help Things of Northern New Mexico -- because they have about 15 clinics throughout Northern New Mexico, they're building a newest one on Rinconada going towards Taos. They had the money through -- acquisition of the land and everything at the last second before everything got approved, the County fire marshal required them to have an on-site facility for fighting structural fires. They needed a place to hold their water for fire protection. They didn't have no money to give to us and we were able to secure the money through some private foundations and they were able to install that fire cistern. It holds 15,000 gallons. It's an underground facility. It provides protection to the clinic itself and also the surrounding communities like Dixon and Embudo and Rinconada. So it serves quite a few purposes.

Another project that we have is dry-hydrant problem. We got a grant through the state legislature of \$135,000 and we're working through the counties of Rio Arriba, Taos and Santa Fe in trying to locate sites for these dry hydrants. I met with David and folks from your fire department and we'll see if we're able to do some projects in Santa Fe

1771069

County as well.

As of today we've got about 75 identified for some of these counties. We're working with communities like Questa, Canjilon, Tierra Maria, Coyote -- rural areas that are not incorporated. We're putting these hydrants in areas where we can find a pond or creek or an acequia and basically it's an apparatus for the local fire department and then can go in there and hook onto it and refill their trucks. That way they don't have to go back to the fire station and --

COMMISSIONER TRUJILLO: David, were you involved in the dry fire hydrant project in La Puebla?

MR. MANZANARES: That was before I got here but that was through the project as well.

COMMISSIONER TRUJILLO: There is one that is going to be implemented in Chimayo I understand in the near future; right?

MR. MANZANARES: That area there, I understand that they're going to be putting in like 15 hydrants.

COMMISSIONER TRUJILLO: That's good for the community.

MR. MANZANARES: Yeah, we tried to space them all over. We worked with the local fire departments and they're the workers and the ones that are going to be using it. Right from the roots up.

COMMISSIONER TRUJILLO: Thank you.

MR. MANZANARES: Another project that we're -- let me give you a real run-down of some of the projects that we're working with to kind of give you an idea as to what we can do to work for the Santa Fe County as well.

Working with Rio Arriba County they want to erect an agricultural rural events center. They want to hold 4H, arts fairs, conventions and so RC&D is helping with those folks in looking for revenues to build that building.

We're working with Forest Service and Soil and Water Conservation District in getting their noxious weed program in place. They had an EIS draft that just went out last week so we're providing some partnership and assistance to those folks. What they're looking at is probably using herbicides to control some of the weed problems on public land.

We're working with the Dulce community recreation park. They're looking for funding sources and we got a list for them together.

We're working with the four corners initiative which is a \$1 million grant given to Congress and that's funneled through the Forest Service to the state forestry and that works with four states: Arizona, New Mexico, Colorado and Utah. And this, they work with road communities that were dependent on people harvesting and that's not happening any more due to a lot of problems with endangered species, protection of endangered species so those funding are going to see if they can diversify some of their economic development.

We work with the Ghost Ranch Museum up north of Abiqui. We help them set up

their plans together and they want to go from a road side zoo into an informational center. We're working with Mr. David Madrid on the Caja del pipeline that a group of grazing permittees on forest service land that's working with Santa Fe County and the City of Santa Fe, BLM, NM ED, quite a few agencies are involved in that project and that project what they're looking at is piping treated water onto the grazing land for wildlife and livestock so that's a pretty good viable project.

We've also met with some of your folks last week. We had a meeting here in Santa Fe County and it was very informational and it seems like we're going to have some projects that we'll be able to tap onto and help you guys out with and as well you might be able to help us out with some of the projects. I believe Mr. Sam Montoya was involved with RC&D a few years ago.

Right now I've been on the job for about a year and four months and we're looking at developing an area plan which we'll consider a long-range plan for three to five years any more than that, well, technology moves so fast that every plan for ten years are hard to come by anymore. So if there are any projects that we can help you out with we can tap in and then we'll help you out with that and just pass it forward to David Madrid and he'll bring it up and we'll put it into our area plan and we intend to develop that plan by the fall of this year.

COMMISSIONER TRUJILLO: Mr. Chairman. I don't know if you've talked to Mr. Manzanares about the teen center. Is that something that they would be able to help us with in the northern part of the county?

MR. MANZANARES: We might be able to. I've been to a couple of meetings where those folks have made presentations as well. So that might be something that we can help them out with as well.

COMMISSIONER GONZALES: Mr. Chairman. Mr. Manzanares, I want to apologize for not being in here but I was listening in the back and appreciate your being here tonight.

I had an opportunity to speak earlier with Robert Anaya from our community services department and I think that something that is critical and it is something that he brought up and that's capacity building in some of the northern communities and I know that we're looking at seeking possible monies in this area and I just want to thank you and extend any efforts that we can do here to help and to nurture that opportunity to pull communities together and do some growing collectively. I think that that's something important.

And I appreciate what you're doing in working with Robert and the community services department to address so many issues.

MR. MANZANARES: Thank you and we're going to be applying for a grant through the Forest Service for that money. So we're hoping to bring some of that money to the county and get some building capacity. I would also like to get it to the rural communities and some of the pueblos that we work with. We have Eight Northern Pueblos that we work with and all in all we invite you to come and look at some of our projects.

We work with cities, rural communities and municipalities as well. We're lucky and try not to get into real controversial issues and get a black eye but like we say we're here to help you and I thank you for your time and attention.

COMMISSIONER ANAYA: Thank you, Mr. Manzanares. Are there any further questions?

COMMISSIONER TRUJILLO: David, do you attend the meetings? David Madrid, I think that it's important for the County to have a presence to understand the resources and efforts taking place across the county and Northern New Mexico.

MR. MADRID: Yes, as a matter of fact, I had representatives from the land use department, the utilities division, the fire department, the public works department and they all made contact with Dave Manzanares and I also briefed him on the projects that I'm working on and hopefully we can work out a mutual benefit to both of our agencies. I am attending the meetings regularly and I will try and schedule a regular meeting here in the county so that we can rotate all the entities and we can go back and meet with us again and we can become more involved in the organization.

COMMISSIONER TRUJILLO: That's great. Thank you.

COMMISSIONER ANAYA: Thank you, gentlemen.

D. Quarterly Report by Santa Fe Youth and Family Shelters

KAREN KEENE: Mr. Chairman and Commissioners, my name is Karen Keene and I'm the executive director of Youth Shelter and Family Services. This is Karen Rowl and she is our director of client services.

We're here today for our very first quarterly report. First, I would like to on behalf of our board of directors and our staff and our client thank Commissioner Duran for sponsoring us for this funding and thank you all for supporting us. We've gotten a great deal of support from you. We've received good support from you and we thank you and look forward to more in the future.

COMMISSIONER DURAN: We have some good news don't we.

MS. KEENE: We have some very good news and I think that you know way more about it then I do though.

We received funding from you all to provide an array of services, in fact, the funding from the county helps fund generally an array of projects that we have including our shelter, our counseling service and transitional living and street outreach. And really the funding from the county helps keep our doors open, it supports federal and state funding and foundations and other grants and donations that we receive.

The shelter provides over-night emergency shelter for kids between ages of 10 and 17. And over the first quarter which is our first quarter that we have received this funding we've served 56 kids. That would be un-duplicated kids which means that over the course of this year we will serve approximately 225 un-duplicated kids in the shelter. In terms of

1771069

the number of kids that will go through the shelter in the year, it'll probably be 300. The funding also supports our outpatient counseling for individuals and families and during this quarter we served 65 individuals and families and we can expect to serve about 260 over the course of the year.

Our transitional living program is an apartment program for adolescence and also parenting teens between the ages of 16 and 21. That's an apartment program that is really focusing on life skills and independent living. We've served 17 kids in that program over the last quarter and we would anticipate about 40 kids to be served over the course of the year. Kids can stay in there for about 18 months and that's why the numbers are a little bit lower.

Street outreach is an outreach program to kids living on the street in Santa Fe County. Over the last quarter, believe it or not, we've served 497 kids on the street and we're anticipated serving about 2,000 kids this fiscal year. Unfortunately, it's really a population that is growing for us. In that program, we hand out food, clothing, warm clothing, sleeping bags, condoms, we do HIV testing and we really try to provide a safety net for those kids because these of course are the kids that are not coming into our shelter and are not -- they're too skiddish, and we just try to offer them basic services to draw them in.

This year we've added an RV which is our sleep outreach mobile unit that we work with the City recently since the first of the year and we've just got a permanent parking place on the corner of DeVargas and Galisteo and so if you're down that way and you see this 1982 RV parked there, that would be us, feel free to stop. We are there everyday from about 1 to 3. It's really interesting and we serve a ton of kids out of that RV and the numbers have really increased since we actually have that location.

All of our programs provide case management and it's really important for us to work with youth and family and to provide resources -- food and shelter, knowing how to meet basic needs and knowing how to access services in the community.

Over the course of the quarter, we anticipate about 26 percent of our clients -- about 30 percent are residents of Santa Fe County and about 46 percent are city residents. Of course, when you've got kids on the street you're not gathering a lot of demographics, so it's not always quite clear. I can guarantee you it's local youth that we're serving and so you have provided us an opportunity to provide a wide range of services to quite a number of youth by providing funding for us and we certainly appreciate it.

CHAIRMAN GRINÉ: Commissioner Gonzales.

COMMISSIONER GONZALES: Before Commissioner Duran tells us the great news, I do want to commend your efforts. I think that projects such as yours many times go unnoticed by community leaders and if not for your perseverance and the your board and the belief in your own individual contributions that you can make a difference in people's lives, we wouldn't have the opportunity to do better for the youth in our community.

1771069

I had not had the opportunity to experience or to work with the organization but I do know some of your board members and I know there's a lot of hard work that goes into it. So, myself, I want to thank you and to continue to pledge whatever support I can because this is filling a gap that continues to allow kids to just kind of [inaudible] and not have a chance of any real type of future.

So, thank you so much. I'm pleased and I believe in this and anyway that I can help you from here or individually I'll extend that hand and to help to participate more in this program because it is important and I believe in it. Thank you.

MS. KEENE: Thank you.

COMMISSIONER GONZALES: Thank you, Commissioner Duran, for bringing this forward.

COMMISSIONER DURAN: Thank all of you.

The good news is that about six months ago Youth Family and Shelters came forward and asked us to consider allowing them to locate on the SR62 properties. We gave David Madrid direction to go ahead and help them find a site there and in our first letter to the BLM they said they would not allow us to place a facility on that property because of some language in our master lease. But we kept in touch with them and just last week we got an okay from the Wyoming office that they had sent the paperwork down and they feel that the services that this organization will provide our community, although might be a little on the edge, they felt comfortable with allowing us to place it on this property. So we're able to provide them a space and David is working with them to find that space right now. When he finds the space he will come forward with recommendations for possible sites on our property.

That will basically take out about \$200,000 or more of the purchase of any land that they might have to acquire to build a new facility -- a state-of-the-art facility. So congratulations. I hope it all happens too.

MS. KEENE: Thank you. It will happen, thank you.

IX. Staff and Elected Officials:

A. County Clerk

- 1. Resolution No. 2000-51: A resolution imposing an annual liquor license tax upon persons holding state liquor license**

BECKY BUSTAMANTE: Mr. Chairman, members of the Commission, This is our annual resolution that we must do annually in order for us to collect the liquor license fee which runs from July 1 through June 30, the fiscal year for the license.

I'm asking for your approval in accordance with the law.

Commissioner Anaya moved to approve Resolution 2000-51 as presented. His motion was seconded by Commissioner Trujillo and passed by unanimous voice vote.

1771069

B. Community, Health & Economic Development Department

1. **Resolution No. 2000-52: A resolution dedicating a right-of-way to the City of Santa Fe for sanitary sewer line.**

MR. MADRID: Mr. Chairman, members of the Commission. This is part of the Agua Fria Community Park and as you know the County holds patent to this land from the BLM and one of the requirements of the Recreation and Public Proposes Act is that any time we put in a utility or a change of use, that we do have to get approval.

I have the agreement and it is a right-of-way agreement because the BLM does not allow us to grant easement so this has to be a right-of-way agreement. And this is for the subsurface sanitary sewer line. That sewer line was installed primarily for the La Familia Medical Center Satellite Clinic but it runs the length of the 70 acres which comprises the Agua Fria Community Park so all the facilities and future facilities will have access to that sewer line. This just grants the right-of-way to the City of Santa Fe.

Commissioner Anaya moved approval of Resolution 2000-52. His motion was seconded by Commissioner Trujillo and passed without opposition.

2. **Resolution No. 2000-53: A resolution dedicating a right-of-way to the Public Service Company of New Mexico for an overhead electric power line**

MR. MADRID: Mr. Chairman, this is essentially the exact same thing except for electricity rather than subsurface sewer.

CHAIRMAN GRIÑÉ: Any questions?

COMMISSIONER TRUJILLO: This is overhead; is there any reason it can't be underground?

MR. MADRID: The only problem was that we would have had to cross the roadway and the fact that we were trying to get this project done so quickly the PNM just ran it over the roadway and that allows us to get it done very cheaply and very quickly. But it would have been aesthetically better to have gotten in subsurface but the problem was that CR62 was there and there's a high pressure gas line in that area and there's a fiber optic cable in that area, the sewer line is going in and it was just much easier to get the electricity in overhead. It crosses the road and then it goes it subsurface once it crosses the road.

COMMISSIONER TRUJILLO: It's only from a cost standpoint without taking into consideration the aesthetic impact.

MR. MADRID: On future projects we always consider that. It was that the money was so tight on this project that we were looking at every possible way to save money and get more clinic for the money and that was the determining factor.

1771069

COMMISSIONER TRUJILLO: Is there anyway we can get it underground some time in the future if we can find a pool of money?

MR. MADRID: Mr. Chairman, Commissioner Trujillo, the fact that there's more development going into the Agua Fria Park such as Youth Shelters and Family Services and the General Services department is looking at expanding the park facilities themselves I'm sure that we'll probably have to look at master planning the entire 70 acres in the near future and seeing what we can do with it. The reason it hasn't been done is because we just have limited money and it's only been for the park. But now that La Familia Medical Center is out there, there's a lot of interest from other organizations that would like to be close to the clinic and close to the park so master planning the entire 70 acres in the near future is possible.

COMMISSIONER TRUJILLO: I'd like to see all utilities underground

MR. MADRID: I agree.

Commissioner Anaya moved to approve Resolution 2000-53. His motion was seconded by Commissioner Gonzales and passed by unanimous voice vote.

**3. Request authorization to submit a request for FY2001 community
DWI funds to the Traffic Safety Bureau**

ROBERT ANAYA: Mr. Chairman, Commissioners, this is the annual request for authorization from the County Commission to submit for funds from the Community DWI program from the Traffic Safety Bureau of the New Mexico Highway and Transportation Department.

Commissioner Duran moved to approve the request. His motion was seconded by Commissioner Trujillo and passed without opposition. [Commissioner Gonzales and Commissioner Anaya were not present for this action.]

C. Finance Department

1. Request authorization to enter into a professional services agreement, RFP #20-47, for bond counsel services

KATHERINE MILLER (Finance Director): Mr. Chairman, members of the Commission, the finance department is requesting authorization to enter into a professional services agreement in response to RFP 20-47 for bond counsel services. We did an RFP and solicited for bond counsel and we had three responses: Hughes and Strumor, Sutin Thayer Brown, and Eastham Johnson. Those proposals were reviewed by committee and recommendation of the committee is to award a contract to Hughes and Strumor Limited.

1771069

Commissioner Trujillo moved to approve the request as requested. His motion was seconded by Commissioner Duran and passed without opposition. [Commissioner Gonzales and Commissioner Anaya were not present for this action.]

2. Request authorization to enter into amendment number one to the professional services agreement with Richard Crane for legal services

MS. MILLER: On February 29, 2000, a professional services agreement was entered into with Richard Crane, attorney at law, to assist Santa Fe County with preparation, review and negotiations with the Santa Fe County jail operating agreement. Additional services were requested by the county thus necessitating an amendment to the contract to increase the compensation of that agreement.

The staff has reviewed the proposal and the additional compensation seems to be fair and reasonable, therefore, the county manager's office is requesting authorization to amend the contract in the amount of \$10,000.

COMMISSIONER DURAN: I have a couple of questions.

CHAIRMAN GRIÑÉ: Sure, go ahead.

COMMISSIONER DURAN: What did we pay Mr. Crane for negotiations of the INS contract?

MS. MILLER: I don't believe that all the invoices are in for the \$20,000 that we had on the original agreement. We also requested his assistance in reviewing and working through our existing operating agreement and that's what this amendment would be for.

COMMISSIONER DURAN: Okay.

Commissioner Trujillo moved approval of the amendment to the PSA as requested. His motion was seconded by Commissioner Duran and passed without opposition. [Commissioner Gonzales and Commissioner Anaya were not present for this action.]

D. Fire Department

1. Resolution No. 2000-54: A resolution supporting a program of hazardous materials training, preparedness and public information in Santa Fe County

HANK BLACKWELL (Fire Marshal): Chairman Griñé, members of the Commission, thank you. Basically, all this resolution does is we're asking for the support of the Commission while we're trying to look at additional funding sources as well as looking at upgrading our program and certification programs for our people regarding

1771069

hazardous materials. That's basically the entire resolution. It's just your support for us to search to do that.

Commissioner Duran moved approval. His motion was seconded by Commissioner Trujillo and passed without opposition. [Commissioner Gonzales and Commissioner Anaya were not present for this action.]

MR. MONTROYA: Mr. Chairman, I had a question for Hank, relative to the hazardous materials training. We did receive a letter from the State Fire Marshal offering some federal grant money and there was some concern about the limit of the amount available. I understood from the Fire Chief that we were not going to accept that offer; does that still stand?

MR. BLACKWELL: Mr. Chairman, yes sir, that is correct. And one of the reasons why and that is a part of that resolution is there's a little bit of dissidence as far as there are three separate state training programs that the state offers in hazardous materials. All three complete with one another and all three are slightly different in terms of their lesson plans, their format of the curriculum if you will. The amount of training that is offered, I think it was a \$3,000 grant that the State Fire Marshal offered the county. That \$3,000 basically comes with the assumption that we would train all 450 of our volunteers to a certain level within a certain amount of time which logistically is impossible and that's one of the requirements of that grant. So for the small amount of that grant the administrative problem of scheduling state instructors as opposed to our own, and that's what we'll do, we'll certify our own instructors. And that's why it would cost more than the grant would have given us.

MR. MONTROYA: Thank you, Mr. Chairman.

2. **Resolution No. 2000-55: A resolution establishing fire hydrant testing requirements for Santa Fe County**

CHAIRMAN GRINÉ: Any discussion on this?

Commissioner Trujillo moved approval of Resolution 2000-55. His motion was seconded by Commissioner Duran and passed without opposition. [Commissioner Gonzales and Commissioner Anaya were not present for this action.]

1771089

E. Public Works Department

- 1. Request authorization to enter into an agreement with Tierra de Oro Homeowners Association for improvements to county roads**

ROBERT MARTINEZ (Acting Public Works Director): Mr. Chairman, members of the Commission. Tierra de Oro Homeowners Association desires to enter into an agreement with the County to provide chip-seal improvements on the county roads within the subdivision.

The estimated cost for the improvements are \$73,531. The 1999 legislature appropriated \$47,500 for these improvements. The Tierra de Oro Homeowners Association is willing to contribute the balance which is \$26,031.

Public Works requests the authorization to enter into a funding agreement with Tierra de Oro Homeowners Association for the chip-seal improvements for the county roads within this subdivision.

Commissioner Trujillo moved for approval. Commissioner Duran seconded and the motion passed without opposition.

- 2. Request authorization to enter into change order number one with J.R. Hale Contracting Inc., for the CR 62, Alamo Lane and San Isidro drainage, paving and sewer improvements project**

MR. MARTINEZ: Mr. Chairman, Commissioners, this change order is to provide sidewalks on CR 62 from Agua Fria up to the park. The cost of the total change order is \$21,073.89.

Commissioner Anaya moved approval of the change order. His motion was seconded by Commissioner Trujillo and passed without opposition.

- 3. Request authorization to enter into a lease/purchase agreement with Caterpillar Financial Services Corporation for five motor graders**

MR. MARTINEZ: Mr. Chairman, Commissioners, this request to approve the lease/purchase agreement for five motor graders with Caterpillar Financial Services Corporation to replace the five motor graders that were recently sold.

CHAIRMAN GRINÉ: Any questions of Robert?

1771069

COMMISSIONER TRUJILLO: Where are the graders going to be assigned to?

MR. MARTINEZ: Mr. Chairman, Commissioner Trujillo, one is assigned to Commission district 1, two are in the central area which falls into Commissioner Gonzales, Chairman Griné and Commissioner Anaya's districts and the other two are in project development which are constructing roads right now in Eldorado, Silverado and CR42.

COMMISSIONER TRUJILLO: What does that do to district 1; is that a replacement for another grader or does that increase the equipment?

MR. MARTINEZ: Mr. Chairman, Commissioner Trujillo, it just -- they still have three graders. They had three graders prior to the sale and they will remain with three.

COMMISSIONER TRUJILLO: So they're losing one because it is not in working order; right?

MR. MARTINEZ: Mr. Chairman, Commissioner Trujillo, that is true.

Commissioner Anaya moved approval. His motion was seconded by Commissioner Gonzales and passed without opposition.

4. Request authorization to enter into a lease/purchase agreement with Catepillar Financial Services Corporation for two backhoe loaders

MR. MARTINEZ: Mr. Chairman, Commissioners, Public Works recommends the approval of this lease/purchase agreement for two backhoe loaders from Catepillar.

COMMISSIONER TRUJILLO: Now, one of these is going to district 1 right?

MR. MARTINEZ: Mr. Chairman, Commissioner Trujillo, that is true.

COMMISSIONER TRUJILLO: Thank you.

COMMISSIONER ANAYA: And the other one?

MR. MARTINEZ: The other one is in project development which will be going out to Avenida Eldorado.

Commissioner Anaya moved approval. His motion was seconded by Commissioner Trujillo and passed without opposition.

CHAIRMAN GRINÉ: I just visited the site where you know the County is moving the earth and you know they've gone a long ways already. So we're probably on schedule for the paving; right?

MR. MARTINEZ: Mr. Chairman, we are on schedule.

1771069

COMMISSIONER TRUJILLO: Robert, are we getting ready to discard the 90/94 project? You visited the project last week and you said that possibly in the next few weeks --

MR. MARTINEZ: Mr. Chairman, Commissioner Trujillo, I believe the timeframe that we gave Representative Lujan was approximately four weeks.

COMMISSIONER TRUJILLO: Have we started the negotiations with Rio Arriba to extend the project to SR76 where they provide the material or we provide the material and they provide the equipment or whatever; have we talked to Rio Arriba on that?

MR. MARTINEZ: Mr. Chairman, Commissioner Trujillo, I personally have not. Ted Barber the project development division has been instructed to enter into negotiations with them and he has stated that in the past they have been willing to work with us.

COMMISSIONER DURAN: Robert, the reason I was trying to get a hold of you the other day was to just kind of followup on our conversation about trash pick-up along Alameda to 70 and CR 62 and then back up Agua Fria street. That seems to be a route for a lot of people going to the landfill and we talked about a program that Cornell was working on where they had inmates, work release guys, that would be able to pick trash up.

MR. MARTINEZ: Mr. Chairman, Commissioner Duran, we do have the van that will accommodate these inmates and I believe the County Manager's office is still working on the agreement.

COMMISSIONER DURAN: Any time soon?

MR. MONTOYA: Any time soon. The ball is in their court and we're waiting for it to come back.

COMMISSIONER DURAN: Okay. I guess Fran's pink hats only work in the City?

COMMISSIONER GONZALES: No, actually, Commissioner Duran I've seen them out in the County. I've seen the pink hats near the Allsup's near Fairway Village.

COMMISSIONER DURAN: Okay, I'll call Fran.

H. Matters from the Commission

1. **Resolution No. 2000-56: A joint City/County resolution to bring 300 jobs at \$30,000/Year to Santa Fe County residents in 300 days**

COMMISSIONER GONZALES: Thank you, Mr. Chairman. I'm asking the Commission to please take serious consideration of this resolution and before I go to point out what I'm asking that we accomplish in 300 days, let me just give a brief background of what led me to bring this resolution forward. As we all know many of us early on supported the Santa Fe County jail annex because of the fact that it would have in addition to providing \$2 million a year in alternative revenues to the County it would have generated

1771069

approximately 300 jobs at \$30,000 a year. And what we heard during the public hearings, speaker after speaker from this community including members of the city council, that there were better jobs in the community and there were better ways that we could go about creating economic development and people from the community implored us to begin to seek to those alternative forms of economic development.

I think that today is a fitting day upon final conclusion of the jail annex and basically removing that from the county's consideration, I think that it is important to put back consideration before this body the need to generate 300 jobs that pay a decent wage and \$30,000 was picked because that is for at least many people in this community a step up and would benefit their quality of life.

I want to point out a few things. As of the last census, 40 percent of our county residents lived in areas with a per capita income of 80 percent below the national average. In 1980, the last census, there was 40 percent of the people that lived in Santa Fe County had a per capita income of 80 percent below the national average. Right now, average Santa Fe County wages are 18 percent below the national average. So while we're working, we certainly haven't come up to where we need to be and there's an opportunity here to close that debt further.

Another statistic, in '96, 82 percent of the county residents over 18 had completed high school and 32 percent had a college degree. So for those who say we don't have the work force or a trained work force, I counter with that statistic. But one other daunting statistic that is a big concern to all of us is that according to the State Department of Education 2,900 student in the Santa Fe Public Schools live in poverty and our drop out rate hovers at about 8 percent. So this isn't just about finding a replacement of jobs that would have been generated by the jail annex. It's about recognizing a real need in our community to generate real jobs for the next century.

So with this joint resolution, and Mr. Chairman and members of the Commission, why I've asked that it be a joint city/county resolution is because we heard from five city councilors who all opposed the jail, who all said they were ready to work for other forms of economic development so I'm asking that they partner with us in this endeavor. But basically what it resolves is that the County and City of Santa Fe support the enhancement of the community economic development, that the City and County agree to bring to residents in 300 days, 300 jobs paying at least \$30,000 in annual wages. That the County community health and economic development department will work in coordination with the city community service department to achieve the 300 job goal and just to monitor ourselves and make sure that we don't forget about this the day after we pass it, I'm asking that we actually do review in 150 days and hire an independent auditor to see how our status is coming along.

Mr. Chairman, members of the Commission, I would submit that if we are truly serious in alternative forms of economic development, if we are truly serious in generating 300 jobs, I believe that we can do so. And we've all heard some of the criticism since I

1771069

announced this a couple of weeks ago, there have been members of the council and people in this community who have said this challenge is too ambitious, too difficult and some have even called it too outrageous but I don't believe that that's the case. I honestly believe that we truly have an opportunity to really bring about true economic prosperity for this community. Keep in mind that 300 jobs at \$30,000 a year would generate \$9 million to our economy and salaries -- \$9 million. There's a real opportunity.

I would stand for any questions, Mr. Chairman, but to begin to submit Resolution 2000-56 for approval by this board.

COMMISSIONER ANAYA: I certainly wholeheartedly support this endeavor particularly if we tie it in with the discussions yesterday during the budget hearings regarding Santa Fe Economic Development Inc. and that adds some favoritism to your proposal and it's a step forward in the right direction and I certainly support it.

COMMISSIONER TRUJILLO: Mr. Chairman, I just want to make sure that from a reality standpoint that this can actually happen and it's not just pie-in-the-sky. We have tried for many, many, many years to attract high paying jobs in this community and we have an opportunity with the jail to address the needs for high paying jobs in the community and that didn't go through. Is this resolution now that will give impetus to something that is not within our grasp. We need to make sure that from a reality standpoint we're not throwing something out there to the community and making a challenge that we cannot complete.

COMMISSIONER GONZALES: Thank you, Mr. Chairman, and Commissioner Trujillo I believe that it is within our grasp. I believe that if the City and County collectively and this community work toward achieving this 300 job goal that we can achieve it and if we don't we only have ourselves to blame. My case in point is this, Commissioner Trujillo, we have all talked about including the city about the need to generate jobs, the need to diversify our economy, the need to do better in our public schools, and all it has been, Commissioner Trujillo, up until now is talk. Now, I think that both governing boards have had good intentions but good intentions are not putting food on the plates of Santa Feans. And so what I am saying with this resolution is let's turn those intentions into actions and if we fail to act, then we only have ourselves to blame and this community will only the council and the commission to blame if we don't act. And while the goal is a high goal, Commissioner Trujillo, I know and believe in my heart of hearts that we can achieve it if we're truly serious about working collaboratively with the city and with community organizations to generate these jobs.

Yes, it will be hard. Yes, it is going to be a daunting project. But when you consider the benefits to the community if we achieve that goal, then by far the hard work would have truly been worth it and the risks of failure of not achieving these 300 jobs would have been worth it if we can achieve the 300 jobs. And so what I'm asking is that we set the goal, set the target, we stop acting on intentions and actually act on real opportunity for collaboration and we move forward. And if we fail, I submit Commissioner Trujillo, it'll

177106

be because of our lack of commitment and the city lack of commitment to truly generate this number of jobs. We are in an unprecedented time of economic prosperity in this country and for some reason, Santa Fe County and the city have not been able to be on that economic train. We have not been able to share that prosperity with the people of this community and there is something wrong when that hasn't been able to happen. So I'm asking that we be able to bring that prosperity to the people of this community so that they can get the same quality of life as many of the people before us enjoyed. And I think it can be done. I would not bring a resolution before this commission, if I myself was not prepared to work for it personally, if I didn't believe that each of you sitting up here was not prepared to work for it individually as well because I know when we put our hearts and our mind together, this commission can move mountains and that's what I'm asking for at this point.

COMMISSIONER TRUJILLO: Because this issue is of regional magnitude I see this as a joint city and county and we should include the Native American community, the City of Española and possibly our neighboring county of Rio Arriba County. We should be partnering regionally.

COMMISSIONER GONZALES: Absolutely, Commissioner Trujillo, I'm all for working with the City of Española and the pueblos and the pueblos are covered here under the county resolution. The pueblo has already been a leader in trying to generate some industry in their community for their own residents and I think we have a lot to learn from the pueblos and I hope we can attract more industries.

COMMISSIONER DURAN: Mr. Chairman.

CHAIRMAN GRINÉ: Commissioner Duran.

COMMISSIONER DURAN: I think this is a great goal. Along with this goal I think that this Commission needs to realize that in order to provide these jobs we need to have some planning and land use policies adopted not only at the county but at the EZA and the city, because to be quite honest with you there is very little land available for economic development where industry can locate. When you look at what is available in the city, it is either all been purchased or developed or the cost of it is so prohibitive that in order to entice companies to come in here and to recreate these jobs, we need to take a proactive stance on how we can plan and provide the zoning out there for properties for the buildings and the companies to locate to.

So as we go forward with this endeavor I would also like for us to think about how we can do this with the land use in mind.

COMMISSIONER GONZALES: Mr. Chairman and Commissioner Duran, keep in mind that this resolution doesn't state that we are going out of state to bring jobs into this community. There is lots of opportunity that we have as a community to create an environment where existing industries can grow, where they can take advantage of the new economy, where it can be something as simple as bringing T-1 lines into an economic development park and taking industries that we have in this community and letting them double in size so that they can take advantage of more volume of businesses. Those are all

1771069

efforts that I plan on focusing on in addition to trying to recruit businesses that are compatible with industries that are in this community. So I think that it is important that we all understand it up here and send out the message that this isn't just about any old job. This should be an effort about good paying, quality jobs, in a lasting industry that are representative of this community and the values that we have. And so that's where the effort is going to come in and what I'm asking this Commission to do is to take the leadership role in trying to achieve economic diversification. I'm asking the City Council to join us in that effort and I'm asking the community to give us one year. If we fail, then both bodies are responsible. If we succeed, then this community will be responsible. So I think it is daunting and I think that it's hopefully bold and hopefully you pass it because it is something that will benefit the community if we can achieve the goal.

COMMISSIONER DURAN: Mr. Chairman, just one last thing. You know, Javier, when I first came on you had just adopted a resolution or put some policy together on an economic policy where the County was willing to participate with the private sector in floating a bond or providing a joint venture. The City actually and I helped the City bring technology funding to the community --

COMMISSIONER GONZALES: That's right.

COMMISSIONER DURAN: -- and they created 35 jobs at the City and the City provided them some \$250,000 seed money and they were to have paid that back over 10 years and it has only been 4 years and they've already paid it back. They've already met their goal. That is something that I would like for this Commission to consider in doing is to provide the public more information on what you have adopted as an economic development policy so that they can take advantage and maybe that will be a way to begin chipping away at these 300 jobs.

COMMISSIONER GONZALES: And as we go forward, clearly we'll develop marketing efforts for existing industry within Santa Fe and also industry that will be compatible that aren't necessarily in Santa Fe and hopefully in those efforts we'll target clusters that are compatible with our community. That are environmentally friendly. That have high wages. That offer good job training. All of that exists in this new economy it just takes some simple effort and as you indicated, those efforts that you undertook at the city really resulted in good paying jobs. Can you imagine the five or us and eight of the councilors collectively did it what that would mean for this community. Even if just the 5 of us promise to bring in 50 jobs.

I would appreciate if the Commission would support this and I would just ask for adoption of Resolution 2000-56.

Commissioner Gonzales moved to approve Resolution 2000-56. Commissioner Duran seconded and the motion passed without opposition.

MS. BUSTAMANTE: Mr. Chairman, we missed an item on the agenda. That

1771069

would be Item G, matters of public concern.

COMMISSIONER ANAYA: Thank you, Becky.

G. Matters of Public Concern

CAROLYN SIGSTEDT: My name is Carolyn Sigstedt and I live in Santa Fe. I just want to commend you for what I think you're going to be doing in a few minutes and that is passing the regional planning authority. I also wanted to say that with that I think you're going to need the community's support and I do understand that all of the work that you have done to-date, much of that work did need to take place in a private setting so that you and the councilors could work out your differences regarding turf or personality problems or whatever and certainly we the public did not want to be drug through that. But now that we've moved on to regional planning authority, it really is our business. I do think that for the regional planning authority to be truly successful you need strong public input and participation. It is a public process. I was actually discouraged to see that it wasn't part of a public hearing this evening and that I would have to speak at public concerns. At any rate, I was here yesterday for your study session and I heard you express doubts and I do understand your fears. I think that they're legitimate. Change is very difficult. But what I would say to that is that you're going to definitely at different periods and probably near the beginning be faced with a stalemate or stalemate situations and I would just encourage you when discussions are stuck to expand the dialogue, which means to bring in the public and bring in more perspectives rather than close it down or run away from it. That's just my advice and I know that you're not in for an easy journey but I think that it is worth it for all of us. We're counting on you, thank you.

CHAIRMAN GRINÉ: Thank you. Beverly.

BEVERLY GARCIA: My name is Beverly Garcia. I live in La Cienega. You probably recall that I was here about three meetings ago and at that time I was here about Sunrise Springs and you as our Board of County Commission voted that proposal down unanimously.

It's my understanding that this matter has now been placed on your May 4 agenda for reconsideration. And I wonder how that happened and how it happened to get there legally? It's always been my understanding that, in order to reconsider a matter that someone who voted in the majority must bring it up at the next meeting. There was a meeting that had taken place between the meeting where you took that action and where that reconsideration thing was requested. It is also my further understanding that the requirement is that a motion be made and that it be passed that a case be reconsidered. That also didn't take place by this Board of County Commission. It was simply a request from one commissioner but it wasn't put in the form of a motion and it wasn't seconded and it wasn't even voted upon.

My further understanding is that then there has to be a hearing on the reconsideration

1771069

issue at which there is notice posted and people get to speak on that before you ever get to the hearing on the issues, again.

If my understanding is incorrect, I wish someone would show me how I'm wrong and how this case suddenly magically in my mind comes before you once more for reconsideration on May 4, because I'm wanting to prepare for that case on May 4, and I'm wanting to prepare for it well this time. But I don't understand what the forum is and how it legally gets before you. Could you please tell me that.

COMMISSIONER DURAN: I thought that legal [inaudible - away from microphone]. I thought that Commissioner Gonzales made a motion to deny the request with further direction to go back to the community. Maybe we should go back to the minutes.

MS. GARCIA: I think we need to.

COMMISSIONER DURAN: But that is what I remember and that it was denied for further direction for the applicant to go back to the community and downscale the plan and [inaudible] we might want to ask [inaudible]

MS. GARCIA: I listened to the motion very well that night and it was my understanding that it was a motion to simply deny. That it was seconded and that it was unanimous. There was a considerable amount of discussion on it but I don't recall that motion ever being amended, but I guess that that would be the best test, what the record reflects.

COMMISSIONER DURAN: I understood that that was part of the motion [inaudible]

COMMISSIONER GONZALES: I recall making the motion. I just don't recall whether it was in the motion that we set the direction to go back to the community or whether that was in subsequent to the motion. But I think that Beverly raises some legitimate legal issues that I think is important that we have on the record now to advise us whether we have acted properly. Because I did ask, after I had had communications with, and yes how this has come back, after I had communications with members of the community and they indicated to me that Sunrise Springs had been meeting with them and they felt that there may be some resolution in the future then at that point is when I asked the staff if we could reconsider this and bring it back for reconsideration and that's when I brought it back before this board and asked if it was possible to bring it back for reconsideration. I don't know whether that was the last meeting or the meeting before but I think it is important to have for the record whether we acted properly and that we do follow the proper legal course to bring this matter up before.

But it was me, Beverly, who asked the Commission that this be reconsidered based on my discussion with members of the community that Sunrise Springs had outreached to the community and that they were downsizing the project and that they were addressing the issues that I brought up in my denial which were issues of traffic and issues of water which I have at this point am still not completely convinced that they have addressed all of those point. But I am just asking that it come back and it seems that the community has already

1771069

voted, not voted, but participated in meetings with Sunrise Springs and it seems like they're ready to come forward as well with either an up or down on this but -- and I should clarify that's not the community but the La Cienega Valley Association which is the group that we've looked to to bring forward issues on behalf of that community.

MS. GARCIA: I think that this County Commission needs to know and I know it's kind of sensitive at this time because it's my understanding that La Cienega Valley Association, of which I am not a paid member. I understand their dues are \$20 a year and I have not paid and I am not a member of this group. I've been to one of their meetings but I have not formally become a member. But since I have been there I have never received one notice about anything that is affecting the community as a whole and I have talked to other members of La Cienega Valley Association and none of them have received any notice about this proposal at all like several of us represented to you that night.

So if there are meetings taking place, I know I got one call from Jim Siebert's office, but no one else in that community, as far as I know, has been notified at all. So I don't know where this great community voice is coming from.

La Cienega held an open house and that's how it was advertised: open house, inviting the community to an open house. An open house and we're planning to have a resort hotel here are two different items. So I don't know -- I guess the only way if we're going to do the numbers game is to go door to door to door to door if that's what it is going to come to.

There was a posted public hearing. There was a hearing had here that night. The Board voted it down and now this comes up. I was really baffled by it. Really baffled -- I just don't know how you got here legally.

COMMISSIONER GONZALES: I think that Beverly does deserve an explanation from the legal staff as to what your determination has been as to this reconsideration.

CHRIS GRAESER (County Assistant Attorney): Mr. Chairman, Commissioner Gonzales, as I understood the question it was explain how this could happen. The Board of County Commissioners rules of order don't specifically address reconsideration. What they do say is where the issue isn't specifically addressed or for interpretation it's up to the Board of County Commissioner or its chairman in consultation with the County attorney's office. So when this issue was brought up we did look at it and looking at Robert's Rules of Order our interpretation is that as long as someone who voted in the majority moves to reconsider and that motion is upheld then that's a legitimate parliamentary motion. The commission can then reconsider the motion. A parliamentary motion would not be subject to public hearing or input.

COMMISSIONER GONZALES: On that specific point which I think is a point that I talked to Beverly on, I don't believe that I made a motion to reconsider. I asked that if there wasn't any objections before the Commission, I would like to see this reconsidered. It was never placed in the form of a motion that I recall.

If that's Robert's Rules, are you saying that under the rules of the Commission that

177106

I am allowed to ask for reconsideration without putting that in the form of a motion?

MR. GRAESER: Mr. Chairman, Commissioner Gonzales, no, it probably should be in the form of a motion. I wasn't here for that discussion and I know that there is some discussion as to whether it was actually a motion or not. It is entirely appropriate to introduce that as a motion if in fact you do reconsider and that the Commission does vote for that motion to reconsider so that then there is no problem with the next agenda item being the reconsideration.

COMMISSIONER GONZALES: Okay, then that being the case, then we know we're going to need to do that in the form of a motion. Does that motion have to be noticed?

MS. GARCIA: It has to be at the next meeting.

MR. GRAESER: Mr. Commissioner, Mr. Chairman, as long as it is on the agenda any item that is taken as an action item has to be on the agenda and be posted in advance like anything else. It would not have to be noticed as far as the noticing that has already gone out on that project.

COMMISSIONER GONZALES: I didn't understand that.

MR. GRAESER: I don't know what kind of noticing was required for the project originally whether it was mailings to the neighbors and publications, I don't believe that that would be required on a reconsideration.

COMMISSIONER GONZALES: Right, on a motion for a reconsideration does that have to be noticed on an agenda?

MR. GRAESER: It does need to be on an agenda. Any action item has to be on the agenda.

COMMISSIONER GONZALES: So we know that that needs to happen. So as far as setting a date for the reconsideration, we're going to have to remove that issue because the Commission has not formally acted on a reconsideration because I don't believe, in fact, I know that I did not do it in the form of a motion and I know that it was not put on a Commission agenda.

Moving to the point that Ms. Garcia also brought up and that's to the point of can this action take place at any point subsequent to the denial or does it have to take place on the meeting immediately following the denial?

MR. GRAESER: Mr. Chairman, Commissioner, it depends on what book you look at. My copy of Robert's Rules of Order in my office doesn't have the requirement of the next meeting. I heard that from sources. This is certainly not something that is binding on this Commission but it is something that we look to for guidance. It does not have a requirement just that the motion maker be voting in the majority. It was my advice to the Commission that that was unnecessary.

COMMISSIONER GONZALES: I'll wait until Beverly finishes.

MS. GARCIA: If I could just say, unless the County Code has been changed drastically there is a provision in your code that says you adopt Robert's Rules of Order and

1771069

it's been there for years, 20 years that I know of. So unless it's changed in your code, it is formally in there so that rules that you're talking about have already been embraced by your very own -- I think if you will look in there and I haven't look at your code in some time, but I used to know it pretty well and I could go through there fairly quickly or somebody ought to. I think that you do embrace that the same that you embrace national building codes, that's what your inspectors go by. You don't go back and regurgitate that in your own code, you just incorporate them by reference and Robert's Rules of Order has been in there for many years.

MR. GRAESER: Mr. Chairman and Commissioner Gonzales, I have never seen that. We did adopt rules of order for this Commission in December and those rules do not refer to Robert's Rules of Order. In any event, Robert's Rules did not require that the motion be made at the next day hearing so I'm not sure what relevance that point is.

COMMISSIONER DURAN: Mr. Chairman, can't we just for the [inaudible - away from microphone] next meeting put it on the agenda and move on with this.

COMMISSIONER GONZALES: Right, the direction that I was going to give direction to ask the attorney staff to do a review of Ms. Garcia's points and if you make a determination after a thorough review that we do have the ability to bring this back for reconsideration, I'm asking you to notice it at the next meeting, properly notice it for reconsideration so that we can do it properly only if you have done -- and it sounds to me that you feel pretty comfortable, but only if we feel comfortable that legally we can bring this reconsideration back.

MR. GRAESER: Mr. Chairman, Commissioner Gonzales, yes, and that is something that Barbara and I will discuss this issue. As far as proper noticing, I'm not sure exactly what you're requesting. Whether you're asking the noticing as required by law which is just posting on the agenda or whether you want to go back and do all the previous mailings?

COMMISSIONER GONZALES: I'm asking that we do what the code requires us to do on this reconsideration and for you to make that determination and I'm asking that this be brought before the Commission on an agenda item at the next meeting if you determine that there is a legal and proper route to do it. Whatever we need to do to support it meaning that if you determine that they need to renotice and do everything else, then you make that call. But let's make sure that we're within our proper boundaries.

Thank you, Ms. Garcia.

MR. GRAESER: Mr. Chairman and Commissioner Gonzales we'll get with land use department.

MS. GARCIA: The second item that I'm here about has to do with Mr. Su Garcia. As you remember when I was here I think that one of your attorneys was given a directive to proceed to do what was necessary to get the enforcement matter taken care of in district court. That happened I don't know how many meetings ago now, it's over a month. As far as I know, nothing has occurred. I know that there has been some kind of

1771069

preliminary inquiry into things. But because of one hot spot being with 40 feet from the butane tank and it presents a public safety issue I thought that something would be done much sooner. I don't see that the County is taking that step.

My question to you in all frankness is, do you want me to go to the AG's Office, they also have land subdivisions enforcement authority because I see some clean air quality violations here. Water violations, I mean we've got air, we've got contamination of solid waste problems, you got a huge public safety problem, one of your inspectors was even out there yesterday -- I mean that thing is smoldering. Don't talk to me, ask your own staff but nothing is being done.

I don't know what else you need. I understand from your legal staff that they don't think that there's a specific point in the ordinance that speaks precisely to this problem. There is not going to be an ordinance that envisions everything but this problem is so massive and the scope is so great -- I just think you could pick one and your attorneys would have anything to do on. It's really easy to pick something in this case because there are so many violations, in my opinion. I don't know what the needle in the hay stack is that your legal staff is looking for and I guess I have run out of patience on it.

ESTEVAN LOPEZ (Land Use Administrator): Mr. Chairman, we have been investigating the issue that Ms. Garcia brought forward several meetings ago. She's right that there has been some time that has lapsed; however, there are a number of things to deal with on this issue and we have to tread carefully on it.

There's at least the potential for litigation involved in this and there's certainly a lot of jurisdictional questions as to who has jurisdiction over what. Some of the issues that are being raised here are not issues that are necessarily issues stemming from this property. We are definitely addressing this and continuing to look into this but we are not doing anything very hastily in that regard.

COMMISSIONER GONZALES: Estevan, one of the things that I did bring up is that because it is a public welfare and safety issue or health issue that if it was an issue of the ED having to act or do some kind of enforcement and they were not doing it, I asked and instructed the staff to see what the County can do through some legal manner to force the ED or whoever to go out there and do whatever they need to do to clean up this burning pit. I want to know if we've been able to do that or if we have determined -- I mean, I guess I understand that the pit is still burning.

MR. LOPEZ: I think that Charlie was out there yesterday and saw some pretty strong evidence of smoldering in that adjacent property.

COMMISSIONER GONZALES: so with that in mind, there does need to be action on our part knowing that that is a direct health threat to that community whether it's in our jurisdiction or not. We know it's a health threat so the question is and I think Ms. Garcia is proper in asking this what are we going to do? Why are we not moving to force ED to come in, if they are the regulatory body, and enforce that this thing gets cleaned up whether it's on Por Su Garcia or whether it's on the adjoining property we're compelled to

1771069

act here.

MR. GRAESER: I certainly agree that something has to occur. My problem with regard to the specific issue of the combustion is -- I know our solid waste ordinance, we as a county have a limited range of laws that the county can enforce. I don't see anything that we can enforce against that. We have met and we have certainly been in contact with the state and several people from the AG's office. We've already been talking to them with Frank Wismarth who is an attorney there and Tess Maugham who is a special investigator for environmental issues. In the AG's office they are certainly interested in seeing, as we are, what they can do about this. We haven't seen a lot of movement from the ED and I think that it's partially because, this is from the best I can determine, this was in fact a permitted landfill. An unlicensed, permitted landfill when it was in operation.

As far as what the county can do with the conditions of approval of the subdivision, it does seem like they are in violation of some and some of this is probably more appropriate to discuss in potential litigation but there are conditions of approval that they are not in compliance with and I, in fact, am waiting for information from Ms. Garcia. I have started drafting all the issues as I would to put them in a lawsuit in a complaint. I had a discussion with Ms. Garcia last week and she had told me she would get me a list of all conditions of approval that she felt were not in compliance with and I guess that was to be early this week. So I'm waiting for those to finish my list of what we can do under our laws and then we're also working on the issue of working with the AG's office.

COMMISSIONER GONZALES: Let me just say to that point, I appreciate what Ms. Garcia wants to do to help us in that areas but that is clearly our staff responsibility to get those conditions and find out what they're in compliance with or not a member of the community and while I think that it is great that she has taken the involvement but we need to be more proactive in trying to get staff to come up with issues on these conditions and this is a continuous thing so I basically, Mr. Chairman, just want - I know we're urging the AG's office and I know we're urging ED, but if there's no movement on this I want to know -- I mean I feel compelled to act on this and I want to know if the County and if we have to talk about in executive session that's fine but we have to force the courts to force ED to do something out there. This just didn't come up it's been over two, three years that people have been bringing this forward. We have to act.

I want some options, if we can, at the next meeting of where we're going on this and I want the staff to review the conditions and find out whether they have been complied with or not. If Ms. Garcia wants to help, that's wonderful, but I don't want us to wait for Ms. Garcia to provide our staff findings of stuff, I want our staff to find that out. That our responsibility and I expect that we'll act accordingly on that.

CHAIRMAN GRINÉ: Let me add a few words here because I've been kind of staying in touch with staff concerning this issue. This all came about and corrected me, Estevan, if I get off on the wrong track here. All this originates from the race track owners and that was Ken Newton and now it's the Pojoaque Pueblo. They're the ones that dumped

1771069

all this horse manure out there and as a result from the manure coming from hay it does not away and it gets hot and now that is what is happening at this point. So really the real parties responsible for this are the race track owners but we're dealing with a sovereign nation again.

COMMISSIONER GONZALES: But they don't have sovereign status on that track. They own it, but it is not in sovereign status.

CHAIRMAN GRINÉ: So how do you enforce it?

COMMISSIONER GONZALES: That's my point. What legal parameters does the county have to act on behalf of its constituency to force the ED to do something or whatever regulatory agency is required to go in there and clean that up mess. And that's what we've been asking for some time and I want to see some movement on it.

COMMISSIONER ANAYA: It seems to me that one of the conditions of approval of the subdivision was that this be cleared up backed when we allowed the division to come in and I think if we were to research the minutes I think that's where we would find the liability if my recollection is correct.

MR. LOPEZ: Mr. Chairman, Commissioners, we have researched the minutes. We have researched the conditions of approval and we have made some determinations on our own as to what conditions have not been met. We are proceeding with our planned action on that basis and we are also obviously willing to take any additional information that somebody might want to provide for us.

I don't want to leave you the impression that we're leaving all this work to citizens to the community. We are proceeding on our own to research some of these things. As far as the clean up of the adjacent property and the minutes, the approval given back to years ago, we've not been able to find any such requirement in those minutes. There was some requirement of clean-up of the landfill as it extends out onto that property and some of that was done and it was not completed; however, it was largely done. The majority of the problem right now that exists is off-site. But we are continuing to research how we can deal with it and we will follow your directive.

COMMISSIONER GONZALES: Thank you. And what I'd ask is that at the next meeting just so we can put some closure to this, that we do have executive session and if there is litigation discussion that are taking place that we talk about those possibilities. Thank you, Mr. Chairman.

MS. GARCIA: There's one acre where that dump site was that the pueblo never bought. That ownership is retained by Albuquerque Downs. It's Dickey Monroya, Ken Newton, Richard Cook and that group that still own it. And they are the people and I believe that it is Richard Cook who was the veiled owner of this subdivision. Had I known that I would have never bought it there. I just wouldn't have bought anything that Richard Cook would have owned. But Sam Valencia comes forth as the so-called owner in a very unusual thing about this case is that everything that has to do with the cleanup is not in your land use file, it was in your county attorney's office, not available for anyone from the

1771069

public to ever inspect. I had to make a formal request for that document. I didn't get all the information because the attorney told me that some of it was privileged information. So I don't even know how much I really have out of there -- out of your county file. But it was in your County Attorney's file. There are a lot of implications to be drawn from this and I think that those of you that have been here for several years might know what I'm alluding to. But it's not that clean and that's why I think that someone really needs to monitor this case and watch it closely because I don't want for a part of this file to slip back into the attorney files again. It's a land use matter and [inaudible] --

MS. MULVANEY: Chairman, Commissioners, may please address that. I don't think there's been any improprieties on the County Attorney's handling of this in any way shape or form. We have land use files that we use all the time in our cases and I resent the implication that there is something improper going on.

CHAIRMAN GRINÉ: That's enough, Beverly, we'll deal with it. Let's move on.

ELAINE CHAMINO: Hello, Commissioners, my name is Elaine Chamino. I live in La Cieneguilla. I'm here today representing the La Cienega Valley Association Water Safeguard Committee. And we're requesting that the County in Santa Fe participate in a task force that we requested through the City Council's Public Utilities Committee.

This task force is to be set up to help amend the city's treated effluent management plan known as the CHAMPS. There's some severe flaws that are associated with this and have to do with Las Campanas Utility Agreement. We need to see that there's an agreed upon water balance which incorporates written agreements to the people of La Cienega and La Cieneguilla, a senior water priority right holder and within this basin, as to the quality, quantify of affluent flow which is a major source of replenishing and recharging underground water resources. We want to see that this plan shows artificial aquifer recharge and to on already impacted aquifer.

We also would like to make recommendations in this task force to implement aquifer recharge and ground water banking program which would include a ground water recharge facilities in ground water monitoring program. We ask that this task force include, not only our committee, but the County, the City, the State Engineer's Office, E.D., and participant and observers from various interest pueblos and appropriate professionals such as hydrologists, water law attorneys, and environmental planner and a neutral facilitator. And we also hope that there would be an oversight enforcement of this council to see that the suggestions are carried through and implemented from a reach consensus.

The La Cienega Valley Association has tried to procure their concerns in writings from the city, county, and state officials, but these concerns have been ignored. We have lists of requests that were denied for requested mediation, request of recharge of the aquifer and other conservation efforts, requests for the city, county, and state to limit the pumping of commercial wells and the in meetings with public officials our request has fallen on deaf ears and indicated by nil follow-up action and attempt to meet our major concerns.

1771069

There have been ventures to keep the Acequia waters flowing, but these are piecemeal approaches that need long-term solutions to the perennial problem of assuring adequate water supplies. Especially for period of drought. But lately the matter is just getting through the irrigation season, drought or no drought.

Commissioners, you have in front of you a map that is of the San Juan-Chama Diversion Pipeline. This is going to be the key to future development and I'd like to try and explain this map a little bit. If we look at this map we have the entire basin. The entire basin is -- acts as a bathtub and if you pull the plug on La Cienega you're going to pull the plug on the entire aquifer. And what we see on this map is a circle of rings and that is the city wells. And the city wells have been discharging or sucking the water out of the aquifer and causing, according to a new model that is being done by Shoemaker and Associates in Albuquerque, this model shows that a lot of the water in the Tesuque formation is gravitating into those areas are being discharged and around the outer reaches have caused wells to go dry. We see that happening in different areas of the county.

I also would like to state that now that you're drafting a 40 year water plan, you have to understand we don't understand with what water you're drafting that with. You may, with the San Juan-Chama Diversion may in 10 years, have about 5000 acre feet of water if you're lucky. But is this the water slated for the northwest sector development on the southern ends of the county? What is not on the map is the pipe that comes off the Buckman line down State Road 99 to the Rancho Viejo area. And there's still no written agreement alleviating state pen pumping problems affecting the La Cienega Acequias.

The continual discharge of the city and commercial wells and domestic wells, all native basin water adds to serve impairment to the aquifer. The Las Campanas Agreement commingles native basin water with imported water for 100 percent return flow credit to the Rio Grand. This withdrawal and discharge is drying up the aquifer, the springs and well in La Cienega and Cieneguilla and the Santa Fe River. The affect in Agua Fria are well known.

This utility agreement does not provide enough water to downstream acequias. This move towards the Las Campanas Utility Agreement and the San Juan-Chama Diversion Pipeline, have the appearance that the city and county is making a deliberate attempt to dry up the waters of La Cienega Valley so that the residents will have to pay for drinking water in the future.

We are calling for an environmental impact reporters statement before any construction begins on Phase 1 of the Las Campanas section of the San Juan Pipeline.

We are looking for a solution to these problems that there's facing all of us in this region. We are in this altogether and together we need to work on the problems and work on proper contingency plans. 40 year water plans should not be constructed in back rooms and then expected to have public... It will not work that way. The city, the Las Campanas Utility Agreement must be renegotiated because of the severe repercussions this agreement has on the county residents of La Cienega and La Cieneguilla and to all downstream users

1771069

and those affected by the Santa Fe Basin Aquifer Impact.

On this issue, we have support from the Sierra Club, Rio Grande Restoration, Amigos Bravos, American Rivers, the Agua Fria Association, the Tierra del Oro Association, the Cerrillos Community Water Board, the Tesuque Association, the New Mexico Rule Water Users, we have presented our concerns to various groups and upcoming will be the Northern Eight Pueblos Counsel of Governors, and the All Indian Pueblo Council in Albuquerque. We are requesting that the State Engineer's Office and E.D. send representatives for this task force. And we are also asking the county to join us and be willing to integrate recommendations into a viable alternative water plan for the future.

Today's request is to simply look to implementing and being a participant in this task force. Thank you.

REBECCA FRENKEL: Good evening. My name is Rebecca Frenkel. I'm president of the League of Women Voters. I've been here three or four times in the last four years to talk to you about the regional planning. I think we started four years ago when we came to talk to you about the important need to review and revise the extraterritorial zone plan and ordinances because of the huge number of variances that are granted as you're reviewing cases in that area.

I want to ask you to look favorably and support the Joint Powers Agreement which will be coming towards you for the purpose of creating a regional planning authority. I'm sorry, I missed your meeting yesterday, I was out of town so I don't know what action you've decided to do in that area. But when the league was making the study, one of the things we found was that much of the area had already been planned. Since then the County Planning Department has done a very good job of updating your map so that you will have an idea of how much of the area has been planned. But to look at the needs of infrastructure as well as how water is going to be available and then for land use for those areas that aren't planning, seems to us, to be reasonable to do it as a joint city-county. Because the state statute which you have adopted when you created an extraterritorial zone does state that the city and county will do planning and platting to the five-mile line. So this is an opportunity that the city, it seems to us, is asking you to join in with them to do that.

I think that the proposed Regional Planning Authority asked this before you, does take into recognition, both the city and county plans and the county certainly did adopt a model plan for your both management of the Joint Planning Agreement of the Joint Powers Agreement and for Regional Planning Act does recognize that the county is involved with their community plans and the importance of those community plans to go forward. So I think there's a lot of good points in that plan and we urge you to support that. I think a good plus is, if you can hold everybody to it, that there will at least be a sharing of the costs, which I think the county wonders sometimes how much sharing of the cost there's been in the administration of the extraterritorial zone as it currently exists.

I also want to -- just this afternoon I had an opportunity to hear a presentation by Superintendent of School, Veronica Garcia. And congratulate you for going ahead with your

1771069

proposal or your resolution on job creation. And one of the things that Superintendent Garcia talked about was the importance of them updating and working to improve their technology -- their facilities for technology education. As you work with other entities in looking at job creation, I hope you will not leave the school district out. We know that they're an important part of the planning because it's their pupils that are coming along, that are going to be the ones that will be able to fill those jobs. Thanks.

CHAIRMAN GRINÉ: Rebecca, on your issues as far as the variances are concerned and I said this on the EZA several times to Councilor Moore, I'd be very worried about abandoning the variance approach to this because that's the only tool that we have to practice humanistic judgment for those people that are tied and bound by the code. And I would be very hesitant in eliminating that particular tool.

MS. FRENKEL: I agree with you. I don't think you can eliminate it. But I think that if your plan is updated and designed to meet what some of those requests are, maybe you won't be asked to have so many variances considered.

CRAIG BARNES: Mr. Chairman, Members of the Commission, my name is Craig Barnes, thank you for allowing a short comment. I'm sorry I wasn't here yesterday on your study session on regional planning. I would like to make a quick comment about that. Some of the high points that seem important to keep in mind, first, is of course, that regional planning effort has been on our minds, on everybody's minds, for a great many years. And there is no single or simple right answer. There's no easy solution, with your permission or otherwise, that was my understanding too, that there isn't going to be a public hearing about it so that this would be the only time members of the public could comment.

CHAIRMAN GRINÉ: Craig, I was going to make a recommendation that we call a special meeting so we can notice it for public hearing and have public input concerning this JPA. But I don't know which way the commissioners are going to vote, but you know, we've always taken a strong stand because Katherine, one time, on our general plan, there was some amendments coming forth by Representative Rhonda King and also Jerry Powers who are very strong landowners in the southern part of the county. And Commission Duran embraced it so strongly that we cannot vote on those amendments and that we allow one more meeting for public hearing so we can discuss these amendments and then we vote on it. So that's what I was going to request today. That we table this and call for a special meeting to have public input and then we vote on it then. That's what I was going to recommend, Craig.

MR. BARNES: There's definitely pluses or minuses in that approach.

CHAIRMAN GRINÉ: Well there's a lot of people who want to speak for it and against that and being the chair, I do have to consider their concerns. So I am going to request it and I hope I get the votes here to have a special meeting strictly for this agreement.

MR. BARNES: Well, you have to tell me whether I need to talk now or whether I need to wait for then cause I don't know how the vote's going to go either.

1771069

Neither one of us does so maybe --

COMMISSIONER ANAYA: Can we call for a consensus?

COMMISSIONER GONZALES: Mr. Chairman, we're still under matters of public hearing. I think there are individuals that are here to speak to this issue and I think it's unfair to ask that we're going to be taking an action when where it's not an agenda item and we have not had a chance to debate it.

We're under public hearing discussion on matters of public concern and I don't want to debate whether this thing should be sent to a special hearing or not at this point. I'd rather wait until it's an item on our agenda and debate it then.

I anxious to hear what Mr. Barnes has to say and there's councilors in the room, I want to hear what they have to say and I just don't think that we should be preempting the public process at this point.

COMMISSIONER ANAYA: Mr. Chair, I would lean towards what the chair is recommending. I think that it would be appropriate to at least send it into one public hearing, possibly two, and I think that would behoove the public, it would behoove everybody concerned and I certainly would lean on the chair's favor.

COMMISSIONER TRUJILLO: Let's wait for in on the agenda. We're not there yet.

COMMISSIONER ANAYA: I think the head count is already rolling out here to see what direction we're going to go, whether we're going to debate it under public concern or not debate at all. There's the matter is County Commission are allowed public input because the way the agenda's set up so with that in mind I would favor what the chair had suggested that we move it into a public hearing.

COMMISSIONER DURAN: As Commissioner Gonzales stated earlier, the process should be subject to public hearing. Let's follow the agenda.

COMMISSIONER ANAYA: Well I agree to that, I think we would expanding on his discussion mode if we proceed with what the chair has requested.

CHAIRMAN GRINÉ: No, that's fine. Go ahead Craig.

MR. BARNES: I think what I better do, Mr. Chairman, is speak now while I've got my chance and we'll see what happens after that.

CHAIRMAN GRINÉ: I just wanted you to know I was going to make that recommendation.

MR. BARNES: I understand. I want to speak to the complexity of regional planning, the multiple factors that are involved in it. And the realization that we are all have to have that there is no single right answer. That none of the things that come out of a study committee or none of the things that come out of a task force or other things that come out of a legislature, none of the things that would come out of a blue ribbon committee or a red ribbon committee, no kind of committee can come up with a special perfect regional planning answer. There is not one. What it means is that the hurdle of regional planning has to cross whenever you get to this place in the city/county relationship is a political

1771069

hurdle. It's a hurdle of getting enough people together to decide to talk together.

The problem is not one of details of whether water's in, transportation's in, water's out, transportation's out, the problem is the getting enough heads together at one moment in time so you can talk through a right answer which is right for your city and your county at a given moment in time. It's a political problem rather than a technical problem. So what we have here is a politically possible first step. And it's a very conservative first step. And I just wanted to mention to you the ways in which the county is protected and the ways the city is equally protected but the way the county is protected that makes this so conservative.

First of all, no decision can be taken by this proposed joint planning authority without 3 members of each governing body voting in favor of it. So you cannot have a city coalition lining up with 2 members of the county and overruling a county decision. You've got to have 3 members which is a working majority of the commission in order to make a decision under this proposed joint agreement. That means that it's a super majority, it's almost a requirement, a laid down requirement, that the only way the city and county are going to coordinate and cooperate in this process is by consensus. What it really means is this is a consensus process that you're looking at today and that you will or will not have further hearings about. You are committing to get together to and sit down at the same table. You have this super majority requirement behind you, it means that it is very unlikely that you would ever, it's impossible, that you would ever, as a county, be ridden over by the city. That requirement doesn't exist in most city/county planning situations. But there's more than that that makes this conservative.

The enforcement process that's in this Joint Powers Agreement that's proposed for you, is that the plan be adopted by the joint body but that it be put into affect in code, in the city and the county code. That means that at the time it goes back, after you get a plan, after you have sat down for the months it's going to take you to get a plan, and you come up with a plan, you're going to go back to your respective bodies and move it into code. You are then going to have any number of weeks of hearings about that code process and putting that plan into code. So it's a second step through which you will go when you put it into code. Why in code? Because we've had so many plans that were not enforceable. So many plans that we were only writing on the shell. So this Joint Powers Agreement suggests, okay, we're going to get a plan, we're also going to back into code. It makes it eventually more powerful and stronger but it also makes it more conservative. It's going to be harder to get there and you've got public hearings in excess coming up before that plan actually becomes code in both the city and county.

The third reason that this is such a small step, such an importance symbolic step and such a small step practically, I mean more symbolic a step you can't take than the one you're looking at today, that yes we are responding to public opinion over the years, and we are finally going to do something and get together jointly. More symbolic it can't be. But the third reason why it's such a small step is you can terminate it at any time. It only requires 3 of you to terminate it. It only requires the majority of the County Commissioners to

1771069

decide we're going to terminate it. It takes 120 days for the termination to come into affect, but the vote it takes is still only 3 of you. So if you get in there and it's not working well and you don't like sitting down with the city and talking about it, you can terminate it. This is again, conservative, not a 2 year thing or 2-5 year commitment or a 10 year commitment, it's not state statute that requires you to do it forever until the statute is changed. You don't have to go back to the legislature, you don't have to go back to the city, you simply come back here and say this isn't working. So you are in what is from the outsider's standpoint looking in, in the most conservative possible position. We say to ourselves, well, this is important symbolically, but it's not like you are giving away the store or that there's some momentum that is going to happen here that you can't control.

The other thing about it is that the fourth major conservative point here is that this is a 4-4 body. Without -- with the chairman having the right to vote. That means that you aren't going to have a natural dominance by either governing body. You aren't going to have a natural vote, tie-breaking vote, by a fifth member. There isn't going to be an odd member who's going to be the tie-breaking vote. It's 4-4 if you get the city/county differences. Why was that the outcome of these conversations. The discussion was and all of you participated in this discussion, but the discussion was we can't do this by fee ad. We can't tell the county had to operate or the had to operate, we've got to do it by agreement. We've got to work it out. So there's no tie-breaking vote here. There is only the consensus that you will build by actually sitting down at the table and talking it through. That's why when we say it has promised, that's what the promise is.

All over the country, regional planning stops because they can't find the technically best solution. Urban boundaries, transportation corridors, water sharing agreements, they can't find the technically best solution. The only solution that's going to work here and the only solution that works anywhere in the country is the commitment to talk together and work it out over time. And that's what you did when you passed this resolution past June. You said, okay, we will make the commitment to talk about it. We will make the commitment to sit at the table with the city councilors and work it through. We won't be bound by any kind of steamroller affect, there isn't going to be one, city/county planning bodies are constitutional all over the country, it's happening everywhere, we know they're legal, we know that nobody loses a vote that's not a one-man vote, one vote problem because everybody got the opportunity to participate and this is constitutional everywhere it goes on in the country. So we're not worried about that.

What we're worried about is never, ever getting a political majority. Never ever getting people to sit down together to talk. What this does is that one giant step forward. It requires a conversation. You can stop it at any time, you can back out at anytime you never have a vote, you never have a vote that's going to take you anywhere unless it's a 3-vote majority of your own commissions so you're not in any difficulty.

So if a conservative first step, if you had the question in your mind whether or not you need to answer all the possible technical questions before you get into it or whether you

1771069

answer them as you go along. I urge you to get into it and answer them as you go along. The raising of technical questions in one more city session or one more hearing or one more hearing after that is what has kept us delayed for this many years. If you make the commitment to get started on it, at least you're into it and then you've got to start to work it out. And you'll have hearings on every portion of the planning process. You'll be having hearings as it goes forward step by step. But if you don't make the commitment to go forward, what can happen and has happened for the last 10 or 15 years is people will say, well what about, but what about, and ultimately there so my but, what about that you never take the first step. So I urge you to take the more courageous step which is say, alright, let's do the public planning process, let's do the joint planning process, and work out, as we go, because we've got the authority, we've got the majority in that body at all times, work it out as you go and see if you can tell the public, yeah, we're going to do this. And then you're going to figure out how you do it, detail by detail, in the months to come. This is not a quickly or artificially constructed joint powers agreement. It was drafted by the two staffs. It wasn't drafted by outsiders. It was drafted by the two staffs. It was a result of informal conversation that went back and forth over 2 years. It's a step.

So consider seriously, taking this step and getting yourself into it. It isn't going to be easy but you're doing what the public has been asking you to do. Thank you.

COMMISSIONER ANAYA: Thank you Craig for quite an eye-opener. Now all the advise that you've given us has been, I guess, from a legal perspective also, on the options that exist within the agreement itself should we not agree with our city counterparts, we would have the option to withdraw and that's pretty well said,

MR. BARNES: You can terminate this agreement as it says within a 120 days. It doesn't say you can -- how you terminate it, but it's the same way you make decisions today. You terminate it by a majority and say, we terminate it. And then you send them a message. So you can withdraw, we hope you don't, obviously. We hope you stick with us. It's going to be hard, it isn't going to be easy. We know about these conversations that they're hard. But what we, as a public, is try to do is hold your feet to the fire just long enough to get into it and see where it goes.

COMMISSIONER ANAYA: And you would be against public hearing on this issue?

MR. BARNES: In general, public hearings are always a good thing. In general, public hearings are always are a good thing, but public hearings can be used as an excuse for delay. Or an excuse to develop another tactic to kill it. There's quite a lot of desire by everyone of us who's been involved in regional planning conversations, and that's everybody in the county practically, to have it done in a certain way -- have it done this way or that way. And it could become an illusion. If we get into the public hearings, we will find the perfect way. And what I think is that -- well my judgment is, is not a legal judgment but my personal judgement, is that it probably isn't the public perfect way, you're just going to have to get into it, try it, and work it out.

1771069

COMMISSIONER ANAYA: I appreciate your comments, I really do.

COMMISSIONER DURAN: [away from microphone] -- I think that the JPA and Regional Planning Authority is something that the community wants and needs and is expecting us to adopt. Our professionals here at the county, our planning department has told us, yesterday, that he approves the JPA, he approves regional planning, so we have a planning department that is in favor of this effort. We have, for the last year and a half, we've heard nothing but the public outcry for when are we going to start regional planning.

And I would just like to thank you for all the effort that you put into this endeavor. Hopefully we can get this thing behind us sometime soon, so that we can sit down at the table with the City Council, and start talking about how we can plan development and manage growth out in the county that works within the community's goals and desires. So thank you.

COMMISSIONER GONZALES: Mr. Chairman, I want to hold our comments until we get the issue because I think that we're kind of ahead of ourselves, but I just want to thank Craig, also, because the countless hours that you spent, the continuous pulling out of your hair and you've got a chance to listen to us whine and complain and try and figure out how we're going to be able to work together, it takes a special individual who's committed to really seeing this happen and I do want to thank you. If this does happen it's going to be largely responsible because of your personal efforts and your personal commitment to see regional planning take place. And so sometimes it just takes an individual or a group of individuals like you and -- who have just made it your personal cause, your personal reason for living, to actually get this where it is. Mind that this never happened before, hopefully it happens, I really hope it happens today, but I do want to thank you. I going to reserve my comments towards the arcade until we get to that point, but I did want to thank you.

MR. BARNES: Thank you. May I maybe just say this, this is much bigger than any 2 or 3 of us. This is something that literally hundreds of people have been talking about. And we're just harvesting some of that reward. But's it not about 1 percent.

CHAIRMAN GRINÉ: Craig, we've also got to commend you for us staying together even when you saw that maybe it was falling apart because of lack of words that were exchanged sometimes at some of these meetings, it was not comfortable to the toilet some remarks that were thrown at us, but like I tell you, at least it was aired out and at least, probably got it out of our hearts and we also wondered why it took so long to come from across the street and like I tell you, the only thing that concerned that I raised and I've always been a strong advocate for county staff because I feel that county staff is going to make you as good as you are and it can either make you or break you and I believe we have a strong planning department and the only concern that Jack raised yesterday and I'll raise it again, that I believe in the public process. We haven't, any way at all, shortchanged anybody in the past because, you know, a good public education to me was when we had to go back out and mainly when Commissioner Duran and I were sworn in for the people were

1771069

outraged because our general plan was getting to be adopted, it was proposed before me and Commissioner Duran got sworn in, and they were just in the audience, just totally saying, please wait, please wait, and then when we took it out to the public, I thought, what did I do by getting elected here when I was going to the south part of the county and gyms were filling up. And let me tell you what, there was times that I was even scared in going into those groups and trying to explain to them why we were out there again, because we were going up the process. So I'm just a strong believer and Commissioner Duran, I'm sure you embrace that too, because you've always done it in the past and in all, that's fine, but other wishes of the commissioners are today, I'm strong in the support of this. It's just that back raised some concerns yesterday and I support staff, and thank you Craig.

COMMISSIONER ANAYA: On my behalf, I thank you Craig, and Lynn, it's a mutual effort on both your parts and I think it's great. I think the coagulation is - the potential for coagulation is there and I thank you.

PATTI BUSHEE: I don't want to take your time and turn this into a public hearing on an issue that you're not onto yet. And I'm not sure I understand your noticing process, if it's different than ours, but what we did over at the -- hi, fellow friends and elected officials, to be in with, what we did over there at the Joint Powers Agreement, it is not an ordinance so it doesn't require a public hearing. But I guess what I would just ask for starters is to kind of remember that this is not a new concept. That this has been something, how long ago did we all go to Portland, Oregon together, share and break some bread, drink some wine and try to remember why we were there. And come back here now and all I would ask of you this evening is, I can only speak for myself here this evening, but I can tell you that with the new elected governing body that we have across the street, that we're very encouraged and look forward to and anticipate sitting down at the table with you as fellow local elected officials in municipal and county government, to sit down together more often. I think what happens Chair Grifé, very often is, that we are doing things in a vacuum separately. And so it's very easy then to say, well, those dog-gone commissioners, or you can say, oh those counselors, they don't understand our perspective. But if you recall when we sat down 2 on 2 with the help of the Land Use Resource Center and once again, discussed, and even role-played to some degree and switched hats and remember how your constituency, although we share very much, some of us share very similar districts. We also recognize that you serve a rural population and traditional communities and how different that must be in their needs and in what you have to grapple with every time. But yes, we have so much in common. It's almost like we're divorced parents with children in common and we have irreconcilable differences, but yet, we have so much that is important that we have to achieve together. And I guess what I would see this RPA really as, is just agreeing to sit down together. It's not even agreeing to agree. Because it's a very difficult thing. You're going to have to have 4 of your members and 4 of our members, as close to a majority, on both bodies, that's a majority for you already, to sit down and really agree that we want to plan things similarly. And so where there are areas where we will not coincide

1771069

or intersect, then we'll have to agree to disagree. But there are many, many, many mutual areas of concern and needs that we share. Water, infrastructure, buses, you name it, transportation, economic development, it's not written into this agreement, but just like the authority that regulates the joint landfill which has been a successful partnership, we can incorporate any topic that is of value or concern to us at the moment. So I can only speak very personally and from my heart in that I look forward, even if I don't serve on that body or if I do, to opportunities where we sit down and we're actually having to look at each other, more of us, face to face, and no longer can sling bows and arrows or barbs across the way. And that we actually sit down and delineate those areas of concern and chip away at them.

We don't even have to come up with much of a product right away. It will be an enormous achievement for us to sit down together at the same table facing the concerns that we share. And so again, I don't know how you're going to conduct this, this evening. I would hope that you would act, the way I read your agenda, it seems you're set for action and I think that's what many of the councilors anticipate. In fact, I know a few of them are hinging their vote on whether or not we need a moratorium if we have a venue or vehicle with which we can start to plan, then I think a lot of our needs to try to -- we're always concerned when we're unable to act on something. It just pushes something somewhere else that is again, not taking the problem together and trying to find that middle ground or that place where we share. So I really just came, and I'm not trying to take away from how you run your meetings because you may run them a little bit differently. But I would just ask that you consider the passage of the Regional Planning Agreement Joint Powers Authority here this evening.

I'm sorry to hear that it took awhile, Mr. Chairman, to get over here. I think the similar sentiment over there, you know, when's it ever going to come back and when can we get going together. But again, the opportunity to just sit down and look at one another and say -- I think you can remember the little meetings we did have.

CHAIRMAN GRINÉ: Do me a favor, don't put Councilor Jimmy Martinez on there.

MS. BUSHEE: Hey, I don't do the appointing but I'll try my best to talk to the mayor and I know I want to serve and if the mayor will appoint, I would certainly take this back to the spirit when we sat down over lunches at whatever hotel nearby and said, you know what, we have a lot more in common than we realize. But it's when we get apart and we're not that far apart, geographically, but boy we can build mountains in short order when we don't sit down just like divorced parents that know that they have things that they have to work out and if we can't do it for the kids, let's do it for the community.

So anyhow, thank you for your time and I would really appreciate a message from you all this evening before we have to go and tussle things like a moratorium where I know many of us would prefer to know that we have a new vehicle in place that has been embraced by both bodies with which we can work out a lot of these issues oftentimes of

1771069

importance.

COMMISSIONER ANAYA: Councilor, thank you for being here, Councilor Heldmeyer and Councilor Chavez. I think that the feeling up there, the commission is to go through with this. I'm pretty confident in sharing that feeling. However, I have in my concerns about some moratorium idea coming forth from city hall and in detail with Alma, yesterday, I expressed for some time with her on my feelings on that issue. And perhaps, maybe, this type of activity would prevent that kind of measure on the part of City Council, well I do recall the Portland trip and I would recommend to the mayor that he appoint people who did attend that because there's that common knowledge and bonding between us, no offense to the newcomers, but since there's already an experience from that direction, I'm pretty sure that this will materialize.

MS. BUSHEE: Thank you and Mr. Anaya, if I could say, there's plenty of concern to go around amongst the councilors over the issues we're going to be dealing with tomorrow night on the moratorium.

COMMISSIONER ANAYA: I'm sure.

MS. BUSHEE: But I do know that some have expressed to me that if we had something like the Regional Planning Authority in place, we would not necessarily have to be considering things separately all the time and know that they're going to have an impact on the county as well. We would really like that venue.

CHAIRMAN GRINÉ: You're going to make me a promise that you won't put Chris Moore on there either?

MS. BUSHEE: Again, I don't do that appointing, but I'll try my best to relay that message.

COMMISSIONER GONZALES: Mr. Chairman, Councilor, I like to say thank you also for being here and to Councilor Chavez and Heldmeyer, I appreciate it as well, and hopefully this is a start of lots more dialogue.

I want to bring up a couple of points with you Councilor, only in that you are the veteran councilor, the senior councilor and is here today and certainly with the opportunity to take this back as you work with other councilors, whether you're appointed to this or not, and it has been some increased frustration, I think, privately on this side, same as your side, but, one issue that is happened that I'm hoping this RPA replaces has been the continuous criticisms that have come from city hall on county development issues and how the county has acted on development cases and the continuous impact that it's had on the city and I think we've all worked really hard as Commissioner Griné indicated, one of the best things that he and Commissioner Duran did when they came in was to really advocate that we hold up on the general plan process and that we go back out. And since then, we've worked very hard and endured much criticism from city hall for some of the development efforts that we have pursued and what we had felt that is in the best interest of our community.

And I ask you as a senior councilor to please take back a spirit of temperament. That we kind of remove the criticisms and it's frustrating as we sit down and we watch your

1771069

meetings until exactly when you go matters of the body and someone gets up there and you when you want to target the county, you can be pretty sharp in how you target the county. And that's minus any personal phone calls or anything to have any type of dialogue. So I'm really hoping that the methods that we have communicated in the past, through the media, the TV, through whatever, really are pushed to the side and that we embrace this vehicle that you are talking about. And my case and point is the comment that Councilor Moore made today on the issue of the moratorium where he's talking that if the county would not have some moratorium and the city would pass a moratorium then he is basically stating that we do some good in the city and they continue to make a mess the county. And those comments make it -- that's probably the greatest barrier that exists for cooperation. And I think that we truly have an opportunity to do good for our community if the Commissioners and the Councilors check comments like that at the door before we sit down. And I think you might commit to use everything I can as a commissioner to find and make reason apply into reality. If, you know, the criticisms and just the constant harassment of how the county make decisions or what's happened at the county continues, that's a sure way for me to lose my support. And I state it here publicly and to you, I don't want to be a part of that. I don't want to be a part of having a group that sitting down together talking friendly, trying to work for a planning effort and then the next thing we read is that there's been a comment made that's filling the target.

And I cannot point to one quote that's been made in the paper or publicly by this commission criticizing any action that the Council has made concerning development issues. And it's just because we have respected your right and your authority that you have to make those decisions. And the reason I speak towards you and not so much to the new councilors, because you are senior councilor on there, I think that the council is going to look towards the seniors towards trying to create the temperament. I know you can't control, I know you can't tell the mayor who to appoint, but what I am trying to do describe certainly what Craig heard and what lots of other people have heard and why we have been so reluctant is that, at least for me, it's taught to wake up in the morning and sit down when you know that the next day there's just going to be another criticism and nothing really done to try and solve some of the problems.

PATTI BUSHEE: Commissioner, all your points, Commissioners, have been well-spoken and well-taken, at least by myself. And all I can say to you, I'm also glad that if you do accept this that it would be housed in this chambers, any meetings, because standing in front of those awesome mural and reflecting on, you see the water, the land and the issues that are so much more yours to caretaker in terms of the rural areas that you have, I mean we have to recognize that we serve sometimes different populations and yet, we have so many things in common and so many other constituencies and needs that we have. But I think that when people are sitting down at the table, face to face, and I think you saw that when we had those separate smaller meetings, you saw a lot more cooperation and a lot more recognition of perhaps, areas that we have to plan a little differently. And I think it's

1771069

only easy to do something in front of a TV camera which you all don't have the luxury of having to sit in front of for hours.

CM: You call that luxury?

MS. BUSHEE: Well, it's someone's luxury. It certainly allows for some people to run at the mouth a little bit more. And I will convey your concerns about the personalities and some of them are senior personalities and who should sit because I think it's very crucial at this point how we begin the dance. But we need to start by coming together, shaking hands and listen into the tunes and starting to find our rhythm. And I think we can. And I think it's essential at this point.

COMMISSIONER GONZALES: And just to close, I do want to make sure you understand that I think criticism is healthy. I think that it can be warranted when there's a process that takes place. If we sit at the table, we discuss, we have healthy debate and then we agree to disagree, it's okay to me, up to that point to make comments, but we haven't gotten to that point and that's all that I'm asking is that we allow that just to hold off for a little bit. I think for the rest of us, we want to do that and go forward.

And I appreciate your leadership in this because I know you took this also, from the council side of something personal investment that you wanted to make, that you wanted to see happen, and I really honestly hope that tomorrow night, that the council really, if we act on this today, I really hope that the council give us an opportunity to work on Airport Road, not an act or moratorium and allow us to really do our job.

MS. BUSHEE: And I will take that message back as well.

COMMISSIONER GONZALES: And if we can't do our job, Councilor, then at that point, you know, the Council certainly has it's opportunity and prerogative to do what they feel is best. But give this authority a chance truly work before we start taking some of these measures into place.

MS. BUSHEE: Commissioners, I just want to leave by thanking you for your time but also letting you know how much I understand how difficult your charge is and your job is. And I have enormous respect for the positions that you hold. And I can only hope that the rest of the council, as well, comes from that place. And I know they do ultimately. It's very easy again, to let things break down into those fighting parents, you know, but let's keep it at a very amicable level and let's please find the place where we can meet. And I think the Regional Planning Authority is the first place to start. Thank you again for your time.

CHAIRMAN GRINÉ: Thank you councilor. Next speaker on matters of Public Concern.

ROBERT ROMERO: Good evening Commissioners, I would just like to address this same issue. I think you're all aware that our community has been in the planning process for approximately 3 years now. And that we do have a concern that our planning efforts maybe overridden or superseded by a regional planning effort. We are in support of a regional planning authority. I think it would be help benefit of the areas outside

1771069

of our community and our established boundary that we're going to be coming forward with you hear tonight. And we'd like to remain under the preview of this commission rather than underneath a joint authority. I think that's our intent of our establishing our traditional historic community and I hope that the larger property owners within our designated boundary are also aware of that. That they will remain underneath this commissions scrutiny and approval for their developments. Thank you.

MIGUEL CHAVEZ: Commissioner, Members of the County Commission, Miguel Chavez, I guess a freshman sixth councilor, since we have tears and we have senior councilor and freshman councilor. I happen to be one of the freshman councilors. But I have been following the growth issues in the community for the last probably 10 or 12 years, so, I'm not coming into the process completely cold. I do know that there are a lot of pressures for the region to grow. And I come to you as both a resident of the City of Santa Fe and -- there's a threshold that we're crossing and we know that our water resources are limited and very precious. Our land is very precious. And how we determine the use that we subject that land to, those decisions are very critical and often we have a short window of opportunity or one chance to do things right. And so I hope that you do move forward with the Joint Powers Agreement and the Regional Planning Authority.

And I have to say in taking the position on the moratorium, I'm not so much voting for the moratorium as I'm voting for a better plan for the Airport Road and a Regional Planning Authority that can deal with these issues collectively. And so I'm not against business, I'm not against growth, I'm not against development, but I think, again, we're at the critical crossroads where we need to sit down and figure out how we better plan that road. And so I just offered my assistance in whatever I can do to build that bridge, put the rhetoric aside and work together as counterparts as we move into the future. Thank you.

CHAIRMAN GRINÉ: Thank you, Councilor.

KAREN HELDMEYER: One advantage of hearing from freshman councilors, is that you haven't that much rhetoric from us yet. CHAIRMAN GRINÉ: State your name, Karen, for the record.

MS. HELDMEYER: It's Karen Heldmeyer and I'm a councilor from City Council, District 2.

And although I'm a freshman councilor, I too have had a lot of experience in land issues. And a couple of lessons I think can be learned from my experience that I've had so far, one is on the Planning Commission. We have more frequently been having joint meetings with the EZC, with the Agua Fria Village, with CDRC, where we are presented with the same information, we hear the same public comment and we make recommendations on this same planning devices. And that's been very useful, I think, to all of us to have all of those perspectives presented in a single meeting. And I think that something that the Regional Planning Authority could benefit from, sometimes people are reluctant to cross the street, short that the trip may be. And people who speak to your meetings often don't come to speak to us.

1771069

And that brings me to the second lesson, which is as someone whose organized neighborhoods. One of the things I've seen, especially in the southwest part of town, is that neighborhoods are beginning to become organized and they don't care what official lines are drawn. They don't care which side of the street they live on. If they live in the city or if they live in the county. They live in the same area, they're being affected by the same issues. And one of the reasons I think you're seeing freshman councilors this time around is one of the things we all ran on, and was something that the public wanted to see, was a promise of more cooperation between the city and the county, between, the city, county, and school board, between all the governmental entities in town. Because people know that some of these borders, some of the distinctions are artificial. And what's really important is dealing with the real problems that face them in their everyday lives. And so I think that's something that the Regional Planning Authority can begin to address. I don't think anybody is saying it's going to sell. All problems are even all problems in land use. But it's something that where we can begin to address those problems and to beat each other from a position of equity. Thank you.

CHAIRMAN GRINÉ: Thank you Councilor. You make me a promise to talk to Councilor Moore and Councilor Martinez too?

Next speaker. No more speakers. Okay, we end Public Concern. We move on.

H. 2. Resolution No. 2000-57: Resolution dedicating five percent of the purchase on COLTPAC acquisitions to establish a capital improvement and maintenance fund for open space projects

COMMISSIONER DURAN: This is the resolution that I mentioned to you yesterday about the 5 percent. If you don't mind, I'd like to read the resolution.

CHAIRMAN GRINÉ: I thought you increased it to six.

COMMISSIONER DURAN: Pardon me?

CHAIRMAN GRINÉ: I thought you increased it to six.

COMMISSIONER DURAN: Well my resolution, I have here says 5, and if you want to change it to 6, you can change it.

It's Resolution 2000-57, a resolution require landowner to dedicated 5 percent of the purchase price established a capital improvement and maintenance fund for the Wildlife, Mountains, Trails, and Historic Places Program. Whereas voters in Santa Fe County approved a general obligation bond establishing funding for the Wildlife, Mountains, Trails and Historic Places Program on November 3, 1998. And whereas the County is acquiring lands for the program to preserve historic and natural areas, mountains and foothills, arroyos, and river parkways, sacred sites, trails and high desert habitats and establish neighborhood parks and play fields. And whereas the County does not have adequate funds set aside through the general fund or other funds to pay for capital improvements and

1771069

maintenance of properties required by the program, for the program. Now therefore, be it resolved by the Santa Fe County Board of Commissioners of Santa Fe County that, and I've made a few amendments to which you have in front of you so -- What I'd like for it to say is in all future property acquisition negotiations for the Wildlife, Mountains, Trails and Historic Places Program, the County requires the participating landowners donate 5 percent of the purchase price at the time of closing. This money will be placed in an account to fund capital improvements and maintenance of properties acquired for the program.

So I would like to recommend that the Board approve the resolution. I think 5 percent is adequate. The other thing is that I think we've all talk to staff about negotiating the purchase price rather than outright offering to pay fair market value. As it was mentioned yesterday, in the real world, fair market value is a place to start, it's not where you end up, it's where you start. Fair market value is where start and very seldom do you end up at that price.

CHAIRMAN GRINÉ: Thank you Commissioner Duran. Is that in the form of motion?

Commissioner Duran moved to approve Resolution 2000-57. His motion was seconded by Commissioner Trujillo and passed by unanimous voice vote.

H. 3. Discussion of and a Possible Action on a Joint Powers Agreement with the City of Santa Fe Authorizing the Creation of a Regional Planning Authority.

MR. LOPEZ: Mr. Chairman, Commissioners, yesterday afternoon at the study session, we went over all of the salient points of the agreement that's before you for your consideration today. I can either repeat those today or just basically ask that you proceed with your consideration of that JPA. I think all of you are very aware of all of the features of it.

COMMISSIONER TRUJILLO: Mr. Chairman.

CHAIRMAN GRINÉ: Commissioner Trujillo.

COMMISSIONER TRUJILLO: Estevan and Jack, can you address some of the questions that you had regarding the amendments yesterday? Some of the issues in that area? And what your position is regarding opening it up for another public hearing. You brought some issues yesterday regarding some of the amendments that were proposed by the city.

MR. LOPEZ: Mr. Chairman, Commissioner Trujillo, I don't recall any specific amendments that were proposed yesterday at all. We did, after going through our entire litany of all the saving features of this agreement, we did raise the issue that we thought that it might right for some sort of a public input. I, for one, I think am still of the

1771069

opinion that we could probably benefit from that but I think certainly it's within your discretion to do so, do as you wish with that. I don't think that there was any specific amendments that were being discussed yesterday, though.

COMMISSIONER GONZALES: Mr. Chairman.

CHAIRMAN GRINÉ: yes, Commissioner Gonzales.

COMMISSIONER GONZALES: To the issue, the amendments, the discussion that I remember centered around if we wanted to make changes after we adopted and that was the issue I thought was most important, that we adopted this first and then we had a chance to sit down with the Councilors to talk about any changes that we might want as opposed to any changes now, sending it to that governing board and having them debate it without us being able to be in their presence.

So the issue was for any amendments that we want to make to the subsequent does enact in this authority, how would that occur? And I'm talking everything from the issue of maybe we want to have meetings at the council chambers because it is wired to t.v. all the way to, maybe we want to adjust the wording to make sure that it includes part of the city or goes into the city that the Regional Planning Authority would actually have some jurisdiction within city boundaries or things of that nature that we had talked about.

What I had asked is how those amendments would take place after we've adopted it. Does it have to go back to both governing board or can the RPA adjust it themselves?

MR. LOPEZ: Mr. Chairman, Commissioners, I believe, based on the discussion we had yesterday, that there was consensus at least amongst the staff that we're trying to respond to the question that -- if you choose to adopt this JPA, then certainly the RPA, the authority that's created, could try and reach agreement on any other amendments that they would want to build into this thing. It was our opinion that assuming that there would be a consensus as to what those amendments should be then those would be sent back to the individual bodies, that is the County Commission and the City Council for their adoption of those amendments and ultimately those -- any such amendments would have to be approved by the Department of Finance and Administration. Barbara is that roughly correct?

MS. MULVANEY: Chairman, Commissioners, what we had discussed yesterday is the scope of the duties and I pointed to the language which delineated what the duties were, the RPA, which is on Page 3-C, and it talks about among other things which leaves it pretty much open as to different areas you can go into. The next thing that we talked about was the, I believe it's on Page 5, Additional Powers, the RPA shall have the authority to enter into contract, approve appropriations and expenditures, there's other language. The restricting language is nothing herein shall be deemed a right of the RPA, of any power expressly retained by the city or the county or any power which is non-delegatable. So it restricts it down but I still think that a very broad area that is not restricted.

There's also a part on Page 7, which speaks to amendments. This agreement shall

1771069

not be altered, changed or amended except by instruments in writing executed by the parties hereto and approved by DFA. So that's a formal amendment to the JPA, but I think there's a lot of latitude in between a formal amendment to the JPA. And what rules you're going to adopt, what you're going to look at, those things can be handled in a more informal manner than an amendment to the JPA. Does that answer your questions?

COMMISSIONER GONZALES: It does, thank you.

CHAIRMAN GRINÉ: Thank you Barbara. Any questions of staff?

Commissioner Gonzales moved to approve the Joint Powers Agreement between the city and the county creating this Regional Planning Authority. Commissioner Araya seconded the motion and it passed by unanimous voice vote.

H. 5. Discussions of the Youth Shelter and Family Service Organization.

CHAIRMAN GRINÉ: Didn't we do that already? David Madrid.

MR. MADRID: Mr. Chairman, I know that you did get the report from the Youth Shelters and Family Services. Commissioner Duran had requested that I come up with possible sites within the community park and I have those sites available for you if you'd like to see them at this time.

COMMISSIONER DURAN: Sure. Is it possible for the next meeting have David come in and discuss it. We might have more information from BLM. I'd like to kind of meet with you about it and would that be okay?

CHAIRMAN GRINÉ: That'd be fine. So you want to just move on then?

COMMISSIONER DURAN: Let's talk about it more. In fact, why don't we collect these and give them to -- unless you want to look at them now.

MS. BUSTAMANTE: I'm sorry, I didn't follow you, where are we at?

COMMISSIONER DURAN: We're just going to table this until the next meeting.

MS. BUSTAMANTE: Mr. Chairman, you did forget number four.

CHAIRMAN GRINÉ: Thank you, Becky, I missed one.

Commissioner Duran moved to table this item until more information is available. His motion was seconded by Commissioner Gonzales and passed by unanimous voice vote.

1771069

H. 4. Request authorization to enter into a MOA with the City of Santa Fe for planning of the Southwest Santa Fe City/County Planning areas

COMMISSIONER GONZALES: Mr. Chairman, I just want to ask Jack, I mean, is it prudent before you cut that out on this authorization entering to the memorandum of agreement for planning the Southwest Santa Fe County/County Planning Area, you know something that we should take before this nearly formed RPA, I don't understand why we would go down two separate

MR. KOLKMEYER: We're asking -- we've promised the city we'd put up \$20,000.00 to do this study. The city's already put up \$100,000.00. This MOU is to put up our amount of money to do the plan. I think if we don't do it at this point, there's probably a possibility the moratorium will come back tomorrow.

This is our obligation to do that joint planning for Airport Road.

COMMISSIONER GONZALES: Okay, I guess I don't understand, is this going to be in separate from what the RPA's going to do or what?

MR. KOLKMEYER: No, this is -- I'm sorry everybody has left. Now we have a Regional Planning Authority and we get down to some of the really tough issues again.

This will be another plan like the Highway Corridor Plan that we're going jointly with the city. It's been suggested that when once the plan is done, that this could be something that could then go to the Regional Planning Authority. But again, the point here is that that's not what the JPA for the Regional Planning Authority says. It says, you're going to do a regional plan. So once again, we're embarking on specific regional plans that we're already doing with the city. But we think probably the way this is going now, is this is another piece of the puzzle. Let's go forward with what this kinds plans that we're working on together and if they go to the RPA, when the RPA comes up, so be it. It would be a good function for the RPA to review these kinds of plans.

COMMISSIONER ANAYA: Jack, excuse me, but is this the \$117,507.00 that the city spent for a study?

MR. KOLKMEYER: The newspaper had that corrected again. They don't have \$117,000.00 until we give them our \$20,000.00.

COMMISSIONER ANAYA: I'm sorry?

MR. KOLKMEYER: The way it was stated in the paper this morning that the project -- maybe if I can go forward, then we can answer a lot of the question. If I could pass this out since it's on the agenda. Would that be okay?

COMMISSIONER DURAN: Mr. Chairman.

CHAIRMAN GRINÉ: Commissioner Duran.

COMMISSIONER DURAN: You know Jack, it seems to me that this RPA is going to take forever, well not forever, but it's going to take a long time before they can

1771069

even get down to be able to deal with this particular area. Why can't we go forward with this. It was a commitment we made several months ago. And it's going to be a recommendation similar to the recommendation that the other community plan are going to make for the RPA to consider.

COMMISSIONER ANAYA: I can't understand this, you know, I mean why we would utilize more money where the city has spent \$117,500.00 when we through a 7 year study to establish the arterial road task force, the task force, a 7 year study, which is the basis and foundation of all planning in the future. Everybody's heard the saying: as the stem bends, so grows the tree. And you've already set the foundation, we've already set the foundation that's through the City Council, through the joint recommending body, both city council passed it and the County Commission passed it, and here we are or the City is spending this kind of money and we're being asked to spend this kind of money when the foundation is already there to where it's going to go. It just doesn't make any sense today, at all.

MR. KOLKMEYER: Commissioner Anaya, you were on the EZA when we brought forth to do the village district --

COMMISSIONER ANAYA: for Airport Road that I saw my signature on this.

MR. KOLKMEYER: Yes, and that's what this is. This isn't a road plan. This is not going to do -- if you look at the map that's in there, it's for the redevelopment area, this map here, the redevelopment area, Airport and Cerrillos Road. And that was expanded to include the village district area. And to include the whole area for the urban growth area in our county general plan. And what we have been working towards is after we did the Arterial Roads Task Force Plan, is now to go in to develop a land use plan for this area so that we can develop new neighborhoods and we can work again, this is our effort in the County to go in and actually work with neighborhood groups to determine where commercial uses might be the most appropriate in this area, where new neighborhoods would be developed around the roads.

See this is a follow-up to the Arterial Roads Task Force, now they come in and do land use with the City. And the City has not put up \$117,000.00. They've put up \$100,000.00 and we're going to put up \$20,000.00. They've already put their money up and you can see in there, I included in your packet there, the resolution that you all passed, the EZA and then a memo where the City has already put up their \$100,000.00. And this \$20,000.00, by the way, comes from the planning budget which we have and which we have earmarked early on last year in the budget to use specifically for planning on Airport Road. So in other words, you can look it and say, we've turned our \$20,000.00 into \$117,000.00 by inviting the City to come in to work on this project with us. The City did not want to undertake this when we started which is why we did the village district so that we could -- they didn't want to fuss with Airport Road and it's been our opinion that Airport is very important for us to do this. So if we go ahead and do this plan, then we have a major piece.

1771069

I think Commissioner Duran the question that you bring up, this actually then helps us to put forward if this is the way we're going, a major plan that becomes a piece of regional land use plan that we would all agree on.

Same with the Highway Corridor District. If we go and do that, let the Regional Planning Authority take that on, it's a piece that's already done. In effect, the way that we're working here, and this is all county initiative, not city initiative, is that probably in the long range we're saving a lot of money towards the regional plan that you know have agreed to embark upon by doing this planning now and not having to wait 2 years for it to be done.

So we think this is a really great project and that's the reason we put this up. The reason comes forward to you is, I can't spend this money without an authorization from you because it's over \$10,000.00. So we need that authorization. The City's already made the commitment to hiring the consultant and to move forward this and I've already moved forward on having meeting with the neighborhood group. I've met with the Village of Agua Fria, I'm meeting this Thursday with Las Acequias, I'm meeting next week with other groups from the Airport Road area and we think this is a really critical project. Especially since you've now approved the RPA. So we would encourage you to go forward with this.

CHAIRMAN GRINÉ: I think we're okay, Jack.

COMMISSIONER ANAYA: I agree with you but I would like to encourage you that you utilize the Arterial Road Task Force Plan and build from there. And I hope this isn't a waste of money, I really do because that's a lot of money to be handing out to somebody to go out to find out what we already know.

COMMISSIONER DURAN: Who's doing the study?

MR. KOLKMEYER: A group called ACP from New York. And Beverly Spears, well actually he's quite -- this is what he does and he's written a book that gentleman who's leading it called, *The Great American Places*, in which Santa Fe is featured in his book and he cares a fair amount about Santa Fe. And this is what he does, this is the kind of planning that he does. And Beverly Spears will be working with him, as well as, some other local people.

COMMISSIONER ANAYA: Well, I hope it's fruitful.

MR. KOLKMEYER: I do too, Commissioner.

Commissioner Anaya moved for approval. His motion was seconded by Commissioner Anaya and passed by unanimous voice vote.

CHAIRMAN GRINÉ: We're going to skip over the Executive Session and go on to the Public Hearing.

1771069

X. Public Hearing

A. Emergency Ordinance No. 2000-4. Emergency Ordinance declaring hazardous fires, conditions warranting a situation in Santa Fe County to impose restrictions on fireworks, open fires, and smoking within Santa Fe County.

HANK BLACKWELL: Chairman Griñé, Commissioners, again briefly, this is what we've done last year. To be as brief as I can, what we're recommending on firework restrictions is basically to start then in concert with our burn restrictions, we're proposing May 8th, to start those. The burn restrictions will go -- will stay in affect until change. May 8th is also tentatively when U.S. Forest Service intends to also implement their burn restrictions. And if conditions change, as they have in the last few years, then we'll rescind the ordinance.

As far as fireworks, we have to come back every 30 days, per state law, so if we do implement these or if these are approved May 8th, then on June 8th, we'll come back to you again to recommend whether we extend the fireworks restrictions or not.

Commissioner Anaya moved approval. His motion was seconded by Commissioner Duran and upon unanimous roll call vote with Commissioner Anaya, Commissioner Duran, Commissioner Gonzales, and Chairman Griñé voting for, Ordinance 2000-4 passed.

B. Ordinance 2000-5: an ordinance regarding the Santa Fe County Fair Board Establishing the Duties, Powers and Procedures of the Board fulfilling Ordinance 1986-6 and 1987-4.

MR. GRAESER: Thank you Mr. Chairman. What this ordinance, I just want to clarify some issues of the Fair Board, the status and the operation of the Fair Board previously have been in kind of a grey area.

COMMISSIONER GONZALES: Just in the interest of time, has the Fair Board reviewed this and acted on it?

MR. GRAESER: Yes they have. And this is in support of it.

Commissioner Gonzales moved approval of Ordinance 2000-5. His motion was seconded by Commissioner Anaya and passed by roll call vote as follows: Commissioner Anaya, Commissioner Gonzales, Commissioner Duran, and Chairman Griñé all voting for.

1771069

C. **Ordinance No. 2000: An Ordinance declaring La Cienega, La Cieneguilla Traditional Historical Communities under state law.**

MS. BOKDE: Chairman, Commissioners, as part of the community planning process for the communities of La Cienega and La Cieneguilla, a major issue for the community that they identified was issue of annexation. And as a result, the communities are coming forward, the two communities are coming forward to request designation as a traditional historic community under state laws. Designation as a traditional historic community will protect the community from being annexed against this world, prohibit the City from being able to annex the community unless the community consents to the annexation.

At the Board of County Commission meeting on March 28, 2000, the Board approved a certification of petition to establish La Cienega and La Cieneguilla as a traditional historic community. The boundaries for the...community is based on an area that defines and has historically been a part of La Cienega and Cieneguilla community. These areas have traditionally been historic grazing parts that have supported the community of La Cienega and La Cieneguilla.

Staff recommends that today is actually the first public hearing before the board. The second public hearing will be held on May 9, 2000. And the criteria that both the community of La Cienega and La Cieneguilla need to be designated as a traditional historic community is that the area is in an unincorporated area within a Class B county, that La Cienega and La Cieneguilla are identifiable villages, communities and neighborhoods or districts that have existed for more than 100 years. That the area includes structures or landmarks that are associated with the identify of La Cienega and La Cieneguilla. Both these communities have a distinctive character of traditional quality that can be distinguished from surrounding areas or new developments in the vicinity. So at this point I'll take any questions from the Commission about this.

CHAIRMAN Griñé: Any questions of Alina?

COMMISSIONER DURAN: Where are the boundaries of the community plan? Are they in our packets?

MS. BOKDE: Yes, Commissioner Duran, the boundaries are in your packet. If you look at the -- there's a number of different boundaries, actually, within the traditional historic community. The red boundary that should have been in your packet actually is the traditional historic community boundaries, the blue boundary inside of that is the traditional community boundary of La Cienega.

COMMISSIONER DURAN: This is the community planning boundary right?

MS. BOKDE: Right.

COMMISSIONER DURAN: Now it's different than the historic traditional historic community?

MS. BOKDE: Commissioner Duran, these boundaries are the same

1771069

boundaries that the community will come forward for the community plan boundaries, but the red boundary that you see before you is also the same boundary for the traditional historic community boundary. So they are similar boundaries but the issue that is before the Board, this evening, is traditional historic designation.

COMMISSIONER DURAN: Traditional historic designation?

MS. BOKDE: Yes, which the primary purpose of this designation is to protect the communities of La Cienega and La Cieneguilla as defined within those boundaries from annexation from the City of Santa Fe.

What designation as a traditional historic community does is that if the City of Santa Fe wanted to annex parts of the community of La Cienega or Cieneguilla into the municipalities, then the issue would come before a vote before the community and the community would have to vote on the annexation. So what it is, is the area within the red boundary in the map you have before you. It would protect the areas within that boundary from annexation from the City of Santa Fe. The community plan is not before the Board at this time. That will be coming soon.

COMMISSIONER DURAN: Okay. And how many acres does this encompass?

MS. BOKDE: Commissioner Duran, maybe thousands of acres. I'm not sure. I could figure that out and come back at the next meeting.

COMMISSIONER DURAN: My only concern is that when the Agua Fria Village came forward with their historic community boundary, that they tried to incorporate so much land that was not historic, was not a part of the historic community. And it fractured that community and that ended up going to district court and the ultimate decision was to reduce the boundaries so that they represented more of a historic community.

Now I understand that the community plan could be different than that, but tonight it seems to me that this is encompassing a lot more than what the community could establish as a historic area.

MS. BOKDE: Mr. Chair, Commissioner Duran, my understanding in conversations with community members about the rationale for this boundary is that, in fact, the area although it is large, it is part of the historic traditional community of La Cienega and La Cieneguilla. The area, some of the larger areas that you even see, that include BLM properties where, historically, grazing lands for the community and it actually even includes land grants within those boundaries. So there is, according to you, community history and community knowledge that that area that is being brought forward before the board for designation is, in fact, part of the community as a traditional and historic element as to the community.

COMMISSIONER DURAN: Does this include the Airport Development District that we created?

MS. BOKDE: Mr. Chairman, Commissioner Duran, the Airport Development District is not included in this boundary that's coming forward, to my understanding.

1771069

COMMISSIONER DURAN: Could you show me where Airport Road is on this map? Well here's 599. Cause Airport Road, I thought, was right about in here. And so this does include -- Can you check on that right now? I'm going to have to vote on it?

MS. BOKDE: No, you don't have to vote on it today.

COMMISSIONER DURAN: Can you show me sometime though?

MS. BOKDE: I will come back with that information at the next public hearing.

COMMISSIONER DURAN: Okay, so just a recap, I just think that as we move forward on this thing, I'd like for us to consider the problems that came up when the Agua Fria Village incorporated more than what they could substantiate as a historic area. This is a lot different than the planning process. The planning process is one that the Village or the historic community has stated might have an impact on the community. And it's different from than what is a historic boundary, in my opinion. Thank you.

CHAIRMAN GRINÉ: Any questions of staff? Thank you Alina. This is the first public hearing, we're still going to have another one. Anybody in the audience would like to address the Commissioners? Go ahead and come forward. State your name and address for the record.

DAVID J. MARTINEZ: Mr. Chairman, Commissioners, my name is David J. Martinez, my business address is Rt. 23, Box 5, Santa Fe. I'm here today on behalf of Mr. Richard Cook who owns approximately 386 acres that could be affected by this action. And on Mr. Cook's behalf, I'm here to request that this property not be included within this request. It is our position that the property in question is far removed from the traditional village of La Cienega and should not be included in their efforts to develop a sector plan for this area.

Mr. Cook's planning consultant has offered and volunteered his services to the La Cienega group to help them in their efforts to plan this area. And again, on behalf of Mr. Cook, we request that his property not be included in this area. I'll stand for questions.

CHAIRMAN GRINÉ: Thank you, David. Any questions of David?

COMMISSIONER DURAN: Mr. Chairman.

CHAIRMAN GRINÉ: Yes, Commissioner Duran.

COMMISSIONER DURAN: Again, it seems to me that I was confused as well, when I spoke to you earlier this week, that I thought this was the community plan and it's not the community plan, it's historic tradition, historic community district boundaries. And so Mr. Martinez, you're saying that your reference to the La Cienega Village sector plan. So it seems like there's confusion all around. We're actually talking about the traditional historic boundaries. Not a sector plan or a community plan. Is that correct?

MR. MARTINEZ: Mr. Chairman, Commissioner Duran, you might be correct. Again, my intent was to address the relationship of Mr. Cook's property relative to what the action is before the Commission exists. The traditional community boundary, we'd like for it to be excluded from that request.

1771069

COMMISSIONER DURAN: Okay, just to the record is clear.

CHAIRMAN GRINÉ: Any other questions of David. Thank you David.

Anybody else?

ROBERT ROMERO: I do have a few things to address here. One is the size of our boundary. It is true that we have encompassed quite a large area. Unlike Agua Fria, our community has not been overrun by development at this time. A lot of the traditional areas of Agua Fria had already been developed commercially and residentially. Thus, making them less traditional historic.

If you look through the map here, if Mr. Cook's property, the Arroyo Hondo goes directly through there and into our community. Thus, it impacts our community greatly. And that's one of the reason is for that we would like to recommend that his property be inclusive of our boundary.

The other issue is 599: 599 was constructed as a bypass through Santa Fe for Waste Isolation Project. Along this route, it would seem that commercial, in particular commercial development and high density residential would be discouraged because of this route and what it was intended to do. And that those type of activities would be somewhat discouraged there.

It's also next to the Airport. We excluded the Airport because it was city property and we didn't want to get into a debate with the city as to how traditional and historic that was, as well. But there's also a trust agreement on that property that it would remain undeveloped unless it was contiguous with the airport activities. So therefore we kind of figure that that wasn't really of great concern as far as development issue occurred around our community.

We established 599 also because it's recognizable and undeniably that you wouldn't be able to say, well, I lie on this side or that side of the boundary. It would be a definable boundary to our community. And in fact, we are not opposed to developing our community with some commercial uses as well. So long as they're done in a positive way and benefit both the property owner and the community.

Although it may be suggested here earlier in a public hearing that our efforts in reaching the community are not sufficient but I think you understand how difficult a task that can be as Commissioners here yourselves. There's always those individuals that are uninformed about something until the last minute.

We define I-25 as our southern boundary because that's also definable. There's several acequias that also derive their waters that come across I-25. There was several residents also on the other side of I-25 that attend church and community events that felt like they were being excluded from our boundary. So we kind of have to draw the line somewhere and this is where we drew it.

Also, there was some concern that we should include the entire La Cieneguilla Grant. That seemed a little bit questionable also, so we kind of backed away from that. So also if you look at a lot of these properties here, it contains a great many lands of the BLM and the

1771069

forest and the state. We have letters of support both from BLM, the state, not yet the forest but in support of our traditional pursuits here, they're in agreement with our boundaries and are willing to continue working with us in our planning process.

I would suggest -- it seems as though Mr. Cook is willing to work with us and even offering services to the planning effort so I would suggest that it would seem logical for him to be in our boundaries and remain under the jurisdiction of the county rather than EZA or EZC for that matter. I'm just kind of throwing that out here. I don't know what benefit that may hold for him or whatever, but it is our intent to continue with our boundaries as they're described here.

We did collect a number of signatures that were required. And there was several residents that would also have liked to have signed but it's very difficult to circulate a petition through an area where you have a lot of new residents and it's hard to define who's a registered voter and so on and so forth.

I think most of the areas that we have encompassed do hold traditional and historic significance. If there's any question about them I'd like to answer it at this time.

CHAIRMAN GRINÉ: Thank you. Yes, Commissioner Duran.

COMMISSIONER DURAN: It's my understanding that a historic communities like La Cienega, El Rancho, Nambe, Pojoaque, Chimayo, all those areas the density that's allowed in those areas are 3/4 acre lots. So and if you look at the map that you have here, the historic community boundary where 3/4 acre lots are allowed traditionally, is so much smaller than what you are trying to encompass in your historic community boundaries. Again, my only point is that I think that somehow you need to -- I think it's far reaching, Robert, and I just have some concern that we're going to end up in litigation, number 1, but also in trying to find out what is fair for all the property owners including the village that these Commission's task is to figure out what is fair. Should we allow communities to try incorporate boundaries that are well beyond, far beyond the scope of reality as a traditional community just so that you can have control over planning and development. I think not.

I think that the community plan that you bring forward is probably the more appropriate place to bring that forward and to bring that recap for more property and use the effect that it might have on community as an argument rather than this. I really don't think that this is the forum to try and incorporate so much land that you're going to end up in court fighting over the property owners. I mean it's going to defeat your propose here which is try to establish a historic community boundary that represents true historic community interest.

MR. ROMERO: I don't think we're in a position to go to court over this. I don't think we're imposing anything on Mr. Cook that I think he's the major -- the only person I heard speak against this or being objectionable to it, what our community plan calls for at this time isn't anything outside of what is currently allowed by the county code. And we made it a point to do that.

1771069

COMMISSIONER DURAN: But we're talking about historic community boundaries right now. Not the community plan.

MR. ROMERO: Okay, well let's not mix apples and oranges then. Because they were speaking of a plan. They were more threatened by the plan.

COMMISSIONER DURAN: But when he came up I asked him to be clear, let's be clear about it then.

MR. ROMERO: I think what we're trying to do here, is to establish our community's identity. Mr. Cook has developed these areas in upper La Cienega, adjacent to these properties, and a lot of these residents from our traditional community have migrated to these areas which used to be traditional grazing lands prior to Mr. Cook's ownership of them. These people are residents of the community and they're children of long term residents also. And we look at this as an area where our community can kind of grow into. If it's residential we'd like to see the developer come in and really honestly work with the community rather than just superimposing his little development on top of us. And I think by doing this we can work together for positive growth rather than us telling him what to do or him telling us what he's going to do. I really think we have an opportunity here to work out a positive situation where it's a win-win.

And by no means are we looking to get into adversarial position. I think our position here is to try and work out a situation where we're not opposing and we're working towards a situation where it's acceptable to the community and to the developer. And whether he's in or out, I don't think that's going to make a big significance as to whether or not we're going to oppose what he has planned for the area. But we also have a concern long 599, that more interchanges are going to be incorporated along 599 that will impact our traditional historic community through his potential developments there. Right now we just address this 599 intersection here at I-25, the Frontage Road and I-25 to get some safety measures put in place there to prevent accidents and the deaths that were occurring there. You know if we -- our plan does not call for new entrances into our community. These entrances will be tied directly into the heart of our community. There's already traffic issues around our community and therefore we think it's very important that we keep this area inclusive of our traditional historic proceeds. Because it will in fact, affect the traditional historic nature of our community.

CHAIRMAN GRINÉ: Thank you Robert. Any questions of Robert? Thank you.

Anybody else in the audience that would like to speak on this issue.

MR. ROMERO: One thing I'd like to say is that I understand Mr. Cook's position on this and I hope that he may have a change of heart. And that we can work these issues out together and work for a win-win situation. Thank you.

CAROLYN STIGSTED: First I'd like to recognize, actually, La Cienega for the wonderful work that they've done in terms of preserving their traditional community. I saw a map, that I'll never forget, that Robert brought into City Hall and it was a map of

1771069

La Cienega subdivided into little section blocks. I mean hundreds of them, you know, just all split up like New York city. And then I saw a map of their community plan and I guess what I'm trying to say here is that La Cienega represents a community that we all should be following. They're leading the way and they're showing us how an important a traditional lifestyle is in our community plan. The traditional village indicates, Paul, or Commissioner Duran, it indicates that a village is to be clustered. If Mr. Cook's property is outside that periphery, would it be appropriate for him to subdivide his property outside that area on that fringe. Isn't that sprawl on a traditional community. Wouldn't that be more negatively, have more of a negative impact and go more severely against the county master plans. I think so.

At any rate, I truly want to honor La Cienega and I also want to honor them for the struggles that they bring up regarding the water and the Las Campanas Water Trade. I think that their struggle to maintain living acequias in a traditional lifestyle downstream that goes back to pueblo times, and they're willing to stand up and go against Las Campanas that is part of this contract that was probably ill-conceived to begin with is sort of the metaphor for what we're going to be faced with in the future and I am on La Cienega's side.

CHAIRMAN GRINÉ: Anybody else in the audience would like to address this issue?

COMMISSIONER DURAN: Mr. Chairman, I would just like to say one thing. This area, if it's not incorporated in the planning area for La Cienega, is going to be of the jurisdiction of the Regional Planning...whatever it turns out to be, it's not going to be developed without public comment or public input. And I don't know what everybody's so worried about. The bottom line for me is that what is an appropriate extension of the traditional community historic boundaries. I think that incorporating thousands of acres, thousands and thousands of acres, when traditionally it's 500 or 600 acres is not a reasonable approach to establish a historic boundary. That's just my feeling on it. And Carolyn, I don't want you to come up there and respond. I'm making a comment. Thank you.

CHAIRMAN GRINÉ: This is not a political forum. Anybody else in the audience.

CAMILLE BUSTAMANTE: My name is Camille Bustamante. I live at 104 Cerro del Alamo in La Cienega. I come as a representative from the La Cienega Valley Association. I sit on the board. We worked very hard to establish the boundaries that have been identified. Two years ago, a survey went to the community, including the large property owners; 90 percent of the community came back in favor of those boundaries. Those boundaries have been established. The idea of those boundaries, as Robert stated, includes those areas that have been grazing lands, our water comes from those areas. To actually go out into that area and drive across, it is not that large of an area. One recognizes that whatever development exist on that property will impact what is being referred to as the historic portion. There's a distinction between the traditional historic community and what is the historic smaller portion that you see within that boundary.

1771069

The goal is to identify that area and have the capability of having a review board that addresses issues for the entire area. A petition was passed out, that map with those boundaries was associate with that. I can give you with just on personal contact alone, better than 500 people, again, not during the time of only the petition because we within a limited time frame, but we have very strong support within the area for establishing those boundaries. And essentially just including people to be a part of what will impact ultimately the traditional historic village of La Cienega which does incorporate or include the boundaries as they've been established on the map and as they've been identified by the people who have signed those and recognize that as a boundary for the area. Thank you. Any questions?

RAY ROMERO: Ray Romero. I'm the mayordomo of the Acequia La Cienega. For those of you that don't know La Cienega means water, marshy lands in the area. We depend on those waters to irrigate our agricultural land. All this area that has been mentioned here tonight, in all this area, all the water lies in the area and we depend on that water to recharge our springs. Thank you.

CHAIRMAN GRINÉ: Thank you, Mr. Romero. Yes, next speaker.

GRAY HOWELL: My name is Gray Howell and I'm a representative on the La Cienega Ditch and a representative of the same.

I thought that at first the boundaries might be a little large but that was very brief. I really don't because anything that does go on up there is going to affect our village and it was grazing and it was a big property in the first place.

Also, when you talked about the fringe earlier as the recorded designation -- not designation but density, now it is more than that further up. It's like 12.5 acres for one household I believe that's out of the fringe and then 2.5 acres out of the 3/4 density but at any rate, I do hope you will consider us.

CHAIRMAN GRINÉ: Next speaker please.

KURT ANSCHUETZ: Good afternoon. My name is Kurt Anschuetz and I'm the program director for the Rio Grande Foundation for Communities and Cultural Landscapes. Our office is located at 1200 Don Diego here in Santa Fe and I would just like to urge you to consider La Cienega, La Cieneguillas petition for traditional community status. I'm an archaeologist and anthropologist we've been working with the community for over a year, various community groups for over a year documenting different parts of the community's history and its relation to the landscape, meaning the places that people have interacted with since time in memorial. The community has a long history that goes very far back in time. The Hispano occupation is only one of the more recent layers. Even with the Hispano period in the 17th century people had tremendous occupation that was outside their homes. It's those peripheral areas where they ran their flocks, had their plants and woods for fuel and they developed strong relationships with the surrounding areas of their land.

So when we talk about historical community boundaries, there are ways to bring the

1771069

archaeology, the history and the anthropology in play to go in and support far reaching boundaries. Communities, stories that people tell are very important in our work in challenging us in how to look at the land and when we go out and look at the land we see the traces that substantiate communities associations with the places that they occupy.

Thanks very much.

CHAIRMAN GRIÑÉ: This is a public hearing. Does anyone else want to speak on this?

GINA TORRICELLI: My name is Gina Torricelli and I'm with the Las Acequias Neighborhood Association and I would just like to say that we support the La Cienega Valley Association in their petition for historical village status.

CHAIRMAN GRIÑÉ: Does anyone else want to speak. Okay, that concludes the public hearing.

COMMISSIONER DURAN: Mr. Chairman, I just want to make one comment, if I might. I wish people would research what we went through in the Agua Fria Village traditional community districting. Go research it and see how we tried to come to a meeting of the minds. I couldn't state everything today but I think it would help to illustrate how the trends of this commission have worked. When you have time look that up for your own sake.

I. 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

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

[The Commission met in executive session from 5:48 to 6:15.]

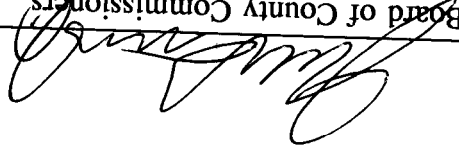
Commissioner Duran moved to come out of executive session having discussed only the matters outlined in the agenda, and Commissioner Anaya seconded. The motion passed by unanimous voice vote.

1771069

XI ADJOURNMENT

Chairman Grinë declared this meeting adjourned at approximately 6:15 p.m.

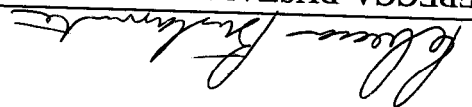
Approved by:


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

Respectfully submitted:

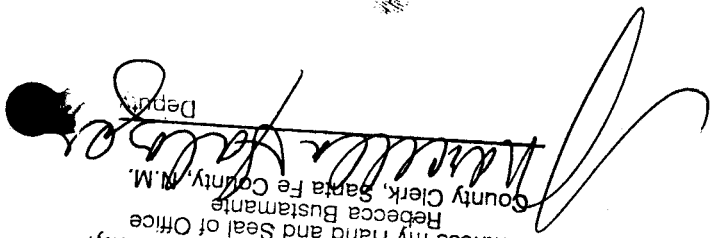
Karen Farrell, Commission Reporter

ATTEST TO:


REBECCA BUSTAMANTE
SANTA FE COUNTY CLERK



COUNTY OF SANTA FE
STATE OF NEW MEXICO) SS
I hereby certify that this instrument was filed
for record on the 31st day of May, A.D. 2000
at 10:22 o'clock PM
and was duly recorded in book 1771
page 069 of the records of
Santa Fe County.
Witness my Hand and Seal of Office
Rebecca Bustamante
County Clerk, Santa Fe County, N.M.


County Clerk, Santa Fe County, N.M.