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BOARD OF COUNTY COMMISSIONERS

SANTA FE, NEW MEXICO

REGULAR MEETING

AUGUST 25, 1998

Marcos Trujillo, Chairman
Paul Duran, Vice Chairman
Richard Anaya, Commissioner [absent]
Javier Gonzales, Commissioner
Joe Griñé, Commissioner

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SANTA FE COUNTY
REGULAR MEETING
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August 25, 1998

This regular meeting of the Santa Fe Board of County Commissioners was called to order at 1:50 p.m. by Chairman Marcos Trujillo in the Santa Fe County Commission Chambers.

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

Members Present

Commissioner Marcos Trujillo, Chairman
Commissioner Joe Grifé, Vice Chairman
Commissioner Paul Duran
Commissioner Javier Gonzales

Members Absent

Commissioner Richard Anaya

IV. APPROVAL OF THE AGENDA

CHAIRMAN TRUJILLO: Approval of the agenda, David.

DAVID WOLF (County Manager): Mr. Chairman, we have a number of changes proposed for the agenda. First of all, the amendment shows that items one through ten on the amendment that are being requested to be removed or pulled from the normal presentation portion of the agenda to be included within the Consent Calendar, with the exception of item number two that's included on the amendment which is requested to be deleted.

CHAIRMAN TRUJILLO: Would you repeat that again, David? We've got the regular agenda here. Then we've got another sheet with items for under the Consent Calendar, and under that you want to remove item two?

MR. WOLF: Actually, Mr. Chairman, items one through ten are to be added to the Consent Calendar and taken from the normal part of the agenda, with item two being

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deleted completed, though. Item two on the amendment. Item eleven on the amendment to the agenda, we're requesting that the wording within the agenda be revised to read, "Resolution No. 1998-___. A resolution relating to the proposed Santa Fe County, New Mexico County Improvement District, Rancho Viejo Project, No. 1998-1, accepting plans, estimates of costs and plat, making an order that the improvements, all within the proposed district shall be constructed and directing that notice of a preliminary hearing be given."

The next item, item IX. F. 2, actually we're requesting that this item, this item is to request authorization to enter into an agreement for the management and operation of the new County jail facility. This item is added to the agenda and it's actually requested that we could place this item immediately after the Consent Calendar.

CHAIRMAN TRUJILLO: That is item IX. F.2?

MR. WOLF: It would fall under Matters from the County Manager and it would become number 2. In regard to that item, Mr. Chairman, actually I'm asking if that could be moved up in the agenda since we have everyone, we have a lot of representatives from Cornell Corrections here so we can address that earlier in the agenda, if it would be possible to place that after the Consent Calendar.

CHAIRMAN TRUJILLO: Is that okay with the Commission?

MR. WOLF: The last amendment is an item that was requested to be added to the agenda. It's resolution renaming the Santa Fe County First Judicial Complex Building in memoriam of Judge Steve Herrera.

CHAIRMAN TRUJILLO: Very good. Thank you, David.

MR. WOLF: Mr. Chairman, I'm sorry. One more item if we could consider please. X. A, the Infrastructure Capital Improvement Plan and Community Development Block Grant, request that we move that after the issue addressing the operation for the jail contract, so staff can make the presentation on the consideration for the CDBG item. The General Services Director had sent out a request if any legislators would like to attend the meeting to listen to the request for funding and I notice that we have at least Representative Ben Lujan. I wasn't sure if we have any others here with us. If we could move that up earlier on the agenda also.

CHAIRMAN TRUJILLO: Okay, anything else? Thank you, David. I would like to welcome Representative Ben Lujan to the meeting this afternoon.

Commissioner Duran moved to approve the agenda as amended and Commissioner Grinë seconded his motion. The motion passed unanimously.

V. APPROVAL OF MINUTES: July 14, 1998

CHAIRMAN TRUJILLO: Any changes?

MR. WOLF: No changes from me, Mr. Chairman.

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Commissioner Duran moved to approve the minutes of July 14, 1998 as presented. Commissioner Grinë seconded the motion, which passed without opposition.

July 28, 1998

There being no changes to the minutes of July 28, 1998, Commissioner Duran moved to approve. Commissioner Grinë seconded, and the motion passed by unanimous voice vote.

VI. CONSENT CALENDAR

[County Manager David Wolf read the Consent Calendar as follows:]

- A. Resolution No. 1998-83. A resolution requesting a budget increase to the fire fund to budget insurance recovery money and impact fee cash balances to allow for expenditure in fiscal year 1999 (La Cienega Fire District)
- B. Resolution No. 1998-84. A resolution requesting a budget increase for the general obligation (Series 1997) bond fund to budget June 30, 1998, available cash balance from the water project portion of the bond for the County Road 42/Galisteo water project
- C. Resolution No. 1998-85. A resolution requesting a budget increase for the jail revenue proceed fund to budget June 30, 1998, available cash balance to continue with the jail facility budget.
- D. Resolution No. 1998-86. A resolution requesting a budget increase to the Las Campanas affordable housing fund for the Santa Fe County Housing Services Division to allow for expenditures in fiscal year 1999
- E. Resolution 1998-87. A resolution requesting a budget increase to the general fund for the Rio en Medio Community Center to allow for expenditure in fiscal year 1999.
- F. Request authorization to accept and award a price agreement to the lowest responsive bidder, IFB #99-05 RB1, for sport utility vehicles (Assessor's Office)
- G. Request authorization to accept and award a price agreement to the lowest responsive bidder, IFB # 99-07 for Type I ambulances
- H. Request authorization to accept and award a price agreement to the lowest responsive bidder, #IFB 99-08 for Type III ambulances
- I. Request authorization to accept and award a contract to the lowest responsive bidder, IFB #99-09, for the printing of the 1998 tax bills
- J. Request authorization to accept and award a contract to the lowest responsive bidder, IFB # 98-57 RBI for the construction of a block wall

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- at the Santa Cruz public housing site
- K. Request authorization to enter into a contract amendment with Life Link, Incorporated to provide EEG biofeedback treatment services for alcohol dependent persons (DWI grant funded)
- M. Request authorization to enter into a professional services agreement with Jacqueline Pacheco Cargill for DWI screening services at the Santa Fe Municipal Court
- N. Request authorization to enter into a joint powers agreement with the San Ildefonso tribal government to provide coordination services for Pueblo youth activities.
- O. Request authorization to enter into a joint powers agreement with the City of Santa Fe to provide mobile crisis response services to alcohol-involved persons
- P. Request authorization to enter into a memorandum of understanding with the Administrative Office of the Courts to provide office space for the DWI screening program.
- Q. Request approval to enter into an execution and certification of preconstruction contract phase for the 1998 severance tax agreements for the road projects for the New Mexico State highway and Transportation Department (grant agreement)
- R. Request authorization to enter into a 1998 CO-OP Program funding agreements for the Walnut Subdivision Project with the New Mexico State Highway and Transportation Department
- S. Request authorization to enter into a cooperative agreement with US Bureau of Reclamation for development of a water management and conservation plan
- T. Resolution No. 1998-88. A resolution requesting a budget increase to the utilities fund to budget funds awarded from the Bureau of Reclamation under a cooperative agreement for developing a water utility management and conservation plan

CHAIRMAN TRUJILLO: Thank you, David. What is the desire of the Commission? Is there any item the Commission would like to isolate and then further discuss?

COMMISSIONER DURAN: I'd like to, in the original agenda, items C. and D. I just have a couple of questions. And 4 and 5. You know which ones those are, David?

MR. WOLF: C, and D. are on the first page, Resolution No. 1998-85. Is that right?

COMMISSIONER DURAN: And then on the third page, 4 and 5. Items IX.

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B. 4 and 5. I don't have a lot of questions.

CHAIRMAN TRUJILLO: That's on the amendment to the agenda, 4 and 5, right?

COMMISSIONER DURAN: That would be on the original agenda, without knowing what they are --

CHAIRMAN TRUJILLO: What would they be on the amended agenda?

COMMISSIONER GRIÑÉ: Mr. Chairman, on page 3, that would be N. and O.

MR. WOLF: Under the amendment it's number 4 and 5, which is items N. and O. as amended.

COMMISSIONER DURAN: Those are the only ones I have, Mr. Chairman.

CHAIRMAN TRUJILLO: Anybody else?

Commissioner Duran moved for the approval of the Consent Calendar with the exceptions of items C., D., N., and O. Commissioner Griñé seconded the motion, which passed unanimously.

CHAIRMAN TRUJILLO: Commissioner Duran, you have the floor.

COMMISSIONER DURAN: David, I'm just wondering on Resolution No. 1998-85, a budget increase for the jail revenue bonds proceeds fund, can you elaborate a little bit for me.

MR. WOLF: Yes, Mr. Chairman, Commissioner Duran. Last fiscal year the jail bond proceeds were budgeted in full, which included the \$22 million to construct the facility. Since then there's been an amendment passed for \$1.5 million to pay for the furniture, fixtures and equipment at the facility. The amendment is with Cornell Corrections to purchase the furniture and fixtures. They have since purchased the furniture and fixtures but the money was not encumbered in last year's fiscal budget. The cash balance was available in this fund and needs to be recognized in this year's fiscal budget so we can pay for the furniture and fixtures as agreed.

COMMISSIONER DURAN: Okay.

MR. WOLF: And it's also to identify any remaining cash balance that we have in that fund and make it available to spend in this fiscal year.

COMMISSIONER DURAN: And this has nothing to do with the other funds that we talked about earlier that are available?

MR. WOLF: Mr. Chairman, Commissioner Duran, that is true. It includes all cash available from the bond proceeds in case we do any renovation of civilian facilities.

COMMISSIONER DURAN: I remember discussing this with Domingo several months ago. Then, item D, Resolution 1998-86. Can you just explain that a little bit to me.

MR. WOLF: Mr. Chairman, Commissioner Duran, I'll defer to Robert

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Apodaca on that, the Deputy General Services Director to give you an overview of that.

ROBERT APODACA (Deputy General Services Director): Mr. Chairman, Commissioner Duran, this resolution was brought forward for your consideration for the Housing Services Division. Last fiscal year the housing, we started a 5-H home ownership program for the Housing Services Division. That 5-H program has gotten preliminary approval from the Department of Housing in Albuquerque. However, in order to keep the home ownership program going, there were several things that we needed to take care of before we can be in total compliance with HUD's requirements and some of our land use requirements.

So we're asking for approval to budget \$504,000 to do several things for the three public housing sites, including rectifying the drainage problem at the three sites, do the sill cracking on the asphalt, meeting all the handicap accessibility requirements, upgrading the signage and extending the water lines to the appropriate places.

COMMISSIONER DURAN: It's basically for repairs and maintenance to those facilities?

MR. APODACA: Yes, that is correct. It's going to be for repairs and maintenance and to bring it into compliance with requirements.

COMMISSIONER DURAN: David, how much more is left in that fund if we allocate this \$500,000?

MR. WOLF: Mr. Chairman, Commissioner Duran, I believe there's between half a million to 3/4 of a million. I'm not positive. I'd have to defer to Brenda. Does that sound right?

CHAIRMAN TRUJILLO: Is that money a one-time shot? That was made available and then after it's depleted it's gone?

MR. APODACA: Yes, to my understanding that's correct.

COMMISSIONER DURAN: Will the fund be replenished after we sell the homes?

MR. WOLF: Mr. Chairman, Commissioner Duran, that may be a possibility. We don't know exactly what to expect from this program at this point. We've never been involved with the home sales program in the past, but that definitely may be an option.

COMMISSIONER DURAN: Was that at all in your consideration when --

MR. APODACA: When we started this thing off, that was one of the original considerations was that any proceeds that we got from the sale of the homes would go back to help make up the funds that are being used through Las Campanas and the general fund to kind of help out the general fund and Las Campanas won't get that hit. So that's been the consideration. Again, we really don't know, because we don't have any history of what it's going to be like.

COMMISSIONER DURAN: Then items N., just a little explanation on that one, please. Because I know that we're talking about our northern neighbors, so just that I have a clear understanding of what this is going to take care of. If you could explain that

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a little bit.

MR. WOLF: Mr. Chairman, Commissioner Duran, I'll ask Andrew to explain that to you.

ANDREW CHAVEZ (Administrative Services Director): Mr. Chairman, Commissioner Duran, we have a member in our DWI council from San Ildefonso and it is through him and members from the Pojoaque Pueblo that we started looking at a program for alcohol abuse and DWI prevention. And through them we have developed a joint powers agreement that will allow us to work with the youth of actually four pueblos, and that is San Ildefonso, Tesuque, Pojoaque and Nambe. The program will be run, primarily from the San Ildefonso, and it will be working with youth in providing them with instruction regarding preventing alcohol abuse and thereby also preventing DWI citations.

COMMISSIONER DURAN: Andrew, will funding for this come out of the DWI fund?

MR. CHAVEZ: This funding is directly from the DWI fund.

COMMISSIONER DURAN: So that would also apply to the next item on the agenda?

MR. CHAVEZ: Correct.

COMMISSIONER DURAN: Well, then I don't need to know any more about it.

Commissioner Duran moved for approval of the four remaining items of the Consent Calendar, items C., D., N., and O. Commissioner Griñé seconded the motion, which passed without opposition.

IX. F. MATTERS FROM THE COUNTY MANAGER

2. Request authorization to enter into an agreement for the management and operation of the new County jail facility

MR. WOLF: Mr. Chairman, Commissioners, thank you. Staff, which has included myself, Denise, the County Attorney, Barron Brisco, our new policy analyst, the Sheriff and the Undersheriff and Andrew Chavez have been working with Cornell over the past month or so to reach an operating agreement that would be financially feasible for the County, specifically the first year, given our financial situation the first year and having the other budget problems that we've had to deal with, and over a three-year period.

Recently, just as of yesterday, through negotiations with our staff and Cornell Correction's staff, we reached an agreement subject to conceptual agreement, with the significant terms of that agreement amongst staff and staff is prepared today to recommend that the County enter into the operating agreement for the new jail facility and the juvenile facility with Cornell Corrections. We'll ask for your approval on that.

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First of all, I'd like to give you a little bit of background on what the significant terms and conditions are over the three-year period. First of all, Santa Fe County will make the new facility available. Santa Fe County will pay the debt service on that facility which cost about \$1.9 to \$2 million dollars a year. Cornell Corrections will provide 275 adult beds the first year in exchange for use of the facility to 225 beds the second year and 200 beds the third year. There should be before you a spreadsheet and two pages behind it that includes a letter from Cornell Corrections. I'm going to walk through this and explain the numbers.

The County population is about 275 adults right now. So the first year we wouldn't, if our population stays where it is right now, we would not have any financial impact to cover any adult population in the new facility. We have approximately ten juveniles in the facility. Cornell has offered to take care of the juveniles at \$100 per juvenile per day. And the adults we would pay \$60 over the base of the sliding scale, the 275 the first year, 225 the second year and 200 the third year. The County's cost for the juveniles is expected to be about \$365,000 for the first fiscal year based on the \$100 per diem rate.

Part of this proposal, Cornell has offered to lease the old facility from the County and utilize it as a juvenile facility. The estimated annual market value of the lease payment is \$300,000. That money would then come back to the County and could be used to off-set our operating cost for the facility. So if you look at the spread sheet that should be before you, we net less than \$100,000 impact for the first fiscal year. The County would be required to renovate the old facility. The renovation costs are not expected to exceed \$2.5 million. There's sufficient bond money left from the bond proceeds to do that, what you were asking about earlier, Commissioner Duran. That's part of the reason for the budget adjustment, to make that cash balance available.

COMMISSIONER DURAN: Excuse me David, Mr. Chairman. Who will do the renovation on the old facility?

MR. WOLF: Mr. Chairman, Commissioner Duran, the County would be responsible for the renovation. We haven't considered whether or not we would bid that out or if we would do that under the same contract scenario that we have right now with the new facility.

MR. WOLF: So this Commission would make the decision whether or not it would go out to bid or not?

MR. WOLF: Mr. Chairman, Commissioner Duran, that is correct.

COMMISSIONER DURAN: Okay. Thank you.

CHAIRMAN TRUJILLO: David, I think for the record, we need to give a little bit of a historical perspective on what has gone on up to this point and explain that Cornell was not the only entity that was being considered for this project. That when this project was made public another entity had the opportunity to come forth with information on how they would run the jail. Could you go into that a little bit and most importantly, what has happened in the last couple of days with one of the parties that was interested in

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operating the facility.

MR. WOLF: Mr. Chairman, sure, I'd be happy to do that. We found ourselves, about a month ago, six weeks ago, in a position where we had a new facility that was almost complete, almost substantially complete, now accepted substantial completion of the new facility. And we knew we needed to open that new facility soon. We're having to pay debt service on that facility. We're also having to pay for operation of the old facility at the same time. So we needed to move forward and get the new facility open.

We started discussions, or discussions had started with Cornell Corrections back in May, I believe, for the operating agreement in regard to the new facility. The County and Cornell were significantly apart on the economics of the operating agreement. The County had the other financial troubles that we had to deal with. The \$3 million budget problem that we dealt with in early July and we were significantly apart on the numbers with Cornell. We couldn't seem to come together on those numbers. We negotiated with two or three weeks, I think, back and forth. We came back to the Commission and indicated where we were with the numbers. The Commission gave staff direction then to open that up for competition, which turned out to be a good move on the County's part.

Wackenhut and CCA came in and looked at the facility and both of them expressed interest in operating the facility. CCA never submitted a proposal. They said that they were going to; they never actually submitted. Wackenhut did in fact submit a proposal and it was a very good proposal. They had offered the County -- we then received the proposal from Wackenhut. We continued negotiations with Cornell Corrections parallel track to that. Wackenhut offered a very sound proposal. Cornell continued to improve their position in regard to the economics of the contract and we finally got to a position yesterday where Cornell provided a very solid offer to Santa Fe County that was good. Wackenhut couldn't compete with that any longer and retracted their proposal.

CHAIRMAN TRUJILLO: So as of late yesterday afternoon, Wackenhut rescinded or retracted their proposal to be in consideration for the jail?

MR. WOLF: Mr. Chairman, that's correct. And staff is very comfortable with the proposal that we have from Cornell. We've reviewed it. We've worked with Cornell over the last month or so and we're comfortable that this is a good deal for the County that we're bringing forward to the Commission.

CHAIRMAN TRUJILLO: Is there any indication, excuse me David, on why Wackenhut retracted the proposal?

MR. WOLF: Mr. Chairman, they were -- the risk. They were afraid of bearing the risk under the scenario that we'd discussed with them. It was too much of a financial risk in consideration for them to stand behind.

CHAIRMAN TRUJILLO: Even though initially, the numbers that they were submitting, you were working with them back and forth and it seemed like they were understanding what sorts of services needed to be rendered and what the County was looking for, as of yesterday they retracted.

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MR. WOLF: That is correct.

CHAIRMAN TRUJILLO: Thank you.

MR. WOLF: You're welcome.

COMMISSIONER DURAN: Mr. Chairman, David, I have a little concern about the diminishing number of adult beds. This year, in fiscal year 99 it's 275, then 225 and 200. And I know you and staff have worked hard to negotiate these numbers. I recall several months ago Commissioner Gonzales bringing up the idea of trying to reduce the number of County inmates. I would just like to say if this is passed this evening that we really make an effort to work on reducing the number of County inmates so that we kind of keep abreast of that reduction or stay in tune with what the effective reduction is going to have on our financial -- the financial effect it's going to have.

I know we had talked about bracelets and just other alternative sentencing that we would work with the judges on. I'd just like to throw that out.

MR. WOLF: Mr. Chairman, Commissioner Duran, that makes a lot of sense. We've talked about that among staff. Denice will be coordinating with the judges to see if we can build an interest in alternatives to sentencing and exactly what those alternatives are and help to get those programs in place. If we can get those programs in place, you're right. It gives us the incentive, if we can manage our numbers, well, then we manage our financial situation better.

COMMISSIONER DURAN: Thank you, Mr. Chairman. Thank you, David.

CHAIRMAN TRUJILLO: Any other questions of David?

COMMISSIONER DURAN: Are you through with your presentation? I know we interrupted you in the middle of it.

MR. WOLF: Let me see if I left out anything else.

COMMISSIONER GONZALES: Mr. Chairman, David, you presented a three-year analysis, is this going to be reviewed on an annual basis? Or is it a three-year commitment or is it something that both parties will look at to see if it's working a year from now or two years from now? Is there going to be a constant follow-up to evaluate the contractual performance and how the facility is being operated?

MR. WOLF: Mr. Chairman, Commissioner Gonzales, in the packet before you, on the second page -- the first page is a letter from Cornell Corrections -- the last item on the page, one of the significant issues Cornell wanted us to consider is the term. They've asked that it be a three-year term with automatic one-year renewals thereafter. However, Cornell will have the right to renegotiate this contract after one year if it is unable to average 375 beds at a per diem of \$60. Basically, I think this opens the contract up for review by Cornell after one year and the County would want to have that same right to review the contract after a year.

COMMISSIONER GONZALES: Have there been any -- I ran into at a luncheon with Judge Vigil about a week ago and to Ted Lovato who works for the probation office, that mentioned some review of the Abraxis program here in Santa Fe. He didn't

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elaborate on that, but I think that's only the official review of Cornell Corrections. Can you elaborate on that, or are you familiar with that report?

MR. WOLF: Mr. Chairman, Commissioner Gonzales, I glanced at the report. I received it and it seemed to be real positive feedback on the program, on the juvenile program. Cornell would be interested in addressing that. They could probably give a lot more information on that issue.

COMMISSIONER DURAN: Mr. Chairman, David, on the second page, the term is three years with automatic one-year renewals thereafter. However, Cornell will have the right to renegotiate this contract after one year if it is unable to average 375 beds at a per diem of \$60. Will the County have any -- have the right to assist in obtaining inmates to cover that, or is that going to be up to the discretion of Cornell? Who's the one that's going to go out there and try and get inmates and can we assist in that?

MR. WOLF: Mr. Chairman, Commissioner Duran, we haven't worked out the fine details of the contract but what has been discussed back and forth between us and Cornell is that that will be a partnership. The County will do whatever it can do to help with that issue. We have done that already. The County's met with the Federal Marshal to see what interest they have and at what rate. We've met with all the northern counties. I attended a council of governments that the northern counties have with all the tribal leaders and the city and local managers and sheriffs and police chiefs that were there and we talked about the facility. So we've been trying to do our part with that as well as Cornell, so I think that will be a partnership approach on that issue.

COMMISSIONER DURAN: I think it would be prudent that we would have the ability to help out in that regard. Then the other thing is, can you explain to me how you arrived at \$300,000 a year that Cornell will pay to lease the facility?

MR. WOLF: Mr. Chairman, Commissioner Duran, that was given the time situation that we had to work this out without having the ability to do a formal appraisal of the facility, our best guess of what the facility would be worth. We thought it might be worth \$3 million if it were to be sold and rental payment of 10% of that on an annual basis. It seemed reasonable.

COMMISSIONER DURAN: That seems reasonable.

CHAIRMAN TRUJILLO: While you're thinking, I have a question. I notice here that on the rental revenue, it remains constant over three years without taking into consideration any inflation or augmentation in rental costs or anything. Is there any reason for that, or can we build a prorated sort of schedule there or an increase schedule staggered?

MR. WOLF: Mr. Chairman, I think that would be a reasonable approach but on the other side of this, we didn't consider an inflationary factor on the bed rental for the adults or the juveniles. That \$100 rate and the \$60 rate stay constant over that three-year period also. So what we're having to pay them isn't affected by inflation and what they're paying us for the rental income isn't affected by the inflation. So if we do it on one side, it seems to be fair to do it on the other side.

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COMMISSIONER DURAN: Mr. Chairman, David, the \$218,000 per month that we're paying to operate the old facility, that's the same amount of money we've been paying roughly for the last four or five years, right? So once the facility, once all the inmates are transferred, we no longer pay that?

MR. WOLF: Mr. Chairman, Commissioner Duran, that is correct. One of the last items I negotiated with Tom Raschen yesterday representing Cornell is on the very last page of that handout, the last item that's in the matrix, talks about operation of the old facility. And we agreed to pay that \$218,000, which is basically the same amount that's been paid over the history of the old facility, at least recent history, and they agreed that that would be paid until 30 days after the board accepts their offer, if you accept their offer. They would have 30 days then to transfer all the inmates from the old facility into the new facility and would only be subject for that \$218,000 for that 30 days. So there's a cap or an end for \$218,000 in the near future.

COMMISSIONER DURAN: When do you anticipate the last payment being made?

MR. WOLF: Well, the way we drafted this it says adults shall be moved to the new facility within 30 days of acceptance of this offer, unless delayed through no fault of Cornell. So I would say if you accept this offer today, 30 days from today, and 30 days to make payment.

COMMISSIONER DURAN: Okay. I'll read it next time. Thank you.

CHAIRMAN TRUJILLO: David, what checks and balances are built into the contract so that the County and the administration has direct knowledge of all the idiosyncracies, everything that's happening regarding the jail? How are we going to be on top of all the details of what's happening?

MR. WOLF: Mr. Chairman, I think there's a couple of mechanisms for that, or at least a number of them. One is, we name a contract monitor that will review the daily operations and can be involved and ask questions and inspect the facility and we're going to name the Sheriff to fill that position. They seem to have the right kind of background. It will either be Benjie or Ray Sisneros that will address that. And I also think we can build language into the final contract that gives the County the ability to make those kind of reviews or inspections or audits, if you want to call them that. Does that answer your question?

COMMISSIONER DURAN: David, I remember that when CCA left, Domingo Sanchez mentioned to me that when they left they took all the records and the County was pretty much left not knowing anything about the facility. I just want to make sure that when we start hammering out this contract with Cornell that the information is always available to us and if the contract is ever terminated that there is a clear record of the operation and the day to day business that has occurred over the length of their relationship with them. Hopefully it will last for a long time, but you never know. Was that ever in your thought process?

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MR. WOLF: Mr. Chairman, Commissioner Duran, I've thought about it. I know there's a balance when you deal with a private entity on whether and how much information they want to share is somewhat at their discretion, so I think what we will do and work with staff when we negotiate the final contract with Cornell is we'll work on that kind of language.

COMMISSIONER DURAN: Well, I think if you go back to the minutes of January of last year, you'll find that this was one of my concerns at that time and Cornell indicated at that time that all information would be available to us. So, I just want to remind you, remind everyone, that that has already been agreed upon.

MR. WOLF: Mr. Chairman, Commissioner Duran, I understand the direction and we'll do our best to work that out with Cornell. I don't want to speak on behalf of Cornell, but they've been real open with us so far.

COMMISSIONER DURAN: Thank you.

CHAIRMAN TRUJILLO: Any other questions, comments?

COMMISSIONER GRINÉ: Mr. Chairman, I move for approval of request authorizing to enter into an agreement for the management and authorization of the new County jail facilities.

CHAIRMAN TRUJILLO: Are we in a motion? Have you concluded with your presentation, David?

MR. WOLF: Yes, Mr. Chairman.

CHAIRMAN TRUJILLO: We have a motion on the floor.

COMMISSIONER GONZALES: Second.

COMMISSIONER DURAN: Mr. Chairman, discussion please. I'd like to hear what our County Attorney has to say, please.

DENICE KULSETH (County Attorney): Mr. Chairman, Commissioner Duran and other Commissioners, I just want to throw out that we don't have the final details worked out on this contract and a number of things are popping in my mind as David was doing his presentation, because I was gone yesterday I haven't had a lot of chance to think about this offer or this deal. Just so you're aware, there may be some legal things that make us have to rework some of this. Some of the things I'm thinking of are leases. We've got a number of statutes in New Mexico that deal with leases of governmental property and the procedures we have to go through. I don't think any of them are going to make or break this deal but just be aware that some of these details presented to you may have to be tweaked so that we do everything by state law.

COMMISSIONER DURAN: Mr. Chairman, so this is really for authorization to negotiate, to begin negotiations with Cornell. So the contract will always come back to us for final approval?

MR. WOLF: Mr. Chairman, Commissioners, what I had intended is that we ask the Commissioners to give us the authority to accept and award the contract under these conceptual terms and give staff the direction to go back under this conceptual framework and

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now to go back with Cornell and work out the details of the contract and bring the final contract back for the Commission's approval.

COMMISSIONER DURAN: For our final approval?

MR. WOLF: Yes.

COMMISSIONER DURAN: So Denice, that would take care of any of your concerns, would it not?

MS. KULSETH: Yes, Mr. Chairman, Commissioners, yes.

CHAIRMAN TRUJILLO: Okay, we got a motion and seconded. All those in favor? [Unanimous] Opposed?

MR. WOLF: Mr. Chairman, could Mr. Cornell say a few words?

DAVID CORNELL: Mr. Chairman and Commissioners, we appreciate the confidence that you have in Cornell. We have operated the old jail for the past 14 months. We've negotiated, we think well with David Wolf and his staff. It's been a cooperative, challenging undertaking and we're looking forward to finishing up the contract and being back here. I would like to, on behalf of the approximately 90 families involved with Cornell Corrections here, as employees in Santa Fe, their appreciation of this recognition. I'd also like to recognize Mark Schultz, as the president of Landmark Organization, who built, oversaw the design-build contract for the new jail, Phil Custer is here with Custer-Bathridge, certainly Tom Raschen who's been working and spending days and nights with David Wolf, Steven Logan, our chief financial officer, and Lawrence Barreras, who's managing director in our development operations.

We have some time frames that we'll be working out with David. We really do want to get on with the new jail as quickly as possible and continue, frankly the outstanding recognition we've already received on behalf of our, in particular, juvenile operations at the old jail. So thanks again, and we just won't let you down.

COMMISSIONER DURAN: Mr. Cornell, how long do you think it will take for you guys and staff to hammer out the final agreement?

MR. CORNELL: Well, I think David and Tom Raschen and me, have certainly been getting phone calls late in the day and night and everything like that. I don't want to speak for David Wolf or his counsel or Tom, but I would say, what I'd like to think is the answer to your question is that we can be operational within the confines of 30 days beyond the contract. I'd like to see us operational in the facility, let's say October 1. That's what I have in my mind. And if we can get there sooner, within the 30-day period, we're going to try and do that, but David's got that incentive as well.

COMMISSIONER DURAN: Perfect. Thank you very much.

COMMISSIONER GONZALES: Mr. Chairman, just a quick question. Your current staffing levels at the old facility and what you anticipate the staffing levels that you anticipate to go to when the new facility is opened and fully occupied, what type of impact will that have?

MR. CORNELL: Tom may be on top of that. We have about 90 in the old

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jail now, including the juvenile operations. About 130? The staffing in the new jail will be about 130 and then we also, as a part of our plan, our recommendation to the County is to continue the juvenile operation in the old jail, to renovate the old jail and have a staff of about 100 for an exclusively juvenile operation in the old jail. There are some things where ACA, that's American Corrections Association standards that we need to do, should be done. The County owns that property in the old jail, to make it a first-rate juvenile operation.

We already are getting some accolades that way from the state of New Mexico in their audit of that juvenile operation that's really -- the report, I'm told, we can't release yet, because it's not our report, but I'd just like to read a summary sentence in there, which simply states that to date, and this is a recent date, by consultants engaged by the state of New Mexico, August 12, to date, this has been the most professionally run facility of its kind that I have surveyed for this project. Of particular note were the ongoing mutual respect and understanding in evidence between the staff and detainees. That's our juvenile operation out there and frankly, Santa Fe County should be very proud of that. We are.

COMMISSIONER GONZALES: One other question, Mr. Cornell. Do you plan on pursuing accreditation, ACA accreditation on the new facility?

MR. CORNELL: Yes, we'll get underway. It takes, it varies a little bit upon their calendar and so forth, but all of our facilities either are accredited or will be, that we either own or operate and this facility was designed to meet the compliance of the ACA and it will. We need to get them to say that, but that's what we'll obviously work very diligently to get done.

COMMISSIONER GONZALES: Just one final request, as you proceed forward with our staff as you proceed forward in identifying exterior entities to use the facility that a real concerted effort be made on northern New Mexico. There's a lot of our counterparts in the north who are suffering from the lack of capital infrastructure to be able to deal with their detainees and I know certainly need the assistance of Santa Fe County and so I would just ask you to please, in the direction of your staff, and we'll certainly direct David to see if we can lend that helping arm to the people of the north and assisting them as they deal with their own --

MR. CORNELL: Absolutely. Absolutely. I think with this step having been taken today, together the work we have done as we begin to get onstream in here but in particular the last three months, in particular the last month. We will be able to, as we spend time with David Wolf, I can tell you we're going to work very diligently with the County. Not depending on the County, nor having the County totally dependent on us, but we're going to work very diligently to fill up the facility at the \$60 per diem rate, which inures well to the County's interest in the new jail.

Are we there? No, not right now. Are we very confident that we will be and there? Maybe not by October 1, but by the end of the year? Yes, we are. That's why we made these commitments.

COMMISSIONER GONZALES: Thank you, Mr. Cornell. One just direction

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to David Wolf, if possible with the concurrence with the Commission that we do begin some type of market analysis on the old facility to identify its uses and potential future uses. That's a facility that we have lots of commercial properties going around in neighborhoods and I'm not sure, I think it'd be good and proper to do an evaluation of it and to identify the market and alternative uses also. Just so we have some type of knowledge or understanding of what that property could be used for also. I don't know if that's a need, but it would be nice to have it.

COMMISSIONER DURAN: Mr. Chairman, I have a question. If we do that now, I thought you were entering into negotiations right away for a three-year lease on the facility, which requires a \$2.5 million expenditure. So are we -- I just have a question for Commissioner Gonzales. Are we trying to find out whether or not there's a highest and best use of the facility before we negotiate with Cornell, or --

COMMISSIONER GONZALES: I think my intention is, if there is, to identify the use of that facility in that particular area and what the future use of the facility is going to be. I'm talking more five and ten years out.

COMMISSIONER DURAN: I always felt that the facility's highest and best use was something other than a correctional facility, but -- and that's why David, I was trying to hold out on that, but my understanding is in the new negotiations with Cornell, this was part of your negotiations. In your dealings with Cornell, this was part of your negotiations. I guess the question I have is, is it imperative that this juvenile facility be part of the negotiations with Cornell?

MR. WOLF: Mr. Chairman, Commissioner Duran, I can't answer if we could identify some other options with Cornell where we may be able to work out something that would address our juvenile needs. I would think that that door would be open. But the proposal that I presented to you today includes tying up the old facility, renovating it, making it a juvenile facility with the County being responsible for the renovation, not to exceed \$2.5 million and the County would receive rental income for that facility over a three-year period. Now there may be some better uses of that facility in the long run that I'm not sure.

COMMISSIONER GONZALES: I think in going along with Commissioner Duran in saying what if there's a flexibility though that if through the market analysis a new facility or a new juvenile facility could be done now on the current new facility property. I just don't know if that negotiation or that flexibility could be in there, where if the highest and best use, as Commissioner Duran said, is something other than the actual jail facility, that if we can actually get a decent price for that property, possibly fund the construction of a juvenile facility out in the current area where we are. I just don't know -- I don't want to throw a monkey wrench and I'm sure Commissioner Duran doesn't want to throw a monkey wrench in this whole process, but if that flexibility could be in there, Mr. Cornell, that might be helpful to if we have to move, if it's in the best interest to move that we can.

MR. CORNELL: I'd like to share this thought with David, the plan, as

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skeletal as it is right now is a plan for the future of Santa Fe County juveniles primarily in its own facility that can be converted. Now we would applaud a marketing analysis, but as Santa Fe County grows and their needs grow in the correctional business, it's inappropriate to put the juveniles in the new jail. You really don't like to mix, and the ACA won't let you do it. Line of sight problems and so forth, young boys and young girls in with adults, whether they're long term or short term detainees.

So I would encourage, clearly, it's the County's decision, but I would encourage the conversion. This is a recommendation we made way back about 14 months ago, and I have always felt that the County was interested in doing that and having a future home for their juvenile needs, which will increase as the adult needs have increased.

COMMISSIONER GONZALES: My intent, Mr. Cornell was not to put them in with the adults but to utilize the remaining vacant property for a separate facility that would allow for the expansion of uses.

MR. CORNELL: We're totally flexible on that.

COMMISSIONER GONZALES: That's the only thing that I think, if we could build in the flexibility to allow that analysis to be done. I don't know whether it will happen or not, in accordance with the financial constraints that we have at the County. It may not be an option today to plan for that in the future, but to have a market analysis to know that there is a use there that could possibly generate enough funds to use vacant property where the new facility is for a new juvenile facility. It may be something good. Because I don't know if we can expand anymore in the old facility. It just seems that that property is very, as you know, very maxed out.

MR. CORNELL: Well, I would say, I wish each of you would share your thoughts with David Wolf. We had expressed an interest, and then you get into government procurement, standards and RFPs and that sort of thing -- we'd expressed an interest in buying the old jail, exclusively for juveniles and having an arrangement for a certain number of free juveniles in the old facility and spending that money ourselves. Now, we can go back to that. I don't know what procedures Santa Fe County has to follow through, but it's just been our recommendation that the County get on with their juvenile needs and it just seems like a good location.

COMMISSIONER GONZALES: I think my only request is that there can be some flexibility to allow for room for growth somehow, one way or another.

COMMISSIONER DURAN: Mr. Chairman, my only concern is that in the last year or so I've talked to Domingo Sanchez that the facility, as it exists today, is pretty antiquated and I'd hate to throw \$2.5 million away at a building that isn't worth throwing it at. And it would be nice to know whether or not there is another location for the facility that Cornell could operate for us and use the proceeds from the sale of this property to do that. I'm not -- my concern is mainly just that we have a facility for the juveniles that is appropriate and it's expandable to take care of our future needs.

MR. CORNELL: That's something I think, again, David could take a look

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at. We'll take a look at with Custer-Bathridge, the architectural firm as well as Landmark and make our recommendations. We are very active in juvenile corrections in the United States as a company. And we are building a secure juvenile detention facility west of Philadelphia, about 30 miles. We've just announced that. It's a pretty expensive facility, Commissioner. It's about, I think it will be around \$20, \$21 million. This facility, albeit old, is clean. We have operated over-crowded facilities, including juveniles, and it's, as I say, a very over-crowded facility.

My point would be, and this is just informally saying this here, that if we could renovate it for \$2.5 million and meet the needs of the County. We'll find what that is from David, that they may be a very wise decision to make because new juvenile facilities, certainly secure facilities, frankly cost a lot of money. That's a 160-bed facility that I'm referring to west of Philadelphia and we will have that on our balance sheet. We're going to spend about \$21 million for it.

COMMISSIONER GRINÉ: Mr. Chairman, David, do you know the size of this property out there, how much is still vacant, away from building structure?

MR. WOLF: The facility on Airport Road, or the new facility?

COMMISSIONER GRINÉ: The facility on Airport Road.

MR. WOLF: I think we only have about four acres total out there.

COMMISSIONER GRINÉ: And the facility occupies how much of that?

MR. WOLF: The facility and the parking lot, basically, occupies the whole acreage.

COMMISSIONER GRINÉ: I don't see that there could be many other uses of it except for a juvenile facility.

CHAIRMAN TRUJILLO: How much land is available on State Road 14?

MR. WOLF: State Road 14, Commissioner, I believe it's sitting on a 25-acre site. Twenty-five or fifty, I'm drawing a blank.

CHAIRMAN TRUJILLO: So there's ample room to accommodate a regional facility. And if we're busting at the seams here on Airport Road, we have to look at the future. And I think it's appropriate to do the cost analysis to see how much money we can get for the existing facility and bring it before the Commission and make the decision as to whether we want to spend \$2.5 million on the existing detention facility and/or invest those monies on a new regional juvenile facility. I think we need to keep our options open there.

COMMISSIONER DURAN: Mr. Chairman, David, I think you could probably get an appraisal on that property pretty quick if you went out and ordered that. I'd like to get the consensus here that we give you those kinds of instructions. If you have a market study done on it and before the contract with Cornell comes back or at least have it available to you in your deliberations and your recommendations.

MR. WOLF: Mr. Chairman, Commissioner Duran, we'll be happy to pursue that and get that done as staff. I just wanted to point out a couple things. The reason that we're busting at the seams on the old facility is the fact that we have adult male, adult

female, Santa Fe County inmates and other area inmates in that facility, plus juveniles. We have over 300 inmates in that facility. It's a 244-bed facility. The juvenile total population is about 30. So the rest of those 300 inmates are all adult male and female that would be going over to the new facility, which exceeds 600 beds, so there's going to be ample room in the new facility and this is an option that we're proposing to the Commission, that the old facility, since it will have sufficient space. It's only about a 17 year old facility and it really isn't in terrible shape.

It's a possibility that it could be renovated and this may be the best and highest use, but we'll come back to you with an analysis and a study that lays out all those options for you.

CHAIRMAN TRUJILLO: Thank you, David.

COMMISSIONER DURAN: Mr. Chairman, David, what's the number of juveniles? Right now it's at 30. How long has it been at that? Do you know if it's fluctuated at all?

MR. WOLF: Commissioner Duran, I'm not real sure. The County's inmate juvenile population is less than ten, and that has stayed pretty static. Maybe Mr. Cornell has more information on our juvenile population there.

COMMISSIONER DURAN: David, do you know how many of those 30 are ours?

MR. WOLF: Yes. Mr. Chairman, Commissioner Duran, ten are ours and the ten, the County's portion has stayed static for some time now.

COMMISSIONER DURAN: So it's your assessment that once the adults leave the facility and if it's renovated that the potential for the future is definitely there?

MR. WOLF: Mr. Chairman, Commissioner Duran, from staff's view of it, it seems to be an excellent use. It's hard to change that facility into office space. It's a different kind of facility where you can't just go in and renovate it for some other use. It needs to be used for some kind of detention facility or probably completely destroyed. So that seems to be a good option. Like I say, I think it was built in 1981, 1982 and the only reason it's over-crowded right now is because of all the adult population that's in that facility.

I think we were talking about renovating it to be about a 120-bed juvenile facility, if I remember that correctly.

COMMISSIONER DURAN: As I start thinking about it, the building probably isn't usable for much of anything than what it is right now. So it's value -- anyone that would be interested in it would probably demolish the building, so it's really a question of how much value the land has. How big is that piece of property?

MR. WOLF: I think it's about four acres.

MR. CORNELL: Another point I'd like to make and we'll cover this with David along the way. I think the Commissioners should be aware of that is that the type of building, the nature of the building that exists right now is not marketable for other

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juveniles, unless some renovation is done just because of the way it's laid out. And so some change is going to have to be made. We've tried to keep it at a minimum in the amount of money we've talked about, but it's not to ACA standards either. So I think the County is probably going to have to address this issue that you're addressing right now, but we're going to have to do something to the old jail. That's not us adamantly saying it, it's just the way the juvenile business is.

I would say one other thing, and you all know better than me how Santa Fe County is growing in the juvenile needs. But today, in the youthful population in the United States, that's 14 to 24, the population is going to be 20% greater in the year 2005 and 40%, that age group, in the year 2010. So it is a stimulating conversation we're having now and really very timely for the County to address this issue, I think.

COMMISSIONER GONZALES: Thank you, Mr. Cornell. I apologize for going down that road. It looks like everything's okay the way we are.

CHAIRMAN TRUJILLO: You got the direction, David?

MR. WOLF: Yes, Mr. Chairman.

X. PUBLIC HEARING

A. Infrastructure Capital Improvements Plan and Community Development Block Grant (CDBG) 1999 funding cycle

DAVID MADRID: Mr. Chairman, members of the Commission, this will be the third public hearing that we've held for the Community Development Block Grant and the Infrastructure Capital Improvements Plan. We've so far heard from the Santa Fe Rape Crisis Center. We've heard from the Youth and Family Shelter Services and we've heard from the Movimiento Ascendencia Teen Youth Center. We will have one more public hearing after this one and what I'd like to do is I'd like to break the public hearing up into two parts and address the Community Development Block Grant portion first, and then I would like to get some input on the Infrastructure Capital Improvements Plan from Representative Lujan, who is here.

As I said, I would like to bread this into two parts where we discuss the Community Development Block Grant process first, and then get some input on the Infrastructure Capital Improvements Plan. So at this time, I would request that you open this meeting for the public hearing for the Community Development Block Grant.

CHAIRMAN TRUJILLO: So is there anyone who wants to talk regarding the CDBG, Community Development Block Grant Projects? Okay.

MR. MADRID: Mr. Chairman, I would like to make a presentation on behalf of the County on an internal project which we're working on. I was asked to make this presentation, regarding the detoxification facility project which we're currently working on. Just to give you a brief history, the detoxification facility was originally planned to be part

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of the law enforcement complex. The law enforcement complex included the Sheriff's Administration building and an office of the courts, including the detoxification facility but due to financial considerations, that portion will no longer be built at this time. We are planning it for future development, but right now we're proceeding with the detoxification facility.

We're looking right now at approximately a 10,000-square foot facility. The estimated cost including architectural services, furnishings, and everything else is \$1,596,000. The County, in coordination with the City, with each entity providing half a million dollars, we have one million dollars available for this project. So what I would like to request is that you consider allowing the County, the General Services Department to submit a Community Development Block Grant application on behalf of itself for the full \$400,000. We have the land available, as you know. We would use the County's \$500,000 as our cash match and essentially we'd be matching a \$400,000 grant with a \$500,000 cash match. We'll probably receive the maximum amount of points based on that. But I would like for you to consider that at this time.

CHAIRMAN TRUJILLO: This is a project that will be funded for the County and there's existing monies available within the County to absorb some of the cost of this project?

MR. MADRID: Mr. Chairman, at this time we have the \$1 million budget, which I mentioned, but beyond that, we originally had a \$145,000 grant from the DWI Planning Council which was not spent by the June 30, 1998 deadline and reverted back to the council. We also had \$100,000 in severance tax bonds but the wording on the grant agreement indicated that the funds had to be spent within the City of Santa Fe. We will be going back to the legislature to get the language on the legislation changed so that we can use the \$100,000 at the site located on State Road 14.

We will also go back to the DWI Planning Council and ask that the \$145,000 be returned to the County. This would bring the budget for this project up to \$1,245,000, which is still short of the \$1,596,000 which we are projecting for completion.

CHAIRMAN TRUJILLO: Okay, what is the desire of the Commission?

MR. MADRID: We don't need to make decision at this point, but I'd be happy to answer any questions regarding this.

COMMISSIONER DURAN: So David, my understanding is that you're making this presentation this evening and when we have the meeting that will determine who gets this block money, yours will be one of the considerations.

MR. MADRID: Mr. Chairman, Commissioner Duran, that's right. So you don't have to make a decision at this point. I just presented this to you and it's my understanding that tentatively, a decision will be made at the September 8 County Commission meeting. So this is just more for your information and consideration at this time.

COMMISSIONER DURAN: So David, at that meeting, who will be making

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the presentation on behalf of the project?

MR. MADRID: I had requested that Fred Sandoval and Frank Romero from the City of Santa Fe be present, but essentially, the General Services Department would be writing the application for this project --

COMMISSIONER DURAN: The County of Santa Fe General Services Department?

MR. MADRID: Yes, Commissioner Duran.

COMMISSIONER DURAN: Thank you, David.

MR. MADRID: Thank you.

COMMISSIONER GRIÑÉ: Also David, in some of the discussions with you is that this facility intends to be a larger one than what was originally proposed for the funding that was available. Is this cutting back the facility somewhat, that is not going to be facilitated with now, or is it still in the same design that we need a much larger facility than it was intended for?

MR. WOLF: Mr. Chairman, Commissioner Griñé, this is a joint City/County project that was originally to be funded 50-50 by the City and the County. There's so much money set aside for that as David had indicated. That money isn't sufficient at this point to build the size of the facility that was originally being considered. I met with a group last week just to get some information on it. I think they've had to cut back the square footage 20-25% I believe to try to bring that back within the available budget. But it's still going to be half a million dollars short. We just ask that the Commission consider requesting CDBG money for this project along with the other projects when you decide to prioritize them.

COMMISSIONER GRIÑÉ: Okay. Thank you.

CHAIRMAN TRUJILLO: Any other questions?

MR. MADRID: Mr. Chairman, at this time I'd like to proceed with the Infrastructure Capital Improvements Plan portion of the public hearing. My supervisor, Mr. Corky Ojinaga had invited the members of the Santa Fe County delegation to attend this meeting. Fortunately, Representative Lujan is here representing the entire delegation. We invited the delegation because it is critical to the County, as you know, to get their input on the types of projects that they would like for us to pursue.

Last year we put in a number of projects. The legislative delegation supported us on many of them and in fact they had a significant amount of support on one in particular, the satellite clinic to be built out at the Agua Fria Community Park. It was approved for Community Development Block Grant funding for \$300,000. The legislative delegation supported us with an additional \$450,000 and that project was included in the Infrastructure Capital Improvements Plan. As you can see, the Community Development Block Grant and the Infrastructure Capital Improvements Plan are very important to us. And I'd like to request that we get some input from Representative Lujan at this time, with your approval.

CHAIRMAN TRUJILLO: Very good. Thank you.

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REPRESENTATIVE LUJAN: Mr. Chairman, members of the Commission, staff, I'm just here kind of to listen. I was invited by the staff and I don't even have a list of what's being recommended but certainly I'm sure that the recommendations that are being done by the staff and by the joint services are recommendations that have been made of them by the different communities or to the different Commissioners. Certainly I'm sure that there are projects that are interesting and needing those different communities that are making those requests.

CHAIRMAN TRUJILLO: Thank you, Representative. We've got, just to let Representative Lujan know that we've got -- how many projects right now that are petitioning the Commission for funding? We've got the Rape Crisis Center, we've got the Teen Center in northern Santa Fe County, we've got acquisition of land in Cerrillos and now the detox center. Are those the four that we have or is there one more?

MR. MADRID: For our CDBG projects those are the ones that we've considered. As far as the ICIP, we're looking at libraries in Edgewood, and libraries in Eldorado. We're looking at a multi-purpose field in Eldorado. We're looking at a wide range of projects and the General Services Department has distributed last year's ICIP plan to all the departments requesting that they update it, delete any projects which have been completed. Verify ongoing projects are accurate and we've also requested they provide us with new projects which we are looking at.

That list will be turned back to the General Services Department on September 3 and I'm hoping with the approval of my director, Corky Ojinaga that we can present that in the first draft form at the next available County Commission meeting. That will have all the projects that we've listened to during these hearings. Also projects Public Works would like to do, which General Services would like to do, which the community has contacted us about and which you will review and make your own recommendations. Projects such as wastewater treatment facilities, which I'm sure you have an interest in, Commission Trujillo, and those will be included also.

You'll see the draft, you'll be able to make any changes and then you will view the final document before submission. So we are very close. The final document will be provided to our entire legislative delegation, so that they will be aware of the needs and wishes of the County of the Santa Fe and of the Commission.

CHAIRMAN TRUJILLO: Very good. Usually, we have a separate meeting with our legislative delegation to talk about the projects to represent some of the details of the projects and to have the opportunity to ask questions and open up some communication and dialogue. Is that going to happen?

MR. MADRID: Yes, in fact I'd like to ask your permission to coordinate with David Wolf that we try and time that for the approval of the final version of the ICIP, if that would be appropriate.

MR. WOLF: What I'd like to do, Mr. Chairman, Commissioners, is have the department heads complete the ICIP and complete that and we can prioritize our internal

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needs and then that will also include the things that we're getting requests from the external sources. Then we could coordinate a meeting with the legislative delegation. That will give us an opportunity to represent our priorities to them and also see, they can look at our list and see if there are any items that they had requests from that affect Santa Fe County that we could roll those in to the plan before the deadline. We need to do that probably in mid-September to meet the deadlines that David is required to meet with the Department of Finance.

CHAIRMAN TRUJILLO: Very good. Anything else? Any questions?

MR. MADRID: Thank you, Mr. Chairman.

CHAIRMAN TRUJILLO: Thank you, David. Thank you, Representative Lujan.

[The Commission recessed from 3:10 to 3:20.]

VII. PRESENTATIONS

A. Presentation by Allen Gellis from the USGS on the impacts of mining in rivers

ALINA BOKDE (Planner): Mr. Chairman, Commissioners, Allen Gellis from the USGS is here today to do a brief presentation to the Commissioners at the request of Commissioner Duran and also residents from Agua Fria over the concern of the degradation of the Santa Fe River. So I'm going to turn it over to Allen and he can answer any questions that you may have at the end of the presentation.

ALLEN GELLIS: Good afternoon, Commissioners. As Alina said, she asked me to come here and give a presentation to kind of educate you on the possible impacts of in-channel mining on the river. Again, I'm a geomorphologist with the US Geological Survey. Geomorphology is that branch of geology that looks at what's happening right now. Some people look at wind, marine processes, all my expertise is in rivers.

What I thought I'd do is I actually researched, through the literature what case studies of the effects of channel mining on the rivers in the United States. That's going to be on the last few pages of this hand out. I also took a flight over the Santa Fe River Basin last week so I could get more familiar with the river. I'm not naive enough to think that I'm an expert on this river.

In the hand-out, what I really want to aim at is giving you kind of an introduction to channels. In other words, give you a little bit of background and understanding what happens to channels when you affect them. A little introduction on that, I'll talk about sediment, equilibrium of rivers, and just kind of the possible impacts to the Santa Fe River and also, how do we assess the impacts of channel mining? So I kind of have a slide presentation on it.

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To begin, there's many types of rivers. You can see them by their different types of flows, rivers are ephemeral, like we see in arroyos in New Mexico. These only have water in them when it rains. A lot of rivers are intermittent. They only have water, let's say, during snow melt run-off and might run a few months. Other rivers are perennial. And that's important to flow characteristics of rivers. That's going to affect how they look. The rivers are also affected by the amount of sediment they carry.

You've seen meandering streams and braided rivers. Your classical picture of braided rivers is like up in Alaska and British Columbia. These are very steep rivers that carry a lot of bed-load. Again, just examples. This is the Rio Puerco in New Mexico which is my current study area right now, a fascinating arroyo. This only receives water during rain storm events. This is in Zuni, New Mexico where I work. This is an intermittent stream. This is Rio Nutria. Again, it was dry in the last flood. It only has water during snow melt run-off. And of course, in New Mexico, we do see perennial streams. This is the Rio Grande, which is a braided stream, a braided, meandering stream.

I want you to think of this in terms of the Santa Fe River where that would fit into this. The Santa Fe River is more of an intermittent stream, has flow only during parts of the year. When we talk about sediment, and this is important. There's really three types of sediment. There's dissolved load, and that's not really important when it comes to problems. It's more for water quality problems. But you see suspended sediment load. This is what's carried in turbulence in the river. And there's bed-load. This is the coarser material that's moved along the bed of the river. And this is what they mine. This is bed-load. This is usually sand and gravel.

So it's important to know to characterize the different types of sediment. Typically in the river, if you look at the total load that moves through a river, about 20% is actually bed-load. Most of it is fines. I know this looks like a complicated slide, but what it shows is that there's a continuum of river shapes. Up here, rivers that are dominated by suspended sediment, have low slope, tend to be straight. As you increase the slope -- if you have any questions at any time, by the way, just don't hesitate to ask. Again, there's a continuum of rivers that changes as you move the slope and the amount of material, the amount of sediment.

So for example, rivers that have a lot of bed-load and are steep are very braided. And the importance of this is that if you change any of these parameters, the river is going to respond. So if you change the amount of sediment in a river, you're going to move rivers through this continuum. That was just a picture of kind of coarse material in a river that we call bed-load.

CHAIRMAN TRUJILLO: I have a question. The movement of the river happens naturally, right? Because I know from experience that the Santa Cruz River, for example, has moved 50 feet in either direction, north and south over the last fifty years.

MR. GELLIS: In my next slide I'm actually going to show something along those lines. Why rivers move. But I was just giving examples of -- this would be an

example of a river that carries more of a suspended sediment load, muddy rivers.

Commissioner, what you're referring to is most rivers meander. You can see these bends in the river. And as they meander, the flow is going in this direction, they erode this part of the river called the cutbank and they deposit sediment here on what's called the point bar. And point bars are typically areas which are mined throughout the United States. In fact, if you look at a cross-section of the river right here, this is the active part of the river that is eroding. So through time this river actually would migrate. River meanders migrate. And that's part of the natural process of rivers.

Here's where sediment is being deposited. That's a point bar. And that's an area that's often mined. And what we refer to as the flood plain is the area here when the water goes over the bank, which is also an area that I noticed in the Santa Fe River that they're mining. Again, here's just an example of a point bar. This is from my work in Puerto Rico. Here's the river going around this bend. You can see this coarse material being deposited in the river.

What's important, you think of bed-load and that's what we're mining in the Santa Fe River, where does it come from? What's the conveyor belt that brings this to the river? It operates through a lot of geologic processes. You see things that we call mass wasting which is landsliding. This brings a lot of coarse material. Hill slope erosion you've seen during rain storm events. You see rills develop on hill slopes. This tends to bring in finer sediment. Channel banks erode. That brings in both. Upstream channel and tributaries bring in both material and of course human activity will affect any of these, any of these phenomena when it comes to sediment. I threw in some slides of each of these.

For example, this is actually the upper reaches of the Santa Fe River Basin where you can see active processes of landsliding going on up here. This is part of the natural cycle of bringing in material to the channel. And you've got to think this material is getting into the headwaters of the channel, how is it moving through the conveyor belt downstream where we're doing mining? Are humans interrupting that natural conveyor belt, for example?

This is an example of hill slope erosion, which is something I'm measuring out in the Rio Puerco right now. This is on a hill slope on a mesa and again, we're catching a hill slope run-off which tends to be fines and traps. Bank erosion is very important, especially when you affect a river. The Rio Puerco in 1885 would have been at the valley floor. It incised something like 50 feet during that period of time. What we're seeing is tremendous amounts of bank erosion in that system. So if the system changes and begins to scour down, you're going to see a lot of effects of bank erosion.

Something also that comes up and you might hear about it is what we call head cuts or knit points or headward erosion. For example, this is an arroyo in Zuni. This is the bottom of the arroyo and up here, actually like a waterfall is a knit point. This is important because there are a lot of case studies of these forming in mined areas. And what actually this is, this is actually like a waterfall that moves up the valley through time. What happens

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is the bed of the channel is here and as this moves upstream through time, if it passes tributaries, it actually rejuvenates the whole system, because tributaries want to cut down to that level.

This is important. If rivers form these headcuts you get this cycle of erosion. You get tremendous erosion problems. So I just want to familiarize you with that word, knit points, and of course, man affects many of these. This is the work I did in the Petroglyph Monument outside of Albuquerque where they wanted to know why there were gullies. Well, it turned out that something like 70% of these gullies were connected to roads.

This is an important concept and I want to get this across. It's what we call equilibrium theory. All rivers are actually related to this equation which shows sediment on this side of the equation and water and slope. In other words, if you change any of those variables, sediment, water and slope, the river is going to respond to that. So when you talk about mining, if you're taking out more than the river can replenish it's going to be affected by that. Just as an example, they said if you increase flow, you're going to increase the width and depth of the channel. But I think it's a very important and very simple concept to understand in rivers.

Here's a great example in New Mexico of how man has affected the slope of the channel. It's a little blurry but this is the Rio Puerco channel. In the late 60's the Highway Department didn't want to build three bridges across the channel and they straightened the channel. This red line. It went from a length of 3400 meters to 1700 meters. Did the river respond to the increase in slope? There's a tremendous waterfall in the Rio Puerco. This is right near La Ventana. In fact it's such an incredible problem that the Highway Department is actually going to put the water back in the old channel.

Just some examples of how man can affect this equilibrium. This is dredging operations in Zuni. Dams, reservoirs affect rivers in a most incredible fashion because they're holding back sediment in the upstream areas. And the rivers actually get scoured to bedrock. So again, here's another example of how man affects rivers and do we have reservoirs on the Santa Fe River? Sure we do. Here's Nichols Reservoir in the upper reaches.

Actually, these photos are a little tough to see in this light, but this is just the upper stretches of the Santa Fe River. In my flight, you could see very distinct stretches of this river that have been affected by man. Obviously, in the upper reaches this is a natural setting. As you move downstream, this is below the reservoir so you tend to see more of an urban stretch. For example this is through the heart of town. This river is being extremely affected by urbanization. Very tightly controlled river.

Here's St. Francis where I noticed there's a large kind of rip-rap step-stair gaviion structure here, which is telling me that this river's been down-cutting and engineers have been fighting this for some time. Again, that's St. Francis Drive. As you move below St. Francis Drive you see a totally different river. You actually see a wide, sandy river. And in fact, this is the area where they are doing channel mining. Here's an example of some

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of the mining. You can see the tailing piles right here.

COMMISSIONER DURAN: When they're mining are they actually extracting gravel from the river, the river bed?

MR. GELLIS: I understand that they're doing two types of mining here. They're mining the river channel and they're mining the flood plain. And those are two different types of management to the river. And I'm really talking about in-channel mining in my discussion with you. Flood plain mining is going to have a completely different effect on the river.

CHAIRMAN TRUJILLO: That one there looked like a legal set-up. Do they have permits to do the mining there?

MR. GELLIS: They might have that. I would have no knowledge of whether it's legal or illegal. What I'm trying to present here, and I'm going to go to this very quickly, is with this knowledge of how rivers change, especially with sediment and flow, can we try to understand and how to assess how channel mining is going to affect the Santa Fe River.

CHAIRMAN TRUJILLO: What I'm trying to point out, is if they have permits, the Corps of Engineers, who's the entity with oversight responsibility for all drainage areas, is giving impetus to the destruction of these river beds.

MR. GELLIS: I can't speak for the Army Corps of Engineers, but my first question is, are they the monitoring agency though? In other words, if they give a permit and ten years later this river is affected by that mining, who accepts the responsibility for that? Is it the Army Corps? My guess is no. See what I'm saying? They're probably handling the permit process.

CHAIRMAN TRUJILLO: There should be reclamation stipulations in any permit.

MR. GELLIS: You know what? It falls into kind of a grey zone. And who is responsible for monitoring this river? Is it the Bureau of Reclamation? It isn't, actually.

COMMISSIONER DURAN: Are there other areas -- I think there's a need for this material that they're extracting. Are there other areas that you get the same type of material?

MR. GELLIS: I would say yes, but I have no expertise to say where.

COMMISSIONER DURAN: And you say yes based on what then?

MR. GELLIS: Based on the fact that I see sand and gravel mines throughout New Mexico in different areas.

COMMISSIONER DURAN: And not necessarily in the river bed.

MR. GELLIS: That's correct. They're what we call off-channel mining sites as well. I'm just going to get to the end here. These are just different pictures of the river, but when you think of the Santa Fe River, we look at what are the possible impacts of channel mining? You can't see it, but obviously, the first thing is there could be no impact. In other words, we're taking out the same amount of gravel and saying that the river is

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replenishing. That could be possible. But we don't know, because it hasn't been quantified.

It's also possible that upstream and downstream channel lowering is due to over-extraction. And we're seeing, I saw a lot of man-made structures that are pointing to the fact that the Santa Fe River is down-cutting. Looks like it's been a problem for some time. It might be changing channel form. A positive impact of mining is that it reduces flooding, because you're actually lowering the bed of the river. So there is a positive impact to it. And we have a change in stream habitat. These are possible things that might be happening to the Santa Fe River. I'm not saying they are happening.

If there is a problem with over extraction, you're going to see downstream and upstream effects from that mining area. In the hand-out on the next-to-last page that I gave you, are just some excerpts from the literature. And I think we have to learn what's been studied already out there. For example, if you look at the top paragraph, it says, in order to characterize the supply of gravel to downstream reaches and to assess or predict the effects of gravel removal, it is necessary to understand how sediment is produced and transported, how it interacts with the river channel morphology.

There are other studies that point to this. If you want to mine a channel, you have to understand what's coming into this channel, so you're not over-extracting. In all these problems, that I'm seeing in the literature, it's from over-extraction of the river. And these are things that geologists can quantify. So again, if you want to assess the impacts of channel mining, we have to know what is the supply of sand and gravel, so we need some type of sampling program. It's important to understand the history of the Santa Fe River. There's been a lot of effects of land use on this river, not just channel mining, but urbanization and reservoirs. Document land use changes, document the channel and document changes in channel flows.

And this is probably the most important. I get up on the soapbox about this, because as humans we're working with the rivers but we don't monitor them. We're not quantifying the effects of man on rivers. And if we were doctors, we'd probably be out of business, because when you're a patient going to a doctor, the doctor gives you something and says, please, come back. I want to see you. We tend to do things in rivers, but we're not actually monitoring how they change through time. And I think that's important. And I'm actually working on a proposal right now where I'm seeking funding from the Army Corps of Engineers to do this right now. In fact, I might be asking for a partnership of different funding sources, to examine this river. What's moving in this river in terms of bed-load? How has it changed through time? How have we impacted this river? Let's monitor what's happening right now?

COMMISSIONER DURAN: Are you aware that the County Commission and the City Council requested a reconnaissance study to be performed on the river?

MR. GELLIS: I just learned that yesterday.

COMMISSIONER DURAN: Because I was going to say that when we get to that point, I think it's important that the study include the effects of mining in the river

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so that when it comes forward for the City Council and the County Commission to look at the recommendations or whatever that the reconnaissance study is going to indicate, that we have that as part of what's available to us to review.

MR. GELLIS: Are there any other questions?

CHAIRMAN TRUJILLO: Any other questions of Al? Thank you, Al.

VIII. ADMINISTRATIVE ITEMS:

A. Committee expirations, resignations, vacancies

1. Santa Fe County Maternal and Child Health Planning Council

MR. WOLF: Mr. Chairman, Commissioners, there is one resignation. The Maternal and Child Health Planning Council recommends acceptance of this resignation. The resignation is that of Cary Virtue for the Maternal and Child Health Planning Council.

Commissioner Grifé moved to accept the resignation. Commissioner Duran seconded and the motion passed unanimously.

VIII. B. Committee appointments

1. El Rancho Community Center

MR. WOLF: Mr. Chairman, there's a recommendation for Teresa Lujan to serve a two-year term for the El Rancho Community Center.

Commissioner Duran moved to approve the recommendation and Commissioner Grifé seconded. The motion passed without opposition.

VIII. B. 2. Santa Fe County Maternal and Child Health Planning Council

MR. WOLF: Mr. Chairman, we have two issues here. We have three people that are being requested to be appointed by the council and two people that are requesting to be reappointed. Those that are being requested to be appointed are Natalia Archuleta, a youth representative, Ariane Mahmud Ghazi -- I'm not sure if I'm pronouncing this name right -- and Devona Quan, director of Eight Northern Pueblos Head Start Program. Those are the three that are recommended by the councils to be appointed.

COMMISSIONER DURAN: Mr. Chairman, if there's no recommendations, I'd like to make a motion that we appoint the new. Change is good.

CHAIRMAN TRUJILLO: The new recommendations?

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COMMISSIONER DURAN: The new people that have asked to be appointed.

CHAIRMAN TRUJILLO: I've got a motion. Do we have a second? Motion dies for lack of a second.

COMMISSIONER GRINÉ: I move for approval of the recommendations made by the council.

COMMISSIONER GONZALES: Second.

CHAIRMAN TRUJILLO: Got a motion, seconded by Commissioner Gonzales. All those in favor? [Unanimous.]

MR. WOLF: Mr. Chairman, the two that are requested to be reappointed are Sue Brown, who was recently elected council vice chair, and Betty Chern-Hughes, who was the co-chair in 1997-1998.

CHAIRMAN TRUJILLO: So those are the two that are recommended by the council.

MR. WOLF: To be reappointed, yes.

VIII. B. 3. Española, Santa Cruz Valley, Pojoaque Valley Regional Wastewater Steering Committee

CHAIRMAN TRUJILLO: This is the appointment of the interim committee which will consist of members representing the various entities as follows: Santa Fe County gets one member, right? On that steering committee.

ESTEVAN LOPEZ (Utilities Director): That's correct, Mr. Chairman. As you recall, on June 30 the BCC passed a resolution agreeing to participate as a member in this steering committee and this would appoint a representative for the County and an alternative. And recommended after discussion with yourself and the County Manager that you, Mr. Chairman, be appointed as a primary representative, and that I be appointed as the alternate representative. Also, I should add that at last night's meeting there was discussion that the primary representative, particularly of the County should also serve on an executive committee. I think there was some semantics about wanting to call it a working committee, but none the less, a seven-member executive or working committee as well. That's the recommendation I would make.

CHAIRMAN TRUJILLO: Thank you, Estevan.

Commissioner Griné moved to approve the appointment of Commission Trujillo as the representative to the steering committee and Mr. Lopez as alternate. Commissioner Duran seconded the motion which carried unanimously.

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IX. STAFF AND ELECTED OFFICIALS

A. County Assessor

1. Quarterly Report

RALPH JARAMILLO (Deputy Assessor): Good afternoon, Mr. Chairman, members of the Commission. Usually, Benito Martinez, our County Assessor prepares the quarterly report for our office. Unfortunately he's not with us here today. He's in Ruidoso. He's there with other assessors. They have a convention this week so he sends his apologies. He says, well, Ralph, there's no time like the present to start doing the quarterly report, so here I am doing the quarterly reports for the assessor's office.

This past quarter, Mr. Chairman, members of the Commission, we have been in the protest time of year. Therefore, what I've come to bring before you is what we've done in the last quarter as far as protests. We have 447 protests that protested this year. Out of 447, we have had 342 that we've taken care of within the office. They have withdrawn by change, as far as a change by maybe an amount or there's been no change at all if we've withdrawn. The change has been real minimal if we've done any change, which we do statistic-wise. 105 of those went to the formal hearing, which we are at present doing right now. We're doing the formals. Our formals should be done within the next two weeks and therefore we should wrap that up.

I've been fairly new with the County as far as the Assessor's Office. It's been a little over a year now and I find it very challenging. Mostly because of no change in what we've done here in this past year, I find out that what we need to do as far as the Assessor's Office is to educate the public and educate the taxpayer. And that's what I emphasize as the deputy for the office, that we need to educate them. As they come in we educate them and therefore show them where we're coming from and they show us what they have as far as the discovery on their part.

Mr. Chairman and members of the Commission, what I find most challenging is that we're a non-disclosure state. What that means is that we don't have access to any sales. Commissioner Duran, as you're aware of this being a realtor, we just don't have access to those sales and it's very challenging. Therefore we're educating each other. We're educating the public, the taxpayer's educating us and also we're educating the taxpayer. It's a tough game to play. As other states have a disclosure law where they disclose everything, which would make our office and our job much easier.

Therefore, as I'm here and I work at the Assessor's Office, I'd like to push for something like that down the line, that we could become some kind of a disclosure state with legislation. But I take my hat off to our assessors who are doing a fine job, who are maintaining, protecting the evaluation base and we have thus far and we're doing good thus far this year as far as we're going into the formals right now and as far as protecting the evaluation base at where we're at.

COMMISSIONER DURAN: Mr. Chairman, Ralph, I was just going to say,

I'd love to help you do something about having this state become a disclosure state. I think that by having that information available to us we're able to have more funds available for citizens, for state projects. It just makes it too tough. Because I know that there are a lot of properties out there that are not -- there are some properties out there that are underassessed. They sell for actually more than you've been able to determine the value and with that kind of disclosure law it takes care of that loophole or fills that gap.

MR. JARAMILLO: Mr. Chairman, Commissioner Duran, completely. We talk about we want to generate funds, we want to generate revenue to the County, this is an avenue to do it also. To be fair and equitable with the taxpayer and that's a way and a form and a shape to be fair and equitable. And that's where we're coming from. And I feel that we can pursue it, which we are, Benito, the Assessor and myself are looking into it and with your all help we can continue and exercise and execute this. Maybe we can help, but not just help --

COMMISSIONER DURAN: What is the reason -- what do you think the reason is that it's never passed? Because I know it's been brought before the legislature in the past and it's never gained approval.

MR. JARAMILLO: Mr. Chairman, Commissioner Duran, I believe what has happened here is it's gone and it's not approved -- it's politics. Basically, that's it. I believe if we'd just be more persistent and we can persevere through this if we just be persistent and consistent with this and it will bring us results. I think from here on forward, we're going to drive this from the Assessor's Office to see if we can become a disclosure state with other counties throughout the state of New Mexico. So therefore, next time we come visit you, we're going to start on this, Benito and myself and we'll see if we can become a disclosure state. If we can do that, we're going to see a big difference.

As far as generating funds for the County of Santa Fe, it would be a bid asset and that's what we're looking for right now.

COMMISSIONER DURAN: So the assessors throughout the state are unified on that then?

MR. JARAMILLO: Mr. Chairman, Commissioner Duran, yes. In fact they're talking as we speak and we're doing that right now.

CHAIRMAN TRUJILLO: Ralph, along the lines of generating more monies for the County, what's being done in the area of home businesses that are not -- that are functioning and viable but they're not -- we don't have records that they exist. They're accruing monies and they're providing a product and they're not paying within the appropriate tax structure. What's being done in that area?

MR. JARAMILLO: Mr. Chairman, members of the board, we are aware of issues like this and we believe we're doing the best we can with the tools that we do have. And basically, again, I can't answer your question, Mr. Chairman, the way I feel you want me to answer it. I really don't know the answer. But we are looking into it. And I feel that if we can continue, I guess, being open-minded as far as talking and communicating with

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others in this area that we can expedite this. To be honest with you, we are at a standstill with that issue right now. We're just taking that face-value that they're reporting, that they're doing what they need to do and we're at a standstill right now.

But Benito is talking about this and executing something to go ahead and stop this, so they can be accountable to what they need to be accountable to.

CHAIRMAN TRUJILLO: I understand there are situations where county residents are coming to the Assessor's Office with lists and no results. Nothing is happening. What are you doing in a proactive way to make sure that people that have home business are paying their fair share?

MR. JARAMILLO: Mr. Chairman, members of the Commission, as I stated, Benito and I need to talk about this and pursue this even more, Mr. Chairman and members of the Commission. We are seeing how we can go ahead and control this. I guess it's a matter of control, that's what it is if I may use that word. Therefore we don't have the answer right now on how we're pursuing that right now. It is word of mouth. It is a list that people are bringing in. We do have access to that. We are keeping that and it's a word of mouth type, I guess, working with the public and with us.

Another thing, I don't know if it's the factor built in of the non-disclosure in that area as well. Maybe that could help us as well. We're having problems with the non-disclosure law here in the state of New Mexico. I feel that if we can again exercise that it would make our job much easier, Mr. Chairman and members of the Commission. And that's what we're leaning on. And that's where I feel if we can get this thing done and we can drive this thing, I believe that you're going to get great results, but not for the taxpayers being fair and equitable but also for the County.

That there's revenues and there's monies left on the table, and what are we doing about it? We're in a standstill right now. I take my hat off to my appraisers. They're doing the best that they can controlling and maintaining and protecting the evaluation base and they're doing a good job. And we've done it this year and we have a lot of net new for 1999. We've picked up a lot now for '98. We're sweeping the county. We started up north in Española, Chimayo area, coming down into Tesuque, Pojoaque. We're coming around there. Right now, we're in the school district 40, the southeast part of Santa Fe. Old Las Vegas Highway, the Old Santa Fe Trail into Eldorado. We're headed that direction right now right after our formals are over. Then we're headed to Edgewood, coming back into Santa Fe, sweeping the county now, because this is a reappraisal year. Then we should be done by November, early December.

What we gathered is there's a lot of net new that we're generating now for '99. And I believe we're going to have some good numbers for you here coming in '99.

CHAIRMAN TRUJILLO: Very good. Any other questions of Ralph? Thank you, Ralph.

BECKY BUSTAMANTE (County Clerk): Mr. Chairman, as an elected official, may I address something that you asked? The business license section of the County

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come under the County Clerk's Office and we right now -- I am concerned about exactly what you just pointed out, that there are a lot of businesses that we don't have listed. I have talked to Rudy Garcia and we are going to meet next week to talk about some of these things, because we read about them in the newspaper, that there's such and such a business. But then I look at it and I know that it's in the county portion and I look at it and we don't have them listed as a business. So we're going to see if we can address some of those things.

But that portion of businesses, people are bringing lists and saying that there are businesses and nobody's paying for the business license. We certainly need to know about that in our office. Thank you.

CHAIRMAN TRUJILLO: Thank you, Becky.

IX. C. LAND USE DEPARTMENT

1. Resolution No. 1998-89. A resolution supporting the Village of Los Cerrillos' efforts to acquire the Los Cerrillos Hills as a community park

MS. BOKDE: Mr. Chairman, Commissioner, when the community of Cerrillos gave their presentation, at the end of the presentation they requested to come back to the board to get a resolution adopted by the board that basically states the support for the efforts of the village to acquire the Cerrillos Hills as a park and Liz is here to present the resolution to you.

CHAIRMAN TRUJILLO: Could you give us a synopsis of it?

LIZ RUBEN: Because the area is a historic area, because it has a lot of historic significance, because there's land available, there's BLM land available, there's property for sale, because there are no open spaces for parks in the southern part of the county, and because there is a lot of community interest in the area, in the village and in the area, for all those reasons we feel that it's a really great idea to have this park.

CHAIRMAN TRUJILLO: Very good.

MS. RUBEN: You have copies?

CHAIRMAN TRUJILLO: Yes, we do. Any questions? Okay, what's the desire of the Commission?

Commissioner Gonzales moved to approve the resolution and his motion was seconded by Commissioner Grifé. The motion passed by unanimous voice vote.

COMMISSIONER GONZALES: I have a quick question, Mr. Chairman, if I could have a couple of minutes. It relates to Cerrillos land use. Rudy, what is the status of the compliance of Cerrillos Gravel? And have we been monitoring that and where do we

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know that it is today?

RUDY GARCIA (Acting Land Use Administrator): Mr. Chairman, Commissioner Gonzales, we have filed in Magistrate Court with the Cerrillos Gravel Products, which Rosanna Vazquez of the Manager's office has filed with Magistrate Court, stating that they have not complied with certain conditions within their approved plan and we are going forward in the Magistrate Court to get the court hearing on it. I have spoken with Greg Upton of Cerrillos Sand and Gravel and his position was that he wanted us to give him some more time to work on these conditions, and I said I would not like to give you more time. We're just going to file in court and if you can address these conditions before that court date then we can drop the court.

COMMISSIONER GONZALES: Personally, I've actually got a problem with giving them more time from the standpoint that this has been going on for two years with those conditions. Is there any way we can file an injunction or prevent them from working until they come up with conditions? This thing started 2 1/2 years ago, correct me if I'm wrong, but more time will turn into more time will turn into more time and if there's a way that the legal office can force them into meeting those conditions, that would be -- I think that would be helpful to the people of Cerrillos and having confidence that we're going to make sure that they comply with the conditions that everyone agreed to.

MR. GARCIA: Mr. Chairman, Commissioner Gonzales, the action that was filed in Magistrate Court, it is my understanding that it was for an injunction to close the business until the conditions have been met.

COMMISSIONER GONZALES: Was that approved by the magistrate?

MR. GARCIA: Mr. Chairman, Commissioner Gonzales, I'm not too sure where the process is. One of the legal staff from the Manager's office is working on it. Rosanna can actually --

COMMISSIONER GONZALES: The question I have pertains to Cerrillos Gravel and mining operation out there. Rudy just instructed me that there was an injunction that was requested by the County that the court's placed on the business. Is that correct?

ROSANNA VAZQUEZ (Assistant County Attorney): Good afternoon, Commissioners. I have drafted a preliminary injunction. The injunction is ready to be filed in district court. However, before that injunction is filed, I need to have an affidavit from -- and I think Mr. Garcia determined that it would be somebody within the Land Use Department who would be completely up to speed with the conditions of approval, the status of those conditions and what is left to be done. And that is a very tedious, long process that somebody needs to do. And the preliminary injunction will be filed when that affidavit is completed and that is the only thing that is left to be done on this injunction.

COMMISSIONER GONZALES: Okay, Rudy, if that's correct, do you have any idea when we might be able to get that from your office?

MR. GARCIA: Mr. Chairman, it's my understanding that Jack Frost will have -- we'll have Jack Frost of our office, which is our hydrologist, go out by Thursday

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to determine what conditions he had not met and then we will give that over to Rosanna no later than Thursday at 5:00.

COMMISSIONER GONZALES: Please, let's not let this thing fall by the wayside. It's about restoring and ensuring that there's confidence in the County government and making sure that our conditions that are set forth are complied with. And if that's not done, Mr. Upton needs to know we're serious about him complying with those conditions. I can't remember how long ago that this Commission actually saw that. I don't know, Commissioner Trujillo, was that over a year ago or so? Way too long for them to continue operating and not to have moved to meet those conditions. So Rudy, if you could please make that a priority in your staff and Rosanna, if you could make that a priority.

I understand it's a case that you picked up prior to you moving over the Manager's office if that's the way you're dealing with it, but let's try and move that as quickly as possible without sidestepping, obviously, the County Attorney. I'm sure the County Attorney is going to oversee this matter as we go forward also. But let's see if we can get this expedited as quickly as possible. However you guys can do the coordination between the three of you that would be real helpful.

CHAIRMAN TRUJILLO: Thank you, Commissioner Gonzales. Good direction. This has been on the table for a very, very long time, over two years. Very good. Thank you, Commissioner Gonzales.

- IX. C. 2. Update schedule of activities for review and subsequent adoption of Part II of the County's General Plan. Part II, the Planning Districts, sets forth the proposed recommendations for the location, density, uses and design standards and other planning techniques within each planning district. The currently proposed districts include: rural preservation, Estancia Basin, Highway Corridor and new community districts. Implementation tables for the plan policies will also be presented**

JACK KOLKMEYER (Planning Director): Mr. Chairman, good afternoon. Mr. Chairman, Commissioners, thank you very much for the opportunity to come and talk about the General Plan again and before I get started, I'm talking about scheduling and I'd like to take the opportunity to thank all of you, with the exception of Commissioner Griñé for traveling to Portland last weekend. I guess Richard took that job as a planner with the Metro and he's staying. But it was rather astounding to spend 2 1/2 days with Commissioners and City Councilors and staff members focused completely on planning. And as a planner, I have to say that I appreciate the opportunity we all had to focus on a city that has made planning as one of its top priorities.

Sometimes in our discussions here about planning issues, we tend to be viewed more

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as an aside with some people, regarding some issues rather than as the proponents of changing our community in the way that is appropriate in response to a wide variety of a number of different people. As we saw in Portland, and listened to the planners there speaker to us, I had my copy of the policies with me that you adopted last December, almost a year ago, and I was astounded at how many of the policies that you adopted they addressed and spoke to as fundamental in the planning process and I think that we all need to be very pleased that the manner in which we have started to develop our County General Plan and our role with it right now is in fact in alignment with some of the best planning principles in the country.

A lot of very important similarities that we saw in Portland and between our General Plan, one of them was clearly commitment to community planning. The whole metro area was based on neighborhood plans and community plans and I know that they took action to take that policy into a community planning ordinance, there were a lot of people skeptical and were still concerned that it was a very difficult activity to undertake, but we learned from them the importance that that has in the development of their overall planning.

Open space, another very difficult issue for us over the last couple of years, became very clear in their use of the urban growth boundary in the preservation of agricultural lands. It was a very high priority within their planning activities. Compact development forms, we've used that a lot and there was a lot of discussion last year in part one about cluster development and how people didn't like it and how it was inappropriate and what we saw in a community with different background, different history but committed to pursuing and looking at the objectives of compact development. In finding the similarities there was of course, the role of transportation, how important it is. They focused on their incredible light rail. We don't have that kind of an opportunity yet.

Everything they talked about, we brought up water and they looked at us and they said, well, we hate to tell you this again, but we don't have a water problem here. It doesn't have anything to do with the densities of our communities and how we go about planning. So we learned to be able to see how water has come in to play for us in a way that it didn't for that community. Also it was very important to notice that all the planning that was going on in Portland was mandated by the state. We don't have that situation either, so we have a planning situation and we have to take care of our house, but we also have our neighbor's house, in the form of the City of Santa Fe and also the City of Española and I think that was very helpful to us to be with city elected officials and staff members to realize that we have to get both our houses in order then we have to cooperate on issues.

And we have a more difficult situation, in my opinion than Portland did because we don't have the state law that mandates that we have to build a duplex instead of having two free-standing houses. So that was also a little bit different. It's funny though, there is the issue of the urban growth boundary and I know we all went there and it was a big buzz word and we were all going to Portland to see how the miracle of the urban growth boundary was going to save everybody. And I have to say that in retrospect, I came away from Portland

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being convinced that we do not need an urban growth boundary.

An urban growth boundary implies that you have a big area and then you want everything inside of it to become urban. And as we've seen various boundaries drawn here that have ranged from Pojoaque to Galisteo, it is my opinion from the work of last year, various communities in working with you all last year, I don't think that we want to see all of that urban. We think that there's probably a different pattern. But we do have an area that should be focused on as urban. So I'll get into that in just a moment a little bit more, but I think what I saw was we definitely have an area that should be an urban service area, where urban services are provided at other types of densities.

And then perhaps we have a regional planning area. But what I learned from listening to them and what an urban growth boundary is to them and what it's used for, that it to create development. It's a very different kind of situation than we have here right now.

Where we are now with Part II and what I'd like to -- I just wanted to bring up some of those points and again to thank you all for being there, because it was a really good learning experience, I believe, for all of us. I've passed out an outline, front and back, of all of the things that we said would go into Part II. [Exhibit 1] I'm not here to make a presentation on Part II today, but there are basically four things that we need to discuss relative to Part II and they are four districts. Sorry this map is a little bit hard to read, but basically, we are proposing the creation of what we're calling a rural district, which is everything in the county with the exception of the Estancia Basin District.

So there would be a rural district, an Estancia Basin District, and we're proposing the creation of one new community district, which we at this moment are referring to as the Community College District, and then a series of highway corridor district overlays. Now the way that we'd like to go through this with you, and I think this is really what we need to talk about this afternoon is, we'd like to have four study sessions with you. That is just the staff, and just the Commissioners. So that before we go out to any kind of public meetings and people come in and just pick on one thing or pick on the level of detail, that we can be very clear with each other, the concepts and the philosophy that we want to propose to the public.

That gives us an opportunity to express what we feel is where we are with Part II of the General Plan right now and to get feedback with you, just amongst ourselves before we go out and become divisive in any way or have things that we are not necessarily in consensus with between staff and the Commissioners. So we'd like to recommend that we have two study sessions in September. The first one would be a study session strictly on the rural district. The second one would be a study session on the new community district. And then we have two study sessions in October, one of which would be devoted to the Estancia Basin District, and then a fourth would be for the highway corridor districts.

We also believe that once we have had a study session on the Estancia Basin District, staff and perhaps the Commissioners as well, need to go to Estancia, to Edgewood and have a community meeting with them to discuss this boundary. So at each of these meetings,

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what we would do then, is go through all the details that we have come up with about these districts, discuss it, change it, and then agree that we would go forth with whatever we determined that we would come up with at that point.

We'd then like to move in November and December to public hearings to adopt Part II of the General Plan. I believe that this is really important at this juncture because as somebody said, I think it was Sunday afternoon at our brunch, one of the City Councilors, that they thought that it wasn't a really good situation that we're both sitting there with our plans on our shelves. Well, I disagree with that, because our plan has not been on the shelf. We have been actually working on our plan and I believe it's really important for us to get it done by the end of the year and I think we're real close. But if we don't do it in a way that we have real good dialogue between you and the staff, I think it has the possibility of becoming dispersed. We end up in a lot of altercation and meetings that get a little bit chaotic.

I think we can move through this a lot better if we're in concert with each other. And then when we get finished, we adopt Part II, we said we'd also do a III and a IV, which really are compilations of Part I and Part II. But I believe it should be our collective effort to close the book on the County General Plan Update, or as I like to call it now, Revision 20/20. Like that? Got to have a little PR element in it. But that's what we'd like to do, and it's up to you.

The only other thing that I'd like to say is that staff would like it if these study sessions would not be part of BCC meetings, because we get stuck in time. We think each one of these should have at least two hours of discussion with you. I know that's a time commitment, but it's really important and if we look back at all the great things that happened in Portland, there was a lot of time commitment made, going all the way back to the early 70's and I don't think we should short-change ourselves at this point, and let's make that commitment to go through this in as much detail as we need to amongst ourselves.

So that's all I have to say. So the proposal here this afternoon is to propose that schedule to you. You can choose the dates and let us know what dates are convenient for you and of course we'll accommodate your schedules.

CHAIRMAN TRUJILLO: Jack, I agree with you. I think it's important to conduct some study sessions, to assimilate some information, to incubate the information so we can represent it to the community in the right way. What I'm thinking about, we were also talking about maybe having some meetings with the City. Because there's an area there. We have to worry about the whole county, but there's an area there that we're involved with on an overlap basis with the City. So I think that it's important that we communicate with them and help them understand what we're proposing for those areas or that area.

MR. KOLKMEYER: Mr. Chairman, I think that's absolutely correct, because parallel with our discussions here, we're probably going to have discussions about regional planning. We already have a joint resolution to change the two-mile in the EZ on our tables and we're going to need to respond to them in some way. I don't think that that dialogue

can't go along actually simultaneously, but another thing that I would like to do is after we have come to agreement on each one of these districts, between the Commission and the staff, I'd like for myself and perhaps one of the Commissioners to take our district plans to the City Council and present each one of them as we go forward.

And I think then, because another thing that I learned being in Portland, and this is said with all due respect, but I don't think there was one City Councilor who was with us who really knew our plan. And I think that's unfortunate and I would think we should also use this as an educational period. After we finish a study session, I'd be more than happy to go to City Council and make a presentation to where we are with that element of our General Plan. And at the same time, one of the things we need to talk about, if you noticed there on the first page, the second major line there is an urban service area. We need to establish an urban service boundary with the City of Santa Fe and it's our opinion and the information we'll present to you when we get to that in the study session is that is the area, everything between, inside the bypass and I-25 and national forest.

We're blessed, like Portland in some regards is that's a very natural area for urban development. We should come to agreement with that and move forward with it. And then we plan the area outside of that and make proposals for the type of development we'd like to see outside of that area. But if you consider that and look at all of the county land that is in just that area it would be -- my opinion would be that it would be hard for them to annex all that over the next ten or fifteen or twenty years and service it. So before we get onto some huge boundaries, those are the kinds of things I think we need to then say we've come to agreement on this. These are our districts. Here's where we think the urban service boundary is and take it right directly to the City Council and have a discussion with them.

CHAIRMAN TRUJILLO: Very good.

COMMISSIONER GONZALES: Jack, I agree with you. I think it was very gratifying to be on the trip and note that during Part I of policies, we moved forward in I think the very positive manner that achieves the same positive objectives that the urban growth boundary did in Portland. We have an open space portion of our plan. We have an area designated for urbanization or new communities. We have an area dealing with transportation and water and all those elements. So it was nice to know that the County at least, if we measure good growth in terms of what Portland has achieved through some of their planning issues, that we're moving in that direction and need to be commended.

I agree with Commissioner Trujillo that we do need to communicate with the City as to what's happening in this area so that as we move forward to regionalization, which I think is a reality and I think is something that the Commissioners, at least that I heard them express, that we do need to have some type of regional plan with the City that it's important that the Commission makes an understanding amongst ourselves really what we want to happen in this urban area so that we can more effectively work with the City in that. So I think the timing is important that we move forward.

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And then there's this whole area outside of the City of Santa Fe urban area that we're dealing with, from working with the people in the City of Española to the Commissioners in Bernalillo and Torrance County down in the southern part. Regionalization for us in Santa Fe County as we define it isn't just about regionalization with the City of Santa Fe, it's about regionalization with the Native American communities in the north, with the City of Española, Rio Arriba County and certainly the counties in the south. And that means that we're all very busy. It's going to be a very busy year and we cannot lose focus as we move forward in regionalizing our efforts with the City of Santa Fe that there is a large community out there that really doesn't impact the City or our negotiations with them, so I think it's important that we send that direction out to those communities that we're going to move forward to developing this General Plan to positively benefit them and the growth in the area.

So I commend you in that area. I guess I've just got a real quick question and that's where the status of the Edgewood incorporation is right now. I know that they're collecting signatures and I don't know if you know what the status is.

MS. BUSTAMANTE: Mr. Chairman, Commissioner Gonzales, we have, in accordance with legal counsel, Ms. O'Connor, we have reviewed the petitions that were given to us as far as the Edgewood incorporation. We have thirty days to do it. We have just sent a memo to Ms. O'Connor informing her that we have some problems with some of the signatures and so we'll send that to her and we're just waiting on legal opinion. I believe she is trying to get a hold of the attorney.

CHAIRMAN TRUJILLO: Thank you, Becky.

COMMISSIONER DURAN: Mr. Chairman, Jack, I was wondering when we decided not to have a new community district in the northern part -- the northern new community district. I know that we've had some discussion about this in the past, but the original General Plan designated two areas for new community districts. One of them being the one indicated on the map, the Community College. I thought there was one just left of the city limits. And I'm wondering -- I have a couple questions. One of them is, when did we make the decision not to have that as part of the General Plan, and not part of our discussion? I guess that's the question I have.

MR. KOLKMEYER: Mr. Chairman, Commissioner Duran, we've never made a decision on the adoption of new community districts. They were only ever in draft form. What the policy was that was adopted was to look at developing the concept of new community districts. We did not adopt one to the west or one to the south. That's why we broke it up that that's what we would do in Part II. We did put a suggestion, actually the originally suggestion was an infill area that went in fact all the way around and then we broke that off into a western portion and a southern portion and now we have an opinion that we will present to you when we get to the new community district presentation that we believe that only one is appropriate at this time.

COMMISSIONER DURAN: The reasons why I was in favor of a southern

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new community district applied to the area that was designated new community district on the old General Plan map, i guess I have some concern that a decision was made without consulting this body.

MR. KOLKMEYER: There was no decision ever made. We never voted on new community districts.

COMMISSIONER DURAN: The presentation made to this body, when we first started talking about the General Plan, was that there was two new community districts. I was in favor of having that northern new community district and I'm just trying to find out how it got deleted from our discussion.

MR. KOLKMEYER: Well, first of all, they're just discussions. So there was nothing ever adopted. I want to emphasize we never adopted any new community districts. They were only proposals. And now -- we can discuss it. I'm not really prepared to discuss it at this point. We are not going to propose two new community -- the staff is not going to propose two new community districts. We're going to propose one. And so if you want to discuss two or three or four, or one in Estancia, we're more than happy to do that with you and that's why we think we need to have that dialogue on new community districts.

Basically, the idea is because if a new community is to up the density, and therefore the growth, outside of the urban area, if we have a huge area where we're saying that the density should be in effect, increased, we now believe that that is in contradiction to good growth management principles. And we believe that there is one area where we have focused our infrastructure where that kind of growth could be accommodated and it's the new community district, the Community College District. And also since that time a group from the westside has come forward, or will come forward if they haven't, and they want to prepare a community plan west of the City of Santa Fe.

If our growth management principles and policies which we have developed have relied on community planning, we believe that's the method that should be followed to determine the future growth of that area. So the staff is coming forth in our presentation to recommend only the Community College District. But nothing was ever voted on or deleted. We never reached an opinion. There was only a staff presentation that had in fact, two varieties of development patterns that could happen.

COMMISSIONER DURAN: We don't have to have a lot of discussion about it tonight, but my understanding, when we first were talking about the General Plan, was that there was two new community districts designated. We don't have to have a lot of discussion about it today. And I'm in favor of having that northern new community district, and my reason for that is that I believe that it stresses some of the infill problems that we're talking about that we discussed over the weekend. To not include that in our discussion about our General Plan, I don't think it's fair to me because I believe in it. I would like for you in the months that we start talking about this, to have some discussion with me about it. I may ultimately agree with you, but I believe that the infill issues that we talked about over the weekend and the growth that that area is experiencing needs to have some new

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community planning done. I'll just leave it at that.

CHAIRMAN TRUJILLO: The door's not closed for that discussion and that can happen whenever, during the forums and even before that.

MR. KOLKMEYER: Mr. Chairman, absolutely. I believe that's the point of having these study sessions with you is to debate that very subject. Because in effect, the very first, before you came here and were elected, there were in fact four new infill areas, not just two. So it narrowed itself from four to two to one in the evolution of this, but again, the point is, that's why we need to have a study session so you can express your points of view and why you think that that is important and we can have the opportunity to express why we've arrived at the point of view that we have. I think that kind of dialogue is exactly the kind of dialogue we need to come to the right decisions.

CHAIRMAN TRUJILLO: And your point is well taken, Commissioner Duran, that these sorts of things need to be addressed and discussed. I have some issues that I want to talk about regarding traffic and all of that. But I'll wait to discuss those during the study sessions.

MR. KOLKMEYER: Absolutely.

CHAIRMAN TRUJILLO: Anything else? Thank you, Jack.

MR. KOLKMEYER: So, Mr. Chairman, would it be fair to assume then that with the County Manager we could work out dates in September and October to have these study sessions? Is that how we should proceed here?

MR. WOLF: Mr. Chairman, Jack, I was just going to ask Rudy if we could coordinate the study session then to address this issue. We'll coordinate with the schedule.

MR. GARCIA: Just keep in mind that if there is a quorum they are public hearings and it's up to the Commission to decide whether they want public testimony or not but it is a public meeting if there's a quorum.

CHAIRMAN TRUJILLO: But we're talking about study sessions, right?

MR. KOLKMEYER: We're talking about study sessions, but legal counsel will have to help me with this one. Does it mean that there has to be public input if we have a study session? Or it just has to be open to the public? Denice, the question is that we have requested a series of four study sessions with the Commissioners to prepare Part II of the General Plan. If we have study sessions, they are therefore legally public meetings. Does there have to be public input at those study sessions, or can they just be open to the public, I guess is the question.

MS. KULSETH: They can just be open to the public. You don't have to allow public input.

CHAIRMAN TRUJILLO: We'll advertise them that way so that the public does not come prepared to get up and talk. They'll know that it's open to the public but that they will not have any input. It will be a public hearing, yes. So when are we going to schedule the meetings for? Two in September?

MR. KOLKMEYER: Two in September and two in October if we could do

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that, that works.

CHAIRMAN TRUJILLO: In the evening?

MR. KOLKMEYER: Again, we're at your service on this. We just want to proceed with it.

CHAIRMAN TRUJILLO: I think in the evening. Four to six, or so, or later. If we want the public to attend maybe when they get out of work. Five to seven.

MR. WOLF: Mr. Chairman, I'll ask Deborah to coordinate with your schedules and then we'll schedule the meetings for September and October as you've requested and get them published and noticed.

MR. KOLKMEYER: Thank you, David.

CHAIRMAN TRUJILLO: Jack, anything else?

MR. KOLKMEYER: That's it. We're ready to go. Thank you.

CHAIRMAN TRUJILLO: Thanks a lot.

IX. D. PUBLIC WORKS DEPARTMENT

1. Request approval for the installation of a three-way stop control at the intersection of County Road 70 (West Alameda) and County Road 70 Connector

LARRY VELASQUEZ (Public Works Director): Mr. Chairman, Commissioners, as you're all aware, the development of the Relief Route is about to be completed and the road is about to be opened. My understanding is that will happen in October. One of the connections that is made to the Relief Route is as we've called it the County Road 70 connection from the Relief Route to West Alameda just west of Hanson's Lumber.

There is a concern, both from the state's part and our part with regard to that intersection and our concern stems from two issues. One is the volume that will be going through that intersection, or the projected volume that will be going through that intersection, and the second is one of sight distance. And what we have done is done an analysis based on the existing volumes on West Alameda and the projected volumes on the connection and we have recommended that that become a multi-way stop, basically, a three-way stop intersection. We are requesting your concurrence on that.

CHAIRMAN TRUJILLO: Larry, I think that that's refreshing and enlightening that that's happening because one of my major points on the site in the community is that's a very unsafe situation. That school buses are crossing it. That aged residents are crossing it. That there's copious traffic going through that intersection and essentially it would be a very unsafe situation if there was not a four way stop traffic lights and that sort of thing to curb some of the traffic. So I support it wholeheartedly. Thank you.

Commissioner Griñé moved to approve the three-way stop control at West Alameda and the County Road 70 connector. Commissioner Duran seconded the motion which passed by unanimous voice vote. [Commissioner Gonzales was not present for this vote.]

IX. D. 4. Request consideration of draft ordinance restricting truck and trailer traffic on certain County roads

MR. VELASQUEZ: Mr. Chairman, Commissioners, you'd requested that we look at bringing forward some ordinances with regard to restricting truck traffic in certain areas. We have gone back and tried to research what other communities have done with regard to addressing the concern on heavy truck traffic. We have concluded -- this is a recommendation -- basically this is to be on a case by case basis. Commissioner Trujillo, you had presented two of them. One was County Road 70 and one was County Road 85.

What we have in the packet here is a draft ordinance of how we think it should be drafted, but there are several issues that should be considered in the ordinance, and again, this is only a draft. It is just brought for discussion and we'll do the analysis for 70 and 85 and bring those forward to you. Some of the things that need to be considered in limiting truck traffic is is the road even capable of handling the truck traffic, and what is the capacity of the road. What is the percentage of trucks with regard to the total volume. If you've got 2% trucks in a road that's very capable, there's probably not a real need to restrict that. That's why we think that it's going to have to be on a case by case analysis.

The other thing I think is a real important issue is that if for example, on West Alameda, there's already a restriction on heavy trucks on Agua Fria and also on West Alameda within the city portion, if we impose that also on the county portion of that, where's the truck commercial going to travel? So these are some of the issues that we'll bring forward to you.

The other issue becomes one of post-ordinance adoption, I guess, and that becomes enforcement. And a prime example of that is Caja del Rio Road. In the agreement that a previous Commission executed in the development of that, there was a restriction for truck traffic and it was based on a weight limit. We had posted signs on there. We have done, basically from our standpoint, everything that we could do, but we still get a lot of concerns, and there is a lot of truck traffic that goes on Caja del Rio and goes through the La Tierra community and basically that road has since fallen apart. We have been in contact with the state Board of Transportation to get their assistance in enforcement, but just so you recognize it. Even when we do all of this, the bigger problem becomes after the fact is how do we make sure that we're not getting the truck traffic on there.

In any case, I don't know if you've had an opportunity to read through the draft ordinance but if there's any comments on that then we'll bring it forward. Again, this is

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probably the ones that should go through a two-public hearing process before it gets adopted and that would be our recommendation for the ones that come forward to you.

Commissioner Duran moved to approve considering a draft ordinance restricting truck traffic and his motion was seconded by Commissioner Grifé. The motion passed unanimously. [Commissioner Gonzales was not present for this motion.]

IX. F. MATTERS FROM THE COUNTY MANAGER

1. **Resolution No. 1998-90. A resolution relating to the proposed Santa Fe County, New Mexico County Improvement District (Rancho Viejo Project) No. 1998-1 accepting preliminary plans, estimates of costs and plat, making an order that the improvements, all within the proposed district, shall be constructed and directing that notice of a preliminary hearing be given**

ROBERT STRUMOR (Bond Counsel): Thank you, Mr. Chairman, members of the Commission. Robert Strumor from Hughes and Strumor, Limited, Co., your bond counsel. The proposed resolution does three things. One, it accepts the plans and specifications for the road improvements and water system improvements for the proposed Rancho Viejo Improvement District. It accepts a detail of the costs of acquiring the improvements and shows a plat of the area to be improved. This is the process that was authorized by the last legislature and contemplates the imposition of an improvement district tax, which is essentially a tax on the developer for the completion of the improvements.

The resolution calls for a hearing to be held on the 13th of October at 5:00 and on the third page we have a technical correction to conform in Section 5 of the resolution the draft resolution shows October 6 at 1:30 and the correct date is October 13 at 5:00 and staff has the disk on this and with the approval of the Commission, we would make the technical correction. The hearing on the 13th of October would be a public hearing where anyone could come in and register a protest on the proposed district and then if the public hearing goes well and protests are not received and the sole property owner essentially waives any protest, we will then be able to consider an ordinance calling for the election and the sale of bonds.

So we're compressing the timetable a little bit and we'll be at some point shortly asking for authorization of notice of intent to adopt those ordinances. But today is the second step in the process, that the detail of the improvements is known, that Mr. Taunton from Rancho Viejo Corporation is here to answer questions and make a short presentation on the construction detail at your request.

BOB TAUNTON: Mr. Chairman, members of the Commission, my name is Bob Taunton. I'm with Rancho Viejo de Santa Fe, Incorporated. I hadn't really planned

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to make a presentation but I would be happy to answer any questions you might have.

CHAIRMAN TRUJILLO: Are there any questions?

Commissioner Griñé moved to approve Resolution No. 1998-90. Commissioner Duran seconded the motion, which passed without opposition. [Commissioner Gonzales was not present for this motion.]

IX. G. MATTERS OF PUBLIC CONCERN - NON-ACTION ITEMS

CHAIRMAN TRUJILLO: Are there any matters of public concern?
Nobody's getting up. Thank you.

IX. H. MATTERS FROM THE COMMISSION

1. **Resolution No. 199-___. A resolution opposing the activation of the El Rancho electrical substation by the Jemez Mountain Electric Co-op, Incorporated**

CHAIRMAN TRUJILLO: This is a resolution that the community of El Rancho asked me to bring forth, and essentially, I'm just going to go down the resolution and read what their position and their concerns are regarding the proposed or the existing substation that presently is not connected or switched on, if you will. This is a resolution opposing the activation of the El Rancho electrical substation by the Jemez Mountain Electric Co-op, Incorporated.

Whereas, the Board of County Commissioners of Santa Fe County is dedicated to preserving and protecting the culture and the traditions of the people of Santa Fe County; and whereas the community of El Rancho is a traditional New Mexican community with a history of over 400 years; and whereas the Jemez Mountain Electric Co-op, Incorporated is proposing to begin utilization of the electrical substation located in the Village of El Rancho; and whereas the use of the electric substation by the Jemez Mountain Electric Co-op would negatively impact the well-being of the El Rancho community because it would produce harmful noise, increase traffic and pollution and emit harmful radiation that would endanger the community, the land and the traditional way of life long held by the people of El Rancho; now therefore be it resolved by the Board of County Commissioners of Santa Fe County that the Commission is in opposition to the use of the El Rancho electrical substation by the Jemez Co-op because of the negative impacts to the community and traditional lifestyle of El Rancho.

That's for the Commission's consideration.

COMMISSIONER DURAN: Mr. Chairman, with all due respect, I think that the financial impact by adopting this resolution by adopting this resolution might be a little more far reaching than we may anticipate. I would like to make a motion to deny or not

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pass the motion, deny the request to pass this resolution.

COMMISSIONER GRIÑÉ: I'll second it for discussion. I did review some of the materials, and the detailed information that I got. This is a pretty big project and to me, I don't think it really has an impact on the community, even though I don't represent that district, but I can understand your concerns, Commissioner Trujillo, for your constituents and maybe from the Native Americans too, but I have to go along with Commissioner Duran's request to turn it down.

CHAIRMAN TRUJILLO: Okay, we have a motion to deny the resolution and we've got a second by Commissioner Griñé. All those in favor? [Commissioner Duran and Commissioner Griñé voted for the motion.] Opposed? The resolution has been denied. [Commissioner Griñé was not present for this vote.]

MS. KULSETH: Just a matter of clarification, Commissioners, because we only have three Commissioners remaining, the chair needs to vote. We know where your vote would be. If there are any other action items we do need the chair to vote and also can make and second motions.

CHAIRMAN TRUJILLO: So I vote in favor of the resolution.

IX. H. MATTERS FROM THE COUNTY ATTORNEY

2. Resolution No. 1998-9 A resolution renaming the Santa Fe County First Judicial Complex Building in memoriam of Judge Steve Herrera

COMMISSIONER DURAN: Mr. Chairman, I asked legal staff to prepare a resolution that would honor Judge Steve Herrera. What I would like to do at today's meeting is actually perhaps table any action on this so that we could invite -- my feeling is that there's some consensus among the Commissioners to name the judicial complex after him, but I would like to have the opportunity to invite his family and the judges for the next Commission meeting and be able to have his friends and his constituents and colleagues around when we do that.

CHAIRMAN TRUJILLO: That's very appropriate. We want to table it to the next meeting?

COMMISSIONER GRIÑÉ: Second.

CHAIRMAN TRUJILLO: We have a motion to table and seconded. All those in favor? [Unanimous] All those opposed. So we'll table Steve Herrera.

COMMISSIONER DURAN: Mr. Chairman, in light of that, could you, David, invite the family and notify the family that this is our plan and we would like for them to join us at the next County Commission meeting. I'll coordinate that with you.

MR. WOLF: I was just going to ask, Mr. Chairman, Commissioner Duran,

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if you wanted to do that at the next administrative meeting or just the next Commission meeting?

CHAIRMAN TRUJILLO: At the next Commission meeting, right?

MR. WOLF: The one in two weeks.

COMMISSIONER DURAN: And we'll do it first on the agenda.

MR. WOLF: Okay. Thank you.

CHAIRMAN TRUJILLO: Matters from the County Attorney. Do we go to executive session now?

MS. KULSETH: Mr. Chairman, I don't believe we have any matters this session, but I do have two brief matters for you. One is the issue came up, I believe last month regarding whether or not we wanted our policy about three misses in a calendar year and your off a County committee, who that applied to. It's already in our rules of order, I found in looking for something else. The rules of order we already conduct our business under makes it apply to everybody. It's paragraph h on page 7 and it says, "The BCC may remove a member of any commission, board, committee, agency or other policy making body appointed by or acting under the authority of the BCC if a member misses three or more meetings within a one-year period. The BCC shall have the discretion to allow a member with more than three absences to retain his or her position if such absences were unavoidable."

So that policy already applies to everybody. I think the only clarification and I will be sending a memo to the other boards and committees besides the three who already got them, which were AFDR, CDRC and EZC that it's three in a calendar year. You don't have to start keeping track if so and so missed in May. Do they have until the next May? We just for simplicity sake go on a calendar year. More than three, their name will be brought before you all, so we do have some names that will be brought before you to decide whether you want to reappoint them, or not and before we bring those names, we will, I know Commissioner Duran wanted to check with people, do they want to be reappointed. It was either Commissioner Duran or Commissioner Gonzales, so we will do that before we bring the names. Maybe some of those folks don't want to be on it. That's why they're missing.

I know we have a number of people who've missed from the Road Advisory Task Force and some other committees and so we'll bring those lists before you.

COMMISSIONER DURAN: Mr. Chairman, Denise. So it would be automatic then? It's just a matter of routine?

MS. KULSETH: Right. Because staff didn't want to be in the position, and I don't think the Commission wanted staff in this position of making a decision on who had a good excuse for being absent or not.

COMMISSIONER DURAN: So no matter what the excuse is it comes up and

--

MS. KULSETH: Right. So three absences, on absence four their name will

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be brought forward.

COMMISSIONER DURAN: And then the person who has missed those three meetings would be notified and they could in writing explain why they missed?

MS. KULSETH: Yes, and their interest in remaining or not. The other matter is we have a law that was passed in the last legislative session that I think a lot of folks don't know about. It goes into effect on September 1 and the statutory cite is 39-3-1.1. It's a new section that requires -- it's in the statutory sections on appeals. It requires for the first time definitively, absolutely that County Commissions, when you make decisions on zoning matters, subdivision matters and also for the EZA, your decisions on zoning matters, you have to have a written decision setting forth the facts and legal basis for your decision.

I'm not exactly sure how that's going to work. It seems to me that we won't know your decision until the night you make it, so then the night you make it, it will be incumbent on me, I suppose, to go ahead and draft that order for you. It has to be filed with the County Clerk and it has to be served on the applicant and on any party who's made a written request for your decision. So it really is a drastic change for the way we do business in the sense that it's much more formal than it has ever been.

The statute applies to about, I don't know, there's two pages of annotations of all the other sections of the statutes that got amended to say this appeal procedure applies to you and I looked at those sections and it applies to Planning Commissions, Zoning Commissions, EZAs, County Commissions on subdivisions, those are the most relevant ones for us right now. It also applies to other areas like the improvement districts we do, appeals of those decisions. Appeals of our procurement code, denials of protest. It applies to, I would guess, fifty or more different decision making bodies. But those are the ones that I'd like to highlight for you, so in September, it's somewhat of a new ball game.

I will try to do a memo for you before the next meeting and put it in your boxes giving you a little more detail on this but we're really going to be required to know our Code, know the legal reasoning why we're denying something or approving it, or articulate into the record our factual basis. Minutes will no longer be enough, and that's what we've relied on in the past is our minutes to show our basis for what we did or didn't do and that won't work anymore. So it's going to be a little bit harder, I think. A little more work for all of us, but I just wanted to give you a heads-up that's coming.

COMMISSIONER DURAN: So "just because" doesn't work anymore?

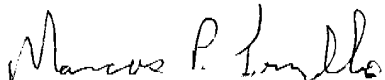
MS. KULSETH: It doesn't work anymore. Well, it does until September.

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ADJOURNMENT

Chairman Trujillo declared this meeting adjourned at approximately 4:50 p.m.

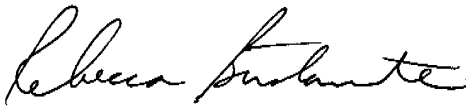
Approved by:

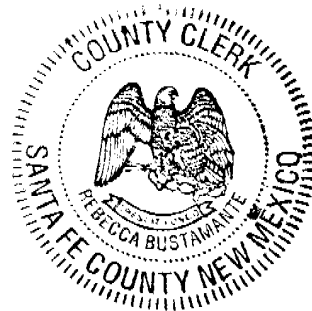
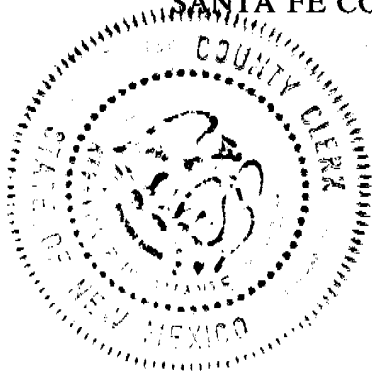

Board of County Commissioners
Marcos Trujillo, Chairman

Respectfully submitted:


Karen Farrell, Commission Reporter

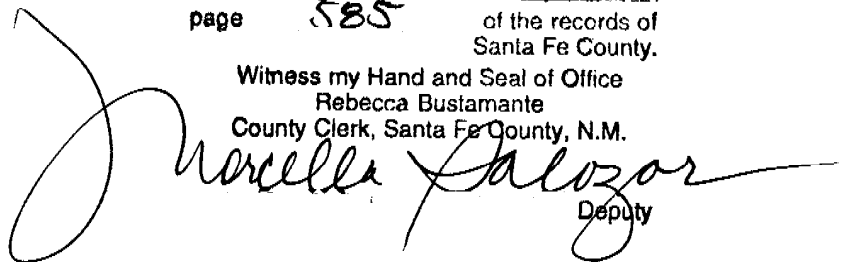
ATTEST TO:


REBECCA BUSTAMANTE
SANTA FE COUNTY CLERK



1043.077
COUNTY OF SANTA FE)SS
STATE OF NEW MEXICO)
I hereby certify that this instrument was filed
for record on the 30 day of SEPT A.D.
19 98, at 8:07 o'clock a m
and was duly recorded in book 1546,
page 585 of the records of
Santa Fe County.

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


Deputy

Outline for Part II

Draft - August 20, 1998



Introduction to Part II

Parts of the General Plan and Organization

The Setting

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Growth Management

Urban Service Area Boundaries (define: for density or services???)

Recommendations for City of Santa Fe

Recommendation for City of Española

The Planning Districts

Overview of Districts and Map
Big districts vs. overlays

The Rural District

Overview (Setting)
Trends and Projected Growth
Preferred Land Uses
Water Availability
Utilities and Public Services
Transportation
Design and Community Character
Development Menu

The Estancia Basin District
(Same outline as Rural District)

The New Community Districts

Rationale
Trends and Population Projections
Designated New Community District
 The Community College District Development Plan
 Land Use, Water Availability, Utilities and Public Services,
 Transportation, Design and Community Character
Future New Community Districts

Highway Corridor Districts

Rationale

Designated Highway Corridor District: I-25 and Relief Route
Planning Committee

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Future Highway Corridor Districts
Hwy. 285, Hwy. 14, I-40

Traditional Communities

Background

Traditional Community Zoning Districts

Commercial Uses in the Traditional Communities

Zoning in the Traditional Communities

Traditional Communities - A Brief Look

Matrix - Planning, Infrastructure, Systems

Contemporary Communities

Element Plans

The Open Land and Trails Plan

The Water Resource Management Plan

Housing Plan

Economic Development Plan

Capital Improvements Plan

Transportation Plan

Utilities Corridor Plan