

SANTA FE
BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING

August 30, 2005

Michael Anaya, Chairman
Harry Montoya, Vice Chair
Paul Campos
Jack Sullivan
Virginia Vigil



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC MINUTES
PAGES: 156

I Hereby Certify That This Instrument Was Filed for
Record On The 19TH Day Of October, A.D., 2005 at 11:30
And Was Duly Recorded as Instrument # 1403602
Of The Records Of Santa Fe County

Deputy Valerie Espinoza Witness My Hand And Seal Of Office
County Clerk, Santa Fe, NM
Valerie Espinoza

SANTA FE BOARD OF COUNTY COMMISSIONERS

COMMISSION CHAMBERS

COUNTY ADMINISTRATION BUILDING

**REGULAR MEETING
(Administrative Items)
August 30, 2005 - 10:00 a.m.**

Please turn off cellular telephones during the meeting.

Agenda

- I. Call to Order**
- II. Roll Call**
- III. Pledge of Allegiance**
- IV. State Pledge**
- V. Invocation**
- VI. Approval of Agenda**
 - A. Amendments**
 - B. Tabled or Withdrawn Items**
 - C. Consent Calendar: Withdrawals**
- VII. Approval of Minutes**
 - A. July 26, 2005**
- VIII. Matters of Public Concern – Non-Action Items**
- IX. Matters from the Commission**
 - A. Resolution 2005- A Resolution Directing and Authorizing Santa Fe County to Participate in the NACO Prescription Drug Discount Card Program (Commissioner Montoya)**
 - B. Geohydrological Report Update (Commissioner Montoya)**
 - C. Discussion on a Possible County Ordinance Restricting Heavy Truck Traffic on Agua Fria Road (Commissioner Vigil)**
 - D. Discussion on New Mexico First State Wide Town Hall Forums Joint City County Resolution (Commissioner Vigil)**
 - E. Resolution 2005 – A Resolution Setting Priorities for Water Allocation of the 375 Acre Feet of Temporary Wholesale Water Delivery Identified in Part 2 of the Water Resources Agreement Between the City of Santa Fe and Santa Fe County Dated January 11, 2005 (Commissioner Sullivan)**
- X. Presentations**
 - A. Memorial for Commissioner John “Bouncer” Sena (Commissioner Campos)**
 - B. Presentation on Economic Opportunities Through the Wildlife Program by Larry Bell, U.S. Fish and Wildlife Service (Land Use)**
- XI. Committee Appointments/Reappointments and Resignations**
 - A. Appointment of Mr. Rick Galligan, Replacement for Mr. Alfred Matter, to the Lodgers’ Tax Advisory Board**

- B. **Appointments and Reappointments to the Maternal Child Health Council**
- C. **Appointments to the Tesuque Development Review Committee**
- D. **Resignation and Appointment to the Agua Fria Development Review Committee**
- E. **Appointment to the Community College District Review Committee**

XII. Consent Calendar

A. Budget Adjustments

1. **Resolution 2005 – A Resolution Requesting an Increase to the Jail Enterprise Fund (518) / Adolescent Residence Center to Budget Additional Care of Prisoners Revenue for Expenditure in Fiscal Year 2006 / \$13,410 (Corrections Department)**
2. **Resolution 2005 – A Resolution Requesting an Increase to the GOB Series 1997 Proceeds Fund (350) to Budget Prior Fiscal Year 2005 Cash Balance for Expenditure in Fiscal Year 2006 / \$4,235.67 (Finance Department)**
3. **Resolution 2005- A Resolution Requesting an Increase to the Emergency Medical Services Fund (206) / All EMS Districts to Realign the Fiscal Year 2006 Budget with the Final State Distribution Allocation Award for Expenditure in Fiscal Year 2006 / \$39,046 (Fire Department)**
4. **Resolution 2005 – A Resolution Requesting an Increase to the General Fund (101) / Hazmat Grant to Budget Prior Fiscal Year Grant Balances for Expenditure in Fiscal Year 2006 / \$22,186 (Fire Department)**
5. **Resolution 2005 – A Resolution Requesting an Increase to the Fire Impact Fees Fund (216) / Hondo Fire District to Budget Prior Fiscal Year 2005 Cash Balance for Expenditure in Fiscal Year 2006 / \$52,912 (Fire Department)**
6. **Resolution 2005 – A Resolution Requesting an Increase to the Fire Protection Fund (209) / La Puebla Fire District to Budget a Federal Grant Received from FEMA for Expenditure in Fiscal Year 2006 /\$18,153 (Fire Department)**
7. **Resolution 2005 – A Resolution Requesting an Operating Transfer from the DWI Program to the County Sheriff’s Budget within the General Fund (101) for Law Enforcement Efforts with DWI Projects in Fiscal Year 2005 / \$7,940 (Health & Human Services Department)**
8. **Resolution 2005 – A Resolution Requesting a Budget Decrease to the General Fund (101)/ Maternal Care Infant Health Program Realigning the Fiscal Year 2006 Budget with the Final Approved Grant Award for Expenditure in Fiscal Year 2006 / \$32,646 (Health & Human Services Department)**
9. **Resolution 2005 – A Resolution Requesting a Budget Increase to the Alcohol Programs Fund (241) / Community DWI and Ignition Interlock Programs to Align the Fiscal Year 2006 Budgets with the Final Approved Grant Awards / \$1,443 (Health & Human Services Department)**
10. **Resolution 2005 – A Resolution Requesting an Increase to the General Fund (101) / Home For Good – El Norte Program for a**

Grant Awarded Through the New Mexico Department of Health for Expenditure in Fiscal Year 2006 / \$61,305 (Health & Human Services)

- 11. Resolution 2005 – A Resolution Requesting an Increase to the General Fund (101) / Intergovernmental Summit Division to Budget Miscellaneous Revenue Received for Expenditure in Fiscal Year 2006 /\$4,000 (Manager’s Office)**
- 12. Resolution 2005 – A Resolution Requesting a Budget Decrease to the US Environmental Protection Fund (260) to Reverse Resolution 2005-39 for Fiscal Year 2005 /-\$1,397 (Project & Facilities Management Department)**
- 13. Resolution 2005 – A Resolution Requesting an Increase to the Wildlife/Mountains/Trails Fund (233) for a Federal Grant Awarded through the U.S. Department of Transportation for Expenditure in Fiscal Year 2006 / \$300,000 (Project & Facilities Management Department)**
- 14. Resolution 2005 – A Resolution Requesting an Increase to the US Environmental Protection Fund (260) and the State Special Appropriations’ Fund (318) to Budget Prior Fiscal Year 2005 Grant Balances for Expenditure in Fiscal Year 2006 / \$3,438,199.03 (Project & Facilities Management Department)**
- 15. Resolution 2005 – A Resolution Requesting an Increase to the Capital Outlay GRT Fund (213), the Wildlife/Mountains/Trails Fund (233) to Budget Prior Fiscal Year 2005 Cash Balances for Expenditure in Fiscal Year 2006 / \$1,310,492.35 (Project & Facilities Management Department)**
- 16. Resolution 2005 – A Resolution Requesting an Increase to the Capital Outlay GRT Fund (213) to Budget Prior Fiscal Year 2005 Cash Balance and an Operating Transfer to the State Special Appropriations Fund (318) for Expenditure in Fiscal Year 2006 / \$13,826,258 (County Manager, Public Works, Project & Facilities Management and Utilities)**
- 17. Resolution 2005 – A Resolution Requesting a Budget Decrease to the General Fund (101) / Region III Grant Program to Realign the Fiscal Year 2006 Budget with the Approved Interim Grant Extension from New Mexico Department of Public Safety / - \$197,892 (Sheriff’s Office)**
- 18. Resolution 2005 – A Resolution Requesting an Increase to the General Fund (101) / Region III Program Income to Budget Court Settlement Restitution Revenue Received for Expenditure in Fiscal Year 2006 /\$290 (Sheriff’s Office)**
- 19. Resolution 2005- A Resolution Requesting an Increase to the General Fund (101)/HIDTA Grant Program to Budget Prior Fiscal Year 2005 Grant Program to Budget Prior Fiscal Year 2005 Grant Balances for Expenditure in Fiscal Year 2006 / \$1,607.83 (Sheriff’s Office)**
- 20. Resolution 2005 – A Resolution Requesting an Increase to the General Fund (101) / County Sheriff’s Budget for a Federal Grant**

Awarded Through Eastern Kentucky University for Expenditure in Fiscal Year 2006/ \$40,000 (Sheriff's Office)

- 21. Resolutions 2005 – A Resolution Requesting an Increase to the General Fund (101) / County Sheriff's Budget for Warrant Enforcement Revenue Received for Expenditure in Fiscal Year 2006 /\$3,121.97 (Sheriff's Office)**
- 22. Resolution 2005- A Resolution-Increasing the Utility Budget in the Amount or \$155,000 for NMED Grants. The Grants Numbers, Names and Amounts are as Follows: 04-1556-STB Agua Fria / Rumbo Al Sur Rd Sewer Line \$50,000 /05-0140-STB Sewer Line Extension (Paseo de Tercero & Via Don Toribio) \$50,000 / 051158-GF Sewer Line Extension (Agua Fria Rd & Rufina St.) \$20,000 / 05-1199-GF Sewer Line Extension (Paseo de Tercero & Via Don Toribio) \$35,000 (Water Resource Department & Finance)**
- 23. Resolution 2005 – A Resolution Requesting an Increase to the General Fund (101) / Project and Facilities Management Department (Property Control Division) to Budget Unbudgeted Cash Balance Reserves for Capital Expenditure in Fiscal Year 2006 / \$1,200,000 (Project & Facilities Management Department)**
- 24. Resolution 2005 – A Resolution Requesting an Increase to the Water Enterprise Fund (505) to Budget Additional Revenue from an Approved Utility Rate Increase to Create 3 FTEs for Fiscal Year 2006 / \$127,422**

B. Professional Service Agreements

- 1. Request Authorization to Accept and Award a Construction Agreement to the Lowest Responsive Bidder in Response to IFB #25-18 for Renovation of the Eastern Regional Fire Station, Hondo Fire District / \$1,429,500 (Fire Department)**
- 2. Request Authorization to Accept and Award a Construction Agreement to the Lowest Responsive Bidder in Response to IFB #25-62 RB1 for Sidewalk Repair at the Santa Fe County Judge Steve Herrera Judicial Complex / \$23,500 (Project & Facilities Management Department)**
- 3. Request Authorization to Amend Contract #24-0150-CHDD with Community and Family Services, Inc. to Add \$40,000.00 for Evaluation Services for the Home for Good Program (Health & Human Services Department)**
- 4. Request Authorization to Accept and Award a Professional Services Agreement to the Highest Rated Offeror in Response to RFP #26-0901-CL/MV for Recording/Stenography Services for the Santa Fe County Clerk's Office and the Santa Fe County Land Use Department / \$41,250**
- 5. Request Authorization to Accept and Award Professional Services Agreement #26-1401-WR.KD to the Highest Rated Offeror in Response to FRP #26-004-UT for the Feasibility Study of Wastewater Alternatives in the Las Golondrinas Area / \$34,687**
- 6. Request Authorization to Accept and Award a Price Agreement to C& C Distributors for IFB #25-66, for Indefinite Quantity Janitorial**

Supplies for the Building Services Section (Project & Facilities Management Department)

C. Grant Agreements

- 1. Request Approval and Execution of 5 NMED Grant Agreements. The Grant Numbers, Names, and Amounts are as Follows: 04-1556-STB Agua Fria/Rumbo Al Sur Road Sewer Line \$50,000 / 05-0140-STB Sewer Line Extension (Paseo de Tercero & Via Don Toribio) \$50,000 / 5-1154-GF Regional Water & Wastewater System \$1,070,000 (Pojoaque Valley) / 05-1158-GF Sewer Line Extension (Agua Fria Road & Rufina St.) \$20,000 / 05-1199-GF Sewer Line Extension (Paseo de Tercero & Via Don Toribio) \$35,000 (Water Resource Department & PFMD)**
- 2. Resolution 2005 – A Resolution Designating Grantee Signature Authority and Project Representative for the NMED Grants. The Grant Numbers, Names and Amounts are as Follows: 04-1556-STB Agua Fria/ Rumbo Al Sur Road Sewer Line \$50,000 / 05-0140-STB Sewer Line Extension (Paseo de Tercero & Via Toribio) \$50,000 / 5-1154-GF Regional Water & Wastewater System- \$1,070,000 (Pojoaque Valley) / 05-1158-GF Sewer Line Extension (Agua Fria Rd & Rufina St.) \$20,000 / 05-1199-GF Sewer Line Extension (Paseo de Tercero & Via Don Toribio) \$35,000 (Water Resource Department & PFMD)**

D. Misc.

- 1. Resolution 2005 – A Resolution Requesting Approval to Surplus Fire Department Rescue Equipment to be Donated to Other Fire Departments within New Mexico (Fire Department)**
- 2. Resolution 2005 – A Resolution Requesting Approval to Surplus Obsolete Fire Department Equipment and Vehicles (Fire Department)**
- 3. Request Authorization to Enter into a Memorandum of Understanding Between the City of Santa Fe, Santa Fe County, Santa Fe Community College, Santa Fe Business Incubator and Local Energy to Plan the Development of a Center for Community Sustainability at the Santa Fe Community College (Land Use Department)**
- 4. Resolution 2005 – A Resolution Authorizing and Supporting an Infrastructure Capital Improvements Plan for Santa Fe County (Project & Facilities Management Department)**

XIII. Staff and Elected Officials' Items

A. Corrections Department

- 1. Resolution 2005 – A Resolution Requesting an Increase to the Jail Enterprise Fund (518 / Youth Development Program to Budget Additional Care of Prisoner Revenue to Create 5 FTEs in Fiscal Year 2006 (\$239,426)**

B. Finance Department

- 1. Request Authorization to Accept and Award Professional Services Agreement #26-0302-FI/RH, Based Upon an Existing State Price**

Agreement with the New Mexico State Transportation Department, to Ernst and Young, LLP, for Arbitrage Calculation Analysis Services

2. Resolution 2005- A Resolution Approving Non Budgeted Reserve Requirements for Operating Budget of Fiscal Year 2006

C. Land Use Department

1. Request for Approval of an Intergovernmental Agreement Between the City of Santa Fe and the County of Santa Fe Establishing an Urban Growth Area within the Extraterritorial Zoning District on 8.035 Acres. The Property is Located Along Calle P'o Ae Pi South of Rufina Street, within Section 6, Township 16 North, Range 9 East

D. Public Works Department

1. Resolution 2005 – A Resolution Requesting an Increase to the General Fund (101) / Solid Waste Program to Budget Additional Landfill Fee Revenue to Create 2 Transfer Station Caretaker FTEs in Fiscal Year 2006

2. Update on Requests for Traffic Calming Petitions Received From July 2004 to July 2005

E. Matters from the County Manager

1. Update on Affordable Housing Task Force

2. Update on Various Issues

F. Matters from the County Attorney

1. Executive Session

a. Discussion of Pending or Threatened Litigation

b. Limited Personnel Issues

c. Discussion of the Purchase, Acquisition or Disposal of Real Property or Water Rights

XIV. Public Hearings (6pm)

A. Informational Presentation on the Judicial Complex

XV. ADJOURNMENT

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

SANTA FE COUNTY
REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

August 30, 2005

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 10:10 a.m. by Chairman Mike Anaya, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

Following the Pledge of Allegiance, roll was called by County Clerk Valerie Espinoza and indicated the presence of a quorum as follows:

Members Present:

Commissioner Mike Anaya, Chairman
Commissioner Harry Montoya, Vice Chairman
Commissioner Paul Campos
Commissioner Jack Sullivan
Commissioner Virginia Vigil

Members Absent:

[None]

V. INVOCATION

An invocation was given by County Hydrologist Dr. Stephen Wust.

VI. APPROVAL OF THE AGENDA

- A. Amendments**
- B. Tabled or withdrawn items**
- C. Consent Calendar: Withdrawals**

COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: I had a question regarding the professional services agreements. Are those part of the Consent Calendar?

ROMAN ABEYTA (Deputy County Manager): Mr. Chairman, Commissioner Montoya, yes. [audio difficulties] Under XI. E we had to correct the title to read Appointment

to the Community College Development Review Committee. Then under XII. A. 11, we had to correct the fund title to add the word project. That's a minor amendment. And then under XII. A. 1, we changed create 5 FTEs in fiscal year 2006 to create 7 FTEs in fiscal year 2006.

Item under XIII. B. 1 has been tabled. Item under XIII. D. 2 we added update and request for direction regarding traffic calming petitions. And the last amendment is under XIII. E. 1, we added discussion and possible direction to publish title and general summary of an Affordable Housing Ordinance for Santa Fe County. There are no other changes.

CHAIRMAN ANAYA: Thank you, Roman. Are there any other changes that the Commission would like? I would like to move up Presentations under X. A. and move that right after Matters of Public Concern. Any other changes?

COMMISSIONER MONTOYA: Mr. Chairman, I have on the Consent Calendar, item XII. A. 10, item XII. A. 16, and XII. B. 3, and XII. D. 3.

CHAIRMAN ANAYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chairman, I had XII. A. 1. I believe Commissioner Montoya already brought up 13 and 16, is that right?

COMMISSIONER MONTOYA: Not 13.

COMMISSIONER SULLIVAN: Not 13? Then XII. A. 13. XII. C. 2, and B. 5. And XII. C. 1 and 2.

CHAIRMAN ANAYA: Any other changes?

COMMISSIONER VIGIL: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Vigil.

COMMISSIONER VIGIL: I just have a couple of questions on item XII. A. 11 and XII. A. 5.

COMMISSIONER MONTOYA: Mr. Chairman, move for approval as amended,

COMMISSIONER CAMPOS: Second.

CHAIRMAN ANAYA: There's a motion and a second. Any more discussion?

The motion to approve the agenda as amended passed by unanimous [5-0] voice vote.

VII. APPROVAL OF MINUTES

A. July 26, 2005

COMMISSIONER MONTOYA: Mr. Chairman, I move for approval. I have some minor corrections, typographical.

CHAIRMAN ANAYA: There's been a motion by Commissioner Montoya.

COMMISSIONER CAMPOS: Second. Can I make a small comment. When we do have typographical - is there a question here of whether we should put this in writing or document it somehow or how is this working out? I'm not sure. We just take

your change and provide them to Ms. Farrell?

COMMISSIONER MONTOYA: Yes.

COMMISSIONER CAMPOS: Does that work out, Ms. Farrell? No problem? Okay.

The motion to approve the minutes as corrected passed by unanimous [5-0] voice vote.

CHAIRMAN ANAYA: Before we go on any further I'd like to maybe ask the Commission, we do have a long agenda, a long meeting ahead of us. If the Commission could keep your comments brief and to the point we'll be able to move this meeting along very smoothly.

VIII. MATTERS OF PUBLIC CONCERN - NON-ACTION ITEMS

CHAIRMAN ANAYA: Valerie Espinoza, an update on the mock election.

VALERIE ESPINOZA (County Clerk): Thank you, Mr. Chairman. I'm happy to report that our office has reached a milestone for the County. Since taking office January 1st, my Bureau of Elections Director, Denise Lamb and her staff worked very hard and have accomplished our goal of tying into the new state voter registration and election management system. That's the ES&S and we have also successfully completed a mock election under the direction of Denise Lamb.

Santa Fe was one of four counties that was not tied into and as of today, all 33 counties have done so. And I'm pleased to report to you that last week, on August 22 and 23, the Bureau of Elections participated in this statewide mock election to test the new system and try to work out bugs if there were any and in the end we had a successful mock election. And in brief, what we did was we didn't create ballots or count or cast votes. All the administrative procedures that occur in the months prior to an election were compressed into 48 hours. In order to test the limits of the system, all 33 counties were instructed to carry out the same administrative operations at the same time.

Among the administrative functions that were tested were issuance of absentee ballot applications and we registered voters. We registered Bart Simpson and Tom Cruise. I'm sure you read that in the paper. And Wilma Flintstone from Bedrock, New Mexico. But we also entered the absentee ballot applications and logging and returned absentee ballot applications, and sending of absentee ballots, logging returned absentee ballots and creating absentee ballots. So the Bureau of Elections staff also processed election workers on the system and entered mock certificates of voter registration, updated voter histories and created and submitted public service requests. And we just felt we should update the Commission on the status of this mock election and if any of you have questions I can answer or Denise Lamb is here to answer the success of the election. Thank you.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN ANAYA: Thank you. Commissioner Campos.

COMMISSIONER CAMPOS: Question for our County Clerk. Other than Mickey Mouse and those things, did you have anything like Pat Robertson or anything ordinary?

MS. ESPINOZA: No, but Tom Cruise won the election. I hate to inform you.

CHAIRMAN ANAYA: Thank you, Valerie.

MS. ESPINOZA: Thank you.

CHAIRMAN ANAYA: Thanks to your staff. Everything's going very well. I don't hear too many bad things in your office down there.

COMMISSIONER CAMPOS: I hear no bad things, actually.

CHAIRMAN ANAYA: Thank you. Before we move on I'd like to recognize two past County Commissioners that are in the audience, Commissioner Paul Duran. Thank you for being here. And Commissioner Art Trujillo. Thank you for being here, Art.

Okay, any Matters of Public Concern? Anybody want to address the Commission?

X. PRESENTATIONS

A. Memorial for Commissioner John "Bouncer" Sena (Commissioner Campos)

COMMISSIONER CAMPOS: Thank you, Mr. Chairman. It's a great honor to read this proclamation for the Sena family. I'd like you to come forward and maybe sit up front. We're going to have a few pictures and Art Trujillo, why don't you come up? You're going to be talking too. We'd like you to come up if you can. We have some photos to show you and we'll be doing that shortly. But sit down. And after we read the proclamation I'd like all of you to come up and just introduce yourselves and if you have anything to say, please say it. This is a sunset proclamation which reads:

Whereas, John "Bouncer" Sena was a coach, educator, politician, family man, high school football star and a lifelong Santa Fean; and

Whereas, John "Bouncer" Sena was born in Santa Fe in 1927, the youngest of eight children of Abran and Elena Sena, and was raised on Agua Fria Street; and

Whereas, he was educated at the Guadalupe School, Santa Fe High School, the University of New Mexico and graduated from the College of Santa Fe with a business degree in 1951; and

Whereas, John "Bouncer" Sena married Bernadette Ortiz in 1958 and became parents to Dolores, Melinda, Frank and Rebecca; and

Whereas, of the 33 years working at the high school, John "Bouncer" Sena served as the vice principal for 25 years. At Santa Fe High he coached sophomore basketball, was the master of ceremonies of the band performances and created the career day program, a program for which the Santa Fe Community Foundation rewarded him; and

Whereas, John "Bouncer" Sena served for two terms as County Commissioner in the mid-seventies and was named chairman in 1978. During his tenure as Commissioner, the Steven Herrera Judicial Complex was built. He was involved in the creation of the Santa Fe Water Board. After he retired from the high school he was declared to be a living treasure in this community and this state. It is of significant importance to recognize great leaders. In doing so we must honor the life and accomplishments of John "Bouncer" Sena. We are fortunate and grateful for his service and dedicated representation to Santa Fe County. John "Bouncer" Sena served his government, students and constituents unselfishly and with integrity. We mourn the loss of a great leader and a great man, and we honor his life.

Now, therefore we the Board of County Commissioners proclaim today, the 30th of August as John "Bouncer" Sena Day throughout the county.

I thank you very much for being here and if you'd like to say a few words for the family, please come forward.

FRANK SENA: Thank you, Commissioners, especially Commissioner Campos. Jennifer Jaramillo, thank you for all your work in putting this together. In all our dad's years, all the contributions he put forward throughout the city, the county, his stay on the County was one of his favorite times. He really enjoyed the work he put in and he worked hard. He was a hard-working guy. You guys have all got a lot of hard work to fill his shoes, that's for sure, as well as Art Trujillo. But we'd just like to thank everybody on behalf of the family for recognizing our father in this way and thank you very much.

COMMISSIONER CAMPOS: Thank you. Commissioner Trujillo, do you have any words to add?

ART TRUJILLO: I probably have a few things to say because I knew him pretty well. My name is Art Trujillo and Mr. Chairman, members of the Commission, I would like to thank you for honoring Bouncer because I think that when you serve as a public official people don't really appreciate you. They say in life that when you make a decision you please 50 and you alienate 50 so you know where you are most of the time.

Bouncer and I were together - I got elected in 1974 and I believe Bouncer followed me, got elected about 1976 and started his term in 1977. Bouncer was a very - I would say Bouncer had a demeanor about him that's important to acknowledge. He was very abrupt, and when you asked him for help he was always a team player. But he never wavered. He'd always - when he was going to make a tough decision he held his head and face like this and said, you know, let's go forward. And Bouncer and I can relate back to history. I loved the man because again, he was a team player. He was present with us when we adopted the first Development Code. The Code that you're operating under came in under our administration. We also adopted the first personnel ordinance in this County. Everybody yelled at us because nobody understood what we were trying to do.

At that time in our tenure, 1978, we had a hard time. We had probably four or five police cars and three of them started and two of them didn't. Now you're blessed with probably a bigger budget. I think our budget was in the neighborhood of \$9 million. What's your budget today? \$30 million?

COMMISSIONER CAMPOS: Our total budget is, what, Gerald? A hundred and some?

COMMISSIONER MONTOYA: \$130 million.

GERALD GONZALEZ (County Manager): General fund budget is about \$40 million and overall is about \$100 million.

MR. TRUJILLO: Well, you see, we had \$14 million I think at the tops when we were Commissioners, okay? So you can understand that we could just barely buy cars and operate. And the other thing that you need to know about Bouncer and his administration, you know that courthouse, Harvey Junior High, that took place under his tenure. And things like that. The Personnel Ordinance. One of the things that I remissed on is I didn't offer my condolences to the family and I missed your funeral, Bernadette, but I appreciated it. This little guy, the youngster, he used to work for me, by the way, when I owned the architectural firm, Frank and he's now on his own and he's an electrician. And he said to me this morning, you know, I learned a lot when I worked for you.

And again, politics is a unique thing for all of us. I started here and Bouncer did too. I was asked to move on by the voters of this city because I got elected mayor in the middle the term between '76 and '78, so I moved on. And the reason I had to go is because at that time I wanted my successor to be appointed to this Commission and the governor wouldn't appoint him so I stayed her. And then the City decided they wanted to give the jail back to the County, so I couldn't wear both hats. So I at that time resigned and went forward to be the mayor.

So again I thank you and I wish the family well and we had some good times and we can just remember that. Thank you very much.

COMMISSIONER CAMPOS: Thank you, Mr. Trujillo. I think we have some photographs to show.

[A photographic montage followed.]

CHAIRMAN ANAYA: Commissioner Vigil.

COMMISSIONER VIGIL: Thank you, Mr. Chairman. While it's been made reference to Bouncer Sena I really need to underscore the dedicated service he provided as a teacher and curriculum provider at Santa Fe High School. He was there when I went to Santa Fe High and when I graduated and I was incredibly impressed with regard to how much his family must have supported him in order for him to provide the extracurricular hours that he did at Santa Fe High. I graduated and throughout my years at Santa Fe High I was a high school cheerleader and the amount of support that he provided, even though he wasn't a sponsor, but he was always available to sponsor whatever extracurricular activities were available to Santa Fe High. And that went above and beyond his salary. He must have had an incredibly, and as I see you, understanding and loving relationship with all of you. Thank you for the support that you provided him throughout his years.

CHAIRMAN ANAYA: Thank you, Commissioner Vigil. And I'd like to also thank Commissioner Campos for bringing this forward. It's always very important to recognize distinguished people in the state of New Mexico and in the country, which he was. I knew Bouncer a little bit. I was a good kid. I wasn't always in the principal's office. But it was

always good to see him. I graduated in '82 and he was a fine man, very fine man. And I again thank you all for being here. This is a very special day.

COMMISSIONER MONTOYA: Mr. Chairman, I'd just like to offer my condolences to the family. I knew who he was. I heard his name a lot. Never got the opportunity or the privilege to have met him but my condolences to you.

CHAIRMAN ANAYA: Thank you again. Commissioner Sullivan.

COMMISSIONER SULLIVAN: I'd like to reiterate that as well too to the family. I met Bouncer many times through the sports programs and I was active in coaching and announcing the soccer and his activity in football of course was well known. But I think before we leave the issue, Mr. Chairman, that probably one of the family needs to get back up and explain to the public where the name came from.

MR. SENA: Well, you'd have to get my dad back to tell you that story. There's a thousand -

COMMISSIONER SULLIVAN: I wish I could do that.

MR. SENA: There's a thousand of them but he has an original one. He claims it was from playing marbles. But his brothers say that was because of his size and they boxed a lot and he was the biggest one and whenever they had somebody they couldn't handle they put him in the mix and he'd bounce them. It stuck really well all throughout high school because it really fit him perfectly. That's pretty much -

CHAIRMAN ANAYA: I like the second one better.

MR. SENA: That's why we stick with that one. Thank you very much.

COMMISSIONER CAMPOS: I'd like to thank you for being here. I know he was a great man, did a lot for the community. Very proud of his culture and his language and he always thought that was important so I want to thank you for coming, for being his children, widow. Thank you very much.

IX. MATTERS FROM THE COMMISSION

A. Resolution 2005-112. A Resolution Directing and Authorizing Santa Fe County to Participate in the NACo Prescription Drug Discount Card Program (Commissioner Montoya)

COMMISSIONER MONTOYA: Thank you, Mr. Chairman. This is coming before us. I think we've ironed out the quirks and questions that we had prior to today so that this is at least in a form that we can hopefully move forward on this. This program, Mr. Chairman, Commissioners, is being offered through the National Association of Counties and is intended to provide coverage for people in Santa Fe County, Santa Fe County residents who have no insurance for or need some financial help in obtaining prescribed pharmaceuticals. This program has proven to be effective in other counties throughout the country and just some information, Mr. Chairman, regarding some of the research that has been done also regarding what's going to help and I think this puts into

perspective a little bit in terms of a couple of people who work for the US Department of Commerce and the US Department of Budget and Finance who did a study taking a look at what prescription drugs cost people and there was also an individual, investigative reporter in Detroit who did a drug price story on generic drug price gouging by pharmacies and his investigation found out that these generic drugs were marked up by as much as 3000 percent or more. So when we look at some of the drugs and their active ingredients, for example, Celebrex, 100 milligrams, consumer price on 100 tablets is \$130.27. The cost of the active ingredients is 60 cents. So the percent mark-up on Celebrex is about 21,712 percent.

So I think what this prescription card is attempting to do is some of the price gouging that does go on and helps to alleviate that as well as again to provide some prescription drugs for people that cannot afford it or who would like an option to have more affordable prescription drug coverage. And with that, Mr. Chairman, I move for approval.

COMMISSIONER CAMPOS: I'll second that.

CHAIRMAN ANAYA: There's a motion and a second. Any more discussion? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chairman, it doesn't mention in our packet but I read an article in the paper over the weekend about this and I understand, and correct me if I'm wrong from the article, that \$3.50 of every prescription goes to I assume this organization, either to NACo or to this entity that we would sign a contract with. Is that correct?

COMMISSIONER MONTOYA: I am not aware of that. I don't know.

COMMISSIONER SULLIVAN: That's the first time I've heard it.

COMMISSIONER MONTOYA: That's the first time I hear of it. I didn't read the article.

COMMISSIONER SULLIVAN: I think it was in the *New Mexican*. We have a reporter from the *New Mexican* but I don't think the article was by that reporter. So assuming that that's the case, I just wondered where that \$3.50 goes and what it goes for. I guess someone has to print the cards and so forth. So that was one question I had. And the other is, is this done through participating pharmacies? In other words, do some pharmacies participate and some don't? Is that their option to do that?

COMMISSIONER MONTOYA: Mr. Chairman, Commissioner Sullivan, there's a number of pharmaceutical companies that do participate. The major ones around here would be Walgreen's that participates and then there's some independent pharmacies that also participate as well.

COMMISSIONER SULLIVAN: Okay. Like in the County health program, the refunded Presbyterian, the pharmaceutical providers express scripts. Do you know if they participate?

COMMISSIONER MONTOYA: I'm not sure.

COMMISSIONER SULLIVAN: I think Jack is saying no over there. So it

wouldn't be of any assistance to County employees because they have to go through express scripts. But I'm not saying there aren't plenty of other people out there that couldn't benefit from lower drug prices. And you indicated that we have worked out the concerns, I guess there were some legal concerns over the agreement. There were some indemnification clauses or something in that agreement and they've agreed to eliminate those.

COMMISSIONER MONTROYA: Yes, that's my understanding in terms of -Jack, do you want to - Jack Hiatt, our attorney. He's the one that's been working with them.

JACK HIATT (Deputy County Attorney): Mr. Chairman, Commissioner, I appreciate that question. There are still some issues and some things that have come up recently which are interesting. One of the things that I thought was most interesting, in talking to the reporter that did the story over the weekend was she had asked how we were going to distribute these and I said, well, it remains to be seen. I gave her a couple of options and she suggested something that other counties had done and that was to negotiate with the companies, that they pay for the distribution. And then I thought, well, as a clever attorney, that's a pretty good idea. We ought to do that.

So there are still some details that we're going to work out. I want to confront the company about the exclusivity contract, that portion of the contract. So I have a couple more details and with your permission, if you pass this resolution, then I'll continue that negotiation and try to bring you a contract that's acceptable very soon.

COMMISSIONER SULLIVAN: Thank you. That's all I had, Mr. Chairman.

CHAIRMAN ANAYA: Any other questions?

The motion to approve Resolution 2005-112 passed by unanimous [5-0] voice vote.

STEVE ROSS (County Attorney): Mr. Chairman, normally, this type of contract would not come back to you for your review. It would normally be executed by the County Manager because of the fact that there's no dollar amount on the contract. So if you want it to come back, you probably need to let us know right now. Otherwise Mr. Gonzalez will sign it when we've worked out the last of many details. The contract will be with the provider, PTS, something like that. Care Market.

COMMISSIONER SULLIVAN: Mr. Chairman, I'd like to see it come back.

CHAIRMAN ANAYA: You'd like to see it come back?

COMMISSIONER CAMPOS: I'm okay with the Manager signing.

COMMISSIONER MONTROYA: So am I.

COMMISSIONER VIGIL: Unless it has a fiscal impact I think the Manager should sign it and I'm hearing that it doesn't.

CHAIRMAN ANAYA: Okay, the Manager, you take care of it. Thank you, Gerald, Steve.

IX. B. Geohydrological Report Update (Commissioner Montoya)

COMMISSIONER MONTOYA: Thank you, Mr. Chairman. Dr. Wust, I'd like to just get an update on where we are from a month ago. A couple of sentences.

STEVE WUST (Water Resource Director): Mr. Chairman, Commissioner Montoya, basically, where we're at is they're building the model at the moment. What you got in the update a month ago from Intera, Cindy Ardito, was that they have reached that point where they have done all the data collection and analysis and so they were able to have a base in order to build the model. And what the two contractors have been doing since then is having weekly technical conference calls to make sure they're working in unison. I've been participating in most of those, listening in most of the time and then throwing in a little managerial direction when needed.

The clarification, what took place over the last month was basically allocating the tasks and the work time in terms of building the model between the two companies. They've ironed all that out and so now they're basically in the process of building the guts of the thing. And that's where it stands right at the moment. So essentially, that's going to happen over the next few months. And then they'll run it and they'll compare it to the data that they have to see if it's working properly, calibrating it was they term it. And then when it all works out then the model will be ready to go.

COMMISSIONER MONTOYA: Okay. Mr. Chairman, Stephen, do you feel comfortable with the progress that we're still looking at a November/December deliverable?

DR. WUST: Mr. Chairman, Commissioner Montoya, I do, and there was a sticking point not very long ago but I had a conversation with folks at the City and they're very supportive of this process working also, so they work from their end to make sure the sticking points got cleared up and they're not going to happen again. So it's proceeding apace.

COMMISSIONER MONTOYA: Thank you, Steve.

CHAIRMAN ANAYA: Thank you. Any questions?

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Campos.

COMMISSIONER CAMPOS: Dr. Wust, just a question. In the last few months as you've been working on this study, have any important things come up? Any important information? Any data that's different from what you expected?

DR. WUST: Mr. Chairman, Commissioner Campos, there's no modeling information because it hasn't been done yet. The data collection demonstrated mostly what I expected. I could tell you it wasn't necessarily what everyone in the collaborative process

expected but we all come at it with different backgrounds and experiences. One example, to be specific towards your question, there was a difference of opinion about how much recharge takes place through just what we call aerial rainfall. I've been to actually a couple of weeklong seminars on the subject of groundwater and surface water interaction and my opinion was it's very little. That actually turns out to be more or less the case. So that was one of the sticking points of that disagreement and we're proceeding along now with very little recharge being added to the model from aerial rainfall. So that's a specific of new information that actually helped the collaborative process. It was something that I expected but it was something that we had to iron out because we had a difference on.

COMMISSIONER CAMPOS: I would think that would have a big impact on our thinking of wells and domestic wells and things like that, if the recharge is minimal.

DR. WUST: Commissioner Campos, it's not the recharge is minimal, it's just the recharge due to rain falling on the ground is minimal. The primary amount of recharge takes place from snowmelt and runoff at the mountain front and in the arroyo channels. That can be a very significant source.

COMMISSIONER CAMPOS: That's another source of recharge.

DR. WUST: That's the two major sources of recharge.

COMMISSIONER CAMPOS: Rainfall.

DR. WUST: Just rainfall on the ground, just the regular ground is very, very little. Most of it gets taken up by the plants.

COMMISSIONER CAMPOS: Thank you, Mr. Chairman.

CHAIRMAN ANAYA: Thank you. Thanks, Steve. Thanks, Commissioner Montoya for bringing that forward.

IX. C. Discussion on a Possible County Ordinance Restricting Heavy Truck Traffic on Agua Fria Road (Commissioner Vigil)

COMMISSIONER VIGIL: Thank you, Mr. Chairman. Just briefly, this request has come from the subcommittee, the road advisory subcommittee of the Agua Fria Planning Committee. As you can tell by our packets, back in 1992 the City enacted an ordinance prohibiting heavy truck traffic from Guadalupe to Siler and to a similar distance on the Alameda side. And the basis for this is these roads were never designed to handle heavy road traffic, heavy truck traffic, actually, and I don't have the history of this but my understanding with this is that the County never really got on board with extending this ordinance to the Agua Fria Village and the western part of Alameda.

My intent to bring it forth today is just to have perhaps staff look into the possibility of enacting a similar ordinance in the county. Most of what those streets are experiencing now, because there is, as you all know, those of you who have been serving on the RPA and have experience with it, there are no connector roads between 599 and Cerrillos and Airport Road so that the heavy traffic that gets inundated in both Alameda

and Agua Fria have to travel quite some distance but only through the county. They cannot come in through the city. They're prohibited against that.

So I'm not sure what the timeline would be with regards to the connector roads, the Southwest Meadow Road or the Siler Road extension. I think that would create some relief with regard to this. I know that it is heavily trafficked by heavy trucks and that's part of the problem we're having with the erosion problem on San Isidro Crossing. That road was not designed to handle the heavy trucks that are actually going there. So my intent here, Mr. Chairman, is just to have staff look into the problem, look into the feasibility of enacting a similar ordinance to what the City has done and try to provide a support system for the residents of Agua Fria and Western Alameda who have had to deal with the heavy road truck traffic there.

CHAIRMAN ANAYA: Thank you, Commissioner Vigil. Any comments? Commissioner Campos.

COMMISSIONER CAMPOS: Commissioner Vigil, are you suggesting that they start drafting an ordinance or that they do a study to present to us to see what ordinance needs to be adopted?

COMMISSIONER VIGIL: I actually would prefer that they give us some data before we go into an ordinance. I'm hearing the data from the people who actually have to experience that and so I think that once we do a little bit of research into this we'll be able to better justify a future ordinance on this.

COMMISSIONER CAMPOS: I agree.

CHAIRMAN ANAYA: Any other comments? I think that one thing that we need to look at is the number of businesses in that area that have heavy trucks that use that road and I think it would be a big burden on them if we have to allow them to not go through that road. So I'd like to see how many businesses. I know there's a lot. Thank you, Commissioner Vigil, for bringing that up.

COMMISSIONER VIGIL: Mr. Chairman, just to address your concerns. The City ordinance does exempt those businesses who have to travel there. I think that's a reasonable way to look at this. But I think it's the bypass and thoroughfare trucks that we're concerned about. And James has his hand up. I don't know if he wants to address this issue.

JAMES LUJAN (Public Works Director): Mr. Chairman, members of the Commission, I think what you're looking for is it's being used as a thoroughfare by trucks crossing from the cement plants and stuff and that's what we would take a look at. But local businesses would still be able to continue using the roadway. Also, I know the City's ordinance had something in the effect of heavy equipment crossing because that's where a lot of the construction companies were down on that part of Agua Fria and they would use that to come into town. So we'll take a look at all that and we'll try to do a traffic impact analysis on the whole road there. We do have some data from Agua Fria Phase 3 when we got that design, so we'll look into all that. But I think you're more concerned about using it as a thoroughfare for truck traffic.

COMMISSIONER VIGIL: That's correct.

CHAIRMAN ANAYA: Thank you, James. Commissioner Sullivan.

COMMISSIONER SULLIVAN: I'd just add to that, we probably should study whether legally we can restrict classes of traffic. That is a truck driving through an area from A to B as opposed to one who lives there or whose business there, as opposed to classifying the road on a weight basis. If we have a weight restriction on a road, then that applies to all trucks and we're saying that that road was not designed to carry that load. But I wonder, just out load whether we have an issue, a fairness issue, a discriminatory issue where we say your truck can't go through there. It's okay for my truck to go through, and we're the same weight.

So what is damaging the area? Is it my truck, because I live there or is it your truck because you drive through? I think we need to look into that issue too. If we need a weight restriction, I think those are common throughout the country. But aside from restrictions such as dead-end residential areas or something like that, I think that's just an aspect of it that we need to look into as well.

MR. LUJAN: Correct. It's basically looking to see if we can use it as a haul road in some instances.

COMMISSIONER SULLIVAN: That's an enforcement issue because if you have a Sheriff's deputy out there and he sees a truck driving down the road, is he supposed to know that that truck is headquartered there or is delivering to that business, or is a through truck going through from A to B and it seems to me that we need to look at that carefully. That might be fairly hard to enforce.

MR. LUJAN: Correct. It's similar to what we got adopted for Caja del Rio, between Las Campanas there. We'll look at that language also.

CHAIRMAN ANAYA: Thank you, James. Thank you, Commissioner. Thank you, Commissioner Vigil for bringing that forward.

IX. D. Discussion on New Mexico First State Wide Town Hall Forums Joint City County Resolution (Commissioner Vigil)

COMMISSIONER VIGIL: Actually, Mr. Chairman, I'd hoped I'd be able to take action on this and if it wasn't advertised as such and we need to do it next time, I'd like that to be done. This joint resolution has come before the City. They've enacted it and I'm sponsoring it through the County. Most of you know what New Mexico First is. It's a task force that was created by Governor Richardson to provide policy recommendations to the state and I have met with them with the Chamber of Commerce, with SFEDI. The most current project that they're working on is to really gather the youth throughout Santa Fe County to provide curriculum training on facilitation and mediation. They are looking to the business community to provide scholarships for this training and basically what this ordinance does is support that initiative and does not require any financing from the

County.

CHAIRMAN ANAYA: Any questions?

COMMISSIONER MONTOYA: Mr. Chairman, so Commissioner Vigil, this potential \$3,000, that's no fiscal impact?

COMMISSIONER VIGIL: They want to get that many students for the project, but they're going to look into the business community. As you can tell the resolution looks to create a support for that.

CHAIRMAN ANAYA: Any other questions?

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Campos.

COMMISSIONER CAMPOS: The resolution does say that the County and City will provide the scholarships.

COMMISSIONER MONTOYA: That's what I thought I read. By providing six \$500 scholarships.

COMMISSIONER VIGIL: No, it will facilitate participation and ensure local representation and the annual New Mexico First Town Hall forums by providing six \$500 scholarships financed through business sponsorship to individuals so that costs of participation are removed as a barrier. So they're planning to finance this through business donations.

COMMISSIONER CAMPOS: So this group is out there raising the money and will provide the \$3000 and we'll have zero budget.

COMMISSIONER VIGIL: That's exactly what I –

COMMISSIONER CAMPOS: That's not the way it reads though. It's not clear.

COMMISSIONER VIGIL: I'm happy to clarify it any further. I guess the first question I would have is can we take action on it Steve, or do we need to renote it for action?

MR. ROSS: Mr. Chairman, Commissioner Vigil, it does say discussion but it also talks about a resolution, so the caption is kind of contradictory. I guess it wouldn't bother me too much if you went ahead and did it.

CHAIRMAN ANAYA: Steve, Commissioner Vigil, what I'd like to see, if it's okay with the Board is that it go back and we get that clarified up, what Commissioner Campos has concerns with, and then come back with the proper notification. Is that okay?

COMMISSIONER VIGIL: That's fine. And whatever language would further clarify that. I have no problem with the language as it states. It specifically says financed through business scholarships.

COMMISSIONER CAMPOS: Does that mean that we have the burden of getting the money or the New Mexico First of getting the money?

COMMISSIONER VIGIL: New Mexico First.

COMMISSIONER CAMPOS: See, that's not clear.

CHAIRMAN ANAYA: Okay, the battle of the attorneys. Let's clear that up

and let's give it to our attorney over there so he can clear it up and we'll move forward.

COMMISSIONER VIGIL: That sounds good. We can – I would like to move that with that clarification we adopt this resolution today and that they language just clarify that the business community will be providing the scholarships for the students.

CHAIRMAN ANAYA: There's a motion. Is there a second?

COMMISSIONER CAMPOS: Second.

CHAIRMAN ANAYA: Motion and a second? Any more discussion? So we are not doing what I said.

The motion to approve the joint resolution on New Mexico First failed by majority [2-3] voice vote with Commissioners Vigil and Campos voting in favor.

CHAIRMAN ANAYA: Okay, give me another motion.

COMMISSIONER MONTOYA: Move to table.

CHAIRMAN ANAYA: Motion to table. Is there a second? Second. Any more discussion?

The motion to table passed by unanimous [5-0] voice vote.

COMMISSIONER SULLIVAN: That's to the next administrative meeting?

IX. E. Resolution 2005-__ . A Resolution Setting Priorities for Water Allocation of the 375 Acre Feet of Temporary Wholesale Water Delivery Identified in Part 2 of the Water Resources Agreement Between the City of Santa Fe and Santa Fe County Dated January 11, 2005 (Commissioner Sullivan)

COMMISSIONER SULLIVAN: Thank you, Mr. Chairman. This item, you have a copy in front of you and it was also in the packet last month for your review. We didn't take any action or discussion on it last month. And basically, what we're focusing on here is as you know, the agreement between the City of Santa Fe and the County of Santa Fe was that the City would temporarily provide the County with an additional 375 acre-feet of water rights until the Buckman Direct Diversion comes on line, which is estimated to be in 2008. It could be a little later. That would give the persons who are developing properties the time to acquire the water rights they need and to transfer those water rights to the Buckman Direct Diversion to serve their developments.

At the time the Buckman Direct Diversion goes on line, that 375 acre-feet of temporary water rights, which is identified in that part of the agreement that's specified here, part 2, goes away. So what we as the Commission are faced with is how do we allocate and what priority should be give to applicants that come forward who would like to temporarily use that 375 acre-

feet until the direct diversion comes on line and they get their water rights in place. We have discussed for a great deal of time about certainly priorities should be for developments that have affordable housing as a component in their proposal. And in fact the Commission has already allocated as a result of that general policy, about 100 of those 375 acre-feet already in approvals and water service agreements it has done with Rancho Viejo, for future phases of Rancho Viejo.

So we've already taken that step, but it seems that at this point we really need to memorialize that as we look at additional developments that come forward. There's a small development in my district that's currently looking at the same options. The Commission has approved a six-unit development located off of Dinosaur Trail and that development, because of where it's located, could either be a well development or it could tie into the Santa Fe County water system, because the water system goes right next to it. That applicant has said that if they had to provide one affordable housing unit they would do it and then they would tie into the County water system if there was a policy that allowed them to do that. At present, we're kind of in limbo on that. But it certainly makes sense to tie a development like that into the County water system when it's right adjacent to the property line than it does to have the development drill additional wells in the area that have negative effects on the aquifer.

So there's an immediate issue that would help move that particular project forward and get it on the County water system as opposed to wells if we're able to do this and I think again, it's memorialized in some policy that the Commission has felt is important policy for some time. So if there are any questions on that I'd be glad to try to respond to them.

CHAIRMAN ANAYA: Commissioner Vigil.

COMMISSIONER VIGIL: I have a quick question. Commissioner Sullivan, when you say the 375 goes away through the agreement we have, I'd like Stephen Wust to address that if he might. I don't have a clear understanding that that actually has a termination.

DR. WUST: Mr. Chairman, Commissioner Vigil, it's often equated with the 375 acre-feet as San Juan/Chama allocation that we have for the Buckman project. However, Commissioner Sullivan is correct. It's not the same. So with the water agreement that was done between the City and the County, the City agreed to give us two sets of water before the Buckman project comes on line. One is 500 acre-feet from their system; we don't care how they get it, and that's in perpetuity. That will continue even past the Buckman project. So we'll always have that. We buy it from them. They wholesale it.

The other is basically a tiding us over before the Buckman project comes on line, that the City provides to us an additional 375 acre-feet, but we also buy from them when we need it. But that sale, that allocation of 375 acre-feet from the City that they sell to us, that does go away. The City will no longer provide that amount of water. And then our system at that point will get water from two places, the 500 acre-feet in perpetuity from the City, and our capacity at the Buckman project, which is 1700 acre-feet at full capacity and inside of that is 375 acre-feet of San Juan/Chama water but it's not the same. The City is providing 375 acre-feet of water so we can continue to improve our system and allow development to take place and hook onto the County system, but it doesn't roll over into the Buckman water or anything like that. It

goes away because it's a City sale to us.

COMMISSIONER VIGIL: And Mr. Chairman, Steve, what are the conditions under which it terminates? Is there a termination date?

DR. WUST: There is. It's in the language of the water agreement and I don't remember exactly. It's probably not in front of anybody right now so I'm not sure what exactly it is, but basically, my understanding is that when the Buckman project comes on line is when that terminates.

COMMISSIONER VIGIL: Okay.

CHAIRMAN ANAYA: Any other questions?

COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: So the 375 acre-feet, how much of that are we using now?

DR. WUST: Mr. Chairman, Commissioner Montoya, Commissioner Sullivan was correct, some has been allocated. However, there's not a direct answer and I'll explain why. Because the 500 acre-feet that we get from the City, the original, in perpetuity, we don't use all of that. So we've allocated all of that. We've committed all of it, but not all of it's being used. We're only using probably a little less than 400 acre-feet that we're supplying through our utility at the moment. So out of that 875 acre-feet, we're not even using the original 500. However, it's all been committed.

COMMISSIONER MONTOYA: All of the 500 has been committed.

DR. WUST: Committed.

COMMISSIONER MONTOYA: The 375 has not.

DR. WUST: Is not. And we're not signing any new water service agreements to commit any of that portion because as the Commission directed us we're working on a policy on how to commit that water, how to prioritize.

COMMISSIONER MONTOYA: So then once that 375 is committed, and then we have the 1700, so the 375 will come out of that 1700 that we've got, once the 375 goes away from the City?

DR. WUST: Commissioner Montoya, that is correct. We'll have to, since it's committed and people are going to use it we're going to have to supply it. So that we will have to, part of that 1700 from the Buckman project will already be committed in essence.

COMMISSIONER MONTOYA: And what's happening right now with that 1700? Are we looking at another ordinance as to how we're going to commit that or is that going to fall under this ordinance?

DR. WUST: Mr. Chairman, Commissioner Montoya, we're looking at it in two ways. One is that since we're not able to supply that water we can't commit it at all. That project hasn't been built. The 375 will come from the City system. It's real water that we can actually commit. The 500, the same thing. But we cannot commit any of the 1700 because that project's not here and we don't know exactly what year it will be in and we can't start allocating it. But the way we're looking at it, the policy that we were directed in terms of water

allocation, I think very easily we could either use that, the 375 policy, we can either use that policy or expand it or modify it as needed. And as a general policy, how we're going to allocate water through the County utility. I think that will be a good basis for us as a general water allocation policy.

COMMISSIONER MONTOYA: Thank you.

CHAIRMAN ANAYA: Commissioner Vigil.

COMMISSIONER VIGIL: Now I'm a little more confused. If we commit this 375 it actually will roll over to the 1700.

DR. WUST: Mr. Chairman, Commissioner Vigil, it doesn't roll over as an amount of water that comes out some place. It rolls over as a commitment we have and we have to supply that water. Now, we could supply that water for example, in dry years, we're going to have this well-drilling program. Technically, it may come out of the well. There's a City water drought allocation policy that we worked up in the water agreement, so the water will have to be delivered once we commit it and it's getting used. But the difference is we can't just say that 375 that we're getting from the City equals something. It goes away in terms of what the City is giving us. It doesn't go away in terms of water that we must deliver to people once we've committed it.

COMMISSIONER VIGIL: Okay. Now, what is your position on this policy? This resolution? Have you had a chance to opine on it?

DR. WUST: I have not read it. I do know - I've been both on the water team, the internal water team, and the internal housing team. Both have recognized that water on the County utility system can be an excellent incentive for affordable housing. It also is very viable to say that if you want to hook up to the utility system you should be following the policies and requirements of the County and I look at a broader thing. I have to look at a broader thing being on the utility that there's more to a water allocation policy than simply affordable housing. So this is certainly a policy that we can implement if the Commission puts it in. We do know part of the allocation will have to go in things, not the things besides affordable housing, but we have to look at other things.

In fact, for example, who do we do first. What if everybody says they're going to build affordable housing? How do we prioritize that list? If there's a huge development that wants all of the water and is going to do affordable housing or a whole bunch of small developments that are going to do affordable housing, how do we prioritize those? So there are other things I'm looking at besides that. But certainly the affordable housing part we can implement if the Commission puts it into place.

COMMISSIONER VIGIL: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Vigil.

COMMISSIONER VIGIL: What this provides for me in general as a policy is an incentive for affordable housing to occur out there. However, the problem I have with it at this point in time is we really haven't defined what is affordable housing which is really another way of saying what your challenge is. Where do we apply it? What is affordable housing? And I know the Affordable Housing Task Force is working on that. It's a complicated issue. I'd like

to be able to provide some incentive but I'm not sure that this incentive itself is actually general enough to do that. And I'd like Commissioner Sullivan to respond to that.

CHAIRMAN ANAYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Thank you, Mr. Chairman. I think as Mr. Wust indicates this is the first step. We have a good handle on affordable housing. We have it defined of course in the Community College District Ordinance. We have recommendations coming forward from the task force. This doesn't limit the use of the 375 acre-feet to projects with affordable housing. It simply says that they're receive priority. So if there's another project that comes forward that the Commission feels is worthy of receiving a portion of this 375 acre-feet, we're certainly able to do that. But I think it gives some guidance to the staff where we have these situations like I've just described where we could get a project onto the County water system if there was some guidance that said that yes, affordable housing creates a priority and then it's brought forward for the Commission to consider.

I think that it's a good thing for us to memorialize this now and then I think we'll of course refine it as we get into the Affordable Housing Ordinance and we'll go forward from there. Does that answer your question, Commissioner?

COMMISSIONER VIGIL: I think so, at least at this point in time. I'm concerned about the County committing itself at a level that we're not capable of doing at this point in time with our affordable housing initiatives. By the same token, I can appreciate the incentive this would provide to bring affordable housing to the forefront of development.

COMMISSIONER SULLIVAN: Right. And that of course, there's no commitment to how much and whether we would do it at all. In other words, it says any development that includes affordable housing – and again, we don't define that at this point in time. You're correct. So the Commission could review that however it felt appropriate. It doesn't say the affordable housing has to be on the property. It doesn't say that it has to be off the property. It again leaves that issue open. Shall receive priority for allocation of any unallocated portion of the 375 acre-feet. So it doesn't say that we would give that development all of the water either. It's deliberately vague there, simply to indicate that if we have two similar developments, A and B, and one has affordable housing and the other doesn't, then we're going to consider providing some portion of that 375 acre-feet as a priority to the one that does have affordable housing.

CHAIRMAN ANAYA: Thank you, Commissioner. Commissioner Montoya or Commissioner Campos?

COMMISSIONER CAMPOS: I'll defer to Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chairman, Steve, have you reviewed this?

MR. ROSS: Mr. Chairman, Commissioner Montoya, yes, I did.

COMMISSIONER MONTOYA: Could you just give me maybe your summary of it?

MR. ROSS: Well, in order to evaluate what a resolution says you look at not the whereases but the three numbered paragraphs in this case on the second page. The first

sentence, the first numbered paragraph tracks with our existing utility policies that have a sort of priority scheme that's used to award water service agreements. What the first numbered paragraph does is it says that they'll receive priority in that process. I think the remaining portion of the resolution, the findings in the resolution were correctly summarized by Commissioner Sullivan. It really just says that when we're awarding water service agreements that one of the most important factors we will rely on is whether the particular development provides affordable housing. Which is not defined in here and if you started getting into that level of detail on a resolution like this you'd end up with an ordinance like you're going to see later today on affordable housing. So it's a vague kind of general statement of policy and principle concerning this process.

COMMISSIONER MONTOYA: Mr. Chairman, and maybe this question is for Steve Wust. Are there any prior resolutions that are inconsistent with this one that are going to be rescinded?

DR. WUST: Mr. Chairman, Commissioner Montoya -

COMMISSIONER MONTOYA: Or Commissioner Sullivan, maybe? Are there any prior resolutions in the utility department's policies that are inconsistent with this one that will be rescinded?

COMMISSIONER SULLIVAN: I am not aware of any, Commissioner. As Mr. Ross said, we have a very old prioritization action that was done quite some time ago and I think it was a resolution about - it was brought about, my understanding is before my time, when the Commission made the agreement with the City to provide the 500 acre-feet, as to who would get the 500 acre-feet. And so affordable housing is a part of that prioritization. There are other things in there. We want to be sure, in this paragraph 2, is to be sure that the staff goes through and checks those to be sure as you indicated that there aren't any conflicts in the policies that we may have floating around that we might not have seen for some time.

COMMISSIONER MONTOYA: Mr. Chairman, do you think that could be done before we take action on this? In principle I agree with what you're proposing here. Is that something that's realistic?

MR. GONZALEZ: Mr. Chairman, Commissioner Montoya, the one thing I am aware of that maybe needs to be reconciled at least. I know that the Commission did give some priority to a certain number of acre-feet to be used out at the economic development park. So we may have some economic development issues out there that we need to make sure that we don't run afoul of. But that could probably be some wordsmithing.

MR. ROSS: Mr. Chairman, our utility policies have historically all been enacted by resolution. So as a part of the process for revamping the utility department policies pursuant to your direction at the last meeting, we'll be looking at all those and make sure we identify any policies that might be inconsistent and address the inconsistencies. This was, paragraph 3 of this resolution was just intended to address something in the history we might not have known about. For example, historically, it hasn't been the practice except for the one resolution that Commissioner Sullivan is aware of, it hasn't been the practice of the utilities department to prioritize affordable housing necessarily because it hasn't been as much of an

issue in the past as it is now.

So this paragraph 3 was just an attempt to make that we weren't drafting some sort of a conflict that couldn't be resolved into our resolution. But we will be reviewing all of them, making sure that we understand what's out there and repealing those that may need to be repealed or rescinded in connection with the adoption of the new utility policy which we intend to be a global document that will pull together all these elements that have been separate all these years.

CHAIRMAN ANAYA: Commissioner Campos.

COMMISSIONER CAMPOS: I think the resolution sets our policy. I think that's always been our policy, that we support affordable housing. We've all said it and water is a critical element. This is simply a general statement of what we want to do and what we want to keep in mind when deciding what we're going to do with the 375 minus the 100+ that have already been allocated to some Rancho Viejo projects. It's not a lot of water. 08 might become 010 or 012, so we've got to be real careful.

The other issue that is important to me here is that when we did the Regional Planning Authority we had thought that we would get water and use it in growth areas, and that makes a lot of sense. And that would encourage affordable housing within growth areas and we would have a lever to use. Unfortunately, the RPA in the last six or eight months has done nothing. It's a pretty dead institution. We need to get on with drawing an ordinance, districts and considering an annexation plan and nothing's being done. So I favor the ordinance. But I want to put it in context of the RPA that is really not doing much right now.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I'd just move for approval. It's a resolution, not an ordinance, of course, and -

CHAIRMAN ANAYA: Hold on one sec. Commissioner Vigil.

COMMISSIONER VIGIL: Well, I'm hoping to address Commissioner Campos' concerns that now we have a new chair of the RPA and that all of the issues that should have been done within the last six to seven months will be done. So the baton has been handed over to Commissioner Harry Montoya and I think under his leadership that the next steps that need to be taken will be and before we move onto a vote or even consider a motion, Diane Quarles is in the audience and I know she's been working on the affordable housing. I don't know if you've had an opportunity, Diane, to review this resolution but your expertise is highly relied on so I certainly would like any comments that you might have on this.

DIANE QUARLES (Policy Analyst): Thank you, Commissioner Vigil. I will say that I have not read the ordinance. I've just been looking through the discussion. Obviously, if we get to the affordable housing ordinance as a preliminary draft you will see some of the questions that you're asking - definitions of affordable housing, it addresses water allocation, and again, it's an ordinance so it will turn all this into theoretical law. So I haven't read it; I can't really respond to it but some of the questions that you're addressing right now you'll see again later on this afternoon.

COMMISSIONER VIGIL: Thanks.

CHAIRMAN ANAYA: Okay, I think some of the Commissioners don't have a clear understanding of the 375. I know Commissioner Vigil brought that out. I think Steve Wust, our director of the Water Resource Division in Santa Fe County, I think it's important that he reads this document before this Commission approves it. I think it's important that Diane Quarles, along with the Affordable Housing Task Force read this, because it is including the affordable housing in it. The comments that Gerald Gonzales made about our economic development park are very important and the growth areas that Commissioner Campos brought up. So I think that this document is leaving out a lot of very important things. I know it's a start, but I think that our staff should look at these things before they come forward and I don't know. This was placed on my desk right now and I haven't had an opportunity to - I've just gone through it. But I think we need to really look at it closely and our staff needs to look at it closely. So I'll entertain a motion.

COMMISSIONER SULLIVAN: Mr. Chairman, I appreciate that and again, I think it's fairly clear. And I think we need to memorialize, at least temporarily until we go into a full-blown ordinance on affordable housing where we're going because that may be a number of months before we complete any affordable housing initiative. So that's what this is doing. So I would move for approval and would ask the Commission to look at it, not as a complete document but as I said before, a first step.

CHAIRMAN ANAYA: There's a motion. Is there a second?

COMMISSIONER CAMPOS: I'll second that with one comment.

CHAIRMAN ANAYA: Motion and a second. Discussion.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Campos.

COMMISSIONER CAMPOS: I think this is a small step in the right direction. It simply declares policy. It's pretty simple. It says very basically that any development that includes affordable housing shall receive priority. That's what our position has always been and I think that's a fairly simple statement. I think that's all this does. It's probably an interim step before the adoption of the ordinance itself.

CHAIRMAN ANAYA: Any more discussion?

COMMISSIONER VIGIL: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Vigil.

COMMISSIONER VIGIL: If Commissioner Sullivan would entertain an amendment to his motion to also include economic development as part of the allocation of this, projects that involve that, particularly ours, I would consider voting in favor of this, because I think the County Manager pointed out a significant point that while we do want to move forward on our policy with affordable housing, I'm concerned about whether or not that would exclude economic development. And I wouldn't want this policy or this resolution to do that for us. Would the maker of the motion include economic development?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I think that that's no problem. I think in terms of we're talking about the County's business development park. I would just be careful about exactly what the definition of economic development is. We may have applicants come forward and say, well, because my housing project creates some jobs to build these houses it's economic development and therefore qualifies. I think we all understand what we're trying to achieve in affordable housing but we don't want to preclude anything that moves our economic development business park ahead. So perhaps we could say the Santa Fe County Business Park.

CHAIRMAN ANAYA: Would you second?

COMMISSIONER CAMPOS: I just want to ask, don't we already have 25 acre-feet allocated for the business park at this point in time? There's an allocation that already has been made, hasn't it?

COMMISSIONER SULLIVAN: Yes, we do.

COMMISSIONER CAMPOS: We already have water allocated to the business park is my impression.

COMMISSIONER MONTOYA: Out of that 375?

COMMISSIONER CAMPOS: No, this is out of the 500.

COMMISSIONER MONTOYA: Out of the 500.

COMMISSIONER SULLIVAN: It's out of the first 500. So that's one of the reasons we haven't even gotten up to the 500 is that we're holding that 25 back and we have another allocation for the Public Works building that's a part of that 500. So I'm not too worried about being able to supply the water needed for the economic development park but I want to also take care of any concerns that Commissioner Vigil has about the language.

COMMISSIONER CAMPOS: Is there an answer to my question?

MR. ABEYTA: Mr. Chairman, there is 25 acre-feet that was reserved as part of the original 500 acre-feet for the economic development park.

CHAIRMAN ANAYA: Commissioner Campos, would you second his amendment to his motion?

COMMISSIONER CAMPOS: Do you think it's necessary, Commissioner, knowing that there's already 25 acre-feet committed?

COMMISSIONER VIGIL: Yes, I do, and I think it's necessary also as Commissioner Anaya said, that we have staff actually be able to review this and give us some significant input. I too just saw this this morning. While in theory I support it, I'm not sure it's gone through the appropriate review processes within the County. So I would more favor - and I want to keep this on the radar screen. I would more favor that it go through the appropriate process, that we look at answering the questions. I don't know what the prior allocation of 25 acre-feet through the 500 is actually going to mean for us, of if in fact we're going to be starting to catapult that economic development park, or in fact another economic development project will come before the County. So I'd like that analysis with that. So I'm more in favor of keeping this definitely on a high priority radar screen, but having it be reviewed by our staff, by all those that are impacted by it and tabling it until our next administrative meeting.

CHAIRMAN ANAYA: Commissioner Campos.

COMMISSIONER CAMPOS: Before you make a motion for tabling –

COMMISSIONER VIGIL: I'm not going to make it. I would be in favor. I'm not making the motion.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Chairman, if Commissioner Vigil is having some concerns, perhaps we should just move this down the agenda until we discuss the broader issue of affordable housing. At that point it may make more sense if we discuss it this afternoon in that context. Because I see this simply as a policy statement and something that's interim, and I think it's something that's do-able now. Maybe if we just move it down when we talk about affordable housing later in the meeting.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chairman, I've already expressed my reservation right now in terms of moving forward with it. In terms of the policies that may be inconsistent with it. I'd like to see if there are any. That's the concern that I have but again, I think in principle I certainly am in support that we should put and try to allocate as much as we can in terms of the 375 acre-feet for affordable housing. But I just don't feel I have enough information right now to feel comfortable about doing this.

CHAIRMAN ANAYA: Okay, so there's been a motion by Commissioner Sullivan and a second by Commissioner Campos.

The motion to approve the water policy resolution failed by majority [2-3] voice vote with Commissioners Sullivan and Campos voting in favor.

CHAIRMAN ANAYA: Can I have another motion please? Commissioner Vigil.

COMMISSIONER VIGIL: Mr. Chairman, I move that we table this resolution, that we consider it a continued high priority, that it go through the staff review process and that we have an opportunity to discuss it at greater length at the next administrative meeting.

CHAIRMAN ANAYA: There's been a motion.

COMMISSIONER MONTOYA: Second.

CHAIRMAN ANAYA: And a second.

The motion to table the water policy resolution passed by majority [4-1] voice vote with Commissioner Campos casting the nay vote.

IX. OTHER MATTERS FROM THE COMMISSION

CHAIRMAN ANAYA: Okay, Commissioner Vigil, do you want to go on to

Matters from the Commission?

COMMISSIONER VIGIL: I do, Mr. Chairman, and it's very brief for me. I just want to present to the Commission this last week, through many efforts of staff and our Land Use Department, Cabinet Secretary Rick Holmans presented the Commission in Santa Fe County this plaque which is the Certified New Mexico Economic Development Community plaque. We are the first community in the year 2005 to receive this. There have been communities that have received it prior to us in 2004 and 2003. Secretary Holmans congratulated Santa Fe County, the incredible staff we have in Land Use, our foot soldier Robert Griego who's out there in the audience and did a lot of the work for this. I really appreciate the initiative that Santa Fe County staff took in connecting with the state with regard to the Certified Community initiative. We are now a fully certified economic community. We do receive a little bit of funding to help us push forth some of these economic development initiatives and I think it's a wonderful partnership that we've entered into with the state and I'm glad that the Department of Economic Development has undertaken this certified economic development initiative and I congratulate all those who worked on it. I'm going to save this to give to our County Manager to place it in a prominent place there.

CHAIRMAN ANAYA: Thank you, Commissioner Vigil. That's very exciting and we are certified now and I look forward, along with the rest of the Commission and staff, look forward to bringing economic development into our county. Do you have anything else to add, Commissioner?

COMMISSIONER VIGIL: Nothing else, Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Campos.

COMMISSIONER CAMPOS: Thank you, Mr. Chairman. I'd like to talk about the RPA. I think we need to put this on a County agenda in the near future. Perhaps as soon as possible to discuss what we really want to do with the RPA. Right now it's floundering. There's no direction. There's really no work plan. And we just keep talking, having meetings, doing nothing. Our attendance is falling. I think some of the focus is being lost and I think we need to decide where we want to go on this soon. This has been lingering for too long and I would suggest we put it on our agenda as soon as possible. Does that make sense? I'd like some comments?

COMMISSIONER MONTOYA: Mr. Chairman, on that point.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: Commissioner Campos, yesterday we had a meeting. I was going to report on this. I'll try and keep it brief, on the meeting that we had with Speaker Lujan yesterday with the City Council and three of the Commissioners that were there. I did, because we talked about a lot of different things, the RPA kept coming up over and over again. The one thing that I requested of staff and directed Gerald to do was exactly what you're talking about. We do need to move forward on the annexation plan. We need to move forward on the zoning districts because those are the other three components, well, two of the three components we've completed one of the items so far and need to move forward with the other two.

So I've asked that that be placed on the agenda in terms of setting time lines and whether we're going to do this I would assume probably without staff at this point, other than City and County staff. In other words, without an executive director, so that we move forward either with a facilitator or have both our staffs facilitate it but it's certainly going to be on the next agenda as I requested yesterday at that meeting.

COMMISSIONER CAMPOS: What I think we should do at that meeting is discuss the work plan for the RPA. I'd like staff to really think about this carefully, do a full analysis and come back. We get a work plan, and then when we get a work plan we can decide what we need to do and if we need to hire anybody in fact. So I think this is something that we need at our next meeting to talk about.

MR. ABEYTA: Mr. Chairman, then am I hearing that we want a work plan at a BCC meeting or at the RPA meeting?

COMMISSIONER CAMPOS: BCC meeting. I want the BCC to consider what's going on at the RPA. That would be my recommendation, Mr. Abeyta. I'm suggesting that the County staff report to the BCC on a work plan as to what we should do and then we present it to the RPA at our next meeting and move on.

CHAIRMAN ANAYA: You want the staff to tell the RPA members what to do?

COMMISSIONER CAMPOS: I want them to advise the County Commission what a good work plan looks like and what they think needs to be done in what order.

CHAIRMAN ANAYA: Is that okay, guys?

COMMISSIONER VIGIL: Mr. Chairman, I would just comment that we already have a joint powers agreement with the City that identifies the priorities of what the work plan should be through the Regional Planning Authority. The growth management plan and the annexation - the growth management plan has been done. The annexation is the next critical issue unless there is a third one, but I'm not remembering it right now.

COMMISSIONER CAMPOS: The ordinance districting -

COMMISSIONER VIGIL: The zoning districts.

COMMISSIONER CAMPOS: And the annexation plan.

COMMISSIONER VIGIL: And I'm not sure that's the priority they were placed on, but any work plan would just really spill over from those because that joint powers agreement has already been entered into. And I still am in agreement that that RPA does need an executive director. Part of the problem that it's floundered within the last six to seven months is there's been no staff support available to move it along, to create the agendas. Most of the agendas that we've had there were with the Metropolitan Transportation Policy Board. So I think without the appropriate staffing that Regional Planning Authority will continue to flounder. But we need to identify an executive director.

COMMISSIONER CAMPOS: I disagree, Mr. Chairman. I think we need a work plan, and the County should take the lead because the RPA is not meeting. They're meeting but they're talking about MPO essentially. That would be my suggestion.

I'm not finished with my Matters from the Commission, but do we want to give

direction to staff in any particular way?

CHAIRMAN ANAYA: Commissioner Montoya, were you going to go back into the conversations we had with the Speaker later on?

COMMISSIONER MONTOYA: I think I've mentioned what I mentioned yesterday regarding the agenda for the next RPA, which is separate from what Commissioner Campos is talking about.

CHAIRMAN ANAYA: Okay, so what I'm hearing is two different things. Commissioner Campos wants staff to report to the BCC on certain item that need to be addressed at the RPA. And then I'm hearing from Commissioner Vigil that we need to hire a director to direct RPA instead of having both staffs, City and County work on it. Is that what I'm hearing?

COMMISSIONER CAMPOS: I think that's what -

CHAIRMAN ANAYA: And does this Board need to make a decision on which way we want to go?

MR. ABEYTA: Mr. Chairman, staff could certainly provide information and a recommendation to the BCC which would probably include the hiring of a director but we don't have a problem taking a look at the RPA plan and what the County's interest should be in continuing with the RPA. We could report to the BCC on that.

CHAIRMAN ANAYA: So it sounds like we're going to take care of both of those. You're going to report to the BCC and let us know what the RPA issues are and you're in the meantime going to look for a director.

MR. ABEYTA: Well, the RPA is looking for a director.

CHAIRMAN ANAYA: Is that okay? Okay, Commissioner Campos.

COMMISSIONER CAMPOS: One last thing. I guess Valerie Espinoza is not here but she thought I had said that I had heard nothing except bad things about the Clerk's office. I said I had heard nothing but good things about the Clerk's office, so I wanted to correct that with Valerie.

CHAIRMAN ANAYA: She got so mad she left.

COMMISSIONER CAMPOS: I didn't say that.

COMMISSIONER VIGIL: No. And I will testify to that. I heard Commissioner Campos say he's heard nothing but good.

COMMISSIONER CAMPOS: Yes, that's what I said. But Valerie had said that I said the opposite, so I just wanted to set the record straight.

CHAIRMAN ANAYA: Well, I hear nothing bad. Is that it, Commissioner Campos?

COMMISSIONER CAMPOS: That's it, Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chairman, I just wanted briefly an update on the Paramount building site, on the building.

MR. ROSS: Mr. Chairman, Commissioner Montoya, we're in the extended due diligence period and we are as a part of that conducting some environmental investigations of

the site as well as addressing some title issues.

COMMISSIONER MONTOYA: Okay. So it's still going through that process. Okay. And then is there a time element on that or limitation?

MR. ROSS: The due diligence period expires fairly soon so we're trying to bring all these loose ends together and tie them up so we can advise you concerning the next steps.

COMMISSIONER MONTOYA: Okay. Thank you. And then just a couple other updates. The Pojoaque Valley Planning Committee is just about completed with their work thanks to Jack Kolkmeyer and Rene Viarreal who have put in a lot of time with that and we're probably going to hopefully be seeing the Pojoaque Valley Planning Community Plan coming before us within the next couple of months.

And then the Bureau of Reclamation is having, I believe their negotiations tomorrow afternoon at the Genoveva Chavez Center and that will be to go over the San Juan/Chama Diversion project. Did anyone else receive that notice or is planning on being there?

COMMISSIONER CAMPOS: No, I haven't.

MR. ROSS: Mr. Chairman, Commissioner Montoya, staff will be there in force.

COMMISSIONER MONTOYA: Okay. And then just to reiterate, we did meet yesterday with Speaker Lujan and I did, after hearing some discussion between the City Council and Commissioner Sullivan and myself, I think the avenue that the RPA does need to take and at the suggestion of the Speaker and his staff is that the annexation piece is the next piece that we need to move forward on. I did direct staff that for the next agenda that we do set up that as a major discussion point so that we begin to set time lines because the one thing that we want to try and do as much as possible is to have something at least a little more detailed than what's there now in terms of any proposed legislation that may be coming up for the upcoming legislative session. So at least we'll have a time line working up to that particular point.

Then the last thing, Mr. Chairman, I just want to talk a little bit - we talked a lot about affordable housing and I think that's something that communities across the country are facing in terms of struggling with providing affordability and housing in their communities. As we know, Santa Fe is certainly no exception we have been at the forefront of some of the development, adoption and implementation of affordable housing here in Santa Fe County and using it through a two-pronged approach. One which has been zoning for higher densities around the County's transportation and utility resources, such as the Santa Fe Community College District. The other has been around inclusionary zoning, which has flexibility in allowing developers to matching houses and families.

But I think that there's still need for a greater breadth of programs to serve workers of this community, and those are the ones that are not being served, either because they are above the level of median income or because there's insufficient affordable housing. So the idea that needs to be implemented, I think that I'd like to see is to serve the community of workers which the concept of workforce housing. So workforce housing is the idea that I'm proposing now that allows the County to target a particular class of workers - teachers, public safety

personnel, which would include firefighters, sheriffs, government employees, and this can be done in conjunction with public/private partnerships between property owners, the County, the state and non-profit corporations.

And Mr. Chairman, the basic idea here that property owners donate land to the County for workforce housing and then that the County leases the land on a long-term lease to a non-profit corporation which undertakes the development of the property for housing at a variety of levels to include rentals, townhomes and single-family residences. The homes are then sold to the targeted workforce that I described earlier, and then the owners would then have an equity interest in the property that keeps pace with inflation or some other measure, and the long-term affordability is maintained. A stream of income comes to the County, and the targeted workforce has the ability to live in the community in which they work.

So I would like to see that. I believe that now's the time to do this as an alternative with what we're doing already with the Affordable Housing Task Force and looking at this as an alternative means of compliance with our Affordable Housing Ordinance. So I'd like to ask and direct staff, and I've talked to Roman about this program, that we take a look at what can be developed and can be brought before the BCC for consideration on workforce housing. That's all I had, Mr. Chairman.

MR. GONZALEZ: Mr. Chairman, if I could in that regard, it probably would be helpful and this may be an initiative that we would want to work through the Association of Counties with, but we do have constitutional language, amended language that would allow us to do some of this stuff, but there has to date, as Steve Ross just reminded me, not been any implementing legislation. So it may be something that we would want to think about taking through the Association of Counties back to the legislature and get them to actually adopt the legislation that implements the language that's already been adopted in the constitution through amendment.

The other thing is that we have in a limited way, just looking at County employees, had some discussion of this issue in our housing team. I think it's an excellent suggestion and we'll continue to move forward from that standpoint, looking at the possibility of working in somehow a housing incentive as part of our compensation package for County employees. That's a long-term process. Obviously, we've been sort of – I won't say sidetracked, but we've focused our efforts for the time being on the Affordable Housing Ordinance but once we're done with that the housing team will return to this issue. So I appreciate you raising the attention of everyone to that concern.

CHAIRMAN ANAYA: Thank you, Gerald. Commissioner Sullivan.

COMMISSIONER SULLIVAN: Thank you, Mr. Chairman. We do, in speaking to workforce housing, we did put some money in the ICIP plan as a request to hopefully implement something like that. And you left it very general. As I recall it was \$1 million in fact. And we weren't very specific but I think we want to move in that direction. I would just remind the Commission that regardless of how we do the housing, they need water. So affordable housing is going to need water. So we need to keep that focus in front of us.

Let me ask, an administrative item – Columbus Day is October 10th. Our regular

scheduled date is the 11th. Do we want to meet that date? That's a long weekend there. Some times that creates conflicts with staff and others who want to take long weekends or time off or do we want to meet on the 4th or the 18th or do we want to keep it on the 11th? I sent out an e-mail about this a little while back. A couple of Commissioners commented back that we could move it if we wanted to. I just wanted to throw that out.

CHAIRMAN ANAYA: So we're off –

COMMISSIONER SULLIVAN: We're off on the 10th? I'm just saying do we want to do the land use meeting on the 4th or the 18th?

CHAIRMAN ANAYA: Could we maybe take that up after lunch so I can look at my schedule?

COMMISSIONER SULLIVAN: Sure.

COMMISSIONER MONTOYA: Mr. Chairman, I can't do it on either date. I have an LFC meeting on the 4th, and then on the 18th we have the RPA.

COMMISSIONER SULLIVAN: Okay. We'll just keep it 11th then. Staff can get ready and be there bright and early on the 11th.

Then I wanted to report on a meeting that we had earlier, Jennifer and I with Jim McLaughlin who is the president of Santa Fe Community College. And we had a good give and take on a number of issues, growth issues in the southern part of the county. Mr. McLaughlin was very candid and appreciated the opportunity to visit with us on that and the meeting went for more than an hour and a half. I just wanted to bring up a couple of issues that he brought up for the staff to consider. One was wastewater. Both the Santa Fe Community College, as well I believe as Rancho Viejo would like to get out of the wastewater business. They would like to somehow contribute or participate or help in the planning of a regional wastewater treatment facility.

Rancho Viejo runs its own wastewater treatment plant. Santa Fe Community College, right next door to Rancho Viejo, runs its own wastewater treatment plant. Totally separate plants. Other developments that are coming forward in the Route 14 area, each one of those developments is proposing their own wastewater treatment plant, each one of them. So it gets to a point where we say, you know, it might be a good idea to have one regional wastewater treatment plant in the middle of all those so that they could contribute to it financially and it would all operate under the auspices of the County.

This is not a new idea; the utilities department has tried this before. We tried to do it with the state penitentiary, where we operate their wastewater treatment plant now. But the state was unwilling to make an agreement with us beyond a short term to do that. And so those discussions weren't productive. So anyway, Mr. McLaughlin brought it forward again. I think his concern was a good one. I think we need to be looking at wastewater alternatives in the southern part of the county. They make a lot of sense. Wastewater treatment plants are very expensive so I think you could get substantial developer contributions to them and again, maintain that control that we want.

Another thing he brought up was open space and trails. I guess the Community College had originally had some concerns about some of the County's open space and trail locations and

programs, and I see our director is sitting in the back room so I'll wave to him and mention to him that whatever those concerns were, and I'm not familiar with them, Mr. Olafson, that the Community College is willing to rethink some trail locations that were heretofore disapproved. So you may know what that means, and you're shaking your head that you do which is great because they are coming on board with some of your thinking on those trail location. So if you would call them up first thing in the morning, they may have some good news for you about easements to the Community College.

And the last thing that was discussed among many things, not the last thing, was the rapid rail proposal. As you know we've been trying to negotiate with funds that the Community College received for a movie production facility. And that was to be located at the County economic business park. So I asked him and we talked about what was the status of that and basically, a) they need more funds to complete that facility, and it's over a million dollars and they only have \$200,000-some for that. \$250,000 I think. But secondly, it's on the backburner for the Community College now because of the current proposal of the alternative for the rapid rail which goes through our business park or in close proximity to it. So that's going to have a negative effect, and that's why they're not moving forward, according to Mr. McLaughlin on the proposal for the training facility is because of that so-called locally preferred alternative which goes right through our business park. So I throw that out there as a problem that we need to be talking about with staff as well. So that was a productive meeting and I wanted to bring that forward to the Commission.

I did want to mention one other thing that we talked about in the meeting, that we had yesterday with Speaker Lujan. We did have extensive discussions about the annexation and it was very difficult to pin that down because the City itself is divided I think on how they want to proceed. But we also talked at length about the regional water authority bill and I think the Speaker in good faith attempted to bring the County and the City together on that. And what I think we came out of that and it came out as part of a recommendation from Commissioner Montoya was that the City, that we have an initiative for the City to review that draft that we put in and tell us, give us feedback as to what they don't like about the draft. Because there was one City Councilor said, well, we don't want the County to take over the City water system. That was the level of understanding that they had with that bill.

So it became clear to the Speaker and to all of us there that probably the City Councilors hadn't ever seen the bill, and their main concern with the bill was that they weren't notified ahead of time about it. There didn't seem to be substantive concerns about the policies of the bill. So I'd like to suggest and ask the staff to come up with a mechanism whether we need a committee, Mr. Chairman, of ourselves to negotiate that or whether we start off with the staff negotiations - however we do it, we get a copy of that bill to the Mayor, ask him to form a committee to look at it, whatever he wants to do, redline it and tell us what he doesn't like about it. That will at least give us a start as to where that regional water authority bill can go. So that was a positive result of that meeting that we had yesterday.

Finally, I'd like to mention that the Water Trust Board has placed the County on the short list for full applications for a \$2.9 million water line that would connect the County

system to the Eldorado water system. This was an application that was put in by staff this year as well as last year. This year we made the short list cut. And we now have to put in a full application. So I wanted to ask Mr. Wust where we stood on that full application because it's due I believe on the 16th of September.

DR. WUST: Mr. Chairman, Commissioner Sullivan, we're working on that. One thing that we've done, because I've been discussing it with Joseph Gutierrez and PFMD and he's arranged a meeting we're going to have with the coordinator for the Water Trust Board, because there some questions in that application we're not sure how to answer them from a County perspective. So we're meeting with her I believe this week. And so we're working on it but we're also meeting with the Water Trust Board in order to clarify how we answer the various questions on the application.

COMMISSIONER SULLIVAN: Okay, because one of the components of that application is a resolution that the governing body has to pass and has to sign. So we have one more meeting before the 16th. So you'll need to get that resolution into us on the 11th.

DR. WUST: We'll do that.

COMMISSIONER SULLIVAN: Because that's a requirement of the package. That's all I had, Mr. Chairman. Thank you.

CHAIRMAN ANAYA: Thank you, Commissioner Sullivan. I just had a few items very quick. The Santa Fe County Fair was a great success and I wanted to thank all the participants and especially thank the staff and the parents that were working very hard to make this County Fair a success. So thank you to all of them and all the winners. It was a great fair and it's expanding and I think we need to start expanding our fair. I know we have the master plan of it so I think we need to move forward on that.

I'd like to just get a real brief update from James or Robert on the Calle Debra Bridge to kind of let the public know where we are in terms of maybe a finish time and that's the Calle Debra Bridge out in La Cieneguilla.

MR. LUJAN: Mr. Chairman, member of the Commission, yes, we are currently raising the grade and we are going to start basecourse in the next day or so and I'm planning to have it paved by the 7th of September.

CHAIRMAN ANAYA: Great.

MR. LUJAN: We had a delay in trying to get some concrete for the slope blankets but I talked to the local vendor and we're going to get concrete Friday morning at 9:30 to pour those slope blankets. So we should definitely have it open by the 15th.

CHAIRMAN ANAYA: Oh, good. I've just been getting some calls on it.

MR. LUJAN: Correct. We're going to be on target to open it for sure by the 15th.

CHAIRMAN ANAYA: I know it took a little longer because of the runoff.

MR. LUJAN: Correct. We ran into the runoff problems and then the angle of that river after that flood came, it meandered and took its natural course so we had to adjust that pipe again and start a new footing and align it the way the river actually does flow and somebody had changed it many years ago. So we got back on line and we angled that pipe the

way it should go and I think we're going to have a good product there.

CHAIRMAN ANAYA: Okay. Thanks, James. And I had a meeting with Representative King, Representative McCoy, at the senior center in Edgewood and we are talking about expanding that senior center. And thanks to the representatives and Senator Pete Campos for getting \$150,000 for design of that. So it will be coming forward. I want to thank Frank Jaramillo for being there and Joseph Gutierrez and Rudy Garcia for helping out on this project and moving forward on it. That's all I have. What does the Commission want to do? Go to lunch? We'll be back at 1:30.

COMMISSIONER SULLIVAN: Mr. Chairman, do you want to do the Consent Calendar items that are not withdrawn?

CHAIRMAN ANAYA: Okay, let's move to the Consent Calendar.

XII. CONSENT CALENDAR

A. Budget Adjustments

- 1. Resolution 2005 – A Resolution Requesting an Increase to the Jail Enterprise Fund (518) / Adolescent Residence Center to Budget Additional Care of Prisoners Revenue for Expenditure in Fiscal Year 2006 / \$13,410 (Corrections Department) ISOLATED FOR DISCUSSION**
- 2. Resolution 2005-113. A Resolution Requesting an Increase to the GOB Series 1997 Proceeds Fund (350) to Budget Prior Fiscal Year 2005 Cash Balance for Expenditure in Fiscal Year 2006 / \$4,235.67 (Finance Department)**
- 3. Resolution 2005-114. A Resolution Requesting an Increase to the Emergency Medical Services Fund (206) / All EMS Districts to Realign the Fiscal Year 2006 Budget with the Final State Distribution Allocation Award for Expenditure in Fiscal Year 2006 /\$39,046 (Fire Department)**
- 4. Resolution 2005-115. A Resolution Requesting an Increase to the General Fund (101) / Hazmat Grant to Budget Prior Fiscal Year Grant Balances for Expenditure in Fiscal Year 2006 / \$22,186 (Fire Department)**
- 5. Resolution 2005 – A Resolution Requesting an Increase to the Fire Impact Fees Fund (216) / Hondo Fire District to Budget Prior Fiscal Year 2005 Cash Balance for Expenditure in Fiscal Year 2006 /\$52,912 (Fire Department) ISOLATED FOR DISCUSSION**
- 6. Resolution 2005-116. A Resolution Requesting an Increase to the Fire Protection Fund (209) / La Puebla Fire District to Budget a Federal Grant Received from FEMA for Expenditure in Fiscal**

- Year 2006 /\$18,153 (Fire Department)
7. Resolution 2005-117. A Resolution Requesting an Operating Transfer from the DWI Program to the County Sheriff's Budget within the General Fund (101) for Law Enforcement Efforts with DWI Projects in Fiscal Year 2005 / \$7,940 (Health & Human Services Department)
 8. Resolution 2005-118. A Resolution Requesting a Budget Decrease to the General Fund (101)/ Maternal Care Infant Health Program Realigning the Fiscal Year 2006 Budget with the Final Approved Grant Award for Expenditure in Fiscal Year 2006 / \$32,646 (Health & Human Services Department)
 9. Resolution 2005-119. A Resolution Requesting a Budget Increase to the Alcohol Programs Fund (241) / Community DWI and Ignition Interlock Programs to Align the Fiscal Year 2006 Budgets with the Final Approved Grant Awards / \$1,443 (Health & Human Services Department)
 10. Resolution 2005 - A Resolution Requesting an Increase to the General Fund (101) / Home For Good - El Norte Program for a Grant Awarded Through the New Mexico Department of Health for Expenditure in Fiscal Year 2006 / \$61,305 (Health & Human Services) ISOLATED FOR DISCUSSION
 11. Resolution 2005 - A Resolution Requesting an Increase to the General Fund (101) / Intergovernmental Summit Project to Budget Miscellaneous Revenue Received for Expenditure in Fiscal Year 2006 /\$4,000 (Manager's Office) ISOLATED FOR DISCUSSION
 12. Resolution 2005-120. A Resolution Requesting a Budget Decrease to the US Environmental Protection Fund (260) to Reverse Resolution 2005-39 for Fiscal Year 2005 /-\$1,397 (Project & Facilities Management Department)
 13. Resolution 2005 - A Resolution Requesting an Increase to the Wildlife/Mountains/Trails Fund (233) for a Federal Grant Awarded through the U.S. Department of Transportation for Expenditure in Fiscal Year 2006 / \$300,000 (Project & Facilities Management Department) ISOLATED FOR DISCUSSION
 14. Resolution 2005-121. A Resolution Requesting an Increase to the US Environmental Protection Fund (260) and the State Special Appropriations' Fund (318) to Budget Prior Fiscal Year 2005 Grant Balances for Expenditure in Fiscal Year 2006 /\$3,438,199.03 (Project & Facilities Management Department)
 15. Resolution 2005-122. A Resolution Requesting an Increase to the

- Capital Outlay GRT Fund (213), the Wildlife/Mountains/Trails Fund (233) to Budget Prior Fiscal Year 2005 Cash Balances for Expenditure in Fiscal Year 2006 / \$1,310,492.35 (Project & Facilities Management Department)
16. Resolution 2005 – A Resolution Requesting an Increase to the Capital Outlay GRT Fund (213 to Budget Prior Fiscal Year 2005 Cash Balance and an Operating Transfer to the State Special Appropriations Fund (318) for Expenditure in Fiscal Year 2006/ \$13,826,258 (County Manager, Public Works, Project & Facilities Management and Utilities) ISOLATED FOR DISCUSSION
 17. Resolution 2005-123. A Resolution Requesting a Budget Decrease to the General Fund (101) / Region III Grant Program to Realign the Fiscal Year 2006 Budget with the Approved Interim Grant Extension from New Mexico Department of Public Safety/ \$197,892 (Sheriff's Office)
 18. Resolution 2005-124. A Resolution Requesting an Increase to the General Fund (101) / Region III Program Income to Budget Court Settlement Restitution Revenue Received for Expenditure in Fiscal Year 2006 /\$290 (Sheriff's Office)
 19. Resolution 2005-125. A Resolution Requesting an Increase to the General Fund (101)/HIDTA Grant Program to Budget Prior Fiscal Year 2005 Grant Program to Budget Prior Fiscal Year 2005 Grant Balances for Expenditure in Fiscal Year 2006 / \$1,607.83 (Sheriff's Office)
 20. Resolution 2005-126. A Resolution Requesting an Increase to the General Fund (101) / County Sheriff's Budget for a Federal Grant Awarded Through Eastern Kentucky University for Expenditure in Fiscal Year 2006/ \$40,000 (Sheriff's Office)
 21. Resolutions 2005-127. A Resolution Requesting an Increase to the General Fund (101) / County Sheriff's Budget for Warrant Enforcement Revenue Received for Expenditure in Fiscal Year 2006 /\$3,121.97 (Sheriff's Office)
 22. Resolution 2005-128. A Resolution-Increasing the Utility Budget in the Amount of \$155,000 for NMED Grants. The Grants Numbers, Names and Amounts are as Follows: 04-1556-STB Agua Fria/Rumbo al Sur Rd. Sewer Line \$50,000 /05-0140-STB Sewer Line Extension (Paseo de Tercero & Via Don Toribio) \$50,000 / 051158-GF Sewer Line Extension (Agua Fria Rd & Rufina St.) \$20,000 / 05-1199-GF Sewer Line Extension (Paseo de Tercero & Via Don Toribio) \$35,000 (Water Resource

- Department & Finance)
23. **Resolution 2005-129. A Resolution Requesting an Increase to the General Fund (101) / Project and Facilities Management Department (Property Control Division) to Budget Unbudgeted Cash Balance Reserves for Capital Expenditure in Fiscal Year 2006/ \$1,200,000 (Project & Facilities Management Department)**
 24. **Resolution 2005-130. A Resolution Requesting an Increase to the Water Enterprise Fund (505) to Budget Additional Revenue from an Approved Utility Rate Increase to Create 3 FTEs for Fiscal Year 2006 / \$127,422**
- B. Professional Service Agreements**
1. **Request Authorization to Accept and Award a Construction Agreement to the Lowest Responsive Bidder in Response to IFB #25-18 for Renovation of the Eastern Regional Fire Station, Hondo Fire District / \$1,429,500 (Fire Department)**
 2. **Request Authorization to Accept and Award a Construction Agreement to the Lowest Responsive Bidder in Response to IFB #25-62 RB1 for Sidewalk Repair at the Santa Fe County Judge Steve Herrera Judicial Complex / \$23,500 (Project & Facilities Management Department) ISOLATED FOR DISCUSSION**
 3. **Request Authorization to Amend Contract #24-0150-CHDD with Community and Family Services, Inc. to Add \$40,000.00 for Evaluation Services for the Home for Good Program (Health & Human Services Department) ISOLATED FOR DISCUSSION**
 4. **Request Authorization to Accept and Award a Professional Services Agreement to the Highest Rated Offeror in Response to RFP #26-0901-CL/MV for Recording/Stenography Services for the Santa Fe County Clerk's Office and the Santa Fe County Land Use Department / \$41,250**
 5. **Request Authorization to Accept and Award Professional Services Agreement #26-1401-WR.KD to the Highest Rated Offeror in Response to RFP #26-004-UT for the Feasibility Study of Wastewater Alternatives in the Las Golondrinas Area / \$34,687 ISOLATED FOR DISCUSSION**
 6. **Request Authorization to Accept and Award a Price Agreement to C& C Distributors for IFB #25-66, for Indefinite Quantity Janitorial Supplies for the Building Services Section (Project & Facilities Management Department)**
- C. Grant Agreements**
1. **Request Approval and Execution of 5 NMED Grant Agreements. The Grant Numbers, Names, and Amounts are as Follows: 04-**

- 1556-STB Agua Fria/Rumbo Al Sur Road Sewer Line \$50,000 / 05-0140-STB Sewer Line Extension (Paseo de Tercero & Via Don Toribio) \$50,000 / 5-1154-GF Regional Water & Wastewater System \$1,070,000 (Pojoaque Valley) / 05-1158-GF Sewer Line Extension (Agua Fria Road & Rufina St.) \$20,000 / 05-1199-GF Sewer Line Extension (Paseo de Tercero & Via Don Toribio) \$35,000 (Water Resource Department & PFMD) ISOLATED FOR DISCUSSION**
2. **Resolution 2005 - A Resolution Designating Grantee Signature Authority and Project Representative for the NMED Grants. The Grant Numbers, Names and Amounts are as Follows: 04-1556-STB Agua Fria/ Rumbo al Sur Road Sewer Line \$50,000 / 05-0140-STB Sewer Line Extension (Paseo de Tercero & Via Toribio) \$50,000 / 5-1154-GF Regional Water & Wastewater System- \$1,070,000 (Pojoaque Valley) / 05-1158-GF Sewer Line Extension (Agua Fria Rd & Rufina St.) \$20,000 / 05-1199-GF Sewer Line Extension (Paseo de Tercero & Via Don Toribio) \$35,000 (Water Resource Department & PFMD) ISOLATED FOR DISCUSSION**
- D. **Miscellaneous**
1. **Resolution 2005-131 A Resolution Requesting Approval to Surplus Fire Department Rescue Equipment to be Donated to Other Fire Departments within New Mexico (Fire Department)**
2. **Resolution 2005-132. A Resolution Requesting Approval to Surplus Obsolete Fire Department Equipment and Vehicles (Fire Department)**
3. **Request Authorization to Enter into a Memorandum of Understanding Between the City of Santa Fe, Santa Fe County, Santa Fe Community College, Santa Fe Business Incubator and Local Energy to Plan the Development of a Center for Community Sustainability at the Santa Fe Community College (Land Use Department) ISOLATED FOR DISCUSSION**
4. **Resolution 2005-133. A Resolution Authorizing and Supporting an Infrastructure Capital Improvements Plan for Santa Fe County (Project & Facilities Management Department) [See pages 80 and 122]**

CHAIRMAN ANAYA: Is there a motion to approve?

COMMISSIONER CAMPOS: Mr. Chairman, I would move to approve the Consent Calendar with the exceptions noted at the beginning of the meeting by Commissioners Sullivan and Montoya and Vigil.

COMMISSIONER MONTROYA: Second.

CHAIRMAN ANAYA: There's a motion and a second. Any discussion?

The motion to approve the Consent Calendar with the following exceptions: XII. A. 1, 5, 10, 11, 13, 16, B. 2, 3, 5, C. 1, 2 and D. 3 and 4 passed by unanimous [5-0] voice vote.

[The Commission recessed from 12:10 to 1:40.]

X. PRESENTATIONS

B. Presentation on Economic Opportunities Through the Wildlife Program by Larry Bell, U.S. Fish and Wildlife Service (Land Use)

LARRY BELL: Mr. Chairman, members of the Commission, thank you very much for this opportunity to be with you today and share some ideas and some thoughts. My name is Larry Bell. I'm the assistant regional director for the United States Fish and Wildlife Service. I guess in short I could say I was lifelong resident of Santa Fe County. I grew up here. Spent most of my adult life here and my job has returned me to this county. So along with many of you I have a long, rich history of county activities and county opportunities.

I don't think there's any doubt in the room and certainly among the Commissioners that Santa Fe County is rich in culture and history and tradition, and we oftentimes celebrate those histories and cultures and those traditions. But as I go around in my travels and in my work and the opportunities I see, there's a component of that culture and history that seems to be missing and that's the purpose of my being here today. That component that's missing is the celebration of our state and our county's wildlife richness, our diversity. New Mexico alone has seven different life zones. It has significant meaning not only in the terrain that we see and the climate that we enjoy but it has very deep meaning in the amount and kinds of wildlife that not only reside here but that travel through.

And because so much of our counties' economies rely on tourism throughout the state of New Mexico with Santa Fe County being no exception, the blending of those tourist opportunities with wildlife resources to bring about a viable economic base is literally an untapped and unexplored resource at least, my feeling is, within much of the Southwest and certainly within much of Santa Fe County. I was happy today to hear about some of your open space programs and the ongoing activities there. That too will be a perfect blend of the things that I want to talk to you about and some ideas I want to share with you in exploring economic viability, utilizing the state's rich natural resources.

It's there's probably no doubt to anyone, and you've probably heard a lot about the hunting and fishing activity, and the hunting and fishing opportunities that are provided. I want to share a few figures and facts with you. In New Mexico alone the hunting industry brings in \$153 million to the state of New Mexico. And in those expenses are included trip related expenses such as food and lodging, transportation, miscellaneous supplies. And that's probably something you hear a lot about and that people talk about frequently. You probably also hear

talk about the fishing industry and what it brings in and that accounts for \$176 million industry in the state of New Mexico.

What you don't hear as much about is the non-traditional use of the wildlife. Things like birding and wildlife viewing and watchable wildlife and wildlife photography opportunities. And this is where the figures get truly astounding. Within the state of New Mexico that is a \$538 million industry. Something that if you're not aware of, certainly the opportunity exists for you to become aware of and decide how we can begin to market that opportunity and bring forward revenues to the County through the blending, like I said, through that tourism, the economics, the willingness of people to go out and explore nature, utilizing your open space system.

Let me give you an idea that these things come from both direct and indirect costs. As I said, included in there are the lodging, which results in taxes for the County. There are entire industries that grow up around these. Again, using hunting as an example, not that many years ago, 10 to 15 years ago, you could count very easily the number of outfitters, probably 20 to 25 outfitters that participated in hunting activity, and there were virtually no fishing outfitters anywhere in the state. Today, if you look at the registration of the New Mexico State Department of Game and Fish you will see literally hundreds of registered outfitters and upwards of 500 registered guides that participate in that activity. So an entire industry can begin to develop. But again, that's looking at only one component of it. That's looking at the hunting and fishing industry. That's not looking at the opportunity to take tours, to set up safari type adventures in and around the local area and the industry that can begin to develop around that, making a strong economy and a strong tax base for the counties.

Those areas associated with national wildlife refuges, which your open spaces can represent just as easily as anything in the national wildlife refuge system, but just for example, the Las Vegas National Wildlife Refuge, just 60 miles to the north of us last year saw 63,000 visitors, a total of 12,000 visitor days and brought in over half a million dollars to the local community, just from people that wanted to go by and see a national wildlife refuge and what might exist there.

I would share with you a few other examples of things that are going on in other states and then bring that a little closer to home about things that are going on throughout New Mexico. If you pick up the paper, this was out of *USA Today*, May 27, 2005. An advertisement for wildlife expeditions, Jackson, Wyoming, ranging from \$495 to \$745 per person. And what they offer is a two or three-day wolf and bear expedition in the spring and fall on the chance that you might see a bear or you might hear a wolf howl. So there are no guarantees in the program but people are willing to pay for this experience, especially as we look at as our development continues, more and more of our citizens are coming from very urban based societies and they're not familiar with the great outdoors and how to explore that. So offering that opportunity bridges a natural gap between urban dwellers and our very rich environment throughout New Mexico.

A couple other ads from *USA Today*, the wolves and wildlife of Yellowstone is a winter safari that takes in parts of Wyoming and Montana with a focus on elk, bison and wolves. The

seven-day trip is by heated snow coach, snowshoe, and horse-drawn sleigh. Prices start at \$3200 per person. One other ad: six-night wolves and wildlife of Yellowstone trip covers Yellowstone and Grand Teton National Park. Prices start at \$3295 per person. That's three thousand two hundred and ninety-five. I submit that we have the same richness as those areas of Yellowstone and yet unexplored.

Very close to Santa Fe County, with the Santa Fe National Forest very nearby, an opportunity is to partner with other agencies – New Mexico Game and Fish, the US Fish and Wildlife Service, the National Park Service at Bandolier, the Forest Service right here in the Santa Fe National Forest, and begin to build these types of industries. I think it's a wonderful opportunity for all of us to look. And what comes from that is people's appreciation of wildlife. People's appreciation of the great outdoors and their willingness then to participate in sound and solid conservation efforts that continue to assure that we have that richness of value that we've all come to enjoy within New Mexico.

A couple of ideas locally, just to give you another idea. Socorro County a number of years ago started what they call the annual Crane Festival. I don't know if any of you have been able to go and attend that. It's a five-day festival. Over 1,000 people attend and over that five-day period, that 1,000 people bring in over a million dollars to the economy of Socorro County. A few years ago the New Mexico Game and Fish stated what they call the High Plains Prairie Chicken Festival in a very small town in eastern New Mexico called Milnesand. During this festival, there are more people that come to Milnesand than what live in Milnesand and they bring in over \$6,000 on a two-day festival to that very small community, which helps them with their infrastructure to bring in fire departments and bring in safety aspects and all those things going with having a strong and viable county.

Our Las Vegas National Wildlife Refuge as I said has brought in significant money in non-consumptive use in excess of \$500,000. The Bosque del Apache National Wildlife Refuge, probably one of the state's showcases, national showcase refuges brings into that area, that local economy, just over \$2.4 million annually in lodging, meals. Lodging alone is \$2.4 million, meals estimated at \$770,000, and gas, around \$385,000. So what I wanted to talk about is those same opportunities exist in Santa Fe County, virtually every county in New Mexico because of the diversity of wildlife that we have. And just to lay out on the table for you some things where we might work better together to help you explore those opportunities.

The US Fish and Wildlife Service has a variety of grant programs, some that are administered straight through the United States Fish and Wildlife, some that flow down to our state counterparts, the State Department of Game and Fish, and those grants are provided in order to provide for habitat restoration, hunter education, aquatic restoration, aquatic education, boating access, state wildlife grants, which is a conservation initiative, and then some private land grants as well that we can partner with the counties that allow them to benefit their habitat, their landscape, their economy.

There was recently a rancher in Texas that participated in one of these grant programs and began restoring his once heavily grazed ranch with native vegetation. And now he ranks his economy as number one is his quail hunting and deer hunting opportunity and he says that

allows him to sustain his ranching economy on the natural landscape and allows him to enjoy the lifestyle that he's become accustomed to. So they can provide a very good incentive, some good seed money, as we explore different ideas to work towards this type of development.

We would look at doing any of this in partnership with the County. I'm not here to tell you you have to do any of this, but merely to lay out that very basic notion that we're missing a huge opportunity in an underutilized resource and that is the area of wildlife viewing, wildlife watching, wildlife tours and opportunities to just get out and explore nature that the county seems to be a perfect starting point for that opportunity that would also support that county.

So I don't want to take a lot more of your time. I have several brochures that I'll leave for you, including one booklet on the entire national wildlife refuge system and the money that can be brought in by development of something like the national wildlife refuge. A national survey of hunting, fishing and wildlife related activities. And then the program for this year's Festival of the Cranes that's going on in Socorro that will give you an idea of what type of events to plan because at this one-week event local artisans sell their wares, their T-shirts, their art work, their photography work, so the whole community becomes involved. So it's not just let's go out and look at the birds. So it's a really great thing. I'll leave that with you for your review and then just offer that if any of this is appealing to you, something you would like to explore, we would be happy to come back and meet with whatever group you deem necessary, whether it would be the full board or whether it would be your economic committees and begin to explore ideas.

And I leave you with one final thought that I also thought fit in very well to Santa Fe County. There's an example in Boise, Idaho. There was a piece of property that had been utilized as a landfill and over the years, that property, as with many landfills, once it was filled and covered nobody knew really what to do with it. So they leased it out to the city, the owner of the property leased it out to the city to develop a youth baseball park. And not too unlike the landfill right outside of the Casa Solana housing area, it didn't suit very well for baseball because of some of the odors that may be coming up, so they closed the baseball field and the owners took it back over. The owners happened to be the Idaho Department of Game and Fish. They said, well let's just plant it with some native vegetation. Let's dig a little hole in the ground for some water. Maybe we can even divert a little bit of water through it so we have kind of a running stream. We'll make a model stream. And then they partnered with the Vo-Tech to build a building, a visitors center, where they show a brief movie. They house a small model fish hatchery. As it stands now, every high school and every grade school within the Boise area use that as a laboratory for education experience. And as a result of their building that, they also used a lot of corporate sponsors - as a result of their building that they now get in excess of 10,000 visitors per month coming through there on a voluntary basis. So great economic, those examples exist here. So I would answer any questions you have but my intent today was just to lay some information out for you, let you know how much money is available and how much people are willing to pay money to enjoy that wildlife, and then begin to work on a dialogue if the County wished to pursue that any further. Mr. Chairman, thank you for the time.

CHAIRMAN ANAYA: Thank you, Larry. Is there any comments from the Commission?

COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: Larry, thanks for coming. I had the opportunity to hear your presentation down in Hobbs for the annual conference down there. The question that I had is where do you see this potentially working within Santa Fe County and how would that type of a partnership work? Because we really just established from movement as far as economic development is going and I think this potentially could be something but do you have any ideas of what that might look like?

MR. BELL: I do, and what I don't know is the success of it. But I do know that we can start small so we're not laying out a lot of money and we can begin to build. So for example, I mentioned that building in a wildlife component to your open space. Is there an opportunity there by the development of that open space to offer weekend birding tours and then how do we market those so that people begin to want to come. Now, one easy marketing technique I've thought of that I think also is underutilized is a video production doesn't cost very much. And as we sit around in the motel rooms in Santa Fe and Santa Fe County, and every motel has that motel channel. So what if kids were sitting there wondering - because I often feel bad for kids in Santa Fe County because once they've been to some of our wonderful Pueblos and seen some of the downtown sites, often there's not much I feel like for them to do.

So if they were sitting there flipping through the motel channel on the TV and all of a sudden saw this wonderful wildlife program, and hey, you can just go out the backdoor of the motel and for a very nominal fee, I think they would begin to pick that up and they would encourage parents to go and they would have the educational opportunity. So something could be done very slow, very easy. We could model something after the Boise example I gave you using perhaps even effluent water and bring in an educational component. Develop a wetland. When you develop a wetland and you put in a little marsh and a little bit of pond, it's amazing the amount of wildlife that comes.

Other ideas that you could do is through partnering with private industry, develop something like a safari tour where there are things that again urban people don't recognize what we might take for granted. How many people sitting in the city would love to hear a bull elk bugle? And how hard would it be to take a van from Santa Fe County up into the Santa Fe National Forest anytime during the month of September and October at the prices I read about in Yellowstone, \$300, \$400 a person. That's in addition to whatever they'll pay for lodging and food while they'll here. Take them out, partner up with a guy in the outfitting industry, hear an elk bugle, maybe see an elk, see a deer, enjoy the fresh air.

So those are some things that could start very simply I think. And say, well, are they going to work? And then to help with that as they get going we could provide some grant money though some of the grants I talked about, work more with you on what those grant programs are and which ones might apply. There is grant money available for things like the wetland development, anything that restores and benefits habitat. And if you find a rare species

- you know a lot of times we hear so much negative about the Endangered Species Act, but people are willing to pay a lot of money that no one else has seen. And so if we find some kind of a rare species, there's a great opportunity there to capitalize on that and bring people in, let them witness that, let them see it. And they're willing to pay for those opportunities.

So those are just a few thoughts to maybe help you along. I'd be happy to sit down to brainstorm with you as we move forward.

COMMISSIONER MONTOYA: Thank you.

CHAIRMAN ANAYA: Commissioner Campos.

COMMISSIONER CAMPOS: Thank you, Mr. Chairman. Everything you said is right. It's accurate. There's a lot of money in that kind of thing that can come to the community and stay here. What this Commission has been concerned about, for example, the Valle Vidal, what's going on with the proposed mining, the eastern portion of that. So we understand what you're saying but we also are concerned with what other agencies in the government are doing. To actually do the opposite of what you're proposing and providing grants for. So I'd love to work with you. It sounds good.

MR. BELL: And we'll bring in a lot of those other agencies at your request or desire because the more people that get involved in this I think the more successful it can become and the more opportunities we can find through that. I appreciate that comment.

CHAIRMAN ANAYA: Commissioner Vigil.

COMMISSIONER VIGIL: Thank you, Mr. Chairman. Thank you, Larry for your presentation. Question: A lot of the wildlife watching opportunities that exist throughout the county is in BLM land. Some of it may even be in tribal government land. I really appreciate this opportunity and would like to direct staff to work with you further for a particular project that suits our economic development issue in this area. However, how do you overcome the boundary issue between BLM land and tribal government land for these purposes?

MR. BELL: Tribal government is of course more difficult because of some of the sanctuary that they need on their land for their cultural and traditional purposes. The federal agencies, I don't see them as near as big a problem. We can sit down and work those details out with them. I feel a lot of it, like if there were going to be safari type tours, it's a matter of getting a special use permit for a commercial purpose on federal land. And it's not a very difficult thing to do, but we would want them at the table too and we'll just work those things out because those lands are open. They're available to the public. They're supposed to be used by the public. They're multiple-use lands that says there has to be a variety of uses on that land from wildlife to livestock, to people's enjoyment. So it fits right in with their mandate. It's just a matter of working out the terms and conditions with them.

COMMISSIONER VIGIL: Thank you. And Larry, I guess another component that I think would be an enhancement component of this is when you look at perhaps even a safari type concept, look at the surrounding areas where there are petroglyphs and hydroglyphs and things of that nature that could be a part of that. I think that's untapped.

MR. BELL: I think that's correct, too. We pretty much rely on our tourism in

this state to learn about the activity and take themselves to it. And there's more and more of the service industry – if you'll provide them a way of getting there, an explanation when they get there, more and more I think we're seeing their willingness to pay for those activities which is great for the County.

COMMISSIONER VIGIL: Thank you. Mr. Chairman, I like this project. I'd like to see our staff continue to work with him on a proposal that would work for Santa Fe County.

CHAIRMAN ANAYA: Gerald, would this be appropriate to have him present that to the Lodgers' Advisory Board? Would that be a first start?

MR. GONZALEZ: Mr. Chairman, Commissioners, that certainly would be one possibility in terms of funding opportunities. I don't see Theresa here but maybe Susan can respond to that.

SUSAN LUCERO (Finance Director): Mr. Chairman, members of the Board, I have to apologize. I was out in the hallway so I didn't hear the entire discussion. But I can explain that the purposes of Lodgers Tax proceeds are for the promotion of further tourism and advertising within Santa Fe County. We have two funds. One for advertising, one for bricks and mortars, which is basically to attempt to build facilities that attract additional tourism.

CHAIRMAN ANAYA: I guess that's probably the appropriate place to start. And then we can move on from there. Commissioner Montoya.

COMMISSIONER MONTOYA: I would say that I think that is a place to start as far as getting some funding, but I think we also need to determine how this fits in. Maybe meet with Paul Olafson and Robert Griego in terms of what they're working on with the open space and economic development respectively, as well as Jack Kolkmeier, and see if that's something that the County is even capable of doing, I guess. If the interest is there to pursue something like this. Personally, I would encourage us to do that. I think it's a wonderful way to use natural resources for economic development. We're not tearing up the Valle Vidal.

MR. GONZALEZ: Mr. Chairman, Commissioner Montoya, we do have an internal staff economic development team and Robert Griego is part of that team. I think Jack Kolkmeier also. So we can raise that issue internally in our discussions and see what possible directions we can explore in conjunction with the department.

CHAIRMAN ANAYA: Good. Thank you. Larry, thank you very much for your presentation. It was very interesting.

MR. BELL: Thank you, Mr. Chairman. I look forward to working with you further and maybe we can get a pilot project and just see if it works for everybody.

XI. COMMITTEE APPOINTMENTS/REAPPOINTMENTS AND RESIGNATIONS

A. Appointment of Mr. Rick Galligan, Replacement for Mr. Alfred Matter, to the Lodgers' Tax Advisory Board

MS. LUCERO: Mr. Chairman, members of the Board, we are requesting the appointment of Mr. Rick Galligan who happens to be the general manager for Bishop's Lodge and this appointment would be the Lodgers' Tax Advisory Board, composed of five members. Four of those five members represent the hospitality or lodging industry, and Mr. Galligan is with Bishop's Lodge which happens to be one of the largest county lodging facilities. And therefore we're requesting his appointment. He has included in the packet his letter of interest as well as his resume.

CHAIRMAN ANAYA: Any questions or comments for Susan? What's the pleasure of the Board?

COMMISSIONER VIGIL: Move to approve.

CHAIRMAN ANAYA: There's a motion.

COMMISSIONER MONTOYA: Second.

CHAIRMAN ANAYA: And a second. Any more discussion?

The motion to appoint Rick Galligan to the Lodgers' Tax Advisory Board passed by unanimous [5-0] voice vote.

XI. B. Appointments and Reappointments to the Maternal Child Health Council

KHRISTI READYHOUGH: Good evening, Mr. Chairman, members of the Board. I'm the chair of the Santa Fe Maternal Child Health Council. I'm here to request the appointment of members to our council. These individuals have been nominated by the council and endorsed by the HPPC. There are seven candidates at this time. Included in your packet are there letters of interest and their resumes.

For reappointment, for a second two-year term to end June 30, 2007, there are two candidates. The first is myself. I'm interested in continuing to work with the council in the implementation of the Santa Fe County Zero to Three Strategic Plan and collaboration with community programs to carry out the crucial and far-reaching vision that all children in Santa Fe County will begin their lives with opportunities to thrive. I'm the North Central Northeast Regional Supervisor for Step High, which is the New Mexico School for the Deaf early intervention program.

The second candidate for reappointment of a second two-year term is Mr. Ron Garcia. He's the executive director of New Vistas. He offers strong, community-based advocacy for children with special needs and their families. He views the MCH Council as

unique in our New Mexico communities because they focus on the health issues relevant to the critical developmental stages in our children and in their moms.

There are five candidates for appointments for first two-year terms to end June 30, 2007. Jessica Aufrichtig, MSW, is director of Healthy Families First, Primeros Pasos. Ms. Aufrichtig is a strong advocate for prevention and for children and families and has a strong commitment to supporting home visiting efforts in Santa Fe County.

Ms. Lynda Kellahin has served for more than 30 years advocating for the underserved in New Mexico, actively participating in the Santa Fe Maternal and Child Health Board, establishing the teen health centers and Santa Fe and Capitol High Schools.

Cheryl Whitman, MD. Dr. Whitman has been a pediatrician in Santa Fe since 1976 and was a member of the first Santa Fe MCH Council. Her experience is that New Mexico as a state has a long way to go in providing adequate care for mothers and children.

Nancy Hun is a student at Santa Fe Community College with plans to enroll in the early childhood program.

Ms. Jill Reichman, PhD, medical anthropologist. Her dissertation addressed the relationship of acculturation and folk medical belief in recently immigrated Mexican Nationals.

The new membership will bring our total members to 13. Our bylaws require an 11-member council. We plan to return next month with an additional two to three members who represent other MCH community stakeholders. We advertised through the County Manager's office in the *New Mexican*, the *Albuquerque Journal* and *Tumbleweed*. We respectfully request appointment of these seven individuals.

CHAIRMAN ANAYA: Thank you, Khristi. Any questions or comments for Khristi?

COMMISSIONER CAMPOS: Just a quick question.

CHAIRMAN ANAYA: Commissioner Campos.

COMMISSIONER CAMPOS: How many people actually apply? You have seven, five new persons and two holdovers. Did you have a large response?

MS. READYHOUGH: No, that was the response.

COMMISSIONER CAMPOS: This is it?

MS. READYHOUGH: Yes.

COMMISSIONER CAMPOS: Okay. Thank you, Mr. Chairman.

CHAIRMAN ANAYA: Okay, any other questions?

COMMISSIONER MONTROYA: Mr. Chairman, move for approval.

COMMISSIONER VIGIL: Second.

CHAIRMAN ANAYA: There's a motion and a second. Any more discussion?

The motion to appoint the seven members as recommended to the Maternal and Child Health Council passed by unanimous [5-0] voice vote.

XI. C. Appointments to the Tesuque Development Review Committee

PENNY ELLIS-GREEN (Deputy Land Use Administrator): Thank you, Mr. Chairman, Commissioners. The Tesuque Development Review Committee have not been meeting for the last several years due to a lack of a quorum. In July, a citizen informed the Land Use Department that there were several people that would like to reform this committee. Staff advertised for volunteers in the New Mexican and eight people responded. The Land Development Code requires a minimum of five members for this committee. The majority would serve one-year terms, the rest for two-year terms. We recommend that the two-year terms begin in September and end December 31, 2007, and the one-year terms begin September and end December 31, 2006.

The response was, the first one is Catherine Macken, who is requesting a two-year terms. Kestutis Germanas, who has requested a two-year term. Cathie Sullivan requested a one-year term. Cheryl Alters Jamison and Bill Jamison didn't state how long they request, so we would recommend both of those actually as a one-year term.

The following volunteers are either part-time residents or can only serve as an alternate, so therefore staff didn't recommend their appointment. That was Christine Warren - she's a part-time homeowner, Ken Holsten, again, a part-time homeowner, and Alfred Von Bachmayr, who only wanted to be appointed as an alternate.

COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: Penny, does this come about as a result of part of the tree-trimming incident?

MS. ELLIS-GREEN: Mr. Chairman, Commissioner Montoya, I believe this actually started back in July, which was before the tree-trimming. This was a committee that was established and had run for several years. They did have a problem with quorums and we came to reappointment and we didn't get anyone requesting to be reappointed and no new people from the community wanted to be appointed. So for several years we haven't had a Tesuque Review Committee.

COMMISSIONER MONTOYA: Right.

MS. ELLIS-GREEN: My understanding, I spoke to Catherine Macken a number of months ago and she stated that the community was interested in starting this again, and I think that was before all of the tree-trimming.

COMMISSIONER MONTOYA: So when was this advertised then?

MS. ELLIS-GREEN: It would have been advertised in July.

COMMISSIONER MONTOYA: Before the tree-trimming?

MS. ELLIS-GREEN: Right.

COMMISSIONER MONTOYA: The only reason I ask is because there were some people at that meeting that had no idea that this committee existed. So I don't know what - and it sounds like some of these are repeat members.

MS. ELLIS-GREEN: Catherine Macken had been on previously.

COMMISSIONER MONTOYA: She's the only one?

MS. ELLIS GREEN: Then number four and number five, Cherly6 Alters Jamison and Bill Jamison I think are married.

COMMISSIONER MONTOYA: Okay. Now, are they planning on actually meeting? I guess part of the problem is that there's really not a whole lot of development going on in Tesuque so if they did have to meet they couldn't get a quorum. So I guess I'm just curious as to -

MS. ELLIS-GREEN: Mr. Chairman, Commissioner Montoya, a lot of our local review committees do not meet every month. CDRC And EZC do meet every month. There's always cases going on. But Agua Fria, La Cienega, CCDRC, the Community College District and Tesuque did not meet every single month. So they're not always meeting but they are daytime meetings and they are happening, anything from four to eight times a year.

COMMISSIONER MONTOYA: Okay.

MS. ELLIS-GREEN: And they happen once a month. So some months there won't be anything on an agenda; the other months there will be.

COMMISSIONER MONTOYA: Okay. Mr. Chairman, move for approval.

COMMISSIONER CAMPOS: Second.

CHAIRMAN ANAYA: There's a motion and a second. Any more discussion?

COMMISSIONER CAMPOS: One point, Mr. Chairman. Do we intend to appoint Mr. Alfred Von Bachmayr as the alternate?

MS. ELLIS-GREEN: Mr. Chairman, Commissioner Campos, I'd actually asked Legal whether or not we could have an alternate and in the Land Development Code there wasn't a way to have an alternate, so I don't believe we can appoint alternates.

COMMISSIONER CAMPOS: Okay.

CHAIRMAN ANAYA: So what we're doing is we're appointing the first five as members, which include two-year terms and one-year terms, and then Christine and Ken as - no, we're not going to appoint any of those.

MS. ELLIS-GREEN: Just the first five.

CHAIRMAN ANAYA: There's a motion and a second. Any more discussion?

The motion to appoint five members to the Tesuque Development Review Committee passed by unanimous [5-0] voice vote.

XI. D. Resignation and Appointment to the Agua Fria Development Review Committee

MS. ELLIS-GREEN: Thank you, Mr. Chairman, Commissioners. We've

received a letter of resignation from Mark Gonzales from the AFDRC. He served for several terms. We did an advertisement in the *New Mexican* outlining the requirements to serve on this committee. Henry Chavez has volunteered to serve. He is currently a planning committee member and is willing to serve on this committee. He also owns property in Agua Fria. Staff recommends that the Board appoint Henry Chavez to serve on the AFDRC for two years to begin September and end December 31, 2007.

COMMISSIONER MONTOYA: So moved.

COMMISSIONER CAMPOS: Second.

COMMISSIONER VIGIL: Mr. Chairman.

CHAIRMAN ANAYA: There's been a motion and a second. Discussion.
Commissioner Vigil.

COMMISSIONER VIGIL: I just really want to take this opportunity to thank Mark Gonzales who has served the Agua Fria Development Review Committee for quite some time. I know he got a reassignment to the Military Institute so he had to resign. And I'm very excited about bringing Henry Chavez on board. He has been participating in the planning process and actually has been chairman of that several years. He's well versed on the community issues and I'm glad that he's going to be part of the development review process. Thank you, Mr. Chairman.

CHAIRMAN ANAYA: You're welcome. Commissioner Sullivan.

COMMISSIONER SULLIVAN: Penny, in Mr. Gonzales' resignation letter he recommended that Mr. Arsenio Gonzales be considered to fill the position. Did you consider Mr. Arsenio Gonzales?

MS. ELLIS-GREEN: Mr. Chairman, I believe that the Land Use Administrator did contact him, and there was also an advertisement and we did not get a letter stating he was willing to serve. So the only - after we did the advertisement, the only person willing to serve was Henry Chavez.

COMMISSIONER SULLIVAN: Thank you.

CHAIRMAN ANAYA: I'd also like to thank Mark Gonzales for his volunteer time on the committee and welcome Henry.

The motion to appoint Henry Chavez to the AFDRC passed by unanimous [5-0] voice vote.

XI. E. Appointment to the Community College Development Review Committee

MS. ELLIS-GREEN: Thank you, Mr. Chairman, Commissioners. There is currently one vacancy on the Community College Development Review Committee. Again, we advertised in the *New Mexican* outlining the requirements to serve. Monica Montoya is the only one who volunteered to serve. Staff recommends appointing Monica Montoya to serve on the

CCDRC for two years to begin September and end December 31, 2997.

CHAIRMAN ANAYA: Any questions?

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Campos.

COMMISSIONER CAMPOS: Just for the future, we should have a resume attached to all of these folks so we can have a good history. At least we can have some judgment, have a little background. I notice that Ms. Montoya did say she included a resume but I don't find it in my packet. I think that would be helpful to us.

CHAIRMAN ANAYA: Thank you, Commissioner. Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chairman, I think we brought this up before, as I recall, and there was a resume, because it's very familiar to me. Maybe for some reason it wasn't acted on. Was this brought up before, Penny?

MS. ELLIS-GREEN: Mr. Chairman, Commissioner Sullivan, we do ask for resumes, and I can see that Monica has stated she attached one and it isn't in your packet.

COMMISSIONER SULLIVAN: Maybe I saw it because Dolores gave me a copy. I did talk on the phone with Ms. Montoya and she appeared to be very interested and very animated and very qualified and interested in what the Community College District Committee was doing. So I was at least from our telephone interview quite impressed with her.

CHAIRMAN ANAYA: Any other questions, comments? There's been a motion and a second.

The motion to appoint Monica Montoya to the CCDRC passed by unanimous [5-0] voice vote.

XII. CONSENT CALENDAR

A. Budget Adjustments

- 1. Resolution 2005-134. A Resolution Requesting an Increase to the Jail Enterprise Fund (518) / Adolescent Residence Center to Budget Additional Care of Prisoners Revenue for Expenditure in Fiscal Year 2006 /\$13,410 (Corrections Department)**

COMMISSIONER SULLIVAN: Mr. Chairman, I asked for a quick explanation of this because it's a \$13,000 budget request and \$11,000 of it just says "other operating costs, miscellaneous". And that looked a little bit too general for me to be comfortable with it, so perhaps we could get a little better explanation.

MS. LUCERO: Mr. Chairman, Commissioner Sullivan, I apologize for inadequate documentation there. The \$11,000 represents what we will need to pay for ACA accreditation.

COMMISSIONER SULLIVAN: What is ACA accreditation?

MS. LUCERO: American Correctional Association.

COMMISSIONER SULLIVAN: And that's something that wasn't budgeted

previously.

MS. LUCERO: Right. What we noticed was that as the budget had been approved we were verifying the detail back to the programs justification, and this section of other operating costs was inadvertently left out. So this should have been part of the original base request and it wasn't.

COMMISSIONER SULLIVAN: Thank you, Mr. Chairman.

CHAIRMAN ANAYA: Okay, is there a motion?

COMMISSIONER MONTOYA: So moved.

CHAIRMAN ANAYA: There's a motion.

COMMISSIONER VIGIL: Second.

CHAIRMAN ANAYA: And a second. Any more discussion?

The motion to approve Resolution 2005-134 passed by unanimous [5-0] voice vote.

XII. A. 5. Resolution 2005-135. A Resolution Requesting an Increase to the Fire Impact Fees Fund (216) / Hondo Fire District to Budget Prior Fiscal Year 2005 Cash Balance for Expenditure in Fiscal Year 2006 /\$52,912 (Fire Department)

COMMISSIONER VIGIL: Just a real quick question, Susan, and perhaps representatives from the Fire Department. I'm totally in favor of this transfer. The question that it brought up for me is what we're doing to solicit a more fair and equitable distribution of the fire impact fees from the state legislature and perhaps Stan Holden needs to respond to that. More specifically, I don't know. But I'm happy to speak with him independently.

MS. LUCERO: Mr. Chairman, Commissioner Vigil, we are not totally aware of what may be in line for legislative requests. These funds specifically are what we charge through the County for the purposes of development. That is aligned in terms of new subdivisions, etc. New development. But we can bring that information back to you if that's possible.

COMMISSIONER VIGIL: I'd really -- part of the problem we have with trying to really meet the budget or the needs of safety and emergency response for our Fire Department is the State Fire Marshal and the Public Regulation Commission and agencies such as that actually have some funds that I know we've lobbied for allocation for before and I'm not too sure what the status of that is. So if you would just alert Stan Holden that I'd like to know how we can lobby the legislature to get those funds to those areas that don't have those services. Thanks.

MS. LUCERO: Commissioner, may I ask are we thinking in terms of recurring operational types of things?

COMMISSIONER VIGIL: Yes.

MS. LUCERO: Okay.

CHAIRMAN ANAYA: Okay. Any other comments? What's the pleasure of the Board?

COMMISSIONER VIGIL: Move to approve.

CHAIRMAN ANAYA: There's a motion. Is there a second?

COMMISSIONER CAMPOS: Second.

CHAIRMAN ANAYA: A motion and a second. Any more discussion?

The motion to approve Resolution 2005-135 passed by unanimous [5-0] voice vote.

CHAIRMAN ANAYA: Thank you, Susan, Steve, thanks.

- XII. 10. A. Resolution 2005-136. A Resolution Requesting an Increase to the General Fund (101) / Home For Good – El Norte Program for a Grant Awarded Through the New Mexico Department of Health for Expenditure in Fiscal Year 2006 / \$61,305 (Health & Human Services)**

COMMISSIONER MONTOYA: Mr. Chairman, the questions that I have on this is that this agreement is specifying Santa Fe County would use funds from the Home for Good/El Norte for renovations at Pinon Hills Residential Facility. Could you explain how this came about please? Particularly, I guess my question is we have needs at the CARE Connection and we're throwing - well, not throwing but putting funding in another facility outside of our county.

LINDA DUTCHER (Health & Human Services Department): Mr. Chairman, Commissioners, the El Norte project was a one-year funded program through the Behavioral Health Services Department. As the year came to a close, for various reasons it was obvious that we wouldn't be able to expend all the money in services. For one thing we had to step down recruiting people because the project was closing and in negotiations with the Department of Health they and we realized that we wanted to send people to residential treatment and this was an opportunity to have some residential treatment which would benefit the folks particularly who'd been in our jail, for example, but actually went back to live in the north.

So in order to keep the money from reverting to the general fund this is what the Department of Health was willing to agree to. Otherwise, we would not have had the money available at all to do anything.

COMMISSIONER MONTOYA: Oh, okay.

MS. DUTCHER: So that's how that came about.

COMMISSIONER MONTOYA: Okay. And then I'm just curious - when are they proposing on opening the doors at the Pinon Hills facility?

MS. DUTCHER: I wish I could give you better information on that. This particular money will be used to renovate the kitchen.

COMMISSIONER MONTOYA: Oh, the kitchen.

MS. DUTCHER: And they can't, I guess, open the doors until they get their kitchen renovated, but we haven't received any bills and we've asked them for a time line and they haven't given us one, so I don't know. I can try to find out some more but I can't guarantee that I will find out any more.

COMMISSIONER MONTOYA: Okay. I understand. Thank you.

CHAIRMAN ANAYA: Thank you, Linda. Appreciate it.

COMMISSIONER MONTOYA: Move for approval.

CHAIRMAN ANAYA: Motion.

COMMISSIONER VIGIL: Second.

CHAIRMAN ANAYA: And a second. Discussion? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Linda, I don't remember this one. This memorandum of understanding or agreement of June 17, 2005. Was that something the Commission approved?

MS. DUTCHER: Are we still looking at the Pinon Hills thing?

COMMISSIONER SULLIVAN: Yes.

MS. DUTCHER: Yes. That was way back, this was in our previous fiscal year and the award of the El Norte project was approved by the Commission. Is that what you're asking?

COMMISSIONER SULLIVAN: No, no. I know the Home for Good project was approved by the Commission. I remember that. I just don't remember seeing this memorandum of agreement dated June 17th between Santa Fe County and Rio Arriba County. Is that something the County Commission approved?

MR. GONZALEZ: Mr. Chairman, Commissioner Sullivan, I know it was discussed at the Indigent Board meeting. I don't recall how it moved forward.

COMMISSIONER SULLIVAN: I don't remember it being discussed there either.

MS. DUTCHER: I thought it was discussed at the meeting that we listed there. I could be incorrect, I suppose. Well, I know I could be incorrect.

COMMISSIONER SULLIVAN: Well, maybe we could just clarify that, afterwards get a copy of it. It may just not have caught my eye in the Consent Calendar or something like that. But it is totally new to me.

MS. DUTCHER: Would you like me to go look for that now?

COMMISSIONER SULLIVAN: Well, I think we'll proceed along and maybe you could just provide it afterwards. I'll assume that it was enacted by the Commission, because I would think it would have to be at this price level, \$61,305.

COMMISSIONER MONTOYA: I don't recall either.

CHAIRMAN ANAYA: So what do you want to do?

COMMISSIONER SULLIVAN: Well, I'm perfectly willing to vote in favor of it, assuming this agreement was approved by the County Commission.

CHAIRMAN ANAYA: So Linda, if you could go back and check for us. We'll go ahead and move forward and then let us know if there's some -

COMMISSIONER MONTOYA: Mr. Chairman, then I'll amend my motion then to approve pending confirmation of the memorandum of agreement.

COMMISSIONER VIGIL: I'll second my second on that.

CHAIRMAN ANAYA: Okay. Any more discussion?

The motion to approve Resolution 2005-136 pending verification of approval of the MOA passed by unanimous [5-0] voice vote.

XI. A. 11. Resolution 2005-137. A Resolution Requesting an Increase to the General Fund (101) / Intergovernmental Summit Project to Budget Miscellaneous Revenue Received for Expenditure in Fiscal Year 2006 /\$4,000 (Manager's Office)

COMMISSIONER VIGIL: Mr. Chairman, I think I've got my question answered to that. I'll just, for the record, say that I spoke with our Finance Director because my question was where the miscellaneous revenue was received and it came from Los Alamos National Laboratories. That's the only question I had with that. Is that correct, Susan?

MS. LUCERO: Yes, it is.

CHAIRMAN ANAYA: I'll entertain a motion.

COMMISSIONER VIGIL: I would like to move for approval on this item.

COMMISSIONER MONTOYA: Second.

CHAIRMAN ANAYA: Any more discussion?

The motion to approve Resolution 2005-137 passed by unanimous [4-0] voice vote. [Commissioner Campos was not present for this action.]

XI. A. 13. Resolution 2005-138. A Resolution Requesting an Increase to the Wildlife/Mountains/Trails Fund (233) for a Federal Grant Awarded through the U.S. Department of Transportation for Expenditure in Fiscal Year 2006 / \$300,000 (Project & Facilities Management Department)

COMMISSIONER SULLIVAN: Mr. Chairman, my question here was the fact that the notice was for an expenditure of \$300,000 and the budget adjustment resolution calls for an increase of \$500,000. And in speaking with Mr. Olafson, he indicated that it should be \$400,000. So I guess we need to unscramble that.

PAUL OLAFSON (Open Space Director): Mr. Chairman, Commissioner Sullivan, as we discussed, and I also met with Susan and discussed this, the caption should have read \$400,000. That was the mistake. And the way the BAR form reads is an accounting

maneuver whereby they're taking \$100,000 from a category, adding it in, and then backing it out of that category as well, and that's how the total comes up to \$500,000. Susan can explain the budgeting mechanism better than I, but that's a lay person's understanding of the process. The issue here I think is the caption should have read \$400,000 instead of \$500,000.

COMMISSIONER SULLIVAN: It read \$300,000.

MR. OLAFSON: Yes, I'm sorry. It should have read \$400,000 instead of \$300,000. Excuse me.

CHAIRMAN ANAYA: Okay. Any other comments?

COMMISSIONER SULLIVAN: I didn't know what our legal situation was, where we have an error on the caption. Whether this is considered a significant thing or whether we can just modify that through our action here.

MR. ROSS: Mr. Chairman, I think this is not a significant issue.

COMMISSIONER SULLIVAN: Just \$100,000.

MR. ROSS: The text at least talks about an increase in the - we're talking about six figures, so I think it would be hard for someone to complain that they weren't on notice that something fairly significant was occurring.

COMMISSIONER SULLIVAN: Close enough for government work, Mr. Chairman.

CHAIRMAN ANAYA: Okay. I'll entertain a motion.

COMMISSIONER VIGIL: Move to approve this item, Mr. Chairman.

CHAIRMAN ANAYA: Motion. Is there a second?

COMMISSIONER MONTOYA: Second.

CHAIRMAN ANAYA: There's a motion and a second. Any more discussion?

The motion to approve Resolution 2005-138 passed by unanimous [5-0] voice vote.

CHAIRMAN ANAYA: Thank you, Paul, Susan.

- XII. A. 16. Resolution 2005-139. A Resolution Requesting an Increase to the Capital Outlay GRT Fund (213) to Budget Prior Fiscal Year 2005 Cash Balance and an Operating Transfer to the State Special Appropriations Fund (318) for Expenditure in Fiscal Year 2006 /\$13,826,258 (County Manager, Public Works, Project & Facilities Management and Utilities)**

COMMISSIONER MONTOYA: Mr. Chairman, where is this \$200,000 coming from?

MS. LUCERO: Mr. Chairman, Commissioner Montoya, the \$200,000 represents cash balance from the capital outlay GRT that was earmarked for roads and other category. And for lack of any other policy or procedure of splitting this funding, there's an

annual allocation of \$400,000 that comes into roads and other. We split it in half, \$200,000 for roads, \$200,000 for other. So this \$200,000 here represents what we understood the Commission was interested in in accommodating the Agua Fria Community Center where it looks as though we are going to need additional funding. And this is what we're trying to do there, what we're trying to accommodate.

COMMISSIONER MONTOYA: So we don't need additional funding for roads?

MS. LUCERO: Mr. Chairman, Commissioner Montoya, the road area is sufficiently funded through the road maintenance fund and through the upcoming bond proceeds. You may recall July 1st you approved approximately \$1 million to go towards the funding of roads based on Public Works' road improvement plan that will eventually be reimbursed once the bond sells later this year.

COMMISSIONER MONTOYA: So you're saying at the last meeting we agreed to do this? To put \$200,000 towards the Agua Fria Community Center?

MS. LUCERO: Mr. Chairman, Commissioner Montoya, I'm not saying that's what you agreed to. We are trying to accommodate and provide an avenue by which the Board could approve a funding mechanism for this project because we are \$200,000 under budget.

COMMISSIONER MONTOYA: Okay. That's all the questions I had.

CHAIRMAN ANAYA: Any other? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chairman, I remember this being brought up at the last meeting and the direction and the discussion was that we would need to go back to the legislature for additional funding. And I believe that was the staff recommendation and the discussion at the Commission level. My only concern is that we have another project, the senior center in Eldorado which is also \$200,000-some under budget, or over budget, depending on which side of the budget you're standing. The Agua Fria project is a worthy project. We've done a great deal of work on this project and others in the Agua Fria area, but I think if we're using GO funds, and I did put a call into Susan to ask about this but didn't get a response, that perhaps it should be divvied amongst all of the projects and that project is in the same situation. It's ready for bidding and we have an architect's estimate and the architect is - the budget is way off. So I just feel that that ought to receive some consideration.

COMMISSIONER VIGIL: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Vigil.

COMMISSIONER VIGIL: Thank you. My recollection on this is that the reason why we created the impetus for allocating funds for this project is because if we didn't we would forestall the CDBG grant for next year. This was a CDBG funded project. We've already lost a year in CDBG funding and I think I brought it to the attention of the Board of County Commissioners several meetings ago and we have since spoken about it at our ICIP plan. And I do agree that the avenue that we pursued is to try to expedite the funding of this project to get it on line so that we could meet the CDBG deadline and then look to the legislature for funding for it. Is that accurate, Susan or Joseph?

JOSEPH GUTIERREZ (PFMD Director): Mr. Chairman, Commissioner Vigil,

you're statement is correct. It was on the Community Development Block Grant is one of the reasons that we're expediting this project. Also, this project in the queue is so far along that again, we're short approximately this \$200,000, which is a little less than 25 percent of the project. If we go to the legislature one more time for this project we'll probably need dollars because of construction costs on top of that \$200,000.

In regards, if I can go one step further, in regards to Commissioner Sullivan's comment about Eldorado, working with Susan and the Road Department we've identified approximately about \$400,000 in this fund that would be available. We're not quite as far along in Eldorado as Agua Fria but we are close and we would - and they're approximately \$200,000 short also. They're finalizing the plans with the community. The community is anxious to break ground and they're willing to scale back to meet the budget needs that might be available. So there is - if this is approved there would still be \$200,000 left in the fund that may be available for Eldorado and completion of that project.

So then when you move forward with your legislative request, those two items would not be on there at that point and you could use that request then to delete those items from the ICIP plan.

CHAIRMAN ANAYA: Are you done?

COMMISSIONER VIGIL: Yes. Thank you.

CHAIRMAN ANAYA: I think that the last time we talked about this we wanted to move forward and try to find money somehow to finish this project and it looks like you've done that and you've also found some money to finish the senior center. Any more discussion?

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Campos.

COMMISSIONER CAMPOS: The way this is listed, it talks about \$13,826,000 and it's not very clear the notice. Is that right?

MS. LUCERO: Mr. Chairman, Commissioner Campos, that is correct. This is one budget adjustment which brings forward all prior approved state legislative money and programs it based on projects, as well as identifies from capital outlay the \$200,000 we're now discussing regarding the Agua Fria project. That's why it's so large.

COMMISSIONER CAMPOS: Okay, the other thing, I think this should not have been in the Consent Calendar. We needed some discussion. And the third question, and I think the natural question is what is it going to impact? What other programs or priorities are being held back because we're moving this priority up?

MS. LUCERO: Mr. Chairman, Commissioner Campos, can I ask do you mean in terms of capital projects?

COMMISSIONER CAMPOS: I would think. This is capital money, isn't it?

MS. LUCERO: Yes, it is. What we're experiencing here, which I think was briefly discussed last Board meeting, you are in a situation where you do need to prioritize or determine of the capital projects that are going to require additional funding of which right here we've identified two -- Agua Fria Community Center and Eldorado Senior Center. You are going to need to prioritize per funding availability what is most important. And so for example,

those two projects can be accommodated right now with capital outlay GRT cash balance. However, what you have left is this year's allocation of \$200,000 that you have probably right here, possibly 20 to 30 projects, of which we will most likely run into this same situation. It's concrete and asphalt and lumber that we are experiencing 20 to 30 percent price increases.

COMMISSIONER CAMPOS: That's not the issue. The issue is these projects are near completion and ready to bid, right?

MS. LUCERO: Right.

COMMISSIONER CAMPOS: So that's why you want to spend that money on these two projects. But there are other projects that are close or on the same level that you will be negatively impacting?

MR. GUTIERREZ: Mr. Chairman, Commissioner Campos, at this point in time we can't identify the projects that are progressed to this state that they're this close to basically breaking ground. We've identified projects, for instance, Commissioner Anaya and the Edgewood Senior Center, where there's funding of approximately maybe 40 percent of the project. So on those kind of projects we will lobby those for additional funding at this point. The other projects are so substantial in terms of potential admin, judicial, those types of things, and the Public Works building. The Public Works building is the next big project, but there are dollars allocated in the bond sale for that. So right now at this point, I don't think that we do have a project that we are going to hold up based on this, at least within this fiscal year. I can't identify anything at this point. If we did, we'd still have, as Susan identified, we have another \$200,000 that might be available this year with your decision, based on what may come up. But we can't identify anything that's this close and needs kind of this amount of funding, which again, it's about 25 percent of the project. So you're leveraging state monies fairly adequately.

COMMISSIONER CAMPOS: Okay. Thank you, Mr. Chairman.

COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: I guess the reason that I brought this up, I believe it was for the ICIP meeting where it came up in terms of where would some funding potentially come from and how would this impact the road fund and I think Robert, you were the one that brought it to our attention. I guess we're talking about now buildings that are ready to break ground but are there road projects that are ready to move ground?

ROBERT MARTINEZ (Deputy Public Works Director): Mr. Chairman, Commissioner Montoya, we do have projects that are ongoing now that are being funded through other means, but I feel obligated to bring it to your attention that when the Commission approved the four-year road plan, the proposed funding for the next four years was using 100 percent, or almost 100 percent of what was allocated for roads and others for roads for the next four years. As far as 50 percent being for roads and 50 percent being for buildings, I don't know of any policy or anything that the Commission has passed that says 50 percent will be for roads and others. Just - I don't believe any dollar amount has been broken out.

But in that plan, approximately \$400,000 that is what is expected to be generated through the GRT has been planned to be used on our four-year road plan. Now, James Lujan,

the Public Works Director and I met with Susan and Joseph the other day and we are supportive of them using \$200,000 to finish this Agua Fria project. Whatever we take from the GRT will have to be subsidized through the bond. And like I said, we had that plan that the Commission adopted.

COMMISSIONER MONTOYA: That included the bond.

MR. MARTINEZ: That included bond, GRT, general fund money, and CAP and CO-OP money. So I'd hate for the Commission to spend this money to and three times over.

CHAIRMAN ANAYA: What do you mean by that, two or three times over?

MR. MARTINEZ: Mr. Chairman, you've already adopted the four-year road plan that says that you will use \$400,000 or proposed \$400,000 for road projects in a given year. Now if you allocated money for building projects out of that same \$400,000 that's already been committed the either the roads are going to be short or the Project and Facilities are going to be short.

CHAIRMAN ANAYA: Okay. Got it.

COMMISSIONER MONTOYA: Mr. Chairman, I guess I didn't realize that we lost a cycle last year of CDBG funding?

COMMISSIONER VIGIL: Yes, we did. We lost a cycle last year, I believe, or was it the year before?

CHAIRMAN ANAYA: I think the cycle is coming up.

COMMISSIONER VIGIL: Would you address that?

RUDY GARCIA (PFMD): Mr. Chairman, Commissioners, our CDBG funding was actually allocated to last March, the March of last year. We actually had that for a two-year period, so in reality we've had that since March of 2004.

COMMISSIONER VIGIL: And if we had completed the project we could have actually applied for another project last year, right?

MR. GARCIA: Mr. Chairman, Commissioner Vigil, if we actually complete that project, which is the Agua Fria Community Center, through the portion of that grant, which is the portion of the money for the Agua Fria Community Center, if we do finish that by December 31st, that allows us to actually apply for the January cycle for the 2006 CDBG application. That will happen in March. So we are not behind on the CDBG funding cycle.

COMMISSIONER MONTOYA: Oh, we're not.

MR. GARCIA: No, we're not.

COMMISSIONER VIGIL: Okay. My understanding of the way the CDBG grant is awarded is it's awarded at a certain percentage for local governments, different for a municipality, different for counties. And I understand that they have an annual cycle, that annual cycle can be an awarded period of two years to three years. We received the Agua Fria award it was for a two-year period. However, had we finished that project before the two-year period, because the CDBG is on an annual cycle, we would have had an opportunity to apply for a new grant. Is that accurate?

MR. GARCIA: Mr. Chairman, Commissioner Vigil, let me see if I could shed

some light on it. The CDBG application, these days are actually that project can stay open for two years. You can only have one project open at a time. Our project when we received funding was March of last year, March 15th of last year, which is 2005, so we actually technically have two years to finish that project. Under the Project and Facilities Department we actually would like to finish that project by December 31st of this year in order for us to get the project done within a one-year period instead of a two-year period. That would allow us to actually apply for additional CDBG funding this 2006, in January of 2006.

COMMISSIONER VIGIL: Thank you, Mr. Chairman.

CHAIRMAN ANAYA: So if we were to approve this, we would get it going so we could try to finish it by the end of December, so that we can start applying for the next CDBG cycle. Right?

MR. GARCIA: Mr. Chairman, yes. That's what we're trying to shoot for.

CHAIRMAN ANAYA: So Robert's saying that he agreed to give the money but it still sets him back \$200,000. So how can we get the money back into the road fund. Because we all agree on upgrading our roads. But this is a very important thing to get through.

MS. LUCERO: Mr. Chairman, I think what we want to look at what's most efficient and what's most practical. The road bond is a \$20 million issue. The proposed road plan with proposed funding sources that you approved, that Robert is referring to shows cost estimates for all the roads at \$15 million. So \$20 million minus \$15 million leaves \$5 million for other Public Works projects, i.e., buildings, transfer stations, etc. Now, whether or not we can continue and finish what we're proposing for facilities with \$5 million is a question mark.

CHAIRMAN ANAYA: Okay. Commissioner Sullivan.

COMMISSIONER SULLIVAN: I guess I'm not understanding that the \$200,000 is going to enable us to finish this project in time to apply for the CDBG grants. Because it says here for one thing we have to go out for proposals again, in accordance with the state procurement code, which I assume means we need to rebid the project. And that process alone takes two months to get the bids and award them. That has to come to the Commission for approval. Then we're already into October and you're not going to build this project in two months. So I'm not understanding how putting this money into this project enables us to apply for the January CDBG cycle. Just advertising the project alone takes 15 to 20 days.

MS. LUCERO: Mr. Chairman, Commissioner Sullivan, we have met on the project. One of the cost issues is bringing the water in from the street versus a domestic well that's right there. And we are re-evaluating with the engineer, with the architect, that issue, and then we propose to rebid it. And it could take two months, especially needing Board approval, but we're not benchmarking that right now. We're trying to do it within 30 days.

COMMISSIONER SULLIVAN: Regardless of whether it's one or two months, and it seems two months would be a little more realistic, if not more, is it correct that we have to complete the project by December 31st in order to be able to apply for January CDBG funds? Or do we have to complete it by March?

MR. GUTIERREZ: Mr. Chairman, Commissioner Sullivan, you're right. We would have to complete it by December. The likelihood of us completing it at this point, it's

not likely. If I had to – I could not commit to that this would be finished by December 31st but what we can commit to is that we have the ability to break ground on one, potential, two projects at this point and use the cash that's been available for the last couple of years. I guess that's what we're looking at this point to start. As you directed us at the last study session, was to start using these dollars and expending them, and there's a need at this point and that's what we'd like to move forward on. But it's possible we may forego the opportunity of CDBG monies, but the session is right around the corner and those dollars are available. We just got our grant agreements for the upcoming year yesterday, actually, and we have about \$3.7 million worth of projects also that we will move forward. If it's not approved, the dollars will sit there for about the next six months and we won't break ground, and maybe the legislature might appropriate additional dollars for this project and maybe the Eldorado. But at that point the cost will escalate so if it was \$200,000, maybe \$300,000 by that point or even higher.

COMMISSIONER SULLIVAN: My question was not how many other projects we had, and I understand it's good to get projects out to construction, and that's what we tried to do with the Eldorado center but the architect was \$400,000 over – designed a project that was \$400,000 more than they were told to design. So the justification I that I was hearing here was that this would allow us to complete the project in time to apply for this year's CDBG funds and it doesn't seem likely that we're going to complete it by –

MR. GUTIERREZ: It provides the opportunity and at this point it may or may not be likely but again, like I say –

COMMISSIONER SULLIVAN: It's pretty unlikely. I think we can pretty well assume with 99 percent certainty that we're going to miss this upcoming year's CDBG cycle. Would you –

COMMISSIONER VIGIL: I disagree.

COMMISSIONER SULLIVAN: Well, Commissioner Vigil, I'd like to hear how you feel this project can be completed in two months.

COMMISSIONER VIGIL: I don't think that the completion is the particular issue. I think our credibility with the CDBG state program is the issue. In fact if we supercede and continue to hold on to these funds and don't apply for them until next year without really expediting a project that they are funding, our chances get minimal for funding. Do you agree, Joseph?

MR. GUTIERREZ: I agree, Mr. Chairman, Commissioner Vigil. I think to show that entity that we are making progress and maybe give them factors in terms of cost of construction and things like that, they may re-evaluate the situation again. It's basically four months away. If it's four months away and we don't break ground, that's a different situation and if in four months we break ground and we're 50 percent completion, or along those lines, it's very possible that they would give us the opportunity to apply and we would not miss that opportunity.

CHAIRMAN ANAYA: Okay. Any other comments?

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Campos.

COMMISSIONER CAMPOS: Just to follow up on negative impact. The Public Works building, maybe unrelated. When do we want to break ground on the Public Works building?

MR. GUTIERREZ: Mr. Chairman, Commissioner Campos, we are going to receive a revised cost proposal for the Public Works facility on September 6th. Based on that we are working with Susan in terms of the dollars that would be available from the bond issue. We are going to look at the plans. There was space allocated for certain entities that we might revisit and possibly reduce those cost estimates when we see them. The plans are pretty much done so I think we're close to going out to bid at this point.

COMMISSIONER CAMPOS: When did we bond or how are we financing this project?

MR. GUTIERREZ: I believe, it's my understanding that we are financing this project through the bonds that were sold last November, the \$20 million. It's called road and others.

COMMISSIONER CAMPOS: We had sold bonds earlier, several years ago and those turned out to be inadequate?

MR. GUTIERREZ: Inadequate. I believe there's \$3.3 or \$3.6 million available for the Public Works facility. Right.

COMMISSIONER CAMPOS: So we're going to look at bonding money for this.

MR. GUTIERREZ: To complete this.

COMMISSIONER CAMPOS: To complete this project. So we're looking at additional costs because cement's higher, steel's higher. Everything is higher. Plus, this Commission I think directed you guys to consider energy efficiency as a major factor so I think that's going to cause an increase in costs. So you don't think what we're doing here is going to impact on this? You think they're unrelated?

MR. GUTIERREZ: Mr. Chairman, Commissioner Campos, I believe the \$200,000 or the \$400,000 that we're talking about based on a potential \$7 to \$9 million project – again we don't have the cost estimates and we'll see those probably in a week, won't have that much of a negative effect in that area, given the dollar amounts that we're talking about.

COMMISSIONER CAMPOS: Have you asked the architect to consider energy savings?

MR. GUTIERREZ: Yes, we have.

COMMISSIONER CAMPOS: Okay. Thank you.

CHAIRMAN ANAYA: Thank you, Commissioner. What's the pleasure of the Board?

COMMISSIONER VIGIL: Mr. Chairman, I'd like to move for approval for this item.

CHAIRMAN ANAYA: There's a motion. Is there a second? I'll second it. Any discussion?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I would be in favor of this if we have a commitment from the staff and the Commission that an equal amount, as indicated by the staff, will be applied for the Eldorado center, which is in the same, at the same state, ready to be bid or rebid. The only difference is it doesn't have CDBG funding. It has state legislative funding and I would make the same case that if we want to get more funding from the legislature to help with the Eldorado Senior Center we need to show something coming out of the ground that makes sense, just as we want to keep the CDBG staff happy. So am I hearing the staff correctly that that proposal will be brought up to us at the next meeting?

COMMISSIONER MONTOYA: The library?

COMMISSIONER SULLIVAN: No, the senior center.

COMMISSIONER MONTOYA: Oh, the senior center.

COMMISSIONER SULLIVAN: The senior center is the one that's ready to bid.

MR. GUTIERREZ: Mr. Chairman, Commissioner Sullivan, again, to update you. Last week we did meet with the community. The budget that we have allocated for the Eldorado Senior Center is about \$650,000. We have a preliminary cost estimate of about \$850,000, but we're going to go back with the architect and the community to see how we can adjust the plans and how we can implement some cost saving measures. So once we finalize that we will bring the update to you in terms of the additional dollars.

COMMISSIONER SULLIVAN: That's not what I heard just about five minutes ago, was that you were going to come back, that you had located another \$200,000. I've gotten an update on the Eldorado center and in order to cut \$200,000, you're going to have to take the paving out, the parking, the landscaping and the lighting. You're going to have to just build a building and there won't be anything left except chamisas and dirt. That's okay for a first phase, but we've got to have a second phase to build the parking and the sidewalks and a little bit of gravel for landscaping and a couple of lights. So my question to you again is is the staff going to come back with a recommendation at the next meeting that this additional \$200,000 be applied to the Eldorado project?

MR. GUTIERREZ: Mr. Chairman, Commissioner Sullivan, you are correct. After this, if this Agua Fria is approved there would be \$200,000 left in the same fund, based on the findings that we have. It is a priority of the staff to make Eldorado second on the queue and we would disclose to you what we find out in terms of the financial information. But we are working on a budget of about \$200,000. We have that much flexibility right now.

COMMISSIONER SULLIVAN: And we're \$200,000 over right now.

MR. GUTIERREZ: Approximately, yes.

COMMISSIONER SULLIVAN: So if we got this done right away, Eldorado could go out to bid right away. If the \$200,000 was allocated to Eldorado now or at the next meeting we could go to bid right away.

MR. GUTIERREZ: It's quite possible at the next administrative meeting that a similar type of proposal to Eldorado would come forward. Again, we haven't finalized the A &

E but I know it's very close.

CHAIRMAN ANAYA: I don't have a problem, maybe Commissioner Sullivan does, about going out and building the building and then coming back and doing all the pavement. That would be great. At least it's started.

COMMISSIONER SULLIVAN: That's exactly what we're trying to do, but we have to have the \$200,000, Mr. Chairman, in the queue to come back and build paving and parking and so forth. That's the commitment that I'm trying to get out of the staff that they're going to bring that back. What I'm hearing is that they're going to bring back a scaled down budget from \$850,000 to \$650,000 to go out to bid and that's going to be a building with no paving and none of the other infrastructure that we need. So we're still going to be facing the issue of where do we get the extra \$200,000. That's what I'm trying to pin down.

MR. GUTIERREZ: Mr. Chairman, Commissioner Sullivan, we would have to come back to you. We would have to get your approval to this.

COMMISSIONER SULLIVAN: I understand.

CHAIRMAN ANAYA: You're asking them. You should be asking us.

COMMISSIONER SULLIVAN: I'm asking them if they're going to bring it back. I'm not even getting that comfort level.

COMMISSIONER VIGIL: Mr. Chairman, I think that part of the problem –

CHAIRMAN ANAYA: I understand but I think that we should move these projects. I know that we need \$200,000 and we'll get that somewhere through the years. I just don't think that we should have to have the whole total amount to get started. We don't need that. We can do it in two phases and get it done. Commissioner Vigil.

COMMISSIONER VIGIL: I'm ready for a vote, Mr. Chairman.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Campos.

COMMISSIONER CAMPOS: This is maybe unrelated. The question is are these buildings designed with energy efficiency in mind. We've talked months ago that we want all our buildings to be energy efficient. Have you guys done that or is it being ignored? I'm just curious.

MR. GARCIA: Mr. Chairman, Commissioner Campos, all our buildings, actually all of our architects that are on board are directed to actually use energy efficiency. Some of the energy efficiency components that we utilize for our buildings or our designs actually are the placement of the building, we're actually looking at the windows, possible skylights and different types of lines. We actually have looked into wind generation that was directed by the Commission here but for our Public Works facility that's a little bit too expensive. So to answer your question, yes, they are all energy efficiency designs.

COMMISSIONER CAMPOS: That's minimal stuff that you're tell me. That's stuff that's been around for 20 years, positioning – how about extra insulation? How about using water systems to heat the buildings? Something serious. I don't think you guys are taking that seriously from the Commission. I think the Commission was pretty clear that we want energy efficient buildings and we want to set an example to the community, and I just don't see

you guys coming up with that stuff.

MR. GARCIA: Mr. Chairman, Commissioner Campos, we'll actually talk with the architects once again and see what they feel is energy efficiency, but we have tried and it is a directive for our architects to design our buildings to the most possible energy efficiency in that building that they can.

COMMISSIONER CAMPOS: What do you mean by possibly? Possibly could mean anything, like solar panels.

MR. GONZALEZ: Mr. Chairman, Commissioner Campos, if we're talking about comprehensive, long-term energy efficiency we may need to consider adopting a broader scale plan for the County, other than directing the architects to use the most current energy efficient technology and I think you're talking about the possibility of using alternative technologies. I agree that we probably need to explore those. We've had some discussions I know and some presentations before the Commission about that. This is probably something that needs a broader umbrella in terms of being able to look at alternative technologies, other than making the most efficient use of the current technologies that we have available. And I think that that's something that at staff level we can bring forward to you.

COMMISSIONER CAMPOS: We've been talking for a long time about this and we're certainly hoping that we have something more significant at the Public Works building than what Mr. Garcia has indicated. All these energy issues have to be looked at. We've got to look at our fleet of automobiles. Are they truly efficient? How many do we need? Biofuels, etc. But this is an important issue.

MR. GONZALEZ: I agree and I know that PFMD actually did an energy survey of all our buildings looking at ways of improving the energy efficiency. What I'm saying though is that if we're going to start looking at alternative technologies, in order to be able to take advantage of energy efficiency, we do not want at the same time, I don't think, to slow down our projects, or if the Commission wants to do that, then we can put a stop to the projects and we can put together a comprehensive plan, bring it forward and have the Commission debate it and go from there.

COMMISSIONER CAMPOS: Can you give us a time line, Mr. Gonzalez, as to when you could come up with some standards. We've talked about this for a long time. Two years ago, three years ago.

MR. GONZALEZ: I don't recall the discussions two or three years ago, other than the presentations that were made before the Commission about doing some alternatives such as the downtown use of alternative energy in order to provide electrical service for this building and perhaps the judicial court building. But that notwithstanding, the one thing that we have to deal with, and that's something that I'm constantly balancing here, is the burdens that we're putting on staff. Right now, and I keep saying we're a Class A County running on a Class B County employee schedule or itinerary.

And it's very difficult to deal with all the requirements that are being thrown out by the Commission saying we want this answer now. We want that answer now. We can over time do that. The effort to respond to many of those Commission requests has come through the

creation of the staff teams where we bring together as much in terms of staff resources to bear on these issues, like affordable housing, like water priority, like creating a water plan for the County, and we can do the same thing with this issue. We can create a team that would deal with the specific issue of energy efficiency for the County. And my question is do we want to run that contemporaneously with the projects that we have on board while we ask the architects to continue to use the most efficient technology we have at present, or do we want to put those projects on hold and come forward and focus on bringing something, and I think it will probably take three or four months in order to be able to put something together, bring that forward for the Commission to consider.

COMMISSIONER CAMPOS: Mr. Gonzalez, this discussion that I'm raising now, we had it about two or three years ago when we talked about this same Public Works building. At that point staff did not want to really get into that. But that discussion went on two or three years ago. I understand the situation with the staffing. Our staff is now larger than it's been in a long time and if you think you need more staff, do you want to talk to us about it?

CHAIRMAN ANAYA: I want to stop this conversation and get back to the original thing, if that's okay. We can bring that back up some other time. I think staff is doing a great job. They're under a lot of pressure from us in terms of trying to get things rolling. It's not their fault the prices went up and they have to come back here and ask us to find more money or ask Susan to find more money and us approve it or disapprove it. But I think we're doing a good job. We're moving forward. If we want to do alternative energy it's going to double the price I think right now in our buildings. I think we just need to continue moving on with what we've got going.

There's been a motion.

COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: Regarding this, and the way this is going, I guess I have a concern that I've had requests for – and there are going to be roads again for three years that still haven't gotten done. I have a \$25,000, \$30,000 request in Cundiyo for a little room that still hasn't been able to get funding. I think there's projects that probably because of some staff shortages maybe aren't moving and we may be in a situation which would be unlike other counties in this state that are not moving forward quickly enough on CDBG projects or other projects and maybe in jeopardy of not being able to apply for a particular cycle. If that's a situation that we're looking at well, then I think that's the consequences of what we face for our action or inaction. So I just wanted to mention that, Mr. Chairman. I believe in the project and for the work that it will be but I can't support it with all the other needs and jeopardizing the road plan that's already been approved for the next four years and now we're taking from Peter to pay Paul and I just have a hard time with that.

COMMISSIONER VIGIL: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Vigil.

COMMISSIONER VIGIL: Susan, would you agree that we're jeopardizing those projects?

MS. LUCERO: Mr. Chairman, Commissioner Vigil, I would not agree with that and I probably am breaking some longstanding friendships by saying that but there is sufficient funding and I think we're more at a crossroads of having enough labor to move that funding forward. But we've got it started. There is a million dollars appropriated. We are going forward with this bond sale later this year, probably in the fall. We met with our financial advisor and bond counsel yesterday so things are moving forward in that direction. It's a lot of money – a lot more than the County has ever had for road projects, and we're taking on quite a task list. You might notice if you go back to that detail, the cost estimates are based on whether it's in-house labor or contract and a lot of those projects Public Works is taking on in-house in order to accommodate more roads, rather than less.

So I don't believe we're insufficiently funding roads and I have seen over the years in road maintenance funds an accumulation of cash of \$600,000 every year. Now maybe it's more a matter of moving that cash into the right categories, like temporary personnel or something along those lines, and we've initiated some discussions with Public Works along those lines to see what we can do to better move the projects.

COMMISSIONER VIGIL: Thank you, Mr. Chairman. Thank you, Susan.

CHAIRMAN ANAYA: There's been a motion, I believe and a second. Any more discussion? No more?

The motion to approve Resolution 2005-139 passed by majority 4-1 voice vote with Commissioner Montoya dissenting.

XII. B. Professional Service Agreements

2. Request Authorization to Accept and Award a Construction Agreement to the Lowest Responsive Bidder in Response to IFB #25-62 RB1 for Sidewalk Repair at the Santa Fe County Judge Steve Herrera Judicial Complex / \$23,500 (Project & Facilities Management Department)

COMMISSIONER SULLIVAN: Mr. Chairman, my question here was this appeared to be a fairly straightforward project doing some sidewalk construction, and it was sent out to bids and they received no bids the first time and it was sent out to bids again and they received no bids the second time. And then apparently negotiated a contract in some fashion with the recommended firm. I have a question as to what is the problem with our bid documents. If no one will bid on them are they incomplete? Are they too restrictive, or what's the problem that we can't get out a simple \$25,000 sidewalk project without going through two bids? And then beyond that?

MS. LUCERO: Mr. Chairman, Commissioner Sullivan, we have looked at the issue of having to rebid projects in total. One thing we've noticed is we haven't given ample time of advertisement and having the specs, the detailed technical specs available before the

information hits the papers. So we're extending, rather than looking at a minimum of ten days we're looking at a minimum of 15 to give the vendors more ample time to respond.

This project in particular, we feel one item is that it's small. This is not a construction starving community. It's a small project and perhaps we should have included it with something else of a similar nature in order to have more cost-efficiency as well as just have more people bid. So that seems to be our problem.

COMMISSIONER SULLIVAN: I didn't realize they were only bidding these for ten days, but no one's going to bid on a ten-day bid and then you have to have time for them to get into the construction reporter, the bid plan rooms and I personally feel at a minimum you need 21 days of bidding time just to get contractors aware that there's a project out there. Is the contractor that was finally selected, are they insured and do they have performance and payment bonds?

MS. LUCERO: Mr. Chairman, Commissioner Sullivan, those are items that we verify upon determining who has the best obtainable price.

COMMISSIONER SULLIVAN: But you've already come up with a price, right? And a bidder? Isn't that correct?

RANDY HERRERA (Procurement Director): Mr. Chairman, Commissioner Sullivan, the size of this project is in deem of the bid bond. Or any other bonds. We sent these directly to the bidders from our construction bidders list that we have and to just reiterate a little bit of what Susan was going back on, that yes, I've changed the bidding dates to 15 days after the advertisement date, and also our bids are now on our website at SantaFeCounty.org. If you look under the Finance Department and under purchasing, you'll find all the bids available on the website to view. So we're trying to saturate the construction community as much as possible.

COMMISSIONER SULLIVAN: Okay. So what is the limit that you require on bonds?

MR. HERRERA: Over \$25,000.

COMMISSIONER SULLIVAN: Over \$25,000.

MR. HERRERA: Yes, sir.

COMMISSIONER SULLIVAN: And is the contractor insured?

MR. HERRERA: Yes, he is.

COMMISSIONER SULLIVAN: So you have a contractor. How did you negotiate the price with him?

MR. HERRERA: Well, pursuant to Section 13-1-131, it allows for open market after two unsuccessful bids, which we did have on this project. So you can go into an open market and negotiate. It allows for just any proposals but what we did was we actually did three quotes.

COMMISSIONER SULLIVAN: That's all the questions I have. Thank you, Mr. Chairman.

CHAIRMAN ANAYA: I'll entertain a motion.

COMMISSIONER VIGIL: Move to approve.

CHAIRMAN ANAYA: There's a motion.

COMMISSIONER CAMPOS: Second.

CHAIRMAN ANAYA: And a second. Any more discussion?

The motion to approve Consent Calendar item XII. B. 2 passed by unanimous [5-0] voice vote.

XII. B. 3. Request Authorization to Amend Contract #24-0150-CHDD with Community and Family Services, Inc. to Add \$40,000.00 for Evaluation Services for the Home for Good Program (Health & Human Services Department)

COMMISSIONER MONTOYA: Mr. Chairman, just a couple of questions on this. Who is the one that is doing this?

MS. DUTCHER: Mr. Chairman, Commissioners, it's Community and Family Services, Incorporated. It's out of Taos. The name of the principal person is Mara Moore.

COMMISSIONER MONTOYA: Okay. And what's been done to this point?

MS. DUTCHER: Yearly reports, meeting with us several times a year, sometimes on a monthly basis, attending the supervision sessions that we have for our staff with the LifeLink. Consulting with me on this and that and the other. This was in response of course to the three-year grant that we got from the feds. We're going into the third year and this was an RFP that went out about two years ago.

COMMISSIONER MONTOYA: Okay. That was my next question then. So this is a contract that we're going to likely stay for the duration of this grant?

MS. DUTCHER: Yes.

COMMISSIONER MONTOYA: So there's one year left.

MS. DUTCHER: Right. In October. We're on the federal fiscal year with this, so we're moving into the third year of the grant.

COMMISSIONER MONTOYA: All right. Thank you, Linda. Move for approval.

CHAIRMAN ANAYA: There's a motion.

COMMISSIONER CAMPOS: Second.

CHAIRMAN ANAYA: And a second. Any more discussion?

The motion to amend the Home for Good contract passed by unanimous [5-0] voice vote.

XII. B. 5. Request Authorization to Accept and Award Professional Services Agreement #26-1401-WR.KD to the Highest Rated Offeror in Response to RFP #26-004-UT for the Feasibility Study of Wastewater Alternatives in the Las Golondrinas Area / \$34,687

COMMISSIONER SULLIVAN: Thank you, Mr. Chairman. I had a couple of questions on this. The staff memo, this is only a one-page item that we have in our packet, indicates that the County utilities entered into an agreement pursuant to NMSA 13-1-125B with Gannett Fleming West. So apparently an agreement has already been entered into for this Las Golondrinas study. And then it goes on to say under the background that the parties desire to memorialize their agreement concerning the additional services. Now, the amount is \$34,687, so that would exceed the amount that you can just get quotes. You need to go out for RFPs and so forth, which I believe they did. I recall seeing that RFP. So I'm a little confused by this memorandum. Have we already entered into an agreement? Are we memorializing an agreement that already exists, and if so, why are we doing that? And then secondly, what are the additional services that are being requested here? It's not itemized.

MS. LUCERO: Mr. Chairman, Commissioner Sullivan, I apologize for the content of our memorandum. This agreement has not been entered into. The work has not been initiated. We are asking for approval of the initial agreement with Gannett Fleming West and let me ask quickly – this was in response to a competitive request for proposals.

COMMISSIONER SULLIVAN: And what are the additional services that are being requested?

KATHERINE DE LIMA (Contract Specialist): Mr. Chairman, Commissioner Sullivan, this is the first time I've seen the memo. The memo is inappropriate. It's completely invalid to the procurement. A template was apparently used that was not similar to this situation, so I'd like to just brief you on what the actual situation is if I may.

COMMISSIONER SULLIVAN: Please.

MS. DE LIMA Okay, we did a competitive procurement. We went out with a request for proposal. We got two bids in. One was from the company that we awarded to, Gannett Fleming, that we eventually awarded to. The other company was Souter Miller. Both proposals were quite good and we decided to go to interviews. We interviewed both firms and following the interviews, the evaluation team felt that Gannett Fleming had a slight edge. We went into negotiations with them. We got four deliverables directly prices with fixed price, and we have an extra \$10,000 in there for extra services, and those will be based on negotiated labor rates that will be done as change orders. Is that more clear?

COMMISSIONER SULLIVAN: The \$10,000, is that in addition to the \$34,687?

MS. DE LIMA That's right. Because this is a state grant of \$50,000 and we were pleasantly surprised at the cost proposal of \$34,000 and wanted to be sure to use the state's money in additional ways. There's plenty more work that the utility department believes

it can ask for as the study moves along.

COMMISSIONER SULLIVAN: Okay. Is there a potential of expanding the area of the study, because I believe it was just within a half mile of Las Golondrinas, but if you go another mile or so you come to the La Cienega area, and La Cienega has long been concerned about wastewater issues.

MS. DE LIMA That's true. I think that the situation was that the Las Golondrinas people had good lobbyists that were able to work up the money through the state and the La Cienega people are going to have to come up with their own way to get the money.

COMMISSIONER SULLIVAN: Well, that's fine. I was just thinking if there were extra money that being only a mile away that might be feasible. I don't know. Maybe Mr. Wust might have some thoughts on it.

DR. WUST: Thank you. Mr. Chairman, Commissioner Sullivan, we had earlier gotten that very question, but this is state money that was acquired by Las Golondrinas and the purpose was to do a feasibility study to look for alternative wastewater treatment options for Las Golondrinas. So the approach was to target the contract for that and so the additional services would be more be in the realm of if alternative technologies look desirable and somebody may have to do more work on that, or if something has to be costed out a little better or sized out, that kind of thing, we had some extra money in there to expand the feasibility study. But in terms of expanding the area of the feasibility study, because once you get into the La Cienega area, you're talking about a whole new realm of trying to deal with wastewater and Las Golondrinas was a very specific area. They already have their own facility that needs to be updated, and that's what they got the money for and so that's what the contract concentrated on.

It did spark us to look at, in the future looking at a comprehensive study for wastewater treatment in the La Cienega area but it probably didn't look very viable to try to sort of piecemeal little bits and pieces of La Cienega, because this was money specifically targeted for Las Golondrinas.

COMMISSIONER SULLIVAN: Thank you, Mr. Chairman.

CHAIRMAN ANAYA: Okay, so what I'm hearing is that Las Golondrinas went after the money. They got it. They ran it through the County for us to take care of the feasibility to do the study. Commissioner Sullivan is wanting to expand it to do the La Cienega area, which I would agree to personally, but you're saying we're going to stick to this and then maybe in the future, hopefully in the near future, look to doing a feasibility study in the La Cienega area.

DR. WUST: Mr. Chairman, that's correct. \$10,000 really wouldn't do a comprehensive job on La Cienega area.

CHAIRMAN ANAYA: Is there any monies out there that we could add to this money to do the whole area while we're at it?

DR. WUST: Mr. Chairman, I hope we get confirmation from Susan, but since this is basically pass-through money and we're the fiscal agent, I'm not sure that we want to be trying to mix and match monies.

CHAIRMAN ANAYA: Okay. Then let's just leave it simple but in the future, maybe we can try to do a feasibility study in the La Cienega area. Is there a motion?

COMMISSIONER CAMPOS: Mr. Chairman, a question.

CHAIRMAN ANAYA: Commissioner Campos.

COMMISSIONER CAMPOS: All this money is state money, Dr. Wust? And how much are we getting from the state?

MS. DE LIMA My understanding is \$50,000.

COMMISSIONER CAMPOS: Okay. Now the \$50,000 has to be expended solely for the study?

MS. DE LIMA That is my understanding.

COMMISSIONER CAMPOS: So there's a lot of staff time that's involved in getting this that's not included or paid for in the \$50,000?

MS. DE LIMA Well, we've got about \$15,000. Is that what you mean?

COMMISSIONER CAMPOS: Yes.

MS. DE LIMA Beyond the fixed price for the deliverables.

COMMISSIONER CAMPOS: \$15,000? Then we're going to have to expend our own resources to make this happen. This is always a situation that we have to calculate when we get grants and stuff. And we've talked about it in the past. And then the question is because they're only doing \$15,000 and we don't know how much we're going to invest, is this something that - it sounds like a good idea. Is it?

DR. WUST: Mr. Chairman, Commissioner Campos, I believe what you're saying is quite true if I'm following it. We're investing our own time. We already have, and we're not getting any of that money, basically. We're just kind of a pass-through agent on this. And the advantage to the County at the moment is this is an area that we have looked at from a utility perspective of hopefully integrating them into our system. This is a way that we started a communication to talk to them about looking more regionally. It's one of the things that the feasibility study will look at. We can make sure it gets looked at, is whether whatever gets built at Las Golondrinas may be expandable and see if they're willing to talk to us about maybe incorporating some of their neighbors in the La Cienega area as part of their system. We've also taken this approach in our discussions with the Santa Fe Opera. So it's not really paying us money up front for this but it has opened some doors for us to look at future planning in terms of being able to operate a more regional or area-wide facility.

COMMISSIONER CAMPOS: I understand that, but the legislature can say, here's \$25,000 to do x, right? And do we have to do x? Don't we have to evaluate to see if it's worth County time and advances County interest before we expend our additional supplemental entities and monies to get this project done?

DR. WUST: Mr. Chairman, Commissioner Campos, I think that's a question I'm not prepared for.

MR. GONZALEZ: Mr. Chairman, Commissioner Campos, there are two ways to approach this, and one is the traditional way that's occurred in the past. The legislature of course feels jealous of the projects that they appropriate money for, so if they don't appropriate

enough for completion of the project then we have to wait for additional appropriations down the road. The other alternative is for the County to come up with money of its own in order to complete the project if we see the project is potentially beneficial to the County. Those are the two methods that I've seen in the past that we've dealt with this issue. I don't know if Commissioner Vigil has any comments about this issue.

COMMISSIONER CAMPOS: Well, there has to be an analysis, I think when these monies come down to see what it's going to cost us, if it's something we're interested in, if it advances our agenda. I don't know. I know the legislators like to get things done but they don't coordinate sometimes with the County.

COMMISSIONER VIGIL: I agree.

CHAIRMAN ANAYA: Commissioner Vigil.

COMMISSIONER VIGIL: Thank you, Mr. Chairman. Despite all the efforts that we have to create sort of a focus for the lobbying that we do and the projects, every year that I've known that we've gone to the state legislature there have been projects that have not been a part of our prioritization, nor a part of our ICIP plan, and those are projects that our state legislators themselves get lobbied separately for, and that they particularly want to fund. Oftentimes when they do fund those projects in fact they're funding it perhaps in phases, or perhaps not. Perhaps the lobbying efforts that they receive identify a certain amount that those lobbyists or constituents who they actually are have gone to the particular legislator for a project. In fact many of the projects in my district have been funded in phases. But despite our efforts to communicate to the legislature that we have a particular ICIP prioritization project and there are particular projects, I don't think that that will distract from the legislators wanting to fund particular projects that don't go through our process.

COMMISSIONER CAMPOS: I understand that.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chairman, this conversation is real interesting but it has nothing to do with this contract. But it has everything to do with how we facilitate and run our contracts because I think the points that are brought up are excellent because we're not estimating what impact it's having on us in our operations and how we administer these different grants and contracts because the reality is some of it isn't coordinated and even the one that is coordinated we may not expect that we're getting what we're getting and then we get it and all of a sudden, hey, how are we going to get all these projects with two staff to get this done.

So I think that's being minimized in terms of past legislative sessions with us getting surprise appropriations but it still happens. I guess what I'm saying is I would encourage us to see however we can coordinate these efforts and I don't know, other than adding more staff, how things are going to begin to run more efficiently. I don't know if Gerald mentioned teams but I don't know how else these things can move forward in a way where I think we all feel comfortable that things are getting done and things aren't going to be held up and CDBG funds aren't going to be jeopardized and that sort of thing. So Mr. Chairman, I would move for approval.

CHAIRMAN ANAYA: There's a motion.

COMMISSIONER CAMPOS: Second.

CHAIRMAN ANAYA: And a second. I'd look at it as thanking the constituents for going out and lobbying for the County to try to make it a better place to live.

COMMISSIONER VIGIL: Thank you, Mr. Chairman.

CHAIRMAN ANAYA: So that's how I look at it.

The motion to authorize a PSA for the Las Golondrinas wastewater system passed by unanimous [5-0] voice vote.

XII. C. Grant Agreements

1. **Resolution 2005-140. Request Approval and Execution of 5 NMED Grant Agreements. The Grant Numbers, Names, and Amounts are as Follows: 04-1556-STB Agua Fria/Rumbo al Sur Road Sewer Line \$50,000 / 05-0140-STB Sewer Line Extension (Paseo de Tercero & Via Don Toribio) \$50,000 / 5-1154-GF Regional Water & Wastewater System \$1,070,000 (Pojoaque Valley) /05-1158-GF Sewer Line Extension (Agua Fria Road & Rufina St.) \$20,000 / 05-1199-GF Sewer Line Extension (Paseo de Tercero & Via Don Toribio) \$35,000 (Water Resource Department & PFMD)**
2. **Resolution 2005-141. A Resolution Designating Grantee Signature Authority and Project Representative for the NMED Grants. The Grant Numbers, Names and Amounts are as Follows: 04-1556-STB Agua Fria/Rumbo al Sur Road Sewer Line \$50,000 / 05-0140-STB Sewer Line Extension (Paseo de Tercero & Via Toribio) \$50,000 /5-1154-GF Regional Water & Wastewater System- \$1,070,000 (Pojoaque Valley) /05-1158-GF Sewer Line Extension (Agua Fria Rd & Rufina St.) \$20,000 /05-1199-GF Sewer Line Extension (Paseo de Tercero & Via Don Toribio) \$35,000 (Water Resource Department & PFMD)**

CHAIRMAN ANAYA: I know that Commissioner Sullivan brought those up. I don't have to read both of them.

COMMISSIONER SULLIVAN: I don't think so, Commissioner, because I don't have any questions on any of these items. The reason I brought these forward is because I wanted the Commission to vote on them separately, separate from myself voting on them. These grant agreements include a number of projects and I noticed one of those projects includes funds for the Pojoaque Valley regional water and wastewater system, and also the second item is a resolution designating grantee signator authority for those very same projects.

And our firm does work for the Pojoaque Valley schools and has done work for some years prior to these appropriations ever being approved.

None of these funds that are being designated for Pojoaque Valley, we would not be a recipient of any of these funds but none the less, since we were employed by the Pojoaque Valley School District and since they will be a signatory to a future agreement having to do with these particular funds for the treatment facilities at the Pojoaque Pueblo I felt it best to recuse myself.

CHAIRMAN ANAYA: Is there a motion to approve XII. C. 1?

COMMISSIONER MONTOYA: So moved.

COMMISSIONER CAMPOS: Second.

CHAIRMAN ANAYA: And a second. Any more discussion?

The motion to approve Resolution 2005-140 passed by unanimous [4-0] voice vote with Commissioner Sullivan having recused himself.

CHAIRMAN ANAYA: A motion for XII. C. 2

COMMISSIONER CAMPOS: So moved.

CHAIRMAN ANAYA: There's been a motion.

COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: Did you or anyone else receive information on that?

CHAIRMAN ANAYA: I believe I didn't, if it's not in the packet.

COMMISSIONER MONTOYA: Mine says no packet material for this item.

MS. LUCERO: Mr. Chairman, I believe what the intention was is the grant agreement itself that you just approved, by authorizing and designating signature authority, then that allows us to go forward. So for example you'll notice in your packet, it's asking for the chair or designee.

COMMISSIONER MONTOYA: What page?

MS. LUCERO: XII. C. 1, the very last page, page 8, the Commission chair or designee. So by default for us it would go to the Commission chair as being the designee, and I believe the department was trying to go through a formality that the New Mexico Environment Department requires and making it clear that the grantee signature authority designation is the Commission chair.

COMMISSIONER MONTOYA: What article are you referring to, Susan.

MS. LUCERO: In XII. C. 1, page 8. The very last page, under Article 18, notice. Then it lists the signature blocks, Santa Fe County utilities department.

COMMISSIONER MONTOYA: Okay. So that suffices as the resolution?

MS. LUCERO: In better terms we should have had probably a formal resolution drafted, but that is what they're asking for is designating the appropriate signature authority from the Commission to approve the grant.

CHAIRMAN ANAYA: So we've approved the grant; now we just want to make sure we're going to get a signature.

DR. WUST: Mr. Chairman, Commissioner Montoya, if I may add, what the Environment Department requires is basically a signature page. I thought it was included in the packet. I didn't see it and we apologize for that. And it basically says here are the people from the County who can sign whatever we're supposed to sign as pieces of this. And Joseph Gutierrez from PFMD and I have been designated as signatories and then we have a couple of folks on our staff who are the contacts, who have been designated contacts and that's the formality of what NMED requires.

MR. ROSS: Mr. Chairman.

CHAIRMAN ANAYA: Steve.

MR. ROSS: Mr. Chairman, Article XII. B of the contract clearly states that we have to adopt or pass a resolution authorizing the person who signs the contract to sign the contract. So we need a formal resolution.

CHAIRMAN ANAYA: Okay, so –

COMMISSIONER MONTOYA: Mr. Chairman, move to table.

CHAIRMAN ANAYA: There's a motion to table. Is there a second?

COMMISSIONER MONTOYA: To the next meeting so we can get the resolution.

COMMISSIONER CAMPOS: Mr. Chairman, question for Legal. Do we need a written resolution at this moment or can we just direct you to write the resolution? It's a simple resolution, I assume.

MR. ROSS: Fairly simple resolution.

COMMISSIONER CAMPOS: Giving authority for someone on staff, probably our Manager to sign off on this.

MR. ROSS: You could do that.

COMMISSIONER MONTOYA: Or Steve Wust or Joseph Gutierrez.

MR. ROSS: Well, I would think that the resolution would authorize the chairman to sign the grant agreement.

COMMISSIONER CAMPOS: Okay. So why don't we do that?

CHAIRMAN ANAYA: Okay there's a motion to table that dies for lack of a second. There was a motion to approve – do you want to make a special motion?

COMMISSIONER CAMPOS: Motion to approve with the direction to staff to prepare a simple resolution designating someone to sign as a representative for the grantee.

CHAIRMAN ANAYA: Is there a second?

COMMISSIONER VIGIL: Second.

CHAIRMAN ANAYA: Any more discussion?

The motion to approve Resolution 2005-141 passed by unanimous [4-0] voice vote with Commissioner Sullivan having recused himself.

XII. D. Miscellaneous

3. Request Authorization to Enter into a Memorandum of Understanding Between the City of Santa Fe, Santa Fe County, Santa Fe Community College, Santa Fe Business Incubator and Local Energy to Plan the Development of a Center for Community Sustainability at the Santa Fe Community College (Land Use Department)

COMMISSIONER MONTOYA: Mr. Chairman, my question, Jack, is how does this tie in with the work that was just completed through the RDC and the SFEDI. That's my question.

JACK KOLKMEYER (Planning Director): Good afternoon, Commissioners. Thank you. I've been listening to the discussion over the last hour, which was on many levels I think really stimulating. I think that something Commissioner Campos said a little while ago about how about something serious in terms of the water and alternative energy projects that we might be able to undertake in the future as we move into kind of really a whole different era for the County, as we move from being a rural county to an urbanizing county and one of the issues that we are constantly faced with that was discussed early by the County Manager regarding staff is we recognize and know that for a lot of the challenges and the projects that we're faced with we don't have either the staff or sometimes even the internal mechanisms to deal with, particularly some of the economic development projects and even the energy projects that come before us.

When you go back and you look at the County's strategic land use plan - we actually have a strategic plan in place for thinking about some of these things and that's the County's Growth Management Plan that was passed in 1999, and then in the Community College District Plan that we passed in 2000, we recognize that we can't do some of these things unless we form new partnerships. So that's really the theory and answer to your question is how are they related. We're not set up really to do economic development and we're not really set up to look at and understand some of the alternative energy and water conservation initiatives that we need to. So we've chosen to form partnerships in each of these areas.

The economic development one, as you just said, we reformed a partnership with SFEDI, Santa Fe Economic Development, Inc., the Rural Development Corporation, the State Department of Economic Development, to really come in and give us additional staff, resources, direction, for helping us to put together an economic development program. This project is really similar in many respects, Commissioner Montoya, because again, we're not really staffed up to do these things, so we figured the best way for us to begin to embark on this kind of initiative is to really get together with the people in our community that know how to do it, Local Energy, the City of Santa Fe, because of its economic development, and focus on energy, Santa Fe Business Incubator, Inc. and ourselves.

So we formed this collaboration that we want to focus around the Community

College, in the Community College District so really what we can do is three things. We can learn how to do this, we can demonstrate it, and then we can build it into future projects.

COMMISSIONER MONTROYA: Thank you. Mr. Chairman, I move for approval.

CHAIRMAN ANAYA: There's a motion.

COMMISSIONER VIGIL: Second.

CHAIRMAN ANAYA: And a second. Commissioner Sullivan.

COMMISSIONER SULLIVAN: Jack, who is Local Energy?

MR. KOLKMEYER: Local Energy, I believe the president of Local Energy is a gentleman named Mark Sardella, which actually has done, when Gerald was talking about some of the discussions that we've had in some of these areas, before Mark came in and did a discussion, I believe it was on biomass fueling, and he is the president of that group that is working on especially biomass but some other alternative energy projects. In fact they have a demonstration unit now at the Community College, which they are going to use, and one of the things that I suggested at that economic development workshop that some of you were at, the first one, when that demonstration is underway at the Community College, it's something that we might look at trying at the County jail to see if we can incorporate that and maybe bring down some of the energy costs.

So Commissioner Campos, when you said before, are we doing anything serious, again, this is that kind of partnership where if we can do something like that, and try to set up a biomass project at the County jail, that might be of huge consequence to the County fiscally. And Mr. Sardella is the president of that group, Commissioner Sullivan.

COMMISSIONER SULLIVAN: The memo indicates that there's no financial obligation required by Santa Fe County through this MOU. Then on page 3 of the agreement it says Santa Fe County will provide technical and planning assistance to develop a study and the center. The center I guess is a physical building that is going to be 10,000 square feet in size, ultimately. What do you anticipate it will cost for us and Mr. Gonzalez was just very eloquent in explaining how short he is on staff for a Class A county, what do you feel our costs will be to provide this technical and planning assistance to develop this study and center?

MR. KOLKMEYER: Commissioner Sullivan, myself as the planning director, and Robert Griego as a community planner, we've already worked in some of our own staff time to work on the RFP and some of the other activities associated with this and we've taken this on and just put into our own planning/staffing budgets if you will, appropriate time to be able to work on this. We specifically took out any kind of fiscal or financial obligations as part of the MOU because it was really unclear as to who could do what. I believe that's on page 4 of the MOU, each of the parties shall determine its own contribution. And we pretty much decided that that's what it needs to be for both staffing and monetary contributions.

The Planning Division of the Land Use Department, when we did our budget for

this year, we did include in our budget \$5,000 which we would like to contribute to the RFP. The total cost of the feasibility study, I'm not exactly sure what that is, Commissioner. Robert, did you remember what they had mentioned for that? The \$170,000 or something like that? There already are contributions from the other entities of around \$50,000. That doesn't include our \$5,000. So we'll have to come up with some more money for the feasibility study, but we're working on that.

COMMISSIONER SULLIVAN: Okay. So in addition to providing the technical and planning assistance, we're also going to provide \$5,000 in cash?

MR. KOLKMEYER: The Planning Division of the Land Use Department is, yes.

COMMISSIONER SULLIVAN: It's still a part of Santa Fe County.

MR. KOLKMEYER: Yes, it is. As far as I know.

COMMISSIONER SULLIVAN: So there is a financial obligation of Santa Fe County to the extent of \$5,000, plus staff time.

MR. KOLKMEYER: It's voluntary.

COMMISSIONER SULLIVAN: Okay. I'm getting confused. I thought that you had \$5,000 in cash in your budget that you were going to put in cash, or is that \$5,000 in staff time?

MR. KOLKMEYER: No, it's \$5,000 that we put into our budget, provided this project goes forward, but we're not obligated to do that through any written document.

COMMISSIONER SULLIVAN: But is that in cash or is that staff time?

MR. KOLKMEYER: That would be cash.

COMMISSIONER SULLIVAN: That's cash. Okay. So if we go forward then the likelihood is that we'll be expending \$5,000 in cash, plus unspecified amount of staff time.

MR. KOLKMEYER: That's correct.

COMMISSIONER SULLIVAN: Okay, and then will they County be the one that puts out the request for proposals?

MR. KOLKMEYER: No. This whole project will be under the aegis of the Santa Fe Community College.

COMMISSIONER SULLIVAN: So they'll put out the RFP and they will administer a contract and disperse the funds and also collect the funds that are necessary to finance the contract.

MR. KOLKMEYER: That's correct.

COMMISSIONER SULLIVAN: So we don't get into this thing that we had on the last project where we're doing projects for Las Golondrinas or whoever it may be and we're stretching our staff beyond their time limit.

MR. KOLKMEYER: We recognized that a while back.

COMMISSIONER SULLIVAN: Okay. Thank you, Mr. Chairman.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Kolkmeier, how much more money do you think you're going to need for this project? How much money do you think this project needs for capitalization purposes?

MR. KOLKMEYER: What we're talking about here is essentially the feasibility study.

COMMISSIONER CAMPOS: Just the feasibility study.

MR. KOLKMEYER: Yes. So we're going to do that first. And then from that we'll figure out physical needs, monetary needs beyond that. So it's kind of hard to answer that at this point. It's going to be a sizable project, but once the feasibility study is done then of course we have a major educational institution in our area, the Community College, and the City and the County and other folks behind it and we'll have to figure out how to fund that.

COMMISSIONER CAMPOS: This is going to be more than \$55,000.

MR. KOLKMEYER: The feasibility study? Yes, I think it's \$100,000. Around \$100,000.

COMMISSIONER CAMPOS: I'd be willing to contribute \$5,000 from my Commissioner's discretionary fund along with what you're contributing.

MR. KOLKMEYER: Thank you. We'll pass that along to the group. Thank you very much.

The motion to authorize the MOU regarding a Center for Community Sustainability passed by unanimous [5-0] voice vote.

MR. GONZALEZ: Mr. Chairman, we do have a housekeeping matter, which was brought to my attention. Apparently, with respect to item D. 4, there's a need to do a public hearing. That hearing has been advertised so from that standpoint, notice has been given but we probably do need to reopen that item up and we'll at least have a brief public hearing on the ICIP issues.

COMMISSIONER CAMPOS: Move to reopen matter XII. D. 4.

COMMISSIONER VIGIL: Second.

CHAIRMAN ANAYA: There's a motion and a second to open it up and talk about it. Any more discussion?

The motion to reconsider item XII. D. 4 passed by unanimous [5-0] voice vote.

XII. D. 4. Resolution 2005-133. A Resolution Authorizing and Supporting an Infrastructure Capital Improvements Plan for Santa Fe County (Project & Facilities Management Department)

CHAIRMAN ANAYA: Do we need to do that at 6:00 or do we need to do it

now?

MR. GONZALEZ: I believe that we can do it at this point.

COMMISSIONER MONTOYA: Do what?

CHAIRMAN ANAYA: Public hearing.

COMMISSIONER CAMPOS: Public hearing on item XII. D. 4.

MR. GUTIERREZ: Mr. Chairman, members of the Commission, this resolution is brought forward to you to adopt the plan that we had the study session on last week, in terms of the information that we brought to you. Rudy has some information that he can provide to you in terms of so you can revisit the items that were discussed in terms of the projects. And we would take this resolution, attach it to the plan when we hand it into DFA, which is I believe September 6th or 9th is the deadline.

CHAIRMAN ANAYA: Okay.

MR. GARCIA: Mr. Chairman, Commissioners, at our last ICIP meeting we actually had some priorities, about 13 different priorities which the Commissioners actually looked at. We got the word from DFA, I don't know if you all are familiar with how the capital outlay process works for DFA, but the ICIP plan division of DFA is now located under the capital projects, that actually is under the Finance and Administration Department and appointed by the Governor's Office. What the Governor's Office would actually – what they're requesting is the County Commissioners' projects on one list on their first five top priorities. It is no longer that we're going to be able to go to the ICIP planning process and have whether it's 10, 12, or 20 number one rankings. The Governor's Office through DFA actually wants five top priorities that the County Commission has approved as a whole.

Actually this is something that I was at the City Council meeting last night and this is something the City Councilors had to do and they kind of went back and forth as to what their top five priorities are. We can no longer have ten top number one ranking priorities. It's their top five priorities as the County as a whole. So what Joseph is actually going to be doing is making some copies of the list that we gave you a couple of weeks ago or a week ago when we had our ICIP meeting with the Commissioners and with staff and what we need for you all to do is actually come up with five top priorities. A number one priority, as the second priority, and it needs to be all done by the County as a whole. And that's actually something that has come down through the Governor's Office, through the Department of Finance and Administration and the reasoning for that is kind of when we went last year with the legislation is if there's only enough money for each county to get their top two priorities, then that's what the Governor's Office and the legislature as a whole is going to actually approve. So that's kind of where the Governor's Office and the DFA is going with this.

COMMISSIONER MONTOYA: We have to pare that down now?

COMMISSIONER CAMPOS: At this very moment?

MR. GARCIA: Mr. Chairman, Commissioners, however you all would like to do it.

CHAIRMAN ANAYA: Maybe each Commissioner could give their priority in their district.

COMMISSIONER MONTOYA: I've got two.

CHAIRMAN ANAYA: That would be the easiest way, but –

MR. GARCIA: Mr. Chairman, again, the County as a whole needs to come up with one priority, the second County's priority, third priority in the County as a whole.

CHAIRMAN ANAYA: We have to go down the list.

MR. GARCIA: The County of Santa Fe needs to go to DFA with one number one priority. Then they have to have a second priority. They have to have a third priority. So out of these projects here you all need to pick one priority as your first priority, your second, third, fourth and fifth. This is something that just came about for all the counties from the Department of Finance and Administration. Like I mentioned earlier, I was at the City Council meeting last night and they all had their – each Councilor roughly had two or three ranking number ones and they were basically told by their staff, Robert Romero, that you need to come up with the number one priority of the City as a whole. So we're actually here to have you guys come forward with one number one priority, two, three, four and five.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Campos.

COMMISSIONER CAMPOS: A question for Mr. Garcia. We have to do this today? Or do we have more time?

MR. GARCIA: Mr. Chairman, the ICIP plan is actually due to the Department of Finance and Administration September 8th so if we actually can figure out a way how to do this before September 8th then certainly we can –

COMMISSIONER CAMPOS: We have nothing scheduled right now, right?

MR. GARCIA: Correct.

COMMISSIONER MONTOYA: Mr. Chairman, off of this list we take off Agua Fria and Eldorado, right?

MR. GARCIA: Mr. Chairman, Commissioner, yes, that's correct. Well, we do definitely take off Agua Fria –

COMMISSIONER SULLIVAN: We certainly can't take off Eldorado. We haven't passed any resolution for Eldorado. The latest cost estimate was over \$1 million. The architect was given a budget of \$600,000.

COMMISSIONER MONTOYA: Oh, so it's not \$200,000 off. It's \$400,000 off.

COMMISSIONER SULLIVAN: It's \$200,000 just to get the first phase so you can drive up next to the building. That's just to get a project that has doorknobs and doors and windows, let alone lights and that.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Campos.

COMMISSIONER CAMPOS: Can we do this after dinner. We have a break I hope at 5:00. We have to go out and have dinner and come back at 6:00 for public hearing. That gives us a little bit of time to think about this.

CHAIRMAN ANAYA: Otherwise, we're going to be up here arguing all

afternoon.

COMMISSIONER MONTOYA: Mr. Chairman, I'll begin the argument. I think the Santa Fe County Fairgrounds is certainly a project that serves all of Santa Fe County residents and maybe we should take a look at that. Having been out there a few times, they keep getting little bits and pieces and they really need to move out of that facility, their office space anyway because they're not ADA compliant. It's been kind of renovated so that it's – I think that used to be kind of the arena, wasn't it? Before they converted it to offices? Does anyone recall? I know Bruce King was on the Commission then.

CHAIRMAN ANAYA: I think that's a good start, Commissioner. That includes the whole county. Priority one, four more to go.

COMMISSIONER VIGIL: Mr. Chairman, I have some questions.

MR. GARCIA: Mr. Chairman, we would like for you all to go down this list and prioritize all of them in the order of one through –

COMMISSIONER SULLIVAN: It's just going to be one through five, right? After that it's –

MR. GARCIA: It can be one through five.

COMMISSIONER SULLIVAN: That's all you need.

CHAIRMAN ANAYA: So, Commissioner, you had the floor.

COMMISSIONER MONTOYA: Okay. That was it.

CHAIRMAN ANAYA: Okay, that's a suggestion. Santa Fe County Fairgrounds is one. Commissioner Vigil.

COMMISSIONER VIGIL: Thank you, Mr. Chairman. Rudy, just – what were our priorities last year, and second question before I forget is what has the City prioritized as their number one project?

COMMISSIONER MONTOYA: Mr. Chairman, Commissioner Vigil, we didn't need to prioritize like this last year.

COMMISSIONER VIGIL: I believe we did, didn't we? We had three priorities when we had our legislative meeting.

MR. GARCIA: Mr. Chairman, Commissioners, yes, we actually did go forward with three, like three or four number one priorities. One of them was the Esperanza Shelter. Another one was a senior housing project, the Agua Fria Community Center, because we needed some additional funding for that. I think those were our three priorities last year.

COMMISSIONER VIGIL: And Women's Health Services, where was that?

MR. GARCIA: Women's Health Services actually was not a priority last year but I think the Commission actually did have a meeting and they had mentioned Esperanza and Women's Health, the Commission would actually look at that as their top priorities this year. The City of Santa Fe last night, their first three priorities were basically water projects, water line extensions into the old area of Santa Fe and sewer line extensions. And their fifth priority, they brought some of the issues that you all have brought up regarding non-profit organizations and their non-profit organization that they took forward was Warehouse 21 as their fifth priority.

COMMISSIONER VIGIL: Thank you, Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chairman, obviously I'm concerned with getting a decent senior center done and getting it done right the first time. So I'd be very interested in that. I'm very interested in the fairgrounds as well. I initiated the master plan that we started three years for that and specifically for the purpose of upgrading on a program basis. So that's I think a very valuable facility. I agree with Commissioner Montoya on that. Correct me Rudy, if I'm wrong. Didn't Women's Health Services get funding last year from the legislature?

MR. GARCIA: Mr. Chairman, Commissioner Sullivan, yes, they had received funding through this last session.

COMMISSIONER SULLIVAN: Yes. Okay. We should have taken care of the Agua Fria Community Center with our actions today. If we didn't, I hope we did, but if for some reason we didn't, I think it should stay on the list, obviously. Maybe not in the first five, but certainly it should be on the list because we don't want that to be a half-completed facility either. In terms - I think what the City did if I remember reading the article in the paper, is they combined some projects to make their one and two. I'm thinking where we have some small things like the Stanley Fairgrounds youth agricultural facility, could we combine that with the Santa Fe County Fairgrounds and call it fairgrounds, or something of that sort? I believe that's what the City got up their sleeve last night and they combined some to accomplish that. Do you have any suggestions, Rudy, on that?

MR. GARCIA: Mr. Chairman, Commissioner Sullivan, you're exactly right. That's what the City of Santa Fe did. Their number four priority was like sewer line extensions. Their number five priority was actually like wastewater system extensions, so they actually created that and left the language broad in order to actually utilize that money so it is funded for a variety of projects under one topic.

COMMISSIONER SULLIVAN: And we have two other pages here too, in addition to these facilities. We have water and wastewater, we have one project there, and we have four other facility projects on the third page. I'm just wondering if maybe we could take Commissioner Campos' recommendation and come back to this right after the break, and in the meantime staff could perhaps combine a couple of these that made sense together. Certainly it seems to me there are some things that would go together here.

CHAIRMAN ANAYA: I think that's a good idea. Commissioner Vigil.

COMMISSIONER VIGIL: That in my mind would be somewhat problematic because a project has to be site specific in order for it to receive capital funding. So if you had two projects, one in Stanley, one in Santa Fe, in fact you'd be proposing two separate bills for that, in my mind. So I'm not too sure that combining projects really creates the benefit through the legislative process. And I think the City may have some problems if they just go to the legislature for water hook-ups without being site-specific.

CHAIRMAN ANAYA: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Chairman, Mr. Garcia, senior housing,

what does that mean? Are we just going to go ask them for a lot of money to pay for senior housing or do we have a plan? What's going on?

MR. GARCIA: Mr. Chairman, Commissioner Campos, in speaking with Robert Anaya, the Housing Director, he's actually going to come forward with a plan to create some sort of a senior housing project. I did speak with him earlier. He would like to do anywhere from 50 to 150 senior units. We were talking about some property located in the lower portion of Agua Fria, but he does have some sort of preliminary plan I believe. That's pretty much what he means by a senior housing project.

COMMISSIONER CAMPOS: How specific must our information be in order to get something from the legislature? Are we there now or are we just on the list for some future date?

MR. GARCIA: Mr. Chairman, Commissioner Campos, for an example, the senior housing project, we did go forward last year with that. I believe we did receive about \$60,000 for that project, and that project was actually mentioned for a senior housing project within Santa Fe County. That's what that language is actually written and we did receive monies for that. So in my opinion, unless Commissioner Vigil feels that I'm wrong is that type of wording can actually be spent on a senior housing project anywhere in Santa Fe County, but she is correct in that when you do start getting to site-specific projects in certain areas of the county, that DFA will look at that.

COMMISSIONER CAMPOS: Okay, what about - Commissioner Sullivan talked earlier about regional water in the Community College District. That that may be something we're looking at. That seems to be very important to me. That would be a high priority for me. I think it would be a great benefit to the community, but we really don't have it on the list. Could we add something like that to the list?

MR. GARCIA: Mr. Chairman, Commissioners, you all can add stuff to the list and delete it, yes.

COMMISSIONER CAMPOS: Do we have enough information from staff, updated, to support something like this or is it premature?

MR. GARCIA: Mr. Chairman, in speaking with the utility department I'm sure we could come up with some sort of a language to that effect if that's what the Commission chooses as a whole.

COMMISSIONER CAMPOS: I think we should go after projects that are - I would favor a lot of this water/wastewater stuff. That's really important right now to the health and safety of the community. So those are my thoughts. But I do think we should think about this a little bit and maybe after the judicial presentation at 6:00 we can come back to this.

CHAIRMAN ANAYA: Okay, so staff do you want to look at it again and when we come back, then we'll talk.

COMMISSIONER SULLIVAN: Mr. Chairman, Commissioner Campos, did you mean regional water or did you mean regional wastewater.

COMMISSIONER CAMPOS: Regional wastewater.

COMMISSIONER SULLIVAN: Wastewater.

COMMISSIONER CAMPOS: Rudy, you had talked about that.

COMMISSIONER SULLIVAN: Yes, I know. You said regional water.

Commissioner Campos meant regional wastewater, Rudy. That's what he was talking about.

XIII. STAFF AND ELECTED OFFICIALS' ITEMS

A. Corrections Department

- 1. Resolution 2005-142 A Resolution Requesting an Increase to the Jail Enterprise Fund (518/Youth Development Program) to Budget Additional Care of Prisoner Revenue to Create Seven FTEs in Fiscal Year 2006 (\$239,426)**

GREG PARRISH (Corrections Director): Mr. Chairman, Commissioners, this matter has previously been discussed by they Commission during the budget study session in May and at that time we proposed five life skill workers, a therapist and a custodian be added to the staff at the Youth Development Program. Somewhere in between when you approved that in May and the budget process, the dollar amount was not allotted for those FTEs so we're here now to present the adjustment to make sure that resolution is added to fund the salaries for those individuals that were approved in the May budget discussion.

CHAIRMAN ANAYA: Any questions of Greg?

COMMISSIONER CAMPOS: I have a question, but it's not directly on that issue. If I may, Mr. Chairman, it will be brief.

CHAIRMAN ANAYA: Will it be brief? Go ahead.

COMMISSIONER CAMPOS: How are we doing with the warden and the second in command, the deputy warden, the search for? How close are we?

MR. PARRISH: We actually have offered the warden's position to an individual recently and once he's on board September 16th, and he will then at that time be involved in the process of picking a second in command, the major. But we have chosen a warden and offered him and he has verbally accepted a position with us starting September 16th.

COMMISSIONER CAMPOS: And do you have a second choice if he should decline?

MR. PARRISH: Well, he's already accepted. We talked to him already.

COMMISSIONER CAMPOS: It's already a done-deal.

MR. PARRISH: The warden is.

COMMISSIONER CAMPOS: The warden is selected.

MR. PARRISH: Yes. Actually, we're calling him the jail administrator, Commissioner Campos.

COMMISSIONER CAMPOS: The jail administrator.

MR. ABEYTA: And Mr. Chairman, just to add, we're planning on making a presentation to the Commission at the next BCC meeting, a brief update as to where we are with this jail take-over.

COMMISSIONER CAMPOS: I think that's important.

COMMISSIONER MONTOYA: Yes, that's coming up.

CHAIRMAN ANAYA: Okay, any questions of Greg?

COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: All of this is coming from the jail enterprise fund?

MS. LUCERO: Mr. Chairman, Commissioner Montoya, this is, yes, within the jail enterprise fund, specific to the Youth Development Program.

COMMISSIONER MONTOYA: Okay. And this is something that the budget, in terms of recurring costs is going to be able to absorb and accommodate in future years?

MS. LUCERO: Mr. Chairman, Commissioner Montoya, under the current revenue contracts, yes.

COMMISSIONER MONTOYA: Okay. And then Mr. Parrish, regarding some of the concerns that have been brought to our attention during the BOP site visit, do we need these extra positions? It sounded like the report that we got back was that everything was okay, that there wasn't really anything wrong. But now we're adding positions?

MR. PARRISH: Mr. Chairman, Commissioner Montoya, we did budget these prior to the BOP audit, actually. These are individuals that we felt we assist us in the staffing level, yes.

COMMISSIONER MONTOYA: So do we need them?

MR. PARRISH: Yes. We need these staffing levels.

COMMISSIONER MONTOYA: Okay. What are the two new ones? Because originally you did have five and you did have them listed here.

MR. PARRISH: Mr. Chairman, Commissioner Montoya during the budget study in May our proposal was for five life skill workers, one therapist and one custodian. That's the seven positions that we've asked for.

COMMISSIONER MONTOYA: Okay. That's all I have. Thank you.

CHAIRMAN ANAYA: Any other comments? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Parrish, if BOP decides to terminate its contract with Santa Fe, as has been threatened, will these positions be needed?

MR. PARRISH: Mr. Chairman, Commissioner Sullivan, if that were to take place, we would have to re-evaluate our staffing level at the facility, or locate other contracts or extend the current contracts that we have.

COMMISSIONER SULLIVAN: When these individuals come on board, do they come in six months as provisional?

MR. PARRISH: Temporary employees? That was not my intention. I would make them full-time employment.

COMMISSIONER SULLIVAN: Isn't there a period in the first six months where they can be terminated at will? Susan's shaking her head there.

MR. PARRISH: Yes, there's a 12-month probationary period.

COMMISSIONER SULLIVAN: Twelve months. Probationary is the word I'm looking for.

MR. PARRISH: Worst case scenario I think we could absorb a lot of these people into the adult facility or other positions that we have in the Corrections Department also.

COMMISSIONER SULLIVAN: So at last count we had something like 77.5 employees out there and we were ten short. Is that right?

MR. PARRISH: Commissioner Sullivan, at the Youth Development Program we have approximately about 67 employees and we were down about 11 a week ago. We currently have about six positions pending that we're filling. We're awaiting the screening and the background investigations that are necessary.

COMMISSIONER SULLIVAN: So what we had authorized, how many was the total that was authorized before?

MR. PARRISH: At the Youth Development Program, I understand we'll be authorized at 69.5 or something. But we also have the ARC program, the day reporting that has staff also.

COMMISSIONER SULLIVAN: Didn't that total 77 or something?

MR. PARRISH: It's almost 100. It's 21.5 for the ARC. It's 4.5 for the day reporting and 69 or 70 for the -

COMMISSIONER SULLIVAN: So the Youth Development Program is the "jail".

MR. PARRISH: Yes. It's the secure facility.

COMMISSIONER SULLIVAN: And so you're currently authorized for 69 did you say?

MR. PARRISH: Yes, 69 with these five, it would be 71 actually.

COMMISSIONER SULLIVAN: I'm lost. Try again.

MR. PARRISH: The 69 are my life skill workers that I was talking about, those positions, and I also have a therapist here and a custodian, so it will be about 71.

COMMISSIONER SULLIVAN: It would 71 after these seven are approved, would be the total authorized level for the Youth Development Program.

MR. PARRISH: Yes.

COMMISSIONER SULLIVAN: 71. Which means you must have 64 now.

MR. PARRISH: Yes. Authorized.

COMMISSIONER SULLIVAN: Authorized. Thank you.

CHAIRMAN ANAYA: Any other comments? What's the pleasure of the Board?

COMMISSIONER CAMPOS: Move to approve, Mr. Chairman.

CHAIRMAN ANAYA: There's a motion. I'll second it. Any more discussion?

The motion to approve Resolution 2005-142 passed by unanimous [5-0] voice vote.

XIII. B. Finance Department

2. Resolution 2005-143. A Resolution Approving Non Budgeted Reserve Requirements for Operating Budget of Fiscal Year 2006

MS. LUCERO: Mr. Chairman, Commissioners, this resolution is a repeat resolution of revisiting the unbudgeted reserve requirements that you approved last fiscal year. You will see attached to the resolution itself a schedule in which in 2005 we appropriated approximately \$2.5 million earmarked for specific items such as the adult and juvenile corrections facility, the insurance risk pool, a heavy equipment replacement reserve, and also for biomass reduction.

Last year you authorized the levels at dollar amounts of the jail at \$750,000. We are asking to increase that to \$1 million this year and the insurance risk pool, to maintain the same reserve at \$750,000, the heavy equipment replacement at \$500,000, and the biomass reduction, to reduce that from \$500,000 to \$250,000. The source of this funding is remaining cash balance after we have met our reserve requirement and all obligations through the end of fiscal year 05. This is unbudgeted cash that we would like and ask for you to set up within these reserves, or adjust them to reserves that you want for non-recurring costs. These are for capital type items, emergency type items.

COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: Susan, as I see adult and juvenile corrections facilities, are you talking about staffing? Or is there that much capital improvement needs?

MS. LUCERO: Mr. Chairman, Commissioner Montoya, this would be along the lines of capital needs, not recurring needs such as salary or other operations. We are just now going to be coming into the adult facility. We really don't have a very detailed understanding of what the capital needs are. We know that there could be potentially high needs there. A lot of improvements, not to mention maintenance type issues, but major improvements. So we're trying to anticipate anything that could possibly come along.

COMMISSIONER MONTOYA: Okay. And the insurance risk pool, what is that?

MS. LUCERO: This is our attempt to allocate funding for a self-insured type pool in the event that our insurance may not appropriately accommodate any type of legal action. In other words, maybe we don't have the coverage for that particular type of action. So this is an attempt to insure ourselves in the event that something like that comes along.

The heavy equipment reserve is something that we initiated last year. We did tap into it in order to purchase two motor-graders, which are close to \$200,000 each or a little over \$200,000 each and this is our attempt over a five-year program to try to rebuild that reserve and then acquire new equipment when our current equipment, either the lease expires or it's worn out and obsolete. So we're trying to put them on a five-year replacement program for those very heavy pieces of equipment.

COMMISSIONER MONTOYA: And then what's biomass reduction?

MS. LUCERO: This was an item that was quite a hot topic last year regarding the dead pinon trees and what we potentially may need to do as a County. For fear of not knowing where anything stands at this point regarding that we reduced the amount but we still left it there. There's probably further discussion that's warranted for that item.

COMMISSIONER MONTOYA: So what's that used for?

MS. LUCERO: We haven't used it for anything. The intention was to have a reserve available in the event we needed to purchase other equipment, such as a chipper or mobilize a project that would maybe be used as a match against a federal grant to try to take care of the issue we have here.

COMMISSIONER MONTOYA: Okay. Thank you.

CHAIRMAN ANAYA: Any other comments? I'd like to maybe make a suggestion, and that would be to take about \$200,000 of that, of the biomass reduction and stick it into the heavy equipment replacement. After talking with Robert and James I know they need some new equipment for street sweepers and rollers and maybe water trucks, just something to maybe use that money to keep up with our equipment. So I would like to, if the Commission is okay with that, to move \$200,000 into the heavy equipment replacement.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner.

COMMISSIONER CAMPOS: I would like to hear from staff for an assessment of that. Are we able to do that at this time? Do we have personnel here that would aid us in discussing that issue?

MR. ABEYTA: Mr. Chairman, I wouldn't feel comfortable making that decision yet without speaking with our Fire Department and our Public Works Department together and any of these other departments that may be effected by that. It sounds like it's a good idea but I would hate to make that decision right here right now without having been a part of any discussions that Public Works may have had.

COMMISSIONER CAMPOS: And Mr. Abeyta, we could certainly, if we passed this today amend it later if we had new information.

MR. ABEYTA: Right. We could come back in and make that adjustment after I talk to the different department directors.

CHAIRMAN ANAYA: Yes, let's do that and then maybe that will free up, give some money to the Public Works.

MS. LUCERO: Mr. Chairman, keep in mind these are not funds that are programmed, meaning we would still have to come back to you for the budget part. This is just to establish a reserve.

CHAIRMAN ANAYA: Yes, let's check into that. So what do we want to do?

COMMISSIONER MONTOYA: Move for approval.

CHAIRMAN ANAYA: There's a motion.

COMMISSIONER CAMPOS: Second.

CHAIRMAN ANAYA: And a second. Any more discussion?

The motion to approve Resolution 2005-143 passed by unanimous [5-0] voice vote.

XIII. C. Land Use Department

- 1. Request for Approval of an Intergovernmental Agreement Between the City of Santa Fe and the County of Santa Fe Establishing an Urban Growth Area within the Extraterritorial Zoning District on 8.035 Acres. The Property is Located Along Calle P'o Ae Pi South of Rufina Street, within Section 6, Township 16 North, Range 9 East**

MS. ELLIS-GREEN: Thank you, Mr. Chairman, Commissioners. An application has been submitted for master plan, preliminary and final development plan for approval of 106 residential units on 8.03 acres for senior citizens income-restricted housing development. As part of the approval process of this development the creation and amendment of an urban growth area must be in place. The City of Santa Fe and the County must enter into an intergovernmental agreement to institute the EZO amendment process. The purpose of the agreement is to define the terms and conditions for designating an urban growth area in the Extraterritorial Zoning District to permit urban type densities which depends upon adequate water, liquid and solid waste disposal, access, utilities, services and compliance with development and design standards of the City and the County, and to define an urban growth area boundary within which urban densities, urban standards and eventual annexation of the City will be encouraged.

The intergovernmental agreement is attached in your packet. The City Council heard this agreement last night and Sophia will address the changes that the City Council proposed.

SOPHIA COLLAROS (Assistant County Attorney): Mr. Chairman and Commissioners, this afternoon we were informed by a representative from the City that at their meeting yesterday evening they approved the intergovernmental agreement with six amendments, and that's according to the draft minutes that were provided to us, and Penny is handing those out to you at this time. *[Exhibits 1 & 2]* The first one just changes the recitals to include that the development will provide, will develop a completely affordable housing project for low income individuals and the elderly within the urban growth area that's described within the agreement.

The second amendment, and this again is according to the minutes. We haven't received any type of signed document from the City, but as long as the project stays in the county, any senior programs that are offered through senior services will be paid for in full by the County.

The third proposed amendment from the City is that the agreement is contingent upon the development meeting the levels of affordability that have been described in the packet that was presented to the City.

The fourth, that the developer not oppose annexation if and when the City gets to that point and that that will be recorded on the plat.

The fifth, authorizing the Mayor to sign on behalf of the City Council, the governing body, so long as said intergovernmental agreement is contingent upon the County agreeing to grant to the City no less than 50 percent of the gross receipts tax associated with the construction on this project as a fair share. And those are the precise words that have been retrieved from the minutes.

And then the sixth one, that all of the provisions that have been listed above except paragraph 1 and 3 will be noted on the plat and run with the land.

So what Penny handed out to you was the minutes that were delivered to the County this afternoon, and then I just took those points out of the minutes.

CHAIRMAN ANAYA: Thank you. Any questions, comments? Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Chairman, Ms. Ellis-Green, as far as zoning and zoning changes in the EZO, from what I remember about zoning it has to be based on a plan. You have to have a plan then you have a zoning ordinance and then you go from there. The other issue that I remember is that it has to be broad and not just specific to one piece of property. What do you think? Is that right, Roman?

MS. ELLIS-GREEN: Mr. Chairman, Commissioner Campos, there is actually a provision in the EZO for an urban growth area that would permit these kind of densities. So the application is being made alongside a master plan and in your packet there is a site development plan, showing the layout of the proposed units and I believe in your packet there is a section of the EZO.

Sc: Mr. Chairman, Commissioner Campos, under the EZO, Section 1.6 allows for amendment of an urban growth area, and in fact that's referenced in your intergovernmental agreement. And the amendment to an urban growth area is initiated through the City and the County adopting either a joint powers agreement or an intergovernmental agreement that addresses the services and the terms of how this urban growth area will be addressed by each of the governmental entities.

COMMISSIONER CAMPOS: I understand that, but the question is is there a plan that exists that would be the basis for this zoning, a planning that would permit such densities or would favor such densities in a particular area. That's what a plan's about. And then after you have that, then you do your zoning ordinance. The other issue, again, can you just pick out a piece of property and say, yes, this is it. We're going to rezone just this little piece of property but we're not going to deal with the impacts in the area, we're not going to look at the big picture.

Usually in zoning, when you have a zoning change or a plan change, there has to be a comprehensive study of some sort. I just don't see it in this case.

MS. ELLIS-GREEN: Mr. Chairman, Commissioner Campos, there's not a comprehensive plan in this area, specifically for this area, specifically - Exhibit D is the urban growth area section of the EZO and that is what is being applied for. So that would allow for multi-family up to 21 dwelling units per acre. If you do the urban growth area and the intergovernmental agreement as to who's going to provide services.

COMMISSIONER CAMPOS: Okay. Mr. Ross, any comment on this discussion?

MR. ROSS: Mr. Chairman, Commissioner Campos, not having been here many years ago when the EZO was enacted, I don't know what they used as a planning basis for the zoning that's in there, but if there is some sort of a defect along those lines it's a defect that's common to the entire EZO. We can certainly look into that. Without having a specific basis for zoning in the EZO I think we'd have to defer to the County General Plan, which I believe also covers this area. I understand that after these processes are completed we will have to go through rezoning of this particular parcel, so we're not zoning it now. We're just complying with the terms of the JPA, which requires this unusual procedure to do something like this. And it is unusual.

COMMISSIONER CAMPOS: It is unusual, and it doesn't seem to comport with standard zoning law in most of the country, I don't think. From my memory of it.

MR. ROSS: Well, once again, these are problems that were created years and years ago and I haven't given it any thought at all. We're just following the procedures that have been set forth to address situations like this. It's been done once before. I understand we're just following the procedure that was done the last time. This is all fairly clearly set out in the JPA and the City and the County many years ago agreed to handle these kinds of problems in just his way. If you want we can look at the bigger picture but it's sometimes not a good idea to look under stones.

COMMISSIONER CAMPOS: Why would you look under stones?

MR. ROSS: Because you might end up with a lot of hard work to address deficiencies that may have lasted for 20 or more years.

COMMISSIONER CAMPOS: Is this akin to a spot zoning?

MR. ROSS: Well, I guess it could be. What is a really good analogy for this is rezoning of a particular parcel which we do routinely. When somebody wants to use their parcel for something else they have to come and apply for a zoning change and that process determines whether that new zoning, the proposed zoning is appropriate for the area. And that's how I'd analogize this. It's an unusual procedure but it was one that was agreed on by the City and the County many years ago to address these kinds of issues, where the urbanization is moving out beyond the city boundaries and we have to be cognizant of the difficulties that that creates and I think this is how they resolved to address those kinds of situations many years ago.

COMMISSIONER CAMPOS: What about the public notice requirements when you do a zone change?

MR. ROSS: That's coming up, Commissioner. When we do this, after these agreements get signed then there will have to be a rezoning of the parcel and at that point the neighbors would have to receive their certified envelopes announcing the proposed change of the zoning. They'd have an opportunity to come in and talk to the EZA about that.

COMMISSIONER CAMPOS: Thank you. Question, Ms. Collaros, Ms. Ellis-Green, do you understand what completely affordable housing project means. You have the

words "completely" and "project" bolded. What does that mean? Are you drawing our attention to that?

MS. ELLIS-GREEN: That was a change proposed by the City Council.

COMMISSIONER CAMPOS: They bolded it and that was it?

MS. ELLIS-GREEN: I think they added those words.

MS. COLLAROS: That was just there to bring it to your attention that's the only change. I took the liberty of bolding it. That won't be in the agreement. Just so that you could see where the change occurred.

COMMISSIONER CAMPOS: But what is a completely affordable housing project?

MS. COLLAROS: Quite frankly, Mr. Chairman, Commissioner Campos, I don't know. That's the language that the City Council inserted. I just transcribed what the minutes - I don't know the answer to that. I don't know.

COMMISSIONER CAMPOS: When did you receive these changes?

MS. COLLAROS: Probably at about 1:30 or 2:00 today.

COMMISSIONER CAMPOS: This afternoon?

MS. COLLAROS: Yes.

COMMISSIONER CAMPOS: It seems to me that this is kind of late in the day for us to analyze and consider it at this point. There's some things here, about 50 percent sharing of the GRT, that's kind of crazy. I'm just concerned.

CHAIRMAN ANAYA: Commissioner Vigil.

COMMISSIONER VIGIL: Thank you, Mr. Chairman. Just a question for Penny. The Regional Planning Authority, Penny, actually adopted a growth management plan. Is this area within the growth management plan?

MS. ELLIS-GREEN: Mr. Chairman, Commissioner Vigil, I believe that this area is within the RPA district.

COMMISSIONER VIGIL: And that growth management plan did prioritize affordable housing, didn't it?

MS. ELLIS-GREEN: I understand it did. Yes.

COMMISSIONER VIGIL: Thank you. And I'd also like to hear, Mr. Chairman, from the applicant with regard to the amendments the City has imposed upon their agreement.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: I'll go ahead and see what the applicant has to say about the amendments.

CHAIRMAN ANAYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I'll yield to Commissioner Vigil. But I would like to speak later.

CHAIRMAN ANAYA: Okay. Mr. Coppler.

FRANK COPPLER: Mr. Chairman, Frank Coppler for the applicant, to address real quickly Mr. Campos' question and then go to the issues with regard to the City

amendments if that's okay, Commissioner Vigil.

COMMISSIONER VIGIL: Yes.

MR. COPPLER: As far as the plans are concerned, the Santa Fe Comprehensive Extraterritorial Plan Ordinance, Number EZA 1988-1 adopted in 1988, together with the County encourages residential uses and concentrations of urban growth and mixed densities in this area. So the plan documents, in addition to those plan documents, the general plan, the area plan, the Mayor's Task Force of Affordable Housing in 1983, and then November 23, 2004, recommendations for an affordable housing strategy in Santa Fe presented to the Regional Planning Authority by the RPA Affordable Housing Task Force, recommended these densities and these projects in the EZA where this project is.

With respect to the amendment number one adopted by the City Council, and what completely affordable means, our understanding of what completely affordable meant at the City Council meeting, after listening to all the discussion, is that all of the units would be subject to the rent restrictions of the US Department of Housing and Urban Development as managed through the Mortgage Finance Authority. That's what we understand to be completely affordable. And we have signed a contract to do that. It's called the Home Opportunity Program contract, and that's part of the approval by the City of water and sewer hook-ups which we got last January or February, I forget.

With respect to item number two -

COMMISSIONER CAMPOS: Mr. Coppler, may I ask you a question?

MR. COPPLER: Yes.

COMMISSIONER CAMPOS: Last time you were here, you gave us some numbers as to what you were going to be renting certain units for. Because of what the City did last night, did that change the rates that you are going to be charging?

MR. COPPLER: No, it doesn't.

COMMISSIONER CAMPOS: Okay, so there's nothing changed.

MR. COPPLER: We didn't have a problem with that.

COMMISSIONER CAMPOS: Okay.

MR. COPPLER: Paragraph number two, that was language put in by one of the City Councilors and it was the understanding at the meeting last night that if senior programs are offered where senior services are offered at this project while it is in the county, that would be at the cost of the County. In other words, they understood at least, and I understood from the discussion, that they were not adding anything in terms of what is already existing policy and practice and that is if you're going to have a senior program in the county, it is funded by the County as opposed to in the city, because it's outside of the city.

COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: Frank, on that one, so that's if senior services are provided.

MR. COPPLER: That's if they're provided. So that means it's strictly up to you, the County, whether or not you want to provide those services. In our program we have a

community center, we have a van service, we have some other amenities that are provided by the project. We are not going to provide meals at the senior center, the community center, but we will have a facility where meals can be served should the service be desired by the residents and there's a mechanism to fund it, or should they wish to voluntarily get together and cook at the center.

COMMISSIONER MONTROYA: Okay.

MR. COPPLER: The third item that was added by the City Council, that the agreement is contingent on the development meeting the levels of affordability described in the packet, again, our understanding is that that again refers to the Home Opportunity Program agreement that we signed whereby we agreed to the jurisdiction of HUD as administered by the Mortgage Finance Authority to charge no more than the rents approved by MFA. That's what's in the packet.

The fourth one is that the development does not oppose annexation if and when the City gets to that point. Back in January when we were in front of the City Council and we had the Home Opportunity Program agreement signed, we went before the City Council and asked the City Council to allow us to hook up to City water and sewer. With respect to City water, we asked them to allow us to hook up to City water without having to bring water rights to the City. And we were allowed to do that pursuant to the water saving efforts of the City and the pool of water that has been developed through the toilet retrofit program, that had been set aside for these low housing projects. And so as part of that discussion, Councilor Miguel Chavez, who represents, I guess his City Council district runs down into the area right next to this project, has wanted all along for us to annex the project. And we have said as the developers we can't annex the project because our annexation of the project would not comply with your City regulations.

We are 400 feet from the city boundaries and we are not surrounded on all three sides by city territory. And so he said would you agree not to oppose annexation if and when the City gets around to annexing it? At that point we thought about gross receipts and we thought about the County's issues. We realized that the gross receipts on this project are going to be paid during the construction period. There's not going to be any gross receipts tax on this project after construction because there's no gross receipts tax on the rents paid. And so our thought was that if we agree not to oppose annexation, this would not hurt the County, because the project is going to be built in the County and the gross receipts is going to be paid to the County before the City ever gets around to annexation. So we agreed to that.

Finally, on the 50 percent split, Mr. James Salazar is here. If you would like to ask Mr. Salazar – what we understand happened last night at the City Council is that the County and the City get together and agree on a share of no less than 50 percent of the gross receipts associated with the construction on this project. My understanding of that, and I'd like to have Mr. Salazar confirm that is that would be 50 percent of what the County would collect on gross receipts during the construction of this project in the county. And I understand that's what we're talking about. Is that correct, Mr. Salazar?

JAMES SALAZAR (from audience): That's my understanding.

MR. COPPLER: Okay. So with that understanding, we have calculated the gross receipts based upon what you have on the County website. And I haven't been able to talk to your finance people to confirm that I'm right, but if you calculate the gross receipts of the County, and excuse me just a second. I have to get my notes. By the way, this project has gone up from costing a little more than \$7 million to \$8 million. So we really do sympathize with the earlier discussion of the County about the cost of concrete, nails and building materials over the last few months. I just mention that as an aside.

But using an \$8.1 million construction budget, which is what we're now faced with, and based on the County website, the County's gross receipts tax is 1.25 percent. That's \$101,250. And so, what we're willing to do is if you – we're asking you to approve this intergovernmental agreement so that we can go forward. The reason we're asking you to approve it so we can go forth is the County Attorney has advised the staff that this intergovernmental agreement must be approved before we can start advertising for our hearings in front of the EZC and the EZA. Our funding, we are in jeopardy of losing our funding if we don't get a building permit by December 1st.

So let me explain it this way. If we lose our funding and go back again and ask the Board of Finance again for funding, but it jeopardizes us because if we go back and ask the Board of Finance for funding, we will then be competing against other new projects, and the Board of Finance is going to be looking at us and saying hey, you guys have had two years now, you haven't been able to get approvals by the City and the County, now you're back for new funding. We have these competing projects, so we're not going to fund you; we're going to give it to somebody else.

So that's our fear and that's why we're saying we need approval of this intergovernmental agreement hopefully today. So that's the time constraint. So in view of that time constraint, we will agree to pay the City half of what we have calculated as being the County's share of the gross receipts tax. We will agree to pay that \$50,500 and change to the City so that you don't have to pay it out of your gross receipts tax. And quite frankly, the City has provided the water and sewer services for the project without requiring us to go get water rights, and the City is also allowing us to hook up and we do not have to pay the water and sewer impact fees because it is a County project. So we feel like the \$50,000 that we would pay on your behalf, which would be half of your gross receipts tax is a fair arrangement.

MR. SALAZAR: Members of the Commission, thank you for allowing me to speak here. I just wanted to make a small correction. In the discussion at the City Council meeting was that the amount of taxes to be collected by the City would not be based on an estimate, but would be based on the actual amount of taxes collected by the County when construction is complete, and 50 percent of that would be given to the City. That is what was the discussion of the Council last night.

MR. COPPLER: And that's correct, and I didn't mean to imply anything different. I was just using this estimate so you all had an idea of how much we're talking about.

CHAIRMAN ANAYA: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Coppler, so we get our \$101,250, or

whatever it is, and from your pocket you give them the 50 percent.

MR. COPPLER: That's correct.

COMMISSIONER CAMPOS: So it doesn't cost us anything.

MR. COPPLER: That's correct. Because we knew that you'd have a lot of heartburn about this and we went immediately to the drawing boards to figure out a way to solve the problem.

COMMISSIONER CAMPOS: Thank you, Mr. Chairman.

CHAIRMAN ANAYA: Okay, what about – any other comments?

COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: Frank, so pretty much you're in agreement with all of the stipulations that were placed last night by the City Council?

MR. COPPLER: That's right.

COMMISSIONER MONTOYA: You're in agreement that everything that was imposed last night by the City Council, you're in agreement with?

MR. COPPLER: We didn't have any problems with it. The only one we had the problem was the 50 percent, and the reason we had the problem with the 50 percent is we knew that it might be met with a lot of skeptical looks in this body. So we don't have a problem with it. No, sir, Mr. Montoya.

COMMISSIONER MONTOYA: Okay. Thank you.

CHAIRMAN ANAYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I'm concerned that this sets a precedent of the City potentially illegally dipping into the County's tax revenue stream, which is dedicated to County funds, County monies, to County projects. And I'm concerned, and while it only could be \$50,000 on this project, I'm concerned what kind of precedent it sets for other projects. I'm extremely disappointed in the City using your project as a bargaining chip, as leverage, as whatever you want to call it, for some of their annexation strategies or lack thereof. But I think it's a major stumbling block in my judgment.

MR. COPPLER: Commissioner Sullivan, just a comment. We as the developers were extremely uncomfortable in being put in the position of having to broker a deal between the County and the City on this gross receipts tax and all the implications with regard to all the discussions on annexation. We did not want to be in that position either. Where we're coming from, however, is we have a project and we have purchased the land, and we have \$700,000 of our own money out in this project at this point. And our concern is that we have to get the project going. Construction costs are eating us up as we go along. So that's why we're willing to do it.

It would seem to me, Commissioner, I understand your concern about precedent but it seems to me that the way you could treat this is that this is not a sharing of the County gross receipts tax. You're getting the gross receipts tax. All this is is a payment by the developer and we can call it as consider for the extension of the City water and sewer without requiring us to buy the water rights. That's just my suggestion.

COMMISSIONER SULLIVAN: I understand how you perceive the requirement. It depends on which side of the elephant you're standing. But did you bring up that alternative of your paying for that at the City hearing?

MR. COPPLER: No, we did not. I did not want to do that because I felt to do that would be to break faith with the County. I felt like you had to hear that first and you're the first ones to hear that. That was not brought up at the City in any way, shape or form.

COMMISSIONER SULLIVAN: The language of the amendment says the intergovernmental agreement is contingent upon the County agreeing to grant to the City no less than 50 percent of the gross receipts tax associated with the construction of this project as a fair share. I'm not quite sure what they mean by fair share since the County will be serving the project for senior services and other things. But there seems to be specific language that they want the County to agree that 50 percent of the gross receipts tax for some reason belongs to the City as a fair share. There's nothing in there about any alternative. We're agreeing not only to pay the money, and I understand your option here to in a sense reimburse us. I assume you're talking about actual costs, not estimated costs, whatever those would be.

But it seems that the language goes a little further than that to say that we want to set up a precedent that the County will grant that 50 percent as a policy, and there's where the rub occurs and not on the \$50,000, because we're not making \$50,000 on the project now. So you could look at it saying, well, gee, that's \$50,000 that we're not making now. That would certainly be a plus for us. Those are the longer term problems that I see, Mr. Chairman.

CHAIRMAN ANAYA: So if we, Commissioner Sullivan, if we change this, I guess the question for staff is we put our amendments on it or conditions, does it have to go back to the City?

COMMISSIONER SULLIVAN: Yes, and that's their concern, Mr. Chairman. This is a standard operating procedure that the City follows is that these things go to the City and then at the last minute the County is presented with these ultimata and if we make any changes to these it will necessitate them going back to the City. I'm sorry for answering your question. You asked the staff. Mr. Ross, am I correct in that? Or Mr. Abeyta?

MR. ROSS: Mr. Chairman, Commissioner Sullivan, you're exactly right. It would be easy to reformulate this paragraph to say something along the lines that Mr. Coppler just said, in short, that the applicant is going to pay to the City an amount equal to 50 percent of the gross receipts tax attributable to construction on the project. That would be easy. The problem is that it's going to create a time lag over at the City. They're going to have to go back and get on another agenda and the clock continues to tick on this funding. So that's the obvious problem. It would be easy to reformulate this and I share Commissioner Sullivan's concerns, frankly about the language because I'm not sure sitting here today, this having hit me for the first time that it isn't exactly as Commissioner Sullivan characterized it, an improper demand that the County pay its gross receipts tax over to the City. But that being said, I think it would be easy to reformulate this paragraph so it's do-able. I don't know what sort of special process the City could consider to work through approval of that, but as a practical matter what we've seen over the years that it has to go back on an agenda over there.

CHAIRMAN ANAYA: Okay.

MR. COPPLER: Mr. Chairman, our problem is that if we get sent back to the City we are prohibited from going ahead now and advertising for the EZA and the EZC until the City and the County have agreed on all the language of this thing. So if you send it back to the City, then we're down the road another who knows how long, 30, 60 days, and we are in real trouble at that point.

CHAIRMAN ANAYA: Can we bring these issues back up when it comes before us at the EZA, EZC?

COMMISSIONER CAMPOS: No.

CHAIRMAN ANAYA: No? Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Chairman, I just want to get a feel from the Commission as to whether they feel we should decide this tonight or at some later time, because of the new issues. Is there a second of what the Commission wants to do?

COMMISSIONER VIGIL: My sense is we need to move on this project. Part of what we're being proposed to tonight is the fact that there is a time line available, a time deadline with regard to the applicants and I think that's why it's before us tonight and I'm ready to move forward on it.

CHAIRMAN ANAYA: Okay. Make a motion then.

COMMISSIONER CAMPOS: Well, let's hear from everybody.

COMMISSIONER SULLIVAN: Mr. Chairman, I think the policy problems are significant enough that this should be either amended, if that's the quicker way to do it, or tabled, until a later time when we can hash out language between our attorneys and the City's attorneys. We have these amendments here but it says that we're to prepare an intergovernmental agreement. Well, the terms of that intergovernmental agreement are going to have to be agreed upon, and if we can prepare that intergovernmental agreement and bring that forward in two weeks at the next meeting, then with the language properly drafted, then I think we've resolved some of the issues that concern me and Mr. Ross as well.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chairman, is number 5, Steve, is that something that they can try and do? What they're saying here is the only way that they're going to agree to this intergovernmental agreement is if we agree to pay them 50 percent of the gross receipts tax. Is that something that they can do and impose as a condition?

MR. ROSS: Mr. Chairman, Commissioner Montoya, it's what I said a minute ago. I'm not sure sitting here today but I have some concerns about that. This just came up this afternoon so I haven't had a chance to sit down with the statutes and look at it. But I've got some doubts whether it's a legitimate demand.

COMMISSIONER MONTOYA: It seems crazy.

MR. ROSS: Yes. My suggestion at this point would be to amend the paragraph. I understand from talking to Ms. Ellis-Green that there's some time before they're going to be on the EZA agenda for the end of September to publish title and general summary of the zoning ordinance. So there's time for them to get back to the City and have the City act on this before

the end of the September meeting of the EZA so if you instruct us to get this language amended there might be time to get the City to agree to it and still keep them on track for the ordinance being adopted in late October. The ordinance is what they need. The zoning ordinance.

COMMISSIONER MONTOYA: I hate to see this stalled because of this type of stall tactic that seems to be going on here from the City's end.

COMMISSIONER CAMPOS: High-handed.

COMMISSIONER MONTOYA: Yes. Arrogant. I mean this is really – I don't know. I'm torn between –

MR. COPPLER: One way to tackle this, just a thought. And I don't know whether this makes sense or not, would be to strike out the "is contingent on the County agreeing to grant to the City" and just say "is contingent on the City receiving a sum equal to 50 percent of the County gross receipts tax."

COMMISSIONER MONTOYA: Do you think they'll buy that?

MR. COPPLER: Well, it would be something that if you want to adopt it tonight – I'm trying to get a compromise here so we don't just get a stalemate and I walk away not knowing what we're going to do. I'm thinking that –

COMMISSIONER MONTOYA: I'm comfortable with that.

MR. COPPLER: If you try that I can take it back to the City. Let me ask Mr. Salazar. Mr. Salazar, do you think if we amend this and take it back over to the City that they could get the Mayor to sign off without going to the City Council?

MR. SALAZAR: Mr. Chairman, members of the Commission, I think it is important to remember that as Sophia mentioned, this is language taken from draft minutes that was barely prepared this morning, and the language has not been formulated into provisions on the intergovernmental agreement. So I don't know whether the flexibility is there in manipulating the language or not, but we are happy to take that forward to the Mayor and ask him that.

COMMISSIONER MONTOYA: I would propose that then.

CHAIRMAN ANAYA: You or Commissioner Vigil, are you making a motion?

COMMISSIONER VIGIL: No.

CHAIRMAN ANAYA: Okay, Commissioner Montoya.

COMMISSIONER MONTOYA: Would you suggest some language, Frank, that you had? Steve, I'd like to make sure that you're okay with what's being proposed here.

COMMISSIONER SULLIVAN: And I would make it more specific to state that the applicant will pay, as opposed that it will appear out of thin air somewhere or funneled through the County. I think we should be very clear, and that would better handle the situation of the County being put in the position of –

COMMISSIONER MONTOYA: So then all we need to say is –

MR. COPPLER: Contingent upon the developer –

COMMISSIONER MONTOYA: Upon the developer agreeing to grant the City – that's the only word we need to change then, right?

MR. COPPLER: Yes, contingent upon the developer paying to the City no less

than 50 percent of the gross receipts tax -

COMMISSIONER SULLIVAN: Associated with the construction of this project and delete "as a fair share".

MR. COPPLER: I guess I may suggest you want to say coming to the County, no less than 50 percent of the gross receipts tax coming to the County, associated with the construction on this project as a fair share. That's what we're talking about, we're talking about the County percentage, not the entire state four percent.

COMMISSIONER CAMPOS: We understand.

CHAIRMAN ANAYA: Okay, is that a motion?

COMMISSIONER CAMPOS: Can we delete "as a fair share"?

COMMISSIONER MONTOYA: Yes.

COMMISSIONER CAMPOS: Our attorney?

COMMISSIONER MONTOYA: Is that okay, Steve?

MR. ROSS: Mr. Chairman, members of the Commission, I'm comfortable with that, deleting "fair share" and mentioning the applicant are certainly important elements.

COMMISSIONER MONTOYA: Okay. I'll make that motion, Mr. Chairman.

CHAIRMAN ANAYA: There's a motion. Is there a second?

COMMISSIONER VIGIL: Second.

CHAIRMAN ANAYA: There's a motion and a second. Any more discussion?

COMMISSIONER SULLIVAN: Mr. Chairman, can we just clarify then we're changing only the second sentence of number 5, is that correct?

CHAIRMAN ANAYA: Yes.

COMMISSIONER SULLIVAN: And we're changing it to ready, rather than said intergovernmental agreement, so there won't - what I'm asking is will there still be an intergovernmental agreement?

COMMISSIONER CAMPOS: There has to be.

COMMISSIONER SULLIVAN: There has to be.

COMMISSIONER MONTOYA: Yes. That's what this is.

COMMISSIONER SULLIVAN: Oh, this is an intergovernmental agreement. Okay. So then it will read said intergovernmental agreement is contingent upon the developer granting to the City no less than 50 percent of the County gross receipts tax associated with the construction - and I would say of this project, rather than on this project. Period. Would that be proper?

MR. COPPLER: That fits it from our standpoint, Mr. Chairman.

COMMISSIONER SULLIVAN: Okay. Mr. Ross, does that work?

MR. ROSS: Mr. Chairman, Commissioner Sullivan, you might throw in "an amount equal to".

COMMISSIONER SULLIVAN: Rather than "no less than"?

MR. ROSS: Yes.

COMMISSIONER SULLIVAN: Okay, so it will read "said intergovernmental agreement is contingent upon the developer granting to the City an amount equal to 50 percent

of the County gross receipts tax associated with the construction of this project." Period. The first sentence would remain intact.

CHAIRMAN ANAYA: Okay, there's a motion.

COMMISSIONER MONTOYA: I'm fine with that.

CHAIRMAN ANAYA: Is that okay with the seconder?

COMMISSIONER VIGIL: I'm okay.

CHAIRMAN ANAYA: Discussion? Commissioner Campos.

COMMISSIONER CAMPOS: I'm willing to go forward at this point and vote yes but I just want to remind you that we still have to go to the Authority and the Commission and at that point, once we get the facts about this particular project, I may vote the other way, depending on how things come up. I'd like the staff to really consider the proper use of this land, impacts on immediate neighbors, and impacts on the larger neighborhood. Does traffic work? All those issues? Is this an appropriate place for this dense of a development? I want to have that information at the EZA when I consider that.

CHAIRMAN ANAYA: Thank you, Commissioner. I agree.

The motion to approve the intergovernmental agreement language regarding the urban growth area, as amended above, passed by unanimous [5-0] voice vote.

MR. COPPLER: Mr. Chairman, can I mention one other thing?

CHAIRMAN ANAYA: Yes.

COMMISSIONER SULLIVAN: Better quit while you're ahead.

MR. COPPLER: Procedurally, what you have in front of you on your agenda is the intergovernmental agreement. What you've just voted on is approval of the amendments, so procedurally now, you need a motion not to approve the intergovernmental agreement.

CHAIRMAN ANAYA: Is there a motion?

COMMISSIONER VIGIL: So moved.

CHAIRMAN ANAYA: Is there a second?

COMMISSIONER MONTOYA: Second.

CHAIRMAN ANAYA: Any more discussion?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chairman, I don't see that our legal staff has signed off or reviewed this intergovernmental agreement. What's the status there?

MR. ROSS: Mr. Chairman, Commissioner Sullivan, I know Ms. Collaros has participated in the actual drafting of the agreement. Are you willing to sign it, Sophia?

MS. COLLAROS: Mr. Chairman, Commissioner Sullivan, the drafts that were submitted to the City Attorney's office I had signed off and that was, I believe July 26th. Since that time the City used whatever e-mail copy that they had so this has been signed off on and will be signed off on again. It's just the way that this matter has been expedited that the process hasn't been followed the way that we customarily follow it.

COMMISSIONER SULLIVAN: But the City hasn't changed it from when you sent it over.

MS. COLLAROS: No, they have not.

COMMISSIONER SULLIVAN: And to your knowledge there's nothing in here that would contradict these amendments as amended.

MS. COLLAROS: That's correct. The only think that might change it, I was thinking about was the term "the project" that's used. We may have to look at the intergovernmental agreement and see if this development or project or what term has been used in order to be consistent and just not confuse it with a different term. But other than that, to my knowledge it's the same.

COMMISSIONER SULLIVAN: Thank you.

The motion to approve the intergovernmental agreement passed by unanimous [5-0] voice vote.

CHAIRMAN ANAYA: Thank you for clearing that up.

XIII. D. Public Works Department

1. Resolution 2005-144. A Resolution Requesting an Increase to the General Fund (101)/Solid Waste Program to Budget Additional Landfill Fee Revenue to Create 2 Transfer Station Caretaker FTEs in Fiscal Year 2006

MR. MARTINEZ: Mr. Chairman, Commissioners, these two caretaker positions will be funded through the increase to the solid waste permits that was approved by this Board a couple months ago. So basically what this is doing is budgeting those revenues in the Solid Waste Division for these caretaker positions.

COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: Where are these going to be located, Robert. Are they just going to be floating caretakers or are they going to be assigned to a specific transfer station?

MR. MARTINEZ: Mr. Chairman, Commissioner Montoya, these two caretakers will replace temporary caretakers that we currently have on board.

COMMISSIONER MONTOYA: So we're not actually adding any more.

MR. MARTINEZ: We are adding two FTEs but we have been employing about three temporary caretakers in the last four or five months. But we do have two caretakers at Jacona, two at La Cienega, two at Eldorado and the other four transfer stations each have one.

COMMISSIONER MONTOYA: So they're not getting any more. Nobody's

getting any more.

MR. MARTINEZ: Mr. Chairman, Commissioner Montoya, this is just to fill in the deficiency in hours that we currently have within the Solid Waste Division.

COMMISSIONER MONTOYA: At which stations?

MR. MARTINEZ: At all of them, because basically what we do is we rotate people to accommodate caretakers that are on leave, caretakers that we're short on. For example, like Jacona, La Cienega and Eldorado, because of the volumes that we're receiving at those three transfer stations it requires two caretakers now at those three facilities.

COMMISSIONER MONTOYA: At all times?

MR. MARTINEZ: At all times.

COMMISSIONER MONTOYA: Okay. Move for approval.

CHAIRMAN ANAYA: There's a motion.

COMMISSIONER VIGIL: Second.

The motion to approve Resolution 2005-144 passed by unanimous [5-0] voice vote.

XIII. D. 2. Update and Request for Direction Regarding Traffic Calming Petitions Received From July 2004 to July 2005

MR. MARTINEZ: Mr. Chairman, Commissioners, the Board directed Public Works to come and give an update on the traffic calming policy to the Commission at this meeting. We've received approximately a dozen petitions for speed humps, and of these dozen or so that we've received, only one has met the criteria that requires 75 percent of the property owners adjacent to the roadway in agreement of these speed humps. That would be County Road 113-S in the northern part of the county.

The Public Works Department was funded \$100,000 from the FY2006 budget. Of that \$100,000 approximately \$24,000 has already been expended for driver feedback signs that will be circulated amongst various country roads to help slow down traffic. At this time we're requesting direction from the Board what to do or how to proceed with the speed hump policy, since only one road has met the criteria.

COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: Robert, on County Road 84 there were pages of signatures for speed humps on that particular road. How was it determined that only 15 confirmed owners signed those petitions? I'd like to see that again. I don't think that's correct.

MR. MARTINEZ: Mr. Chairman, Commissioner Montoya, what we do is we provide the applicant with an application and a petition that requires the address, the property owner's name and the property address. And what we do is we verify that the owner actually

owns that property through the 9-1-1 process, the 9-1-1 address itself. So of the 64 lots there may have been more people that signed the petition but only 15 of those 64 lot owners were actually adjacent to the roadway.

COMMISSIONER MONTOYA: So you're going according to lots.

MR. MARTINEZ: Mr. Chairman, Commissioner Montoya, that is correct. There are 64 lots on that section of 84 that is being requested for speed humps.

COMMISSIONER MONTOYA: So if there's a parcel with five lots and nobody lives on them you're counting those also.

MR. MARTINEZ: Mr. Chairman, Commissioner Montoya, I believe it's residences.

COMMISSIONER MONTOYA: I guess we need to clarify if it's lots or residences or how we're doing that. Because, again, I had pages of petitions signed by residents who live on County Road 84. And when I saw that last night I was kind of shocked that only 23 percent showed up as having signed the petition.

MR. MARTINEZ: Mr. Chairman, Commissioner Montoya, the policy says 75 percent of the lot owners, so it is lot owners, whether it's vacant or it has a residence on it. But I believe part of the problem is the majority of the petitioners are not adjacent to the roadway.

COMMISSIONER MONTOYA: So they need to live adjacent to the roadway?

MR. MARTINEZ: Mr. Chairman, Commissioner Montoya, that is correct. Those are the people that are most affected by the speed humps.

COMMISSIONER MONTOYA: And where were these 64 lots? Were they beginning on the river in Pojoaque and ending with the river in the El Rancho area? What was the length of this, because it wasn't the whole 84 that was being requested. It was probably a couple of mile stretch.

MR. MARTINEZ: Mr. Chairman, Commissioner Montoya, the distance that was petitioned by the residents was beginning at County Road 84-J and ending at the address 211 County Road 84.

COMMISSIONER MONTOYA: Okay. So I need to see what that stretch is. It's not that long of a stretch. I guess the other question that I have is how many of these driver feedback signs were purchased?

MR. MARTINEZ: Mr. Chairman, Commissioner Montoya, we currently have two that are currently on Avenida Amistad in Eldorado and we have purchased two additional driver feedback signs which we still have not received yet.

COMMISSIONER MONTOYA: So we'll have a total of four?

MR. MARTINEZ: Mr. Chairman, Commissioner Montoya, that is correct, in addition to the trailer-mounted feedback signs that the Sheriff's Department currently has.

COMMISSIONER MONTOYA: Which is two?

MR. MARTINEZ: I believe they have two.

COMMISSIONER MONTOYA: So we have six total in the county then.

MR. MARTINEZ: That is correct. So we currently have roughly \$75,000 remaining to install feed humps at the Commission's direction. Like I said earlier, County Road

113-S is the only road that has met the criteria, and the estimate to install the speed humps on that section of roadway is \$10,000.

COMMISSIONER MONTOYA: Mr. Chairman, if I may continue, I was wanting to find out where these signs are going to be placed, the two new ones?

MR. MARTINEZ: Mr. Chairman, Commissioner Montoya, we will ask your direction on the location of these signs once they do come in.

COMMISSIONER MONTOYA: Okay. Then in terms of law enforcement, do we know if we're going to be getting any more law enforcement in any of our County roads?

MR. MARTINEZ: Mr. Chairman, Commissioner Montoya, I can't answer that.

COMMISSIONER MONTOYA: Well, I've been asking for three years and I would probably say no, that we're not going to see any more law enforcement. So I guess what I'm advocating, Mr. Chairman, is still in my area and my district. I just got a call yesterday. We're going to be getting another petition from former Commissioner Marcos Trujillo there on County Road 84 off of where he lives. He's requesting that a couple of speed humps be placed in that area. An adolescent was going through much faster than what they should have been going through that road, ran into Commissioner Trujillo's brother. He's going through an MRI. Broke his leg, broke his hip. The kid's lucky he's alive. And again, it's because people fail to comply what the speed is posted on there. There's no law enforcement what is posted on there. So I still need some assistance in terms of these types of speed humps, and I've mentioned it before, it has to deal with the safety and welfare of people, whether they're going to be continuing to live on this earth, they're going to need some assistance to slow down maybe. So I would request that if we're going to use the remaining \$75,000 that we continue to utilize it for areas that comply with what's being requested in the ordinance.

MR. MARTINEZ: Mr. Chairman, Commissioner Montoya, we will definitely assist them with the application process for the speed humps. Maybe what we ought to do is proceed with the one road that has met the criteria, get back to the applicants that have not met the criteria again and remind them and in the event that they do meet the criteria, come back to the Board before expending any additional funds out of this particular program.

COMMISSIONER MONTOYA: Sounds good.

CHAIRMAN ANAYA: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Chairman, did we budget in our fiscal year budget for speed humps?

MR. MARTINEZ: Mr. Chairman, Commissioner Campos, what was budgeted was \$100,000 for traffic calming devices, which is the driver feedback signs and speed humps. That was appropriated through the capital package.

COMMISSIONER CAMPOS: Where is 113-S?

MR. MARTINEZ: Mr. Chairman, Commissioner Campos, that is in Nambe.

COMMISSIONER CAMPOS: Where in Nambe?

MR. MARTINEZ: Off of State Road 503.

COMMISSIONER MONTOYA: Where the church is, Sacred Heart Church off

of the road to the falls. It's that little road that goes down. That's 113-A and then 113-S goes north-south towards the river.

CHAIRMAN ANAYA: I'm glad to hear that we're going to contact these people that didn't meet the criteria so that they can either go out and hustle more signatures or not. I think that we could act on the 79 percent, that's 113-S if Commissioner Montoya agrees to that. And I'd like to see maybe County Road 84 start receiving, on the rotating list that we have, start putting that on the rotating list.

MR. MARTINEZ: Mr. Chairman, are you talking about for the driver feedback signs?

CHAIRMAN ANAYA: Yes. We could rotate it off County Road 84, since that received what percent?

MR. MARTINEZ: Mr. Chairman, that's 23 percent.

CHAIRMAN ANAYA: And I'd like to see 28 percent, Calle Debra Montoya Lisa, maybe that could get on the rotating schedule.

MR. MARTINEZ: Again, you're referring to the driver feedback signs.

CHAIRMAN ANAYA: Right.

MR. MARTINEZ: Not speed humps.

CHAIRMAN ANAYA: Not speed humps until we get the percentage right. So notify them if it's okay to approve the 79, and then get those other two on the road on the rotating. Any other comments? Commissioner Vigil.

COMMISSIONER VIGIL: Thank you. This is a general question, Robert and James. With regard to speed humps or driver feedback, which provides the best system for monitoring speeding activity? Or do we know the answer to that? If you had to choose between the two of them, from your experience.

MR. LUJAN: Mr. Chairman, Commissioner Vigil, we don't any data that can show what either one does. The driver feedback on Jemez Road, we did get some feedback. I know Commissioner Anaya did. They did - some people were really abiding by them and others were just ignoring them. Speed humps on 110, some people have really been happy with them after the Pueblo, this is within Pojoaque Pueblo, they're working for them and the traffic has slowed down within Pojoaque Pueblo.

COMMISSIONER VIGIL: Okay. And my understanding from your presentation is you have approximately \$75,000 based on what you pre-budgeted for either speed humps or driver feedback and the direction you've been given now is to go back to those communities or those neighborhood who actually attempted to get the 75 percent but didn't quite make it. What about those residents who perhaps want to do this but aren't familiar with the process? Does that actually exist out there, and in my district in particular?

MR. LUJAN: Mr. Chairman, Commissioner Vigil, the process is, as the resolution was passed last year, we're going to take it from year to year. So the people that want it now from your district will have to get on a list and this will be funded with next year's budget. The Commission has decided to budget so much each year. This year we were budgeted out of capital \$100,000 for traffic calming, but at last meeting we talked about more

driver feedback, that's where we bought \$24,000 and some in change on driver feedback signs. That's also a device for traffic calming. This list is from 04 to the current. We stop it at the end of the fiscal year. So a new year is starting in July. We'll get petitions and we'll bring it back to you next year. It's on a yearly basis.

COMMISSIONER VIGIL: Okay. So we're starting a new fiscal year with regard to this and with regard to many of those residents in the northwest quadrant who perhaps would like to proceed with this. How are we going to let them know how they should do this?

CHAIRMAN ANAYA: Go ahead and tell them right now.

MR. LUJAN: They can contact us any time. Most of these have come in through Commissioner requests. They come to the Commissioners and the Commissioners got back to us at Public Works and we contacted them. Just let us know. We can do an advertisement. I don't know that we want to advertise it in that matter, just another cost, but people are just coming forward. We have roads, we have lists of roads. We have some people that come to us. But we're not going out and soliciting if that's what you're asking. We haven't done any of that.

COMMISSIONER VIGIL: Okay.

CHAIRMAN ANAYA: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Chairman, just a brief comment. Mr. Lujan, driver feedback signs, just my impression, are effective for a temporary period of time until people get used to them, and they're effective only if they're associated with law enforcement. A law enforcement officer being close by at least every once in a while. Is that a fair assessment.

CHAIRMAN ANAYA: I think that's accurate.

COMMISSIONER CAMPOS: You think so?

COMMISSIONER MONTROYA: Kind of like a speed limit sign.

CHAIRMAN ANAYA: I think if we're not going to have the Sheriff there, and we just need to follow up with the Sheriff's Department. In order for those feedback signs to work correctly, we need to have the Sheriff there every once in a while to give tickets to the people that aren't obeying that sign. He doesn't have to be there all the time.

COMMISSIONER MONTROYA: Right.

COMMISSIONER CAMPOS: It's not going to work, I don't think, unless we get the SO cooperating with us on placing the signs, coordinating those. I know it's going to be difficult.

MR. LUJAN: Mr. Chairman, Commissioners, it's a Catch-22. The dirt roads, they don't like the dust and then we pave them. It just makes it a faster road. So we're just in a Catch-22. It's more maintenance for us on a dirt road. The people could abide by them but I've been trying to do this for many years; I don't know how to slow people down other than with law enforcement. But they did have some effect - Speed humps though, but what people do between speed humps is they speed between them, and they can still get - and they can get airborne. There's been case studies where accidents have happened. So they do slow down for the speed humps and in between them they can speed.

CHAIRMAN ANAYA: If you go slower you won't use that much gas, and gas is getting expensive. .

MR. LUJAN: Hopefully, there'll be some other type of transit beside gasoline with the price the way it's going. You're on the right path.

MR. MARTINEZ: If I could just make one comment. We did do a traffic study, a speed study prior to those speed humps being installed, and one after, and I believe it slowed the traffic down by about four miles an hour.

COMMISSIONER MONTOYA: Where?

MR. MARTINEZ: The one for the Pueblo. We did do a speed study, like I said and it only reduced the average speed by about four miles an hour.

CHAIRMAN ANAYA: What does the Commission want to do?

COMMISSIONER VIGIL: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Vigil.

COMMISSIONER VIGIL: I think we've given you sort of bits and pieces of what we're looking for. I guess I have a concern with regard to the driver feedback signs because frankly I'm getting a sense that a lot of these issues are squeaky wheel issues, whoever contacts a Commissioner, or whoever contacts the County Manager or your department get responded to. So I think when we were talking about the driver feedback issues we actually recommended that you come before us with a schedule and I have seen a sample of that schedule. I just want to make sure that through that scheduling there's an equitable distribution of those driver feedback signs between those road that are roads that deserve the driver feedback, between all five districts of all five Commissioners.

MR. LUJAN: Mr. Chairman, Commissioner Vigil, the last time when you did request that we did have only the two driver feedback signs. We have purchased three more; they will be in this week. We will do more rotating amongst all districts at all times. That's when we only had two. You asked me for a schedule and that was the only equitable way to divide two up. So we will have five in place by this next week. We will rotate them in each district.

COMMISSIONER VIGIL: So you're saying you're going to follow the equitable –

MR. LUJAN: Yes. We're going to put them in each district, not just by the squeaky wheel.

COMMISSIONER VIGIL: Thank you. I appreciate that.

CHAIRMAN ANAYA: Wait a minute. Here's a squeaky wheel right here. No, I agree. I agree. Treat everybody equal. Okay. Thank you, Robert. What's the pleasure of the Commission?

COMMISSIONER CAMPOS: Was this a request for direction regarding traffic calming at 113-S? That's the only one that qualifies.

MR. MARTINEZ: Mr. Chairman, Commissioner Campos, that is correct. And we can bring this back before you when we have several other roads that have met the criteria.

CHAIRMAN ANAYA: There's a motion –

COMMISSIONER CAMPOS: It's just direction.

CHAIRMAN ANAYA: Okay. Do we need direction or a motion?

COMMISSIONER MONTOYA: Direction. Okay. You've got direction.

MR. MARTINEZ: Thank you.

XIII. E. Matters from the County Manager

1. Discussion and Possible Direction to Publish Title and General Summary of an Affordable Housing Ordinance for Santa Fe County

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN ANAYA: Can we take a break. It's 5:30.

COMMISSIONER MONTOYA: Maybe we could go into executive session.

COMMISSIONER CAMPOS: Do we need executive session? How long?

CHAIRMAN ANAYA: I'm wondering if this discussion should be a special meeting.

COMMISSIONER MONTOYA: That too, if we're going to publish title and general summary.

CHAIRMAN ANAYA: If this is a special meeting, I don't think we can get through this in an hour.

COMMISSIONER SULLIVAN: Mr. Chairman, I agree. I think we need to tackle this when we're fresh. I think the work – now you have a draft ordinance in front of you. It's not ready for public dissemination yet but it's ready. Ms. Quarles worked all weekend on it to get it to this point. Perhaps if the Commission has five minutes she could give us just a rundown of the highlights to look at when we're looking at this ordinance. But we need to consider this as soon as possible but I think we don't want to be under a time constraint to do it at a 6:00 hearing and I think we need to be fresh because this is an innovative ordinance and the effort that the staff has put in on this has been outstanding. And we don't want to diminish that. So I agree with you for a change.

CHAIRMAN ANAYA: Okay, so let's take a break, come back and hear from Diane or Robert for five minutes on what their initial perception is, and then maybe study, maybe get a special meeting going sometime down in the near future, so we can just talk about affordable housing. Is that okay with the Commission?

COMMISSIONER CAMPOS: Can we hear from Diane Quarles for five minutes before we take a break?

CHAIRMAN ANAYA: You wanted the break.

COMMISSIONER CAMPOS: I did want the break.

COMMISSIONER SULLIVAN: Let's hear from her now then.

COMMISSIONER VIGIL: I agree.

COMMISSIONER SULLIVAN: And then we'll take a break.

CHAIRMAN ANAYA: Because you've been waiting here all day. I

apologize for that. This is a long evening.

COMMISSIONER SULLIVAN: Her hair has gotten a lot longer since she was here earlier this morning.

MS. QUARLES: I apologize. I'm going to sit because it's been a long day. Let me just go through the materials, give you just a brief overview. There actually have been two groups that have been working on this. The Housing Task Force that the Commission created, and there is also an internal Housing Team made up of staff members. We have been working through the issues as well, monitoring closely the work that's been coming out of the Housing Task Force.

In your packet is a comparison, and this is something that the task force has seen. It would be Exhibit A. It's kind of a side by side comparison if you will of the recommendations, really through a consensus process of the task force, and then a comparison of what the Housing Team has done to either respond to that or to address some of the issues raised, particularly around land use. Working with that outline I have worked through the week to get an ordinance before you. I will say it's not complete and I will also say it is very complex and I think you have made the right decision because this is not something we can probably do in ten minutes.

Let me give you just kind of an overview of what the ordinance does. It is similar to the City. I've been asked that question many times but there are significant differences. One is just the way it treats land use itself. It also looks at affordable housing and how it would be applied on two levels. One would be with respect to the size of the development and the other would be with respect to the services that are used to provide it. Because of those two issues that's what makes it fairly complex.

I'm actually on page 2, the material summary. From the recommendation of the task force, they recommended that it apply to the central county region. The map that you see, Map 1, is a general, kind of a representation of what that is and this actually comes directly from the Pryor Report. It also imposes a 30 percent total affordability requirement but there are noted exceptions that are based on size and how the subdivision is served. It distributes the affordable housing according to the three income levels at a ten-ten-ten percent, and the income ranges would be below 65, 65 to 80 and 80 to 100. There is also a voluntary category called income range 4 that would address the 100 to 120 percent that we could provide some of the incentives that are offered here but it would not be mandated because it's not necessarily inclusionary.

It creates an accompaniment of incentive options that we considered to be reasonable as cost-offsets and much of that is defined according to the types of services that would be provided. That deals a lot with changes in zoning, the differences in zoning, and obviously we can offer some incentives, for instance water being one of the incentives if they are tied onto the County utility system. We would also offer fee waivers. There's three different fee waivers that are included here and that could be provided across the board.

For those that are not on the utilities we would look at the differences, changes to a

land use code that would allow for lot sizes to be reduced and also looking at allowing some creativity in water conservation measures, where water right transfers would be required. We would reduce the affordability requirements for developments of ten units or less. That is generally based on the notion that we cannot provide as many incentives to small developments. It also tries to simplify the process for the small developer who comes in and it just is sort of a straight up on or two units. The ordinance creates alternative means of compliance, including fees-in-lieu, land donations and off-site construction. That would be at the total and full discretion at the BCC and there's also two levels of hardship tests. One would be extreme hardship for those that have a full access to incentives and just a general hardship test for those that do not have access to the full incentives.

It also addresses with long-term affordability and enforcement, the notion of keeping affordable affordable which would be achieved through liens being filed on the property, resale clauses, basically for ten years. Actually, at the end of year five they would earn 20 percent and earn 20 percent thereafter until the lien would be retired.

That's kind of it in a nutshell, as an overview. But we also want to draw your attention, after that we talk about ordinance options. This is where we would look to the BCC for some positive feedback and some reaffirmation of some of the concepts that are in here.

CHAIRMAN ANAYA: Positive feedback.

MS. QUARLES: Positive.

CHAIRMAN ANAYA: Thank you, Diane. Okay, then we'll get with the Manager and schedule a special meeting. I want to thank the task force for spending all their time on it and to get to this point and we'll continue to move forward. Thank you. We're going to take about a five minute break and then we'll come back. Or do you want to -

COMMISSIONER MONTROYA: Let's go into executive session.

CHAIRMAN ANAYA: Do we need to do Update on various issues, and then we could go into executive?

XIII. E. 2. Update on Various Issues

MR. GONZALEZ: Just very briefly, Mr. Chairman. I just wanted to announce that negotiation process for converting the San Juan/Chama contract begins tomorrow. That first meeting will be 1:00 pm at the Genoveva Chavez Center, and then secondly, the final Pojoaque Valley Water Fair results will be presented at Lopez Gym in Pojoaque tomorrow evening. The time is 6:00. That's all I had, Mr. Chairman.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Could we try to set a date now. It's so difficult to e-mail and get the Commissioners down. For example, for a work session,

would September 6th work? Tuesday? That's the day after Labor Day in case anyone wants to.

COMMISSIONER VIGIL: It will totally not work for me.

COMMISSIONER SULLIVAN: Totally not work for Commissioner Vigil.

How about the 7th, Wednesday.

COMMISSIONER VIGIL: Unless we did it in the evening on Tuesday. The 7th, Wednesday is fine.

COMMISSIONER SULLIVAN: The 7th is okay with Commissioner Vigil.

How about the 7th? Sounds okay?

COMMISSIONER CAMPOS: Works for me.

COMMISSIONER SULLIVAN: Okay, morning or afternoon? Morning?

CHAIRMAN ANAYA: Evening.

COMMISSIONER SULLIVAN: No, not evening, no. We've got to get this when we're fresh. It's got to be morning. We'll pay you to come.

COMMISSIONER MONTTOYA: Let's do it the Thursday.

COMMISSIONER SULLIVAN: How about Thursday? Can you do it Thursday morning?

COMMISSIONER VIGIL: I'm unavailable Thursday morning.

CHAIRMAN ANAYA: Thursday morning at 9:00? You're not available?

8:00?

COMMISSIONER VIGIL: Eight o'clock I will be available for two hours.

COMMISSIONER MONTTOYA: Wednesday I'm not available.

COMMISSIONER CAMPOS: I think we're going to need from two to four hours. Is that right?

CHAIRMAN ANAYA: Yes, from 8:00 to 10:00 on Thursday to get it started.

COMMISSIONER CAMPOS: Get it started.

COMMISSIONER SULLIVAN: Eight to ten Thursday?

COMMISSIONER VIGIL: What's wrong with Wednesday?

CHAIRMAN ANAYA: Somebody couldn't do it.

COMMISSIONER MONTTOYA: I can't do it until the afternoon.

COMMISSIONER VIGIL: I can do it in the afternoon.

COMMISSIONER CAMPOS: Let's do it in the afternoon.

COMMISSIONER SULLIVAN: One o'clock?

COMMISSIONER MONTTOYA: One thirty.

COMMISSIONER SULLIVAN: On thirty Wednesday, to 3:30.

COMMISSIONER CAMPOS: To 4:00, let's say.

COMMISSIONER SULLIVAN: One thirty to four on Wednesday the 7th. Okay. We'll try to be fresh.

MR. GONZALEZ: Mr. Chairman, was there any sense of we had talked about also setting up a special session for the Indigent Board. Do you want us to also

explore whether that would also work?

COMMISSIONER SULLIVAN: No. This is complicated enough.

COMMISSIONER CAMPOS: Affordable housing

CHAIRMAN ANAYA: Okay, 1:30, Wednesday the 7th, September 7th at 1:30 at the chambers. Special BCC. Do I have a motion to go into executive session?

XII. F. Matters from the County Attorney

1. Executive session

- a. Discussion of pending or threatened litigation**
- b. Limited personnel issues**
- c. Discussion of possible purchase, acquisition or disposal of real property or water rights**

Commissioner Campos moved to go into executive session pursuant to NMSA Section 10-15-1-H (7, 2, and 8) to discuss the matters delineated above.

Commissioner Montoya seconded the motion which passed upon unanimous roll call vote with Commissioners Campos, Montoya, Sullivan, Vigil and Anaya all voting in the affirmative.

[The Commission met in executive session from 5:40 to 6:35.]

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

XIV. PUBLIC HEARINGS

A. Informational Presentation on the Judicial Complex

CHAIRMAN ANAYA: I want to welcome all the judges. Who wants to - Judge Hall, do you want to go into the presentation first?

JIM HALL: Sure. Mr. Chairman, members of the Commission. I'm Jim Hall. I'm the chief judge of the First Judicial District and with me is Judge Michael Vigil, Judge Steven Pfeffer and Judge Barbara Vigil. We also have other members of the court staff with us here as well. Sergeant Jeremy Garcia, who's responsible for security at the courthouse. He's here. My understanding is we were going to use this as a bit of a public forum, provide a little bit of information, some information the Commission is already aware of and some additional information and let the public know and then be available to answer any questions you might have.

At the last meeting the suggestion was made that we prepare a video that shows

some of the situations at the courthouse. We've done that. I want to thank Rob Yardman, who is a County employee. He is the one I think Gerald volunteered, and Rob did a terrific job. He's responsible for most of the work product here. And I also wanted to recognize Angela Pineda from our courthouse. She's the deputy court administrator. She worked with Rob on this. When you watch the video you're going to see my face and me talking but they did all the work on it, I can assure you of that.

So I guess at this point, if it's all right with the Commission we'll just go ahead and play the video that we presented and I might have a couple other comments. I don't know if the other judges want to say anything and then we'll be available to answer questions. So with that, Rob tells me he can queue up the video.

CHAIRMAN ANAYA: Okay, let's see it.

[A video presentation followed.]

CHAIRMAN ANAYA: Okay. That was a very good presentation that you all put together. Would the judges, Barbara, would you want to come forward and say a few words?

BARBARA VIGIL: Members of the Commission, Mr. Chairman, I think we've been here a number of times. I think the video reflects a reality of the day. I would like to emphasize also, in addition to what you saw in the video, that juveniles are also brought within the general hallways, the public hallways of the courthouse, and not only is that a security risk, but I think somehow it doesn't fit well when our society has kids in cuffs and shackles being led through a public area to children's court. It just kind of sends the wrong message that that's how we have to deal with youth who are obviously facing juvenile criminal charges. And that doesn't sit well, I think, in most courts and in most jurisdictions. It reflects how our community deals with this.

Also, jurors, I think it's important to note that jurors are brought into the public area. They have no sufficient waiting rooms or deliberation rooms, so very often as in criminal court, the accused might actually come into contact with jurors by accident. And that's very, very uncomfortable for our public and a high security risk. So I urge you all, and I know you're all in favor of this project, but I urge you all to act with due diligence in assisting us in trying to accomplish a new courthouse for the citizens of Santa Fe County. Thank you.

CHAIRMAN ANAYA: Thank you, Judge. Judge Pfeffer, would you like to comment?

JUDGE STEPHEN PFEFFER: I don't really have much to add except that I appreciate on behalf of all the judges, I think we much appreciate the efforts you all have been making. In addition to security of course there are space needs and I know that the County has assessed those and understands those needs and those needs will become more and more critical in the near future and the court grows. When I first practiced in Santa Fe in this district we had three judges. We're now up to seven district judges. So it quickly becomes a critical issue that we have more space. Thank you.

CHAIRMAN ANAYA: Thank you, Judge. Judge Vigil.

MICHAEL VIGIL: I really don't have anything else to add. We've already had this discussion. We're really here to stand for any questions that you may have about our old facility and any questions the public may have. But I think the video clearly points out the serious concerns that we have for the public in our building.

CHAIRMAN ANAYA: Thank you, Judge. And open it up to the public for any comment, if somebody would like to come forward and speak. If not, Commissioner Vigil.

COMMISSIONER VIGIL: I'm very impressed, Judge Hall, with your narration of the judicial complex. I'd just like to ask my fellow Commissioners if they think it might be a good idea that we continue to show this video since it is available through the Santa Fe Community College station, between now and the deadline for the negative referendum. I think it's quite informative and it does give the public an opportunity to view the problems, which I think is part of the problem out there when they're not fully aware.

I know Robbie isn't here, but through our working relationship with Santa Fe Community College I think we can probably make arrangements to have this video viewed several times. I just wanted some feedback on that.

CHAIRMAN ANAYA: Any other comments?

COMMISSIONER CAMPOS: I think it's a good idea.

COMMISSIONER MONTOYA: Is it possible to fuzzy up - it looks like some of those faces need to be fuzzied up a little bit for confidentiality purposes.

COMMISSIONER VIGIL: I would imagine they could edit it.

COMMISSIONER MONTOYA: That's the only think I would recommend, and then I think it's a good idea to do that.

COMMISSIONER VIGIL: Okay.

JUDGE HALL: Are you talking about my face, Commissioner?

COMMISSIONER MONTOYA: Oh, no. We'll just black yours out completely.

JUDGE HALL: I'd be okay with that.

CHAIRMAN ANAYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Yes, Mr. Chairman. I just wanted to add that I think from the individuals that I've talked to and from some of the editorials I've read and there haven't been a whole lot of them, many people say, well, I don't know that I was necessarily opposed to the need for new facilities and a more secure environment, not only for the judges but for the public, I just didn't like the way this was handled in terms of the referendum. And I just want to remind folks that this was a decision was made by the state legislators to offer this opportunity and this mechanism for funding to all counties, not just Santa Fe County, and it wasn't a mechanism that we dreamed up on our own.

Now, we could have chosen other mechanisms; we had that flexibility but we did ultimately feel in the majority that this was the best and most expeditious procedure to

move forward, given the cost of an election and the fact that we would rather put that money into constructing a facility than we would into conducting elections that weren't really necessary in this event. So there isn't anyone here at the hearing this evening and that doesn't mean that there aren't people that aren't still opposed to the idea of a negative referendum but I think it does bode well for the fact that we've gotten the word out to some extent. I've read the editorial that Judge Hall wrote that was printed in the paper which also laid out the problems and the issues quite clearly and succinctly. I think this form will help. It is being televised so all of those who receive Channel Six, inside and outside the city, are able to see this and it's usually rebroadcast as well.

So Mr. Chairman, with that, I think that we're on the right course. It's not going to be an easy one. We have land acquisition issues to deal with. We have design issues. We have financing issues to deal with. But we need to take a first step and in my judgment this is the first step.

CHAIRMAN ANAYA: Thank you, Commissioner. And just to clarify for the record, I guess I hear out there that people talk that I am definitely against the new complex. I am not against the new complex. I know that it is needed badly, and we are trying to find funding for that. And because I voted against the 1/16, people think that I'm against the new judicial complex and that is not true. I know how we need that complex and I was just against the way we went about the procedure. But we are going to continue trying to get funding for this project and I don't have a problem with us putting this on the air to let the public know how important we need this new facility. So just to clear up the record that I'm not against this judicial complex. I know how important it is. I think we need something similar to what Bernalillo County has. Something even better than that.

So thank you judges for coming. We appreciate it very much that you're here and the people that are in the back there that came in support of this project. Commissioner Montoya.

COMMISSIONER MONTOYA: Thank you, Mr. Chairman. Judge Hall, how much was that complex that Bernalillo County put up, and is it just a courthouse? Any idea?

JUDGE HALL: Mr. Chairman, Commissioner, it is strictly a courthouse, I'm hearing \$65 or \$70 million, and it was built three or four years ago, I think. Since then they've built actually the metropolitan court right across the street. The state built that and it actually has some even more advanced security features built into it. But that's the best information I have.

COMMISSIONER MONTOYA: \$65 to \$70 million, and we probably looked at what, about half or a third of that building?

JUDGE HALL: I don't know the size of that building. They have over 20 judges down there. We have seven. We have hearing officers, they have hearing officers. Clerk's office. A lot of the administrative side sort of parallels. So I'm not sure it's direct proportion in terms of the number of judges, so I couldn't say exactly. I can say we did focus on security in the video but space is the real important factor and you all recall the

space study that we need, I think about 114,000 square feet right now and we're in 58,000 square feet. And that's tied to the staff we have. So I think clearly it needs to be a much larger building.

COMMISSIONER MONTOYA: Right. Okay.

JUDGE HALL: And I'm not sure if the \$65 or \$70 million includes the land as well. I'm not quite certain how Bernalillo County went about in connection with the land in Albuquerque.

COMMISSIONER MONTOYA: Susan, what was the amount we had in terms of the bond?

MS. LUCERO: Mr. Chairman, Commissioner Montoya, you mean in terms of what we were earmarking for the judicial complex?

COMMISSIONER MONTOYA: Yes.

MS. LUCERO: Where we are is - you need approximately \$2 million of the revenue stream to equate to \$20 million of construction costs. So right now, assuming the 1/16 would pass, that would provide you only that portion in terms of dollars. Two million dollars of revenue stream towards a \$20 million bond issue. And I believe the costs we're looking at are at least twice that. So we still do need to identify other funding sources that we can attribute to this.

COMMISSIONER MONTOYA: The cost we're looking at is about \$40 to \$45?

MS. LUCERO: Yes.

COMMISSIONER MONTOYA: And that includes the land?

COMMISSIONER SULLIVAN: No.

MS. LUCERO: I don't believe it did.

COMMISSIONER MONTOYA: That's just the building.

MS. LUCERO: I think that was just the building. Yes.

CHAIRMAN ANAYA: Thank you. Commissioner Vigil.

COMMISSIONER VIGIL: Mr. Chairman, thank you. Judge Hall, one of the questions I got asked, I just remembered. You had mentioned in your video that you had one escape in 2003 but I know for a fact that there's been more. In fact, my first prosecution there was an escape at the sentencing, and I remember being tagged, she knows how to fold 'em but she can't hold 'em. That was back in '92, I believe. So I'd like to be able to responsibly answer some of the questions that I get asked. Do you have a sense of how many escape even attempts and successful escapes have occurred there?

JUDGE HALL: Mr. Chairman, Commissioner Vigil, I'm just going from my memory. We haven't prepared them, but I can tell you some of the more significant security incidents that have occurred in the courthouse in the 20 years I've been around. The most serious one of course was there was a fatality that occurred where a gentleman took a number of the court staff hostage. That was back in '85 or so, somewhere around that time period, and eventually the gentleman that took the court staff members hostage was killed, and that occurred in the facility.

I know of at least two instances in which lawyers have been assaulted in the courtroom. There was a stabbing of one lawyer who I believe was involved in a child support case. I think he worked for CSED, a prosecutor as well, just within the last couple of years was stabbed by an inmate with a homemade shank. In terms of escapes, I think the one that occurred in November of 2003, the inmate got outside the building and it took a number of hours, I think before he was eventually apprehended. Sgt. Garcia can give you more information on that. I can remember another one where a prisoner was in the public part of the courtroom and simply ran towards the door. Fortunately the door he selected was one that did have a locking mechanism and so he sort of bounced off the door and was eventually apprehended. Those are the ones that come to mind most immediately to me. I'm not sure if Judge Vigil who is far older and has been there far longer than I has any additional memories.

JUDGE M. VIGIL: There have been other incidents of attempted escapes but our security staff, even with the poor design, is very well trained and they have been able to stop escapes. People have tried to run out of courtrooms. People have had to try to run down the hallways and our staff is able to catch them before they get out of the building. There have been other disruptions in the courtroom that are of real concern where we've had prisoners in the courtroom where they start to act up. And you've got a courtroom full of the public. You've got ten prisoners in the jury box and then you have a destruction, it's really a recipe for a disaster, because as the rest of the security staff is attending to the emergency, we've got ten prisoners sitting in the jury box that are unattended and could cause more difficulties. So that's a real problem.

The one incident where the prosecutor was stabbed by a prisoner, that was a very, very scary incident. We had 14 jurors who were seated in the jury box when that occurred. They were getting up and ready leave for deliberation. That attack very easily could have gone the other way, towards the jury and a juror could have been hurt. So it really pointed out the problems we have in the way our courtrooms are designed and the way prisoners are - Now since that incident again we've made some changes to our courtrooms. We have, for those prisoners who we can identify as prisoners who are going to cause a security problem, we've installed some rings underneath the counsel tables where they can be shackled to the rings so that if they do get up they only have one, two feet radius that they can - But that still places their defense attorney at risk. So we've made some changes.

COMMISSIONER VIGIL: Thank you, Judge Vigil. Thank you, Mr. Chairman.

CHAIRMAN ANAYA: Thank you. We've got the Santa Fe Fiesta Council coming in right now if you all want to stay and join us for this celebration. I think they're ready.

COMMISSIONER CAMPOS: Mr. Chairman, if I could just say something. After about ten, fifteen years of talking, I think we're getting close and I want to thank you, the judges for talking to the community. Also this Commission deserves a lot of credit

for coming to the plate and investing such a huge amount of money. But we all recognize, we've talked about this for years, how dangerous it is, security, but all the other issues related, from parking to space, to everything. It's inadequate. I think we're close and we're going to do something downtown and I think that's going to serve the community well. Thank you very much for all your efforts.

CHAIRMAN ANAYA: And one more comment would be that we're doing our facility projects organization right now and maybe we could put the courthouse on here. So we'll talk about it.

[The Fiesta Council arrived.]

CHAIRMAN ANAYA: Thank you for being here.

FIESTA COUNCIL REPRESENTATIVE: Thank you, Mr. Chairman, Commissioners, staff and members of the audience. On behalf of the Santa Fe Fiesta Council and on behalf of president Art Gurule, thank you very much for giving us the invitation to come before you tonight. We'd also like to thank you for your support in maintaining a tradition that's important not only to the community but to our heritage and to our culture.

As many of you may or may not know, we start our visitations on Thursday of this week where we will be going throughout the community to the schools, elementary schools, some public offices. We will also be going to some senior citizen centers, so keep an eye out for us. We'd also like to invite you to the first or actually the second pre-Fiesta show. That will be Saturday, I think 5:30 there on Lincoln Street. And of course we'd like to also invite you to what is technically the official opening of the Fiesta and that is the Pregón de la Fiesta and that is Friday, September 9th at Rosario Chapel. So we hope to see everyone there. As I said, once again, thank you very much for your support and I'd like to introduce to you now, el Capitán General y Gobernador Don Diego de Vargas for the year 2005, Ernesto Santisteban.

ERNESTO SANTISTEBAN: Hello, Commissioners. Hello members of the audience. I'd like to again thank you for inviting us. I'd to introduce my cuadrilla. Alvarez, Aaron Peinado; Capitán Primero, Pat Garcia; Capitán Fernando Romero; Cacique Domingo, Jaime Aranda; Sargento Mayor, Carlos Casias; Soldado, Johnny Romero. Councilor Ruben Sandoval; Councilor Eddy Martinez; Clarín Rico Sandovazo, Padre Residente Kevin Romero; and Father Anthony Bowles.

I'd also like to recognize two members who weren't able to get here on time, Robert Rubin, Alcalde. He was here but he didn't have his uniform, and Soldado Jason Lilienthal. Again, I'd like to thank you for support of the Fiestas. Everybody thinks that the Fiestas are a great thing. Everybody always wants to go to the Fiestas. Everybody enjoys the Fiestas. Very few people are actually willing to put their pocketbooks behind the Fiestas and that's something you guys have done. And so again, thank you very much for supporting our Fiestas in a very meaningful way. Qué viva la Fiesta!

I'd like to introduce the Fiesta Queen for 2005, Jennifer Richardson Garcia.

JENNIFER GARCIA: Buenas noches. Yo quiero darle las gracias a los

comisionados del Condado de Santa Fe por su soporte para la Fiesta de Santa Fe y tambien, yo quiero presentar a mis princesas: Ashley Hicks y Aranda, Monica Romero, y a mi princesa Alisa Lujan. Thank you again for supporting our culture and our tradition and keeping them alive and helping us to promote the heritage of our ancestors. It means very much to us and we also would like to invite you again for Fiesta weekend to celebrate. Thank you.

FIESTA COUNCIL REPRESENTATIVE: Mr. Chairman, Commissioners, once again, we'd like to invite you to our second pre-Fiesta show which is this Saturday at 5:30 and once again, we'd like to see you out there Fiesta weekend. Thank you.

CHAIRMAN ANAYA: Thank you all of you for being here. It's very important and we support you all the way. So thanks again. Thank you, Carmichael. Thank you, Judges. Thanks for staying.

XII. D. 4. Resolution 2005-133. A Resolution Authorizing and Supporting an Infrastructure Capital Improvements Plan for Santa Fe County (Project & Facilities Management Department)

MR. GUTIERREZ: Mr. Chairman, members of the Commission, We're going to try to run through this very quickly. Rudy's giving you a handout. *[Exhibit 3]*It's three pages. The first page is the current projects and the funding that we have allocated. The second page outlines facility projects that actually came out of the public meetings that Rudy had, and then the third page are the facility project priorities for last fiscal year, and as you can see, three of them are crossed out in terms of additional funding we have allocated funding for those projects so we don't have to include those in the ICIP plan.

So if we concentrate on the first page, Rudy and I are going to give you an update on each one of these projects, go through them rather quickly, and Rudy has informed me that we can take five projects and we can give them all priority one, and that will probably ease the pain of prioritizing them five in order. At some time between now and the legislative session we may be asked to reprioritize the five number ones in a priority of one through five but we have time between now and the legislative session to do that. Rudy's going to cover the first project, Arroyo Seco Teen Center.

MR. GARCIA: Mr. Chairman, as you're aware of, the Arroyo Seco Teen Center is a teen center that was actually named after previous Commissioner Marcos P. Trujillo, that's located in the northern part of Santa Fe County that serves the children or youth actually from 17 and younger to keep them off the streets, keep them in school, keep them out of gangs and we actually have constructed phase 1 and phase 2 of that facility. We're actually seeking funding for that. We have \$50,000 that we received from last year's legislative session. Joseph and I are actually going to take turns on these projects here just to give you a briefing on them.

MR. GUTIERREZ: Mr. Chairman, members of the Commission, Women's

Health Services. There's \$625,000 that's allocated out of fiscal year 05 funding. We've been working with the Women's Health Services. They would like the County to entertain the purchase of a building that's on Alameda, their current location. That building contains 20,000 square feet. They occupy 8,000 square feet now and they plan, their future needs are going to move them into about 10,000 square feet. The cost of the building, if it were for sale, is somewhere in the neighborhood of about \$2.2 to \$2.5 million and the funding that we have allocated again is \$625,000 at this point.

COMMISSIONER CAMPOS: I have a quick question for Mr. Gutierrez on the Women's Health Services. At times this organization has been having trouble financial. I know they met with the Health Policy and Planning Commission the other day for extensive discussion about how they were doing.

MR. GUTIERREZ: Mr. Chairman, Commissioner Campos, I heard that. I don't know. Probably the person that could speak to that would be Steve Shepherd and he's not here at this point. Because he has interacted with them through the years and I do know that they received some funding from the County. I couldn't speak to their previous financial health.

COMMISSIONER CAMPOS: Okay. Thank you, sir.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: What was the total size of that building on Alameda?

MR. GUTIERREZ: About 20,000 square feet. It's a two-story building. 10,000 and 10,000.

COMMISSIONER SULLIVAN: I've been there.

MR. GARCIA: Mr. Chairman, the Youth Shelters and Family Services, phase 2. We actually did receive CDBG funding roughly about 2 ½ years ago for phase 1. That is actually the shelter portion of it for the family shelters. It holds up to 16 children actually under the age of 17. They're actually appointed there by the judicial courts if they're homeless or if there are submissions with a family, that's actually where these teens go to. They get relocated usually by CYFD. We roughly have \$695,000 for phase 2 of this project. Phase 2 is for the administration component of the Youth and Family Shelter Services. We roughly are short due to the cost of construction about \$200,000 on this project as we mentioned earlier.

And I'll go through the next one right away because everyone is familiar with this. We talked about this earlier. This is the Eldorado Senior Center. We roughly have existing funding for about \$706,000 for that project. Once again we are short about \$200,000 for this project. As you can see on some of the previous lists here, the Youth Family Services was actually on our top five priorities last year for the legislature and so was the Eldorado Senior Center. Due to the high cost of construction, those two do not actually get off of our list. So those are some of the issues that we have with those two projects.

The next is the Stanley Fairgrounds youth agricultural facility. That's actually, it was one of the priorities last year that actually did receive some funding back in 2004 for about \$25,000 for that project. That project is something that once again the Commission did put on

their priority ranking. We're still looking at acquiring land for that project and that will be something for like a 4-H Club complex to be constructed down in the southern part of the county for the 4-H members down from the southern part. That will actually serve Santa Fe County, Edgewood, Moriarty, and so on and so forth, Torrance area.

Next one is actually the Santa Fe County Fairgrounds. We have \$100,000 for that. That's actually located off of Rodeo Road. That is the facility. We have prepared a master plan that the County Commission has looked at. Our next step for that is actually to construct utility lines for that to hook into the City water, City sewer and our next phase of that would actually hopefully be to construct some sort of a youth facility on that property.

MR. GUTIERREZ: Mr. Chairman, members of the Commission, Esperanza Shelter, we've been working with this group very actively for the last two months and having weekly meetings with them. Their needs are - they're in 5500 square feet right now and their needs are approximately about 10,000 square feet for their admin building. Based on the budget and the cost of construction, this budget will only allow, we're predicting, maybe 4500 square feet or so. So we explored the option of some modular buildings and actually yesterday we met with them and they're going to go to Albuquerque to look at that. If they choose a modular route, that's probably going to get them upwards of about 7,000+ square feet. The next issue they have is land. They are looking at some land that we have on Agua Fria where Youth Shelters phase 1 is located. They've approached the City for land and also they're exploring their current location to see if the landlord would be willing to sell approximately, I think it's a quarter to a half an acre. It's not more than half an acre at this point. But their dollar needs are going to be higher than say \$130,000 at this point, to fulfill their 10,000 square feet space needs.

COMMISSIONER CAMPOS: Tell me a little bit about Esperanza Shelter.

MR. GUTIERREZ: I'll let Rudy answer that.

MR. GARCIA: Mr. Chairman, Commissioner Campos, the Esperanza Shelter is the shelter actually for abused men and women throughout the community. Actually if it does happen in the county or within the city limits, they are sent to this facility. This portion is actually kind of similar to the Youth Shelter and Family Services phase 2 and this Esperanza Shelter portion would actually be for their administrative component of their administration building.

COMMISSIONER CAMPOS: How many people does it serve? How many beds or rooms or whatever does it have to service people?

MR. GARCIA: Mr. Chairman, Commissioner Campos, I don't know to be honest with you.

COMMISSIONER VIGIL: I have some information.

CHAIRMAN ANAYA: Commissioner Vigil.

CHAIRMAN ANAYA: I think they're actually looking for funding for the administrative component of it. Not only does that include administering and the office work that's involved with that, but they have well over 400 domestic violence clients that are either court-ordered or go their voluntarily. They have group sessions. They have independent

therapeutic sessions and part of the problem they're facing is their current landlord is wanting to do something else with the property. So they're under pressure from the landlord and I think are just going to go to him on their knees to maybe provide the opportunity to extend the lease, but their lease terminates in September 2006. Does that sound about right?

MR. GARCIA: Mr. Chairman, Commissioner Vigil, yes, that's correct. They're actually trying to negotiate with the current owner but that's the last that we heard, that the lease does expire.

COMMISSIONER VIGIL: And my understanding is the current owner might be in a position not to negotiate. He's given them sufficient warning. This was a project that was prioritized number one last year and it is a project that was strongly supported by the legislature and the governor.

MR. GARCIA: Mr. Chairman, Commissioner Vigil, just to add to that, it also doesn't just affect the administration component of it, this portion of the facility would actually be, they do have group meetings that are actually required by the judges, whether it's municipal judges, district judges and/or judges that actually appoint domestic violence cases to these weekly meetings and I think they roughly have three or four weekly meetings a week and they serve anywhere from 25 to 40 people a night for these weekly meetings.

COMMISSIONER CAMPOS: Thank you, sir.

COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: Rudy, the last page on this, these were our priorities for last year?

MR. GARCIA: Mr. Chairman, Commissioner Montoya, yes, that's correct. The first three were actually crossed off because they have been funded and they have been completed or they have not been completed but they will be completed, such as the Public Works facility.

COMMISSIONER MONTOYA: Okay. These were our top five from last year. But these were not ranked in any priority order, were they? They were our five priorities with no order of preference.

MR. GARCIA: Mr. Chairman, Commissioner Montoya, that's correct.

COMMISSIONER MONTOYA: That's what I thought. Oh, we can do all five number ones. I'm sorry. I missed that.

MR. GARCIA: Mr. Chairman, Commissioner, a couple of these were out, but actually the County Commission can actually choose five number one priorities.

COMMISSIONER MONTOYA: Okay.

MR. GARCIA: The next one would be six, seven, eight, nine, ten.

COMMISSIONER MONTOYA: The reason I ask that Mr. Chairman, is because the comment that I made regarding the Santa Fe County Fairgrounds, I got a call from Pojoaque Pueblo and I'm trying to set up a meeting also with former secretary Manuel Lujan, Jr. and I would imagine that it's regarding the wastewater system there for the Pojoaque Valley. So I think that would probably make sense for me to list that as a number one priority.

MR. GARCIA: Mr. Chairman, we'll continue and go through this. The next one is the La Cienega Park. We've received two funding cycles through the legislature, one for \$50,000 and an additional one for \$50,000 for a total of \$100,000. We're still actually looking at acquiring some land, whether it's through BLM or through the State Land Office, and that would be in the La Cienega area.

Our next project is the Pojoaque Valley Community/Senior Center. We did receive a large appropriation for that. That's about \$400,000 that we do have for this project. Once again, we are talking with some property owners in the Pojoaque Valley area to hopefully look at some property and then hopefully get a design underway.

Once again, the next one is the Senior Housing project. That was one of the verbiages that was actually left a little bit wide open and we did receive \$40,000 for that and that's to create a senior housing project somewhere in Santa Fe County. That's something that Robert Anaya spoke to you earlier about.

Our next one is actually the Pojoaque Valley water and wastewater, which is roughly, they have an existing fund of \$1.9 million for that project. I was speaking with our utility director. He feels comfortable that we can take that off of our priority list.

COMMISSIONER MONTOYA: Take it off? That's a \$12 million project.

COMMISSIONER CAMPOS: Can you give us your assessment?

DR. WUST: Mr. Chairman, Commissioner Montoya, what I had was a concern about it being on the list because we're right in the middle of the Aamodt negotiations and the state and the County are both being asked to pony up quite a bit of money for the Aamodt water system. I was concerned about in the legislature there being possibly competing interests saying we're being asked to throw \$20 million at a water system for the Pojoaque Valley and you want us to put a priority on a wastewater system for \$15 million on top of that. It looks like, from having gone to the Aamodt negotiations over the last few months that they're reaching a state where there could actually be an agreement. So I had a concern that this legislative session, going forward with a request on a priority for a wastewater system for the Pojoaque Valley, at the same time it's very possible that the legislature seeing a request for an equivalent or greater amount of money for a water system for the Pojoaque Valley might cause a conflict in the legislative delegation about which direction to go or how they want to prioritize the money.

MR. GARCIA: Mr. Chairman, Commissioners, keep in mind that we are still going to go forward to the legislative session with all three of these sheets. What we need from you all here tonight is the top five priorities. So these will still be on the list.

CHAIRMAN ANAYA: Okay, so who wants to start off?

COMMISSIONER VIGIL: Mr. Chairman, I'd be happy to.

CHAIRMAN ANAYA: Commissioner Vigil.

COMMISSIONER VIGIL: I think there are two projects that we have prioritized in the past that are truly countywide projects that serve a much needed - they provide much needed services, and that's Women's Health Services. Women's Health Services, I'm sorry I wasn't here for the presentation on that piece of it but I know that they actually want to move forward in the purchase of a building have a grand opening coming up and the kind of

support they need doesn't necessarily require design and build. It just requires moving forth with the negotiations of the purchase of the building. And I know they have their own lobbyist that will be working hard towards this.

Women's Health Services is a much needed service. I'm not sure if they have contacted all of the other Commissioners to identify what their needs are, but I think that's an important one, because we had prioritized it as one of our top priorities. And I think, it's my understanding that we had communicated to Women's Health Services and Esperanza that because they were priorities last year they would remain priorities this year. Did we do that, Rudy?

MR. GARCIA: Mr. Chairman, Commissioner Vigil, yes, that was mentioned to the two groups.

COMMISSIONER VIGIL: So they do have a level of expectation that because we supported them in the past we're going to continue to support them. Between their and our lobbying efforts we can probably finalize these projects much sooner than if we don't include them on a prioritization list. Those are my two recommendations.

CHAIRMAN ANAYA: So you picked two?

COMMISSIONER VIGIL: I picked two, Women's Health and Esperanza. Only because these are the two projects that I know were number one priorities and prioritized last year and we had made a commitment to continue to support them through this legislative session.

CHAIRMAN ANAYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chairman, I think those are good projects. I don't believe they were our number ones last year. I think our number ones are shown on your third sheet there. But they were on our list and I think in terms of Women's Health they will have their own lobbyist and go about that separately. I think that we need to wrap up the Eldorado Senior Center Project so I'm in support of that as I have been in the past. I do think there are needs in Pojoaque that things are finally coming together there that look good. I'll leave that to Commissioner Montoya to work with. But besides that, as you mentioned, Mr. Chairman, we could mobilize the judges in a lobbying effort to get some money for the district courthouse. They're certainly effective lobbyists, all of them and that's a countywide facility for sure. And if I had two votes, which I don't, I would put my second vote on that as well. Two totally different projects dollar-wise. I think we have to look at what our expectations are dollar-wise too. If we're going to be asking for five million or ten million or just what. If Eldorado needs \$200,000 that's one thing. If Women's Health needs the difference between \$625,00 and \$2.5 million for their building, that's another thing. So we kind of have to think about viability of these projects dollar-wise as well.

CHAIRMAN ANAYA: Thank you, Commissioner Sullivan. Commissioner Montoya.

COMMISSIONER MONTOKYA: Commissioner Montoya, Rudy, this is similar to what Jimenez was pushing last year, DFA?

MR. GARCIA: Mr. Chairman, Commissioner Montoya, that's exactly correct.

Last year we did go forward. We could have had ten, twenty, thirty number one ranking projects and towards the end of the session there, the Governor's Office and DFA actually wanted us to rank our priorities one through five. This year it's come from DFA to whom we actually submit this ICIP plan is that they want our number one through five priorities.

COMMISSIONER MONTOYA: This will be what? Maybe funding from the Governor's portion, possibly?

MR. GARCIA: Mr. Chairman, Commissioner Montoya, the way I understand it is this actually is what they consider the pork funding and if the Governor has a say-so on it, he's going to actually – let's just assume he'll give Santa Fe County five million dollars. He's going to actually ask what are your top five priorities.

COMMISSIONER MONTOYA: From his portion? I mean hypothetically.

MR. GARCIA: Yes.

COMMISSIONER MONTOYA: From his portion. That has nothing to do with any of the legislators and their particular allocation, right?

MR. GARCIA: Mr. Chairman, Commissioner Montoya, that's the way I understand it, but we won't find that out until the session actually gets started because it could get changed around.

COMMISSIONER MONTOYA: Because that's what was trying to happen last year was that the legislators were being told let's put yours in here too because these are the ones that the counties are saying are their priorities. As I recall, that's what the Governor had wanted to do last year, was pull everything so that there were a few projects funded but the legislators balked and funded what they wanted to fund anyway.

MR. GARCIA: Exactly correct.

COMMISSIONER MONTOYA: Mr. Chairman, I guess I would hope that maybe – what other possibilities do we have for the Pojoaque Valley wastewater system? Because I would weigh that one heavily because of the existing funding that we do have and the need for another ten million to complete that project. So are there other options, other than to put it on this as a priority?

MR. GARCIA: Mr. Chairman, Commissioner Montoya, the other options that I can think of off the top of my head would be getting some monies from New Mexico Finance Authority, the Water Trust Board. I don't know if the utility department actually has a mechanism for funding wastewater or water projects. They do have the money – you guys will be selling the bonds here coming up soon. Those are the only three options that I know of.

COMMISSIONER MONTOYA: So we potentially could use some funding for the wastewater project?

MR. GONZALEZ: Long term, Mr. Chairman, Commissioner Montoya, long term that's a possibility. I think it's important to keep in mind that this list actually serves two purposes. One is coming up with our five priorities for the executive, but the other is that it still serves as our list to go into the legislature with priority requests. So we're doing two things simultaneously. One, we're trying to prioritize the top five but also make sure that you feel comfortable with everything that's on this list.

DR. WUST: Mr. Chairman, Commissioner Montoya, one other possibility is not for this year but from our lunch two days ago I think they talked about future bonding capacity, over the short term, future bonding capacity. And as we issue or put a vote out for new bonds, without having to raise taxes. This was the plan they set up, we could tailor those bonds to address things like wastewater. Because the current bonds are only for water. So that's a potential, pretty substantial funding source over the next few years that we could add in there. Our Water Resources Department has some project money. It's nowhere near the \$10 million level, but we could use it as part of a broader program. So there's a couple thing there at various amounts. So probably the biggest one is future bonding capacity.

COMMISSIONER MONTOYA: Okay.

COMMISSIONER VIGIL: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Vigil.

COMMISSIONER VIGIL: Commissioner Montoya, I think this is a worthwhile project for the water/wastewater bill though the New Mexico Mortgage Finance Authority. The only question I would have for staff with regard to that is those projects usually have to go through the Mortgage Finance Authority application process and then they get prioritized there. But this is a perfect project for the grant or the loan programs that are available through them. It's just another source, another bucket so to speak, that we could go instead of allocating capital outlay which is non-sustainable. So are you familiar, Steve, with the application process of these particular projects?

DR. WUST: Mr. Chairman, Commissioner Vigil, I haven't done that particular type of application but I spent a lot of time with NMFA when I was in the Drinking Water Program at the Environment Department. So I'm familiar with the general process and people. So I think we could pick it up pretty easily. But I've never done a specific wastewater application.

COMMISSIONER VIGIL: I'd like to see that, because they've designated millions of dollars for water and wastewater projects. The legislature themselves created the priority by doing that. So I think this project is worthwhile. And I don't dismiss the option of considering it a priority for capital outlay funding too, but I certainly think we should look at the potential of the grant and loan program.

DR. WUST: We will certainly look at it.

CHAIRMAN ANAYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chairman, I had a comment just on that as well, on another alternative that you mentioned, Commissioner Montoya. I think one of the most viable alternatives for this project is the Water Trust Board. The applications will start after the legislative session and the advantage to the Water Trust Board, first of all, they have ten percent of the severance tax funds are allocated to that. And our severance tax bond funds are really going up this year because of the high price of oil and gas. Last year they funded 19 projects and they're really the only entity that can fund large amounts of money. Last year they funded – their lowest project was \$350,000 and their highest one was \$2.8 million. So you can talk serious money with those guys. And one of the major criteria that they look at is

regionalization. They want to know combination of facilities, combination of community water systems, cooperative ventures in water and wastewater. That scores way up there.

Depending on what happens this year with our own application with the Eldorado, and that's a cooperative venture of course between ourselves and Eldorado or will be, I really think that that hits the money there. I think we can certainly try NMFA, the only thing, Commissioner Vigil, that I've heard from the staff at NMFA is that they're not going to be given capital project money this year. That they're winding down their capital programs at NMFA in lieu of this ICIP process. They'll still have loans and they'll still have the federal Clean Water Act loans that they do, which very few communities can afford, but they're not being funded to the extent that they were at the outset, and I think more of the effort is going to the Water Trust Board and the legislators like it a little better because the Water Trust Board actually doesn't have the money. They don't give the Water Trust Board \$19 million. What they do is they tell them about what to expect in dollars and give us the projects that would fit that money, and then they take them to the legislature.

So the legislators still have the opportunity to vote on those projects, amend them, increase the amounts, decrease the amounts, do their political wrangling and so forth that they feel is their prerogative. And they occasionally do make some changes in that. But from a regional standpoint, I think we would have a really outstanding chance, particularly with support from the Pueblo and others in Española and in the area to put an application into the Water Trust Board, which as I say, occurs in the spring of this year. Just a thought. We deal with projects that that board has been funding and this is their third year and they're really coming to be the preferred source.

COMMISSIONER VIGIL: One of the members is Gus, with the Association of Counties. He can give you some further information.

COMMISSIONER SULLIVAN: So there's an in in there. And all the members of the board are state agency department heads and the chairman of the board is the State Engineer. So they know these projects from a technical standpoint. It's not just an emotional type of decision.

CHAIRMAN ANAYA: Okay. Thank you. Commissioner Montoya.

COMMISSIONER MONTOYA: So I guess with that, Mr. Chairman, we do have some funding that we received for the Pojoaque Valley Community/Senior Center, so I would probably want to list that as a priority for the upcoming legislative session.

CHAIRMAN ANAYA: Thank you, Commissioner. Commissioner Campos.

COMMISSIONER CAMPOS: I have a question for the Commission. Between, let's say comparing Esperanza and Youth Shelters, which one needs the money or the help the soonest?

COMMISSIONER MONTOYA: I would say Esperanza. That's just my –

COMMISSIONER CAMPOS: Okay. What's your argument?

COMMISSIONER MONTOYA: I think they're probably in more of a dire situation in terms of needing to locate or relocate or obtain a location.

COMMISSIONER CAMPOS: So their needs are very immediate.

COMMISSIONER MONTOYA: Yes. At least that's my perception. I don't know. Commissioner Vigil, what do you say?

COMMISSIONER CAMPOS: The question I posed, Commissioner Vigil, was

COMMISSIONER VIGIL: Esperanza.

COMMISSIONER CAMPOS: Esperanza or Youth Shelter? Which has the greatest need?

COMMISSIONER VIGIL: Esperanza. I actually visited Youth Shelter recently for their mural dedication ceremony and at that time, and I want to be fair to them, but at that time they were not full to capacity and their phase 2 request is for additional housing and they haven't received as many referrals to keep them consistently full to capacity whereas on the opposite side, Esperanza is busting at the seams.

COMMISSIONER CAMPOS: Okay. Another question. I talked this morning about a regional wastewater system in the Community College District. Would this be handled also with the Trust Board, Commissioner Sullivan?

COMMISSIONER VIGIL: I believe so.

COMMISSIONER SULLIVAN: It could. We would have to decide which one we wanted.

COMMISSIONER MONTOYA: One or the other.

COMMISSIONER CAMPOS: One at a time? Okay, I would then go with Esperanza as my one.

CHAIRMAN ANAYA: Okay. Thank you, Commissioner. What I'm hearing - well, first let me just run through mine. The Stanley Fairgrounds, the youth facility, we've got the \$25,000 already, correct? So instead of my putting that on for a priority, I would like to use that \$25,000 to purchase some property and go through the first step. That way we can come back another year and try to get some funding to start construction of that.

The La Cienega Park, we have \$100,000. I would like to see us use that \$100,000 on the first step. That way we don't put that on a priority. Use up that money and then we can come back and say, look, we purchased the property on both of these. I wanted to add the Edgewood Senior Center, because that's a big priority but I'm not going to because we're going to go out for RFP and get the plan. We're going to get that project running too. I think the one that I would pick would be the Santa Fe County Fairgrounds, since that is a countywide project and we need the facility. The County Fair is getting bigger and bigger every year.

So with that, what I heard, would be the Esperanza Shelter, would be one of the priorities, because Commissioner Vigil and Commissioner Campos both voted for that. Number two would be the Pojoaque Valley Community/Senior Center. Number three would be the Santa Fe County Fairgrounds. Number four would be the Eldorado Senior Center, and number five would be the district courthouse. I'll open up the floor if you would like to comment.

COMMISSIONER MONTOYA: Mr. Chairman, that sounds good to me.

COMMISSIONER VIGIL: That sounds good.

COMMISSIONER SULLIVAN: Sounds good to me.

COMMISSIONER VIGIL: And I also would say that what we don't prioritize with these five remain in the ICIP fund because I do know people will be out there lobbying for particular projects and despite the fact that we haven't been able to prioritize Women's Health Service as we promised we would, I know they're going to be able to get some additional funding, and I'd like to be able to support that, because they are sort of second to Esperanza with regard to their immediate needs.

MR. GARCIA: Mr. Chairman, we certainly understand that there are priorities and just to go over them again. You have Esperanza Shelter, you have the Pojoaque Valley Community/Senior Center, you have the Santa Fe County Fairgrounds, the Eldorado Senior Center and the judicial complex. And also keep in mind as Commissioner Vigil mentioned, Women's Health Services will be out there lobbying. We also have the Edgewood Health Sports Complex, the community of Edgewood will be out there lobbying. All these people, some of these people here have their own separate lobbying. It's not like we're going to be against them. We will be there to support them in any way we can for the lobbying effort and those are just to get our priorities on the Governor's list.

CHAIRMAN ANAYA: Yes, and that's one thing I wanted to stress. This is not - just because we picked these five priorities, it doesn't mean that we don't care about the other projects that are on the table. There are a lot of projects. The Commission feels strongly in support of all these projects but we have to narrow it down to five and I think we used good common sense judgment on this narrowing it down but that doesn't mean that we still don't support the other ones. Commissioner Montoya.

Commissioner Montoya: Thank you, Mr. Chairman. Rudy, I visited the Santa Fe Mountain Center yesterday and they are also going to be submitting a request and probably wanting to meet with us at some point as well, in terms of at least supporting them. But they as well have their own lobbyist. But it's something that I suggested to them that if it's part of our ICIP plan, not necessarily our top, one of our top five priorities, but it's still on the priority list then it probably would be better for them to do that. I believe they're looking at about \$1.3 million is what they told me, and it's for the purchase of a facility. So I wanted to let the rest of the Commission know. I don't know if you all got invitations to the Mountain Center, but that's what the visit was for.

COMMISSIONER SULLIVAN: Mr. Chairman, just a clarification. Those five, you weren't listing them in any particular order.

CHAIRMAN ANAYA: No. I just went off what I was hearing. No particular order.

COMMISSIONER CAMPOS: There is a priority because Esperanza got two votes.

COMMISSIONER SULLIVAN: We need three to make a majority.

MR. GARCIA: Mr. Chairman, Commissioners, the Santa Fe Mountain Center has actually contacted us. We actually have a meeting tomorrow with them in regards to the existing funding that they received. Just so the Board's aware, we did receive monies, once again this legislative session, these monies are supposed to come available July. Actually we got

an early copy of our grant agreements that were sent to us by DFA so we roughly, we're going to receive those grant agreements hopefully by the end of the week, which is anywhere from 25 to 30 projects, so that just goes to show that just because the session happens in January, February, we don't really receive those monies till DFA gets all of their funding sorted out.

So what we'd like for you all to do is make a motion and don't forget that you have to actually adopt the resolution that's in your packet as well.

CHAIRMAN ANAYA: Okay.

COMMISSIONER MONTROYA: Mr. Chairman, I'd like to move for approval of the five number one priorities of the Eldorado Senior Center, Santa Fe County Fairgrounds, Esperanza Shelter, Pojoaque Valley Community/Senior Center and the Santa Fe County district courthouse.

COMMISSIONER CAMPOS: Second.

CHAIRMAN ANAYA: There's a motion and a second. Any more discussion?

The motion to approve Resolution 2005-133 passed by unanimous [5-0] voice vote.

CHAIRMAN ANAYA: Commissioner Campos,

COMMISSIONER CAMPOS: Two questions. One, let's get this to our legislators, I would think, and the Governor. Two, do we need a press release? Does that make sense to get this out in a press release?

MR. GONZALEZ: We could do that. It's not a problem.

CHAIRMAN ANAYA: Commissioner Vigil.

COMMISSIONER VIGIL: I'm not in favor of a press release. Oftentimes what happens with this prioritization process is despite all our efforts to try to comply with DFA, it brings a lot of ill will from those who did not receive a priority. It doesn't mean we don't support them, so it makes a lot of explaining, a lot of tap dancing to be done with regard to what Santa Fe County considers a priority. I think in our heart of hearts, we consider all of these projects a priority. But because we're trying to comply with what DFA is actually required of us, this is how we have to go through the final. So I'm not that in favor of doing a press release. I think we'll just have to backpedal a lot and do a lot of explaining, particularly to Youth Shelters who we've supported, Women's Health Services, who we've supported, who we want to continue to support and let them know we will, but unfortunately they weren't listed as a priority.

Anyway, that's my concern. My next question is, Rudy, you had mentioned we had to act on a resolution. Is that adopting the ICIP plan and do we need a resolution number for that and we need an actual motion?

MR. GARCIA: Mr. Chairman, Commissioner Vigil, yes, that's correct.

COMMISSIONER VIGIL: I'm ready to make a motion to adopt the Resolution 2005-133.

COMMISSIONER MONTROYA: WE just acted on that, didn't we?

COMMISSIONER VIGIL: No, we just identified the priorities, right?

COMMISSIONER MONTOYA: That was for the resolution.

COMMISSIONER VIGIL: Was that for the resolution? The resolution actually identifies those priorities? I thought the resolution just adopted the ICIP plan.

MR. GARCIA: Mr. Chairman, Commissioners, we could actually – we can do it both together if Mr. Ross is okay with that, meaning the resolution gets adopted and then those would be the priorities for the County as a whole.

MR. ROSS: Mr. Chairman, members of the Commission, there's only one item on the agenda that we're here on, so I interpreted it that the vote you just took as adopting the resolution with the five priorities you had identified.

COMMISSIONER VIGIL: Very well, if our lawyer interprets it that way.

CHAIRMAN ANAYA: Okay. Please let the record show that the resolution is Resolution 2005-133 which was reopened for the public hearing.

COMMISSIONER MONTOYA: Mr. Chairman, I just had a question, Mr. Chairman, regarding the composition of today's agenda, particularly with the Consent Agenda items. This is probably, not probably, this was definitely the most that we've had to pull from Consent Calendar regarding discussion on certain items, and I was just curious as to who made the decision to put these on Consent. Was this the department heads?

MR. GONZALEZ: Mr. Chairman, Commissioner Montoya, it was a combination. We actually go through the agenda at senior staff and try to identify as well as we can or as closely as we can those items that should be on Consent or could be on Consent and those which clearly would call for discussion. In some instances it's hard to figure out the call. Today, unfortunately on the agenda there were a couple of items that probably should have been discussed in a little more detail at senior staff because I think the lack of information led to some of the confusion with respect to the agenda. Roman and I have already talked about it and indicated that we're going to have sort of a retraining at senior staff to see if we can't streamline it a little bit more, make clear which items ought to be on and which items ought to be off the Consent Agenda. I hear what you're saying and I agree. There was some difficulties and some problems and we plan to address them.

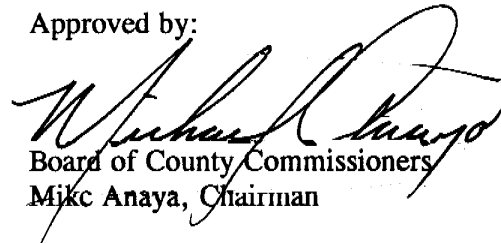
COMMISSIONER MONTOYA: Okay. Thank you.

CHAIRMAN ANAYA: I was hoping you'd put more on Consent.

XIV. ADJOURNMENT

Chairman Anaya declared this meeting adjourned at approximately 8:00 p.m.

Approved by:

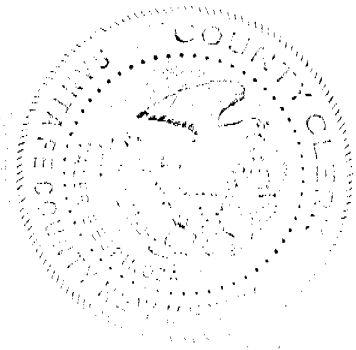

Board of County Commissioners
Mike Anaya, Chairman

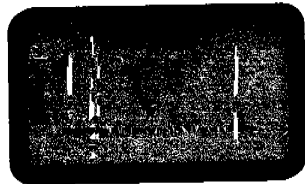
Respectfully submitted:


Karen Farrell, Commission Reporter

ATTEST TO:


VALERIE ESPINOZA
SANTA FE COUNTY CLERK





EVENING SESSION

The Evening Session of the City Council Meeting was called to order at approximately 7:30 p.m. in City Hall Council Chambers. Following the Pledge of Allegiance and Invocation, Roll Call indicated the presence of a quorum:

Members Present:

Mayor Larry A. Delgado
Councilor Carol Robertson Lopez, Mayor *Pro Tem*
Councilor Patti J. Bushee
Councilor Miguel M. Chavez
Councilor Karen Heldmeyer
Councilor Matthew E. Ortiz
Councilor David Pfeffer
Councilor Rebecca Wurzburger

Members Excused:

Councilor David Coss

PETITIONS FROM THE FLOOR

None.

APPOINTMENTS

PUBLIC HEARINGS

CONSIDERATION OF RESOLUTION NO. 2005-74. (Councilor Lopez)

A Resolution of the City Council of the City of Santa Fe, New Mexico,

Authorizing the Mayor to Enter into an Intergovernmental Agreement

with the County of Santa Fe, New Mexico; Establishing an Urban Growth

Area within the Extraterritorial Area; Allowing an Affordable Housing

Project Consisting of 106 Units of One and Two Bedroom Income-qualified Rent Restricted Apartments for Persons Over 55 Years of Age.

(Postponed at July 27, 2005, City Council Meeting)

City Planning & Land Use director Anne McLaughlin reported as follows: "The Santa Fe Retirement Village Apartments, Older

Group Homes, LLC, is the applicant. Louis Gonzales, managing partner, and Frank Coppler, agent, are requesting an Urban Growth Area designation to allow 106 residential units on 8.03 acres for a senior citizen income-restricted housing development. The property is located on and accessed by Calle P' o Ae Pi.

``The applicants for the project originally sought a density variance which was recommended for approval by the EZC on April 14, 2005. The EZA vote that followed was tied, which automatically tabled the case. The EZA then voted again on May 26 to deny the variance. The Authority felt that the appropriate way to establish a density of about 13.2 units per acre would be to establish an Urban Growth Area.

``On August 11, 2005, the matter was again before the EZC for master plan, preliminary and final development plan. The EZC voted to approve the proposal with the condition that a City-County intergovernmental agreement to establish an Urban Growth Area be preapproved by the City Council and the Board of County Commissioners.

``Then the City Council voted on July 27, 2005, to send the resolution and the intergovernmental agreement to the Regional Planning Authority for discussion. And what was just handed out to you were the minutes from the RPA meeting and a map that shows where the project is located.

``Several items are of interest related to the project itself, although approval of the project per se is not what's in front of you. What's in front of you is the resolution and the intergovernmental agreement.

``The location of the property is within the Santa Fe Urban Area between Rufina and Airport Road. It's behind the Ramirez-Thomas Elementary School. It is near a mobile home park and vacant land. The minimum lot size in this area is 2.5 acres and drops to 0.5 acres with community water and sewer.

``The site is about 400 feet -- I've heard different calculations, 420, 450, 470; on our GIS it came out at about 420 feet -- from city limits, so it does not meet the contiguity requirement for annexation.

``The Southwest Area Plan, which has not been adopted for this area, shows a combination of mixed use transitional, institutional and low density residential in the general area. The site itself, I would say, now that I have a better handle on

where the parcel is located, is shown as low density residential in the Southwest Area Plan.

“In terms of services, fire protection will be provided by the City Fire Department. Police protection will be provided by the County Sheriff. The City Council did vote to extend city water and sewer to the project on February 23, 2005. The City Council applied two conditions of approval: 1) that the applicants work with City staff to bring ten apartments down to 40% of median income; and 2) that a kitchen be constructed in the clubhouse.

“Access will be villa Calle P’o Ae Pi to Rufina Street. Craig Watts performed a traffic study of peak hour volumes and concluded that four vehicles would enter and exit during the morning and afternoon peak hours, so existing streets will accommodate the traffic.

“Regarding the Urban Growth Area designation: A goal of the Santa Fe Extraterritorial Plan is ‘to define, survey and fix on a map an urban growth boundary within which urban densities, urban standards and eventual annexation to the City will be encouraged.’ And according to the Extraterritorial Zoning Ordinance, urban growth areas ‘are those areas within a mapped district which may be adopted by the EZA pursuant to a Joint Powers Agreement adopted by the City and County of Santa Fe, and where concentrated growth at urban densities of two dwelling units or more to the acre and of mixed types is encouraged.’ And this parcel does fall within the Urban Area Boundary established by the City’s General Plan.

“Now, just a couple of items on what was handed out to you, because this information became available after the staff report. You have a map showing the location of the site, and it’s separated by several parcels to the west from what is going to be coming to us as the De Colores Annexation. On the east, it’s separated from existing city limits by one parcel, about 420 feet.

“I noticed in reviewing the minutes that one of the questions that wasn’t answered at the RPA had to do with what amount of gross receipts tax might the City lose out on by not annexing this property. If you take in a construction cost estimate of \$6 million — I heard tonight it might actually be higher than that, but the numbers we ran in the Planning Department were based on \$6 million — that there would be about \$182,000 in gross receipts tax that the City would perhaps miss out on by not annexing this property. On the other hand, it’s hard to calculate

gross receipts tax on construction because architect and engineering services are paid to the state or the city where those services come from, and if construction materials come from out of state, they pay what is called a compensating tax, and the City does get that.

“The recommendation from staff is that the project location is suitable to designation as an Urban Growth Area pursuant to the Extraterritorial Plan and the City’s General Plan. The City Council has already approved the extension of water and sewer service to the project, and the intergovernmental agreement specifies the two conditions City Council placed on the extension of services.”

There were no speakers from the floor either for or against this Resolution, and the public hearing was closed.

Councilor Lopez moved for approval with the two conditions imposed by the City Council on February 23, 2005. Councilor Pfeffer seconded the motion.

Councilor Chavez said he spoke against this proposal at the RPA because the City would not be able to collect GRT to pay for services it would be extending outside of city limits, and had asked staff to calculate the gross receipts taxes with the idea that they could be recouped from the County or the developer, whichever is easiest, to pay for those services.

Councilor Chavez proposed that as Condition #3.

Councilor Chavez proposed Condition #4:

4. That the developer not oppose annexation if and when the City gets to that point, and that this be recorded on the plat.

These two additional amendments were accepted as friendly with Condition #3 amended to state:

3. That the applicant work with the County on a plan for sharing the gross receipts and coming to agreement on the numbers.

This restated amendment was accepted as friendly.

Councilor Chavez noted that the City would be establishing an Urban Growth Area within the EZ, which in effect changes the

density there. He pointed out that one of the reasons some county residents oppose annexation is because of fears that the City will increase density. He said the City has to do a better job at planning and managing these rural areas to accommodate increasing density, since that is where the population is going.

Councilor Chavez said it is hard for him to oppose this project, on the other hand, because it will meet an existing need in the community.

Councilor Heldmeyer asked staff where else the City has dealt with situations like this.

Permit & Development Review director Jim Salazar responded that, a couple of years ago, an Urban Growth Area designation was made for a federal tax credit apartment complex project near Sweeney Elementary School, but it never materialized.

Councilor Heldmeyer asked what densities surround the subject property.

Staff could not answer this question.

Councilor Heldmeyer asked what the EZA's stance is on this designation, and Councilor Pfeffer, an EZA member, said the EZA deadlocked in a tie on the issue, and it was brought back to the EZA a second time, when the issue centered around a procedural matter, which was whether it was unreasonable to request such a major increase in density (from 16 to 106 units).

Councilor Heldmeyer remarked that the problem is that, based on what she heard at an earlier meeting today with County Commissioners, the City isn't looking out for the needs of people outside city limits and in fact the City is being blamed for sending water and sewer to these areas. In this case, she said, the County Commission seems divided on this project, where the City would provide fire protection but the County would get the County fire impact fee, and it is not clear who will pick up the trash, and they will get City water and sewer but won't have to pay the City's stormwater fees. On top of this, she said, the City may or may not get to share in the gross receipts taxes.

Councilor Heldmeyer said this is not a particularly good deal for the City. She commented, "We always get very emotional about anything for seniors, but it is a federal tax credit program, and that's a little bit different from the kind of affordable housing

that's provided by some of the nonprofits whose primary interest is the seniors."

Responding to questioning from Councilor Bushee, City affordable housing director Kris Swedin said this project is better than the required 80% of median in that it will be 60% of median income and the additional 10% at 40%.

Councilor Bushee commented that the City needs more than a promise about the sharing of GRT revenues, and asked Deputy City Attorney Anne Lovely where something could be inserted in writing.

Ms. Lovely responded that there is no problem with adding that into the resolution, but the problem is the BCC may not pass it, and it might hold up the project.

Ms. Lovely also pointed out, in discussion, that the City can't collect impact fees for projects outside of city limits.

Councilor Bushee remarked that there has to be some way for the City to collect fees or revenues on this project in order to help cover the cost of services it will be extending outside of city limits.

Councilor Pfeffer said he would not object to that, but added, "I don't understand why we have to drive the nail so hard on 106 units for seniors. This is a federal project with a deadline, and it goes elsewhere if we don't do it, and we have a crying need, and it just happens to be territorially slightly outside of city limits. It seems to me that the same principles this Council has used to waive fees, reduce fees, other things in other ordinances, that some goodwill could be applied here to do an awful lot of good."

Councilor Chavez pointed out that the City would waive impact fees anyway if this were a City affordable project, which leaves gross receipts as a possible revenue source at the very minimum -- in addition to changing the zoning, the City is also expected to provide services at the urban level.

Councilor Heldmeyer pointed out that, based on her calculations, 106 units on 8 acres = 13.25 units per acre, which qualifies as high density, not medium density.

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Councilor Heldmeyer proposed an amendment that, as long as this stays in the county, any senior programs that are offered

there through Senior Services will be paid for in full by the County.

The amendment was accepted as friendly.

Councilor Wurzburger proposed the following amendment to Section 10 of the resolution:

Section 10. The Mayor is hereby requested to sign the Intergovernmental Agreement contingent upon the County agreeing to grant to the City 50% of the gross receipts tax associated with the construction on this project.

In discussion, Councilor Wurzburger pointed out that everyone will know how much the GRT will be as soon as the project is constructed. She said she thought it fair to request 50%, pointing out that the applicant will not be affected by this arrangement, and the County should be willing to give up half because the City will be providing more than half of the services.

Councilor Wurzburger said she was proposing that the County incorporate this into their agreement.

The amendment was not accepted as friendly.

Councilor Chavez questioned why the City is asking for only 50% of the GRT if it is providing most of the services -- if anything, the City should be collecting all of the gross receipts.

Councilor Lopez proposed a new Section 10:

Section 10. The City and County will negotiate a fair share of the gross receipts tax for this project.

Councilor Lopez said she thought staff should negotiate that, because the tax is complicated -- the amount of GRT is different depending on whether it is City or County, and how it is figured also changes in terms of the shared portion.

The amendment was accepted as friendly.

Mayor Delgado asked when the City would get the proceeds, then, and Councilor Wurzburger said the City would get the money after construction: "As you sign the agreement, that's the point

at which we will negotiate how much of the money we might get... The policy intention is put out there that we expect to get something."

Councilor Heldmeyer said she preferred Councilor Wurzburger's amendment, since "what happens if they never agree? This has been known to happen." She stated that she would rather have "50% of something than 100% of who knows what?" She said this could drag on for years and everyone involved will be retired or out of the picture.

Councilor Lopez said she would agree to the 50% stipulation if Councilor Heldmeyer would support the resolution, and Councilor Heldmeyer responded, "If this agreement is not signed until we agree to 50%, yes. And it's a contingency that's up to the County."

Councilor Ortiz proposed the following amendment to the original Section 10, which would eliminate the new Section 10 proposed by Councilor Lopez:

Section 10. The Mayor is hereby requested to sign the Intergovernmental Agreement. Said Intergovernmental Agreement is contingent upon the County agreeing to grant to the City no less than 50% of the gross receipts tax associated with the construction on this project as a fair share.

The amendment was accepted as friendly.

Councilor Bushee proposed the following additional amendment to Section 10:

Section 10. The Mayor, on behalf of the Governing Body, is requested...

The amendment was accepted as friendly.

Ms. Lovely clarified for Councilor Bushee that, with respect to the EZ Ordinance, this will create an overlay zone for an urban growth area for this specific piece of property, and the EZO very specifically provides for all the steps for doing that, one of which is there has to be an Intergovernmental Agreement as a condition of approval.

Ms. Lovely commented that perhaps the appropriate place for this amendment is in the Intergovernmental Agreement itself.

Councilor Lopez agreed that this should be in the Agreement, and that the City and County attorneys should determine where it should be inserted.

The amendment was accepted as friendly.

Councilor Bushee proposed that this also be in the resolution, and Ms. Lovely said that was also appropriate.

Councilor Lopez asked Ms. Lovely to address this prior to tomorrow's BCC meeting.

Councilor Heldmeyer said she saw no reference to affordability in the Resolution or in the Intergovernmental Agreement outside of the Whereas sections, and asked if this means the development could happen without being affordable if nothing to that effect is inserted in the Intergovernmental Agreement.

Ms. Lovely responded that this was correct.

Councilor Heldmeyer proposed an amendment that staff work with County staff to insert in the Intergovernmental Agreement that this is going to be an affordable project.

Councilor Lopez proposed that the second Whereas under Recitals in the Intergovernmental Agreement be amended to state:

WHEREAS, the applicant for the Santa Fe Retirement Village Apartments, EZC
Case No. 05-4151 MP/PDP/FDP (hereinafter "the Development")
proposes to
develop a completely affordable housing project for low income
individuals
and the elderly within the Urban Growth Area as described herein;

The amendment was accepted as friendly.

Councilor Heldmeyer proposed an amendment that the resolution include the language:

This agreement is contingent upon this development meeting the levels of affordability that have been described to us in this packet.

The amendment was accepted as friendly.

Councilor Heldmeyer explained that Ms. Lovely's remarks about an overlay district raised a red flag for her, because an overlay district runs with the land.

Councilor Chavez asked if all of the conditions imposed thus far in this meeting could also be recorded on the plat so everything runs with the land.

Agent Frank Coppler explained that this is a 40-year project, so putting these conditions on the plat would mean they would be in perpetuity. He said the federal program only stipulates that these units be affordable for 40 years, so that could create a so-called wrinkle at that point depending on what Congress decides to do.

Mr. Coppler said he had no problem with placing the other conditions on the plat, though.

The amendment was accepted as friendly.

The Resolution, as amended, passed on the following Roll Call vote:

For: Councilor Bushee; Councilor Chavez; Councilor Heldmeyer; Councilor Lopez; Councilor Ortiz; Councilor Pfeffer; Councilor Wurzburger.

Against: None.

According to Draft Santa Fe City Council Minutes: August 29, 2005, Intergovernmental Agreement Approved with Following Amendments:



1. "WHEREAS, the applicant for the Santa Fe Retirement Village Apartments, EZC Case No. 05-4151 MP/PDP/FDP (hereinafter "the Development") proposes to develop a **completely** affordable housing **project** for low income individuals and the elderly within the Urban Growth Area as described herein;"

2. "[t]hat as long as this [project] stays in the county, any senior programs that are offered there through Senior Services will be paid for in full by the County."

3. "This agreement is contingent upon this development meeting the levels of affordability that have been described to us in this packet."

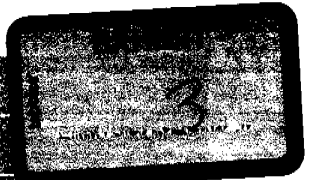
4. "That the developer not oppose annexation if and when the City gets to that point, and that this be recorded on the plat."

5. "The Mayor, on behalf of the governing body, is hereby requested to sign the intergovernmental Agreement. Said Intergovernmental Agreement is contingent upon the County agreeing to grant the City no less than 50% of the gross receipts tax associated with the construction of this project, as a fair share."

6. All of the above provisions, except Paragraphs 1 and 3, shall be noted on the plat and shall run with the land.

Facility Projects FY 2006 (current)

- ◆ Atlixo Saco Tech Center Phase II - \$1,500,000
- ◆ Women's Health Services - \$625,000
- ◆ Youth Shelters & Family Services Phase II - \$1,000,000
- ◆ Dorado Senior Center - \$705,900
- ◆ Stanley Fair Grounds - Youth Ag Facility - \$25,000
- ◆ Santa Fe County Fair Grounds - \$100,000
- ◆ Esperanza Shelter - \$30,000
- ◆ La Cienega Park - \$110,000
- ◆ Pompaque Valley Community/Senior Center - \$1,000,000
- ◆ Senior Housing - \$40,000
- ◆ Pompaque Valley water/wst. water - \$19.1m



Facility Projects

- ◆ Early Childhood Training Center
- ◆ Edgewood Health/Sports Complex
- ◆ Agua Fria Community Center Phase II
- ◆ El Dorado Outdoor Theater

Facility Projects FY 2005 Initiatives

- ◆ Coordinated Health Complex
- ◆ Youth Development Facility
- ◆ Public Works Facility
- ◆ Youth Shelters & Family Services
- ◆ El Dorado Senior Center