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BOARD OF COUNTY COMMISSIONERS

SANTA FE, NEW MEXICO

REGULAR MEETING

NOVEMBER 24, 1998

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

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November 24, 1998

This regular meeting of the Santa Fe Board of County Commissioners was called to order at 1:40 p.m. by Chairman Marcos Trujillo in the Santa Fe County Commission Chambers.

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

Members Present

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

Members Absent

None

IV. APPROVAL OF AGENDA

CHAIRMAN TRUJILLO: Any changes to the agenda?

DAVID WOLF (County Manager): Mr. Chairman, Commissioners, we request that item VII. B., it's under Presentations, Certificate of Appreciation to Dr. Valerie F. McNown be tabled. I also ask, Mr. Chairman, that we move item J. 1. a. and b., Executive session above Matters from the Commission.

CHAIRMAN TRUJILLO: Item what, David?

MR. WOLF: Just make IX. J. make that I. and make I. J. Just have Executive session before Matters from the Commission is what I'm proposing there.

COMMISSIONER DURAN: So I. and J. are switched?

MR. WOLF: Yes.

CHAIRMAN TRUJILLO: Flip-flop them?

MR. WOLF: I'm asking that we flip-flop those so we could have executive

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session prior to that, yes.

CHAIRMAN TRUJILLO: Is that it?

MR. WOLF: I believe those are all the changes, Mr. Chairman.

Commissioner Anaya moved to approve the agenda as amended. Commissioner Duran seconded and the motion passes by unanimous voice vote. [Commissioner Griñé and Commissioner Gonzales were not present for this vote.]

V. APPROVAL OF MINUTES: November 10, 1998

Commissioner Duran moved to accept the minutes as presented and his motion was seconded by Commissioner Anaya. The motion passed by unanimous voice vote. [Commissioner Gonzales and Commissioner Griñé were not present for this vote.]

VI. CONSENT CALENDAR

County Manager Wolf read the following items into the record.

- A. Resolution No. 1998-126. A resolution requesting to establish a budget for the administrative fees for the County's equipment loan and the equipment loan for the Pojoaque fire district**
- B. Resolution No. 1998-127. A resolution requesting a budget increase for the general fund/Region III, general fund/Sheriff enforcement and Public Works solid waste and project development for fiscal year 1999 budgets from insurance funds received for damaged vehicles**
- C. Resolution No. 1998-128. A resolution requesting a budget increase for the road maintenance fund from cash received from the Rancho Partners Limited Company for improvements to County Road 50-A**
- D. Resolution No. 1998-129. A resolution requesting a budget increase for the general fund/project development fiscal year 1999 budget proceeds received from the County auction held in August 1998 for the purchase of an excavator**
- E. Resolution No. 1998-130. A resolution requesting to establish budget in fiscal year 1999 for the amount of the remaining unexpended fiscal year 1998 budget for Hyde Park Estates, to establish budget for County Road 94-B and establish budget for County Road 64-L (aka Richards Avenue)**
- F. Resolution No. 1998-131. A resolution requesting a budget increase for the general fund/solid waste fiscal year 1999 budget for funds received as**

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- insurance reimbursements for items stolen from Public Works Department
- G. Request approval to ratify a grant applicant to the Department of Finance and Administration for the design and engineering of an assessment, detoxification and treatment center for DWI offenders
 - H. Request authorization to accept and award a contract to the lowest responsive bidder, IFB #99-02 for fire engine tankers
 - I. Request authorization to accept and award a contract to the lowest responsive bidder, IFB #99-03 for fire engine pumps
 - J. Request authorization to accept and award a contract to the lowest responsive bidder, IFB #99-17, for construction of the Walnut subdivision road and drainage project
 - K. Request authorization to accept and award a contract to the lowest responsive bidder, IFB #99-22 for record management services
 - L. Request authorization to enter into a professional services agreement with Santa Fe Economic Development Incorporated for economic development services
 - M. Request authorization to enter into a professional services agreement with Santa Fe Business Incubator, Incorporated for economic development services
 - N. Request authorization to enter into a professional services agreement with Southwest Planning and Marketing for promotion and advertisement of tourist related business and events within Santa Fe County
 - O. Request authorization to enter into a professional services agreement with Dekker-Perich-Sabatini, RFP #99-25, for architectural for the La Familia Satellite Clinic

MR. WOLF: That's the total Consent Calendar, Mr. Chairman.

Commissioner Anaya moved blanket approval of the Consent Calendar as presented. Commissioner Grifé seconded the motion, which passed by unanimous voice vote. [Commissioner Gonzales and Commissioner Duran were not present for this vote.]

VII. PRESENTATIONS AND AWARDS

- A. Update from Santa Fe County Maternal and Child Health Planning Council, Presentation by Whitney Robbins, Council Chair

WHITNEY ROBBINS: Mr. Chairman and Board of Commissioners, my name is Whitney Robbins and I'm chair of the Maternal and Child Health Planning Council

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for 1998/99. We at the council have just finished the second of two planning sessions for the remainder of this fiscal year and are looking ahead to fiscal year 99/2000. On behalf of the council I would like to present to you today some information about a project we would like to promote in Santa Fe County during the next year with your help, one which would further our mission to promote and support community based programs that have a positive and lasting impact on the health and well being of child-bearing women and their families.

This project would, in addition to our current efforts, further fulfil the first goal of our 1997 updated long-range plan, which is to strengthen families with young children, pre-natal to three years of age. Most importantly, however, it would meet the needs in the county for increased professional home-based evaluations, set up services and intervention for our many at-risk young families. At a September 25 workshop lead by Janet Dean, a licensed social worker and director of the community infant project in Boulder, Colorado, and sponsored by Prevent Child Abuse Santa Fe, more than 20 of the agencies represented called especially for increased collaboration and networking when addressing together the challenges of the multitude of young, at-risk Santa Fe County families.

Not only is there an increase in substantiated child abuse and neglect in Santa Fe County at all socio-economic levels, but there are numbers of needy families who continue to slip through the cracks of the health and social service systems. According to one member of the Protective Services Division of CFYD, there is presently no way to identify and count all of them. There are also insufficient home visitors and caseworkers to meet their needs. Many of the 21 listed home visiting services in Santa Fe County as of April 1998 have neither professional staff nor adequate numbers of trained volunteers to accommodate families and infants in need of referral for preventive services and intervention in potentially dangerous and crisis situations.

The Boulder Interdisciplinary Program, CIP or Community Infant Project founded 20 years ago with \$5,000 in start-up funding from Boulder County Social Service Mental Health and public health agencies today has a budget of \$500,000 and a successful track record in prevention and intervention, as well as in the training and supervision of its providers. It was Janet Dean's Boulder County CIP program that we would like to see as a model for replication in Santa Fe County in 1999. And included in your packet is a description of the CIP project.

We are applying to the Frost Foundation for a small amount of initial funding for the spring of this year with the purpose of gathering together home visiting agencies and other social service, mental and public health professionals in the county, and facilitating planning meetings to establish a course of action which hopefully will not allow our county's children to continue to suffer from the neglect, abuse and even the death as in Colorado, that precipitated the establishment of CIP.

Of utmost concern to us is avoiding duplication of services and promoting cost-effective collaboration between existing agencies. Perhaps as was suggested at the workshop

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there is a need for fewer rather than more agencies in Santa Fe County, the possible result of less competition for funding and more sharing of resources and information. We would like to ask the County Commissioners to consider supporting this project which we as a council have agreed is a priority for us, but most importantly should be a priority for the mental and physical welfare of the families and infants in Santa Fe County beginning in 1999/2000. Thank you for your consideration and we welcome your questions.

CHAIRMAN TRUJILLO: Thank you. Do we have any questions of Whitney?

COMMISSIONER ANAYA: Just a comment. Thank you very much for your efforts and your endeavors out there. I think that's truly needed in the community and we really appreciate it. Thank you.

MS. ROBBINS: Thank you.

CHAIRMAN TRUJILLO: Thank you very much, Whitney.

VIII. ADMINISTRATIVE ITEMS

A. Committee Expirations, resignations, vacancies

1. DWI Planning Council

MR. WOLF: Mr. Chairman, Commissioners, there's a request to accept the resignation of three DWI Planning Council members: Christina Harrison, Beatrice Quintana-Griggs and Antoinette Montano.

Commissioner Griñé moved to accept the resignations and his motion was seconded by Commissioner Duran. The motion passed by unanimous voice vote.

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

MR. WOLF: Mr. Chairman, request that the Commission accept the resignation of Violet Coriz, I believe.

CHAIRMAN TRUJILLO: Violet Coriz?

MR. WOLF: Yes, Mr. Chairman.

Commissioner Duran moved to accept Ms. Coriz' resignation. Commissioner Griñé seconded and the motion passed by unanimous voice vote.

VIII. B. Committee appointments

1. **Bennie J. Chavez Community Center**
2. **Chimayo Headstart**
3. **Edgewood Community Center**
4. **El Rancho Community Center**
5. **La Cienega Community Center**
6. **Abedon Lopez Community Center**

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MR. WOLF: Mr. Chairman, Robbie will present this.

ROBBIE APODACA (General Services): Mr. Chairman, Commissioners, appointments have come due for the various community center committees. We are asking that you consider appointments for the Chimayo Headstart Community Center, the Bennie J. Chavez, the Edgewood, El Rancho, La Cienega, Abedon Lopez Community Centers.

In accordance with Santa Fe County Resolution No. 1995-73 the Santa Fe County Board of Commissioners shall appoint committee members for the afore-mentioned centers.

For the Bennie J. Chavez, we are asking that you consider appointing Mr. Ross Martinez, Ms. Melissa Trujillo and Julian Sandoval for a period of a two-year term.

At the Chimayo Headstart, Mr. Ross Martinez and Julian Sandoval.

The Edgewood Community Center to serve two-year terms would be Jim Hamilton, David Savage, Tina Savage, Flo Maze and Bob Maze.

At the El Rancho Community Center to serve for a two-year term would be Tommy Herrera, Bennie Gomez and Gustavo Roybal.

La Cienega Community Center for two-year terms would be Charlie C de Baca, Mary Dixon and Robert Romero.

At the Abedon Lopez Center, for one two-year terms would be Priscilla Martinez.

The General Services Department requests that the Board of County Commissioners consider appointing the above-mentioned nominees to serve on the committees.

CHAIRMAN TRUJILLO: Any questions of Robbie?

Commissioner Anaya moved for blanket approval of the suggested nominees. Commissioner Griñé seconded the motion which passed by unanimous voice vote. [Commissioner Gonzales was not present for this vote.]

VIII. B. 7. Santa Fe County Maternal and Child Health Planning Council

MR. WOLF: Mr. Chairman, the council recommends acceptance of the following: Gail Aguilar, Andy Carmone, Patricia Gallegos and Louise Martinez Williams.

CHAIRMAN TRUJILLO: Any questions of David? If not what is the desire of the Commission?

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Commissioner Grifé moved for approval as recommended by staff. Commissioner Anaya seconded and the motion passed by unanimous voice vote. [Commissioner Gonzales was not present for this vote.]

VIII. B. 8. Northern New Mexico Citizens Advisory Board

MR. WOLF: Mr. Chairman, Ray Armenta, with the Department of Energy has requested nominations from the Commission for members to serve on the Northern New Mexico Citizens Advisory Board. They ask that the nominations include resumes and then go before the Advisory Board for final approval. The purpose of the board is to review issues regarding environmental clean-up and restoration in Northern New Mexico.

CHAIRMAN TRUJILLO: Okay, we we're opening up for solicitation of interested people that want to participate in this board?

MR. WOLF: Yes, Mr. Chairman.

CHAIRMAN TRUJILLO: For the process, can we advertise this somehow?

MR. WOLF: I'm sure we could, Mr. Chairman. Maybe that's a good idea. I don't have any names to recommend at this point. Maybe we could do that and bring back some recommendations for the Commission to consider at the next administrative meeting.

CHAIRMAN TRUJILLO: Yes, I think that would be appropriate. Any comments, discussion? Then we'll go that route. We'll advertise to solicit interest in participation in this board.

Staff and elected official items, County Treasurer, quarterly report.

ANDREW CHAVEZ (Administrative Services Director): Mr. Chairman, he's on his way up.

IX. STAFF AND ELECTED OFFICIAL ITEMS

B. ADMINISTRATIVE SERVICES DEPARTMENT

1. **Request authorization to enter into an amended joint powers agreement between Santa Fe County and Rio Arriba County, City of Española, Village of Chama and the Jicarillo Apache Tribe for E-911 services**

MR. CHAVEZ: Mr. Chairman, the City of Española has already reviewed it and approved the amended JPA. The County of Rio Arriba has also reviewed it and have approved it. The amended JPA would have a few changes. The primary change with regards to Santa Fe County would be that instead of us contributing 12% of the annual budget to this particular agency we would be contributing \$15,000 per year. The amendment calls for a 1% administrative fee to be paid to the fiscal agent, which in this case is the City

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of Española.

We also would have a section that would call for an annual audit of the books of the entity. Those are the primary changes to the JPA and we are presenting it to the Commission for their review and possible approval.

CHAIRMAN TRUJILLO: Thank you. I have a question, Andrew. How is the advertising and selection of the executive director of that council -- how's that going?

MR. CHAVEZ: Mr. Chairman, I know that we have advertised the position. We have not called a meeting as of yet. I called the director of the 911 Center and asked him if we were going to call such meeting. He was going to be checking with the chairperson, Chris Roybal and he was going to be calling me back but as of today -- we've already received all the applications that we're going to receive. I don't remember how many that he said we had received but the closing date on that has already passed. So we should now be in the process of scheduling interviews. But I don't know at this point. I have checked, however, and he's supposed to get back to me.

[Commissioner Gonzales arrived at this point.]

CHAIRMAN TRUJILLO: I'd just like to thank you and David and Stan for continuing to solidify a relationship with the entities of the northern part of the state, northern Santa Fe County, Rio Arriba, the City of Española to help them put this E-911 service in place. Thanks to all of you for your support.

MR. CHAVEZ: Thank you, Mr. Chairman. As you know, the County of Santa Fe will continue to participate on the board. You have appointed me as a representative from Santa Fe County and we will be there and Stan has offered his technical assistance also in helping them to get this together.

CHAIRMAN TRUJILLO: Thank you. This is an action item?

Commissioner Griñé moved for approval as presented. Commissioner Anaya seconded and the motion passed by unanimous voice vote.

IX. A. County Treasurer

1. Quarterly report

PHIL TRUJILLO (County Treasurer): Chairman Trujillo, Commissioners Anaya, Griñé, Commissioner Duran, Commissioner Gonzales, good afternoon. My quarterly report this afternoon will be brief, I promise you. I think right now of more importance is that we are right in the middle of our tax rush. Our tax bills went out very timely, went out on time. We tried to get them mailed the very end of October, early November. I think we had them out -- which was on a weekend. People started to receive their tax bills around the second and third of November and we're getting, as usual a very good response.

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It never ceases to surprise me that some people still like to come into the building here to pay their taxes. And as much as we like to encourage people to mail them because of the parking situation and so on, we still have -- particularly some of the old-timers, I might say, for lack of a better term, that like to come in to the building and visit and pay in person. We were very fortunate that the City of Santa Fe allowed us four parking spaces in front of the building which we have marked with signs for tax payments only. And we've had a number of good comments from people that come in and are able to find a place to park their car when they come in to transact their business.

We've also received a lot of good comments about the actual printing of the bill as you can recall last year we had a real problem in as much as the contractor, the printing contractor who printed our bill last year used a very small font, a very small print and we were criticized because people were having such a difficult time trying to read the bills and we assured ourselves this year when we went out to bid that that would be corrected. Don Anderson with Ink Impressions who has printed our bills in the past was awarded the bid and Ink Impressions continues to do a good job for us. People are able to read them; they're very legible this year.

We continue to print the distribution. I believe this is the third year we have printed the actual distribution of people's taxes on the bill so it is very clear to people when they pay their bill, the distribution is actually printed right on there. It says that so much of their tax money went to the city, to the state, to the Santa Fe Public School debt service, capital improvements and so on. And people are always very grateful to know exactly where their tax dollars are going.

The other point of interest that I'd like to bring to you this afternoon, Commissioners, is that we continue to receive a lot of return mail. That is very distressing. That always worries me because as I pointed out to our County Manager in our staff meeting, to me, seeing those trays of return mail my office, that's money sitting in those trays. That's money that could be collected. People could be responding to that had they received the bill. I've analyzed the reason for the return mail, and I think for the most part it is mail that represents property that has been sold from one person to another and many people still do not realize that it's incumbent upon the new owner to come in and assess the property under their name. Of course we continue to send the bill to the only owner on record that we have. We have no idea -- we don't know that the properties have been sold or exchanged.

And of course the criticism that we receive is that we went through closing the warranty deed and the contracts were filed in the office of the County Clerk and they say it just seems to us that since the document is already there in your building, right across the hall, why doesn't it find its way over to the Assessor's Office to be recorded. State law of course does require that the new owner come in and assess the property. So every year we actively and aggressively work the returned mail, I want you to know. Right now I have two of my staff, Maryann and Eddy both that spend a lot of time, especially Maryann. She worked for the post office for many years and just seems to have a good feel for mail and

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what needs to be done.

So we try and get as many of these changed. We try and call people. Of course to write letters is futile because the reason that the bill came back is because we don't have a good address. I want you to know that we continue to work the mail very aggressively, but still, there's just too much return mail, and I really wish that we could come up with some idea or some strategy that would reduce our returned mail to a minimum.

Commissioners, I don't know what more to report to you this afternoon. The rate of tax payment seems to be about what it is every year. Santa Fe County has always demonstrated a very positive approach by the taxpayer to take care of their tax obligations. What I mean by that is that people respond quickly. As a matter of fact one of the comments that I have received is we get the tax bill in early November and yet it's due by the tenth. Why can't we get the tax bill sooner? Well, a lot of time, of course, that's not possible because we have to depend on all of the variables that have to be compiled by the state in order to prepare the tax bill and many times in September that information has not yet been reported to u.

But I'm very quick to remind the taxpayer that even though statutorily they're due by the tenth they really don't become delinquent, there's no penalties or interest until December 10. So for all practical purposes people have from the time they receive them in early November until December 10. They have about a month -- not quite a month and a half in which they can remit their tax payments.

Commissioners, I would be very pleased to answer any questions or concerns you might have, especially now in regards to the tax bills. Probably next month, even though I'm not on the agenda to report to you, but perhaps I could ask for some time on the agenda at that time because in December I will be able to give you some actual receipt figures as to what's coming in. It's a little early yet. We've only been collecting taxes now for a couple of weeks, but the trend is good. Payments are coming in quickly.

The lock box, by the way, is working very, very well. I think lock box is probably one of the best moves that we ever ventured into as far as the Treasurer's Office is concerned. It does two things. It gets the check into the bank immediately. We start drawing interest on that check right away. And secondly checks are returned to the taxpayer very quickly so that they can reconcile their own personal affairs. So that's been a very good move and we continue to use lock box and we will continue to use it in the future as long as we're having the success that we're having with lock box.

That's it, Commissioners. Again, if you have any questions, please, I'd be happy to answer those at this time.

CHAIRMAN TRUJILLO: Do you have any questions of Felipe?

COMMISSIONER GONZALES: Mr. Chairman, thank you, Phil, for being here. Just a quick update either from you or David. I know there was a discussion about an investment policy coming forward to the Commission. I was just wondering what the status of that was as it relates to investments and the Treasurer's Office. I know that we're

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limited a lot as to what we can do. I don't know, David, do you have a comment on that, or if Philip does, when we can expect something before the Commission in terms of investments.

MR. WOLF: Mr. Chairman, Commissioner Gonzales, I asked Donna to work on that. They've been really busy getting the books straightened out, getting the audit taken care of. They're trying to make sure we've got all the books reconciled and everything in order. Then they'll give me an update on the status of revenues and expenditures. I could report back to you on that. And then I asked them to make the next priority to consolidate and coordinate with the Treasurer's Office, the investment policy. I asked them, given the workload that they're doing to have something prepared at least for discussion purposes by the administrative meeting in December.

MR. TRUJILLO: That's fine, Commissioner. I hadn't given the investment policy any kind of attention this year. We continue to operate on the policy we had prior but if you feel that we need to revisit that I'll be happy to work with David and Donna and provide a policy that you people can review and jointly we can have a good policy for the investment of all our surplus monies.

MR. WOLF: Mr. Chairman, Commissioner Gonzales, maybe just a follow up on that a little bit also. I also asked for Finance to look into the possibility of establishing a structure with the Commission acting as the Board of Finance, could have a structure maybe to report on maybe the status of the investments also. Any findings or any issues that may come up from the internal auditors that we've hired on contract this year should be working on things. We need to establish a structure for that also. I was hoping for that all to be part of the same policy or at least the same presentation.

MR. TRUJILLO: You know, along those lines, Commissioners, let me just say that it was a real pleasure to work with David and with Donna and the rest of the people over in Finance in making sure that our audits got taken care of and I was very pleased when David called us in with staff one day and said the audit in fact looked good and we were timely and all of our concerns, the points that had been kind of checked for review were taken care and I'm happy to say that our office was glad to be part of that team to take care of those.

MR. WOLF: I appreciate your help with that, Philip. Thank you.

CHAIRMAN TRUJILLO: I'd like to have Felipe before the Commission in the December time period to see what the property tax collections look like.

MR. TRUJILLO: I would like to do that. Even though, like I said, I'm not scheduled for another quarter. Even it's just a couple minutes so I can give you some money figures as what's come in. You realize that the mortgage companies wait until the midnight hour to make their payments. They hold on to that dollar until the very end. Since the deadline is the tenth, we receive a lot of the bulk of the payments from the mortgage companies on or about the eighth or ninth and that's when our receipts really go up. So it will be that time.

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MR. WOLF: Mr. Chairman, maybe at the same time, since that's a main component of revenue for the general fund, we'll give the Commission an update on the status of the other revenues compared to budget at the same time, just so you can get a pretty good idea, since December we'll be midyear on where we stand with the revenues versus budget.

CHAIRMAN TRUJILLO: That would be appropriate. Thank you, Felipe.

MR. TRUJILLO: One more comment, Chairman Trujillo, and I'd like to direct my comment to Commissioner Duran, if I might. I know that one of your big priorities, Commissioner, has been the computer and the webpage and this sort of thing. I share that concern with you. I'd just like you to know that because we're right in the middle of our heyday in the Treasurer's Office right now. I'll do the best I can. I've let the County Manager and the people over in MIS know that I'll be the contact rather than one of my staff to do that, and as quickly as I can free myself up, I'll free up some time here to work on that, I'll certainly give that some attention.

CHAIRMAN TRUJILLO: Thank you.

MR. TRUJILLO: You're welcome. Thank you, gentlemen.

IX. C. FIRE DEPARTMENT

1. Status of fire and rescue impact fees by fire district

STAN HOLDEN (Fire Chief): Mr. Chairman, members of the Commission, as a result of a request by the Commission at the September administrative meeting, the Fire Department has prepared a detailed report on the fire impact fees and an analysis of how those fees have been spent since they've been collected in 1996. I have a report to distribute. [Attached as Exhibit 1]

Mr. Chairman, specifically, this report details for you, by fire district the amount of fire impact fees that have been collected since the program began in 1996. It also provides for you an annualized basis for the balance in each fire district's fund and a cumulative total for each and every year. If you'll turn to that attached pages, you'll see beginning with this current fiscal year, current impact fee uses for fiscal year 99 for Edgewood, La Puebla, Turquoise Trail, La Cienega and Agua Fria fire districts and what the money has been projected for this year to be spent on.

The next page is for fiscal year 98. It includes the Pojoaque, Eldorado, Edgewood, Galisteo, Stanley, La Cienega, Turquoise Trail and Tesuque fire districts for monies that were spent in impact fees during that fiscal year. And a similar report is attached for fiscal year 97 and 96.

Of note to the Commission, the fiscal year current balance, fiscal year 99 for impact fees is \$654,796 to date, that's collected to date.

CHAIRMAN TRUJILLO: Stan, these monies are expended. Is there a

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running total? They're expended in the fire districts that they're gathered, that they're picked up? Is that correct?

MR. HOLDEN: That's correct, Mr. Chairman. Each fire districts collects - the money's collected by the Treasurer's Office for each separate fire districts and those monies can only be spent within those fire districts for capitalized improvement needs.

CHAIRMAN TRUJILLO: So the FY99 balance is a balance by fire district -

MR. HOLDEN: The FY99 balance per fire district is the last column to the right and the cumulative total is \$654,000.

CHAIRMAN TRUJILLO: Any questions of Stan?

COMMISSIONER GONZALES: Mr. Chairman, Stan, not to -- I guess real quick, I apologize if I missed your presentation. The difference between 99 collected, then you have 99 budgeted and the 99 balance. The 99 balance, is that a cumulative effort over the past three years or that's just for 1999?

MR. HOLDEN: Mr. Chairman, Commissioner Gonzales, that is a cumulative total since the fund began in 1996.

COMMISSIONER GONZALES: Okay. So the impact fees generated in Santa Fe County from the date the ordinance passed has been \$654,000.

MR. HOLDEN: That's correct.

COMMISSIONER GONZALES: And we're anticipating for FY99 --

MR. HOLDEN: No, sir. That's not correct. That is the current balance of the fund.

COMMISSIONER GONZALES: That's what's left after we've had --

MR. HOLDEN: After expenditures. Now, if you'll note, part of the problem with of course these funds and the Development Fee Act, which is a state act and the ordinance, which allows us to expend these funds, is that it must be used for capitalized improvements that exceed the current status in each of the fire districts. In other words, we have to be able to administratively tie the expenditure of these funds to growth within the community. So it cannot be used to replace an aged piece of equipment unless specifically that piece of equipment that has been identified to be replaced is an update to the existing equipment. It becomes very difficult for a fire district such as Chimayo, who collects about \$3,000 a year to accumulate enough money in any one given year to have enough money to spend and meet the \$10,000 requirement of the ordinance and the Development Fee Act.

So typically what they have done is they hold the funds back and then when they're able to buy a \$130,000 pumper through the recent \$2.2 million bond, then the fire districts utilize and piggyback on to the fact that the County has bought that piece of equipment, and then they expend their impact fees in order to equip and buy things that they normally would not have been able to afford to put on the truck, like ladders and fans and SCDA equipment and axes, hoses, that type of thing.

COMMISSIONER GONZALES: I'm sorry, Stan, and I was looking at some

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numbers so I may have missed some of your presentation on what you just said. So if Chimayo is in need of a piece of equipment that costs more than what they have available, you're saying they can't draw it from other districts.

MR. HOLDEN: That's correct.

COMMISSIONER GONZALES: Because the money generated in the districts has to go for capital improvements in that district. So then my next question would be, does state statute require that the districts be fire districts or are districts that are designated in the ordinance that creates the impact fee?

MR. HOLDEN: Our ordinance requires that it be by fire districts. I'm not sure that is a requirement of the Development Fee Act. I would have to investigate that.

COMMISSIONER GONZALES: Could you look into that and see, and not to send out any worries or anything like that but I think it's important that we know, that there is flexibility when we view the act, that we have some districts that are hurting because of boundaries that we have created that maybe we could be flexible, possibly in northern boundaries where there can be some effort to help out some of these districts that are severely undercapitalized basically because of growth.

We don't want to send out any worry signals to any of the fire chiefs either that we're going to start toying with the districts and the allocations, but it would be nice if we knew there were some options in how the capital can benefit everybody. How the impact fee can benefit everybody and not just areas where the growth is.

MR. HOLDEN: Certainly. We'll investigate that.

CHAIRMAN TRUJILLO: I think the issue is that, in the Eldorado area you have subdivisions going up, a lot of building. And Chimayo you might get a construction, once, twice, every year. You've got \$154,906 in Eldorado and Chimayo has \$11,836. What is Eldorado going to do with that money?

MR. HOLDEN: Specifically, Eldorado has, within the five-year capital improvement plan that was approved by this Commission approximately a year ago, we have plans to buy a regional Clint, which is a very large, very high volume pumper that also has an aerial ladder and bucket attached to it. It's very expensive, about \$450,000. And we've identified that for the Eldorado area, not just for the Eldorado fire district. That would be for the eastern region, which would include Galisteo, Glorieta, Eldorado, and Hondo.

So even though the apparatus may be purchased with impact fees and be stationed in Eldorado, it would still, to a great extent, benefit the entire region.

COMMISSIONER GONZALES: Mr. Chairman, Stan, let me ask you a question. Has an analysis ever been done as to -- I'm not sure if I'm going to phrase this properly -- to need by district and what we're doing by district to address that need? My point is that in Chimayo we have high density. We have a large population along the Chimayo Valley, possibly. Have we looked at what those population numbers are and what the population numbers are in Eldorado and what are the revenue streams to support those populations in addressing those needs for fire? Does that make sense. Because my point

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is, when I look at this, granted, high growth is occurring in Eldorado. It's occurring in Edgewood. But it doesn't necessarily mean that the need is greater out in those areas because of that fast growth than what it is in Chimayo. And that being the case, what are we doing to make sure that we address those needs where we don't have the revenue bases to support the capitalization of equipment to help provide for fire safety?

MR. HOLDEN: I understand your -- I think I understand your question, and I think the best way to answer it is since I've been here, I think I've understood the desire and direction of the Commission about the entire county and not just specific areas of the county and concerns especially for those areas that have received a shortfall in support from the County in the past. I can guarantee you that everything that we have done since I've been here in for and in conjunction with the County Fire Chiefs Association has been to equitably, throughout the county, ensure that we're replacing apparatus and providing equipment on an equitable basis to each and every fire district and not just those fire districts that are achieving the greatest amount of growth.

I think a good example of that would be the recent addition of the paramedic crew in Pojoaque in the northern region that is benefitting every fire district in the northern region and not just the Pojoaque area, even though we have seen historically that that's where the very high numbers are at, in Pojoaque, yet that crew specifically assists each and every fire district in the northern Santa Fe County region.

MR. WOLF: Mr. Chairman, Commissioner Gonzales, could I add something to the response to that question? I think Stan has done a good job as far as looking at all the different revenue sources that are available for the fire districts. There's a number of them. You have the state fire allotment, where the money's primarily used for operating issues. We've got the impact fees that have started to be generated. Those are derived from additional growth, so the focus has been to try to use those monies that have been derived from additional growth to provide for additional needs within a fire district to accommodate the additional growth.

Then we've looked at other revenue sources, such as the general obligation bond money that's paid for from property taxes to help fund additional fire equipment throughout the districts. And then, all this is done in conjunction with the Fire Chiefs Association. And the other revenue source we've looked at, or he's looked at primarily, trying to maximize is the quarter percent money, which comes from gross receipts tax. It generates about \$900,000 a year. And that's part of the revenue source that we used to fund the \$2.2 million in bonds so that we could go back and then divvy up the assets among the fire districts that really need the most help also.

So there's a number of different resources that we've looked at to try to maximize and match up with the different needs of the different districts.

COMMISSIONER GONZALES: Very good. Thank you.

CHAIRMAN TRUJILLO: So this might be deceiving, looking at \$11,000 for Chimayo and there's other resources going to them. And I can vouch for the fact that this

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administration under Stan's guide has given impetus to a more egalitarian distribution of resources within the Fire Marshal's, volunteer fire department infrastructure in Santa Fe County, and I thank him for that. Thanks for the presentation, Stan.

IX. C. 2. Request authorization to reinstate the existing fire and rescue impact fee advisory committee to review, update and propose any amendments to the land use assumptions, fire capital improvement plans and the impact fee as required by Santa Fe County Ordinance no. 1995-04

MR. HOLDEN: Mr. Chairman, members of the Commission, once again I have a document for you to review that provides a list of the current membership of the Impact Fee Advisory Committee that was originally appointed by the Santa Fe County Commission in 1993. This advisory committee was the one that was instrumental in providing recommendation to the Commission at that time on the impact fee and ordinance in Santa Fe County. Some of those members are still willing to provide their assistance and represent the community on the advisory committee. There are others that perhaps, for whatever reason have moved on or for other reasons chose not to continue to serve.

The purpose of having this on the agenda for action today was simply to remind the Commission that by ordinance, we are required to review the Impact Fee Ordinance every five years. We're almost there. So what we're hoping to do is get your direction on the advisory committee and perhaps at the next administrative meeting the Commission would take action to reappoint or reactivate the advisory committee for the Impact Fee Ordinance and we can move forward some time in January to start the review process.

CHAIRMAN TRUJILLO: Have you had any opportunities, Stan, to talk to any of these people? Are they interested in continuing to serve?

MR. HOLDEN: Mr. Chairman, I have talked to a couple of the people that have served previously. If you allow me to pass these out to the Commission, I'll address exactly which ones I've contacted and who's been willing to serve at this time. [Exhibit 2]

Mr. Chairman, specifically, those who have been representatives of the development community, Mr. Bob Lockwood, from Lockwood Construction Company, Mr. Robert Larragoite from Kokopelli Management Services, and Bill Agnew, from Agnew and Associates, who is an architect, I have contacted and all three of those members are willing to continue to serve at the discretion of the Commission.

From the general citizen standpoint, Helen Boyce is still willing to be a representative. She's from the San Marcos area. Ben Gomez, who's from the Pojoaque area is also willing to serve. The remaining committee members I have not been able to contact after repeated tries. I've left messages and as of this date I have not received any feedback from those members. Ms. Boyce, as a matter of fact was considering attending the meeting

today. I don't see her in the audience, but she did affirm that she's willing to serve if it was the Commission's desire.

COMMISSIONER GRIÑÉ: Stan, on Jack Mahon, he moved, I believe to Florida. The last name you've got there.

MR. HOLDEN: Was he the one that used to be on the Eldorado -- so he's gone now?

COMMISSIONER GRIÑÉ: He moved to Florida.

MR. HOLDEN: They still have a voice machine that's active so I've been leaving messages on their voice machine.

CHAIRMAN TRUJILLO: Can we go ahead and retain the ones that have expressed interest in serving? And we have four more vacancies. We can solicit interest in our communities and see who wants to participate in this committee. Can we go ahead and do that?

MR. HOLDEN: I believe so, Commissioner. That's at your discretion. The only requirement of the Development Fee Act is that 60% of the membership of the committee must be from the development side of the community. If you'll note on the back, there are a couple that have been noted as alternates and those are from the records that I have been able to find on file from this committee. There are a couple of alternates appointed. The size of the committee may be at your discretion as long as not all of them are designated as members. Some of them can be noted as alternates to the committee.

CHAIRMAN TRUJILLO: So it looks like we've got six committee members and three alternates or seven committee members and two alternates?

MR. HOLDEN: I believe, if I remember correctly that it was a total of seven.

CHAIRMAN TRUJILLO: And if we go ahead and appoint the ones that have expressed interest we can do the others at our next meeting, hopefully. What's the desire? I guess we need that in the form of a motion, right?

Commissioner Griñé moved to appoint to the committee those who have been contacted and expressed an interest in serving. Commissioner Duran seconded the motion, which passed by unanimous voice vote.

IX. LAND USE DEPARTMENT

1. Resolution No. 1998-132. A resolution amending Resolution No. 1998-105 establishing an Open Land and Trails Planning and Advisory Committee

LESLI ELLIS (Planner): Good afternoon, Mr. Chairman, Commissioners. Congratulations, so far on the appointments to the Open Land and Trails Committee. I think you've put together a good, diverse, balanced group, and I understand that today you're

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ready to finalize those appointments and close the book on that task. And then our work will get underway in the Land Use Department.

There are two pieces of business that need to get done today. The first one is the amendment to the resolution. And the reason for that amendment is in part because we received such an overwhelmingly positive response for this committee. We got sixty letters of interest for a 25-member committee. We believe that to make it more fully representative of all the districts and the regions that to expand it by five seats would accommodate that. And we're also planning to hire a facilitator and work closely with that facilitator with this group so that an additional five people won't make it too burdensome for us to work with and should provide that extra representation.

So this amendment provides for allowing those five additional seats. It also allows the Board to appoint alternates tonight -- one alternate from the north and the south and two alternates from the central area so those people can be standing by in case they need to step in and replace somebody. It also calls for the appointments to be finalized today and then an eight-month term that would begin in January would apply to this committee. That's a more realistic time line that what was in the original resolution.

And then finally, it gives the subcommittee a little bit more time to make recommendations on projects for the bond that recently passed. It extends their time period so that they have time to make their recommendations. So that's the gist of what's in that amendment. Do you have any questions regarding that?

CHAIRMAN TRUJILLO: I guess we can go ahead and finalize the list.

MS. ELLIS: Probably you need to make an official motion to pass that amendment if you agree with -- or the resolution.

Commissioner Griñé moved to approve Resolution No. 1998-132 and was seconded by Commissioner Anaya. The motion passed by unanimous voice vote.

IX. D. 2. Appointments to the Open Land and Trails Planning and Advisory Committee

MS. ELLIS: The second piece of business, the appointments to the committee, you have a list in your packet which lists all the names of the people that you have appointed already. We still need two representatives from the north part of the county, two representatives from the central part and that includes one position that's been held open for a youth from somewhere in the central area. And then three positions from the south part of the county.

And just real briefly, I wanted to let you know about some of the other people who we've either spoken to or who have submitted letters recently who are not included in your packet. Eduardo Vigil was one person who was interested who said he would be submitting

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a letter. I haven't received that yet but he did express interest in this. Stewart Udall also indicated that he would be interested in serving but we have not received a letter. Dale Ball recommended Allan Ball and Stewart Udall to this committee.

Warren Thompson actually withdrew his name because he saw the list and thought that Robert Romero was a good choice for the La Cienega representative, so he just wanted to let you know that he was happy with that choice and felt like he had other time commitments. The Trust for Public Land and the Conservation Trust, they both withdrew the two people who applied originally, both withdrew their names because they felt like they may have some conflicts of interest if they were working on projects. The both indicated that they wanted to work with staff in an advisory capacity and be involved in the process, just not as official committee members. So I just wanted to let you know that also.

And then we also plan to work with City staff and any other agencies that are interested in working with us on this project. So we will be including those views. We also attempted to recruit a youth position from Santa Fe High and Capital High but we haven't had any success doing that and I understand that probably we'll have a meeting next week to talk to some potential representatives, so that may be your choice as to whether to keep a seat open still for that position.

And then finally, Jim Whittaker was a person who applied and I think his name got cut off at the bottom of the list on the sheet that you have so I just wanted to let you know that he was another person who applied.

CHAIRMAN TRUJILLO: So the withdrawals do not impact the present composition of the committee. Those withdrawals won't impact the composition that we have before us, right?

MS. ELLIS: Yes. I just wanted to let you know that because there has been some concern on the part of the public that those organizations be involved in this group and they have definitely expressed their interest in being involved, just not in that official capacity.

CHAIRMAN TRUJILLO: I'd just like to say that for the central part of the county, I know that David Gold has been participating in trails, and open space for a long time. He's been working with Land Use staff and people from the county in that area, and I would just like to petition the Commission that we have an opening in the central part of the distribution here for David Gold to be a member of that committee.

MS. ELLIS: The staff had recommended David Gold because he was involved in the original trails committee and has done a lot of work around the county on trails issues. There's probably an issue about -- there are two remaining seats in that central area and one of them is slotted at this point for a youth representative. And I believe Stewart Udall was the other person from that area, there were many other people, actually from that area who had applied but he was one of the other people who recently expressed interest. So that may be a choice as to whether one of them could be an alternate position. And the staff had also recommended that at least one rancher or farmer, probably from the

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south part of the county be appointed to this committee to balance it out in terms of overall representation.

At this point, if you all are ready to make those final appointments. If you have any other questions.

CHAIRMAN TRUJILLO: David Gold did submit a letter.

MS. ELLIS: He did submit a letter.

CHAIRMAN TRUJILLO: Udall has not submitted a letter.

MS. ELLIS: Correct.

COMMISSIONER DURAN: Lesli, I thought we appointed some last meeting.

MS. ELLIS: Yes, you did. And that list is in your packets. It's the one sheet -- let me hold it up so you know what it looks like. It's one page and it has a list of names and organizations. You can see, if you go down that list, there were five people that you appointed from the north part of the county, so there are two seats remaining open for fourteen people from the central part with two seats remaining open. And four people from the south part with three seats remaining open from that area.

COMMISSIONER DURAN: Oh, okay. I see. So you've expanded it to thirty.

MS. ELLIS: Right. Right.

COMMISSIONER GONZALES: Mr. Chairman, just a couple of comments. One, I hope that the Commission would continue to keep the youth position open. I've asked Councilor Martinez to identify through his affiliation with the schools potential students that would be interested and I understand he's working at holding a meeting Monday morning about 8:30. So I'd ask that we would go ahead and allow that to continue open and I can bring a name forward at our next meeting. I would also state that understanding that Stewart Udall has not submitted a letter, he has expressed his willingness to serve on this committee and has enormous understanding of open space and open lands issues and I would hope the Commission would entertain his name as well.

And David Gold, I believe would be an excellent representative but he also has served on many committees for the Commission in the past. He's already served on an open space trails committee and other various committees. So I think that we have an opportunity to bring in an individual who has enormous talent in the areas of open space and that being Stewart Udall and I would hope that we would appoint him, being that he has expressed an interest in serving.

But I'd like to offer also three names from the south, and this is with concurrence from Commissioner Grifé who shares the southern part of the county in jurisdiction with me. The names being for consideration Dale Lewis from Stanley, New Mexico, Elizabeth Waldron from the San Pedro area, the Sandia Park area, and Rita-Loy Simmons, who also has ranching background from the Edgewood area. So that's with concurrence with Commissioner Grifé that I'd like to throw forward for the three southern appointments.

CHAIRMAN TRUJILLO: Very good. Do we have other appointments? Do

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we need to act on this one?

MS. ELLIS: Yes, did you have two suggestions from the north area also?

CHAIRMAN TRUJILLO: Yes, I've got Eduardo Vigil and Danny Martinez.

MS. ELLIS: And then the only remaining choice would be for the central area. It sounds like it may be either Stewart Udall or David Gold in that position and also the resolution states that you will appoint two alternates for the central area so one of them could be appointed as an alternate along with one other person, and we're also looking for one alternate from the north and the south.

COMMISSIONER DURAN: Mr. Chairman, what's wrong with -- if we had David Gold and Stewart Udall and the other youth is the alternate with the young man from - don't we have someone here from prep? He's in the central committee. That way we could get everybody on there and the student will alternate with the one that we already have picked.

CHAIRMAN TRUJILLO: I think that's a good idea. It's positive. We rotate the students.

COMMISSIONER GONZALES: Mr. Chairman, I disagree. I think it's -- we talked about two students from the public being involved in this and to say we're going to be alternate them or make one an alternate is to say that the people who are going to be living in this community in the future shouldn't have as strong a say as someone who has basically been here for just a few years and I would hope that the Commission would respectfully allow two students to participate actively on this committee with full voting opportunities because again, after all, this is where they're going to live in the future and I don't think we should consider them so easy to move into alternates. Let's move David Gold as an alternate.

COMMISSIONER DURAN: Mr. Chairman, I'd like to make a motion that we appoint David Gold and the student from the public school to fill the two slots in the central part of the committee.

COMMISSIONER ANAYA: Second, Mr. Chairman.

CHAIRMAN TRUJILLO: We've got a motion, seconded by Commissioner Anaya. All those in favor? [Unanimous] All those opposed?

COMMISSIONER DURAN: Then we just have to agree on the north and the south. I'd like to make a motion that we appoint the four, agree to the four that we've appointed and the three others Commissioner Gonzales suggested with concurrence with Commissioner Griñé.

CHAIRMAN TRUJILLO: Then we go two in the north.

COMMISSIONER DURAN: And the two in the north, Eduardo Vigil and Danny Martinez.

CHAIRMAN TRUJILLO: We've got a motion.

COMMISSIONER GONZALES: Second.

CHAIRMAN TRUJILLO: Second by Commissioner Gonzales. All those in

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favor? [Unanimous]

MS. ELLIS: Then one last remaining piece of business. If you could appoint one alternate from the north and one from the south and two from the central area, then you won't have to see me again regarding this issue for a while.

CHAIRMAN TRUJILLO: Okay, we've got to do that now?

MS. ELLIS: Yes, please. And there is a list provided with some names in your packet that could be potential alternates for those regions. And we need, like I said, one from the north and one from the south and then two from the central area.

CHAIRMAN TRUJILLO: If this person is an alternate, the individual that I would like to appoint has expressed interest to me. He hasn't submitted anything in writing, but he's a contributing member of the Pojoaque Valley who is very interested in open space and trails and owns a ranch with many, many acres of agricultural land and very sensitive to those needs. I'd like to submit Rudy Herrera as an alternate for the north.

COMMISSIONER GONZALES: Mr. Chairman, could I make a suggestion concerning the fact that we've followed a process of appointing people who have submitted letters and I supported the motion to appoint David Gold because Stewart Udall has not submitted a letter. If that's the individual you want, hold off on making that appointment until a letter is submitted and that way we stay -- I hate to be a bureaucrat, but -- sometimes it's better if we follow a process that we've already started and not leave room for interpretation.

CHAIRMAN TRUJILLO: That's fine.

COMMISSIONER GONZALES: So could we -- we love to see you, Lesli, so actually -- if Commissioner Trujillo wants Mr. Herrera to serve on it we should probably hold off. I think we've got time and that way he could ask Mr. Herrera to submit a letter like everybody else.

MS. ELLIS: All right. Did you have any recommendations for people in the central area or would you like to resume this another time?

COMMISSIONER GONZALES: Could we hold off so we could consider those when you come back?

MS. ELLIS: Yes. Thank you.

COMMISSIONER GONZALES: Would that be appropriate, Mr. Chairman?

CHAIRMAN TRUJILLO: That's okay.

MS. ELLIS: And we would like to work with the Commissioners to define the goals of this, the outcomes of this group. If you have any suggestions, please let us know. We'll begin working with this committee in January and it looks like it should be a good group with a lot of diverse ideas. So we're looking forward to it.

COMMISSIONER GONZALES: Mr. Chairman, just a recommendation on that, Lesli. I would actually ask the staff to make sure when you come up with a process that you make individual appointments for the Commissioners to go over that process as to how it's -- what the parameters are going to be. And also more importantly before we start

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in January that we have some type of reasonable time line.

MS. ELLIS: Right.

COMMISSIONER GONZALES: And we can move the time line because we don't know if things are going to happen but as far as where the committee will actually be in a position, because there's probably going to be an educational process that takes place between the staff and the committee as to what we're talking about, what they're going to be focused on to the point that they're actually starting to consider open spaces. And I think even before they meet, staff needs to be able to develop some type of process by which they're going to be bringing open lands forward and how that criteria is going to work. I think January is a good target but if we can't make it in January because we need to work out some other things, I wouldn't rush into that because I think what's going to be real important in this, again, and I hate being a bureaucrat is that we have a well thought-out process that's something that the public finds is a credible process and that they can believe in and that we really think about it so that we don't change this goal of ours to acquire open space midway through it. We don't change the process but it's really well thought-out up front.

MS. ELLIS: Yes, that's a good point.

COMMISSIONER GONZALES: Right. As Commissioner Grifé is saying, we need to have some policy objectives and so when you're sitting down with it we'll be able to work with you on that.

MS. ELLIS: Yes, we'll definitely work with you on this all along. Our goal at this point is to start in January and we're hoping that that will be the time but if we need to extend that slightly so that we can incorporate more opinions we can do that as well. Thank you.

CHAIRMAN TRUJILLO: Thank you.

IX. D. 3. Resolution No., 1998-133. A resolution extending the date the Highway Corridor Planning Committee shall have to complete the Highway Corridor Plan

JACK KOLKMEYER (Planning Director): Good afternoon, Mr. Chairman, members of the Commission. I'm here to talk about not only the extension of the time issue on the Highway Corridor Planning Committee but also some issues that we have had with attendance by members of this committee. I'd like to start, first of all to go through this resolution. We initially passed the resolution creating the Highway Corridor Planning Committee in June 30 as you remember and I duly promised that we'd be done by the end of November. I swore to it in fact. And we're not done.

I say that somewhat sheepishly, but also because we were presented with a number of problems with this group that we didn't foresee. One is that it probably took us about two

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to four meetings just to be able to orient everybody to the problems along the bypass and I-25 including field trips and going over lots of photographs and maps and making sure that everybody understood the area that we were talking about and it turned out to be a lot more complex, I think, than not only we thought but some of the members of the committee thought at that point.

We also then had to appoint members from the city, allow the City Councilors to appoint a couple of members. That took an additional two meetings, not only to get those people appointed by the City Council, but also then to orient them to the problems that we had. We also opened up immediately to allowing individual property owners and landowners to come forth with pending projects that they had, which took additional time from this committee as well. And finally, more importantly what happened was this committee started to work when at the same time there were a number of bypass issues that were being addressed by a number of other joint City-County meetings in town and our committee ended up being, unfortunately, a forum for a number of very heated debates of what should be the future of the bypass.

So probably, we're about two months behind. So we are asking that you kindly extend the work of this group up to March 1, and then allow us the staff, the City and the County staff an additional one month an additional one month to come forth with an actual plan from this committee. And we think that with Christmas coming up here and holidays that that's probably about the right time allotment to finish it up. The group actually now is working really great and the staff, Lesli and Judy and Reed Liming from the City have done a really, really fantastic job of pulling information together. So we're first of all asking if you would approve that time extension for us.

COMMISSIONER DURAN: Mr. Chairman, we have made some progress at that committee. Jack, I was wondering if it's possible to add a clause in here. I know that we've had quorum issues that we've had to deal with and I'm wondering if we could add something on this that would allow -- for instance, if I can't make it to a meeting, maybe one of the other Commissioners could go in my place, just so that we would have a quorum. Or if Commissioner Anaya can't make it, maybe we can get someone else. I'm wondering if we could add on number three, and ask legal to help us prepare something real quick that basically would allow any of the -- there are two Commissioners that are on the committee, so it would allow for the -- flexibility to allow another Commissioner to go on there.

MR. KOLKMEYER: Mr. Chairman, Commissioner Duran, I had met extensively this week with the attorney's office about this issue because we do have a quorum problem. And those problems are related, primarily to appointments made by the Commission. One of the problems we discussed was that since this is a joint City-County committee, we're concerned that if we make changes to membership and the quorum here today, that we'd have to go back to the City to also do that. And if we do that, that means again that we're just losing time. So what we'd like to suggest is that -- we had also an additional amendment but we look that out to just focus on extending the time first. The

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appointment situation, I guess we may as well address that right now. Commissioner Anaya had been appointed originally and was unable to attend some of the initial meetings and the committee really believes that there should be two Commissioners there.

The alternate that we originally appointed was Commissioner Trujillo. So we already have an alternate and it would seem to be probably more expedient for you to just simply appoint another alternate, rather than -- and I don't believe, I don't know if that needs -- now, that could be an amendment here, which is I guess what you were suggesting. But then we also have problems with three committee members, one appointed by you, one appointed by Commissioner Gonzales and another appointed by Commissioner Anaya, who have all missed more than the acceptable number of meetings.

COMMISSIONER DURAN: Jack, all I'm suggesting is, why don't we appoint three more alternates, that way all of us have the opportunity to go, to attend when one of us can't make it.

MR. KOLKMEYER: Commissioner Duran, we also had a meeting where several people came forth to be appointed as alternates and the committee voted not to have alternates on the group. You may remember that, with Karen Heldermeier who came as an alternate to Lois Goodman. So there's that issue also. In our discussions, in my discussions with the County Attorney's Office, we suggested that, also, I received a phone message from one of the members, Jose Villegas, who said that he has resigned. But I have not received an official letter of resignation or notification. And that prompted the question, if somebody resigns at this point in the work of the committee, should we appoint somebody else? Or just accept the resignation and not make another appointment because we're having problems with quorums. We get to the end of meetings and we don't have quorums and we can't make decisions and that's another part of the problem with this group.

So we're suggesting that if people resign that we not make additional appointments at this time because we also may bring somebody in who's not up to the same level of the work of the other group. So that's why we've taken all that out and said, extend the time first and then deal with the other issues.

COMMISSIONER DURAN: Jack, I think you're making a big deal out of nothing. I would like to have the opportunity for other Commissioners to go on this when I can't make it. If it happens to be that I can't make it and you don't have a quorum, then the committee won't be able to act on something at a meeting. I think it's real easy to add a clause in here, number three, if you could help me with this Denice, that provides for the members from the County Commission to be expanded to -- not expanded but there could be three alternates so that all of us have the opportunity to fill that gap when and if it occurs.

CHAIRMAN TRUJILLO: We don't have to call it alternates; it's a member from the Board.

DENICE BROWN (County Attorney): Mr. Chairman, Commissioner Duran, the problem with saying they're members of the board it affects the quorum numbers. If you put them on as alternates then you can sit interchangeably and not increase the number you

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need for a quorum. If all five of you are members, then when you get your total, however many folks are on this committee. What is the total, Jack?

MR. KOLKMEYER: Eighteen.

MS. BROWN: Eighteen is the total? So you need nine to conduct business.

CHAIRMAN TRUJILLO: Can't you say that you're representing one entity?

MS. BROWN: Well, I think it's going to be difficult to determine what is your number for your quorum. You need a majority of your total number of your committee members. So if all five of you become full-time committee members that ups your quorum, so you probably just want to say there will be one County Commissioner -- you have two right now? You want to have two County Commissioners, and that may be any County Commissioner who shows.

COMMISSIONER ANAYA: Mr. Chairman, of course I was appointed to this committee and I haven't been attending and I'll be quite candid as to the reason why. I think that this committee was formed to be a citizens' committee to make recommendations to the Commission and perhaps City Hall. I think Molly Whitted and so is Patti Bushee, and I'm not sure whether their attendance record has been that great either. And the reason being is because they're going to be making recommendations which, quite frankly, we might not be comfortable with and we have to be voting on these, either for or against these recommendations coming forth from the Highway Corridor Planning Committee. And that's the reason why I felt like -- I kind of slacked off on attending. I know, Paul, you've been there because you're chairing the committee. I think that's okay because you're kind of guiding them along, so to speak.

COMMISSIONER DURAN: I've missed two myself, and I think that -- I don't think it's fair to the committee to have -- I think it affects the progress of the committee by not being able to have alternates.

COMMISSIONER ANAYA: Well, I stated my reasons for not being so attentive to it, and I think that that's very honorable on my part.

COMMISSIONER DURAN: I do too. I'd like to ask for your second to my motion, that we change this to allow for three alternates to the two existing members that are represented by the County Commission. That would be added to this resolution under number three.

CHAIRMAN TRUJILLO: So we've got a motion. Do we have a second?

COMMISSIONER ANAYA: Second.

CHAIRMAN TRUJILLO: Seconded by Commissioner Anaya. All those in favor? [Unanimous 3-0. Commissioner Gonzales was not present for this vote.] All those opposed.

MS. BROWN: Mr. Chairman, since we need to add language to this with something to the effect of the three remaining members of the County Commission who have not been designated members shall serve as alternates.

COMMISSIONER DURAN: That sounds great.

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MR. KOLKMEYER: Mr. Chairman, that was a motion and a vote on the amendment, or the whole, entire resolution as well for the extension of the time.

CHAIRMAN TRUJILLO: I thought it was the amendment. We can do another motion on the whole resolution to extend the time period for completion of the study. We haven't voted on that.

COMMISSIONER DURAN: That was an amendment to the resolution.

MR. KOLKMEYER: What you just did was an amendment to the resolution.

COMMISSIONER DURAN: An amendment to the amended resolution.

MR. KOLKMEYER: The amendment that we are asking is also for time extension and I don't believe you voted on that.

CHAIRMAN TRUJILLO: No, we haven't.

Commissioner Griné moved to approve Resolution No. 1998-133 as amended. Commissioner Duran seconded the motion, which passed by unanimous voice vote. [Commissioner Gonzales was not present for this vote.]

IX. E. PERSONNEL DEPARTMENT

1. Request approval of 1999 holiday observance calendar

ARTURO RODRIGUEZ (Personnel Director): Good afternoon, Mr. Chairman, Commissioners. We're listed as approval of the 1999 holiday observance calendar, but it's in the form of a resolution. So, Marcella, if I could have a number.

MS. SALAZAR (Deputy Clerk): One thirty-four.

MR. RODRIGUEZ: It's very brief. I'll just read the resolution if I may. This is a resolution authorizing legal holidays and closing of County offices for calendar year 1999. Whereas, the County Commission proposes to allow certain legal holidays to be observed as non-working days for employees of Santa Fe County; and whereas it is incumbent upon Santa Fe County to afford employees the opportunity to celebrate these historic events; now, therefore, be it resolved by the Board of County Commission of Santa Fe County that the following dates shall be observed as legal holidays and non-working days by the employees of Santa Fe County: New Years Day, 1999, Martin Luther King, Jr.'s Birthday, Presidents' Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans's Day, Thanksgiving Day, Christmas Day, and also New Years Day 2000.

And be it further resolved that the Board of County Commission directs the County Manager to authorize four hours of administrative leave for the observance of Good Friday, which will be observed on Friday, April 2, 1999, and Santa Fe Fiesta, which will be observed on Friday, September 10, 1999. Staff requests approval of this resolution.

CHAIRMAN TRUJILLO: Any questions of Arturo?

COMMISSIONER GRINÉ: Now, this is pretty much in accordance with state

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government; isn't it?

MR. RODRIGUEZ: Yes, it is, Commissioner.

COMMISSIONER DURAN: Mr. Chairman, I was just wondering if the Commission would consider adding one day to this. I think the employees of the County should have the opportunity to celebrate another historic event and I think that's their birthday. Is that standard policy here?

MR. WOLF: Mr. Chairman, Commissioner Duran, the personnel rules allow for a personal holiday to be taken at the employee's discretion with supervisor approval. I don't know if this would be over and above that.

CHAIRMAN TRUJILLO: But it's not a holiday that everybody can observe.

COMMISSIONER DURAN: I don't mean that. And that's a paid day?

MR. WOLF: Yes.

CHAIRMAN TRUJILLO: And during the legislature, like there's one here for Martin Luther King, the staff works during that time, right?

MR. RODRIGUEZ: The staff? You mean our staff, Mr. Chairman?

CHAIRMAN TRUJILLO: Yes, the work force.

MR. RODRIGUEZ: Well, January 18? That would be an actual observed holiday for us.

CHAIRMAN TRUJILLO: But any holiday that falls during the session, everybody works, right?

MR. RODRIGUEZ: Well, we may have staff working at that time, but that would be essential staff that had to perform that function. It would be an observed holiday for us.

COMMISSIONER GRIÑÉ: I can't remember but I think the session starts like in the middle of the week and that's January 20, I think.

COMMISSIONER ANAYA: You're about right. It's usually around the 20th or 21st.

CHAIRMAN TRUJILLO: So there's no holiday that's affected here.

COMMISSIONER ANAYA: I just wondered why my birthday is not on this list. No, Mr. Chairman, I'm kidding. I move for approval as presented.

COMMISSIONER GRIÑÉ: Second, and that's Resolution No. 134.

CHAIRMAN TRUJILLO: We've got a motion seconded by Commissioner Griñé. All those in favor? [Unanimous 3-0. Commissioner Gonzales was not present for this vote.] Opposed.

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basecourse surface, 22-foot driving surface from the intersection --

CHAIRMAN TRUJILLO: Could you repeat that? I'm sorry, Robert.

MR. MARTINEZ: On page two of the resolution.

COMMISSIONER DURAN: Which road? Carissa?

MR. MARTINEZ: Yes, Carissa. It's the fourth road down.

COMMISSIONER GRIÑÉ: And it's been extended to how many miles?

MR. MARTINEZ: It is decreased to .07, and the description is from the intersection of Avenida Torreon west to the intersection -- that is incorrect. Southwest to the boundary of La Paz Subdivision. There are a total of about 24 roads with the total being 7.86 miles and 5.85 being basecourse and 2.01 asphalt surface.

CHAIRMAN TRUJILLO: What were these roads before? Prescriptive right-of-ways?

MR. MARTINEZ: No, they were roads within the subdivision, the Eldorado Subdivision that just hadn't been accepted as of yet.

CHAIRMAN TRUJILLO: It's an agreement that they would be accepted?

MR. MARTINEZ: Right.

CHAIRMAN TRUJILLO: Okay, any other questions of Robert?

Commissioner Griñé moved to approve Resolution No. 1998-135 and was seconded by Commissioner Anaya.

COMMISSIONER ANAYA: Just a little discussion, Mr. Chairman. We had a meeting at Eldorado. I think it was really a productive meeting. It was a unified effort in this matter to bring it up to standards for acceptance from the County. It was a very productive meeting and it would be neat if we could generate that kind of enthusiasm all over the county. Very productive.

CHAIRMAN TRUJILLO: So for the record, the community did an assessment district to upgrade --

MR. MARTINEZ: No, no, Mr. Chairman. These roads were -- I'll let Rosanna elaborate.

ROSANNA VAZQUEZ (Assistant County Attorney): Good afternoon, Mr. Chairman, Commissioners. The reason this came about is because when Eldorado came in to the County for its development permits and development plans, there was signed at that time an agreement between the County of Santa Fe and Eldorado Subdivision. The agreement required that upon the roads being built and upon acceptance of those roads, mortgages would be released. So there was a specific agreement. Back in 1979 when Eldorado was approved, there was a set of plans for every single road that is out there that was approved by the County.

It was on that basis that these roads were accepted and it was for the purpose of the County completing its obligation under that agreement that these roads were accepted.

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Where the negotiations took place were with problems that we had with the road, the width of the road, the culvert, the bar ditches, the basecourse, all the different issues that come up with roads out there. So there was a coordinated effort by ECIA, Eldorado AMREP, Monte Alto Homes, Karl Sommer, Public Works, to make sure that we could address all of the issues that were being raised.

We have put together a memorandum of understanding which is next on your agenda, and that deals with the concerns that were raised, discussed and hopefully have been solved at this point.

CHAIRMAN TRUJILLO: Thank you, Rosanna.

COMMISSIONER ANAYA: And of course Rosanna was an active player in that, Commissioner Griñé and myself.

CHAIRMAN TRUJILLO: Thank you.

Upon voice vote, the motion passed unanimously. Commissioner Gonzales was not present for this vote.

IX. F. 3. Request authorization to enter into an agreement with Monte Alto Homes and AMREP for completion of remedial items regarding roads in Eldorado

MR. MARTINEZ: Mr. Chairman, Commissioners, this is an agreement with Monte Alto Homes and AMREP for you could call it a punch list for the roads that were just accepted. There were a few items that needed to be taken care of, so we're doing this through an agreement.

CHAIRMAN TRUJILLO: Okay, any questions of Robert?

COMMISSIONER ANAYA: Not at all, Mr. Chairman. That was explained previously, Mr. Chairman. I move for approval.

COMMISSIONER DURAN: Second.

CHAIRMAN TRUJILLO: We've got a motion, seconded by Commissioner Duran. All those in favor? [Unanimous 3-0. Commissioner Gonzales was not present for this vote.] Opposed?

KARL SOMMER: Mr. Chairman, if I could address something, just so it's clear on the record about this agreement when it comes forward for your signature or the County Manager David Wolf's signature, I'd like to make it clear so that there's no ambiguity by any of the parties to the agreement. I represent Monte Alto Homes and for the record, my name is Karl Sommer. The agreement is in draft form and it has most of the components that were agreed upon. County staff has made it clear to me -- Mr. Velasquez is not here today and so he would like to have a look at it to make sure it contains everything he agreed to to protect the County. And I'd like to make the record clear that

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he's got every opportunity to do that, so that when it comes back to you in a final form it might be a little bit different.

One of the provisions that will be changed and included to protect the County, and I'd like to make this clear for the record and Mr. Wolf is the County is releasing its bond and it's being replaced by a sufficient bond to cover the improvements on the punch list. We have an estimate which will be approved by Mr. Velasquez of about \$60,000. We will put up a bond in excess of that in the form of a mortgage to cover the full amount of the improvements on the punch list. That will be put in the agreement.

There are a couple of other minor changes that relate to his review of things and I just want the record to be clear that the agreement will be reviewed and approved before signing by either Mr. Wolf or by yourself as County Chairman. I don't recall -- I think it's Mr. Wolf that's required to sign it. Just so the record's clear. We're going to make a couple of changes that will protect the County and ensure that our clients fulfil their agreement. Thank you.

COMMISSIONER DURAN: Mr. Chairman, I was just wondering, Rosanna, is the County in concurrence with what Mr. Sommer just said?

MS. VAZQUEZ: Mr. Chairman, Commissioner Duran, I got a draft copy of the memorandum of understanding. I have made my changes to it. The big issue was with respect to the mortgages. And that language will be added as soon as Mr. Velasquez approves the estimates on the work that needs to be done, so we can coordinate how many lots need to be kept up or the bond that needs to be placed for a payment of that work.

COMMISSIONER DURAN: So that's an acceptable procedure?

MS. VAZQUEZ: Yes.

COMMISSIONER DURAN: Okay. Great. Thanks.

MR. WOLF: Mr. Chairman, maybe I could just ask if the Commission would consider adding that the acceptance of the agreement is contingent on staff final review and approval as Mr. Sommer suggested.

CHAIRMAN TRUJILLO: Okay, so we'll include an amendment.

COMMISSIONER ANAYA: Inclusive, Mr. Chairman, I accept the amendment.

COMMISSIONER DURAN: Second.

CHAIRMAN TRUJILLO: All those in favor? [Unanimous. Commissioner Gonzales was not present for this vote.] Opposed?

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- IX. F. 4. Request authorization to enter into Change Order Number One to the construction contracts with:**
- a. EMCO for the County Road 42 paving improvements project**
 - b. R.L. Leeder Company for the Hyde Park paving improvements project**
 - c. Aztec Grading, Inc., for the County Roads 6 & 9 paving improvements project**
 - d. A.S. Horner for the County Road 91A bridge construction project**
 - e. JVS for the Galisteo Water System improvements project**

MR. MARTINEZ: Mr. Chairman, Commissioners, several projects had changes that require extra work, not included in the original contract. Therefore, we're requesting approval of change orders for these projects. I'd like to point out the project County Road 91A bridge, that is a change order in the County's favor. That's a savings of over \$19,000.

CHAIRMAN TRUJILLO: Very good. And the others, Robert --

MR. MARTINEZ: The others, we still have not exceeded the 10% contingency, Mr. Chairman.

CHAIRMAN TRUJILLO: Very good. That was my question. Thank you. Any other questions of Robert. If not then what is the desire of the Commission?

Commissioner Griñé moved to approve the constructions project change orders. Commissioner Anaya seconded the motion, which passed by unanimous voice vote. [Commissioner Gonzales was not present for this vote.]

- IX. F. 5. Request authorization to enter into an agreement with Pojoaque Pueblo for the capping of Jacona landfill**

MR. MARTINEZ: Mr. Chairman, Commissioners, Santa Fe County operated a landfill on lands leased from the Pojoaque Pueblo from the seventies to 1988. The twenty-acre landfill ceased operation in 1988 and an intermediate cover of soil was provided over the refuse. By regulation, the landfill operator, which is the County, is required to construct a cover over the disposal area.

CHAIRMAN TRUJILLO: This is on the existing site?

MR. MARTINEZ: Yes sir. The Solid Waste Division has budgeted \$451,500 in FY99 for this purpose. And the Pueblo has signed the agreement for capping the Pueblo

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of Pojoaque Jacona landfill.

CHAIRMAN TRUJILLO: That was the old modified landfill that was there?

MR. MARTINEZ: Yes sir.

CHAIRMAN TRUJILLO: In the same location where we have the transfer station?

MR. MARTINEZ: That is correct.

CHAIRMAN TRUJILLO: Okay, any other questions of Robert?

Commissioner Griñé moved to grant authorization for the capping of the Jacona landfill and he was seconded by Commissioner Duran. The motion passed by unanimous voice vote. [Commissioner Gonzales and Commissioner Anaya were not present for this vote.]

IX. F. 6. Request authorization to amend the professional services agreement with Alarid and Associates for Fin del Sendero

MR. MARTINEZ: Mr. Chairman, Commissioners, the County executed an agreement with Alarid and Associates in February of 1998 for right-of-way mapping and engineering services for Fin del Sendero. The original amount of the contract was \$9,533.81. In the course of developing the project, revisions were necessary which required an additional thousand dollars. With the additional thousand dollars that puts the signature authority over what the County Manager has authority to sign.

Commissioner Duran moved to authorize amending the professional services contract with Alarid and Associates. Commissioner Griñé seconded the motion which passed by unanimous voice vote. [Commissioner Gonzales and Commissioner Anaya were not present for this vote.]

COMMISSIONER DURAN: Excuse me, Mr. Chairman. Robert, are you going to be here for a few -- are you going to stay for the rest of the meeting? Because I have something to ask you. I'll wait until Matters from the Commission.

IX. G. MATTERS FROM THE COUNTY MANAGER

1. Request authorization to enter into an operating agreement with Cornell Corrections, Inc., to operated the Santa Fe County Youth Development Program

MR. WOLF: Mr. Chairman, I ask if item one could be tabled until the December administrative meeting. And I've got just one other item. Commissioner Duran

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had asked if I could bring up and discuss for the Commission a letter we received, actually a proposal from Santa Fe Land Use Resource Center. They've been awarded a \$13,000 commitment from the Thaw Charitable Trust to basically facilitate meetings between the City and the County with the primary purpose being the regional planning. They have asked the City and the County to each identify and fund \$5,000 towards this process. I just wanted to know what the Commission's wish was on this issue.

COMMISSIONER DURAN: David, is that \$5,000 from the County and \$5,000 from the City?

MR. WOLF: Yes.

COMMISSIONER DURAN: I know Commissioner Gonzales has been made aware of it and it's actually just a way to compensate the Land Use Resource Center in their efforts to get the City and the County to come together on this regional planning issue. I think it's an amount that's well invested. It's a sound investment for the County. I would recommend that we give David the approval to contribute \$5,000 towards it. That's my suggestion.

COMMISSIONER GRINÉ: Second.

CHAIRMAN TRUJILLO: You've got my support. Do we need that in the form of a motion?

MR. WOLF: I don't think so, Mr. Chairman. I have the authority to execute a contract up to \$10,000. I just wanted to know if it was the wish of the Commission to go this route. And I've also talked with Lyn from the Land Use Resource Center and I've asked her to give me more of a thorough scope of work that they would do on behalf of the County and I've identified money within the budget that we could use to fund this, so if that's your wish we can go forward with this.

CHAIRMAN TRUJILLO: Okay. Go forward. Thank you. Is that it, David?

MR. WOLF: One other item. At the last Commission meeting the Commission asked us to come up with basically a paperless packet so you could have a computer set up up there where you wouldn't have to have all this paper to go through on a monthly basis. I've talked to our Administrative Services staff and they've got some ideas on how to pursue it so we'll report back to you on the progress as we move along with that project.

COMMISSIONER DURAN: I spoke to Agnes. Is it Agnes that's down there and she told me that Commissioner Gonzales and myself are going to be the guinea pigs at the next meeting.

MR. WOLF: Mr. Chairman, Commissioner Duran, we thought -- pilot project, not guinea pig.

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

CHAIRMAN TRUJILLO: Is there anyone from the public that wants to address the Commission? The Double Arrow situation will be addressed later.

IX. J. MATTERS FROM THE COUNTY ATTORNEY

- 1. Executive Session**
 - a. Pending or threatened litigation**
 - b. Purchase or acquisition of real property or water rights**

MS. BROWN: Mr. Chairman, just one preliminary matter before executive session. The resolutions, I've been informed by the Clerk, we had a mix-up and there was never any resolution recorded as Resolution No. 121. So in 1998, Resolution 121 will be left vacant, because subsequent to that we've numbered many resolutions. Rather than renumbering all the subsequent ones, we're just not going to have a 121 this year. And then I would request that we have a motion to go into executive session to discuss pending or threatened litigation and the purchase or acquisition of real property or water rights.

Commissioner Duran moved to go into executive session and Commissioner Grinë seconded the motion. The motion passed by unanimous roll call vote with Commissioners Anaya, Duran, Grinë and Chairman Trujillo voted in the affirmative.

[The Commission met in executive session from 3:40 to 4:20, reconvening with all members present.]

COMMISSIONER GRINÉ: I move we come back from executive session and resumed the regular business and the only thing that was discussed in executive session was pending or threatened litigation and also purchase or acquisition of real property rights.

COMMISSIONER DURAN: Got a motion, seconded by Commissioner Duran. All those in favor? [Unanimous] Thank you.

IX. I. MATTERS FROM THE COMMISSION

- 1. Discussion of status of Double Arrow Road (CR 67J) as a County road for maintenance purposes**

COMMISSIONER ANAYA: Mr. Chairman, given the history and the background of this particular road, Mr. Chairman, I think it's only logical that we resume maintenance of the road as has been practiced in past history. Therefore, Mr. Chairman,

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I move that proceed forward and maintain this road back to the standards that it was at one time.

COMMISSIONER GRINÉ: Second.

CHAIRMAN TRUJILLO: That's in the form of a motion. We've got a second. All those in favor? [Unanimous]

Okay, we have advertised this as a public input meeting, Matters from the Public. Is there anyone from the public that would like to address the Commission regarding the road. I think the motion has been made that the County will resume maintenance of the road. There might be some opposition to that out there and we'd like to listen to that. Any opposition? There's one gentlemen.

MARC MCAULIFFE: Members of the Commission, I'm Marc McAuliffe and I live on that road and I have for 35 years. Did you all get copies of the letters?

CHAIRMAN TRUJILLO: Yes, we did.

MR. MCAULIFFE: You also got a copy of the letter from Ellen Bayard. I heard the word resume maintenance of that road. I've lived there for 35 years and the County has never maintained that road. Now, I don't know where this information for resumption is coming from, but it assumes it's been done prior; it's never been done. The road was never built to County standards. Have any of you been on it?

COMMISSIONER DURAN: Pardon me. What was the question?

MR. MCAULIFFE: Have any of you traveled on that road?

COMMISSIONER DURAN: Oh, often, yes.

MR. MCAULIFFE: You all have. And you have the names of the developer here that overlooks one and two and you've seen those roads. It was a case of running a D-8 through there and calling it a road. The grades are not to County, the slopes are not -- we go on and on and on. Some of the people out there that live in the little -- you do realize there are three entities here? The lower entity where we've lived for years, .0 mile, that was never maintained by the County.

Then there's the middle entity which was called, I believe, the Ridges and it never did form a formal association. Then Los Cerros, which we've described in the letter. So there's three different entities using that road. I'm one of the historic users and residents. So I have a pretty good knowledge of what has gone before. Now the question of why I don't want it to be a County road, I'm having it trouble with it now being a private road. These people speed. We have a 15 mile an hour speed limit up there. They've taken out 50 feet of my fence and not a word from anybody about who did it or when. They've damaged my gate.

People are afraid to walk on that road, not because of the condition of the road, but the speed at which the users speed. I've had five break-ins since that road has been opened up. Now, I don't attribute that to any of these people, but access through County roads and loops, it makes it much simpler if you talk to people at the Sheriff's Department for people to enter the loop and get out and they go out over the back road into mountain whatever.

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So this isn't some capricious or arbitrary thing on my part. I've lived there a long time. I've seen the results of added usage etc. etc. ad nauseam.

The question comes back in my mind, and I'll quit at this point because you have these letters. This morning, we just -- Mrs. Staffles who is my neighbor and Mr. La Pides who is sitting here, we've improved the bottom of the road. You may have gotten a notice of that. And I paid for it. I have a letter here from the homeowners of the Los Cerros Subdivision which is the top unit and seemed to be the people most concerned about this switch to County service. I want to say this is the first time, and I believe that subdivision has been in existence mas o menos for 15, 18 years, that I've ever heard from anyone in that subdivision about this horrendous problem on this road.

I don't know how it is now, but in the old days when we had problems on that road, where somebody lost a dog or a child wandered off, we got together and tried to resolve it. This, a very nice letter thanking us for doing the road, but the first word from an organized group in Los Cerros. So if there's been that much worry about the road, I don't know why, as many people do in northern New Mexico they get together and try to resolve their problems among themselves. Because we here in the lower end of the road, and the people in the middle would work with them, but not one word until we start getting petitions. Thank you, gentlemen.

CHAIRMAN TRUJILLO: Thank you. Anybody else?

DANUTA ALYASSIN: Hello, I live in Los Cerros Subdivision. My name is Danuta Alyassin. I own a home on Los Cerros and what I can only understand that I built a home the road was in so much better condition. Every time I would come and go to work and come back it would be so devastated. It looked like a huge bomb fell down on the road. It was just torn apart. And I understand a lot of people who live there for 35 years or 50 years or whatever they don't want anybody else to build their homes there and I can understand that too. But this is not about building homes and anything else except about the road. The whole thing is about the road and making it so everybody can travel to work back and forth without being their lives threatened. I feel basically that whenever I would go down the road and travel on that road I would be sliding instead of traveling.

I understand that that road was built in the time when there were very few homes in that area but now there are so many more homes built in that area that that road cannot sustain that many people traveling back and forth to work every day. So something has to be done. And I remember about two years ago I was very ill, and it took the ambulance to come and get me about an hour back and forth because they could not make it up that road. And thank God that I did not have something extremely threatened but I was very ill and they got me in time to the hospital. But how about other people who have a heart attack up there.

COMMISSIONER ANAYA: Mr. Chairman, ma'am, I hate to interrupt you, but we've already voted on the issue in favor of what you're telling this Commission and I think you're taking up some very valuable time that we need to proceed.

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MS. ALYASSIN: What I'm trying to say is perhaps we can work together on it. Because it's not about how many people wants to build the homes there in the future now. Right now the road is extremely dangerous and endangers everybody's life. And that's how I feel.

CHAIRMAN TRUJILLO: The determination has been maintained that the County will continue to maintain that road, understanding that it hasn't been done on a regular basis, but it is a County road according to historical records.

MS. ALYASSIN: Okay, great. I'm very happy. Thank you.

JEROME LA PIDES: My name is Jerome La Pides. I have the old Double Arrow Stable. And there is a half of mile of road, this road we're talking about, which is actually my property. I don't know that the County can come on to my property and maintain it. What I'm saying is, in my deed it's very clear that this is a right-of-way that was deeded to go through for people up the hill.

This problem developed because over the period of time prior, I've been out there about five or six years, everyone up on the top of the hill and reach in their pocket and the road was graded and there was no problem. Now all of a sudden there are factions up there that do or do not want to help maintain this road as they're supposed to. I'm not supposed to reach in my pocket to help to do the grading on that road. That's in my deed. The designation that it is a County road was by mistake and it should have been removed. I believe it was only done to get additional funding for the County roads.

The County, if they want to take over the road, as you know has to go through a procedure of condemnation. And I have not heard anything from the County that they want to do that. So what I'm really saying is that I don't know why the people up on the hill can't get together as they did for years and maintain this road. Myself and another person down at the bottom of the road, because the condition was so bad, decided that because this crowd couldn't get together that we would clean up the bottom of the road, which we did. And then we heard from some of the people -- now we've heard from some of the people up on the hill. I've even received a check from someone that was willing to help. And we've had several people who have said they were willing to pay for -- the bottom was really very difficult, for the work that we did down there.

So that's really where I am on this. You're talking about the County coming across private land and that's going to create a problem. Thank you very much.

CHAIRMAN TRUJILLO: Thank you. Anybody else? Okay, at the desire of the Commission we're going to take a ten minute break.

[The Commission recessed from 4:35 to 4:48.]

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X. PUBLIC HEARING

- A. Ordinance No. 1998-15. An ordinance amending Article III, Section 8 "Other Development" of Santa Fe County Land Development Code to clarify the definition of a utility line extension and clarify the requirement for a development permit for construction of utilities**

CHAIRMAN TRUJILLO: I'd just like to impress that this is a clarification of an existing code and that it has always been the presumption that entities and utilities need to get a permit to construct utility lines.

MS. VAZQUEZ: Good evening, Mr. Chairman, Commissioners. Would you like me to read into the record the ordinance or would you like me to summarize for you? [Ordinance attached as Exhibit 4]

CHAIRMAN TRUJILLO: Why don't you summarize it for us.

MS. VAZQUEZ: Okay, Mr. Chairman, this is an ordinance that amends Article III, Section 8 which is called "Other development." What we've done in this ordinance is clarify what a utility is and require that utility receive permits. Under 8.3 we've made an attempt to make definitions on utility lines and break them down in a way that there will be no ambiguity as to exactly where a permit is required. We give a catch-all definition of line or lines to apply to these ordinances so that line or lines will included utility and hardware.

We divide up utility lines because there is no working definition, there is no definition in the PUC regs or anywhere else I could find that defines what a service line is, what a transmission line is and what a distribution line is. So the definitions are set out in that way so there is no ambiguity as to that. There are two other very important issues in this ordinance and that is that we are -- if you look at language 8.3.8, we're requiring that all utility lines be placed underground as provided in subsection 2.3.9b1. We refer to that subsection in the ordinance, Mr. Chairman and Commissioners, because that is the section in the existing Land Development Code that requires utilities to be placed underground unless they are being placed in an area where there is infill development, or where there's a balancing that the Land Use Administrator could do.

In addition, we add final approval of the Board of County Commissioners who shall consider environmental and visual impacts. This specifically was put in there, Mr. Chairman and Commissioners, because we want to be able to balance the terrain management concerns of the line going over 30% slopes in an area where we may not want it undergrounded with the requirement of undergrounding. 8.3.8 gives you the flexibility to take a look at those considerations and refers you back to a section in the Code which already requires undergrounding.

In addition, if you take a look at Section 8.3.7, along with this ordinance, Commissioners, we are going to adopt a policy through the Land Use Department. If have tried to meet with as many utility companies as possible to resolve some of the concerns that

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they might have with respect to this ordinance. One of the issues that was raised to us was this is comprehensive to the point where you are requiring individual customers to come in to receive a permit. 8.3.7 allows the Code Administrator, which is what the Code refers to as the Land Use Administrator to adopt policies, policies that will deal with the issues, such as Mr. Velasquez coming in for a permit for the need to get a service line connected directly to his house. Those are the issues that the policies will address so that we don't make the process for the individual customer cumbersome.

I might point out to you as well that what is happening right now is those individual customers, those individual subdivisions that are already being proposed by developers are already coming into the County, are already getting permits for those utilities and are complying with the utility section of the Code as it exists presently where undergrounding is required.

Those are the big issues set out in the ordinance. There's a lot of language defining things, making sure that we are comprehensive. As I said, we have tried to meet with some of the utility companies, tried to address some of the concerns so that we can all be involved in the process. There is going to be policy set out and we would like the utility companies to work with us on adopting the policies. Thank you.

CHAIRMAN TRUJILLO: Thank you, Rosanna. Any questions of Rosanna?

COMMISSIONER GONZALES: Rosanna, just a couple of questions. You state that Section 8.3.8 currently already requires utility lines to be placed underground?

MS. VAZQUEZ: Yes. Actually Section 2.3.9b1 already requires that all new utilities be placed underground.

COMMISSIONER GONZALES: So when a subdivision comes in, and I'm thinking of two big subdivisions that come to us for Commission approval and that's Las Campanas and Rancho Viejo. When subdivisions like that come in, are you saying that this is a part of the Code that requires them to bury utility lines, and do they bury them?

MS. VAZQUEZ: 2.3.9 already exists and that is the requirement under 2.3.9 when a subdivision comes forward.

COMMISSIONER GONZALES: Okay, and being that I don't have 2.3.9 in front of me, is it specific, is 2.3.9b1 is it specific to just residential development, or does it say all utility lines so that it addresses both commercial and residential subdivisions?

MS. VAZQUEZ: Mr. Chairman, Commissioner, Article III is zoning regulations and it is under Section 2, which is residential uses. Would you like for me to read the language so you know what it is?

COMMISSIONER GONZALES: No, just tell me whether the section that you're saying applies here, 2.3.9b1, where that section is specifically set up for transmission for residential properties or even transmission to commercial properties and not so much transmission between substation to substation, if you will. As you defined in your utility line you said basically here, B., you have utility service lines are lines that connect individual utility customers to the utility distribution system and facilities, and that's what I think of

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when I think of what subdivisions do when they take utility lines from I guess a distribution point to the residential area. Is that correct?

MS. VAZQUEZ: In some cases, Commissioner, that's the case, depending on the size of the subdivision and where it is, they may need to go to C. They may need to do the utility distribution lines and connect that into a subdivision, and then within the subdivision do the service lines.

COMMISSIONER GONZALES: So then we do have examples in Santa Fe County where item C. would be applicable where you have utility distribution lines, which are lines which interconnect a service line to a station, substation, or other parts of a distribution center or network. That currently exists within subdivisions that we've required to buy utility lines?

MS. VAZQUEZ: Mr. Chairman, Commissioner, I'll give you two examples. One of them is Rancho Encantado. And Rancho Encantado extended lines which were buried. And Las Campanas also buried their lines.

COMMISSIONER GONZALES: So they're burying lines between two --

MS. VAZQUEZ: Utility distribution lines.

COMMISSIONER GONZALES: So basically then, you are saying that 2.3.9b1 is comprehensive and covers the burying of any transmission or any utility line, regardless whether it's a transmission from substation to substation or from distribution point to residential. There's no room for interpretation on this. We believe that it's comprehensive in nature and it covers all the definitions that you set forward.

MS. VAZQUEZ: Mr. Chairman, Commissioners, I'm sure there is room for interpretation. We have taken the position, however, and we have applied in it that manner. I would also point out to you that within the terrain management section of the Land Development Code, it also discusses the burying of lines as well.

COMMISSIONER GONZALES: Okay, so when we're talking about the clarification of an existing ordinance, can you point to us where the clarifications come in? Specifically what you've changed to make the clarification again?

MS. VAZQUEZ: Yes. The section that we're clarifying is called "Other development" and it had specifics -- let me get to it and I will review the language. But it wasn't clear what a utility line extension was under that definition. There was no definition for it. I have found in doing the research in this field that there are very few definitions, so there was some ambiguity as to what a utility line extension included. So that was the beginning of this. That is why we wanted to make sure that we put a comprehensive ordinance together that made it clear what our position was and that was that utility line extension did not include a transmission line, did not include a distribution line.

We have gone a step further in this ordinance and what we've done in this ordinance is to take into consideration what is going on on a practical level which is service lines, residential, individual lot owners who want to connect electricity to their home are right now coming in. Utility rights-of-way, I mean utility easements are come in and are platted. So

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right now the practice has been that those are being done. So taking into consideration that that was being done, we changed the language 8.1, Uses permitted. And 8.3, requiring that a development permit be applied for. And we clarified what a utility line extension was.

COMMISSIONER GONZALES: Okay, so the clarification then comes into what we would require for a development permit, as far as extension lines and utility lines. Is that correct?

MS. VAZQUEZ: The clarification, what is being clarified here is what needs a permit.

COMMISSIONER GONZALES: So let me ask you this, so what we're clarifying though, has the County practiced -- we're moving to a clarification of an ordinance, have we already by our own practices met the definition of the new clarification. Meaning the way we've acted as a County thus far, so that it's not just a matter of us changing practice, but we're actually just changing the definition, clarifying the Code, that is something that we've actually been doing through our practice in subdivisions and in other areas?

MS. VAZQUEZ: Mr. Chairman, Commissioner, there's two points I want to say with respect to your questions, sir. And that is that one, with respect to service lines, with respect to subdivisions that are coming in and individual lot owners, the practice has been that they are coming in for permits. PNM, for example, or Jemez Mountain Co-op will not hook up an individual customer unless they have come to the County and received a utility authorization. So that is being done now. So the clarification takes into consideration the custom and practice with respect to that.

The clarification also deals with the issue of utility line extension and what that means. And did I answer your question?

COMMISSIONER GONZALES: Yes, you did. Thank you.

CHAIRMAN TRUJILLO: Is that it, Commissioner Gonzales?

COMMISSIONER GONZALES: Yes, and you're saying once again, and I don't have the Terrain Management Ordinance, but the ordinance does address the issue of utilities?

MS. VAZQUEZ: Yes, and while you're taking public comment I will find it for you and I will point out the section.

COMMISSIONER GONZALES: Great. If you could just summarize though again what the Terrain Management Ordinance was requiring as it relates to utility lines.

MS. VAZQUEZ: The reason that the Terrain Management Ordinance affects a situation like this, utilities, is because of the effect that a utility will have on the environment and on the terrain. And it is for those reasons that any type of development that is going to cross over five miles of land, three miles of land, is subject to the terrain management regulations.

COMMISSIONER GONZALES: Thank you. One other question. When we were developing our Terrain Management Ordinance and the Mountain Ordinance and

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dealing with environmental issues, have the courts found that viewsheds are justifiable criteria to take into consideration when assessing impacts to the environment? Does that make sense?

MS. VAZQUEZ: Mr. Chairman, for purposes of clarification, Commissioner Gonzales, are you asking with respect to whether an overhead line that would fall within a viewshed would be --

COMMISSIONER GONZALES: Or even, I'm thinking of the Mountain Ordinance where viewsheds were a big issue and homes in the sights of homes along certain aspects in the city were taken into consideration in how the ordinance was developed. I guess what I'm asking you is, obviously we have the practice of the ordinance we've required, we've basically said, the Mountain Ordinance was put into place because of environmental issues and we cited impacts to the erosion but we also cited viewsheds or view corridors that were impacted by it. So do we know that legally that also -- I don't know if it's been challenged yet, the viewshed point of it, but I know that that's a particular point in this issue of transmission lines, in assessing the environmental impacts, can you set a criteria that judges the viewsheds that would occur?

MS. VAZQUEZ: Mr. Chairman, Commissioner, let me answer it this way for you. With respect to the MSRD, the language was very specific in the Code with respect to the viewshed. It gave a certain amount of feet from a public road in which a house couldn't be visible, because of the intent of the MSRD which was to protect the mountain, to protect it from development. The terrain management regulation isn't that specific. However, the terrain management's purpose and intent does include visual concerns.

COMMISSIONER GONZALES: And that's my point right there. So it does state it, but do we have some legal authority on that? Do we see where there is some case law that says, yes, in fact local jurisdictions, when assessing environmental issues can take into account viewsheds?

MS. VAZQUEZ: There are cases out of the state of New Mexico. There are not any cases within the state of New Mexico that discuss the county or the municipality's ability to make a utility company underground lines. When you look at the challenges that have been raised because of that, they argue that they don't have authority to do that, the cases have found that it is the authority of the Commission to put an ordinance together that will protect the terrain, that will protect the environment. Now, do they go into specifics over visual issues? I don't believe so. I would have to look again at the cases. I can tell you there are cases around the country that do give the municipalities and the counties the ability to require undergrounding.

COMMISSIONER GONZALES: And to also require, as we have done here, some criteria that addresses viewsheds.

MS. VAZQUEZ: Most certainly. I'm sure that in the ordinances that were drafted by them. These cases came out of Arizona. They came out of California. They came out of Maryland. All over. They date back to the 1940s. This is not a new issue.

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The ability to underground is something I think many municipalities and counties have wanted or have proposed to do and have been successful in doing so.

COMMISSIONER GONZALES: Thank you. Thank you, Mr. Chairman.

CHAIRMAN TRUJILLO: Thank you, Commissioner Gonzales. Any other questions of Rosanna? If not then, this is a public hearing and we'll open it up to public comment. And I'd like to, I understand there are some utility companies here that will probably want to address the Commission. I'd like to limit the public input to maybe about two minutes. We have a lot of people here. And then for the utility companies between five and ten minutes. So I'll open it up to public comment.

[Duly sworn, Tarby Bryant testified as follows:]

TARBY BRYANT: Mr. Chairman, Commissioners, I'm Tarby Bryant. My address is 1360 Vista Colorado, Santa Fe, New Mexico, 87501 and I'm the president of the Santa Fe Northwest Advisory Council called SNAC. I would like to read a current resolution from our executive board. [Exhibit 5] SNAC commends the County Commissioners on the drafting of the emergency ordinance requiring utility lines to obtain a development permit for the construction of utilities. The Norton-Tesuque line will cross some of the last undeveloped public lands in the northwest county. The impact of transmission lines would be minimal if buried.

SNAC is strongly opposed to overhead transmission lines. The cost is minimal, we believe to PNM stockholders. SNAC represents a constituency of over 4,000 residents and we implore the County Commissioners to require PNM to obtain a permit of development and to grant the permit with the understanding that the Norton-Tesuque line must be buried to minimize the impact on our terrain. Thank you.

COMMISSIONER GONZALES: Mr. Chairman, just as a point of order, if we can ask the public who are coming up to comment, I know the ordinance has just been made available, that we stay focussed on the issues of the ordinance and not issues of one specific issue particularly the PNM Norton line. This has broad effects throughout this whole county and will be in place for a long period of time. I just don't want this to be isolated on one incident and if I could ask the chair that the public would be allowed to stay focussed on the ordinance as opposed to anything else that might be helpful and stay focussed on the ordinance as well.

CHAIRMAN TRUJILLO: Yes, because this has county-wide ramifications. And let's try to get away from being redundant.

[Duly sworn, Nancy Kinney testified as follows:]

NANCY KINNEY: My name is Nancy Kinney and I live on West Alameda, Camino Don Emilio. Mr. Chairman and Commissioners, I would like to again acknowledge you for your ordinance. I would like to say I represent the energy-conscious homeowners who formed a group three years ago in an attempt to find out who really regulates the lines. As you know, this issue of the Norton-Tesuque line came up at the Public Utility Commission several months ago and that's how many of us got excited and organized around

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this issue of how the lines are being handled in this county.

At this point we rely on you because you are the people who can make a difference, especially if the lines are smaller for 220 kiloVolts. All the smaller lines have no regulation. Whether they're needed, whether they're not needed, whether they get placed above ground, below ground as far as that goes and we appreciate you're becoming the regulatory body through this ordinance.

You don't have to decide whether or not this line is needed, although I wish that you would decide whether it's really needed or not. You have an opportunity to place the public interest in the forefront. And I think this is an issue of integrity, not an issue of sincerity or morality, but integrity and what works. Because it would not hurt PNM to put these lines underground and it would meet, they would still get reliable service, but it would meet the needs of our public in terms of the viewsheds and the environment and what we see as being our sacred and pristine community. Thank you very much for your time. I appreciate your work on this effort.

[Duly sworn, Lois Goodman testified as follows:]

LOIS GOODMAN: Mr. Chairman and County Commissioners, my name is Lois Goodman, 1302 Tano Ridge Road. I'd like to read a letter from the Tano Road Association. Dear Commissioners, in regard to the proposed transmission lines, utility companies are profit-making entities and should be held to the same strict standards as required for individuals and developers. The Tano Road Association, by a vote of its board of directors supports Santa Fe County in adopting an ordinance requiring utility companies to come before the County's authority for a permit. And we further request that this permit require that electric utilities be buried. The people of Santa Fe County have voiced their commitment to maintaining the beauty of their environment and the County is the guardian of our precious open spaces for the benefit of its citizens and future generations.

Citizens do not want their beautiful view corridors scarred and opened up to other intrusions of this nature. Once this ordinance is passed, the County must also act by whatever legal means necessary to ensure strict compliance. Thank you for taking the leadership as the decision making body in this matter of great public importance. Lois Goodman, President, Tano Road Association.

[Duly sworn, Bruce Larsen testified as follows:]

BRUCE LARSEN: I'm Bruce Larsen. I live at 3229 Calle Celestial that's in La Mariposa Homeowners Association, of which I'm president. I'd like to lend our support to this ordinance. New Mexico is known as a relatively poor state. One of the very few real assets we have is our beautiful scenery. And I think that if we allow, not only this instance but future instances to be allowed I think we're in serious trouble and we'll lose one of the few things that really do have going for us. So I support, I urge your support for this ordinance. Thank you.

[Duly sworn, Darla Cox testified as follows:]

DARLA COX: Darla Cox. I agree with everything that's been stated so far

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but in an effort not to be redundant, I would point out, Mr. Chairman and County Commissioners that many citizens enjoy these lands that this line will transverse. If you go down that way on a weekend you will see many citizens of this county enjoying Diablo Canyon and other places that will view this blight on our landscape. We appreciate your concern in this matter and how much you're studying it, but I think the citizens of all New Mexico deserve to preserve the Land of Enchantment. Thank you.

CHAIRMAN TRUJILLO: Is there anybody else from the public that wants to talk to the ordinance.

[Duly sworn, Marvin Herrera testified as follows:]

MARVIN HERRERA: My name is Marvin Herrera, Route 11, Box 7 TP, Santa Fe, New Mexico. Good evening, Mr. Chairman, Commissioners. I want to acknowledge for undertaking this for the benefit of all the people of Santa Fe and the surrounding community and the for the Indian people. I am in support of the ordinance that the Commission is working on. I'm in support of that. We all are here, you look behind you, you see "Protection of property, religion, language." It speaks for itself. I don't need to say more. I only want to acknowledge the Commissioners for their leadership. And we all need to work together for the well being and the welfare and for the community. Thank you

[Previously sworn, Michael A. Vigil testified as follows:]

MICHAEL A. VIGIL: My name is Michael A. Vigil. I'm a citizen of Pueblo Tesuque, a former councilman. I'm the vice chairman of the Northern Pueblos Tributary Water Rights Association, which is composed of the Pueblo of Tesuque, the Pueblo of San Ildefonso, the Pueblo of Pojoaque and the Pueblo of Nambe. And I support the ordinance as a citizen of the Pueblo as well as a citizen of the County of Santa Fe. I support all that you're trying to do, and I'm in opposition of this powerline. Thank you.

[Duly sworn, Larry Burke testified as follows:]

LARRY BURKE: Larry Burke, Mariah Ranch. My wife and I -- Good afternoon. Happy Thanksgiving. As I said, my name is Larry Burke. My wife and I are property owners and full-time residents of Santa Fe County. In addition to which I own and operate Mariah Media which publishes Outside magazine. We feel that we understand the value of New Mexico's natural beauty as well as anyone. In fact we uprooted our professional and personal lives with great effort to be surrounded by it as thousands of other people have throughout the history of New Mexico.

I think this is a watershed issue, not only for the county of Santa Fe but perhaps the state of New Mexico. The vast and clear skies, relatively free of overhead pollution are unique assets of this state and one that should be recognized as such and Santa Fe County, seat of the state capital, should lead the way. PNM enjoys a business monopoly in New Mexico and for that should be held to a higher standard, one that takes a leadership role in preserving New Mexico as the Land of Enchantment by burying their powerlines. PNM, rather than maintaining the status quo could be forward-thinking, progressive, and do what's

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right for the people, the county and indeed, the state of New Mexico. I believe everyone, including PNM would benefit from the healthier, more attractive county and state by preserving its natural beauty, thereby keeping this truly the Land of Enchantment, attracting residents, business and a continuing flow of tourism revenue, for a positive global image for the Land of Enchantment.

And rather than waving around the threat of higher rates due to the claimed additional cost of going underground, why couldn't PNM do what other businesses do to keep their prices in check? Find opportunities to cut costs within their own company, thereby keeping the rate increases no higher than historical levels. We're talking about a company with total operating revenues last year of \$1.1 billion and up 30% this year over last year in the most recently reported quarter. Net cash flow is up 15% versus the same period last year, and dividends to shareholders have steadily increased. For example, from '96 to '97 they increased by 75%. And all PNM has to do for Santa Fe County is wring a couple of hundred thousand a year out of operations of a billion-dollar company.

This whole bury-the-lines concept could end up costing them nothing and making them better business people. In addition, they could legitimately position themselves as a force for positive change in New Mexico, a beacon of light for utilities everywhere, in effect. Many of PNM's customers, both developers and individuals have already buried their lines. They did their part. In particular, the residents of northern Santa Fe County where this is so close and impacts so greatly. So rather than PNM rattling its saber about the cost increases, meant only to scare the heck out of its customers and elected officials, why not hold them accountable for saving the skies of Santa Fe from power pollution. Encourage them, so to speak, to think out of the box, to be an example to power companies all over the county, to carry New Mexico's image forward as a responsive and progressive state, beginning here in Santa Fe County.

If PNM is allowed to cover the skies of this county with power lines of one of the most unique and splendid places in America. This is a watershed issue, so let's live up to being the Land of Enchantment. Thank you.

CHAIRMAN TRUJILLO: Let's try to refrain from any applause please.
Thank you.

[Duly sworn, Barbara Garcia testified as follows:]

BARBARA GARCIA: Barbara Garcia, 112 Arroyo Calabasas Road, Santa Fe County. Good afternoon, Mr. Chairman, Commissioners. I'd like to read this letter from New Mexico State University signed by Dr. John Fowler. "Dear Commission, The Santa Fe Ranch is a BLM permit for 18,000 acres north and west of Santa Fe. New Mexico State University is the permittee of record for this significant piece of property. We also have deeded base properties. We have just ben informed of a plan to build an overhead transmission line to a proposed new substation in Tesuque called the Norton-Tesuque line. Overhead transmission lines should be placed in existing transmission corridors whenever possible and every effort should be made to maintain existing open space. Please explore

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alternate routes that minimize adverse aesthetic impacts to the rural New Mexico landscape. Respectfully, John Fowler."

And as a resident of the northwest county, I'd like to state for the record that SNAC is in cooperation with the BLM and the Office of Architectural Studies of New Mexico, conducting an open space studies looking for archaeological, plant, wildlife information for preserving the open space in the northwest county, and we would like to see this area preserved and hope that the county will be able to pass this amended ordinance to help us protect open space. Thank you.

CHAIRMAN TRUJILLO: Thank you. Anybody else? Let's try to refrain, please, from applause.

[Duly sworn, Steven Kirschenbaum testified as follows:]

STEVEN KIRSCHENBAUM: Steven Kirschenbaum, 100 Camino del Cerezo, Santa Fe, New Mexico. Mr. Chairman, Commissioners, that letter from New Mexico State University was written when they first heard about an overhead line going across their land. Two professors in two different specialties came up and spent two days here going over their own land and examining the terrain of about 20,000 acres. Subsequent to that, on November 16, they wrote another letter which I believe the staff has. I won't read the whole letter but the letter said, "Obviously, open space would be most effectively maintained by burying the 115 kV transmission line. To our knowledge, there exists no overhead transmission line that does not have its companion road either under or beside the line. The amount of disturbance is minimal compared to an overhead." And the letter goes on and on. Staff has a copy of the letter, and I didn't want to take the time to go through the whole thing.

That was after they inspected the terrain, traveling around, I think from the Rio Grande, halfway across, not getting on the Tesuque Pueblo. Between the gentlemen from the Tesuque Pueblo and Commissioner Gonzales, they've stolen most of what I wanted to say.

In the meetings I've been in I've stared at that mural up on the wall which kind of reminds me of what we're doing here every single time -- the protect, to preserve the pristine resources. And I keep thinking the words are pretty good, which is what we're supposed to do. The Commission is absolutely right. This whole fight three and a half years ago started about an overhead powerline. It grew to about 680 people who formed ECHO. It grew to the 5,000 people in SNAC and ECHO that are now around. But it's grown far beyond one transmission line or a little area, ten miles, little local area.

It's really the principle that's been espoused that all of the lines get buried. We have not been able to find anyone in Santa Fe that opposes that except the utilities, who are here to make money but not to live here. They and the people that they pay to be here for their lines and their substations pay money. The Tesuque Pueblo would never have allowed this if not for a check, and continuing checks. In those 3 1/2 years when we argued about just one line we saw that there were easier, cheaper, better solutions, but ultimately the state of

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the Utility Commission say that they don't regulate lines this small, they don't regulate five or ten million dollars.

Even when the State Engineer said that by the time they realize that these lines are a mistake they'll be up and they'll never take them down again. We realized there is a big gap. There is a big gap between a state agency that says leave the utilities alone, a gap that gets filled by local government that comes in here to do that protection and preservation.

I thought it was great that this Board of Commissioners achieve a fund of \$12 million to purchase and keep open space. I don't know how much land you can buy for it, but I don't think you can buy the 20,000 acres that this line goes across. Open space, which as other people have said everyone uses and enjoys. You're right. It's not about this line anymore. Even though to the people this line and these lines are big, to the utilities it's just another step in a state-wide and an interstate-wide power grid. What this whole thing has now become is burying the lines. All the lines they want to build over all the neighborhoods.

I was talking to Rudy Garcia a couple of weeks ago, the Land Administrator and he referred to the utility as a developer and then he apologized and corrected himself. And I said, "No, Rudy. You're right. They are a developer." The County Code has had the language in it about undergrounding for over twenty years. If the smallest, poorest homeowner goes in to get a development permit, that permit comes out of staff with a big red stamp on it that says underground lines. There's no option. If the biggest developer with 1,000 or 5,000 homes comes in, his master plan says underground lines. Everybody else has to bury them.

So far, PNM, the utilities have taken the position that they don't. A loophole, a concept, the first time they're doing one of these in Santa Fe in a long time. The only exception I can see is that they're building bigger lines than developers do, maybe because they're richer and more powerful than almost any developer is. If a developer wanted to put in roads or water or sewage that was substandard, not for the good of the people, you wouldn't think twice about it. You'd say no. And if it was a really bad sewer line you'd say no bigger. The utilities are no different than any other developer. There are really only two sides to this coin. What the people want and deserve from you and if the utilities make more money.

Larry Burke pointed out the kind of money they make now; they make a lot. If the overhead lines continue, they're going to be up there past when everybody in this room is gone. They will be the garbage we leave behind. Right behind Commissioner Gonzales, the writing on the wall, to protect and preserve our pristine resources. I thank you very much for your attention.

COMMISSIONER ANAYA: Mr. Chairman, excuse me, what is your name?

MR. KIRSCHENBAUM: Steve Kirschenbaum.

COMMISSIONER ANAYA: Are you a lawyer?

MR. KIRSCHENBAUM: Not now, but I was in my prior life.

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COMMISSIONER ANAYA: Just a question. Thank you very much.

CHAIRMAN TRUJILLO: Anybody else from the public? Is PNM here? Or there's more public input. Okay.

[Duly sworn, Irene Von Horvath testified as follows:]

IRENE VON HORVATH: Irene Von Horvath, 250 East Alameda, Santa Fe. Mr. Chairman, County Commissioners, I'd just like to quote something that was on the television several days ago. They were celebrating 100 years of filming, of movies in New Mexico, one of our biggest assets, one of our biggest sources of income. What this person said was New Mexico has more variety of scenery than any place on earth. That is a pretty strong statement and I believe it. I'd be awfully sorry to see any of it vanish. Thank you.

CHAIRMAN TRUJILLO: Do we have anybody else?

[Duly sworn, Pam Breitwell testified as follows:]

PAM BREITWELL: My name's Pam Breitwell and I reside in the city, which is a part of the county. I am not a northern county resident, however, I am in the business of real estate. I show property all the time all over the county. And I just want to say that God gave us this beautiful land and everybody has already said that it's the Land of Enchantment. And on a real estate perspective, people that come to our city and county and so forth, they marvel at how much open space there is, how much beauty and when you are in an area where there are powerlines, they say, how can this have powerlines and you drive in another area and they do not have powerlines. And they say why don't we have all of them buried. Well, you say, that was before the days of burying. And here, this is the 1990's and we're talking about having an above ground powerline. That was back in the 40's and 50's and 60's that we had above ground.

And the solution of changing the Bishops Lodge Road powerline that needs to be upgraded and can be at a lesser cost than doing the new line that would be above ground and putting the Bishops Lodge underground for the benefit of all the homeowners all up and down that Bishops Lodge corridor so that people will not see those ugly powerlines and will have a beautiful view. And it will help their real estate values too. So in essence, God gave us all that beauty, let's not take it away and let's not have man destroy it. Thank you.

CHAIRMAN TRUJILLO: We'll continue the public input. Is there anybody else? Is PNM going to come forward?

[Duly sworn, Wayne Pilz testified as follows:]

WAYNE PILZ: My name is Wayne Pilz. I'm manager of technical projects at Public Service Company of New Mexico, Alvarado Square, Albuquerque, New Mexico, 87158. Mr. Chairman, Commissioners, thank you for the opportunity to speak. I will confine my comments. As I need to also state, I am the project manager of the previously mentioned Norton-Tesuque powerline project. My background and responsibilities at the company, the title's more sophisticated than really what it is. I am responsible for the environmental impact statement processes, permitting, licensing and then construction for major transmission facilities for the company.

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I think two major comments have been made by the audience prior to my comments here that are very fundamental to why we're here today. One, we are a very poor state. And another thing, we are a regulated utility. We are a monopoly, but it's a regulated monopoly. The decisions we make are not our own. We have to go through a regulatory process from our Public Utility Commission that reviews all of our costs. I think another fundamental issue is a misunderstanding here is what is a distribution line, versus a subtransmission line, versus a transmission line. It's understood that subdivisions need to underground powerlines.

But we have to get to those subdivisions. That requires a distribution line to get there. That is a higher cost. And then those distribution lines need to be connected to a transmission line, which also has a higher cost. They are not an arithmetic progression in cost. It's a geometric cost increase when you go from overhead to underground lines as the voltage increase. So my comments here are pertaining to gas and electric. I'm also representing the gas side of the business. I know previous speakers discussed the fact that this is not just an electric utility line ordinance. This also covers gas facilities and it also covers telecommunications such as US West.

So my comments are mainly on what we see as issues that the County needs to consider, and maybe reconsider some of the wording that is in this ordinance. The terrain management permit that this will pull us under, or any other utility would pull us under. While the intentions are clear to minimize and protect the views, it does have a significant cost impact to the customers. Anybody's customers, any utilities customers and there's a very big question if the ordinance is discussing just new or also old facilities. Many commenters here have spoken about undergrounding stuff that exists.

One of the big considerations that needs to be considered by the Commission is the fact that for those easements going to people's homes, those service lines, while it's the intent of the County for that to be administered or approved by the County Code Administrator, because of your process, that is appealable to this full Commission, and then it's appealable then, your decision to the state courts. You could conceivably be setting up in an extreme circumstance, of one neighbor trying to deny another neighbor service because he does not like even an underground line going across here because of the visual scars to his land, or the trees that need to be removed to get there. Again, that's an extreme circumstance, but it is possible.

Another circumstance, everybody's been discussing subdivisions. Well, there's a lot of landowners, as you're aware who own maybe five, six acres. They've owned it for a long time and they've been wanting to build on it and it's not in a subdivision. How do you get power and gas to that. It's not then just going to be a simple -- well, it might be a simple permit process if nobody contests it. But that individual then would be absorbing the cost of the terrain management plan and the undergrounding of that entire distance. That's conceivable to cost you more than the land did to begin with.

Those types of considerations, I think the Commission needs to take seriously, and

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also as a result of that, get the ordinance so it pertains to voltage classes. It could eliminate a lot of administrative burden for the County and subsequent litigation and pitting neighbor against neighbor. Those remote connections are a significant issue for us and our customers. The present line extension policy passes those costs right on to the customer. When we get into the issue at the transmission level, there is no provision for transmission lines to be undergrounded and cost recovered and that's why we are proposing that the County reconsider their designations of what utility lines are by voltage class, or gas pipelines by the pressure of the gas pipeline.

We propose that 50 kV and above should be considered transmission. Anything below that is distribution connecting the person to their home. Gaslines should be 300 psi and above, transmission line. Anything below that is considered a service connection. We think that clarification could help the County in administering their Code.

The other comment that's been made is an understandable one. Everybody's concerned about the views in New Mexico. And as an environmental expert so am I, regardless of the fact I work for PNM. The big issue with this, it's not a panacea that underground is necessarily better. In reviewing the Code completely, your intent is to protect the visual resources. You're also supposed to protect the cultural resources and the biological resources. The way the Code is written, if we're forced to underground the transmission line, you've got a thirty-foot wide road that will be there forever. You need to maintain the road for the maintenance of that facility in the event it fails.

We're supposed to preserve vegetation on one hand, including down to what's considered a significant tree in the ordinance, yet by undergrounding you will be taking them all down in undergrounding the line. You will be digging the trench five to eight feet deep, backfilling with concrete. The temperature of the ground will go up because of the heat of the conductor. In the wintertime the snows will melt and you will see that thing just like a road. Any archaeological resource along the way would obviously be lost as a result of excavation, let alone an opportunity an overhead gives you to avoid endangered species locations. A lot of endangered species are plants. But location of poles carefully, you can avoid those.

So the intent of the Code is to really look out for all the environment. These need to be viewed on a more site-specific basis, project by project, not a blanket statement everything's undergrounded. Because it might not live up to the other intent of your Code, which is protecting the environment.

I also need to talk, obviously, as the utility representative, of the cost. Everybody feels that undergrounding's cheap. Developers do it. Well, that cost is passed on to the owner of that lot when he buys it. It is already included. Then distribution costs are cheaper from overhead to underground for a subdivision. But when you enter into a transmission arena, and I'll use my project as an example. For ten miles of line overhead, this project would be \$1.4 million. To do it underground, and people argue with our cost because there might be cheaper suppliers, we're still talking \$7.5 million. That's five times

more expensive. It isn't a pittance as people think it is. And that's because of the engineering difficulties of that cable and the cost of the installation.

A distribution line carries far less power than a 115 kV transmission line and as a result the engineering costs are much higher. I alluded that we are a regulated monopoly. That has been said before. And while we understand the intent of the County to protect the environment, we're very concerned as to how these costs are going to be recovered. We recently came out of a case as Mr. Kirschenbaum has mentioned from the commission approving this project. My point is to quote part of the order as it pertains to undergrounding. "PNM shall review and update its cost for undergrounding the Norton-Tesuque line, and allow to the extent feasible and reasonable, those affected to the incremental cost of undergrounding."

This is a pretty concrete statement by the commission. It binds our hands as to what we're able to go forward with and what would be approved in any future rate case. And I would propose that the Commission view as other states have, as Ms. Vazquez has mentioned, undergrounding is done elsewhere. But that is done elsewhere where there is a geographic rate of a district rate rider. So beyond what the Commission is saying here, just those impacted next to a line, that people from the community could be voluntarily contributing to this either through tax bases or through a rate rider on their electric bill. Cost is the issue. Cost is very much so the issue, but also visual impact is not necessarily mitigated by an underground line. Thank you very much for your time.

CHAIRMAN TRUJILLO: Thank you. Do you have any questions?

COMMISSIONER ANAYA: Sir, you realize that this is just to clarify definition.

MR. PILZ: Yes, I do, Mr. Chairman, Commissioner Anaya. But in the clarification, it broadens very much so in our view, the utilities view as to what level of permitting now that's going to be required by an individual. What type of litigation could result and the potential even of having lengthy litigation that could stop us from providing service to a customer who's asking for it.

CHAIRMAN TRUJILLO: I have a question. When do you anticipate to start construction of the PNM line?

MR. PILZ: Mr. Chairman, as we have said in our letter, we view that the previous Code that is now being revised as by your previous County Attorney didn't apply to the Norton-Tesuque project, and as such, and the fact that the jurisdiction doesn't extend to BLM lands, the BLM has allowed us to start construction on Monday morning, the 30th, after the end of our thirty-day commitment for no construction here.

CHAIRMAN TRUJILLO: Is PNM receptive, are they going to go through the permit process that is in place at this time?

MR. PILZ: As the letter from Mr. Montoya to this Commission and to Ms. Vazquez said, no, we do not feel we need to apply for the permit under the Code as it exists at this time or a revision to the Code because of the previous opinion of the County

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Attorney.

CHAIRMAN TRUJILLO: We respectfully request that you proceed that you go through the permit process. Otherwise we are forced to look at this ordinance as an emergency.

MR. PILZ: Mr. Chairman, I understand that. I'm sorry there's a disagreement on this issue.

CHAIRMAN TRUJILLO: Thank you.

[Duly sworn, Richard Marquez testified as follows:]

RICHARD MARQUEZ: My name is Richard Marquez, and I'm at 614 Don Gaspar here in Santa Fe. Mr. Chairman, Commissioners, I am here today on behalf of the New Mexico Rural Electric Cooperative Association in my capacity as its members' services coordinator. I thank you for the opportunity to come before you and to address comments and offer comment on the proposed ordinance amending Article III, Section 8. First, if you would please allow me to give a brief background on rural electric cooperatives for those Commissioners and members of the audience that may not be familiar with us.

Our association represents 16 rural electric distribution cooperatives and one generation and transmission cooperative in New Mexico. These 16 cooperatives serve approximately 25% of the population of this state over approximately 80% of its land mass. Our cooperatives serve portions if not all of almost every county in New Mexico with Los Alamos and Dona Ana counties being the two exceptions. And with three of our 16 cooperatives serving portions of the Santa Fe County. These cooperatives are Jemez Mountains Electric Cooperative, which serves everything north of Tesuque; Mora-San Miguel Electric cooperative serving the Glorieta area; and Central New Mexico Electric Cooperative, which serves the southeastern portion of the county.

A cooperative is governed by a board of trustees elected by the members they serve. These members are the owners as well as the customers of the cooperative and the governing body is directly accountable to these members-owners. Cooperatives are not-for-profit organizations whose operations are financed with owners' capital as well as loans from the federal government and private lending institutions. In the early 1930s the Rural Electric Administration, commonly referred to as the REA, was created and at that time offered 2% interest loans to encourage the electrification of rural America.

With no interest shown by existing utilities at that time, electric cooperatives were formed to do the job. With a lot of hard work and ingenuity, these cooperatives now provide very reliable electric service to the rural areas of our country and at somewhat affordable prices. Affordable pricing is the primary point I would like to make in my comment today. I realize that the majority of the population of Santa Fe County is in an urban area, but we strongly urge the Commission to consider the rural population of the county when you make your decision on the proposed ordinance.

The rural areas of Santa Fe County are sparsely populated, and by and large, are served almost exclusively by rural electric cooperatives. These co-ops serve approximately

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six customers per mile of distribution line built by them. Also by comparison, our rural customers generally have lower incomes than the urban population and use less electricity. For example, our rural customers use an average of 400 kilowatt-hours per month whereas on the average your urban users use 500 kilowatt-hours per month.

Our rural rates are generally higher than urban rates because of the higher cost of serving a population with a density of only six customers per mile of line, versus the sixty or seventy customers per mile of line for your urban population served by your local utility. Today the average cost of constructing a mile of distribution line is approximately \$10,000 to \$20,000, depending on the terrain involved. The proposed ordinance, which appears to require that all new line extensions be underground, including distribution lines, will increase that cost by a factor of approximately five to ten times, again, depending on the terrain to be covered. Or in dollars, anywhere from \$50,000 to \$200,000 per mile of line.

As I mentioned before, cooperatives are not-for-profit corporations and as such generate very low annual margins. Their revenues minus their expenses. Typical annual margins for a cooperative in northern New Mexico is probably just a couple hundred thousand dollars a year, depending on the size of the cooperative. With the lower margins that cooperatives generate, it's impossible for cooperatives serving your Santa Fe County residents to have the excess capital necessary to absorb the higher cost of burying all new distribution lines, not would their member-owners allow their local boards of trustees to do this. In fact, papers filed with the Public Utility Commission would disallow this.

They would have no other choice but to levy the increased new cost of the line construction on new customers. Today, a typical line extension costs a new member from \$500 to \$2,000. Under the proposed ordinance, these costs could increase to approximately \$8,000 to \$30,000 for a customer for line extension. These new higher costs will render an essential service, electricity, unaffordable for virtually all of Santa Fe County rural residents seeking new electric service.

Since this issue was first brought to our attention in October, the board of trustees of the three cooperatives affected by the proposed ordinance have expressed great concern that the Santa Fe County Commission could possibly consider action that would have a devastating economic effect on all rural county residents, especially lower income rural residents needing new line extensions. It appears the one main issue that has brought about the proposed ordinance is the Norton-Tesuque line and as this issue is dealt with, it has the effect of now including the entire county at great economic and social cost to its rural residents. Again, I would like to emphasize that these are not-for-profit electric cooperatives that serve the rural areas of this county and generally their citizens are lower income. I ask that you please keep this in mind as you make your decision.

In conclusion, there is one thing I would like to refer to. There were a couple of letters referred to by earlier comments from New Mexico State University, a Mr. John Fowler and others dated October 27 and November 16. I have a copy of the letter. I believe it's addressed to you, Mr. Chairman, from the executive vice president of New

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Mexico State University, Mr. John Owens It reads, "In an advertisement entitled 'Citizens of Santa Fe County Want PNM to Bury All Power Lines in Santa Fe County' published in the *Santa Fe New Mexican* on November 23, 1998 has been brought to my attention. I was surprised to see that New Mexico State University was listed as a sponsor. New Mexico State University is not a sponsor of this advertisement. New Mexico State University is concerned only with the proposed 115 kV transmission line and how it may affect the University's Santa Fe ranch. New Mexico State University does not have an opinion as to whether or not all powerlines should be buried in Santa Fe County."

That concludes my comments and I'd certainly be glad to answer any questions if there are any.

CHAIRMAN TRUJILLO: I think, Rosanna, you could talk to some of this. You've represented a lot of impact that the ordinance does not have. The ordinance is addressing big transmission lines and extension lines. Impact to private property owners is not that big. Those issues can be addressed through the Land Use Administrator and connection to houses is not a big financial issue.

MR. MARQUEZ: Well, I appreciate those comments. In reviewing the latest version of the ordinance it did appear to us that it included a much broader scope that it included originally back in October. That's why we expressed the concerns that I have expressed.

RUDY GARCIA (Land Use Administrator): Mr. Chairman, just for a little bit of clarification what this ordinance entails is to actually have a clarification of what is needed for your utility permit. Right now, as the current Code reads, all utilities should be underground. When a homeowner comes in here for a permit, we require that he come in for a utility permit, which gets a person in here to get a mobile home permit, a house permit. At that time, if our inspectors go out there and we see that this whole area is all overhead utility lines, we allow that homeowner to go overhead. If he's in an area in a new development, such as Rancho Viejo and everything out there is all underground then we would require that it be placed underground.

So this ordinance, I feel, is not going to affect the homeowner. Our policies will still remain as the same. What this ordinance is intended is for the large transmission lines in the southern part of Santa Fe County, we have a huge 20-inch gas pipe that runs east to west through Santa Fe County. We actually have a new natural gasline that's going to come through the San Pedro area, which is in the southern part of the county, which we feel that these large utility companies should come in here for a permit. And our intent for this ordinance is not to put any burden on the homeowner at all.

CHAIRMAN TRUJILLO: Thank you, Rudy. Thank you.

MR. MARQUEZ: Thank you very much.

MS. KINNEY: I just wanted to address the advertisement briefly. Nancy Kinney, I've been sworn in and spoke earlier. I placed this ad in the *New Mexican* last Wednesday and at that time, the New Mexico State University's name was accidentally

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placed on here. We had brainstormed the people who were in support of burying the lines and it was an error on my part which I apologize and we'll contact New Mexico State University personally with an apology. I am the representative for ECHO and it was an error, that I just want to clarify and apologize for.

ERNEST VALDEZ: Mr. Chairman and Commissioners, my name is Ernest Valdez, I'm an attorney. I represent the Jemez Mountains Electric Cooperative and if I need to be sworn in, I'm here as an advocate. I don't know if this is more testimony or more argument, but in any event I'm willing to be sworn in. Fine. Thank you.

The Jemez Mountains Electric Co-op services the northern part of Santa Fe County. That's from the northern boundary of the Tesuque Pueblo reservation to the northern boundary of Santa Fe County. That includes Cuyamungue, the Pojoaque Valley, the El Rancho area, Nambe, Arroyo Seco, parts of Española, Santa Cruz, Chimayo, Cundiyo -- you folks know the area. You folks know that we don't serve very many rich people. We don't have Las Campanas out there. Rancho Encantado. My purpose, after hearing the comments, is to inform the Commission to the best of my ability as to my perception as to what this proposed ordinance actually says and how it will affect Jemez' customers who are the rate-payers.

Let's take a look at the language of Section 8.3.1. And I quote, "A development permit shall be required for, and the provisions of the Code shall apply to all development, including utilities, utility easements, rights-of-way and construction of utility lines and facilities." This means that Jemez Mountains Co-op is going to have to obtain a development permit when it gets an easement, a right-of-way. That's what this ordinance requires. Why? Because that's what it says.

Now I submit that to require a public utility to obtain a development permit simply when it obtains an easement of a right-of-way is going a little too far. But that's what your proposed ordinance says. Now, let's take a look at how the system works. There's a guy from Chimayo building a house. Or he's buying a trailer. And he comes to the co-op and he says, Hey, I want electricity. Well, the co-op finds out where he is and the co-op sends out what's called a staker-estimator. Sends him out to the site. The staker-estimator then prepares a plan on how to get electricity to this fellow, electricity from the closest distribution line, that is.

Then under the new ordinance or under the proposed ordinance, the cooperative will tell the customer, Sir, you have to obtain a development permit from the County of Santa Fe. So here comes the guy from Chimayo to Santa Fe for his development permit. Maybe he gets it. Hopefully, he gets it. But on top of this, before, let's assume that he does get his development permit. Before the co-op can connect this person, after he's obtained the development permit, and after the construction has been done, after the line has been built to his house or whatever it is required, the service drop, whatever it is, then before we can connect him we have to tell him, Hey, you have to get a zoning permit from the County of Santa Fe.

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COMMISSIONER DURAN: A zoning permit, Mr. Valdez?

MR. VALDEZ: Well, that's what we call it. It's been referred to here before. We call it a zoning permit. I don't know what it is that it's called, but there is another permit that is required. Yes, sir. Before we can connect --

COMMISSIONER DURAN: Mr. Chairman, I just wanted -- you're painting a pretty bleak picture here, Mr. Valdez. Whenever someone is going to put a mobile home or build a home they have to come in for a permit anyway. So whether or not they have to get permission for the easement, it could all be inclusive in one full sweep.

MR. VALDEZ: That, Commissioner Duran, is precisely my point. Before you get a -- before you start construction, you have to get a development permit. Before you connect him, you have to get another permit. That is -- I don't know whether it's for purposes of an inspection of safety, electrical code or what it is. So what we're doing, this Code is imposing an additional trip from Chimayo to Santa Fe for a second permit. That's exactly what I'm saying.

CHAIRMAN TRUJILLO: Mr. Valdez, that's already part of the ordinance. That's already part of the Code where it is required to get a permit to connect, for Jemez to connect --

MR. VALDEZ: The one permit is already in the Code, but what I'm saying is the proposed Code, or the proposed ordinance requires another permit, the development permit. So we're having this fellow come in twice, on two different occasions, for two different permits. Now, I don't think that's the intent.

CHAIRMAN TRUJILLO: Well, let's stop there and get clarification. Is that the case?

MR. GARCIA: Mr. Chairman, Commissioners, what happens is somebody comes in here for a building permit. At that time you get your building permit. You come in with your full set of plans. You come in for utility authorization and at that time you show us where your existing survey is. Your existing survey demonstrates where the existing utility is. At that time the building permit is issued out which includes the utility authorization. And then they proceed forward to the Construction Industries where they actually get their building permit issued out.

CHAIRMAN TRUJILLO: So it's not another layer of permits?

MR. GARCIA: Yes, that's correct.

COMMISSIONER DURAN: Mr. Chairman, Mr. Valdez, rather than trying to tear this apart based on the utility easements issues, how do you suggest we preserve the integrity of the ordinance and address your concerns?

MR. VALDEZ: Well, what I'm saying is that this fellow is going to have to come in twice the way that I read the ordinance. He needs to get a development permit and of course the existing permit. Now whether the two can be done at the same time, that I don't know. That probably would have to be determined administratively, but it seems to me that the development permit has to be obtained long prior to the permit that is required for

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the connect.

COMMISSIONER DURAN: Long prior to the what?

MR. VALDEZ: The permit that is currently required by the existing Code. Before we can connect we need authorization from the County of Santa Fe as it is right now.

COMMISSIONER DURAN: Well, I think it could probably be structured that when the permit is approved, that you have your approval at the same time. Wouldn't that be easy to do, Rudy?

MR. GARCIA: Mr. Chairman, Commissioner Duran, that's the way it's been happening since I've been working here for the last ten years.

COMMISSIONER DURAN: That answers your question.

MR. VALDEZ: No sir, because there's no development permit required right now as far as I know.

MR. GARCIA: Mr. Chairman, what this ordinance clarifies is every single homeowner in Santa Fe County is required to come in for a development permit and a building permit, which are the same permit issued out with one that includes a utility authorization. What we would like is, if you have a 20-inch gas pipeline that goes through Santa Fe County, we would like those people to come in here and get a permit. If you have a huge overhead, underground transmission line, we would like them to come in here and get a permit. If we have a gasline or a waterline in Edgewood -- we have several water companies down in the Edgewood area. Right now we have somebody that's building a 20-inch line that's going to serve Bernalillo County. We want them to come in here and get a permit. This doesn't affect the homeowner.

COMMISSIONER DURAN: But in Mr. Valdez' interpretation of this, he is saying that the small person would have to come in. And I guess what I'm trying to get to is that I think we can circumvent that concern just by making sure, ensure that the individual that wants to put a mobile home on their property or build their home, when they go through the process that it's all done simultaneous with everything else that they have to do. And that's what I'm trying to get to and hopefully have Mr. Valdez understand that his concern can be easily dealt with. And it can, can't it?

MR. GARCIA: Mr. Chairman, Commissioner Duran, yes it can.

COMMISSIONER DURAN: Well, Mr. Chairman, we have lot to go on. I hope, Mr. Valdez you can move on to the next point so we can get off the utility easement and right-of-way.

MR. VALDEZ: Yes sir, but there is one further item here. I don't know that there was a representation made that the small person doesn't have to come in to get a development permit. The section that I just read very clearly states development permit shall be required for construction of utility lines and facilities. Then the definition of utility lines includes utility service lines, which is a service drop. So under the ordinance as written, that would be required.

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COMMISSIONER GONZALES: Sir, and correct me if I'm wrong, but that already is required. So when people come in, they do have to receive and submit their plans so that utility drop can happen. So it's not adding any new process in place that the homeowner has to go through.

MR. VALDEZ: No sir. A development permit is not required right now.

MR. GARCIA: Mr. Chairman, any time you get a mobile home permit, a mansion permit, permit for a barn, a development permit is required for Santa Fe County.

MR. VALDEZ: That's not my understanding. It was my understanding that this would be a duplication of permits. Okay. In addition, let's go on to transmission and distribution lines. Every time the co-op, let's say, wants to extend a distribution line for whatever length. Let's just say for the length of one pole. This is a distribution line. It's construction of a distribution line. That will require a development permit. Now the co-op does a lot of extensions or many extensions per month within northern Santa Fe County. The experience is a consideration. The matter of the inundation of the County with requests for development permits in this particular scenario would be something that has to be considered. I'm not entirely sure that this is what you folks really have in mind, but that's what is going to be required.

What I'm trying to do is I'm trying to at least show my perception of what this ordinance says, and if we follow the dictates of the ordinance, that's what the results are going to be. Now of course all of this assumes that a permit is granted. In order for a permit to be granted, let's take the case of a distribution line. The requirements of the Code have to be met. Now, some of those requirements of the Code are impossible to meet. For instance, one of the requirements of the Code, namely Article III, Section 4.4.4c. That's the land management code. That particular section states that under certain circumstances structures shall not exceed 44 feet in length. In other circumstances, structures shall not exceed 24 feet in length.

Well, let's apply that to a power pole. The National Safety Code requires clearance, line clearance of 20 feet at least. Now there is no way that you're going to get a three place line on a 24-foot pole and still have your twenty-foot clearance. What I'm saying is let's take a look at this thing. Let's look at the impacts and see if this thing is workable. That's what I'm trying to put across to the Commission.

COMMISSIONER DURAN: Mr. Chairman, Mr. Valdez, like any ordinance, if it creates a hardship or for some reason the applicant or developer needs some loosening of the rules, they always have to option of coming up for a variance. So this isn't the final word. If you have a problem with the ordinance, you bring it forward and this body can make a decision whether or not to grant a variance or whatever, whatever item in it is affecting you. I'm sure you're aware of that.

MR. VALDEZ: Yes sir. I'm aware of that. However, I am trying to call the Commission's attention to these matters that perhaps have not been called to the Commission's attention before. I'm trying to explain to the Commission what it is that the

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Commission is actually enacting. And some of the things or some of the scenarios might or could arise. I realize that there is no way that an ordinance can be drafted to where every conceivable contingency can be anticipated.

CHAIRMAN TRUJILLO: The policies for this ordinance have not even been drafted, and you can participate in the development of those policies and bring up these issues at that time. So that it will be incorporated into the final draft of the ordinance.

MR. VALDEZ: That's fine. Let's take a look at policies.

COMMISSIONER DURAN: Mr. Chairman, I think that the speaker has had enough time to speak. We have gone over and above allowing to continue speaking to this ordinance.

COMMISSIONER ANAYA: I agree, Mr. Chairman.

CHAIRMAN TRUJILLO: Can you finish it off in three or four minutes, Mr. Valdez?

MR. VALDEZ: Okay, sir. With respect to policies. Policies are enacted under the provisions of the ordinance. Now you cannot adopt a policy that is contrary to what the ordinance says. Therefore, whoever is enacting or promulgating or drafting the policies, they're going to have to follow the dictates of the ordinance. I'd like to take a look at the underground provision if I may. Hopefully I can speed through it. That section 8.3.8, "All utility lines shall be placed underground except for the areas that are infill as determined by the Code Administrator or upon final approval by the BCC, who shall consider environmental and visual impacts."

That provision as written will require substantial expense on the part of the rate payer. For instance, let's take a case where the rate payer connects from his house to a distribution line. Let's say that it's 270 feet distant.

COMMISSIONER ANAYA: Mr. Chairman, I think there is just a matter of redundancy going on here. I think we're pretty well aware of where this thing is going and we're not sticking with the -- the whole purpose of this is to clarify definitions.

CHAIRMAN TRUJILLO: We gave the gentleman three minutes. I think he has a couple of more minutes left. Let's finish.

MR. VALDEZ: Okay, well let's address the matter of what the purpose of this ordinance is. The purpose, according to the title is for clarification and to clarify the requirements for a development for construction lines. Now, this ordinance does more than that. It requires development permits which were not required before, so it's more than the clarification. It's an imposition of an additional requirement.

Secondly, it requires underground which was not required before. It may have been required for subdivisions, but not under these circumstances so it's a lot more than clarification. So you folks are being asked to adopt or enact a substantially different animal than what you had in the past. Thank you for listening to me.

CHAIRMAN TRUJILLO: Thank you. Thank you very much, Mr. Valdez.

[Duly sworn, Rafael de la Torre testified as follows:]

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RAFAEL DE LA TORRE: Mr. Chairman, Commissioners, my name is Rafael de la Torre. I am director of engineering and operation for Jemez Co-op. I have heard a couple of times here that this only clarifies the issue. Let me give you an example of how we do things today. Chair Trujillo, you are one of our members. Suppose, for the sake of argument, customer Gonzales needs power today. Customer Gonzales needs to go - the existing pole is at your property, Chair Trujillo. To extend a powerline to customer Gonzales, this powerline has to extend through customer Duran's property to customer Gonzales' property. So the way we do things today is customer Gonzales is told to get an easement from property owner Duran. You need to get an easement from property owner Trujillo.

And then customer Gonzales, he needs to go to Santa Fe County and get what we call a zoning permit. Okay? So that's the extent of Santa Fe County's involvement. But the way I read this ordinance, if we go over the same situation again, we have to tell customer Gonzalez, now you need to get a development permit from Santa Fe County to extend a powerline from customer Trujillo's house to customer Duran's house. Okay? You have to get a development permit for that. Once you get that development permit, you need to get your zoning permit for your property.

CHAIRMAN TRUJILLO: I think what we're hearing from the Land Use staff is that you can do -- you can do it at one time, go through the permit process one time. You don't have to come back and forth. A development permit and then on top of another permit. You do it one time. The connection needs to take place one time and that's all. Rudy, is that correct?

MR. GARCIA: Mr. Chairman, yes, that's correct. The example, sir, is if the line is overhead and you're going to go from Mr. Trujillo to Mr. Gonzales, it's not necessary that you get a development permit from Mr. Duran for that easement. If everything here is underground and you're go from Mr. Trujillo to Mr. Gonzales it's required and you show proof that you have an underground easement through Mr. Duran's property. And that would be through a survey or some sort of platted easement.

MR. DE LA TORRE: I guess we have heard this before but the way I read that ordinance, that's not what it says. Also, I'll make one final comment is you've talked about and I've heard on more than one occasion that there's no direct, there's no description as far as to service line, distribution lines, and there is. Service lines are powerlines anywhere from 120 volts to 480 volts. Those are service lines. Distribution lines could be as little as 2400, which is obsolete, and then you get into 7,200 to as far as 24.9 thousand volts. Subtransmission lines are 69 thousand volts. Transmission lines are 115 and up. So perhaps this ordinance can interpret some of these voltages to make our life easier. Thank you.

CHAIRMAN TRUJILLO: It would behoove you, Mr. de la Torre, to participate in making recommendations on the policies to this ordinance so that that would be clarified.

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MR. DE LA TORRE: Yes sir. As long as we are invited we will attend those meetings.

CHAIRMAN TRUJILLO: We'll make sure that you're invited. Any other comments from staff or the public? If not then, what is -- Rosanna?

MS. VAZQUEZ: I just want to clarify two points, Mr. Chairman, respecting the rates. With respect to the rates, regarding some of the comments that were made by Mr. Pilz from PNM, I'd just like to point out to this Commission and to you, Mr. Chairman, that the specific order that was given at the PUC specifically exempted a question as to whether or not construction costs would be included in the rates for a separate hearing. So an allegation that rates won't be increased to that specific line has not yet been determined and would be something that needs to be determined in the future at the PUC level.

With respect to the rates and how that will affect the individual customers from Jemez Pueblo from any utility that comes underground, we need to balance that with the requirements that we're setting out here. And we have the variance process. If that's an issue that the Commission believes and there's credible evidence to support the fact that the rates are going to increase because of an undergrounding, then that is something that can be done through the variance process. I might add too that although there might be a cost of burying the line for some of these utility companies, all of the utility companies, you need to balance that with the cost, the less cost that it will take to repair those lines because there will be, with respect to transmission lines to overhead utility lines which are affected by the weather, they will be underground.

Those problems that a lot of utility lines face now will not be dealt with, so you need to repair the cost to repair the lines with the cost of the undergrounding as well. And I wanted to point out with respect to Commissioner Gonzales' request on the terrain management, if you take a look at the Code under terrain management, under the purpose and intent, it specifically says that with respect to visual that utility corridors should be looked at and considered visual impacts as well as environmental. And that's in the purpose and intent of the terrain management regulations.

Another clarification. Commissioner Gonzales you asked earlier whether or not there was any case law supporting the ability of a county or a municipality to enact ordinances based on visual concerns. There are cases around a municipality and a county to enact ordinances with respect to aesthetics. That is your inherent power. That has been supported. If you take a look at your ordinance, a lot of the County ordinance has to do with aesthetics.

COMMISSIONER GONZALES: Does this pertain to utility construction that's already occurred to come into compliance or is there language in the ordinance that we could put in that would state this clarification is applicable to any new requests that come in?

MS. VAZQUEZ: Mr. Chairman, Commissioner, thank you for raising that because it was one of the issues I wanted to talk to you about. This was a concern raised

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by US West as well when I met with them on their concerns with respect to the ordinance. The ordinance is prospective. There is a section within the ordinance now that is what is normally called a grandfathering clause. So this ordinance will be applied prospectively, in the future, not retrospectively. In other words, we would not require Jemez Pueblo to come in and underground all the utility lines which they use right now.

COMMISSIONER GONZALES: Okay, and where did you say that was in the ordinance? It's in the ordinance right now?

MS. VAZQUEZ: There is a section in the ordinance now that talks about grandfathering. But this is a new ordinance so it would apply prospectively in the future. It would not apply backwards. We would not require the utility companies of any sort to come in and make changes unless there was an alteration, unless they came in for an expansion. There are other requirements in the Code on that issue, but right now, no.

COMMISSIONER GONZALES: Thank you.

CHAIRMAN TRUJILLO: Rosanna, what do you feel the impact, because I can identify with where from Jemez Co-op is coming from. For the poor rate payers, the essence of rural electrification is to provide electricity at a lower rate. These are the people that have lived here for many, many, many hundreds of years. These are the people that, we're looking at aesthetics, protecting aesthetics now because of them, not despite them. What is the impact that it's going to have on those people?

MS. VAZQUEZ: Mr. Chairman, Commissioners, let me state that for one, right now those individual homeowners that everybody's been talking about here, Mr. Gonzales coming in for his permit, already comes in. They're already coming in, they're already requesting a permit, they're already having to deal with putting in a utility. The language is written in such a way that it allows you flexibility and it allows the Land Use Administrator flexibility to take a look at those issues. The Land Use Administrator has flexibility in two ways. It has flexibility in that this ordinance requires that policies be adopted. As this ordinance is implemented, as we come up with these issues on a day to day basis, we are going to have to look at that in order to put together the policies so that we don't impact those individual citizens. That's the whole point of that section in this ordinance. That's the first way the Land Use Administrator has the ability, has flexibility.

The second way the Land Use Administrator has flexibility is because of Section 2.3.9c, the section that's already in the Code, the section that deals with infill development. That is another discretionary language within the Code that gives the Land Use Administrator some flexibility. The ordinance now gives you flexibility too, Commissioners, and that is because it allow you to take a look at the environmental impacts that undergrounding may cause. Visual impacts, all of those impacts. When you take a look at the Terrain Management Ordinance and you take a look at the cost, there may be some cost issues. There's also the variance process. That process is for specifically those types of issues, hardships.

As you know, many cases come before this Commission that deal with hardships on

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an economic basis. I'll state again that the intention of this ordinance is not to affect the little people. It is for people who are coming in right now, getting those permits, getting those utility authorizations. This is to deal with lines that are going to cross the county -- underground, overhead, whatever they may be. Waterlines, gaslines and electricity lines. They're there so that we can take a look at where it is that they're going to be sited. And I also want to point out to you that there is a state statute in the books right now that allows municipalities and county ordinances to govern electric lines under 230 kV.

This gives you the authority to take a look at utility lines, electric lines, this is particular to electric lines, up to 230 kV. So that gives you authority, inherent authority in the law to deal with that issue.

CHAIRMAN TRUJILLO: Thank you, Rosanna. Any questions for Rosanna? If not then, what is the desire of the Commission?

COMMISSIONER ANAYA: Mr. Chairman, I'm going to move to implement the emergency clause provisions and move forward to clarify this definition as requested under this ordinance. There's no doubt in my mind in the history that I've been here, the CDRC and the BCC has had input, which is what made this particular ordinance surface to what it is now. Mr. Chairman, I'm going to move for approval of Ordinance No. 1998-15 as presented.

COMMISSIONER DURAN: Is that as an emergency?

COMMISSIONER ANAYA: As an emergency, as I stated earlier, implement the emergency clause provisions and move forward.

COMMISSIONER GRIÑÉ: I second.

CHAIRMAN TRUJILLO: Got a motion, seconded by Commissioner Griñé. All those in favor?

COMMISSIONER GONZALES: Just real quick, though, if we could get clarification from our regular staff that in fact that the Commission is acting within its boundaries to move forward with this emergency ordinance.

MS. BROWN: Mr. Chairman, Commissioners, you are allowed by state law, if you find that it's necessary for the public peace, health or safety to declare an ordinance an emergency, you may do so. So if that's your finding, it's appropriate.

COMMISSIONER DURAN: Mr. Chairman, and I think the fact that PNM plans to start construction on Monday, I think is enough to declare this an emergency.

MS. BROWN: Mr. Chairman, Commissioner Duran, it certainly seems that it's an imminent issue.

COMMISSIONER ANAYA: Thank you, Paul.

CHAIRMAN TRUJILLO: Thank you, Denice.

Upon roll call vote, Commissioners Anaya, Duran, Gonzales, Griñé, and Trujillo all voted in the affirmative.

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IX. F. PUBLIC WORKS DEPARTMENT

1. Discussion on draft resolution adopting a speed hump policy for County roads

TOM DOMINGUEZ (Traffic Engineer): Mr. Chairman, Commissioner Duran, that's speed hump, not speed bump. They're technically different in their design. The hump is designed as a wider, lower, less abrupt hump. What you have in front of you is a draft resolution which would accept and enact a policy for the design. As is mentioned in the memo, we are continually receiving citizens' concerns regarding speeding through the neighborhoods. We initially try and address those concerns through signage and maybe some other design characteristics that we can take care of.

As you're all aware of and I'm sure you hear from all your constituents, nobody abides by the posted speed limits. What we've done is we've looked at different counties not only in New Mexico but some of the other counties, and we've looked at some of the design criteria that they might have. And we've put together this draft policy which you see in front of you. In addition to what we have, I'd like to hand this out and I'll do so as soon as I explain it. We've got an article that was written in the *Albuquerque Journal* when Bernalillo County instituted their speed hump policy and the actual installation of the speed humps and in addition to that, we just found something on the Internet that was interesting about a paramedic's response to speed humps, how it might change the response time and how drastic those changes might be as well as some damages that might incur on some of the more sensitive equipment, especially in ambulances and maybe in some emergency response and fire trucks. I'll hand that out now. [Exhibit 3]

The way the policy was put before you, and again, as I said it's a draft for any comment that you might have. It's put forth in resolution form with the design criteria or the actual criteria that would need to be satisfied. If you look through, the first condition would be that the request for the speed hump originate from a property owner on the specific road. Then there's different exhibits that are inclosed within the policy, which would be an evaluation form which Public Works would fill out once we were notified. Then there's a verification regarding a consensus or majority vote from the property owners. It goes on to different notifications, the detailed engineering and then a prioritization on a point systems. And all those are inclosed as exhibits as well as the design of the speed hump.

COMMISSIONER ANAYA: Just a question of perhaps maybe Denise, or anybody that might know. Has there been any experience as far as litigation for adopting this type of policy and actually putting up speed humps or bumps out there, as far as any litigation?

MS. BROWN: Mr. Chairman, Commissioner Anaya, I'm not aware of any. I could look into that and get back to you as well as the Public Works Department. I'm not aware of any at this time.

COMMISSIONER ANAYA: I was just wondering what kind of experience

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rate is out there as far as utilization of the speed humps and bumps.

MR. DOMINGUEZ: Not from a legal standpoint, but just kind of to address your question, Mr. Chairman and Commissioner Anaya. In talking with Bernalillo and some of the others that I have contact with, the initial speed bump seems to be more of a concern because it was more abrupt. The design was a lot different. If I could explain it, it would be one of the shorter, kind of taller, maybe ten to twelve inches high, and I know there was a lot of concern with that that led to the redesign of the speed hump which is the wider and longer type of hump and lower profile.

To be honest, I know in accordance with signing, when you look at the federal manuals and they talk about advance signing of it, I believe everything is covered from a legal standpoint with the appropriate signing. And that is included as part of this draft policy. Probably as long as there's posting and warning and --

MR. DOMINGUEZ: Correct. And they are all posted with either advisory speeds, but as a minimum, a notification of the hump being present.

COMMISSIONER ANAYA: Thank you, Mr. Chairman.

CHAIRMAN TRUJILLO: Do we have any idea, Tom, what the -- this is not happening in Santa Fe County now -- what the financial impact is going to be?

MR. DOMINGUEZ: To be honest, no. I think what we were looking at, and the reason we didn't have that now, is we wanted to get the feel of the Commission to see if we should pursue this. That's a good question. We've talked about on the different designs, whether to construct them out of concrete, whether to construct them out of asphalt, because when you talk about the installation, now you're talking with snow removal that they'll be affected by all of that. So we haven't even done a preliminary cost per installation.

CHAIRMAN TRUJILLO: So what we have before us is just the criteria to review. We won't act on it today until we get all the other demographics information that we need to put this thing in place, right?

MR. DOMINGUEZ: That's correct.

CHAIRMAN TRUJILLO: Okay. Any questions of Tom? It's not an action item, this is discussion.

MR. WOLF: It is for discussion purposes, Mr. Chairman.

IX. F. 2. Resolution No. 1998-135. A resolution accepting certain roads with Eldorado for County maintenance

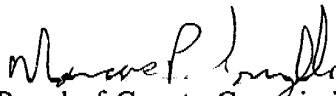
ROBERT MARTINEZ (Public Works): Good afternoon, Mr. Chairman, Commissioners. Public Works is requesting adoption of a resolution accepting certain roads within the Eldorado community for County maintenance. There is a change I'd like to point out on page two of the resolution. Carissa Road has been changed to .07 miles. It is a

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ADJOURNMENT

Chairman Trujillo declared this meeting adjourned at approximately 6:35 p.m.

Approved by:

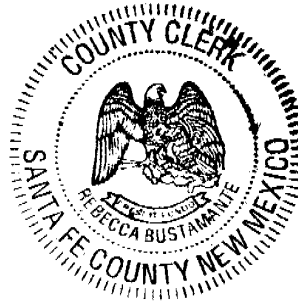

Board of County Commissioners
Marcos Trujillo, Chairman

Respectfully submitted:


Karen Farrell, Commission Reporter

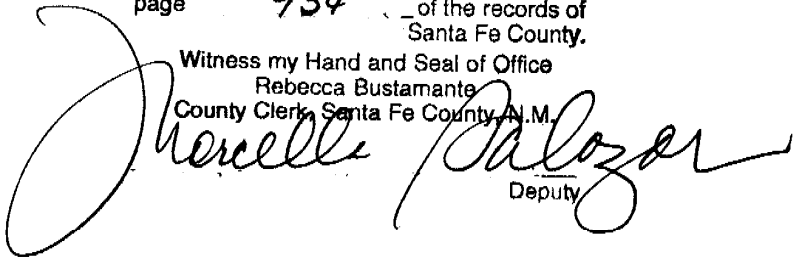
ATTEST TO:


REBECCA BUSTAMANTE
SANTA FE COUNTY CLERK



1052.520
COUNTY OF SANTA FE)SS
STATE OF NEW MEXICO)
I hereby certify that this instrument was filed
for record on the 9 day of Dec. A.D.
19 98, at 8:50 o'clock A. m.
and was duly recorded in book 1575
page 934 of the records of
Santa Fe County.

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


Deputy

**Santa Fe County Fire Department
Fire Protection Impact Fees
FY 99**

1575934

District	Amount Budgeted	Purpose
Edgewood	15,000	New Main Station Construction
La Puebla	10,000	Arroyo Seco Substation
Turquoise Trl	13,250	Apparatus for GOB Pumper
La Cienega	1,350	Communication Equipment for GOB Pumper
Agua Fria	29,950	Apparatus for GOB Pumper
Agua Fria	80,050	Brush Truck
Total	149,600	

**Santa Fe County Fire Department
Fire Protection Impact Fees
FY 98**

1575934

District	Amount Budgeted	Purpose
Pojoaque	11,936.50	Options on GOB Tanker
El Dorado	8,661.00	Options on GOB Tanker
Edgewood	7,998.00	Options on GOB Tanker
Agua Fria	9,001.00	Options on GOB Tanker
Edgewood	21,750.00	Command Vehicle
Galisteo	6,159.00	Options on GOB Tanker
Stanley	20,302.00	Options on GOB Tanker
Edgewood	25,000.00	New Main Station Construction
El Dorado	76,830.00	Pumper and Options (\$90,000 from 1/4% Fire Tax)
La Cienega	35,000.00	Cab & Chassis and Pump & Tank unit for brush truck
Turquoise Trl.	38,535.00	Options on GOB Pumper
Pojoaque	27,911.50	Options on GOB Pumper
Tesuque	10,844.00	Options on GOB Pumper
La Cienega	41,677.00	Options on GOB Pumper
Agua Fria	32,311.00	Options on GOB Pumper
La Puebla	20,000.00	Arroyo Seco Substation
Total	393,916.00	

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**Santa Fe County Fire Department
Fire Protection Impact Fees
FY 97**

District	Amount Budgeted	Purpose
El Dorado	78,784	Main Station Addition and Rescue Truck
Edgewood	50,000	New Main Station Contruction
Edgewood	43,256	Pumper and Options (\$147,000 from 1/4% Fire Tax)
Edgewood	77,293	Brush Truck
Turquoise Trl.	10,667	1/4% Loan Payment for Pumper
Agua Fria	14,155	1/4% Loan Payment for Pumper & Apparatus
Agua Fria	23,000	Air Packs for Pumper
Total	297,155	

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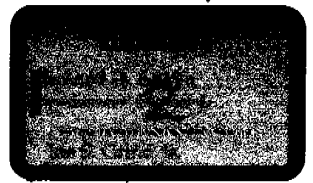
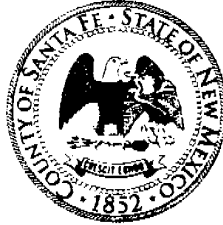
**Santa Fe County Fire Department
Fire Protection Impact Fees
FY 96**

District	Amount Budgeted	Purpose
Edgewood	50,000	New Main Station Construction
Pojoaque	2,000	Main Station Addition
Agua Fria	15,482	Pumper and Options (\$154,000 from 1/4% Fire Tax)
Total	67,482	

Marcos P. Trujillo
Commissioner, District 1

Paul Duran
Commissioner, District 2

Javier M. Gonzales
Commissioner, District 3



Domingo Sánchez III
County Manager

Santa Fe County Fire Department

Memorandum

1575934

Date: Tuesday, November 24, 1998
To: Board of County Commissioners
From: Stan Holden, Chief
Re: Impact Fee Advisory Committee Membership

Current members of the Impact Fee Advisory Committee

Development Community Representatives

Bob Lockwood- has lived in Santa Fe County since 1940. He is a general contractor, developer and civil engineer. Mr. Lockwood has operated his business, Lockwood Construction Company, for the past 45 + years. He has been involved in County affairs for thirty years, serving on several County advisory committees. (member)

Robert Larragoite – was born and raised in Santa Fe County. He is a licensed real estate broker and the Vice President of Kokopelli Management Services, a local business established in 1985. Prior to this, Mr. Larragoite was a broker for James F. Wheeler and Associates. Mr. Larragoite has also served on the County Development Review Committee (CDRC). (member)

Bill Agnew – has lived in Santa Fe County since 1981. He owns and operates Agnew and Associates, a 10-year old architectural firm. Mr. Agnew has served on the Extraterritorial Zoning Commission, a joint City-County commission. (member)

General Citizen Representatives

Helen Boyce – has been a resident of Santa Fe County for over 20 years and has operated a child care center in the County for 18 years. Ms. Boyce has been a member of the County Development Review Committee (CDRC) and is the past president of the San Marcos Homeowner's Association. She has served a member of the Santa Fe County Road Advisory Committee. (member)

Ben Gomez – has lived in Santa Fe County his entire life. He is an electronics technician and has worked at Los Alamos National Laboratory for over 25 years. Mr. Gomez has been a member of the County Zoning Commission. He is involved in other community activities including the Knights of Columbus and the Boy Scouts. (member)

Michael Kirmer – has lived in Santa Fe County for 8 years. He is a retired fire fighter from the Los Angeles City Fire Department. He is a member of the Tierra del Oro Homeowner's Committee for Architectural Review. (member)

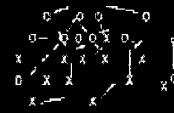
Paul Pazery – has lived in Santa Fe County since 1980. Mr. Pazery worked in the pharmaceutical industry as a biochemist for over 40 years. He is a member of the San Marco's Homeowner's Association. Prior to moving to Santa Fe County, Mr. Pazery served as the State Chairman for the Concerned Taxpayers Association in Pennsylvania. He has also authored a book on property taxes. (alternate)

Grif Salisbury – no information available. (member)

Jack Mahon – no information available. (alternate)

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Posted at 08:08 a.m. PST; Thursday, November 19, 1998



Paramedics' need for speed hits bumps in road

by V. Dion Haynes
Chicago Tribune

MISSION VIEJO, Calif. - The Coto de Caza subdivision offers spectacular vistas - rolling hills, orange groves, horse trails, a 36-hole golf course, pastel-colored mansions - for those driving slowly enough to appreciate them.

But enough motorists have been racing along the winding, two-lane roads to prompt homeowner associations in this gated enclave to install speed bumps.

The bumps, unfortunately, also slow down firefighters and paramedics, who are demanding that the traffic-control devices be removed because they drastically reduce response time to emergency calls.

The dispute is being played out around the country, with rescue workers at odds with residents who say the speeding autos threaten their peaceful environment and safety. From Montgomery County, Md., to Boulder, Colo., to Portland, Ore., residents are debating the pros and cons of speed bumps.

Advocates say speed bumps reduce the prospect of more deaths and injuries from auto accidents. The downside, say opponents, is that speed bumps increase the prospect of deaths and suffering due to delayed rescues.

"There's a belief in the community that speed bumps are the only things standing between us and the Daytona 500 on our streets," said John Zarian, president of the largest homeowners group in Coto de Caza.

"People run stop signs and speed even with the speed bumps," he said, adding that a fatal accident occurred in the community earlier this year. "If we take the speed bumps out, we will be creating a greater safety problem."

Harm to vehicles, responses

Originally developed in Europe, speed bumps have become the preferred traffic-control method in a growing number of urban and suburban communities.

Speed bumps are relatively easy to install and are less expensive than other so-called traffic-calming devices such as cul-de-sacs, barriers and traffic circles. The bumps, which protrude about three to six inches above the road surface, are designed to jolt vehicles traveling faster than 20 mph.

"The dilemma in residential areas is that there is not enough traffic to justify a police officer being there for a long period of time to enforce the speed law. Speed bumps are a good alternative when police enforcement is not always available," said Alex Weiss, executive associate director of Northwestern University's Traffic Institute.

But, he added, "When you change one part of the traffic system, it often has an unexpected outcome on another part."

In recent years, complaints have arisen that speed bumps can pose serious problems for rescue vehicles, damaging bulky fire engines and delicate medical equipment on ambulances if drivers don't slow down enough.

If they do slow down, studies show, response time can be increased up to nine seconds per bump. It is not uncommon for a typical motorist in Coto de Caza to drive over a dozen bumps.

"We looked into the issue and conducted time studies which showed that with speed bumps we would not meet our response goal of five minutes or less," said Capt. Scott Brown of the Orange County Fire Authority, which has threatened to take legal action against the homeowners group in Coto de Caza.

"Speed bumps put us in the six-minute or more range, which is a tremendous amount of time when you're dealing with a heart-attack victim or a fire," Brown added.

Hated elsewhere too

The strong feelings toward the bumps perhaps are best exemplified in Montgomery County, Md., where an anti-speed-bump group called Save Our Streets and a

group supporting the devices called StreetSafe have been wrangling for the past year. 1575934

From 1994 to 1997, 217 people died in car crashes in the suburban county, northwest of Washington, D.C. Responding to residents' demands to quell speeding, county officials have installed more than 1,000 speed bumps on 300 residential streets.

But other residents have complained that the bumps are a nuisance and cause injuries to people with bad backs. Save Our Streets pressed the county fire commission to conduct a study, which concluded that speed bumps increase response time. Firefighters recently said speed bumps could have been a factor last spring in their response to a fire that killed two teenagers.

The group collected 10,000 signatures in an attempt to get a ban on speed bumps placed on a county-wide referendum. StreetSafe fought the referendum drive, and a judge in September ruled the issue is too frivolous to place on the ballot.

"People here either love speed humps or hate them; there is no in between," said Douglas Duncan, Montgomery County executive.

"I went to a retirement party for federal workers," Duncan added. "One guy got up and ripped me for supporting speed humps. A woman ripped me for not putting speed humps in fast enough. It was nasty."

After neighborhood groups and rescue agencies spent two years arguing over traffic safety, city officials in Portland worked out a compromise last year by banning speed bumps on specially designated routes for emergency vehicles, but allowing them to be used elsewhere.

"The fire bureau showed a video of how a house could become consumed by fire if there is a delay," said Ellis McCoy, a traffic-control manager for the city. "It was convincing in showing how a delay could endanger the home."

Other tools

The City Council in Boulder also has banned speed bumps on emergency routes, pending the outcome of a traffic study next year. A major focus of the study is on whether alternative speed-control devices would work better.

"We're looking at photo radar that would take a picture of the license plate of a vehicle that is speeding and send the driver a ticket, and speed-sensitive signals that would turn a red light green if someone is driving the

speed limit," said Norene Walsh, a transportation planner in the Boulder transportation office.

◀ Nation & World

"Maybe we can find another tool that can slow traffic and not hamper response time," she said. 1575934

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Humps To Fight Fast Traffic

Bernalillo County OKs Plan To Slow Rural Speeders

1575934



OVER THE HUMP: A speed hump slows traffic along San Rafael. Bernalillo County has approved a policy that will allow the humps to be installed in problem traffic areas.

BY JEFF JONES
Journal Staff Writer

Speeders, take heed. The hump is here.

People living in unincorporated Bernalillo County will soon have new weapons to slow drivers who delight in rocketing down neighborhood streets. They're called speed humps, and the County Commission recently approved a policy that will allow the humps to be installed in problem areas.

"We've had a lot of complaints about excessive speed on county roads. There's obviously a lot of people who like to drive fast," said Stephen Miller, director of planning.

See **SPEED** on PAGE A5

Speed Humps Slowing Traffic

from PAGE A1

for the county's Public Works Department. "The reason they're taking some of these streets is because they're a shortcut. Now, they're not going to be a shortcut. It's a proven technique."

So what's a speed hump? It's a wider, gentler version of a speed bump. According to the county policy, the asphalt humps are usually 12 to 22 feet long and three inches high.

"Visually, they're more imposing—they look larger," Miller said.

Many residential streets in the county are posted at 25 mph. Drivers who break the law and hit a hump would be in for a not-so-gentle reminder.

It's "an uncomfortable feeling. ... You can get excited pretty quick," Miller said. "... your shocks don't jam up in your wheel well. (But) if you hit it at a real high speed, I bet you could find a way to damage a car."

Miller said he's fielded hundreds of calls in the past few years from residents who were angry about speeders on their streets. In response, the county crafted the new speed-hump policy that was approved last month.

The process is complex and factors in things like traffic volume

The process is complex and factors in things like traffic volume and the number of absentee owners along a street. But here's a simplified version of how it works:

Between 50 and 75 percent of the property owners along a paved residential street must sign a petition requesting a speed-hump study. The county would then order an engi-

property owners along a paved residential street must sign a petition requesting a speed-hump study. The county would then order an engineering study. If it finds that 85 percent of drivers using the street are going at least 10 miles over the speed limit, the county would put the street on a priority list for the road work.

The North Albuquerque Acres Community Association Inc. is the first group to take advantage of the county process, but association president Ellen C. Harvey said last month that the petitions had not been completed.

Harvey said many people who live along Coronado NE are tired of speeders. That road is a long, straight stretch with a posted speed limit of 30 mph.

Vince and Mary Albrycht, who live along Coronado, agreed that the humps are needed.

"The (road) goes downhill. It doesn't take much to get to 50, 60, 70 miles an hour," Vince Albrycht said recently as he stood in his kitchen and looked out at the new stretch of blacktop. "I think it's just a matter of time — something's going to happen."

The verdict on speed humps is not unanimous, however. Jim Tollison, who lives a few homes up from the Albrychts, said the speed limit on Coronado should be raised.

"If you post the speed limit absurdly slow, you're going to get speeders," he said. "This road should be posted at 45 mph. I would be very much opposed to (speed humps). All it does is inconvenience the people who use (the road)."

County transportation planner Chris Blewett said there is no timeline on when the first speed humps could go in. Miller did not have estimates on how much the speed humps will cost the county, but said the county may hire a consultant, or his department may add its own staff members, to handle the new policy.

"Even before we did this, we had more than 100 letters on file requesting speed humps," Blewett said. "We don't want this thing to get too far ahead of us."

The city of Albuquerque also has a policy to install speed humps in problem areas, said city Traffic Engineering manager Ray Chavez.

Once it gets complaints, the city does a traffic count. If at least 1,500 cars a day are passing down a given neighborhood street, the city then checks license numbers to determine how many of the cars are from outside the neighborhood.

The city also factors in speeds and the number of accidents on the street to determine if speed humps could be appropriate. Residents then vote on the final decision.

Chavez said the city has installed

humps over the past few years, including on Cutler NE and Stanford NE. They cost about \$1,500 apiece, he said.

"If you go over a speed hump at 25 mph, they're not abrupt. They're not going to shake your teeth out," Chavez said. "But if you go over the speed limit, you tend to notice. Quite obviously, they do slow down the speeds."

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and electric power, make connections between, connect to, and use substations, stations, and other generating facilities.

- 8.3.3 Where any doubt exists as to a line being part of a service line, distribution line, or transmission line, such item shall be included in the larger system or facility.
- 8.3.4 Authority for installation of service lines, and their interface or point of connection to distribution lines, shall be included in the development permit for construction of buildings, subdivision plans, or other development.
- 8.3.5 A development permit is required for utility transmission and distribution lines and appurtenant facilities, including storage facilities, pipelines, transmittal towers and facility, and power and communications transmission lines. Such uses shall meet standards, as applicable, set forth in Section 8.2 above.
- 8.3.6 In addition to the above requirements, any development involving a water or sewer utility must be in conformance with an adopted Community Land Use and Utility Plan, unless system improvements are limited to that needed to serve existing development.
- 8.3.7 Development permits for purposes of Section 8, may be approved administratively subject to the policies adopted at the discretion of the Code Administrator. Such policies shall be implemented by the Code Administrator and will be effective when published and posted.
- 8.3.8 All utility lines shall be placed underground as provided in subsection 2.3.9.b.1), or upon final approval of the Board of County Commissioners, who shall consider environmental and visual impacts.
- 8.3.9 Solely in the case of telecommunications masts, microwave masts, television or radio masts, or other masts or towers for the purpose of transmitting or receiving wireless signals, such shall be regulated and zoned as "Other Development" per the requirements of Section 8.2.

History: Ordinance 1998-___ replaced existing Section 8 to require development permits for other Development.

PASSED, ADOPTED AND APPROVED this ____ day of November, 1998, by the Santa Fe County Board of County Commissioners.

MARCOS TRUJILLO, CHAIRMAN

REBECCA BUSTMANANTE, COUNTY CLERK

SANTA FE COUNTY

Ordinance No. 1998-____

1575934

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An Ordinance Amending Article III Section 8 "Other Development" of the Santa Fe County Land Development Code to Clarify the Definition of a Utility Line Extension and Clarify the Requirement for a Development Permit for Construction of Utilities

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BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY:

The Board of County Commissioners of Santa Fe County hereby amends for the purpose of clarifying the development permit requirements for Utilities. Specifically Article III, Section 8 "Other Development", of the Land Development Code is amended as follows:

8.1 Uses Permitted

Subject to the requirements of this Section, all uses not otherwise regulated by the Code are permitted anywhere in the County provided a request for zoning approval is granted per Article III, except for utility lines which may be approved administratively per subsection 8.3.7 set forth below. Such uses specifically include, but are not limited to utilities, parking facilities, and cemeteries. Notwithstanding the fact that these uses are permitted, a development permit is still required.

8.2. Submittals, Reviews and Standards

Uses regulated by this section 8 shall be considered large if they involve the grading and clearing of 10 or more acres, contiguously or cumulatively; and small scale if less disturbance of the land is involved. Development standards and criteria and submittal requirements are set forth in Subsection 4.4; as well as any other Section of the Code which refers to or regulates Terrain Management or Utilities.

8.3 Utilities

8.3.1 A development permit shall be required for, and provisions of the Code shall apply to, all development; including utilities, utility easements, utility rights-of-way, and construction of utility lines and facilities.

8.3.2 Utility Lines include the following definitions:

- A. "line" or "lines" in all cases include any appurtenant hardware, equipment, buildings, etc.;
- B. Utility service lines are lines that connect individual utility customers to the utility distribution system and facilities;
- C. Utility distribution lines are lines that interconnect the service line to a station, substation, or other parts of the distribution system or network.
- D. Utility transmission lines are lines that interconnect the distribution network(s). Typically, but not always, transmission lines, in the case of gas

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APPROVED AS TO FORM:

DENICE BROWN, COUNTY ATTORNEY

SNAC Santa Fe Northwest Advisory Council

37 Elk Circle
Santa Fe, New Mexico 87501

Phone: 983-7843
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Tuesday, November 24, 1998

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Resolution

**TO: SANTA FE COUNTY COMMISSIONERS,
Marcos Trujillo, Paul Duran, Joe S. Griñé, Richard D.
Anaya, Javier Gonzales**

FROM: SNAC EXECUTIVE BOARD

RE: NORTON TESUQUE POWERLINE

SNAC commends the County Commissioners on the drafting of the emergency ordinance requiring utility lines to obtain a development permit for the construction of utilities. The Norton-Tesuque line will cross some of the last undeveloped public lands in the northwest county. The impact of the transmission line would be minimal if buried. SNAC is strongly opposed to overhead transmission lines. The cost is minimal to PNM stockholders.

SNAC, representing a constituency of 4,000 residents implores the County Commissioners to require PNM to obtain a permit for development and to grant the permit with the understanding that the Norton-Tesuque line must be buried to minimize the impact to the terrain.

Member Organizations:

La Tierra, La Tierra Nueva, Salva Tierra, Tierra de Oro, Las Campanas, Santa Fe Ranch, La Mariposa, Las Dos, Horcado Ranch, Vallecito, Arroyo Calabasas, Los Sueños, La Serena, King Brothers, Wildflower Way, Sonrisa, El Prado, Frijoles Village