

SANTA FE
BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING

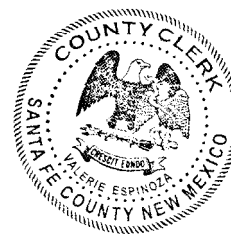
December 11, 2007

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

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss
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December 11, 2007

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 1:40.m. by Chair Virginia Vigil, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

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

Members Present:

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

Members Absent:

[None]

V. INVOCATION

An invocation was given by County Chaplain Jose Villegas.

VI. APPROVAL OF THE AGENDA

ROMAN ABEYTA (County Manager): Thank you, Madam Chair. We have the following amendments and tabled or withdrawn items. First, under X, Matters from the Commission, A, the closing and signing ceremony for the County's purchase of land from the State Land Office, that's been tabled. Item X. C, the joint City-County resolution establishing a food policy has been withdrawn.

We added an item E, which is approval to allocate discretionary funds to the Santa Fe County graffiti abatement program as item E. Item F was added, a resolution supporting the protection of water resources in the traditional community of La Cienega, La Cieneguilla, La Bajada and El Canon, but staff is requesting that that be tabled. We

added an item G, which is discussion and possible approval for expenditure of discretionary funds to Santa Fe High girls basketball team. And we added H, discussion and possible approval for expenditure of discretionary funds to recognize St. Michael's High School cross country track and football teams.

Under Presentations, XI. B, recognition of efforts put forth by County staff for construction in the office of the County Assessor. That is being withdrawn and we will have that at our presentation meeting in February instead.

And finally, Madam Chair, the last page of the agenda under XV, Public Hearings, A. Growth Management Department, 1. CDRC Case V 07-5090, Diamante Lumber and Beam Mill Variance, that has been tabled. Those are the amendments and tabled or withdrawn items from staff.

CHAIR VIGIL: Roman, item X. C, the joint resolution, I would like that to be tabled until the January meeting instead of withdrawn.

MR. ABEYTA: Okay.

CHAIR VIGIL: Are there any other changes from any of the Commissioners?

COMMISSIONER ANAYA: Move for approval as amended.

CHAIR VIGIL: Can I recommend that - I'll take your motion.

COMMISSIONER MONTOYA: Second.

CHAIR VIGIL: And second. Can I recommend, before we take action on the approval of the agenda that there's an item under Matters from the Commission that staff from the City is here and I'd like the Matters from the Commission has not been noticed. It's really an informational item, possibly a future action item. But it's the sewer rate hikes for county residents. If we could hear that before we go into item X. A.

COMMISSIONER CAMPOS: Madam Chair.

CHAIR VIGIL: Yes.

COMMISSIONER CAMPOS: How much time?

CHAIR VIGIL: I don't believe it will take more than ten minutes.

COMMISSIONER CAMPOS: If it's five or ten minutes I don't have a problem with it, but we have a -

CHAIR VIGIL: I think there's only two people here and one City staff. So if the maker of the motion wouldn't mind including that in his motion.

COMMISSIONER ANAYA: That's okay.

COMMISSIONER MONTOYA: That's fine.

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

VII. Approval of Consent Calendar

A. Consent Calendar Withdrawals

CHAIR VIGIL: Are there any Consent items to be removed?

COMMISSIONER ANAYA: Move for approval.

COMMISSIONER SULLIVAN: Madam Chair.

CHAIR VIGIL: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Number 8.

CHAIR VIGIL: Commissioner Sullivan requests removal of item 8. Any other removals? Seeing none, I heard a motion. Is there a second?

COMMISSIONER MONTOYA: Second.

The motion to approve passed by unanimous [5-0] voice vote. [See page 30.]

VIII. Approval of Minutes

A. November 13, 2007, Special Presentations

CHAIR VIGIL: Any changes?

COMMISSIONER CAMPOS: Move to approve.

COMMISSIONER SULLIVAN: Second.

CHAIR VIGIL: There's a motion to approve and a second. Any discussion?

The motion to approve the minutes of the special presentations meeting of November 13, 2007 passed by unanimous [5-0] voice vote.

VIII. B. November 13, 2007, Regular Meeting

CHAIR VIGIL: Any changes?

COMMISSIONER SULLIVAN: Madam Chair.

CHAIR VIGIL: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Minor typographical changes.

CHAIR VIGIL: Clerical changes.

COMMISSIONER CAMPOS: Typographical changes.

CHAIR VIGIL: Typographical change.

COMMISSIONER CAMPOS: Move to approve with typographical corrections.

COMMISSIONER SULLIVAN: Second.

CHAIR VIGIL: Motion and second.

The motion to approve the minutes of the regularly scheduled meeting of

November 7, 2007 passed by unanimous [5-0] voice vote.

IX. MATTERS OF PUBLIC CONCERN – NON-ACTION ITEMS

CHAIR VIGIL: This is an item on the agenda where anyone from the public can address the Commission on any item that is not on the agenda. If anyone is interested in doing that, please step forward. I'm going to turn the mike over to William Mee who is the president of the Agua Fria Village Association to bring forth an issue on sewer rate hikes that has concerned the village, and I believe other county residents as it impacts them.

WILLIAM MEE: Thank you, Madam Chair and members of the Commission. I am William Mee, 2073 Camino Samuel Montoya. I'm the president of the Village Association. The association is intervening today on behalf of several residents in our area that feel an injustice has been perpetrated against them. Their City of Santa Fe sewer bills went from \$7 to \$25.27 on August 1st without any notice or explanation. Everyone recognizes that the cost to provide government services can rise from year to year and an entity like the City of Santa Fe is entitled to pass on a sewer rate increase. The costs of labor, materials and equipment have risen. But it shouldn't be done on the backs of non-city residents so that City officials can avoid the heat of their own constituents if they passed a comparable increase to them.

We object to the methodology used to enact such a rate increase. It was impersonal and uninforming. Government has a duty a responsibility to inform its populace about its actions on their behalf. Yet before City Ordinance 2007-18 was adopted by the City Council and executed by the Mayor on May 30, 2007, there was no formal effort to inform ratepayers. Even something as simple as an insert in a monthly billing. After ordinance adoption, no public effort was commenced to inform citizens of the pending rate increase with an effective date of August 1st. Sixty days of inaction. True, the July sewer bill did indicate that a 35 cent increase was forthcoming, but in no way does that explain the 361 percent increase in bills.

These City actions violate the due process rights of citizens as guaranteed by the fifth amendment of the US Constitution. The main problem in the ordinance is its one-size-fits-all construction. It doesn't account for the individual needs of the ratepayers. At a minimum, an effective ordinance would include a public comment period of at least 30 days, an appeal clause whereby citizens could object to the new rates, a hardship clause where low income people could file for exemption from the higher rates based on verification of income, a senior citizens' discount rate for those on fixed income, a small apartment rate where the 700 square foot apartment without a washer is given a lower rate. Right now the ordinance defines a unit for a residential customer as one room or rooms connected together containing independent plumbing facilities.

We feel that one room does use quite a bit substantially less than a whole house.

Another problem with the billing was that the average water usage figure is based on a City average that is 6700 gallons a month and the average use by the Agua Fria Community Water Association users is only 3200 gallons a month. That's quite a difference. We want to be treated as citizens and not just as city units. Just explain to us that the actual costs have risen so we can see there's a justifiable need to raise these rates, then give us an ordinance that's fair with all the elements I've previously mentioned.

We took our grievances to Commissioner Virginia Vigil and asked that she address them at the Regional Planning Authority meeting in November, which she did. We are here today because we felt that all the Commissioners should know how non-city residents are being treated and how the County government itself is being ignored, despite there being a joint powers agreement that governs the use of the City sewer and water facilities by the County. Before any rate increase there should be a public notice to Agua Fria residents, the County utilities, the Board of County Commissioners and the Regional Planning Authority. The rate increase explanation should increase a rationale for how these rate increases are calculated.

I want to turn over the mike to Lorene Mills who is one of the citizens that actually got these bills. I'm on phase 3 of the sewer project so I don't have City sewer yet, but with these types of actions by the City it makes me wonder, do I really want to hook up. But let me turn over to Lorene.

CHAIR VIGIL: William, let me ask the Commissioners if they have any questions of you. Are there any questions of Mr. Mee?

COMMISSIONER CAMPOS: Madam Chair, just a question.

CHAIR VIGIL: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Mee, are you being charged at the same rate as the city residents?

MR. MEE: No. The non-city resident rate is about three or four dollars higher than a city resident.

COMMISSIONER CAMPOS: Overall?

MR. MEE: Overall.

COMMISSIONER CAMPOS: And what's the justification as far as the City's concerned?

MR. MEE: In the City ordinance there's a formula that says that the average water usage in the City of Santa Fe is 6700 gallons, so they've said, well, people in Agua Fria must use 6700 gallons. But the Agua Fria Community Water Association is saying their average water use for their 500 or so customers is only 3200 gallons. That's less than half.

COMMISSIONER CAMPOS: So that's the justification.

MR. MEE: Yes, sir.

COMMISSIONER CAMPOS: And have you had a chance to actually communicate with folks at the City?

MR. MEE: Well, we've talked to them but they said, Well, it's already an

ordinance. We can't do anything about it. I think Lorene Mills has worked in talking to the Mayor. I've just sort of worked with the billing services which are really hard. You can't even get through on the phone.

COMMISSIONER CAMPOS: So they're basically non-responsive at the City.

MR. MEE: Yes. Yes.

CHAIR VIGIL: Ms. Mills.

LORENE MILLS: It's an honor to be before the Commission. My name is Lorene Mills. I live at 4297 Agua Fria, and I opened my monthly sewer bill to get a really, really big shock that my bill which had gone from \$7.35 a month became \$25.75. They added this \$19.77 per month fee to my sewer bill. When I called the City utility billing office to inquire about this she said, Well, it's pegged on the basic minimum amount of water use, and I said, but I'm not hooked up to City water at all. I have a well.

And she said, Well, we have you here as a developer. I have a little 700 square foot adobe in Agua Fria. And there was nothing I could do to change my categorization by them or to take away - there was a notice that this fee was coming and it should be - they tried to say, Well, it's based on how much water you use and I said, But I'm not on a meter. I don't get any City water.

A little history: when that sewer line came down Agua Fria many years ago the people came to us and said, you know, there's nitrites in the water out here and it would really help the village, it would help the community if you hooked on to the sewer line and we can promise you it will go up incrementally, a little bit, like in this bill it went up 35 cents for the service fee and 75 cents for the other. That kind of increase is really understandable. But to almost quadruple without any hearing, without any notice that it was coming.

When I did call the City I was told, Well, we've got to pay for this system somehow. And it seems on the backs of the county residents in Agua Fria, a lot of whom are elderly and because of the weather couldn't make it today, it just seemed almost draconian for them to impose this on us without giving us any chance or any justification. So, do you have any questions?

CHAIR VIGIL: Questions? Thank you, Ms. Mills.

MS. MILLS: And I'd like to introduce my neighbor, if I could. James Marshall.

CHAIR VIGIL: Mr. Marshall, would you like to address the Commission?

JAMES MARSHALL: Hi, Madam Chair, members of the Commission. I want to thank you for giving me the opportunity to speak today. I appreciate it. I've lived in Santa Fe for 20 years. I own a property in Agua Fria Village. I'm a neighbor with Lorene. Lorene and I share a well. It was probably ten or so years ago that the City ran a sewer line and water line down Agua Fria Street. When the workers reached our driveway they offered either of us the opportunity to stub in. And I said, Well, I don't have the money to tap into the sewer line or the water, but what other things can you offer and they

said, Well, we can put an elbow, T, there with a cap that at some time in the future if you want to tap into the sewer line you're welcome to do so. It will cost you about \$7 a month.

And so I've been paying that \$7 a month until August when I received a bill for \$28. The fee went up almost quadruple. Now, I don't even use the service. I have a septic tank. I have a well, and there is a T there with a cap that I'm paying 28 bucks a month now. So I feel that this is really, really an injustice and you know, I'm happy to pay the \$7 or \$8 or \$9 a month or \$10 a month, just to help out the City with that T that they put in for me. But I feel I am really being treated unjustly. I've tried to call the billing department. I can't get a hold of anyone. I can't even tell them my story. They've been sending my bills to the wrong address for the last three years and I've sent letters to them asking that they change my billing address so that I can actually pay my bills on time. No response.

So that's basically my story. Any questions?

CHAIR VIGIL: Commissioner Campos.

COMMISSIONER CAMPOS: How many people do you think are affected, that is people living in the city, using city sewer system? How many people are being affected by this rate increase? Do you have any idea?

MR. MARSHALL: How many people in the city?

COMMISSIONER CAMPOS: In the county, that are on the City sewer system.

MR. MARSHALL: You know, Commissioner Campos, I apologize. I don't have statistics or numbers.

COMMISSIONER CAMPOS: Any numbers from anybody?

MR. MEE: About 200.

COMMISSIONER CAMPOS: About 200 people? Two hundred households?
Thank you.

CHAIR VIGIL: Am I to understand your testimony correctly - you have your own septic system, yet you're paying for -

MR. MARSHALL: Yes, ma'am.

CHAIR VIGIL: Okay. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Roman, how do we - when we do an increase, how do we notify people?

MR. ABEYTA: Madam Chair, Commissioner Anaya, when we increase, we notify people through their bills that they receive ahead of time, that there's going to be an increase. That's how we've done it. We've gotten more aggressive now when it comes to public information, so if there were to be an increase we would advertise that, more so now, but generally, the way we do it is through the utility bills. We'll let them know ahead of time that there's going to be an increase and what it would be.

COMMISSIONER ANAYA: So they mentioned something about there being an ordinance in place that they could do what they did, without notification?

MR. ABEYTA: I think they're referring to a City ordinance. I'm not

familiar with that myself, but that's something we could look into. But I think they're referring to an ordinance that the City has that gave them the authority to increase their bills. And whether or not it talked about notification, I'm not sure.

COMMISSIONER ANAYA: I'd like you to check into it and get back with us and see what we can do to help out our constituents. Ask some questions.

MR. ABEYTA: I'll talk to the City and let them know that this issue came up today.

CHAIR VIGIL: Okay. Thank you, Mr. Marshall. Actually, we have Costy from the City water utilities today too. Costy was here when this issue was brought up before the Regional Planning Authority. I think Costy was advised that the issue existed and I just was hoping you might be able to address some of these issues, to the extent you can today. So Mr. Marshall, may I ask Costy to come forth and take over the mike? Thank you. Costy, could you just state your name and your title?

COSTY KASSISEH: Madam Chair, Commissioners, my name is Costy Kassisieh and I'm the Wastewater Management Division Director, not the water, so I'm at the tail end of it. As I heard from our friend in here with his case, the bill went up to \$28 or \$21. What we charge the people that are not connected to our sewer is \$4.50 and that is abutment fee. And that is city and county, all the same price. We do not charge \$10, \$20, or anything above that. By ordinance, we are tied to charge only \$4.50 for abutments.

CHAIR VIGIL: Okay. And can you explain why these residents are receiving an increase of over 300 percent in their bills, or not?

MR. KASSISEH: I hate to start lying to you at our first meeting. I think the City depends on the computer a lot and that's where all the problems are.

CHAIR VIGIL: Okay. Okay. So this could just be a database problem?

MR. KASSISEH: I believe so, Madam Chair.

CHAIR VIGIL: Okay. Perhaps that's how it needs to be approached, Roman, when we contact the City Manager. Okay, so \$4.50 and that's the flat fee. No other charges.

MR. KASSISEH: Yes, ma'am.

MR. MEE: The City ordinance says \$4.50, but then it gives a dollar charge per thousand gallons of water usage, and when you divide it out it is the 6700 gallons of usage that is there. And I do have a copy of the ordinance that I can give to Roman.

CHAIR VIGIL: Okay. And perhaps the next step that we could take, Roman, is to schedule a meeting with the City Manager and William and Lorene and Mr. Marshall, if you'd like to be a part of that meeting, and it would be useful because you'd be able to give the history of the billing, we can proceed in that way. If it's just a database correction perhaps that can be immediately attended to. If it's an ordinance directive we'll have to deal with it in another manner. Thank you, Qosty.

COMMISSIONER MONTOYA: Madam Chair.

CHAIR VIGIL: Commissioner Montoya.

COMMISSIONER MONTOYA: Will the people that have been overcharged

be able to either be credited or reimbursed?

MR. KASSISEH: If they were overcharged incorrectly, they will be credited. That's the policy of the City. Let me just clarify one thing. We charge \$2.95 per thousand gallons, but if the people are connected on the sewer and they have well. But if they're not connected to our sewer lines, they'll only be charged \$4.50.

CHAIR VIGIL: Okay. Thank you, Qosty. That doesn't fully explain the large billings so I think we need to deal with this administratively with the City Manager.

MR. MEE: Madam Chair, also we have residents on Jemez Road that is now hooked up to the City sewer. And there are residents there that are in Mr. Marshall's situation, where they're not actually tied into the City sewer; they have their own septic tank. But they still get these \$20 charges. And when they call, they say, Well, we have an ordinance that says that we can charge you if we provided the line in the street. We can - I guess prorate their charge back to you to recoup those construction costs.

CHAIR VIGIL: William, perhaps when we schedule this meeting you can get a spokesman from the Jemez Road.

MR. MEE: Okay. Dolores Darnell is the one I'm thinking specifically.

CHAIR VIGIL: Okay. Thank you. Let's do a next step on this and see if we can remedy it. Thank you. Thank you, Ms. Mills, Mr. Marshall, Mr. Mee. Really appreciate your bringing this to my attention I did not realize the discrepancy was so strong. Thank you for being here.

X. MATTERS FROM THE COMMISSION

B. Discussion and Possible Approval for an Expenditure of Discretionary Funds in the Amount of \$3,500 to the Santa Fe County Administrative Services Department for the Provision of the Mural Project at the El Rancho Community Center (Commissioner Montoya)

COMMISSIONER MONTOYA: Thank you, Madam Chair. This is an item that our Administrative Services Department is working together in collaboration with the Youth Works and a local artist, Kevin Bowers and his assistant, Pamela Frankel Fiedler, and this is to create a mural project at the El Rancho Community Center in the new arts and crafts addition that was just recently completed, and I'm requesting \$3500 for this particular project, Madam Chair, and I move for approval and stand for any questions.

COMMISSIONER ANAYA: Second.

CHAIR VIGIL: Motion and second. Are there any questions?

The motion to approve the discretionary funding passed by unanimous [5-0] voice vote.

X. D. Resolution No. 2007-198. A Resolution Supporting a Continued Moratorium of Implementation of Final Medicaid Regulations Restricting Local Match and/Or Medicaid Payments to Public or Sole Community Providers (Commissioner Vigil & Commissioner Montoya)

BECKY BEARDSLEY (DWI Coordinator): Madam Chair, Commissioners, this is a resolution requesting that we urge the congressional delegation to cosponsor and support HR 3533 the Preserve Our Public and Teaching Hospitals Act. And I will stand for any questions.

CHAIR VIGIL: Any questions?

COMMISSIONER CAMPOS: I just need more information before I can even ask a question.

MS. BEARDSLEY: This moratorium would – right now Medicaid is in the process of possibly repealing the moratorium that allows the money to be used for the sole community provider match, and the moratorium is due to expire shortly. So unless Congress extends the moratorium for an additional year, there's a possibility that the sole community provider program will be abolished.

COMMISSIONER CAMPOS: Thank you.

CHAIR VIGIL: Any further questions?

COMMISSIONER MONTOYA: Move for approval, Madam Chair.

COMMISSIONER CAMPOS: Second.

The motion to approve Resolution 2007-198 passed by unanimous [5-0] voice vote.

X. E. Discussion and Possible Approval to Allocate \$3,000 of Discretionary Funds to the Santa Fe County Graffiti Abatement program (Commissioner Vigil)

CHAIR VIGIL: That is discretionary funds from my discretionary fund pool, and the specific purpose for these dollars is to supplement the hiring of a full-time equivalent position that is actually only part time, because we really needed the additional funds. Roman, is there anything that we need to add to that?

MR. ABEYTA: Madam Chair, just that it is part of the graffiti ordinance that we just past. This individual, this full-time position would be responsible for coordinating the activities of the people who have been sentenced to community service who are going to help assist cleaning up the graffiti. Also the Teen Court graffiti staff that we have, so it is all part of the graffiti ordinance that we have just past. We do have a shortfall, and I would like to express our appreciation for you being willing to allocate discretionary funds to help us meet that.

CHAIR VIGIL: Thank you. Are there any other questions on this item?
COMMISSIONER ANAYA: So moved.
COMMISSIONER SULLIVAN: Second.
CHAIR VIGIL: Motion and second.

The motion to approve the discretionary funding passed by unanimous [5-0] voice vote.

X. G. Discussion and Possible Approval for an Expenditure of Discretionary Funds in the Amount of \$1,000 to the Santa Fe High Girls Basketball Team (Commissioner Anaya)

COMMISSIONER ANAYA: Move for approval.
COMMISSIONER CAMPOS: What's the money for?
CHAIR VIGIL: I have a motion. Is there a second?
COMMISSIONER MONTOYA: Second.
COMMISSIONER ANAYA: Madam Chair, Commissioner Campos, to help out the girls' basketball team with whatever they need help with.
COMMISSIONER MONTOYA: Equipment.
COMMISSIONER ANAYA: It's expensive for them to – I heard on KSWV, they were discussing the amount of money that it takes to operate athletic programs, and I hope that one day the County can have a youth program and we're working towards that. But I was approached by the head basketball coach for Santa Fe High and he asked if we could help him out. So that's what this is about.
CHAIR VIGIL: I have a motion and a second. Any further questions? This is probably going to go for basketballs or supplementing uniforms. Perhaps even assisting them with any other kind of equipment they would need. Correct?
COMMISSIONER ANAYA: Yes, ma'am.

The motion to approve passed by unanimous [4-0] voice vote with Commissioner Campos abstaining.

X. H. Discussion and Possible Approval for an Expenditure of Discretionary Funds not to Exceed \$3,500 to Recognize St. Michael's High School Cross Country Track, and Football Teams for Winning State in Their Division (Commissioner Anaya)

COMMISSIONER ANAYA: This is just what it says, to recognize those kids that do well in sports.

CHAIR VIGIL: Will you be getting trophies and that kind of thing?

COMMISSIONER ANAYA: Yeah, it will probably be – we haven't talked about it completely.

COMMISSIONER CAMPOS: I think we need to have – Madam Chair.

CHAIR VIGIL: Commissioner Campos.

COMMISSIONER CAMPOS: We need to have specific information, not just right a check for \$3400 and say you guys go recognize yourself.

COMMISSIONER ANAYA: No.

COMMISSIONER CAMPOS: Is that what it is?

COMMISSIONER ANAYA: No.

COMMISSIONER CAMPOS: Okay. What is it?

COMMISSIONER ANAYA: That just gives Jennifer the option of trying to figure out what we're going to get them, whether it be a shirt or basketball. I don't think it's going to exceed that, but just gives us some money to work with.

COMMISSIONER MONTOYA: Better get them a football and running shoes.

COMMISSIONER ANAYA: Again, it's to acknowledge the kids that do well in school. So moved.

COMMISSIONER MONTOYA: Second.

CHAIR VIGIL: Motion and second. And I will support this, only because knowing what we have to go through through Legal, our memorandum of understanding between the entity that we're allocating discretionary funds in the County, we do have to follow the guidelines that have been set up or a standard of application that's been set up for those memorandums of understanding. So I know, knowing that, I would support this.

The motion to approve passed by unanimous [4-0] voice vote with Commissioner Campos abstaining.

X. OTHER MATTERS FROM THE COMMISSION

CHAIR VIGIL: Commissioner Montoya.

COMMISSIONER MONTOYA: Madam Chair, just a personal invitation that I'd like to extend to everyone. I will be making my formal announcement for my candidacy tomorrow afternoon at 4:00 at the Pueblo of Pojoaque Boys and Girls Clubs, so I invite everybody to join me tomorrow afternoon at 4:00. I will be a formal candidate.

CHAIR VIGIL: Congratulations.

COMMISSIONER MONTOYA: For US Congress. Thank you. I forgot what I was running for already.

CHAIR VIGIL: Congratulations, Commissioner Montoya.

COMMISSIONER MONTOYA: Thank you.

CHAIR VIGIL: And the best to you. Commissioner Campos.

COMMISSIONER CAMPOS: I'll pass for a second.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: I'm going to declare my candidacy at 4:00 pm. I just want to let everybody know that I'm not running for US Senator. A couple things. The resolution that we talked about for La Cienega, we'll hear that on January 8th, I believe. Is that correct, Steve? We'll have it on there.

And then I want to just - we had our oil and gas meeting at Santa Fe High gymnasium. There was about 800 people that attended and I want to thank the Commissioners for attending. I think it was a very good, successful meeting. And I just wanted to thank a few people that helped put that together. Jennifer Jaramillo, Shelley Cobau from the Land Use, Rachel Brown from the Attorney's office, Naomi Salazar, Manager's office, Micah Clokey from the Manager's office and all the others. The Sheriff's Department and the Fire Department. I want to thank Representative King for helping put that together. We spent a lot of time and I think it proved to be successful. I also want to thank the superintendent, Dr. Leslie Carpenter and the Deputy Superintendent, Bobbie Gutierrez. And congratulations to Commissioner Montoya. Good luck. That's all I have, Madam Chair.

CHAIR VIGIL: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Thank you, Madam Chair. I would reiterate - I thought what Commissioner Anaya said that the meeting went well, the second meeting. I think the first meeting on November 15th was a good recitation of all the issues and concerns that people had. Then when we had the second meeting on December 6th we had a draft ordinance for people to begin to focus on and that was good. I thought it was particularly good, the staff comments of the ten most frequently asked questions and responses that Mr. Ross presented, I think helped a lot of people go through the ordinance and get a handle on what it's supposed to accomplish.

I would mention too that I've seen a lot of good comments coming through since then. Some detailed comments and questions on aspects of the ordinance and the Land Use Code, so I think the public is responding well to the challenge of coming up with a really comprehensive ordinance. I did want to make a suggestion. One of the issues that was brought up was is there enough time to respond? We've set a scheduled date of the 21st for written comments, and I believe that we're at least tentatively looking at January 7th for the first public hearing. I don't know if that's been confirmed yet, Roman. But I wonder if it would be any problem to move the written comments deadline to correspond with January 7th. I don't think that that would affect our overall schedule, but it would give the respondents a little more time and would also enable people of course to hand in written comments at the time of the first hearing. Any comments that you might have on that, Roman?

MR. ABEYTA: Madam Chair, Commissioner Sullivan, just that I'll sit down with Steve and we'll take a look at the overall schedule and see if we can

accommodate that.

COMMISSIONER SULLIVAN: Yes, I know we want to get the comments in in time that they can be digested and put into the drafts. I know we're planning for two public hearings, the second one some time in the latter part of January is the current schedule. So I just thought that that might give people another two weeks to prepare their written comments and also bring them to the first hearing as well and submit them at that time and know that they would be considered in time for preparation of the second draft. So it's just a thought. If we could look at that, I think that would be useful.

Another item that I had was what is the holiday schedule for New Year's? Is the County taking the day before New Year's Day off, or a half a day? Or what's happening?

MR. ABEYTA: Madam Chair, Commissioner Sullivan, we're scheduled to work New Year's Eve, eight to five.

COMMISSIONER SULLIVAN: New Year's Eve day.

MR. ABEYTA: New Year's Eve day.

COMMISSIONER SULLIVAN: Okay. So there's no half days or anything anticipated for that day?

MR. ABEYTA: No.

COMMISSIONER SULLIVAN: Okay. And that was in our previously approved calendar of holidays and so forth?

MR. ABEYTA: Yes. And what we did though, last year, when we approved this year's calendar, the Commission opted to give the employees off the 24th, Christmas Eve, where there was kind of the same setup where we were scheduled to work the 24th and be off the 25th. When we approved last year's calendar the Commission gave the 24th and the 25th off, but we opted not to do that for New Year's.

COMMISSIONER SULLIVAN: For New Year's Eve day.

MR. ABEYTA: Right.

COMMISSIONER SULLIVAN: Because I know, my vague recollection is in the past we had seen the County Manager at the last minute doing four hour leaves on each day and then it seemed kind of counterproductive to have people coming in working four hours and then leaving after that. So the plan is they get the full day on Christmas Eve day off, and then they work a full day on New Year's Eve day.

MR. ABEYTA: Yes.

COMMISSIONER SULLIVAN: Okay. That clarifies that. And you're not anticipating any half-day administrative leaves.

MR. ABEYTA: No. No.

COMMISSIONER SULLIVAN: Okay. The last question I had, Madam Chair, was on the summary that the County Manager provides us of contracts that he executes that are under \$100,000. I noticed a change-order #1 for our Public Works facility. It was in the amount of \$90,000. And that caught my attention. It's the sum of a number of changes that occurred apparently to the project and Paul Olafson has given me and all the Commissioners a copy of that backup. But one of the questions I had Joseph

and Paul was that it seemed like of that \$90,000, about \$23,000 is just changes in reinforcing bar, which is the basic structural components of the facility and in one of the change-orders a comment is that the rebar is installed per plans and therefore there are no credits. If the design had not yet been complete then we should have been sent something in writing telling us that changes were to be forthcoming. So what's happening here and what were the reasons for this?

PAUL OLAFSON (Community Services Department): Madam Chair, Commissioners, I'm going to ask our design team on this project to come and address these questions. I feel they're better qualified.

COMMISSIONER SULLIVAN: If they could just summarize. I'm sure the Commission doesn't want to go through each of the items in this change-order but it sounds like there was some major unanticipated change here that resulted in an awful lot of reinforcing bar and other electrical work as well, and what was that all about?

TOM DENSER: Madam Chair, Commissioner Sullivan, my name is Tom Denser. I'm with the Louis Berger Group. We are the prime consultant to the County on this engineering project and we are also the structural engineers of record. I'm not a structural engineer of record myself but I represent the firm. Those particular items were for some somewhat complicated column foundations that in our opinion, we're not particularly detailed on the drawings and we would detail something like that when the shop drawings come in and the contractor did not agree with that method of handling the introduction of those reinforcing bars into the project. So they asked for a change-order.

COMMISSIONER SULLIVAN: So you said the structural or the column drawings weren't detailed enough, but Louis Berger did those drawings, right?

MR. DENSER: Correct.

COMMISSIONER SULLIVAN: Why weren't they detailed enough?

MR. DENSER: Well, we have typical details for columns and we don't feel like that particular detail-lacking should have resulted in such a large change of cost but the contractor did not agree with us. He did not anticipate placing that steel and that's one example. There are other examples of some foundations that we felt some steel needed to be added during the shop drawing phase.

COMMISSIONER SULLIVAN: So, if I can summarize it, you had a kind of generic design and then when the contractor submitted his shop drawings there were - the more detailed shop drawings, you made changes or requested changes which he felt added some \$23,000 to his cost.

MR. DENSER: That's correct. On roughly a half a million dollars worth of concrete work.

COMMISSIONER SULLIVAN: And the other changes, the rest of the \$90,000, generally what did that - did we add some square footage to the building or was there some owner-added things?

MR. DENSER: Certain items are owner-added. I believe there's a summary that I believe you alluded to and it summarizes all of the change-order request that were

included in the single change-order.

COMMISSIONER SULLIVAN: Some of them are kind of difficult to understand, like a \$20,000 is titled revisions to submittal #24-R (revised), \$20,622. That's a little hard to know what that's all about.

MR. DENSER: Submittal 224-R were shop drawings for the foundations for the office on the garage buildings, I believe. And the "revised" means that the contractor revised the change-order after we rejected it and negotiated the accepted costs.

COMMISSIONER SULLIVAN: So these were the garage foundations. And did Berger do those as well?

MR. DENSER: Yes, sir.

COMMISSIONER SULLIVAN: And so the contractor submitted something back that was different that resulted in \$20,000 in additional cost.

MR. DENSER: That's correct. These were negotiated sums.

COMMISSIONER SULLIVAN: Well, I understand that this change-order has already been approved, so Madam Chair, this is not in front of us for approval or denial because the County Manager has the authority to approve those, but it just seems to me – there's always of course unforeseen things that pop up during the construction, certainly of a \$16 million building. So we've got to anticipate those and we, I assume have contingencies that do that. But I was just surprised to see so many large changes in the early stages of essentially the foundation and level of work. And we have other changes, do we, coming forward in addition to this one?

MR. DENSER: Yes, sir.

COMMISSIONER SULLIVAN: And how are we tallying up on that? Where do we stand on changes now?

MR. DENSER: Somewhere around \$400,000.

COMMISSIONER SULLIVAN: \$400,000? So that's about 2.5 percent already, and we haven't – we're just starting to get the steel up, right?

MR. DENSER: The steel's all erected. The foundations are all completed. The wash building is virtually completed structurally. We would see these changes or expect these changes to come at the initial phases of shop drawing submittals and construction of the structure. And we believe we're beyond that phase now. We don't expect to see a proportional number of change orders coming with the calendar schedule.

COMMISSIONER SULLIVAN: Then the remaining – just a summary of the additional \$300,000 in change-orders, what were they about?

MR. DENSER: They deal with the electrical changes, some structural changes, some utility type work. I believe that's the lion's share. There's a security system that's be added at the – I don't know, request – but the agreement of the County.

COMMISSIONER SULLIVAN: Are we changing the square footage at all?

MR. DENSER: Not to my knowledge.

COMMISSIONER SULLIVAN: Rooms or bays or anything?

MR. DENSER: No.

COMMISSIONER SULLIVAN: Okay, Madam Chair. I guess that's all the questions I have. Thank you.

CHAIR VIGIL: Thank you. Commissioner Anaya.

COMMISSIONER ANAYA: I'm looking at your electrical page, I think it's the second page - Linex Electric Company - you have there tool replacement of \$237. What did they break a tool or what?

MR. DENSER: I believe that cost is drill bits and consumable type tools that is included as a percentage of cost.

COMMISSIONER ANAYA: Okay. So back to the question that Commissioner Sullivan asked. Tom, just so I can understand it better. You all designed the plans. You drew the plans.

MR. DENSER: That's correct.

COMMISSIONER ANAYA: But you didn't draw the plans with enough rebar in it. And the contractor is saying you all didn't draw the plans correctly, so we need to order more rebar to put in the columns and now you're saying that we need to pay for that rebar that you didn't order, that you didn't put in the drawings.

MR. DENSER: We believe there's value added. Yes, sir, in buying that rebar and installing it. Just to back up a little bit. Typical in building construction, as opposed to say bridge construction or some other public works construction, we will have typical details that show a general reinforcing arrangement. And if there was some special thing we probably should detail that, but in this case we didn't detail the detail around a single column type that exists at multiple locations throughout the building. And we would add that steel on the shop drawings when they come in because the actual bending and placing drawings are created by the contractor, so that his steel fabricator can bend the reinforcement and fabricate it.

Those drawings were submitted to us for general agreement with the construction drawings and for addition of any detail that we feel like we need to add to the building's integrity, and that is where we would add that particular detail. If the contractor feels like they need to add cost for that because they didn't anticipate it in their bid then they do it at that point and as with most low-bid jobs, the contractor has admitted in this case and usually does that he will take whatever opportunity he can to reasonable add costs to his fee, because he had already cut it down so that he could be the low bidder. So I believe it is just one aspect of the strategy in this type of construction.

COMMISSIONER ANAYA: This makes me sick to my stomach, because you guys didn't draw the plans correctly. That's the way I look at it. I can see a few change-orders, but at this amount. And then you said another \$400,000 of change-orders coming down the pike? What is wrong with us? Commissioner Sullivan, you mentioned a percentage. What is the percentage - you're at two percent - what is the percentage that usually a construction project would go over?

COMMISSIONER SULLIVAN: Madam Chair, Commissioner, my personal experience is that in the course of an entire job you probably want to budget about three

percent, three percent contingencies for change-orders and unforeseen conditions. We're at 2.5 now.

COMMISSIONER ANAYA: So \$400,000, what's that going to bring it to?

COMMISSIONER SULLIVAN: That's 2.5. According to my calculations, on a \$16 million project.

COMMISSIONER ANAYA: I'm glad you brought it up.

COMMISSIONER SULLIVAN: We're kind of eating into our seed corn here and I'm kind of concerned about using up any more contingency money.

COMMISSIONER ANAYA: Maybe I'm off base. I don't know, but \$500,000 already and you haven't even started erecting anything, right?

MR. DENSER: No, it's all erected. The steel's all erected.

COMMISSIONER ANAYA: Thank you, Madam Chair.

CHAIR VIGIL: Did you want to add any names to thank?

COMMISSIONER ANAYA: Oh, yes. Thank you. Some other people that helped us at our meeting at Santa Fe High was Stephen Ulibarri, Tina Salazar, Jack Kolkmeier, Ish Lovato, Mark Lujan, Camille Gurule, Manny Gonzalez and Angie Lopez. Just thank them for helping out.

CHAIR VIGIL: And a huge, huge, huge, huge, huge thanks to Stephen Ross for all that you did that evening. For working diligently on drafting that ordinance and for effectively, I think, communicating to the public about the ordinance. I actually think that at least under my matters from the Commission, I would like to ask Roman if we could consider doing some kind of a public education piece. I saw on the following day in the newspaper where they identified the most frequently asked questions and then summarized them. Perhaps we might even be able to do that as a public announcement of some kind. I'd really like in particular for the public to be fully educated about the extent of our authority. I am still getting emails that say why can't you just ban it? And twice I think, at least I've heard in public hearings, both in the state and in the county, what our limitations are with regard to just arbitrarily banning something. So that needs to be explained.

I also, if it's at all possible, would like to explain to the public why the timeline exists the way it is. We're receiving a lot of emails asking us to extend comment periods and I think we owe it to them to explain why the timeline exists the way it is. So if we could perhaps draft some kind of a public service announcement that could be disseminated through community service programs or through the newspapers, I think it would be helpful to educate our community in this process.

And Commissioner Campos.

COMMISSIONER CAMPOS: A couple of comments. Mr. Abeyta, we talked about the budget, six, eight months ago. I raised the question about the investment of money for County buildings to make them energy efficient. You said that we would reconsider the question in the second part of the budget. And I think it's time to reconsider it. I think unless we allot so many dollars to actually - we've evaluated most of our

buildings now. Mark Sardella did that in the past couple years and I think it's now time to aggressively address the issues raised to make all of our buildings energy efficient.

So I really need to have your ideas as to how much budget should be set aside for the next six months, and after that, until we get the problem rectified. At our next meeting. I think it needs to be on the agenda. I want to congratulate you and Joseph Gutierrez and staff for Public Works and the courthouse. I think they're doing a great job in making them energy efficient. Both these buildings are very green. I think they stand out as something that the County is contributing to this community and taking the leadership that we need to take on energy efficiency.

The second issue is cars. Car purchasing policy. We need to buy cars that use less gasoline. We've got to stop buying gas guzzlers, V-8's. We have to see really what our needs are. Can we do with a small car or do we really need a huge car? And Lisa Roybal has been working on this and she has some numbers and I know she wants to talk to you and perhaps we need to have that discussion also in January. I'd like to have a policy in early January or February as to what kind of cars we're going to buy. Special justifications for cars that are users of a great deal of gasoline. I know we're going to bio-fuels now as far as Public Works and our heavy equipment machinery and that's a big step forward. And I think we have to stop buying cars that waste energy. So can we see these on the agenda in January?

MR. ABEYTA: Yes. In January they'll be on the agenda. The administrative meeting in January, so at the end of the month.

COMMISSIONER CAMPOS: Thank you.

MR. ABEYTA: You're welcome.

CHAIR VIGIL: Thank you. Are there any other matters any of the Commissioners would like to include as a final matter?

XI. PRESENTATIONS

A. Presentation by NMDOT Design Build Team for Rail Runner Between La Bajada and City Limits

CHAIR VIGIL: Gentlemen, would you please come forward and state your name and title for the record, although we know you.

PATRICIO GUERRERORTIZ: Good afternoon, Madam Chair, Commissioners. My name is Patricio Guerrerortiz. I'm Deputy Secretary for Programs and Infrastructure with the New Mexico Department of Transportation, and I have the pleasure to introduce the two people who are going to be making the presentation about the project itself. Paul Lindbergh is our project manager. He is an employee of the Department of Transportation, and Tim Cobb is with a group that is part of the design-build. He's doing the design part of it. And you had requested that you wanted to have them show up before you so that you can meet them and ask questions and that's what we're doing today. Thank

you.

CHAIR VIGIL: Thank you, Mr. Guerrerortiz. Please state your name, and again, your title.

PAUL LINDBERGH: My name is Paul Lindberg. I'm the design-build project manager for the Department of Transportation for the phase 2 design-build segment of the railroad portion.

CHAIR VIGIL: Okay.

TIM COBB: Good afternoon. I'm Tim Cobb. I'm the design manager and I'm with the design-build team.

CHAIR VIGIL: Okay. Commissioners, any questions for these gentlemen in specific? Mr. Lindberg, maybe you could start by just telling us what the scope of your responsibility is and it will maybe help us zero in on the questions we may have.

COMMISSIONER MONTOYA: Madam Chair.

CHAIR VIGIL: Commissioner Montoya.

COMMISSIONER MONTOYA: I'd just like to ask, where's the one that we had recommended? Is that one going to be built where we recommended it? On 599 and I-25?

MR. LINDBERGH: As far as stations?

COMMISSIONER MONTOYA: Yes. The stations.

MR. LINDBERGH: We don't have any stations within the contract currently. That's to be determined still. I believe there's meetings with MPO to make a final decision on station location.

COMMISSIONER MONTOYA: Okay.

COMMISSIONER ANAYA: I've got a question.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: So, Paul, how's it going out there?

MR. LINDBERGH: Fairly well.

COMMISSIONER ANAYA: Are you on schedule?

MR. LINDBERGH: We're trying to catch schedule.

COMMISSIONER ANAYA: And when's the deadline? November sometime?

MR. LINDBERGH: December 15th is the mandatory completion date of this contract.

COMMISSIONER ANAYA: Of 08?

MR. LINDBERGH: Of 08, with service to be commissioned and operational by the end of 08. We're on schedule as best as we can be. There's some weather delays in the design-build project here. Tim's group is running as fast as they can to get some work out there on the ground.

COMMISSIONER ANAYA: And what are the main obstacles?

MR. LINDBERGH: Well, we've had a few issues with design, right-of-way availability was a little bit delayed. We have a good contractor. There's no contractual

delays at this time other than a five-day delay for acquiring some right-of-way. Everything else, they've done some recapturing of their schedule. Design-build kind of stumbles when it starts. They look for items they plan to start on first. Maybe the design or some other issues release is other items. So we scramble a little. I expect by the first of the year we'll be doing half a million dollars worth of work a day which is the kind of pace that we have to set to complete this project on time. We're getting up to speed as far as construction goes. Design is almost complete.

COMMISSIONER ANAYA: Where are you getting your gravel from?

MR. LINDBERGH: Various sources. I believe that Ballast is one source, down in Penasco. I don't know where all the other aggregates are coming from. Just today we were making decisions on the lining of a lot of the ditches and the drainage facilities that are going down through Waldo Canyon where we have quite a bit of water to deal with effectively. So now we'll have some sizes of aggregate and the contractor will continue to make those acquisitions of material. So I don't think they have all their sources identified; I know they have a few.

COMMISSIONER ANAYA: Okay. Thanks, Paul.

CHAIR VIGIL: Commissioner Sullivan.

COMMISSIONER SULLIVAN: One of the things we talked to the DOT about getting someone on board to represent the County's interest, because there are a number of issues that are still, in my judgment still unresolved, such as the noise issues in the design. And there's been some work done on that by the Land Use Department. You're having weekly construction meetings? Is that what's happening currently?

MR. LINDBERGH: Yes, Commissioner. We have weekly - we have several task force meetings every week. We've been at it since September. I had requested from James Lujan an individual from Santa Fe County. I would welcome their participation. I have not yet - no one has come forward to participate.

COMMISSIONER SULLIVAN: Okay. I know the County Manager is looking to bring someone on board to do that and DOT has agreed to participate in some of the financial burden for that. But when I last talked to the County Manager we're still working on getting someone lined up. Is that right, Roman?

MR. ABEYTA: Madam Chair, Commissioner Sullivan, we're pretty close. James Lujan may be able to provide us with an update.

JAMES LUJAN (Growth Management Director): Madam Chair, Commissioner Sullivan, your question was again an update on the peer engineer?

COMMISSIONER SULLIVAN: Right. Or the -

MR. LUJAN: We had a meeting this morning at 10:00 and it got somewhat delayed because of the two-hour delay. We are planning to meet on Thursday - our attorney with the NMDOT's attorneys, and we're going to get this agreement. And I've already had interest from two engineers, one company and one individual that may want to come on board and work for that, once we get the agreement ready.

COMMISSIONER SULLIVAN: Okay.

MR. LUJAN: I was going to look in house and see if we wanted to spend - I have some salary savings until we get that, but I haven't gone over that with the County Manager. That's yet to be discussed and I believe we're going to meet on Thursday at 3:00 to finalize some of these things. So I'd like to try to do that.

COMMISSIONER SULLIVAN: Okay. I think we need to move quickly on that because we've heard they're nearing the end of the design portion of this and I think we need someone not only from a coordinating role to deal with County issues, which in looking at the plans briefly, for example, I didn't see any notes that said that the contractor had to comply with any County ordinances at all. And when we talk about drainage, when we talk about there aren't going to be any road crossings we were told, so that's not an issue. But I think there are some design issues that we want to feel comfortable about, as well as noise issues and other issues. So the faster we can do that the better off, I think, and the better informed we'll be.

Let me ask, Madam Chair, just from the design standpoint, is that correct, that there will be no at-grade crossings?

MR. LINDBERGH: At this time that's correct. We had - initially in the proposal there was two emergency crossings for emergency response. They were going to be at grade and gated and accessible only to emergency responders. We have an alternative to one of those, between La Cienega and 599 which we're pursuing at the break from the access from the frontage roads to the main line, and at the meeting with Santa Fe County Sheriff and State Police they find that very favorable, and they could also then access the frontage road in an incident to divert traffic. The emergency crossing that was planned between Richards and St. Francis is in the median area and unfortunately there's no frontage road system for us to make a similar arrangement. So we may have to have an at-grade crossing for emergency vehicles only in the wide portion of the median there, and that will be gated and accessible only to emergency vehicles. There are no at-grade crossings.

COMMISSIONER SULLIVAN: Okay. Have you spoken with our Fire Chief on any of these emergency issues?

MR. LINDBERGH: We've - I've got an emergency response team meeting and I've invited Martin Vigil to extend some invitations. I don't believe the Fire Chief was at the last meeting but the Santa Fe County Sheriff was going to extend that, broaden the participation in our emergency response meetings.

COMMISSIONER SULLIVAN: Have you seen the binder that the County submitted on emergency issues about a month ago?

MR. LINDBERGH: Particular to the Rail Runner project?

COMMISSIONER SULLIVAN: Yes.

MR. LINDBERGH: No, I haven't seen the binder.

COMMISSIONER SULLIVAN: Has the design team seen that binder?

MR. GUERRERORTIZ: No.

COMMISSIONER SULLIVAN: Then why did we prepare it? We submitted

an inch-thick binder of design issues and emergency questions that were put together by the Fire Department and the staff at the emergency facility. It was about a month ago. Maybe more than a month ago.

MR. LINDBERGH: I'll be sure that I get apprised of those issues.

COMMISSIONER SULLIVAN: I really have a strong feeling that this stuff is being thrown in the trashcan to be honest with you. And I think the response and the so-called commitment to County participation is just lip service. I don't think we're getting anything and that's why I feel that this peer review person is so important because I don't think we can rely on DOT to tell us what's going on or to even pass on our concerns to the design and build teams. Patricio, what's going on here?

MR. GUERRERORTIZ: Madam Chair, Commissioner Sullivan, I will look for this report. I don't know -

COMMISSIONER SULLIVAN: You haven't seen it either.

MR. GUERRERORTIZ: I haven't seen it. So I don't know how it was delivered but I will make sure that there is attention to that. Sometimes written communication could take longer than we anticipate especially within government agencies.

COMMISSIONER SULLIVAN: I'm sorry to hear that because if you want to get a train built by the end of the year you better speed those things up because as you get closer to Santa Fe - you haven't even gotten to Santa Fe yet. This is just the part that takes you to the city limits. You ain't seen nothing yet.

MR. GUERRERORTIZ: Apparently we are dealing with your emergency response personnel too, so that to me is a step in the right direction.

COMMISSIONER SULLIVAN: Well, I know they've attended a training, but we went to some length to put these issues together, so I'm disappointed about that. While you're there, Madam Chair, Pego, tell me what's going on with the stations. And I'm on the MPO so I understand that but when the Secretary was here last time she said we have money for a third station and possibly a fourth. And if you select a station then that's where it will be. And somehow that's dissipated into a recommendation from the technical coordinating committee and - has there been lobbying by any of our legislators for any particular station to any of these review team members?

MR. GUERRERORTIZ: Madam Chair, Commissioner Sullivan, not to my knowledge. We are still awaiting a decision that the MPO will make on this location of the preferred station or stations. At this point we know as much about that as you seem to know at this point.

COMMISSIONER SULLIVAN: Well, that's not what the Secretary said. The Secretary said that the County could locate - there's two stations in the city and that the County could locate a station, and that we needed to do it by the end of the year. So we enlisted the County staff and the Planning Department. They made a detailed presentation to us. They made a recommendation to us and we made a recommendation. And now that's been mired down in the bureaucracy of the technical coordinating committee who says we

should have five stations and the City of Santa Fe who says, well, we'd like another station in the city, maybe, or maybe not. Maybe the city does need another station. I don't know. But in terms of providing some kind of service in the County we've already made that decision. What's happened to that?

MR. GUERRERORTIZ: Madam Chair, Commissioner Sullivan, we are awaiting the decision made by the MPO with the entity that has to make - you made the recommendation to the MPO and the last time you had a meeting you couldn't come to an agreement. You had a tie in your vote as far as I can remember. So we didn't have a recommendation from the MPO, and your recommendation went to the MPO.

COMMISSIONER SULLIVAN: Well, our recommendation went to the DOT, and I'm not understanding why the MPO has anything to do with this. This is a state-funded project. Why is the DOT delaying this by pushing it off on the MPO and the City Planning Department and everybody else that they can think of. The solution is quite simple. We could be started on the design, on the environmental work.

MR. LUJAN: Madam Chair, Commissioner Sullivan, it was staff's impression also that MPO was going to make the decision. We recommended it from the County and we're waiting for MPO's decision. That's the last that got back to me and I still haven't heard anything.

MR. LUJAN: Well, and I've been to the MPO meeting and we're now going through the City's process of what would be nice for stations and so forth. There's two separate issues.

MR. LUJAN: So is the 599 the official site from the County or from the MPO?

COMMISSIONER SULLIVAN: Well, the MPO hasn't taken any action. The County has unanimously passed a resolution endorsing the 599 site. The point I'm making here is for this project there is no need for the MPO to decide anything in terms of the station. This is a state-funded project. The stations are state-funded. There's no federal funds in this and why are we dragging our heels waiting.

MR. LUJAN: Maybe it was staff's fault in it, because we thought it was a regional decision at the MPO and we haven't -

COMMISSIONER SULLIVAN: I think the DOT - the DOT feels the same as you do. I think the DOT thinks it is too. But the bottom line is, and getting back to Commissioner Montoya's question right at the beginning is where's the beef? Where's the station?

MR. LUJAN: Well, we'll instruct -

COMMISSIONER SULLIVAN: I'm not pointing the finger at you for not having it there. I'm saying I thought - I looked at the minutes very clearly, what the Secretary said at the meeting, and it was that the County could make that decision. And we did, and then suddenly it got shifted off to the City to make the decision. And I'm quite confused, even as an MPO board member, and then we have a technical coordinating committee putting articles in the newspaper saying there should be five stations. Where

does this go?

MR. LUJAN: Staff's even confused on that. We'll direct them then - if that's the station we selected, and I saw the resolution. We were just under the impression the MPO, it would still have to go for a final decision to the MPO because of the regional process.

COMMISSIONER SULLIVAN: I don't know if it does or doesn't, but nothing is getting done.

MR. GUERRERORTIZ: One more thing, Madam Chair, Commissioner Sullivan, at the last meeting of the MPO, the resolution made by the County came to the MPO as a recommendation and you took a vote at the MPO. And the vote resulted in a tie. So there was no decision. And the MPO is meeting again on Thursday to deal with the issues of the station. I don't think it's just my understanding or the County staff's understanding. We were all awaiting a decision of the MPO. That was also the understanding of the members of the MPO.

COMMISSIONER SULLIVAN: Let me make it clear. The city's a part of the county, so we're glad and committed to working with the City in planning stations and in looking at the long-range picture. And that's I think the function of the MPO. That's a different issue than Rail Runner, Phase II, three stations, where's the third station going to be? Answer: I-25 and 599. That was the option that we were given. I thought that that was all taken care of and that what was left was planning for the future. Where, over the next five to ten years should we be having these facilities. And we put our recommendation in. So however long it takes the MPO to do something, so be it.

My concern is in the meantime, nothing's being done on the station that I thought we had gotten the green light for which was 599 and I-25.

MR. GUERRERORTIZ: In fact your recommendation to the MPO came because that was the decision that regionally made the most sense. So there was a recommendation to the MPO as far as my understanding, as far as anybody could have understood in my mind. It was the MPO's decision and you were making a recommendation as a Commission. The County Commission was making a recommendation to the MPO to have that station. We're just here waiting and we have said that - at the MPO meeting we even said that it doesn't have to be by the end of the year if we can wait a few more days, a couple more weeks, if that's what you need to make the decision. You're having a meeting on Thursday and my expectation and hope is that you will make a decision at that time.

COMMISSIONER SULLIVAN: Well, I won't go any further on this matter, Madam Chair. I didn't realize the MPO had a veto power over what the Secretary had told us.

I have one other question. Councilor Ortiz has brought up some issues about night work and lighting - the City ordinance with regard to lighting. What's the DOT position on that?

MR. LINDBERGH: I don't know if I speak for the department as far as the

position on the ordinance but I can tell you what we're doing with our project. There was no restriction for night work in the contract documents. We're within the county; the work is within the county predominantly, except for a very small piece at the north end of the job. There is a need to balance the safety of the public with the interstate operation when we're moving a lot of dirt. It's done much more safe and efficient at night. As a result, there's some work in the I-25 median that isn't - it has disturbed some of the neighborhoods. When we initially got some of the complaints we've done some of the measures that we normally do. We've redirected lights that were affecting those residences in the nighttime operation. We set all the backup alarms on the heavy equipment to low. They can't be turned off; it's an OSHA regulation. We also, the truck drivers were using their horns to communicate. That's been ceased.

We did get some favorable reports that the effort that we had taken had reduced some of the noise that they were experiencing. Some of what's being heard now would be air-gates being lifted, when the air-gates release on a dump truck it does make some noise. There's also a lot of - the truck drivers have been instructed not to use their jake brakes. None of our drivers - if they use their jake brakes, they're off the job. However, on the interstate, when trucks enter the work zone, they may use their jake brakes, so there is some of that noise at night. We are doing everything we can to expedite the work. We have a couple more months worth of work on the north end of the job that has an effect. It does increase the noise levels at night and we're doing everything we can to expedite that work and then move on.

COMMISSIONER SULLIVAN: That's all the questions. Thank you, Madam Chair.

MR. GUERRERORTIZ: Madam Chair, Commissioner Sullivan, there's one more thing I'd like to add. I was at the Public Works meeting last night and they discussed - actually Councilor Ortiz removed his proposal for a new ordinance because the City does have a noise ordinance. We do not anticipate having to go against the ordinance. Of course we will respect it. And the ordinance has application or has some possibilities for exemption where the safety and health of the public is at stake, and we will communicate with the City closely whenever the need for having work done at night is there because of public safety concerns.

Other than that, our plan is to comply with the local ordinances and the local restrictions.

CHAIR VIGIL: Mr. Guerrerortiz, and I've seen the rail trail route, but describe for me in lay terms that route. Because I noticed that you're working over by La Cienega and the racetrack area. What's going to happen when you have to hit La Bajada. Just explain the route in lay terms so that I can explain it to constituents. Because I know that you're going to be coming up I-25, but what happens when you hit La Bajada?

MR. GUERRERORTIZ: Madam Chair, the route diverts from the existing Amtrak rail at the Galisteo River. So because La Bajada, the slope is too steep for the train, we go around La Bajada. It diverts east of the interstate from the existing rail line

and reappears just north of the rest stop, the rest area on La Bajada. So that's where you see the detour, is where we're building the facility that will allow the rail to go from the east side of the interstate, under the northbound lanes, into the median.

CHAIR VIGIL: Is that the only detour between Bernalillo County and Santa Fe?

MR. GUERRERORTIZ: That's the only time that the rail diverts from the existing facility, the rail that Amtrak uses on a regular basis.

CHAIR VIGIL: Okay. And will that lower its speed at all?

MR. GUERRERORTIZ: In the interstate the speed will be 79 miles an hour, and as you approach the city limits or as it approaches the entrance, because right before the St. Francis ramp off the interstate, we will go back from the median into the city area, and we will cross the southbound lanes of I-25 also under the interstate.

CHAIR VIGIL: Okay.

MR. GUERRERORTIZ: And then we will join the alignment that is being currently used by Southern.

CHAIR VIGIL: Okay. Thank you very much. Thank you, gentlemen for being here.

MR. LINDBERGH: Madam Chair, we have on our website we have some animations of the train going through the canyon, for your constituents. On our website, it's an animation that runs, gives them a ride so they can see what it's like.

CHAIR VIGIL: Thank you. Appreciate that.

XII. APPOINTMENTS/REAPPOINTMENTS/RESIGNATIONS

A. Appointments to the Senior Services Advisory Board of Directors

MR. ABEYTA: Thank you, Madam Chair. There will be three vacancies within this board that require the Board of County Commissioners to appoint members. The positions were previously held by Mr. Tony Rivera, Ms. Laura Lujan and Ms. Phyllis Dickens. Mr. Robert Pavia has agreed to stay on the board for another term. The City of Santa Fe has submitted a request asking the Board of County Commissioners to consider the appointment of Ms. Virginia Montoya, to represent the El Rancho area, Ms. Beverly Cottingham to represent Eldorado, and Mr. Robert Pavia for reappointment. And his address is in Edgewood. And we have members of City staff here if the Commission has any questions for them.

CHAIR VIGIL: Ms. Rodriguez, did you want to add anything to this?

RON VILLALPANDO: Madam Chair, members of the Commission, Ron Villalpando, Division of Senior Services. As we did mention, there are three vacancies. We brought to the Commission two as the County Manager mentioned, Virginia Montoya and also Beverly Cottingham. But anyways, we don't have a fourth one. We did try to recruit a Mr. Lamb. He did decline recently so we're in the process of working with

County staff to try to find a new individual who lives out in Chimayo to fill that vacancy and we will bring that next month.

CHAIR VIGIL: Okay.

COMMISSIONER ANAYA: Move for approval.

CHAIR VIGIL: Motion to approve. Is there a second?

COMMISSIONER CAMPOS: Second.

CHAIR VIGIL: Second. Any questions?

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

XII. B. Appointments to the Corrections Advisory Board

MR. ABEYTA: Madam Chair, staff is requesting appointment of Larry Lyons from the medical community, Sidney West, an attorney with the public defenders office, and Joni Morales, a social worker with the public defenders as an alternate. From the district attorney's office, Shari Weinstein. Substance abuse treatment community, Shari Smith. The district court administrator, Lupe Sanchez, and at-large representative Patricia Innes, and from the legal community, Frank Susman. And I believe their resumes are in the packet and staff would request that the Board appoint these individuals to the Corrections Advisory Committee.

COMMISSIONER CAMPOS: Madam Chair.

CHAIR VIGIL: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Abeyta, there are seven open vacancies?

MR. ABEYTA: Yes. About two months ago we expanded the number from I believe nine to 13, with a resolution. So with the changes we've had, we've had some resignations and then of course we had the unfortunate passing of our chair. So we have these seven vacancies that we would like to fill.

COMMISSIONER CAMPOS: Now, how did staff go about selecting the seven persons that they want to recommend today?

MR. ABEYTA: We actually worked with the existing members of the Corrections Advisory Committee. They brought forward names for our consideration, and we contacted the public defender and district attorney's office for their recommendations.

COMMISSIONER CAMPOS: Has the advisory board been active in the last six to 12 months?

MR. ABEYTA: It's been very active.

COMMISSIONER CAMPOS: Very active?

MR. ABEYTA: Yes.

COMMISSIONER CAMPOS: Okay. Are we going to receive a report from them in the near term?

MR. ABEYTA: I believe their next report is due in March of this next year. And they just recently, this past month, conducted an inspection of the facility, a tour of the adult facility and Commissioner Sullivan joined them on that. They've been really active.

COMMISSIONER CAMPOS: Okay. Thank you, Madam Chair.

CHAIR VIGIL: Thank you. Any further questions?

COMMISSIONER ANAYA: So moved.

COMMISSIONER CAMPOS: Second.

CHAIR VIGIL: There's a motion and there's a second. Annabelle, is there anything you would like to add to this?

ANNABELLE ROMERO (Corrections Director): No, Madam Chair.

CHAIR VIGIL: Okay. Any further discussion?

The motion to appoint members to the Corrections Advisory Board passed by unanimous [4-0] voice vote. [Commissioner Montoya was not present for this action.]

XII. C. Appointment of BCC Chairperson for 2008

D. Appointment of BCC Vice Chairperson for 2008

CHAIR VIGIL: I think we usually vote for those in a package. So any discussion on this? If not, I'll make a motion. I move that Jack Sullivan be chairperson for the first half of the year of 2008, and that Paul Campos be the vice chair for that same term, at which time after that term, Paul Campos will be the chair and Commissioner Sullivan will be the vice chair.

COMMISSIONER ANAYA: What?

CHAIR VIGIL: Jack will be the chair for six months -

COMMISSIONER ANAYA: I don't think I'd go with that.

COMMISSIONER CAMPOS: That's asking a little much, isn't it?

CHAIR VIGIL: Okay, then if you don't accept the motion -

COMMISSIONER CAMPOS: I'll second it.

CHAIR VIGIL: The rationale behind that, Commissioner Anaya, is Commissioner Sullivan and Commissioner Campos' term limits will be up after 2008. This will give them both an opportunity to serve as chair. If they're in agreement with it. Commissioner Anaya.

COMMISSIONER ANAYA: I agree with part of your motion, but I think after Commissioner Campos - this is what you said. You said that Commissioner Sullivan would be chair and Commissioner Campos would be vice chair. And then in six months, Commissioner Campos would be chair and Commissioner Sullivan would be vice chair. That's the part I didn't agree with. I thought maybe we would after the six months we would bring this up again. So I would think that the motion - I would agree to a motion,

the first part. Sullivan chair, Campos vice chair.

CHAIR VIGIL: Okay.

COMMISSIONER ANAYA: And then I do agree with switching -

CHAIR VIGIL: But we won't make an appointment for vice chair for the second six months.

COMMISSIONER ANAYA: For the person that's probably going to come up for the next time.

CHAIR VIGIL: I'm happy to clarify my motion to say Commissioner Sullivan for chair and Commissioner Campos for vice chair for the first six months of the year 2008. After six months Commissioner Campos is chair and we'll leave the vice chair to be appointed at that time.

COMMISSIONER ANAYA: Second.

CHAIR VIGIL: Motion and second. Any discussion? Gentlemen, are you in agreement?

COMMISSIONER CAMPOS: I agree.

The motion passed by unanimous [4-0] voice vote. [Commissioner Montoya was not present for this action.]

CHAIR VIGIL: And I guess, Roman, what we'll have to do is make sure on the calendar that in six months we have it as an action item.

MR. ABEYTA: Okay. We'll do that.

XIII. CONSENT CALENDAR

A. Miscellaneous

- 1. Request Approval of the Accounts Payable Disbursements Made for All Funds for the Month of November 2007 (Administrative Services Department)**
- 2. Resolution No. 2007-199. A Resolution Requesting an Increase to the General Fund (101) to Budget Prior Fiscal Year 2007 Cash Balance with an Operating Transfer to the Valuation Fund (203) for a Projected Shortfall for the CAMA Project / \$300,000 (County Assessor's Office)**
- 3. Resolution No. 2007-200. A Resolution Requesting an Increase to the Clerk Recording Fees Fund (218) to Budget Prior Fiscal Year 2007 Cash Balance for Capital Equipment Expenditures in Fiscal Year 2008 / \$9,000 (County Clerks Office)**
- 4. Resolution No. 2007-201. A Resolution Requesting an Increase to the State Special Appropriations Fund (318) to Budget a Grant Awarded Through the New Mexico Aging & Long-Term Services**

Department for the El Rancho Community Center, the Pojoaque community Center and the Abedon Lopez Senior Center for Expenditure in Fiscal Year 2008/ \$380,000 (Community Services Department)

- 5. Approval of Agreement Between AFC and NM Aging & Long-Term Services Department for Legislative Appropriations in the Amount of \$380,000 (Community Services Department)**
- 6. Request Approval of Letter of Agreement for Value Options for Administration of the Access to Recovery Voucher Program by the Care Connection for October 1- November 30, 2007 in the Amount of \$107,300 (Community Services Department)**
- 7. Request Authorization to Accept Amendment No. 5 to Agreement No. 24-0092-FD with CBA Consulting-Christine Atwell as Consulting Pharmacist for the Santa Fe County Fire Department with an Increase in Compensation by \$11,250 for FY 08 (Fire Department)**
- 8. Request Authorization to Enter into amendment No. 5 to Agreement No. 27-1808-CORR Provide Electronic Monitoring Services for the Corrections Department, Adult Detention Facility and Youth Development Program (Corrections Department) ISOLATED FOR DISCUSSION**

- XIII. A. 8. Request Authorization to Enter into amendment No. 5 to Agreement No. 27-1808-CORR Provide Electronic Monitoring Services for the Corrections Department, Adult Detention Facility and Youth Development Program (Corrections Department) [Exhibit 1:Memo]**

COMMISSIONER SULLIVAN: Thank you, Madam Chair. We discussed this at the last meeting and I brought it forward because I felt that the fees that they were charging for persons newly on the monitoring program were too high, ten percent of your income. And I was under the impression, and by the way the Commission agreed with that and I believe the staff does as well and we'll ask Annabelle to comment on it in just a minute. I thought that the fees were set by this monitoring company that we're doing business with, but apparently the fees are set by Santa Fe County. And the monitoring firm doesn't have anything to do with that and subsequent to that, Ms. Romero on the 5th of December sent out a memo proposing some changes and perhaps Annabelle, you'd update on that if you could.

MS. ROMERO: Madam Chair, Commissioners, I understand that - I think these didn't make it into the packet, the analysis I did. Madam Chair and Commissioner

Sullivan, that's correct, the monitoring firm does not set the price. The County has set the price in the past, and I'm proposing that we go back to the prices that were in effect approximately over a year ago. I agree, I think that ten percent is a little too high for people who are on electronic monitoring. I'd like to propose that we not charge a fee and that we not go with the ten percent but rather go with a set fee if they are employed.

On this proposal I'm proposing that the ankle bracelet will be \$5 per day across the board unless they're unemployed. That the sobriety be \$5 per day unless they're unemployed and the GPS system be \$10 per day. Essentially, the program is not going to - I don't believe without having a substantially larger number of people involved ever going to be self-sustaining and I'm not sure that that should be the goal. I think the goal should be having as many people out in the community working and available to work, versus being in the facility where they would cost - it would be quite a bit more expensive in the jail setting.

COMMISSIONER SULLIVAN: So, Ms. Romero, this is a change that you have the authority to make just as director. Is that correct?

MS. ROMERO: I believe so, sir.

COMMISSIONER SULLIVAN: Or you and the County Manager. So Madam Chair, I think these fees are more reasonable, and particularly for this reason. When someone comes out of whatever, their incarceration they have been and goes onto monitoring, very often they have little or no money, and if they get a good job they still have little or no money until they build up their savings and find a place to live and all the needs of daily living. So to hit them immediately with that ten percent of your income just seems very punitive to me. So I think this makes a lot more sense, since it can be handled administratively, I would have no problem moving for approval of this amendment #5 to agreement 27-1808, which has to do with some additional funding required for the electronic monitoring itself.

COMMISSIONER CAMPOS: Second.

CHAIR VIGIL: Motion and second.

The motion passed by unanimous [4-0] voice vote. [Commissioner Montoya was not present for this action.]

COMMISSIONER SULLIVAN: Thank you, Ms. Romero for getting this information to us so quickly and responding to this for us.

MS. ROMERO: Thank you, Commissioners.

XIV. STAFF AND ELECTED OFFICIALS' ITEMS

A. Administrative Services Department

1. Financial Presentation Specific to Water and Wastewater Funding and Corresponding Commitments to Both County Projects and Other Communities *[Exhibit 2: Presentation]*

MR. ABEYTA: Madam Chair, this is a result of a request that was made about two months ago from Commissioner Montoya at one of our BCC meetings asking for an update as to where we are with our water and wastewater funding. So this presentation I would think would only take ten minutes and then we'll be able to answer any questions that the Commission may have. Teresa, go ahead.

TERESA MARTINEZ (Finance Director): Madam Chair, Commissioners, again, a quick reminder as to where we are with our water/wastewater funding plan. The first page is a reminder of the various funding sources that are available for this project. So we have general obligation bonds, revenue bonds, gross receipts tax, cash reserves, developer contributions, state funding, federal funding and the Aamodt settlement. And a lot of what you see here is basically a recap of what we had done on the initial water study session back in August.

Page 3 is a reminder or a restatement of the approved final funding summary that we had agreed upon in August. So it starts obviously with the biggest commitment of funds, the Buckman project. Anticipated project costs are shared by the County is about \$80 million. We break it down just below so that you can see we've committed \$46 million from GOBs, \$35.5 million from capital outlay GRT, and grant funding known to date with signed agreements is \$5.3 million.

Then below that were projects funded by the BCC today and those are composed of both County projects as well as small community or projects that we have requested before the Board with regard to mutual domestic water associations. So the first four projects are basically our County projects. The anticipated project cost is our best estimate. The amount allocated shows what the Board has committed with funding thus far, and the additional need shows what is remaining based on known project costs today and what has been committed by the Board.

Page 3, middle of the page you'll see we have Agua Fria, Edgewood, Chimayo, Canoncito. Those are commitments that have been made by the Board of County Commissioners. And if you'll recall the water study session, we kind of went over our criteria and identified the highest project scores if you will. We allocated the funding. That left about \$2.5 million, which was then split by each Commissioner and then allocated to Agua Fria, Edgewood and Canoncito.

Now the remainder are - the Pojoaque wastewater was a legislative priority for us last fiscal year. Sombrillo has been identified as a project. The County well program, bulk water sales, and then potential shortfalls as they relate to the BDD project. So this is our known project list to date, identifying total known project costs, less what we've

earmarked, and any outstanding need.

CHAIR VIGIL: Questions? I have a question, Teresa, and maybe the Commissioners will have one after I ask mine. The grant funding for the BDD, have we submitted requests for that funding?

MS. MARTINEZ: I have not been party to the requests that have been submitted. I recently attended a BDD meeting and there was a table handed out that said, yes, this is the funding that's been obtained, this is funding in the works, this is funding that needs a grant signature basically, an agreement signature. So what I've identified there is known, certified, attained funding. And I'm assuming that that's being requested by the City or the BDD board themselves, so I really can't speak to that question.

CHAIR VIGIL: Okay.

COMMISSIONER MONTOYA: So, Madam Chair, I guess part of the reason that I wanted to have this information, and it's I guess on page 5, Teresa. So we have the BDD project, that's pretty much spoken for. We know that that \$80 million is going there. And then the \$29,300,000 - now, when you talk about total project costs are you talking about costs that have been identified or the amount of funding that's available for County projects?

MS. MARTINEZ: When I say total project costs, Commissioner, I'm referring to what we know that project costs, estimated project cost to get that project completed. So right now, based on the chart that's on page 3, I've taken the County's projects and I've added them up and these are our best know total project costs to date, and I've totaled them. So right now, for the County projects that the Board has made a priority, our best estimation for the total project cost to date is \$29.3 million.

If you look at the column to the right of that \$29.3 million, we have committed \$6.2 million to those projects to date.

COMMISSIONER MONTOYA: Okay. So what's available?

MS. MARTINEZ: Basically, you don't have a lot available. The point of this presentation I think is that BDD is basically driving our water funding plan right now and the majority of that is still based on the initial estimation of \$160 million project. Whether that project will stay at \$160 million or grow, but right now our dedicated or earmarked funds if you will are \$80 million. Once that's completed and you look at the commitments you've made to date, you really don't have funding available for additional projects.

COMMISSIONER MONTOYA: You're not supposed to say that.

MS. MARTINEZ: I didn't think that was the answer you wanted.

COMMISSIONER MONTOYA: Let me ask the question a different way.
Okay. Thank you.

CHAIR VIGIL: And you may not know this, but let me ask the question. Perhaps one of the Commissioners might. The BDD shortfall, 237.36 acre-feet, do you know what that's about?

MS. MARTINEZ: Well, when we did our initial water summary - the

original one. I don't know if you'll remember this one, the water utility plan that we had done back in August, this was for time to give our best estimation. We had a minimum shortfall scenario, and a minimum shortfall scenario. So that BDD shortfall is water in acre-feet and that's kind of a middle of the road estimation. So it's kind of an unknown. We don't know. It kind of depends on the future of the project and it's based on results of that. So it's kind of our best guess if you will.

CHAIR VIGIL: Okay. Thank you, Teresa. Any other questions? Appreciate the update.

COMMISSIONER MONTOYA: Madam Chair.

CHAIR VIGIL: Commissioner Montoya.

COMMISSIONER MONTOYA: I know that we have a lot of outstanding requests. I guess the question to the Commission would be, how are we going to prioritize what we do have available within the budget, taking away the shortfall? Are there any thoughts or recommendations from Roman, maybe?

MR. ABEYTA: Madam Chair, Commissioner Montoya, we're taking a look at this as part of our growth management strategy to see which of these projects fit within the strategy that we're coming up with, and I can tell you that Pojoaque wastewater for example, we feel that that is a good project and our strategy is even recommending that. So that would continue to stay on our list. We need to discuss what else we're going to do in the north with Sombrillo, Chimayo, the Cuatro Villas, the different projects up there, but really, what this allows us to do, it allows me to do, is to now go to the state and say, okay, here's what's going on with the County and here's why we need a request for more money. For example, if it's Pojoaque we decide becomes a priority, or Sombrillo or some of these other communities. Because what we were running into in the past was, well, the County has all kinds of GRT and bonding money, so now we've gotten an accounting together and I think our next step is to identify which projects we want to continue to move forward with and then seek legislative funding for those projects. And then we can justify those requests based on this analysis that we've completed.

COMMISSIONER MONTOYA: Okay. Thank you.

COMMISSIONER SULLIVAN: m x.

CHAIR VIGIL: Commissioner Sullivan.

COMMISSIONER SULLIVAN: In terms of funding, Roman, do we have any plans to issue another GRT, like our last \$20 million one?

MR. ABEYTA: Teresa has been working with our financial advisor and can answer that.

MS. MARTINEZ: Madam Chair, Commissioner Sullivan, when we did our initial water presentation we had spoken with the financial advisor to that, and initially he had said that we had I think in the dollar available for commitment or pledging out of the capital outlay GRT, and that would generate, just a rough estimation, about an additional \$13.6 million. So I do believe there's room to issue a GRT revenue bond if we found any to do that, to afford more funding for projects.

COMMISSIONER SULLIVAN: Okay. And that's the same kind of bond we issued originally for Buckman when we broke it down into the 75 percent for water and

MS. MARTINEZ: That was a general obligation bond. Let me think about this. Well, we did the \$46 million general obligation bond. Now, the 75 percent, that was the capital outlay, the restriction in terms of how the capital outlay GRT -

COMMISSIONER SULLIVAN: But that was in that \$46 million GO bond, wasn't it?

MS. MARTINEZ: I think you're right. Yes.

COMMISSIONER SULLIVAN: So do we have the capability to go out for another GO bond?

MS. MARTINEZ: I will have to work with the financial advisor to get an answer on that. I can check with him and see.

COMMISSIONER SULLIVAN: I think we ought to look at that. We ought to look at that for water. I see what you're saying, revenue bonds. We could go with GRT revenue bond for \$13.6 million. I think we need to look at a GO bond with perhaps a similar allocation strategy as we did before, but maybe with the numbers a little differently. And what I'm getting at is we're focusing, and rightfully so, on our water planning. But I think the time has come when we need to focus on the road planning and construction and we need to allocate some more funds for that. And the reason I say that is that when we did that \$20 million bond, we looked at this very small ten percent of that total bond was going to go to roads and other. And what happened was it went to other. And the Commission remembers what that other was, if not, I'll shake your memory. It was the Public Works facility. It was that difference, that shortfall in the Public Works facility.

So we really were hoping that it could go like five percent to the road and five percent to other. We didn't even achieve that. We ended up with a substantial portion of that other and roads category going to the Public Works facility. Now, we need a Public Works facility. I'm not saying we didn't need that, but I'm just saying that now the time has come to I think rethink how we do this in the next round, and that we focus on road planning, road strategies, road construction, road inventories, and that we do what counties traditionally do, which is build and maintain roads. We need to catch up on that.

So if we have GO bond capability then I think the public would support that. Obviously, they have to vote for it and I think they would be in strong support of that. So if we could get an update on that. I guess we could do that if you wanted to as a part of the growth management planning report, because I think we're coming to the point now, in that task where the Commissioners are beginning to ask: This is all very nice. How are we going to pay for it? So we need to think about how we're going to pay for water lines, how we're going to pay for roads, how we're going to pay for - it looks like train stations at the rate we're going here. Whatever else we're going to have to pay for. So that would be on top of the revenue bond potential also. Thank you, Madam Chair.

CHAIR VIGIL: Any other questions? Seeing none, thanks, Ms. Martinez.
Appreciate it.

XIV. B. Matters from the County Manager

1. Legislative Update 2008 Session [Exhibit 3: Information Packet]

MR. ABEYTA: Thank you, Madam Chair. Rudy Garcia will be presenting our update for the upcoming 2008 session.

COMMISSIONER SULLIVAN: Madam Chair, while he's getting his papers ready, I apologize for not thanking the Commission for electing me, but then on second thought, thinking about the oil and gas hearings coming up – no, I do appreciate the time I've spent, seven years I've spent on the Commission, and the opportunity to be the chair for six months. And I do want to say that working with all of you has really been exciting and enervating.

COMMISSIONER CAMPOS: I think inspiring is a better term.

COMMISSIONER SULLIVAN: Congratulations, Commissioner Sullivan, Commissioner Campos. We're now on legislative update. Rudy, please.

RUDY GARCIA (Community Services): Madam Chair, Commissioners, what I'd like to do is go over this packet that I actually handed out to you. I'll describe to you what's inside of it. You basically have a list in this blue sheet here which is our County legislative initiatives for this 2008 legislative session. The yellow copy behind that is actually a copy of the New Mexico Association of Counties – their priorities for this year for the state legislature. The other light blue item is the 2007/2008 legislative priorities for the New Mexico Municipal League. So we have these three different items.

Also in this packet here which is attached, I guess on the right hand side to the back is actually – what we did this year is we actually broke down the list of projects that we currently have and this is run through the Community Services Department, a list of these road projects we have. This is also run through the Public Works Department. And the list of the water and wastewater projects, which was actually passed through the water and utilities division. Also this list here has the countywide projects, so what we did this year is we broke down the different projects within the different five Commissioner districts, and what we're going to do this year is we're going to take the projects that are within each one of your districts and present them to the delegation within your districts and request for monies – for any monies or existing monies within these districts.

Also what we'll be doing is going through all of our countywide projects, which is at the bottom half of the page and we will be requesting monies for all of those through the entire Santa Fe delegation. So what I'd like for you all to do is to go through your district there if you can and see if you agree with some of those projects there or if you'd like to add some projects or if you definitely have some questions on those projects. I can try to answer those questions.

Also in the back of your packet there there's some maps there which have the Board of

County Commissioners District maps. It has the senate district maps. It also has the state representative district maps within your specific district boundaries.

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: This is a question for Steve. I just saw on here, Madrid Ballpark. Apparently, the Landowners Association has given you their draft and I believe the draft is on your desk and we need to get it back. That's what I heard. For taking over the Madrid Ballpark.

MR. ROSS: Madam Chair, Commissioner Anaya, what I understand the situation to be is that the documents are all prepared and we're just awaiting a vote of the MLA to authorize the transaction that their negotiating team and our office worked out. I don't think there's any documents that need to be done.

COMMISSIONER ANAYA: Oh, okay.

MR. ROSS: I think we're just waiting for the MLA to vote.

COMMISSIONER ANAYA: Well, maybe we need to talk about that and see where we can go with that.

MR. ROSS: I think we're just virtually there with that transaction.

COMMISSIONER ANAYA: Okay. Thank you.

CHAIR VIGIL: Any other? Rudy, in my district, which is the second page, Senator Phil Griego is also in there, State Representative Lucky Varela is also a part of that district. I believe Senator John Grubescic actually is too. Grubescic probably represents more of the city component of that district but Senator Phil Griego certainly represents part of the Agua Fria Village. And Representative Lucky Varela again, most of the city, doesn't extend I think, maybe on the outskirts of the county on that. Okay?

MR. GARCIA: Madam Chair, I'll add those three different names to your list there.

CHAIR VIGIL: Okay. And good job on this.

MR. GARCIA: Thank you.

CHAIR VIGIL: Anything else from the Commission?

MR. GARCIA: One of the other things, Madam Chair, Commissioners, is on the New Mexico Association of Counties, their 2008 legislative priorities, if you turn to the first page there, this was actually done back in August. As of last week, they actually did have a board meeting and they actually limited the revised volunteer firefighters PERA plan. That is no longer on their top five priorities. The first page after the yellow one is actually their top five priorities. That's the only change they've had since August.

Madam Chair, if we have no questions on any of the projects or certainly if there is any questions on the projects because of the presentation, these figures may or may not change but if you do have anything to add to that you certainly could give myself a call and we can do the necessary changes. Also, if we can take a look at this light blue sheet here which states Santa Fe County legislative initiative, 2008 session. Some of these are actually follow-ups from last year and there are a couple of new ones on here. The first one, the amending of the Economic

Development Act to allow for public partner activities. That was actually something that the Commission wanted to pursue last year. We did pursue it. It did almost – the bill almost did pass. It just ran out of time, basically, is what happened on that. It will be brought forward this year again.

Eliminating the County surveyor position in Santa Fe County. I think some of the Commissioners wanted to bring that forward. I think Santa Fe County is the only county in the state that actually has a county surveyor position. Also requests are being made for additional monies for projects that have been previously funded but have shortfalls. We do that every single year. Hopefully this list actually will outline that. Reauthorizations of previously funded projects. If the language is needed that will be submitted. A document imaging program for the County Clerk's office. Last year we did receive some funding for that. She needs some additional funding for that. We will be requesting that.

A continuation of support for House Bill 316, which is actually actually enacting the County's Detention Facility Reimbursement Act. A committee met on that this week and they actually allowed or made a motion to put an additional \$100,000 in this bill, but we certainly will follow it to make sure there's hopefully additional monies that will help the counties get reimbursed for that.

We're actually resubmitted a joint memorial or a bill with both houses, and this is actually for Santa Fe County to acquire the New Mexico State Penitentiary wastewater treatment facility. I believe some of the staff members have met with personnel from GSD and GSD is in favor of the County taking over that wastewater treatment facility, so we'll be submitting some action for that.

We'll actually be submitting a bill in the amount of \$700,000. That's to pay for vouchers for substance abuse treatment. That actually comes from our Health Department. At this time if anybody has any questions or issues on the initiatives, maybe we could talk about those. Or if not, then we'll proceed forward with these.

Also, we've been talking with the County Manager's office in regards to several meetings that we want to have, how we're going to have them, what we're going to do. On these dates to remember here, we have been speaking with the Speaker's office in regards to setting up a study session with the hopefully the Santa Fe delegation where we would actually go sit down with them and maybe take about a half an hour, an hour of their time and actually present these projects in each one of your districts to each one of the Santa Fe delegation at the legislature.

The Speaker's office got back to us late last week and Alicia from his office said on December 18th, which is next Tuesday, I believe, we have a spot there at 2:00 and myself and James will be responsible for sending out or contacting the legislature so hopefully we can get most of them there so we can meet on an individual basis with them. I'd like to see or get any input from you guys if you guys are interested in the December 18th 2:00 study session with them. That would be over there at the capital.

COMMISSIONER ANAYA: Who's that with, Madam Chair?

MR. GARCIA: Madam Chair, Commissioner Anaya, it would actually be with

the Santa Fe delegation, anywhere from everybody that's in the Santa Fe delegation – we'll be contacting them and setting up a meeting hopefully with you five and 16, 19 of them I guess and going over these lists with them on an individual basis.

COMMISSIONER ANAYA: So, Madam Chair, are we going to have a legislative gathering here?

MR. GARCIA: Madam Chair, Commissioner Anaya, this is kind of in addition to the legislative reception. We're planning on doing the legislative reception on the 3rd of January, and that would actually be at 5:30 to about 7:00. So those two dates we would like to check with the Commission to make sure they're okay with them. The third is actually a Thursday. Another date, actually to keep in mind is January 10th. Representative Wirth did this last year for the first time. He's actually having it again to go over his capital requests or any issues or any concerns in his district. He's having that meeting on January 10th. And then January 15th is when the legislative session begins at 12:00.

CHAIR VIGIL: Rudy, they had a press release this morning at the roundhouse identifying how much dollars would be available. Were you able to get there? I know it's sort of last minute. I didn't hear about it till first thing this morning.

MR. GARCIA: Madam Chair, Commissioners, last Thursday, Linda Kehoe from DFA actually had a presentation to the Legislative Finance Committee and she estimated about \$550 million in capital projects, is what the state legislature is going to have, more or less. There's a lot of requests out there this year from GSD with regards to getting a lot of these state facilities, putting some infrastructure into them. So if you took that \$550, \$600 million, divided that by three, divided by the house and the senate, it would look like the senate would get roughly about \$2.1 million and the house of representatives would get roughly \$1.7 million, more or less, with the governor's office getting the remaining portion of that. But that is actually still up in the air until the actually, as you know, submit the operating budget for the state legislature.

But those are just rough figures as to what was given by Linda Kehoe from the capital outlay from DFA.

CHAIR VIGIL: Okay. Any other questions?

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: What did you say on December 10th? It says meeting with Representative Peter Wirth. What's that about?

MR. GARCIA: Madam Chair, Commissioner Anaya, on January 10th Representative Wirth is setting up, kind of like if you want to look at it as a townhall meeting for anybody in his district that would like to talk about any capital request or any issues that affect his district or the legislature as a whole, he'll be taking those comments or any concerns.

COMMISSIONER ANAYA: Okay. Thank you.

CHAIR VIGIL: He actually schedules time for a particular project and you go before a panel that he identifies that are representative of a cross section of – I don't know if it's the entire county or his district. But you pitch your project at that time and to that panel. He

sort of uses that to assist him in prioritizing projects, right?

MR. GARCIA: Correct.

CHAIR VIGIL: Okay. Any other questions?

COMMISSIONER ANAYA: Madam Chair, did you talk about the resolution?

MR. GARCIA: Madam Chair, Commissioner Anaya, that's actually the next thing on the agenda so everything is okay with this part then we could move on to that next portion.

COMMISSIONER ANAYA: Okay. I'm sorry.

MR. GARCIA: And once again, if there's any additional projects that need to be added or if you have any questions on this please contact myself and we'll work it out and do whatever we need to do to get it corrected.

CHAIR VIGIL: Thank you, Mr. Garcia. Is there anything you need to act to that, Roman?

MR. ABEYTA: No, I just want to thank Rudy for the work that he's done for this session. I know he's been really active with both the Association, with our delegation and has started communicating some of the problems and concerns and issues that we experienced and hopefully some of these meetings that have been set up will help alleviate that. So I just wanted to thank Rudy for the work he's put into this coming session. .

COMMISSIONER ANAYA: Thank you, Rudy.

XIV. B. 2. Resolution No. 2007-202. A Resolution Requiring Non-Profit Organizations to Receive Board of County Commissioners Approval Prior to Santa Fe County Acting as the Disbursing and Monitoring Agent for Legislative Funding [Exhibit 4: Facilities List]

MR. ABEYTA: Madam Chair, last year at the session and after the session and again during the summer the Commission had directed staff and the County Manager's office to look at some kind of action that we can take as a body to address the amount of money that non-profits are getting from the legislature that then come to the County and the County in turn becomes responsible for that. We have compiled a County facilities book for this last fiscal year. Steve Ross passed that out. You'll see right now we have over \$15 million in the County coffers for projects that have been granted legislative appropriations over the years. Of that \$15 million, \$7.8 million or about half is for projects that are for non-profits that aren't related to the County and any of the work that we do as a County.

While we do appreciate the delegation and the appropriations that we receive it is causing a burden on our Community Services staff. We're unable to get this money moved and these projects built, because it's too much for us to handle. And so what we have developed, we have come up with, is a resolution that would require non-profit organizations to come to Santa Fe County first and get an approval from the Board of County Commissioners before they go to the delegation and receive or make requests for legislative appropriations.

We have spoken with some of the delegation about this. They seem to understand the problems that we're having because apparently, this is going to become an issue that the Association of Counties is going to take on, maybe not this year but next, because other counties throughout the state are experiencing the same problems. Money is being appropriated to non-profits and to different agencies, and then the counties are being burdened with having to get the project up and running and in some cases, to take over projects.

So this is an issue that's becoming statewide. Something, like I said, the Association is going to look at addressing, and I had staff prepare this resolution. We've run it through the Legal Department and again, it's in response to the direction that the Commission had given this last year. I just wanted to put it out there for the Commission's response and see if this is something that you would like us to move further on.

CHAIR VIGIL: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Abeyta, are there going to be criteria on how we evaluate these things? Question one. Two, all these projects require that we use some of our general fund monies, almost all the time. It's like an additional hidden cost. Are we going to have the non-profits compensate us? Are we going to ask the legislature for additional monies? How do we deal with this? If these non-profits come - they all have a good story and we're going to want to help all of them. So are we going to have criteria as to what we can do, not do? How do we get the dollars that we need to actually provide them with overhead that we are now using our general fund dollars for, which really are depriving other county projects of really great importance from lifeblood.

MR. ABEYTA: Madam Chair, Commissioner Campos, those are things that we need to take into consideration, but we haven't done an analysis to show how much time, both staff time and resources it takes for the County. That is something that we would need to do as a next step and we would have to develop some criteria so that when non-profits come in and we can measure their requests against things such as staff time and effort. And also, I think it's good to have this to educate the non-profits because it's been my experience over this last year that some non-profits when they find out what's actually involved they go away and say, okay, well, we're not going to do this. For example, when it comes to building improvements, the fact that you have to turn the building over to the County and the County has to take ownership of it, some non-profits have found that out and have left.

So I think there's still a lot of work to do. There is the evaluation criteria we need to come up with. This education - we need to educate these non-profits. And we've talked to DFA about setting aside money to reimburse the County for staff time and effort and they haven't been very receptive to that. This is - but they have recognized that this is a problem also for them, because it's a burden on them also to make sure that all of the state rules and requirements have been complied with. Not just for Santa Fe County but all the other counties that get these appropriations. So like I said, it's a problem statewide and that is stuff that we need to still continue to build into this process.

COMMISSIONER CAMPOS: So are you going to be asking for a fiscal impact with every application?

MR. ABEYTA: That would be one of the criteria.

COMMISSIONER CAMPOS: And are we going to be asking them for compensation for the overhead costs?

MR. ABEYTA: I don't know. We haven't discussed that. That's something that I'd have to discuss with the County Attorney and see if we can legally ask that.

COMMISSIONER CAMPOS: And you said the legislators are not very interested in helping us with this additional burden. Is that so?

MR. ABEYTA: Not that they haven't been interested in helping us with that, but what they have been - they do know it's becoming a problem and an issue and they've been receptive to this idea. One of them in particular said I'll send my non-profits to the County first and request that they seek County approval, and at that point then, whatever you can work out with them to get that approval, that's between you two.

COMMISSIONER CAMPOS: And if it doesn't work out and then they still go to the legislature and get their money and come back to us, at that point do we simply reject the funding?

MR. ABEYTA: I'd have to talk to the County Attorney but we may be able to reject -

COMMISSIONER CAMPOS: I think we have to have a line somewhere that says if you don't play by the rules, if we don't accept this up front, if we don't talk about compensation, you're not going to be a non-profit working with the County.

MR. ABEYTA: Attorney Ross just pointed out to me that item number one in the resolution is we won't accept it if they don't agree to our criteria and get our prior approval. So we can reject it.

COMMISSIONER CAMPOS: Okay. Thank you, Madam Chair.

CHAIR VIGIL: And it seems to me, Roman, I would just sort of underscore this, that it's not so much that the legislature is not interested, because they're interested in putting these dollars back into the community through non-profits. The problem is that if it comes to capital dollars, and correct me if I'm wrong, Rudy, those are severance tax dollars. They can only go for bricks and mortar. They can only go for infrastructure. So the problem the non-profits have is if they're lobbying for a particular project it can only go for those specific purposes.

Now the thing that we can do if we pass this resolution is when we establish our own procedures and our own policies, is we can require the non-profit to pay an administrative fee. And I actually have spoken to some non-profits about that and they're perfectly willing to do that. That administrative fee might be able to offset or even hire an FTE to handle some of these projects, because as I look at \$50 million, that's phenomenal. That's really overreaching in terms of what we're capable of doing. So I think to establish, really, our own inner procedures and identify that the non-profit must come to us. We will process an application, but in that application I think we should require a minimum of a 15 percent administrative fee of the legislative allocation that they receive. Doña Ana County is requiring that. And Bernalillo County I think is considering not accepting any non-profits. I don't know what the status of

those counties is. That's just what I had learned most recently and I don't know about any official action. I know that action was looking to be taken.

But I think internally we can set some rules and procedures that would be able to create a benefit for the non-profit if this project needs to move forward, and not burden the County so much and allow the legislator to allocate the funding for whatever non-profit the legislator would like to. And if we fully educate our legislators I think it would be incredibly helpful for them. I'd really like to see what their feedback would be about this. So I think when we meet with them maybe this has to be a critical piece of communication. Commissioner Campos,

COMMISSIONER CAMPOS: Mr. Garcia was going to say something. Did you have something to add to that, Mr. Garcia?

MR. GARCIA: Madam Chair, Commissioners, I was just going to add to what Roman said. The state is starting to realize that there's a problem statewide. When we brought this idea up last year, this year, Katherine Miller, the Secretary for DFA, she thought this was a great bill. We actually have talked with Ed Sandoval who is the chairman of the Capital Outlay Committee. For the last two, three months we've been talking to him about bringing this forward where we're going to try something. He thought it was a great idea. Last week, actually Representative Lucky Varela brought this up in front of one of the capital - the Legislative Finance Committee and he said Santa Fe County may be bringing something forward, which will hopefully help us address this non-profit organization issue that's happening.

I think this would actually in my opinion be a great deal for Santa Fe County to show that we're taking the lead on this. We actually have met with Paul Gutierrez from the New Mexico Association of Counties as well as Steven Kopelman and they're totally all for it. So in my personal opinion I think this would be great for Santa Fe County to bring this forward.

CHAIR VIGIL: Okay. Commissioner Campos, do you have anything else?

COMMISSIONER CAMPOS: No, I just would comment. We're burdened by so much by the legislature. It causes us to deviate from our own mission. We lose our own mission and we compromise our own mission. And we're as County Commissioners, we have to have our own mission and we have to be focused on that mission. We have to cause the mission to reach a point where we can say it's successful. With so many demands we become ineffective. Thank you.

CHAIR VIGIL: Okay. Commissioner Anaya, then Commissioner Sullivan.

COMMISSIONER ANAYA: Madam Chair, so let's say that there's a County road out there that is not on our priority list and the residents on that County road want to go to their legislators or their representatives and say, could you fund, could you help us get basecourse or pave this road that's so many miles long, and the representative says, sure. They fund it. And they didn't go through our process. We are not liable to take that on?

MR. ABEYTA: Madam Chair, Commissioner Anaya, this wouldn't apply to roads because the money comes straight to us for roads. It's only when we become the fiscal agent. So it's as Commissioner Vigil said for these capital projects, these capital dollars that go to non-profits for building improvements.

COMMISSIONER ANAYA: So on our legislative initiatives, the first one, amending the Economic Development Act to allow public and private activities. Isn't that saying that we want to work together, public and private?

MR. ABEYTA: Yes.

COMMISSIONER ANAYA: And isn't this saying that - I guess this is saying we want to work with you but you better come ask us for permission to go before - before you go to the legislature and ask for funding.

MR. ABEYTA: Yes. Because we may not - because of the amount of projects we may not be able to work with you, because we can take the money and put you on the list like everybody else and get to you when we can.

MR. GARCIA: Madam Chair, Commissioner Anaya, also to add to what Roman is saying, it's kind of not going to stop this 100 percent but it's actually the first step in the right direction to hopefully start creating a tool where we can work with these non-profits. Because there are some non-profit organizations and monies that we have on the list that's in front of you that there is no way possibly that we can actually help them with their project even though the state legislature has allocated funding. So this would actually be a mechanism to actually - I say actually a lot - to see if we can actually work out some sort of an agreement, craft an agreement to see if we can utilize those funds or help you with those funds once you do get those appropriated and if you do.

COMMISSIONER ANAYA: I know that Representative Jeanette Wallace, when her constituents go ask her for something she just says, Well, you better go ask your County Commissioner first. So I know she would like to see it that way. But I still would like to talk to our representatives and bring it up at the meeting and hear it from them. Hear what their concerns are, like Commissioner Vigil said. Thank you, Madam Chair.

CHAIR VIGIL: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Madam Chair, I think this is really a good step to get some focus and some handle on this non-profit funding, which is just spinning out of control. One way I think we can look at it and in terms of priority, obviously to me one of the first priorities is can you operate and manage this project? And if you can't, if you're just a group of well meaning citizens that are looking for the County to do all of that, then that's a big red flag right away and you need to develop in your own group a coalition that's got some funding background or at least has a bank account that can expend funds.

But one thing I think we could think about - we had the same problem even before my time on the Commission, with all of the health agencies and remember every one had a different service that they were providing, so it was very hard to compare them. You say, how can we compare a community library with a meeting facility with a cooking facility? These are pretty hard to develop lists that you can rank and rate them. But what we did was we established what the Commission did - again, before my time - was they established the Health Policy and Planning Committee. And that, the Commission of all volunteer experts in the field has been really good in putting a professional eye on all of these healthcare requests that come in, which as Commissioner Campos says, they all look good to us and we'd vote in

favor of all of them. They all look like a real service to the community.

So what I'm thinking is that if we could develop a similar community-based group, a non-profit that would go to to learn about the procedures, the make their case and some would drop out, others would move forward. I think those who are in the business, and there's an amazing amount of non-profits in Santa Fe. The non-profits per capita in Santa Fe are just way more than any other city in the country that I've read. That's good. It's just shows how service-oriented people are in Santa Fe but for us to deal with that is, as you pointed out, really hard.

So if we could develop a group similar to the Health Policy and Planning Committee that would meet and provide us with recommendations on the viability of each of these proposals. And again, they're in the business. They know what it takes to run a non-profit. They know what it takes to hire staff, what it takes to make a payroll, what it takes to get legislative support and what it takes to keep the lights on and so forth. I think that would be a really good way of getting community involvement in this process, because now, it's just well, let's go to the County. If they don't give us anything let's go to the legislature. If they don't give us anything let's go to the McCune Foundation. It goes on and on and on. There's no strategy for really financing and funding and there's no business plan as to how they're going to put this project into being.

So does that, Roman, sound like something worth exploring, at least?

MR. ABEYTA: I think it is. I think it would be helpful for staff to have that assistance where maybe it is a committee or something that we take these requests to and then the committee, and like for example, Rudy, could then come to the Commission with a recommendation on these. And like I said, there's a big educational component out there and when the non-profits find out what is involved, and sometimes they say, okay. Well, we don't want to do that. And this could be part of that. It would be - this committee could educate the non-profits to this is what it's going to take to get funding.

COMMISSIONER SULLIVAN: And it would be I think similar to the way the City handles it. The City gets its community service funds primarily through HUD, but being a - well, I'm looking at the HUD funds because they're a - I forget the name of the entity. They get their HUD funds directly. They don't go through the state to get their HUD funds. They have a committee of staff and volunteers, community persons, that hear all of these applications each year and then they distribute their community service funds that way to the non-profits. And they've been doing that for years. I'm not saying we precisely emulate that system, but I'm kind of thinking more along the Health Policy and Planning Committee model.

MR. ABEYTA: I think that's a great idea.

COMMISSIONER SULLIVAN: Okay. That would be my thoughts, Madam Chair, and I'd be supportive of getting this going. We're very close to the session and it's not going to have a big impact right now. We're just one month away from the session but I think it would send a message. It's a resolution; it's not a final policy. But I think if we've gotten some good reactions from our legislators - Rudy, are there those that you haven't gotten in touch with? Have you talked to Representative King? Representative Worth and Senator Griego and some others like that that serve the southern part of the county?

MR. GARCIA: Madam Chair, Commissioner Sullivan, the one we kind of brought it up to is Representative King so she knows a little bit about it but we haven't really touched base with all of them.

COMMISSIONER SULLIVAN: I don't think we make much progress on this at the legislative receptions. We really have to do it one on one on a staff basis. Ultimately, the decision comes down to us and we have a resolution and if we have a non-profit that has funding and didn't come to us it's ultimately the County Commission that decides whether the project is going to go forward or not. So we have that ultimate discretion to do that, notwithstanding a resolution, I think. But I'd like to see it go forward. Thanks.

CHAIR VIGIL: Okay. I'm going to turn it over to Commissioner Montoya.

COMMISSIONER MONTOYA: Madam Chair, I just briefly concur I think with everything that's already been said. I think this came about actually even from Bernalillo County which was experiencing kind of the same thing that we're experiencing here in terms of not enough staff to be able to administer and implement all of these funding requests and programs that are going on and then at the same time being scolded by the legislators for not doing these in a timely manner. So I think this definitely puts some sort of a process together for us, Rudy, in terms of being able to prioritize what it is that we should be looking at. And as Commissioner Sullivan said, whether or not these organizations can even support these types of requests with the operation and management. Having been through this process and knowing what it takes to operate and manage is totally different than asking for the funds and having it then there's nobody there to turn on the lights. So I support this, Madam Chair.

CHAIR VIGIL: Okay. Anything else? I just have a correction on the resolution, first page last lines. It says - instead of ion it should be in. Correct? Also, I have a question on the projects. The Santa Fe County Media Park broadband, that would be a Santa Fe County project, not a non-profit, wouldn't it be? It doesn't have anything allocated, I guess. Could you explain that for me?

MR. ABEYTA: Yes. The non-profits are in blue on your sheet. So these are just all of our projects. The ones in white a pretty much County projects or projects that we've concurred with. Some of the blue, the non-profits, we have too, but we wanted to highlight the non-profits because that's the bulk of the \$15 million.

CHAIR VIGIL: Okay. And the Women's Health Service. I thought that that transaction had been completed, that the County now owns the building.

MR. ABEYTA: It has, but we just wanted to highlight it as one of them, because it was on the books for this fiscal year.

CHAIR VIGIL: And under those circumstances, say Women's Health Services comes to us and says, you know, we need to update the facility. We want to go to the legislature to get it. Would it - for a building that we actually now own, would we ask them to go through the same procedure? They are still a non-profit but it is now a County building. Do you get me on this?

MR. ABEYTA: Right. I think the buildings that become County buildings, we're responsible for so we would support that request. I don't see us turning away. I think

that's part of the problem. We've recognized that these become our responsibility now. So when it comes to Women's Health, that's our responsibility now so we wouldn't turn them away.

CHAIR VIGIL: But I think we might still be able to look at that piece that I'm trying to advocate for here and that is working with the non-profits to be able to offset this administratively somehow, and I think through our procedures we need to identify that and again I'm advocating for about 15 percent, but I'd like some response in terms of whether or not that's reasonable or do-able or anything like that. But that would be more once we enacted this resolution towards our policies and procedures.

MR. ABEYTA: Right.

CHAIR VIGIL: Okay. What's the pleasure of the Commission?

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Yes.

COMMISSIONER ANAYA: So I guess what I'm hearing is we'd probably move forward with this and then that Rudy would sit down with the rest of the reps and senators that had hadn't sat down with to kind of go over what we approved? And not bring it up on the meeting that we're going to have on the 3rd? Is that what I'm hearing?

CHAIR VIGIL: I think what I'm hearing is that Rudy or any of us with Rudy communicate with our legislative delegation, that this kind of communication probably would be more effective if it was one on one rather than at our legislative reception. Is that your understanding, Commissioner Anaya?

COMMISSIONER ANAYA: That's fine.

CHAIR VIGIL: Okay.

COMMISSIONER SULLIVAN: Madam Chair, I'd move for approval of Resolution 2007-202, with the insertion on page 2, paragraph 3: Prior approval shall be granted no later than four weeks prior to the legislative session. And the typographical change on page 1 that you've noted.

COMMISSIONER ANAYA: Second.

CHAIR VIGIL: Okay. I have a question on that. If we identify those four weeks, will that prohibit those non-profits who during the session go to the legislature?

COMMISSIONER SULLIVAN: Absolutely. That's exactly what we're trying to do is try to get a handle on this ahead of time. Yes. Exactly.

CHAIR VIGIL: The problem with that is that - well, I guess I see what you're saying. What is your response to that, Roman? Is that four weeks -

MR. ABEYTA: I think the four weeks is good. Once the resolution is adopted there's going to be a lot of work for us to still do, and over the interim, after the 08 session, we will do everything we can to educate the non-profits. So there's going to be a lot of work we have to do between now and next year's session so that hopefully we don't have that problem where non-profits do come in late after the four weeks or during next year's session.

CHAIR VIGIL: Because effectively, if we enact this resolution by mid-December we've already prohibited them from coming to us for the 2007 session. Right?

MR. ABEYTA: Right. This resolution would go into effect for this session.

CHAIR VIGIL: Perhaps we should include language that – that's what? Two weeks?

MR. GARCIA: Madam Chair, how about just eliminate that number 3 so that when we start moving forward we can let them know where we are moving forward and what we're doing.

COMMISSIONER SULLIVAN: Madam Chair, we already have our priority lists. We've just gone through them. We know what we're going to the legislature for. I think it's way too late to start considering new requests at this point.

CHAIR VIGIL: The problem is that these requests come during the session and sometimes they come from the legislators themselves.

COMMISSIONER SULLIVAN: And this is a good document that says we have a resolution that the problems have become so unsurmountable that we need prior notification on this so work with us during the interim and we'll work with this group in next year's funding. This money gets hung up in limbo. It could be used someplace where it really could have an immediate effect. So I think it sends a good message.

CHAIR VIGIL: I think it does but I don't think it gives everyone enough notice.

MR. ABEYTA: Well, Madam Chair, the other thing is we would still have to accept it after the session. So this could happen during this session and then we can apply the criteria afterwards to those that received funding and then come to the Commission and say do you want to accept this funding or not. Because we can still reject it after it's been allocated.

CHAIR VIGIL: Okay. I guess my concern is, first of all, that we don't have sufficient notice, and for this particular session, it would be good to have that notice because there will be people out there who will come to us as Commissioners or will go to the legislature and say we are looking for – and these are probably non-profits who have approached us before and they just haven't processed their request through the legislature. And my concern is my response to them would be, well, we enacted a resolution requiring you to go before the County but it's too late now because the resolution prohibited you from going before the County four weeks before the legislature and you didn't know about it – too bad. That doesn't sound right to me.

MR. GARCIA: Madam Chair, I think Roman is just right on target. This isn't going to stop them the whole 100 percent but if we just have this resolution and get into 2009 and they still allocate money it's still something we have to deal with.

CHAIR VIGIL: Okay. Motion and second. Any other discussion?

The motion to approve Resolution 2007-202 passed by 4-1 voice vote with Chair Vigil voting against.

XIV. B. Update on Various Issues

MR. ABEYTA: Madam Chair, the only thing I have is we have just recently completed a remodel of the County Clerk's office and the County Clerk wanted to invite the Commission and the public to an open house that she will be having on December 27th in the Clerk's office all day. Again, that's December 27, 8:00 to 5:00.

CHAIR VIGIL: What will the County Clerk serve?

VALERIE ESPINOZA (County Clerk): We'll have bizcochitos and apple cider. Any other special requests for you?

CHAIR VIGIL: Frito pies.

MS. ESPINOZA: All right. At that time we'll also be having at noon a state of the Clerk's office. So I hope you can make it.

CHAIR VIGIL: I have a question. What's the state of the Clerk's address?

MS. ESPINOZA: I'm going to tell you all the great things the County Clerk has accomplished over the last three years.

CHAIR VIGIL: Okay.

COMMISSIONER SULLIVAN: We need a state of the District 5.

CHAIR VIGIL: Thank you for the invitation and please thank all the employees for their patience and willingness to adapt. I've seen them all out there working under different circumstances and they've still maintained a very good attitude and helping the public and that's such a necessary component for the service we provide.

MS. ESPINOZA: That's our intention. Thank you.

XIV. C. Matters from the County Attorney

1. Executive session

- a. Discussion of pending or threatened litigation**
- b. Limited personnel issues**
- c. Discussion of possible purchase, acquisition or disposal of real property or water rights**

Commissioner Campos moved to go into executive session pursuant to NMSA Section 10-15-1-H (7, 2 and 8) to discuss the matters delineated above. Commissioner Montoya seconded the motion which passed upon unanimous roll call vote with Commissioners Campos, Montoya, Sullivan, Vigil and Anaya all voting in the affirmative.

[The Commission met in executive session from 4:25 to 6:00.]

Commissioner Campos moved to come out of executive session having discussed only the matters outlined in the agenda, and Commissioner Anaya seconded. The

motion passed by unanimous [3-0] voice vote. [Commissioners Sullivan and Montoya were not present for this action, joining the meeting shortly thereafter.]

XV. PUBLIC HEARINGS

A. Growth Management Department

- 1. CCDRC Case #MP 07-5331 Turquoise Trail Storage. Jim Seibert, Agent for Bruce Golden, Applicant is Requesting Master Plan Approval for Storage Units as a Special Use within an Employment Center Zone, Consisting of 407 Storage Units and 5 Office/Shop Studio Units with 56,345 square feet on 3.1 Acres. The Property is Located Off State Road 14 at 10 Forest Lane in the Community College District within Section 26, Township 16 North, Range 8 East (Commission District 5)**

COMMISSIONER CAMPOS: Madam Chair.

CHAIR VIGIL: Commissioner Campos.

COMMISSIONER CAMPOS: I'd just like an update. What happened at the last meeting? I think there was a stalemate of some sort.

JOE CATANACH (Technical Director): Madam Chair, Commissioner Campos, this was the October 9th meeting. The BCC tabled the request in order for the applicant to address relevant issues regarding impacts and compatibility. So that discussion obviously is outlined in the October 2007 BCC minutes in your packet. The applicant has resubmitted a modified proposal. This modified proposal includes five office/shop/studio units, and the storage units have been decreased from the original 425 to 412. So now it's a proposal for 412 storage units and five office/shop/studio units.

This applicant obviously had indicated – or this applicant is attempting to respond to the discussion and the issues from the October meeting.

COMMISSIONER CAMPOS: Okay.

CHAIR VIGIL: Please continue, Mr. Catanach.

MR. CATANACH: Madam Chair, if I could, that's the modified proposal. Not much else has changed from the staff report and the conditions and the recommendations. If I could just enter that or if you would like me to go ahead.

[The conditions are as follows:]

1. Compliance with applicable review comments from the following:
 - a. Sangre de Cristo Water Division
 - b. City Wastewater Division
 - c. State Department of Transportation
 - d. County Fire Department
 - e. County Technical Review
 - f. County Hydrologist

2. Submit final documentation for water and sewer service as approved by the City.
3. Applicant shall coordinate with Turquoise Trail Development Company, LLC (Thornburg) regarding a centralized park/plaza meeting minimum standards for an employment center zone as required by the CCD Ordinance
4. Applicant shall submit documentation of a financial surety for a sidewalk, or applicant shall be required to provide a financial surety for a sidewalk within the property.
5. Landscaping plan shall include the following:
 - a. Landscape buffer along Forest Land shall include 50% evergreen trees
 - b. Provide trees within landscape buffer for side property lines
6. Sign alternative sign proposal in accordance with applicable regulations or approved master plan for signs within the CCDRC.
7. Proposed trail shall be established as a public easement
8. Submit specifications of proposed light as cut-off luminaires.
9. Submit details of proposed window façade and building elevations. That includes any rooftop equipment for views from I-25 and other public roads.

CHAIR VIGIL: What is staff's recommendation?

MR. CATANACH: Staff's recommendation is as it was in October, recommending approval. Staff considers the proposed master plan for storage units as a special use, to be compatible for the location within an employment center zone and minimizing impact relevant to noise, lighting, traffic and water use. Again, these are criteria that's part of the Community College District Ordinance that requires special uses to address certain criteria and that's at the beginning of the staff report. But anyway, as that goes, staff does consider that this request for storage units is consistent with those criteria and that's the part here having to do with compatible with location within an employment center zone and minimizing impact relevant to noise, lighting, traffic and water use.

Staff also considers the proposed master plan to be consistent with the Community College District Plan, principles based on the following evaluations. Storage units will not be located along State Road 14 frontage. Storage units will provide a building buffer from the I-25 access road. Storage units will contribute to a needed service within the Community College District for residential and commercial. Storage units will have an esthetically pleasing architectural appearance. The Community College District Committee recommended approval as well. Thank you, Madam Chair.

CHAIR VIGIL: Thank you, Mr. Catanach. Any questions for staff? Seeing none, is the applicant here? Would the applicant like to address the Commission?

JIM SIEBERT: Madam Chair, we're all three going to be sworn in at one time.

CHAIR VIGIL: Okay.

[Duly sworn, Jim Siebert testified as follows:]

MR. SIEBERT: My name is Jim Siebert. My address is 915 Mercer. What I'd like to do, I think I neglected last time to give you a little bit of review of the project. What this is is an aerial photo. This is the 599 interchange, 599 coming into State Road 14 here. This is the onramp coming back on to I-25. The Thornburg Park sits here. The Forest Service building is situated on this lot. The 3.5-acre parcel that's subject to the hearing tonight sits here. It's surrounded by other parcels as you can see. It backs on to the onramp to I-25 here. This is the Mesa Vista Business Park. It's currently under development at this time. This is an open space area here. I know that there's been some discussion about what happens if you locate the train station within the 599 interchange and what I'd just like to point out is that this is an access control line here, so there would be no direct access to this site from the roadway, from any of the interchange. The only way to get to it would be 599, State Road 14, and then into the business park itself. So from a retail standpoint it really doesn't lend itself to kind of retail uses at that particular location.

And then this across the street is the Thornburg development that's taking place at the moment that will have over 500 homes. You have Valle Vista here, the County housing and the Valle Linda over here and the RV park at this location right here.

This is the plat for – it's a combination of the plat for the Thornburg commercial area which sits here and the Mesa Verde here. And what I'm showing here is some of the open space that's associated with the business park itself. One of the issues that came up is that we're hardly meeting the 50 percent open space and what the Thornburg Enterprises did is they overallocated open space on the east side of State Road 14 to compensate for the lesser amount of open space within the business park itself. The particular tract that's the subject of the hearing tonight sits right here. This is the entry into the project. There in blue there's actually an offsite stormwater detention pond that's been reserved and the stormwater from this project actually goes into this pond to an easement that's located in this vicinity here.

There's a 50-foot setback that's shown along here. One of the issues that came up was a recreational area and that's been resolved. The Thornburgs, in conjunction with the developers of the Forest Service tract are going to be putting in recreational facilities in this particular area right here.

And then there were some issues that came up at the hearing that I'd like to address. We talked about the common recreational facilities and that those are planned and had been financed at this point. There was a concern about water use. We have reduced the residential component from .25 to .2, but we've actually increased the overall use to .5, and the reason for that is that we've added five of these office/shop units, which will have bathroom facilities and water facilities in each of the units.

The actual – when Thornburgs negotiated with the City on the water they allocated water use to different tracts. This particular tract is at 2.14 acre-feet of water. So .5 is still well below the 2.14 that was allocated by the City in the settlement agreement. There was a concern about the market impact. If these units come on line how is it going to affect

other planned developments in the area. What will happen is that it will actually be constructed in two phases and Bruce Golden's going to discuss exactly how that phasing works and also a little more detail on the market itself.

There was a discussion about the intensity of use. We've actually reduced the number of units and the square feet, the overall square feet in the project. And then the key, the most significant change from what we presented to you last time was this element of office/shop units that have been included in the project. And what they've done is two things. One is a concern that Commissioner Sullivan had, is that there is kind of a lack of vitality to this area because people just want to store their things. Now you have people coming to open up small businesses there so there's activity. The other thing is an aesthetic component and Jeff Sears?? Is the architect who will talk more to that. As you drive into the park, this is what you will see is the five studio units. They will be one of the main architectural features and also a significant feature as you visualize it from State Road 14. I'd be happy to answer any questions or we can let Bruce Golden discuss about the market and the actual units themselves and then Jeff Seres?? Will talk about the architecture and the aesthetics.

CHAIR VIGIL: Any questions for Mr. Siebert? Seeing none, please proceed.

[Previously sworn, Bruce Golden testified as follows:]

BRUCE GOLDEN: My name is Bruce Golden. I'm the developer. I've lived in Santa Fe for about 20 years now. The project as was presented at the last hearing was a self-storage facility only, 425 units, and listening to what the Commissioners' concerns were we have analyzed or I have analyzed what is viable there, as far as creating a mixed-use project at that location. What I have identified is to reduce the storage facility from 425 units to 407, but then add back in, replacing some of the lost area with office studios, making the total number of units 412. So that will be the total number of units for the facility, and in doing so we do reduce the overall square footage of the facility. So it has become smaller.

COMMISSIONER CAMPOS: How much smaller?

MR. GOLDEN: It's gone from about 56,300 that Mr. Catanach had mentioned down to around 55,900 approximately. So it's a small reduction but the use is significantly different and the dynamic of the facility is different. We've gone from basically one business at this location to six businesses and providing greater service to the Community College District, which actually approved it as entirely self-storage. But this will actually serve the Community College District even better.

These office studios will vary in size from 440 square feet on up to 595 square feet and they will have a decorative roll-up door in the front as well as a regular door. The regular door, the concept is to be able to bring in large supplies and equipment or whatever for the businesses. These units will also have a concrete floor. They'll have finished walls, skylights, of course overhead lighting, heating and air conditioning. There will be a phone line that will come in so that increases the types of businesses that can be used there and

also there will be a utility sink within each unit, and then there will be rear access to common area bathrooms for all these facilities as well as access to the self-storage units in the back should they decide that they want to have additional space, which gives the units a lot of flexibility.

As far as the topic of project need, which was a concern at the last hearing, I've got quite a bit of knowledge of the self-storage business, what makes a project successful in self-storage and also what makes it feasible. When I was originally considering this project and I was looking at this area I saw that this would be the only self-storage facility in the Community College District, a district where already there's approximately 2,000 existing homes and I know there's 7,600 planned, as well as a variety of commercial businesses that might also need my services.

The CCDRC identified a definite need for the self-storage project and unanimously approved the project at the hearing with them. Also, in looking at this project an important element is that it has visibility to traffic. That's one of the elements of a successful facility and the location backing up to the onramp to the interstate is useful to me. And also that it's kind of an infill - it's not infill, but it's backed off from Highway 14 seemed to make it more acceptable to the area as far as aesthetics is concerned. Also the office/study concept, I discussed this with a realtor as well as a commercial broker and we looked at various options, but the office/studio is a smaller business unit than those that are typically planned for this area, which are the office/warehouses and those quite often are 2,000 square feet, give or take some in that size, and they're much more costly to people who are small businesses that want to get started and have a reasonable sized location to start their business up and operate out of. And so I believe that these will serve as somewhat of an incubator-type of facility, these office/studios, to get started.

As they outgrow these there will be office/warehouses and probably other types of commercial space available to them that they can grow into. But I have seen quite a bit around Santa Fe there are many artisans that would love to have space like this and I've seen jewelry manufacturers, contractors and so on that use these kinds of spaces. If they tend to grow out of it they can actually use some of the storage facility that I would be providing to store their goods, or if they just need more workspace they go into an office/warehouse or something bigger.

So the project should provide even greater support to the Community College District than was previously presented. The self-storage facility itself also provides support to affordable housing initiatives which generally promote smaller, more affordable homes, which tend to not have as much storage space. And the typical homes in the Community College District are ones that are more modest, smaller homes and will need this kind of storage. So I believe it provides an excellent service to the community.

There's an interesting statistic that I presented before but I'll do it again. Self-storage facilities are commonly comprised of renters from the commercial sector that will rent up 40 percent or more of the facility. As their businesses expand they need storage and they need more workspace, and it's a way for them to stay in their office space that they

have and use it as workspace, not work and storage and they use self-storage very commonly. This would promote the commercial businesses in the Community College District area to have that expansion capability with this facility, so we'll serve not only the housing sector but also the commercial sector.

Right now there is a high occupancy rate in Santa Fe as far as self-storage spaces. There has been a definite need identified by appraisers in the industry. I've talked to a couple of them in the past several months. They've also indicated that it's important for the self-storage industry to build in a responsible, phased manner, according to the market demand. That if the facilities do that then the market will not be overwhelmed. It's a logical thing to do so that if somebody has, let's say, 500, 600 spaces that they've been approved, that they don't build them all at once because it can hurt the market and their business will likely fail because they'll overbuild for the rate of occupancy or rate of fill-up that they can achieve.

And I think it's actually driven not only by the appraisers but the banks in concert with the appraisers, that these projects be built in a phased manner. My project will also be built in a phased manner, probably in a 2/3 - 1/3 kind of a relationship, probably about a 2/3 start-up and then 1/3 later on as that first phase leases up. This is a modest facility as far as size overall - 412 units, 407 self-storage units, and should be easily supported by the Community College District. It's not only the Community College District but there's a good probably 10,000 homes south off of Highway 14 that it will support as well as a lot of other commercial businesses on that southeast side of the interstate.

So just kind of in summary, the demand is there, and this particular parcel with its back up to the interstate onramp, it's about a short block off of Highway 14, it's the only facility in the Community College District. It should be an excellent use for this property. It's also a very low water user as well. And we've made every effort to address the concerns of the Commissioners and hope that we've achieved that. We're trying to make a project that is not only very beneficial to the Community College District but is also compatible with the surrounding plans for development of other kinds of commercial businesses. That's all I have to say.

CHAIR VIGIL: Questions?

COMMISSIONER CAMPOS: Madam Chair.

CHAIR VIGIL: Commissioner Campos.

COMMISSIONER CAMPOS: Another issue you raised tonight is the energy consumption. What actions are you taking to mitigate energy usage. You say you're going to be heating and cooling all this storage space?

MR. GOLDEN: No, the only part that will be - well, there's two segments here. There's the office/studios which will be heated.

COMMISSIONER CAMPOS: How many square feet there?

MR. GOLDEN: It's about 2,500 to 2550 square feet overall.

COMMISSIONER CAMPOS: Total for the office units.

MR. GOLDEN: Now, there are climate controlled units. Those will be

about ten percent of the facility. There's about 40 approximately of those. As far as square feet, ten percent of the storage – let's just say 500 square feet. No, it would be more than that. 5,600 square feet. Yes, ten percent.

COMMISSIONER CAMPOS: So what measures are you taking to mitigate energy consumption?

MR. GOLDEN: Well, the climate-controlled units will all be insulated and there's not much more we can do on that as far as the energy usage. We'll have a range that we'll keep the temperature. That can be adjusted. You can set it right at 72 or you can have a range like 60 to 80. It will depend partially on our customers. As far as the office/studios, those will also be insulated and with the individuals that will be renting those spaces having to pay for the energy on those I would imagine that they'll try to keep it down, because those will be individually metered.

There will also be the business office for the self-storage facility will have heating and air conditioning in it and there will be also the caretaker's residence or apartment, which will be heated and so on. So we'll just take normal construction mitigation to try to make them as efficient as possible.

COMMISSIONER CAMPOS: Thank you, Madam Chair.

CHAIR VIGIL: Any further questions for Mr. Golden? Mr. Golden, are you doing anything with broadband out there?

MR. GOLDEN: Well, it will be available. It will be available to the business users.

CHAIR VIGIL: What other kinds of available networking will you have out there, or have you investigated that at all?

MR. SIEBERT: Actually we have. Comcast is not out there at the moment. They plan on putting in new fiberoptics or new cable along State Road 14. There will be a conduit that will bring that into this particular facility. And that's about as fast as they – it will be DSL in other words. So that will be available.

CHAIR VIGIL: Mr. Siebert, while you're there, don't storage units also provide quarters for a caretaker?

MR. SIEBERT: There is a caretaker facility on this property and when Jeff goes over the site plan he will show that to you.

CHAIR VIGIL: Okay. Thank you. Any other questions? This is a continued public hearing, so Mr. Golden are you finished?

MR. GOLDEN: Yes, I'm finished, and I'll turn it over to Jeff Seres, the architect.

CHAIR VIGIL: Mr. Seres, welcome.

[Previously sworn, Jeff Seres testified as follows:]

JEFF SERES: Thank you. Good evening, Madam Chair and Commissioners. My name is Jeff Sears with Studio Southwest Architects. What I'm going to do is show you on the plans here all these changes from our previous application to where we are tonight. The site plan on the left here shows the plan that was originally

presented to you. The area where we've made the change is in here. We've removed the storage units in this part of the building here that's along the Forest Lane. The new plan shows the five units here. They were placed here, again, for maximum visibility as you come into the project, putting those in the most active or lively place on the site.

You just asked a question about the office and caretaker's component, the ground floor here on the end of this building is the general office for the storage facility. Above that, which is not shown here is a two-bed room apartment above there or caretaker's facility.

Jim mentioned earlier our project has a 50-foot setback along the west side. This is the area here from the property line to the back of the building here. That's along the onramp to I-25. The north side is another probably visible portion of the building and I'll show in elevation those components. First of all, the changes on the main building along the street - this is previous, showing all the storage units in the building. This is the ground floor office and then the apartment above. What we have now is, again, as you come in on Forest Lane you see the office/studio component and then to the left remains the self-storage component on this building and then the office and caretaker's quarters above.

Along the north side, the overall views on the north and west sides, which are the publicly visible façades of the project, you can see the west side - this is the façade along the I-25 onramp, have pretty much stayed the same. We have two gaps in there in the building to break up the massing. This is previous and current. They're exactly the same. Two gaps in there allow fire apparatus or fire personnel access into that 50-foot zone between the onramp and our setback area. We have trees planted in that area there. There's a trail as indicated to go up through that area and connect other trail systems within the Community College District.

We have massing that steps down following the slope of the land. We're cutting significantly into this site on that southwest corner. This land physically slopes from low to high as you go back up to the onramp. We'll be cutting the project in on this southwest corner over here and lowering down the grade here to get a decent grade as you go up between the aisles to get to the units. All the access doors are internal on the project. You really won't see any of the long rows of garage doors. There's a small peek in here and of course at the entrance here, you'll see the end of the building here. But basically again, with the façade on the street side having the studio component here.

The west side, again, has the stepped massing of the buildings coming up. The roof - we're proposing a dark green color throughout the facility, for all the roofs, as well as stucco on these publicly visible façades with some breaks in it with some accents. Along the north side the building is shown here. Previously we had a long, continuous building. We had our signage on the north side. That's proposed now to go on to the west side of this end of the building here. We've built up the massing of that north side also as you see from the previous application to here.

In detail, the north building is shown here in two pieces. This is a match line right

along here, and then you see the end of the building where our signage is proposed now. Thank you.

CHAIR VIGIL: Thank you. Any questions?

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: You mentioned twice that it was a caretaker's and twice that it was - what was the other word you used?

MR. SERES: The office?

COMMISSIONER ANAYA: Caretaker's and then you said apartment. What is it?

MR. SERES: Oh, the manager or caretaker of the facility would live here as an apartment or living unit. And below that is the office where the self-storage component is of course.

COMMISSIONER ANAYA: Thank you.

CHAIR VIGIL: I heard testimony that there aren't any storage units in the area. Didn't we approve - and this is for staff - didn't we approve some storage units previous to this in the area? Maybe they were closer off Cerrillos?

SHELLEY COBAU (Review Director): Madam Chair, members of the Commission, the last storage units that were approved in this area are at the northwest quadrant of the Cerrillos and I-25 interchange, next to the existing Paw Print Kennel, and that's outside the Community College District boundaries.

CHAIR VIGIL: What is the name of that?

MS. COBAU: Rockhill Storage.

CHAIR VIGIL: Rockhill Storage. And how far is it from this development being requested?

MS. COBAU: Maybe a half-mile, as a guess. As the crow flies, maybe closer, but maybe $\frac{3}{4}$ of a mile if you were to drive.

CHAIR VIGIL: Okay.

MR. GOLDEN: The driving distance from this facility over to Rockhill is 2.5 miles. As far as the crow flies, my guesstimate is that across the interstate it's probably about a mile. It's not visible from us.

CHAIR VIGIL: Is it on the north side of I-25?

MS. COBAU: It's on the northwest corner. It's not right on the intersection of Cerrillos and I-25. It's across from the *New Mexican* site and adjacent to that kennel.

CHAIR VIGIL: Thank you. Any other questions?

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: I move for approval with the conditions.

CHAIR VIGIL: Motion for approval with conditions.

COMMISSIONER ANAYA: I'm sorry. You have to have public comment.

CHAIR VIGIL: Oh, that's right, or close the hearing. All of you out there

who would like to speak for or against this project, actually seeing, hearing none, I'll close the public hearing.

COMMISSIONER ANAYA: Move for approval with the conditions.

CHAIR VIGIL: There's a motion.

COMMISSIONER MONTOYA: Second.

CHAIR VIGIL: And a second. Commissioner Sullivan.

COMMISSIONER SULLIVAN: Madam Chair, I have a question, starting off for Joseph. Joseph, have you checked this open space claim that they make that they don't have to meet the open space requirements because it's met on the other side of the highway? Has the staff checked that?

MR. CATANACH: Yes, Commissioner Sullivan. Staff was in agreement that the open space was already designated as part of the Thornburg master plan.

COMMISSIONER SULLIVAN: And you've checked that it's designated and that it's - I can't see any open space in the Longford Homes over there, so there's some open space over there that's compensating for the lack of open space here?

MR. CATANACH: The overall Thornburg master plan was 50 percent open space as required, and that included across the street as well as portions of open space on this side of State Road 14.

COMMISSIONER SULLIVAN: Okay. Now the park that they're also required to have which is apparently going to be on somebody else's property, what happens if that doesn't get built? How do they comply with the requirement for that?

MR. CATANACH: That will have to be built before we issue a building permit or it will have to be bonded for.

COMMISSIONER SULLIVAN: Okay. And that's in the conditions.

MR. CATANACH: I don't know if - I think there's a bonding condition. There is a condition number 3 and it's not specific to the bonding or having to build a park before they get a building permit but that condition has to be met and just like any improvement, Commissioner Sullivan, just like any improvement the condition has to be met and it has to be enforced and this applicant will either need to build that - that park will either need to be built or this applicant will be required to bond for it.

COMMISSIONER SULLIVAN: It just says that they'll coordinate with the Turquoise Trail Development Company.

MR. CATANACH: Yes, Commissioner Sullivan. It's not specific to build or bond but that's the intent and that's the understanding.

COMMISSIONER SULLIVAN: Okay. And in terms of - there seems to be a justification of this as a special use because of the onramp to I-25, and I would just remind the Commission that if you go back and look at the Rail Runner plans for that station that that onramp is deleted. It's no longer there. And they don't show in the plans where it will be, but they just say that the onramp will be relocated. So I think we have the main justification here for building 407 storage units is that we've got this Berlin Wall on top of us here as a result of the onramp, but what's going to happen to the Berlin Wall is

it's going to come down when that train station gets built.

Now, that hasn't been designed yet so there's a lot of opportunities for things to happen there once it does get designed, but that's not going to be a long-term, permanent component of the I-25 and according to the DOT that goes away. So I'm not convinced on that as a reason for a special - it's not a variance it's a special use approval. And I think the thing that hit me right from the start is the massiveness of this thing and after all of this description, we're only seeing a reduction of 400 square feet. That's the size of one bedroom. I don't think that that's any real significant effort on the part of the applicant to reduce the impact or the sameness of this row upon row of storage units.

So I don't think it's a good use for this area. I think it's way too big, way too dead, and I don't think it's what we had in mind when the Community College District plan was built. And I don't see any real significant effort to minimize its impact here either as a result of this presentation. Thank you, Madam Chair.

CHAIR VIGIL: Further questions, comments?

COMMISSIONER CAMPOS: Is there a motion?

CHAIR VIGIL: There is a motion. It has been seconded by Commissioner Montoya. Commissioner Anaya and Commissioner Montoya.

COMMISSIONER CAMPOS: Mr. Siebert, this is going to use more energy I would think than just an average storage situation and do you have any recommendation for your client as to how to mitigate these, or do you even wish to get into that issue?

MR. SIEBERT: Well, the mere fact that these units are contiguous to each other is going to reduce a lot of the energy lost. The only thing I could think of would be, probably most importantly would be to beef up the insulation in the ceiling as a way of minimizing. The County's already adopted the requirement for hot water recirculation devices so you've kind of stolen the thunder there.

COMMISSIONER CAMPOS: What about Energy Star? That includes glazing, insulation, doors, equipment. The heating and cooling units must meet certain federally established standards. Appliances must be consistent. Lighting fixtures and appliances must be energy efficient. Bulbs must be energy efficient.

MR. SIEBERT: We'd have no problem with that. I think one of the things that they do in storage units is when you turn on the lights they're on a timer and they automatically go off.

COMMISSIONER CAMPOS: A sensing device.

MR. SIEBERT: Those kinds of things could be incorporated as energy saving devices.

COMMISSIONER CAMPOS: Would you accept that as a condition? Energy Star compliance?

MR. SIEBERT: Yes.

COMMISSIONER CAMPOS: For any heated space. And energy also includes the fixtures for lighting. They must be Energy Star, the bulbs. Do you agree to that?

MR. SIEBERT: Correct. Yes, we do.

COMMISSIONER CAMPOS: Do the mover and the seconder concur with that? There's a yes from both. Okay.

CHAIR VIGIL: That would be condition number 10. Do you have language on that condition, Joe?

COMMISSIONER CAMPOS: It's on the record. Do you have sufficient guidance, Mr. Catanach?

MR. CATANACH: Yes, Commissioner Campos.

COMMISSIONER CAMPOS: I think it's pretty clear. The guidelines are there.

CHAIR VIGIL: Okay. Motion and second. Any further discussion?

The motion passed by 4-1 voice vote with Commissioner Sullivan voting against.

XVI. ADJOURNMENT

Chair Vigil declared this meeting adjourned at 6:45.



ATTEST TO:

Valerie Espinoza for

VALERIE ESPINOZA
SANTA FE COUNTY CLERK

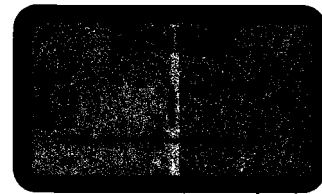
Approved by:

Virginia Vigil

Board of County Commissioners
Virginia Vigil, Chair
1/29/08

Respectfully submitted:

Karen Farrell
Karen Farrell, Wordswork
227 E. Palace Avenue
Santa Fe, NM 87501



ERK RECORDED 02/01/2008

TO: Santa Fe Board of County Commissioners
FROM: Annabelle Romero
Corrections Director
DATE: December 5, 2008
RE: **Request approval to enter into Amendment No. Two for Agreement No. 27-1808-CORR for Electronic Monitoring equipment and monitoring.**

ISSUE:

Santa Fe County Corrections Department requests authorization to amend Agreement 27-10808-CORR. The Amendment adds \$25,000.00 to the Agreement and extends the term of the contract to August 31, 2008. The Agreement is between Santa Fe County and BI Incorporated, an electronic monitoring service.

BACKGROUND:

The compensation for Agreement 27-10808-CORR was \$200,000.00. The first Amendment increases the contract by \$25,000.00. Proposed Amendment Two increases the Agreement by \$25,000.00, for a new Agreement total of \$250,000.00.

Electronic Monitoring is an alternative to incarceration. 80% of the participants are assigned to Electronic Monitoring prior to sentencing, the remainder are individuals who are sentenced to electronic monitoring. Participating Courts include, District, Magistrate, and Tribal Courts. The Counties participating are; Los Alamos, Rio Arriba and Santa Fe. Participants include adults and juveniles.

BI Incorporated provides equipment, maintenance of equipment and monitors the central host computer located at BI Incorporated's office. The monitoring is ongoing seven days a week 24 hours a day. When an electronic deviation occurs BI Incorporated notifies Santa Fe County Electronic Monitoring staff by phone or page.

The equipment provided by BI includes: Electronic bracelets which are activated by a participant's entrance or egress from his/her home, the Home Sobriator which is a combination alcohol breathalyzer voice identification system for home use, and a GPS tracking system. The Court determines which device(s) or tests are required of a Participant.

The program budget is \$648,807.96 for this fiscal year. Approximately 110 clients are served daily, and currently seven County FTE are allocated for the program.

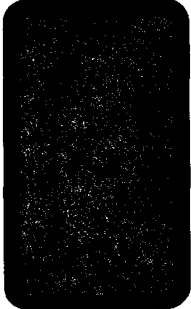
	Agency	Ankle Bracelet	Sobriator	GPS
Current Fees	Santa Fe	10% of net income or zero if unemployed	\$10.00	10% of net income or zero if unemployed
	All Other	\$15.00 per day	\$10.00 per day	\$20.00 per day
Proposed Fees after 12/15/07	Santa Fe	5.00 per day	5.00 per day	10.00 per day
	All Other	\$15.00 per day	\$10.00 per day	\$20.00 per day
Costs		\$2.44 per day	\$2.99 per day	\$8.99 per day

All costs associated with Electronic Monitoring activities including service contracts, supplies and employees average approximately, \$54,067.33 monthly, or \$1,772.68 daily.

COST PER DAY TO OPERATE PROGRAM	AVERAGE DAILY INCOME*	AVERAGE DAILY DEFICIT	AVERAGE DAILY NUMBER OF PARTICIPANTS	AVERAGE DAILY UNREIMBURSED COST PER PARTICIPANT TO COUNTY
\$1,773.00 -	610.00 =	1,163.00 ÷	110 =	\$10.57

*Includes revenue from urine analysis services. A service provided by County Electronic Monitoring Unit. Urine testing supplies are not part of the BI Incorporated Agreement. Urine testing supplies are purchased from Redwood Toxicology. Santa Fe County charges \$15.00 per urine test regardless of income or county.

Average daily UA testing income.	EM Average daily income (including UA)
\$134.90	610.00



SANTA FE COUNTY

FISCAL SUMMARY WATER/WASTE WATER FUNDING PLAN

December 11, 2007

FUNDING SOURCES

- General Obligation Bonds
- Revenue Bonds
- Gross Receipts Tax (GRT)
- Cash Reserves
- Developer Contributions
- State Funding
- Federal Funding
- Aamodt Settlement

Approved Final Funding Summary

Project (Amounts stated in Millions)	Anticipated Project Cost	Amt. Allocated	Additional Need
Buckman Direct Diversion Project	\$ 80.0	\$ 80.0	County Obligation Reflected Thru 2012
General Obligation Proceeds		\$ 46.0	
Capital Outlay GRT		\$ 31.5	
Grant Funding		\$ 5.3	\$ 0.0
Projects Funded By BCC to date and Additional Projects::			
Valle Vista Wells	\$ 2.0	\$ 2.0	\$ ----
Valle Vista Waste Water Trmt. Plant Upgrade	\$ 10.0	\$ 2.0	\$ 8.0 (1)
Valle Vista Sewer Line Replacements	\$ 1.7	\$ 1.0	\$.7
Valle Vista Water System Upgrade	\$ 1.7	\$ 1.2	\$.5
Agua Fria	\$	\$.4	\$
Edgewood	\$	\$.4	\$
Chimayo	\$	\$.5	\$
Canoncito	\$ 4.3	\$ 1.2	\$ 3.1 (2)
Pojoaque Waste Water	\$ 12.0	\$ 1.0	\$ 11.0 (3)
Sombrello Waste Water	\$ 1.0	\$ 0.35	\$.65 (4)
County Well Program	\$ 3.0	\$ 0.25	\$ 2.75 (5)
Bulk Water Sales	\$.2	\$ 0.0	\$.2
BDD Shortfall (237.36 acre feet)	\$ 7.1	\$ 0.0	\$ 7.1
Well Shortfall (maximum 561.32 acre feet)	\$ 16.8	\$ 0.0	\$ 16.8 (6)
Total	\$ 139.8	\$ 90.30	\$ 50.80

(1) Need will also be funded by large user contributions, i.e. Las Soleras, etc.
 (2) Additional funding via a state grant for \$50,000
 (3) Additional funding via legislative appropriations and Pojoaque Pueblo
 (4) Funding noted thus far via a state grant
 (5) Additional funding via legislative appropriation of \$250,000
 (6) Assumptions made include:
 (a) The County is already using 500 wholesale acre feet from the City
 (b) Buckman delivers no water in a year

Available Funding & Corresponding Commitments Already Approved by the BCC

Available Funding by Funding Source:

Gross Receipts Tax (Dedicated to BDD):

County	\$15,750,000	
Regional	<u>\$15,750,000</u>	\$31,500,000

General Obligation Bonds:

2007 Series (2004 Authorization)	\$ 8,500,000	
2006 Series (2004 Authorization)	\$ 5,000,000	
1997 Series	\$ 27,144	
Future Sales (2004 Authorization)	<u>\$32,500,000</u>	\$46,027,144

Grant/Loan Funding (BDD)	\$ 5,300,000	<u>\$ 5,300,000</u>
Total Available Funding		<u>\$82,827,144</u>

Note: Numbers reflected are based on future bond sales and anticipated revenue collections for gross receipts tax through FY 2012.

**Available Funding & Corresponding
Commitments Already Approved by the
BCC**

	Total Project Cost	Total BCC Commitment
BDD Project	\$ 80,000,000	\$80,000,000
County Projects	\$ 29,300,000	\$ 6,200,000
Community Projects ⁽¹⁾	<u>\$ 17,300,000</u>	<u>\$ 3,500,000</u>
TOTAL	\$126,600,000	\$89,700,000

(1) In some cases project costs are unknown for the smaller projects that have requested funding from the BCC for either the smaller communities and/or mutual domestic water associations, etc.

Available Funding & Corresponding

Commitments Already Approved by the

BCC

Total Revenue \$ 82,827,144

Total Projects \$ 89,700,000

(BCC Commitments only, amount does not reflect known total project costs)

Total Shortfall \$ (6,872,856)

SFC CLERK RECORDED 02/01/2008

EXHIBIT
3



THE BOARD OF COUNTY COMMISSIONERS

OF SANTA FE COUNTY

RESOLUTION NO. 2007-____

A RESOLUTION

REQUIRING THAT ORGANIZATIONS RECEIVE PRIOR APPROVAL FROM THE BOARD OF COUNTY COMMISSIONERS BEFORE THE COUNTY WILL ACT AS THE DISBURSING AND MONITORING AGENT FOR LEGISLATIVE APPROPRIATIONS

WHEREAS, Santa Fe County frequently receives appropriations from the New Mexico Legislature that are intended to support the needs of local organizations, and the County is expected to survive as the fiscal agent for such appropriations, disburse and monitor expenditures from the appropriations under a grant agreement;

WHEREAS, as a result of Article IX, Section 10 of the New Mexico Constitution, which prohibits donations to corporations or other non-governmental organizations, structuring transactions so as to avoid constitutional issues with these organizations can often be difficult;

WHEREAS, it is conceivable that some appropriations would not be sought at all if the difficulty of complying with Article IX, Section 10 were known before the appropriation was sought;

WHEREAS, a simple change in the appropriation procedure might bring together the

County and organizations seeking funds from the Legislature in advance of a session to determine whether an appropriate transaction is feasible given the need; and

WHEREAS, it the desire of the Board that such an application procedure be developed and that funds appropriated to organizations who fail to follow the procedure are not accepted by the County.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, AS FOLLOWS;

1. The County of Santa Fe shall only act as a fiscal agent, disbursement and monitoring agent for legislative appropriations to organizations when that organization has received prior approval from the County to request a Legislative appropriation.

2. The requirements for prior approval shall be established by the Board of County Commissioners by resolution but shall, at a minimum, include completion of an application, tentative completion of the appropriate agreement or agreements needed to compete the transaction, identification of a possible sponsor, and, if appropriate, inclusion of the proposed project in the County's Infrastructure Capital Improvement Plan.

3. Prior approval shall be granted no later than _____ weeks prior to the legislative session.

PASSED, APPROVED, and ADOPTED this _____ day of _____, 2007.

THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY, NEW MEXICO

By _____
Virginia Vigil, Chair

ATTEST:

Valerie Espinoza, County Clerk

Approved as to form:

Stephen C. Ross, County Attorney

Date

New Mexico State Legislators
Santa Fe County Delegation
490 Old Santa Fe Trail
Santa Fe, New Mexico 87501

Dear Honorable Legislator:

The New Mexico State Legislature has generously made appropriations to Santa Fe County to benefit a number of different organizations. In order to receive the benefit of the appropriations, the organizations have to make arrangements with the local government body in order to expend the funds. Sometimes these arrangements are difficult because Article IV, Section 31 and Article IX, Section of the New Mexico Constitution prohibit donations to private organization.

Santa Fe County has mixed success addressing these types of arrangements, which are always difficult to structure and complete. Some transactions have not been completed because of the difficulties, frustrating all who are involved.

Santa Fe County would like to better address these needs. One possible methodology would be for legislators who are being solicited for an appropriation to direct the organization to consult with Santa Fe County prior to the Legislative Session prior to seeking the appropriation. This methodology would allow the organization and the County an opportunity to determine whether the appropriation is feasible, and whether a transaction with the County can be properly structured.

The County has prepared a form that we suggest an organization complete prior to seeking an appropriation. The form could be used as a starting point for an organization to successfully complete the process we have outlined.

If you should have any questions, please do not hesitate to contact Rudy Garcia of my staff at 490-2274 or myself at 986-6200.

Sincerely,

Roman Abeyta

Santa Fe County
Manager

SANTA FE COUNTY
LEGISLATIVE INITIATIVES 2008 SESSION

Amending the Economic Development Act to Allow for Public/Private Activities

Eliminating the County Surveyor Position in Santa Fe County

Requests will be made for additional monies for projects that have been previously funded, but have shortfalls

Re-authorizations for previously funded projects, (if language change is needed)

Document Imaging Program for the County Clerks Office

Continuation of Support for House Bill 316,

AN ACT RELATING TO COUNTIES; ENACTING THE COUNTY DETENTION FACILITY REIMBURSEMENT ACT; PROVIDING REIMBURSEMENT TO COUNTIES FOR THE COSTS OF INCARCERATION OF CERTAIN PERSONS CONVICTED OF A FELONY; CREATING THE COUNTY DETENTION FACILITY REIMBURSEMENT FUND.

Submit Joint Memorial/Bill with Both Houses in order for Santa Fe County to Acquire the New Mexico State Penitentiary Waster Water Treatment Facility

Submit Bill in the Amount of 700K, to pay for Vouchers for Substance Abuse Treatment

DATES TO REMEMBER

- December 18th, 2008, 2:00PM Study Session with Santa Fe County Legislators at State Capital
- January 3rd, 2008, 5:30-7:00PM Legislative Meeting at County Commission Chambers
- January 10th, 2008 Meeting with Representative Peter Worth
- January 15th, 2008, 12:00PM, 2008 Legislative Session Starts

STATE SENATE DISTRICT 6, CARLOS R. SISNEROS**STATE REPRESENTATIVE DISTRICT 46, SPEAKER BEN LUJAN****COMMISSION DISTRICT 1, HARRY MONTOYA**

Capital Projects	Grant Balance	Needed
Abedon Lopez Senior Center	\$108,800	
Bennie J. Chavez Community Center	\$7,005.73	\$20,000
Cundiyo Community Meeting Facility	\$70,172.37	\$400,000
El Rancho Community Center Addition	\$192,063	
La Puebla Community Center	\$376,700	\$500,000
La Puebla Park Phase II	\$55,335	
Marcus P. Trujillo Teen Center Phase III	\$50,000	\$100,000
Nambe Head Start	\$147,303.12	\$500,000
Northern NM Rio Grande Sportsmen	\$20,000	
Pojoaque Tennis Courts	\$110,000	
Pojoaque Valley/Jacona Community/senior	\$1,194,899.75	\$500,000
<u>Water/Waste Water Projects</u>		
Cuatro Villas, Feasibility Study	\$2,100,000	\$4,100,000
Pojoaque Water/Waste Water Project	\$2,070,000	
Sombrillo Waste/Water Project	\$1,500,000	\$850,000
Northern Santa Fe County Regional Water Project/Chimayo		8,000,000
<u>Road/Drainage Projects</u>		
County Road 84		\$800,000
County Road 84D		\$490,000
La Tierra Subdivision Road Improvements		\$50,000
<u>County Wide Projects</u>		
First Judicial Complex		\$1,000,000
Santa Fe County Fair Grounds	\$800,000	\$500,000
Santa Fe County Housing Sites, Landscaping, Benches etc.		\$75,000
County Clerks Detail Equipment	\$50,000	\$150,000
Valle Vista Housing Site Road Improvements		\$150,000
Esperanza Shelter		\$200,000
Santa Fe County Housing/Sewer Upgrades		\$125,000
Santa Fe County Corrections Upgrades		\$2,300,000
Canoncito/El Dorado Water System Improvements	\$50,000	\$5,072,000
County Road 42		\$3,000,000
Pojoaque Valley Regional Water/Waste Water System	2,070,000	\$1,500,000

STATE SENATE DISTRICT 24, NANCY RODRIGUEZ**STATE REPRESENTATIVE DISTRICT 45, JIM TRUJILLO****COMMISSION DISTRICT 2, VIRGINIA VIGIL**

Capital Projects	Grant Balance	Needed
Agua Fria Community Center Phase II		\$100,000
Agua Fria Park	\$198,000	\$250,000
Agua Fria Children's Zone	\$864,280	\$500,000
Santa Fe River Corridor, Camino Real to SR 599	\$54,520	\$3,675,000
<u>Water/Waste Water Projects</u>		
Lopez Lane Sewer Project		\$100,000
Agua Fria Water/Wastewater Project Phase III	\$25,000	\$2,500,000
Sewer Line Extension Agua Fria/Rumbo Al Sur	\$75,000	\$125,000
Sewer Line Extension Paseo de Tercero/Via Toribio	\$160,000	\$70,000
Sewer Line Extension between Agua Fria/Rufina Rd.	\$20,000	
Agua Fria Sewer/Water Line East for .5 mile east	\$50,000	
Sewer Line Extension on Ben Lane	\$50,000	\$100,000
<u>Road/Drainage Projects</u>		
La Tierra Subdivision Road Improvements		\$50,000
Pedestrian Crossing at Nancy Rodriguez Center		\$50,000
Agua Fria Roundabout	\$150,000	\$250,000
South Meadows Road Extension		\$3,000,000
<u>County Wide Projects</u>		
First Judicial Complex		\$1,000,000
Santa Fe County Fair Grounds	\$800,000	\$500,000
Santa Fe County Housing Sites, Landscaping, Benches etc.		\$75,000
County Clerks Detail Equipment	\$50,000	\$150,000
Valle Vista Housing Site Road Improvements		\$150,000
Esperanza Shelter		\$200,000
Santa Fe County Housing/Sewer Upgrades		\$125,000
Santa Fe County Corrections Upgrades		\$2,300,000
Canoncito/El Dorado Water System Improvements	\$50,000	\$5,072,000
County Road 42		\$3,000,000
Pojoaque Valley Regional Water/Waste Water System	2,070,000	\$1,500,000

STATE SENATE DISTRICT 8, PETE CAMPOS

STATE SENATE DISTRICT 19, SUE WILSON-BEFFORT

STATE SENATE DISTRICT 39, PHIL GRIEGO

STATE REPRESENTATIVE DISTRICT 22, KATHY McKOY

STATE REPRESENTATIVE DISTRICT 43, JENNETTE O. WALLACE

STATE REPRESENTATIVE DISTRICT 50, RHONDA KING

COMMISSION DISTRICT 3 MIKE ANAYA

Capital Projects	Grant Balance	Needed
Galisteo Community Park	\$70,000	\$50,000
La Cienega Community Center/Park	\$113,362.	\$1,100,000
La Cienega Community Park	\$150,000	\$200,000
Madrid Ball Park	\$394,137	
Stanley Youth Ag. Facility	\$352,841	\$500,000
<u>Water/Waste Water Projects</u>		
Waterline Extension I-25 Frontage Rd. in CR 54		\$250,000
Waterline Extension along I-25 Frontage Rd-to CR 54 (west)		\$250,000
Galisteo Community Water System Improvements		\$50,000
<u>Road/Drainage Projects</u>		
South Meadows Road Extension		\$3,000,000
Camino Torcido Loop		\$190,000
County Road 12B		\$400,000
County Road 55A		\$2,800,000
County Road 42		\$3,000,000
County Road 56 Drainage Culverts		\$50,000
Mutt Nelson Road		\$200,000
Paseo de Angel Improvements		\$500,000
South Meadows Road Extension		\$300,000
Santa Fe County Road 16A (J Mar)		\$50,000

County Wide Projects		
First Judicial Complex		\$1,000,000
Santa Fe County Fair Grounds	\$800,000	\$500,000
Santa Fe County Housing Sites, Landscaping, Benches etc.		\$75,000
County Clerks Detail Equipment	\$50,000	\$150,000
Valle Vista Housing Site Road Improvements		\$150,000
Esperanza Shelter		\$200,000
Santa Fe County Housing/Sewer Upgrades		\$125,000
Santa Fe County Corrections Upgrades		\$2,300,000
Canoncito/El Dorado Water System Improvements	\$50,000	\$5,072,000
County Road 42		\$3,000,000
Pojoaque Valley Regional Water/Waste Water System	2,070,000	\$1,500,000

STATE SENATE DISTRICT 25, JOHN T. GRUBESIC**STATE SENATE DISTRICT 39 PHIL GRIEGO****STATE REPRESENTATIVE DISTRICT 40, NICK SALAZAR****STATE REPRESENTATIVE DISTRICT 47, PETER WIRTH****COMMISSION DISTRICT 4, PAUL CAMPOS**

<u>Water/Waste Water Projects</u>	<u>Grant Balance</u>	<u>Needed</u>
Glorieta Estates Water System Improvements	\$40,000	\$205,000
Canoncito/El Dorado Water System Improvement	\$1,200,000	\$5,072,000
<u>Road/Drainage Projects</u>		
County Road 60, (Nine Mile Road)		\$200,000
County Road 67A Canada Village Road		\$300,000
Glorieta Road Improvements		\$238,000
La Barbaria Road		\$115,000
County Road 67G, (Ravens Ridge Road)		\$200,000
<u>County Wide Projects</u>		
First Judicial Complex		\$1,000,000
Santa Fe County Fair Grounds	\$800,000	\$500,000
Santa Fe County Housing Sites, Landscaping, Benches etc.		\$75,000
County Clerks Detail Equipment	\$50,000	\$150,000
Valle Vista Housing Site Road Improvements		\$150,000
Esperanza Shelter		\$200,000
Santa Fe County Housing/Sewer Upgrades		\$125,000
Santa Fe County Corrections Upgrades		\$2,300,000
Canoncito/El Dorado Water System Improvements	\$50,000	\$5,072,000
County Road 42		\$3,000,000
Pojoaque Valley Regional Water/Waste Water System	2,070,000	\$1,500,000

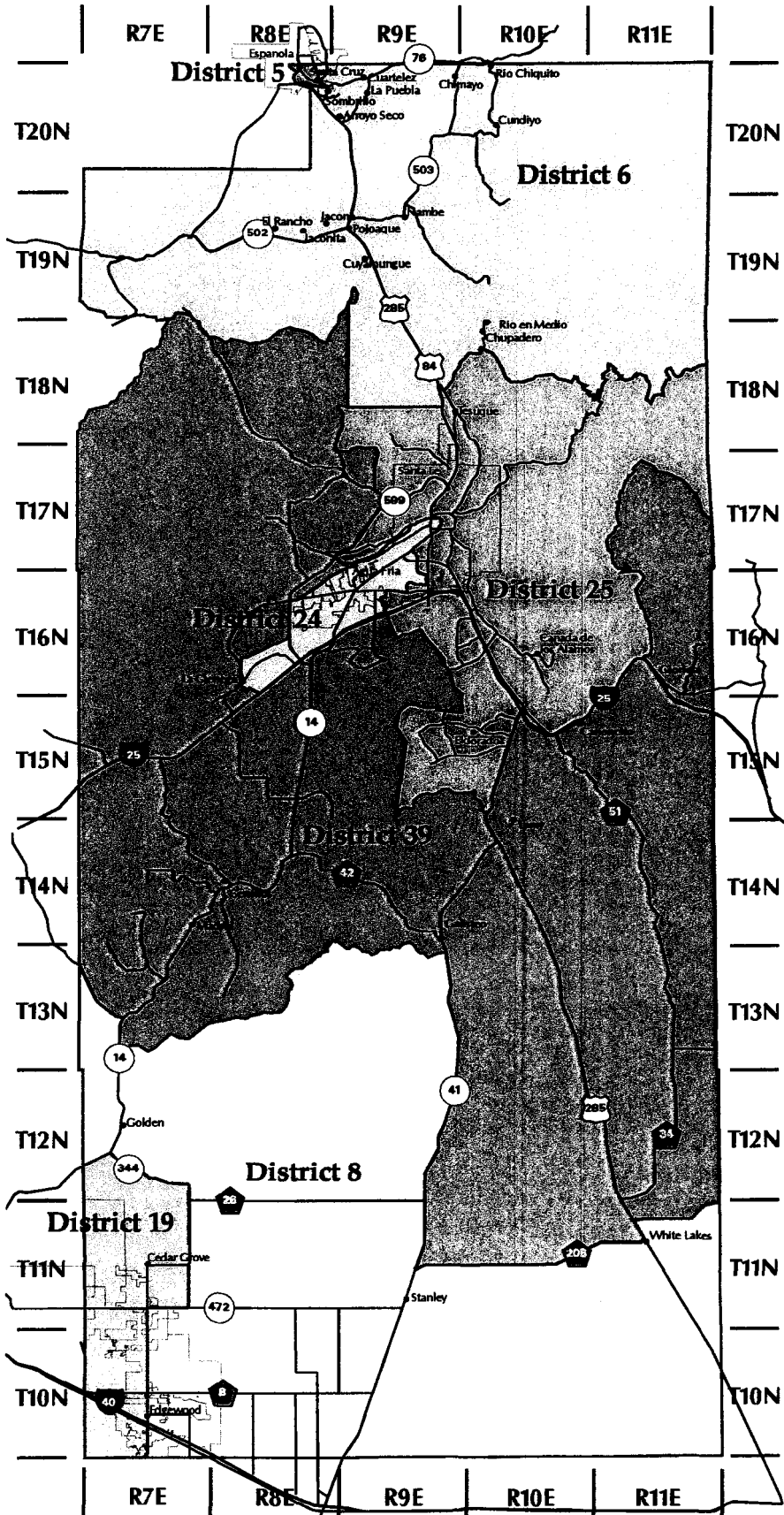
STATE SENATE DISTRICT 25, JOHN T. GRUBESIC**STATE SENATE DISTRICT 39, PHIL GRIEGO****STATE REPRESENTATIVE DISTRICT 47, PETER WIRTH****STATE REPRESENTATIVE 50, RHONDA KING****COMMISSION DISTRICT 5, JACK SULLIVAN**

	Grant	
Capital Projects	Balance	Needed
Lady of Light Chapel in Lamy	\$50,000	\$200,000
Vista Grande Library	\$199,436.98	\$800,000
Valle Vista Housing Community Building Improvements		\$75,000
Valle Vista Housing Site Road Improvements		\$150,000
<u>Water/Waste Water Projects</u>		
Canoncito/El Dorado Water System Improvements	\$50,000	\$5,072,000
<u>Road/Drainage Projects</u>		
El Dorado Road Improvements	\$200,000	\$300,000
<u>County Wide Projects</u>		
First Judicial Complex		\$1,000,000
Santa Fe County Fair Grounds	\$800,000	\$500,000
Santa Fe County Housing Sites, Landscaping, Benches etc.		\$75,000
County Clerks Detail Equipment	\$50,000	\$150,000
Valle Vista Housing Site Road Improvements		\$150,000
Esperanza Shelter		\$200,000
Santa Fe County Housing/Sewer Upgrades		\$125,000
Santa Fe County Corrections Upgrades		\$2,300,000
Canoncito/El Dorado Water System Improvements	\$50,000	\$5,072,000
County Road 42		\$3,000,000
Pojoaque Valley Regional Water/Waste Water System	2,070,000	\$1,500,000








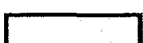


State Senate Districts

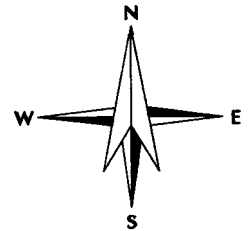
Santa Fe County

SFC CLERK RECORDED 02/01/2008



LEGEND

-  District Boundaries
-  Incorporated City Boundaries
-  Major Roads and Highways
-  Senate District 5
Richard C. Martinez
-  Senate District 6
Carlos R. Sisneros
-  Senate District 8
Pete Campos
-  Senate District 19
Sue Wilson Beffort
-  Senate District 24
Nancy Rodriguez
-  Senate District 25
John T. L. Grubestic
-  Senate District 39
Phil A. Griego



1 inch represents 8 miles

This information is for reference only. Santa Fe County assumes no liability for errors associated with the use of these data. Users are solely responsible for confirming data accuracy.

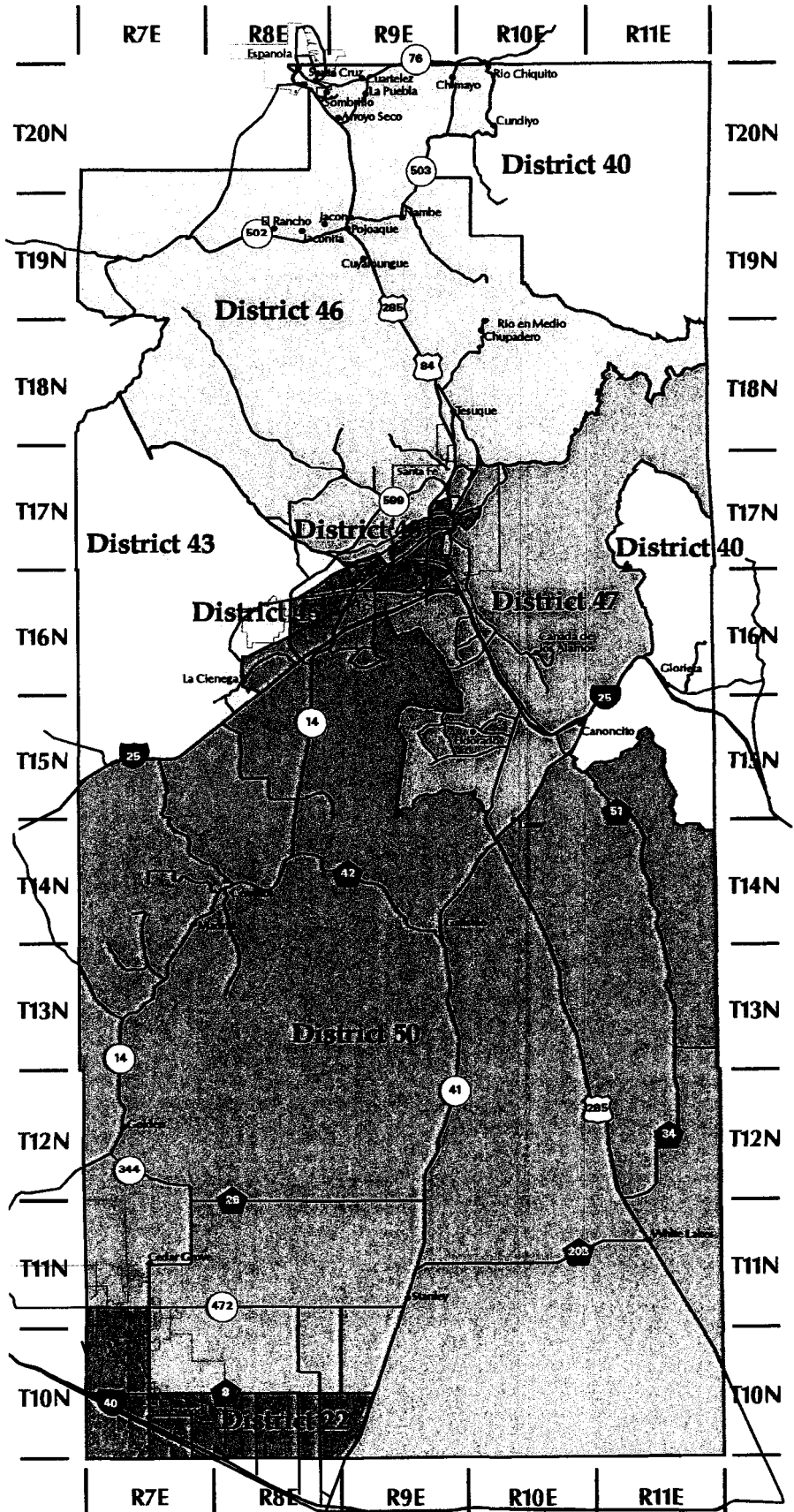


June 13, 2007












State Representative Districts

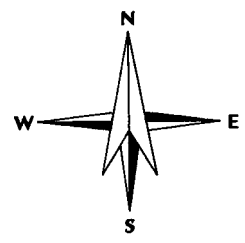
Santa Fe County

SFC CLERK RECORDED 02/01/08



LEGEND

-  District Boundaries
-  Incorporated City Boundaries
-  Major Roads and Highways
-  Representative District 22
Kathy McCoy
-  Representative District 40
Nick L. Salazar
-  Representative District 43
Jeanette O. Wallace
-  Representative District 45
Jim Trujillo
-  Representative District 46
Ben Lujan
-  Representative District 47
Peter Wirth
-  Representative District 48
Luciano "Lucky" Varela
-  Representative District 50
Rhonda S. King



1 inch represents 8 miles

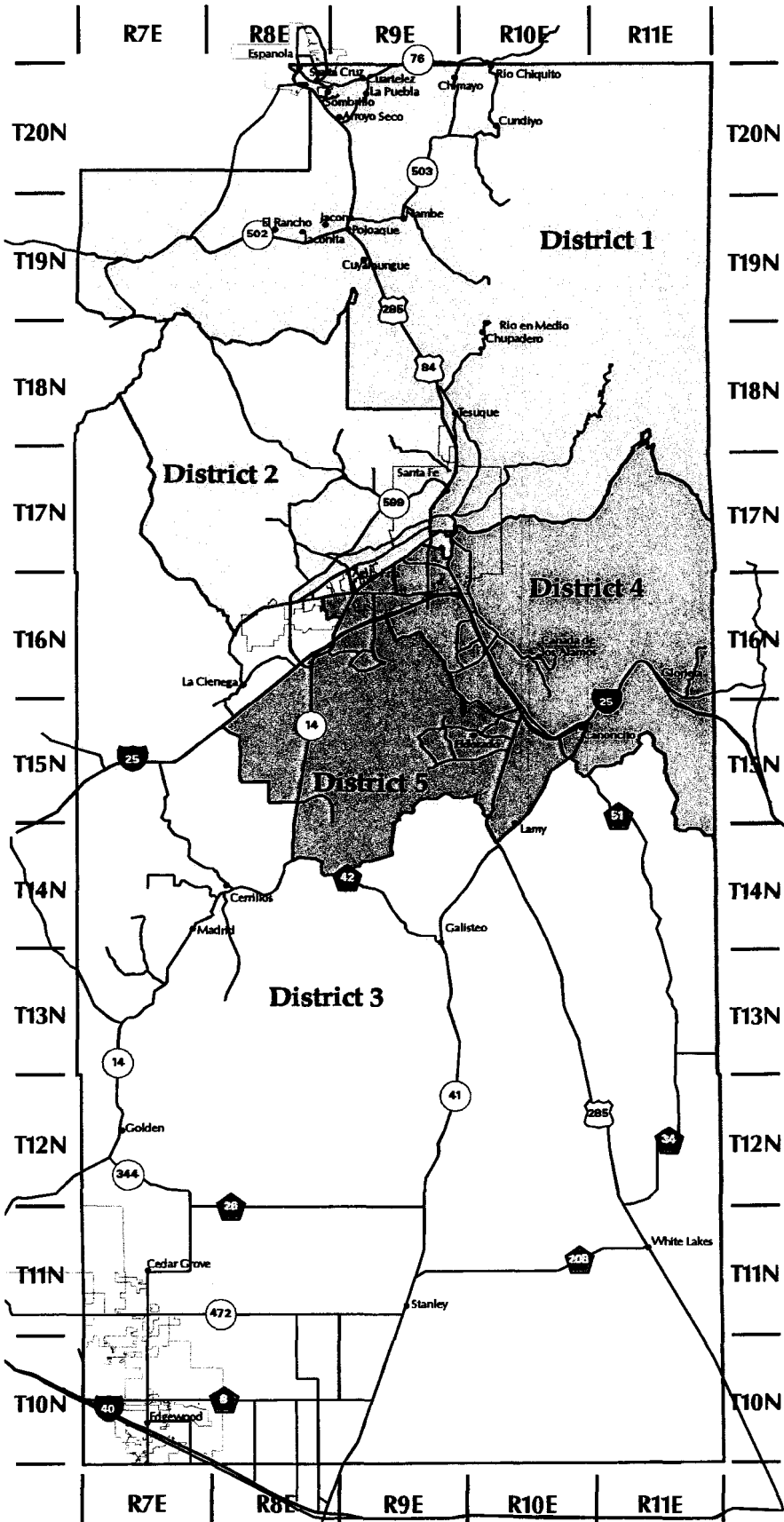
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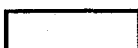
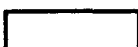


County Commission Districts

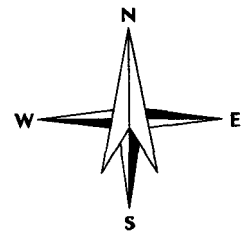
Santa Fe County

SFC CLERK RECORDED 02/20/12 0908



LEGEND

-  District Boundaries
-  Incorporated City Boundaries
-  Major Roads and Highways
-  Commission District Harry B. Montoya
-  Commission District Virginia Vigil
-  Commission District Michael D. Anaya
-  Commission District Paul Campos
-  Commission District 5 Jack Sullivan



1 inch represents 8 miles

This information is for reference only. Santa Fe County assumes no liability for errors associated with the use of these data. Users are solely responsible for confirming data accuracy.



June 13, 2007

SANTA FE COUNTY FACILITY BOOK - FISCAL YEAR 2008

as of 12/4/07

FACILITY	CODE	ICIP	BEGIN	END	FY 2008	NOTES
					BUDGET FUND 318	
Abedon Lopez Senior Center	7111	no	2008	2008	\$ 55,500	
Agua Fria Children's Zone	0788	08, 09	2007	2011	\$ 864,260	non-profit/United Way
Agua Fria Community Center Building and Park	0749	08, 09	2003	2010	\$ 224,457	
Agua Fria Preschool	0777	08	2006	2010	none	non-profit
Agua Fria - SFC Little League Complex	none	08	2010	2010	none	non-county
Recovering Alcoholics Facility	0745	no	2005	2008	\$ 300,000	
Animal Control Facility	none	08, 09	2008	2010	none	
Arroyo Seco Community Center	none	08, 09	2009	2010	none	
Barela Compound	0784	no	2008	2008	\$ 50,000	non-profit
10 Bennie J. Chavez Community Center	0755	no	2004	2008	\$ 59,201	
Bus Stop Shelters & Handicap Accomodations	7104	no	2008	2008	\$ 15,000	
Cerrillos Facilities	none	08, 09	2008	2010	none	
Chimayo Wellness Center	none	08, 09	2008	2011	none	
Chimayo Museum	none	09	2009	2011	none	non-profit
Clubhouse Model Program - Develop. Disabled	7102	no	2008	2008	\$ 271,702	non-profit
Corrections Facility Improvements	fund 518	08, 09	2006	2009	none	
Cundiyo Meeting Facility	0789	08, 09	2007	2008	\$ 118,529	
Edgewood First Choice - parking lot	0785	no	2007	2008	\$ 35,000	private
Edgewood Recreation Complex	none	08	2008	2008	none	
20 Edgewood Senior Center	0737	08	2005	2008	\$ 417,363	
El Camino Real Cultural Meseum	none	08	2010	2011	none	
Eldorado (Vista Grande) Library	0739	08, 09	2003	2009	\$ 200,041	
Eldorado Outdoor Theater	none	08, 09	2008	2010	none	
Eldorado Senior Center	0753	08	2004	2008	\$ 348,043	
El Rancho Community Center	0778	no	2006	2008	\$ 175,878	
Esparanza Shelter Administrative Complex	0768	08, 09	2006	2010	\$ 1,882,254	non-profit
Santa Fe County Fairgrounds	0759	08, 09	2005	2010	\$ 898,977	
Galisteo Community Park / Plaza	7101	09	2008	2010	\$ 70,000	
First Judicial District Court Complex	see notes	08, 09	2005	2012	\$ 651,304	0762, 0796, 0791
30 La Cienega Community Center	0765	08, 09	2004	2010	\$ 114,510	
La Cienega Community Park	0758	08	2004	2010	\$ 150,000	
La Familia Medical Center	0760,79	no	2006	2008	\$ 125,000	non-profit
Lamy Lady of Light Chapel	none	08, 09	2008	2009	none	non-profit
La Puebla Athletic Facility	0741	no	2003	2008	\$ 55,317	
La Puebla Community Center	0763	08, 09	2005	2009	\$ 376,700	
North County Community Library	none	09	2009	2011	none	
Madrid Ball Park	0751	08, 09	2003	2010	\$ 395,000	
Madrid Community Center / Cultural Museum	none	08, 09	2009	2012	none	
Madrid Restroom Facility	0751	no	2008	2008	\$ 60,000	
40 SFC Media Park / Broadband	none	09	2009	2009	none	
Nambe Community Center	none	09	2009	2011	none	
Nambe Headstart Facility	0790	no	2007	2008	\$ 150,000	non-county
Northern NM Rio Grande Sportsmen Club	0786	09	2006	2008	\$ 20,000	non-profit
Santa Fe Opera - Wetlands System	0773	no	2006	2008	\$ 670,000	non-profit
Parking Structure - City/County	none	08	2008	2010	none	
Pojoaque / Jacona Community Center	0776	08, 09	2006	2009	\$ 1,198,900	
Pojoaque Valley Cultural Ctr / Farmers Market	0783	08, 09	2007	2012	\$ 100,000	
Pojoaque valley Outdoor Recreation Area	7109	08	2008	2009	\$ 110,000	
Rancho Viejo Community Center	none	09	2009	2011	none	
50 Rancho Viejo Recycling Center	none	09	2009	2010	none	
RECC Facility Renovation	none	09	2009	2010	none	
Santa Fe County Administrative Offices	none	08, 09	2009	2011	none	
Santa Fe Headstart Facility	0787	no	2007	2008	\$ 194,413	non-county
St. Elizabeth Shelter	7110	no	2008	2008	\$ 103,242	non-profit
Stanley Community Center and Fairgrounds	none	08, 09	2008	2009	none	
Stanley Recreational Complex - swimming pool	none	08	2008	2009	none	non-county
Stanley Youth Agricultural Facility	0757	no	2004	2008	\$ 352,841	
Solid Waste Transfer Station Improvements	6150	no	2007	2008	\$ 823,000	
Tesuque Community Center	none	08, 09	2009	2010	none	
60 Women's Health Services Complex	0775	08	2006	2008	\$ 3,410,250	non-profit
Youth Shelters and Family Services - phase II	0747,7107	08	2003	2008	\$ 445,500	non-profit
Youth Shelter - Arroyo Seco, Marcos Trujillo Ctr.	none	08, 09	2008	2010	none	non-profit
Total					\$ 15,492,182	
Community & Senior Centers					\$ 3,089,081	
for private / non-profit agencies					\$ 7,877,208	

ERK RECORDED 02/01/2008

