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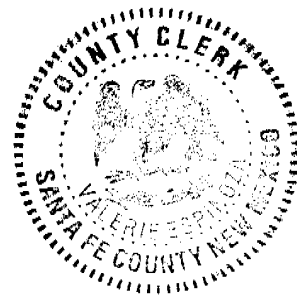
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Deputy Montoya _____
Witness My Hand And Seal Of Office
Valerie Espinoza
County Clerk, Santa Fe, NM

SANTA FE
BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING

December 13, 2005

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



SFC RECORDED 02/20/2006

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SANTA FE COUNTY
REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

December 13, 2005

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:05 p.m. by Chairman Mike Anaya, 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 Mike Anaya, Chairman
Commissioner Harry Montoya, Vice Chairman
Commissioner Paul Campos
Commissioner Jack Sullivan
Commissioner Virginia Vigil

Members Absent:
[None]

V. Invocation

An invocation was given by Rabbi Leonard A. Helman.

VI. Approval of the Agenda

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- B. Tabled or withdrawn items**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

ROMAN ABEYTA (Deputy County Manager): Thank you, Mr. Chairman. We have the following amendments: Under Matters from the Commission, IX. H. We added a resolution to support the legislative funding for the Southside Branch Library. Then under XI. Consent Calendar, C. 10, we had a change of wording so that it reads Request authorization to approve State Library funding for public library resources, New Mexico State Library, for Vista Grande, Eldorado Library.

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Then under XII. Staff and Elected Officials' Items, item B. 1 from the Finance Department, an ordinance pertaining to the issuance of bonds of \$7 million for the ATC Foundation, that has been withdrawn by the ATC Foundation. We received word from them today regarding that. The XII. C. 3 was added, which is a resolution requesting an operating transfer from capital outlay GRT funds to the State special appropriations fund for the Eldorado Senior Center.

XII. Staff and Elected Officials' Items, E. 2 has been withdrawn, which was consideration and possible action regarding the water service and wastewater service policy. Under E. Matters from the County Manager, we clarified the language under E. 1, discussion and possible direction for legislative funding request for the judicial complex. And we added an item 3, which is a presentation on the retirements of Emily Suazo from the County Clerk's office and Gloria Friday from the Treasurer's office, and Mr. Chairman, we would ask that that be moved to Matters from the Commission so we could deal with that early in the agenda, those two items.

And finally, Mr. Chairman, under Public Hearings, XIII. A. 5 Tesuque Villas Residential Subdivision, that has been tabled. We received a request this afternoon to table item 6. Thornburg Master Plan amendment, and Mr. Sommer is here if the Commission needs to speak with him regarding that request. And the last amendment, Mr. Chairman, is to table item 10. CDRC Case #Z/DP 05-5220.

CHAIRMAN ANAYA: Okay, Roman, I kind of didn't catch you on the first three. Could you go over the first three.

MR. ABEYTA: For the Public Hearings?

CHAIRMAN ANAYA: Whichever the first three were.

MR. ABEYTA: Okay, the first three changes were IX. H, we added an item, IX. H which is a resolution for the Santa Fe Public Library. Then under Consent Calendar, XI. C. 10 we changed the wording on that, and the Commission has the correct wording in their latest agenda. The Staff and Elected Officials' Items, XII. B. 1 has been withdrawn.

CHAIRMAN ANAYA: Okay. Is there any other changes from the Commission?

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Campos.

COMMISSIONER CAMPOS: Rosanna Vazquez talked to me just before lunch break. I believe she wants a couple of cases tabled, not tabled but delayed because she will be out to about 8:00 and I believe they are public hearing items 3 and 4. Is Ms. Vazquez here? Is that right? Three and four? Four is not included? Just three? And you want it postponed until about 8:00 pm?

[Away from the microphone, Ms. Vazquez explained that her children's Christmas pageant was from 6:30 to 7:30.]

COMMISSIONER SULLIVAN: Mr. Chairman, maybe we could hear that first. I have something I've got to do at 8:00.

COMMISSIONER MONTOYA: Could we do it first? Would it help?

ROSANNA VAZQUEZ: That would be fine.

COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: There's one item I'd like to pull and that is
item C. 2.

CHAIRMAN ANAYA: Under Miscellaneous?

COMMISSIONER MONTOYA: XI. C. 2 on the Consent Calendar. I believe
we need a roll call vote for that, don't we?

CHAIRMAN ANAYA: Oh, for that one. I got you.

COMMISSIONER MONTOYA: As opposed to a Consent item.

CHAIRMAN ANAYA: Anything else? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chairman, I would like to discuss
Consent B. 2 and 3.

CHAIRMAN ANAYA: B. 2 and 3?

COMMISSIONER SULLIVAN: Right. Also I noticed that under items from
the County Manager we have discussion again on the direction of the legislative funding, and I
also see a letter having to do with a legislative request for \$12 million. I also see Judge Hall in
the audience and I didn't know if you wanted to move those forward rather than under Matters
from the County Manager.

CHAIRMAN ANAYA: You're talking about item G, right?

COMMISSIONER SULLIVAN: I'm talking about item E. 1 under XII. And
then I'm not sure where this letter fits in. Roman, where does this letter that we just received on
our desk fit in?

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, that fits in under that
item. We just wanted to make sure the Commission was okay with that letter before we sent it
out. And that's pretty much going to be the limit of our discussion.

COMMISSIONER SULLIVAN: Okay, because I had a comment on it. So
maybe if we could move E. 1 somewhere under Matters from the Commission. That would be
XII. E. 1. I guess that's going to be a short item. Apparently it's just this letter.

CHAIRMAN ANAYA: Do you want to take it to I?

COMMISSIONER SULLIVAN: That would be fine.

COMMISSIONER VIGIL: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Vigil.

COMMISSIONER VIGIL: Item XII. B, a proclamation honoring Chris Salazar.
There are a lot of members of his family here including Judge George Anaya, if we could hear
that first.

CHAIRMAN ANAYA: We'll move that to the first. Anything else, but as the
day goes on we'll see what we can do.

COMMISSIONER SULLIVAN: Move for approval as amended.

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

COMMISSIONER CAMPOS: Second.

CHAIRMAN ANAYA: Any more discussion?

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

VII. APPROVAL OF MINUTES

- A. Special Meeting November 8, 2005 Presentation by Edward Mazeria**
- B. November 8, 2005**

COMMISSIONER VIGIL: I have a few clerical changes and I move to approve with mine or any other clerical changes that are brought forth.

CHAIRMAN ANAYA: Is there a second?

COMMISSIONER CAMPOS: That's November 8th, right? I second that.

CHAIRMAN ANAYA: There's a motion and a second to approve as amended. Any more discussion?

The motion to approve passed by unanimous [4-0] voice vote. [Commissioner Anaya abstained.]

CHAIRMAN ANAYA: There was a special meeting. Which one did you make a motion on? Was that the special meeting or the regular?

COMMISSIONER VIGIL: The regular meeting.

COMMISSIONER SULLIVAN: I have comments on the regular meeting.

CHAIRMAN ANAYA: You had comments on the regular meeting?

COMMISSIONER SULLIVAN: Yes. The first one was the special meeting.

CHAIRMAN ANAYA: Okay. What was your motion for, Commissioner? I'm sorry. Let's go to the special meeting.

COMMISSIONER CAMPOS: I'll move that we approve the minutes of the special meeting, item VII. A.

CHAIRMAN ANAYA: There's a motion.

COMMISSIONER SULLIVAN: Second.

CHAIRMAN ANAYA: Are there any clerical changes?

The motion to approve the minutes of the special meeting on November 8th passed by unanimous [4-0] voice vote. [Commissioner Anaya abstained.]

CHAIRMAN ANAYA: We'll go back to the November 8th.

COMMISSIONER VIGIL: I'll restate my motion, Mr. Chairman. Move to approve the November 8th minutes of the regular meeting with any clerical changes or amendments as seen forth by this Commission.

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

COMMISSIONER CAMPOS: They're minor clerical corrections, I assume. I'll second that with that.

CHAIRMAN ANAYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chairman, my copy of the minutes of November 8th were missing pages 37, 38, 39 and 40. Does everyone have those except me? They're there. They're just blank. Look after page 36 and see if you see anything. You have the same blank pages as I do, Mr. Chairman.

COMMISSIONER MONTOYA: Mine are there. Blank.

COMMISSIONER VIGIL: I will amend my motion to approve the minutes of the November 8th regular meeting discluding the pages that Commissioner Sullivan made reference to and recommend that those pages be brought forth to us at the next meeting for approval.

COMMISSIONER CAMPOS: I'll second that.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I also have some minor typographical corrections. Not on pages 37, 38, 39, 40. Could that be included in your motion, Commissioner?

COMMISSIONER VIGIL: Yes.

COMMISSIONER CAMPOS: It's good that Jack is reading the minutes.

COMMISSIONER SULLIVAN: I'm not reading them; they're not there.

The motion to approve the November 8th regular meeting minutes as amended, and with the exception of pages 37 through 40 passed by unanimous [4-0] voice vote. [Commissioner Anaya abstained.]

VIII. MATTERS OF PUBLIC CONCERN -NON-ACTION ITEMS

CHAIRMAN ANAYA: Is there anybody in the audience that would like to address the Commission on any matters that are out there that you'd like us to hear?

IX. MATTERS FROM THE COMMISSION

B. A Proclamation Honoring Chris Salazar (Commissioner Vigil)

COMMISSIONER VIGIL: Thank you. Mr. Chairman, I'm actually very honored to bring forth this resolution on behalf of the family, the Anayas and the Salazar whom I grew up with. It's always sad to lose a youth in our community but I think our community was particularly touched at the loss of Chris Salazar. So with that, Mr. Chairman, I'd like to

read a resolution recognizing the life and contributions of Chris S.I. Salazar and supporting a scholarship in his name.

Whereas, Christopher S. I. Salazar was born in Santa Fe County, raised in a respected family and educated in the Santa Fe Public Schools, graduating with honors from Santa Fe High School; and

Whereas, Chris served as a student representative of his high school to the Santa Fe Public School Board, participated in teen court and the Enlace Program engaging Latinos in communities and education; and

Whereas, Chris was a Key Club member and Santa Fe Public School Board student wellness member; and

Whereas, Chris graduated in 2005, was elected class president for four consecutive years and became a student advisor at American University in Washington, DC; and

Whereas, Chris was a human rights campaign member in Washington, DC, a governor's fellow in Governor Bill Richardson's office, an aid to the Legislative Finance Committee, assistant director to Youth Pride Alliance, director of the College Democrats of American Political Affairs, a lead rainbow speaker and student intern for Congressman Tom Udall; and

Whereas, his mentor, Santa Fe Attorney Michael Schwartz memorialized him with a statement, "His intellect was so keen, he really had a passion. He was the fire ablaze when it came to learning about the law; and

Whereas, Congressman Tom Udall further memorialized Chris by saying he was extraordinary - focused, intelligent and personable. He's the kind of young person you'd like to see interested in public affairs. I think he would have gone a very long way; and

Whereas, Chris Salazar will always be remembered as an outstanding member of our community, with an outgoing personable and positive personality, well liked, and respected; and

Whereas, Chris Salazar set an example in his life as a volunteer and community servant and an activist for minorities and women's rights at such a young age. He was a loving and loved son, brother, grandson, nephew, uncle, godson and friend.

Now, therefore be it resolved that we the Board of County Commissioners in Santa Fe County on this 13th day of December, 2005, hereby create this resolution in memory of Christopher S. I. Salazar to recognize his outstanding contributions to Santa Fe County and to declare his life an honor and esteem.

Be it further resolved that the Board of County Commissioners creates, helps endorse and supports the Christopher S. I. Salazar annual scholarship fund to further the education of future students who promote community volunteerism and political activism in his name.

Mr. Chairman, members of the Commission, that is the resolution I put forth in honor of Chris Salazar. It will be presented to you shortly and I'd like to introduce the immediate members of his family. His parents, Ray and Margaret Salazar. Would you please stand. Ray and Bernadette, his brother and sister-in-law. Bernadette, as you all know, is a Human Resource employee with Santa Fe County. Jessica and Jose Lerma, sister and brother-in-law.

Samantha, niece, Isaac, nephew, Simone, niece and god-daughter. And Mr. Chairman, there are many other members of his family present here if they would all please stand so we can stand in honor of Chris Salazar and Mr. Chairman, I'd ask for a few moments of silence in his honor.

Mr. Chairman, with that, I'd like to thank the Salazar family. Margaret and I went to school together at Cristo Rey. Her father and mother and their extended family are all from my rumbio of Santa Fe. It's a beautiful family and a sorrowful loss, and here shortly the resolution will be available to hand it to you if you would mind waiting a few minutes. Thank you very much.

CHAIRMAN ANAYA: Thank you, Commissioner Vigil, for bringing this forward. It's always important that we never forget our families and our friends. And with that, Commissioner, I think that maybe I believe Judge George Anaya would like to say a few words at this time.

JUDGE GEORGE ANAYA: Thank you, Chairman Anaya as well as honorable Commissioners. Thank you very much, Commissioner Vigil, for fronting this effort. It's an honor for the family. I just want to tell you a little bit about Chris and probably one of the touching moments that I have with him that I'll never forget and I'll always treasure. Commissioner Montoya and I participate in a gathering when they were here a couple of years ago, a few years ago, and I had the opportunity to invite Chris to come with me to the capitol here in Santa Fe and introduce him. We got a chance to meet Federico Pena, former Secretary of Transportation, Henry Cisneros, former Secretary of HUD, Bill Richardson, of course was not governor yet, and some other top Latino officials. And he knew exactly who these gentlemen were. Somebody his age, as young as he was, was in tune with the Latino community as well as the Latino elected officials. And appointed officials.

He had a lot going for him. He would have worked so hard for the promotion of diversity throughout not only New Mexico but through the nation and elsewhere. I without a doubt know that he would have accomplished that had he not been cut so short. We're very proud of him. We always will be. We obviously miss him very, very much and things like this help us to - it doesn't bring him back, obviously. We'd rather be honoring him here in person but it helps ease some of the pain and we appreciate the honor that you're giving the family and to our beloved Chris Salazar. Thank you all so much.

CHAIRMAN ANAYA: Thank you, Judge.

COMMISSIONER VIGIL: Mr. Chairman, there is an initiative in the community to continue the efforts of Chris through his scholarship fund. And I know Jose Villegas has initiated that, but is there any member of the family that has further details about that scholarship? Not at this point. As you do have that information if you could bring it forward we'd be happy to promote it. I would just ask if there's anyone else in the family who would like to address the Commission?

ALICE SEALY: I'm not a member of the Salazar family, obviously, but I feel like I am. They have made me feel like a part of their family through this tragedy. Chris worked with me at teen court for four years and I just wanted to say that Chris was very special

because what was special about Chris was he made us feel like we were all the same, no matter how old we were, no matter what ethnic group we came from, Chris was my friend. And he was a very good friend. He was a person that brought us all together and that's what made him special was he never forgot me. Never once and I feel honored to have had him in my life. And I've learned – I knew he was special, but through his death I've learned about all these things that he did that I didn't even know about because he never bragged. He just kept doing things.

I'm very grateful to him. He gave us, he gave me a gift and I'm grateful for that gift.

CHAIRMAN ANAYA: Thank you, Alice. Commissioner, do we have the proclamation?

COMMISSIONER VIGIL: I believe the proclamation is being placed on a frame so that we can give it. It should be here shortly.

CHAIRMAN ANAYA: You bet. And if there's anybody who would like to come up and say a few words you're welcome to. The podium is open. Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chairman, I'd just like to offer my condolences to the family. It's so tragic when someone so young who had such a bright future, unfortunately, we don't get to see it. But I think the one thing that we do have and I didn't know Chris very well and I remember now, Judge, the very event that you're talking about when we were here in Santa Fe. My condolences to you and God bless you all.

CHAIRMAN ANAYA: I would like to send my condolences. I didn't realize how close Mr. Salazar was to us, to me, to my family. And Bernadette, I didn't realize you were married so close to the family. I didn't realize that. So my condolences. I went to school with Judge George Anaya and I know his entire family but sometimes you get so caught up in work and your own family that you forget or you don't realize. But I want to send my condolences out from my entire side of the family to your side of the family. We are very – sometimes our families grow and grow and grow and we tend to lose touch but it was a very sad time for all of us. I think what we can do, Commissioner, if it's okay, is to go on to the next item. Or do we know when –

GERALD GONZALEZ (County Manager): We're checking on that, Mr. Chairman. I just wanted to say, from the standpoint of County staff, our hearts are with you also and it's been said that some people in this world are blessed to be the candle whose light ignites all the other candles and I can see from looking around this room that Chris is still with us and that light is still with us and we really appreciate your presence with us and allowing us to share this moment with you. Thank you so much and thank you for sharing his presence with us.

CHAIRMAN ANAYA: Thank you, Gerald.

COMMISSIONER VIGIL: And Mr. Chairman, it should be here just shortly, if we could just have a moment. Commissioners, if we could all do the honors of extending our condolences and presenting this resolution. You, as parents of Chris Salazar, to his family and to his extended family, in hopes that this recognition and memorialization of Chris Salazar's contributions to Santa Fe County will never be forgotten.

CHAIRMAN ANAYA: Thank you, again, Commissioner Vigil, for bringing that. That was very important.

COMMISSIONER VIGIL: Thank you, Mr. Chairman.

XII. E. Matters From the County Manager
3. Presentation on the Retirements of Emily Suazo, Clerk's Office, and Gloria Friday, Treasurer's Office

VALERIE ESPINOZA (County Clerk): Thank you, Mr. Chairman, Commissioners. It is with great pride and honor that I present today's retirement plaque certificate to Emily Suazo, also known as "Vecina", the neighbor, of the Santa Fe County Clerk's Office. Emily has worked for the Clerk's Office for eight years in the capacity as chief deputy clerk for the previous clerk and is retiring as senior recording clerk. She knows the office very well. We're going to miss her and I've had the privilege of knowing her for almost a year now and I just want to thank you for your service to the County. Your employees and I are going to miss you very much. Congratulations on behalf of all of us here.

VICTOR MONTOYA (County Treasurer): I'll be next, Commissioners, and I'll be brief, even though it's kind of hard being brief. Good afternoon, Commissioners. Again, it gives me a great deal of pride to have somebody like Gloria Friday work for the County for 22+ years and it's a real honor to have an employee of her caliber working in my office. She's always so pleasant and so good to the customers. She's been a pleasure to deal with. She's going to be a loss to me in my office but I know that it's another phase of her life and she wants to retire, just like Phil did. So I just want to congratulate her and ask you all to help me congratulate her and with that, I'll let both Emily and Gloria say a few words if they'd like to. And here's her plaque.

GLORIA FRIDAY (Treasurer's Office): I want to thank the Commissioners, thank the County, most especially my office, my co-workers, for all their help. I've enjoyed myself and I will miss them. Thank you.

EMILY SUAZO (Clerk's Office): My years with the County were very rewarding. To each and every one of you I want to wish you the best of luck and I don't say good bye, instead, see you soon.

CHAIRMAN ANAYA: I would like to just say that I'm going to miss you all there, because every time I went into the Clerk's or the Treasurer's office they were always there to help me in whatever I had to do, even if I was just going by to say hello. They always greeted me with a smile and I'm going to miss that. I really appreciate all the years, the Commission appreciates all the years, all the Commissioners, that you've worked for or whatever you want to call it, all appreciate all the hard work that you have done. So thank you again.

IX. A. Update on Women's Health Services (Commissioner Vigil)

COMMISSIONER VIGIL: Mr. Chairman, I'm going to pass down the resolution that this Commission enacted supporting the efforts of Women's Health Services to obtain and secure a permanent site. I just think, Dr. Trott is here and moving this project along and with the legislative session coming up, I wanted an update on the status of Women's Health obtaining their permanent site. Joseph, can you provide that for the Commission, please?

JOSEPH GUTIERREZ (PFMD Director): Mr. Chairman, members of the Commission, in terms of where we are with Women's Health and the appropriation that the County received from the state legislature, we are right now soliciting proposals from appraisers to get the current structure where Women's Health is situated that, to get that appraised and to use that appraisal theoretically to use whatever that number is, to use that number when the session starts to potentially acquire that property on behalf of Women's Health.

Right now, the County has approximately around \$600,000 to build, design or purchase a building for Women's Health. That's basically where we're at. We're soliciting an appraiser and hopefully we'll get that appraiser on board, maybe by the end of this month or early January. Right now, Women's Health occupies 8,000 square feet and we're looking at an appraisal of that 8,000 square feet. Discussion has also been in terms of purchase of the whole building that they're located at, which is on Alameda Street and that building is approximately 20,000 square feet. So we'll get an appraisal in terms of both scenarios. It's a two-story building.

COMMISSIONER VIGIL: Okay. Dr. Trott, is there anything you'd like to add to that? I know I received some e-mails this week in support of this purchase. Could you just maybe brief us on where your legislative lobbying efforts are going to go with that too?

DR. JUSTINA TROTT: Chairman Anaya, members of the Commission, Justina Trott from Women's Health Services. And thanks for considering this again. You're receiving some things that I had previously sent to you all in the e-mail, just updating you on this project and I think a couple of information that may be new are that we have talked to Mario Pacheco, who is the director of the Northern New Mexico Family Practice residency program and they're also in need of some space, as well as talking with Rick Adesso, who is the acting director of La Familia, and he also needs some extra space and I know their board is considering the possibility that maybe some administrative space can be used in our current facility, so that the three organizations could jointly work together so that the space would all be used.

I've also met with some staff from the County and Gerald Gonzalez, the County Manager has suggested maybe it would be best to buy the whole building as opposed to just one of the condo units there. The third thing is that I've talked to a lot of our legislators at the state level and they're interested in helping us secure some more funding to purchase this whole building, for the County to purchase it on behalf of us. So I'd be happy to answer any questions you might have if you do.

CHAIRMAN ANAYA: Any questions of Dr. Trott?

COMMISSIONER VIGIL: Mr. Chairman, I'm just interested to know how any of the Commissioners feel about moving forward with this at this point in time with all the effort we've put into it.

CHAIRMAN ANAYA: Any comments? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chairman, I think we all support all of our healthcare providers. Women's Health Services, certainly, La Familia and all the others that are providing those services here in the county. We had a luncheon a couple of months ago that introduced us to some of the issues. Representative Wirth was there and indicated that there were a lot of loose ends that appeared still to be floating about that needed to be tied up, not the least of which was the price of the building, which it looks like we're taking a look at.

One of the issues that we always face is operating funds and I know Women's Health has faced those same issues of operating funds. What are your thoughts, Dr. Trott, on that? Do you anticipate that the lease payments you would make to the County would cover the operating funds of the building? What's your plan?

DR. TROTT: Sure. Mr. Chairman and Commissioner Sullivan, we have several options. One of them is, even with the \$625,000 that has currently been made available, even if we were to buy our own space right now, that 8500 square feet, if we paid half the current rent that we're paying now, we'd be able to make those lease payments and save \$50,000. So even with just our own. The second thing is, again, if the whole building were purchased, which is a different scenario, there are three other renters in the building currently who have longer term leases - three years and I think six years are the two lengths of time that those other leases are in force.

The landlord himself would be willing to rent even the unoccupied space until we found a suitable tenant to be down there are well. And again, I believe that we would be saving rent, even with a reduction in the rent since we currently pay \$120,000 a year in rental fees. So I believe if we crunch the numbers we can come up with enough revenue to offset any expense, even with our current \$625,000, let alone any additional funds which may be appropriated this year.

The other slight urgency for us is that our lease is up on June 30th so if we are not moving forward within the next six to eight months to actually purchase the building and stay there, we're going to have to figure out whether we need to stay there or find other suitable space for us move in. And I'd hate to continue a long-term rental agreement in our current location, again committing us to years of this rent, unless we knew we were going to be staying in that building.

COMMISSIONER SULLIVAN: So are you saying that your plan is to use the \$625,000 for operating costs?

DR. TROTT: No. No, what I was saying is that \$625,000 could be used as a down payment even on our current space alone as one of the condo units with an option to purchase the entire building outright. And we could move forward directly with that today if the County Commissioners were so inclined to approve that. We even again having obtained half of

our rental agreement with that \$625,000, could actually save tens of thousands of dollars a year in rental expenses, even without getting any more legislative support at this point, although we're fairly confident we will, and the First Lady has also issued her support for us saying that if there were any bills presented she would certainly be in support of us actually getting legislative monies.

COMMISSIONER SULLIVAN: So if the building were purchased would the plan be that the Women's Health Service would continue to pay the rent that you're paying now, the only difference being they would pay to the County of Santa Fe for maintenance and upkeep and repair and replacement of building items. Is that the plan?

DR. TROTT: I guess - no, what I was saying is that if we took that money and actually put that down to purchase that 8500 square feet, we could pay half of our current rent right now and it would still be enough to fund any debt which would be on that small space. The entire building right now, we could pay again, decreased rental compared to what we're paying now, and still have enough money with the other renters in the building to also pay for that space.

COMMISSIONER SULLIVAN: And I'm trying to think in terms of our Project Facilities and Management Division, which obviously would have to come up with budget recommendations. So your proposal or what you're hoping to do is pay half the rent that you are currently paying for the space you're in now?

DR. TROTT: If we need to. In other words, if we go to the legislature this year and we're able, between La Familia and the Northern New Mexico Family Practice Residency and Women's Health Services, actually secure the other \$2.5 million to buy the whole 20,000 square feet, then we would come to the County with a contract negotiation to say what kind of a rental agreement will you give us, assuming there's no debt service on the building. So those are two different questions if I'm understanding your question correctly. One is, if there's still debt service to be paid, we'd be in a better position anyway to pay less rent than we are to make sure that all that debt service were taken up so the County wouldn't have to pay any extra money.

COMMISSIONER SULLIVAN: I was just looking at the eventuality that if there is some funding from the legislature, the inevitability is it's never enough. Then the balance has to come from somewhere, which means issuing bonds or doing something that needs repayment.

DR. TROTT: Correct. Or the current renters including us could contribute towards that debt service to the point where there would be no obligation on the part of the County to come up with extra money. And we have crunched those numbers and I don't know if Joseph Gutierrez has looked at some of those figures too with us, based on low interest loans and those kinds of things to carry the debt, given our current rental situation, both with us and the other three renters, which include Legal Aid, the New Mexico Communication Union Workers, and there's a dance studio currently there. In addition, there is extra space, like I said, which either La Familia and/or the residency program could move into, or the current landlord was willing to pay for that space until we found a suitable renter.

COMMISSIONER SULLIVAN: Okay. I think what we'll need - it's a little early, Mr. Chairman. I think we'll need a pro forma that will give us what the costs are, what the operating costs are, what the utilities and maintenance, insurance, all of those issues. I think it's a shopping center where they're located so I'm assuming there's some condominium fees and a number of things like that. I think we'd probably need to look at a pro forma but until we have some feedback from the legislature we really won't know what the County's financial obligation might be in that. So I'll look forward to seeing that when we get there.

DR. TROTT: Any other questions?

COMMISSIONER VIGIL: Thank you, Justina. And Mr. Chairman, members of the Commission, this is a worthwhile project, Women's Health Service partnering with Santa Fe County to provide a permanent place for them is something that could benefit the entire county and I know that Women's Health Services has been working very, very hard to work through this building issue. My hope is that once we do get the appraisal we'll have a better idea of what the costs will be. We can go to the legislature with this being an unusual year for severance tax bonds. We may be able to get far more support than anticipated. With that support, I'd like to move forward with a business agreement of some kind. Some kind of a sublease or whatever needs to be arranged so that Women's Health Services will have their permanent home. Thank you, Mr. Chairman.

COMMISSIONER VIGIL: Thank you. Thank you, Dr. Trott.

**IX. C. Project Alternative Hollywood Presentation by Nicolas Paine
(Commissioner Vigil)**

COMMISSIONER VIGIL: Thank you, Mr. Chairman. Let me do a little brief introduction right here. We have in our presence two dynamic people who are working in the film industry. Chris Coppola and Nicholas Paine, if you would come forward. Chris Coppola is the nephew to Francis Ford Coppola. Nicholas Paine is his attorney. I have met with them briefly. They are working on a film initiative. Have met with the Film Commission, have met with interim legislative committees and have met with the governor, and in particular, they have met with Santa Fe Community College and Barton Bond. They have other sites throughout the state that they are considering to promote their film initiative but one of the sites that they are looking at through a partnership with Santa Fe Community College and Santa Fe County, one or the other, or both, is our business park. So with that, Mr. Chairman, I would like to turn over the presentation to Chris Coppola. Thank you, Chris and Nicholas for being here.

CHRISTOPHER COPPOLA: Okay. Thank you, Chair, distinguished County Commissioners. Actually I like Christopher Coppola.

COMMISSIONER VIGIL: Sorry, Christopher.

MR. COPPOLA: And Nick is my head of production, not my lawyer. He's my producing partner.

COMMISSIONER VIGIL: He's also an attorney.

MR. COPPOLA: He's not an attorney. No, no. He looks like an attorney.

COMMISSIONER VIGIL: Sorry about that.

MR. COPPOLA: That's okay. I thought I should correct that. Basically, I'll just give you a rundown of what we've been doing and also who I am. I live in Albuquerque and L.A. I've been coming here for ten years. I believe in your state. I like the people of the state. I like that it has a lot of scientists and artists, and there's a lot of drive in this state. Six years ago I was asked to mentor a little film festival in Albuquerque called Flicks on 66. I came in and did that. They did have some problems throughout the years but every year, through myself or through my companies, I have contributed to that festival because it fits what I do, in terms of what my company does in Los Angeles, which is digital film making and celebrating the process of creating, not just product, but educational process.

So I live here and now my company is the major sponsor and we changed the name of the festival to Duke City Shoot-Out which we did last year. It was a higher profile without killing the spirit at all of what the festival is about, to kind of elevate it in such a way that it is brandable, meaning that you can take the concepts of this festival all around the world, and what I've noticed more often with New Mexico and particularly Hollywood is that they come here and take and don't give back.

I'm sort of the rebel of my family. I'm sort of the independent filmmaker. I have a facility on Sunset Boulevard. It's all state of the art, pro-consumer digital technology. But Hollywood is very arrogant and not totally prepared to embrace this when they should. And there's a lot of tension in Hollywood right now. I see an opportunity for the state of New Mexico to go even bigger with what I've been doing in Los Angeles to the point where maybe five or ten years from now your state could be a digital entertainment Mecca. Somebody said I was the Bugsy Siegel of New Mexico, because I can see this.

There's a lot of red tape, there's a lot of pressure in Hollywood not to do that. There's a lot of big time DPs that don't see this happening yet they won't shake my hand if I give them a bet. I'll say I'll bet you \$5,000 right now that in five years you're going to be doing what I'm saying. And they won't shake my hand because they know. They're scared of it. I've made deals now with Walmart and Intel to provide this kind of people's voice content with this new pro-consumer technology so there are outlets so people can hear what other people are feeling and saying, which actually kind of works with what we just started today with because obviously that was a very bright young man, had something to say, had a voice, but there are lot of youth and a lot of even older people that simply don't have a voice. And the beauty about this technology is it gives you a voice, immediate. An immediate voice that could be shared on cell phones, it could be shared on iPods and it's the future.

If you start my educational process in the very beginning with elementary school, we can teach them about blogging, tell them to embrace this technology. It empowers your kids, which means that they don't have to do drugs, they don't have to get married too early and that kind of stuff. There's outlets. There's a voice. They have a voice and they're wanted. That's my main reason for doing what I do, my political reason. So I've embraced all this technology

and I've started this company called Ears 21, which is a state of the art, pro-consumer technology. What does that mean? It means that we use very, very cheap equipment. A camera that costs \$6,000 instead of \$200,000. Yet the quality of what we do is as professional as a \$200,000 camera. So Hollywood now comes to us to save money.

So what I'm suggesting is to build a bunch of little mini-studios like this all over your state in counties, which are schools as well, to actually learn this equipment so that five or ten years from now you'll be in a very powerful position. Because nobody else is doing it.

I went to Germany to promote some of my own stuff and they asked me about the Duke City Shoot-Out and they're trying to embrace digital. They don't know how. They say, can you do something like that here in Germany. Bring a New Mexican concept to Germany? Sure. So there's that concept of branding, you see?

So basically, that's what we're doing. I'm going to let Nick talk more about the nuts and bolts of this and what it all means. But my reasoning for doing this is to empower people and to have more global communication and I think New Mexico could be the place to do it. So here's Nick.

NICK PAINE: Thank you, County Commissioners for inviting us here. I'm honored. Basically, I gave some packets - I don't know if you have them now in front of you, describing the project more completely. It essentially breaks into two parts. The first is making films, a series of low-budget genre movies that would be produced in New Mexico from start to finish, from script through post. And distribute them. We're good at making this type of movies and this would be a good place to make them. And we want to - it's a good opportunity for us to tell our stories that way.

The second aspect of it is educational and infrastructure. There's a program in the state already called the FTTP, the Film Technicians Training Program which exists in four different counties, Santa Fe, Chavez, Dona Ana and Bernalillo and Albuquerque. Barton Bond at Santa Fe Community College heads it here. So there's this - it's an education program where people can go in and learn the craft of filmmaking and hopefully get a job in the burgeoning industry here. But we felt that after spending time on the Duke City Shoot-Out and being involved in the film community here that there was kind of a link missing between classroom education, which can sometimes be kind of dry, and practical, on-the-set experience.

So we came up with this idea of PA, where you would take, if you went through let's say two semesters in Barton Bond's program at Santa Fe Community College, and you learned a certain degree of expertise, then the best of those students, the most driven would go into like a graduate level or special forces program as we call it, which would probably last for a year, and make two films. Actually work with qualified union professionals in the key department, the key positions, like key grip, DP, wardrobe and so on. But the staff below them would be these trainees from the FTTP program.

These films, when I say low budget, they're between \$300,000 and \$400,000, we're going to shoot them in three weeks, so it's a pretty intensive - it's not like your cast of thousands with a Hollywood film. But you do learn a lot because the crew is smaller. It's 15 to 20 people on the crew. So by the time you go through two of these films in a semester or two,

from start to finish, from script development to editing, you're really going to have a good amount of expertise. Then at the end of that you get your union card. We're working with the IA, with Local 480 here. And you're able to continue to work on more of our movies, or probably, hopefully enter into a crew of larger Hollywood film in a more qualified capacity.

So that's how we see the educational aspect of it. The infrastructure aspect of it is that although there's a lot of great film incentives here, tax incentives and so on, loan incentives that are bringing production here, there's a lack of physical stage infrastructure and editing. Where the trainees are going to learn - right now they're learning in classrooms that aren't really designed for this type of education training. And even the Hollywood films that come here, there's Wildfire TV show that's shooting down in Rio Rancho, and they're taking over a warehouse. They're making it work, but it's not exactly the perfect situation.

So what we propose is starting out probably in these four counties but we've actually - we were here three weeks ago and we drove all over the state. We drove to those four counties I mentioned plus we went to Deming, we went to Las Vegas, New Mexico, we went to Hobbs and now we're in discussion with New Mexico State in Grants. Because what we think, we can make, if we can push our agenda with the legislature and with people like you and schools and build these what we call digi-studios in these locations around the state then you're going to have an actual training facility where these students or people will be able to learn, and it would include a little stage where for shows like ours we could come in and actually shoot films there, putting some money into the local economies, two a year. We want to make ten to twelve of these pictures a year, probably two in each different county. Say there's five studios throughout the state, spreading it around a little bit.

So that's - it makes sense that it's associated with the school, and what we learned with the FTTP, our discussions with FTTP folks, is that at Santa Fe Community College it's not a surprise that there's already some overlap with what they're presenting with what we're presenting. They've got a pretty nice little setup there and I understand they're also pushing construction of a scene dock in the business park.

And we met with Barton and we said, it sounds like you're getting a little mini-studio idea here, but why not take it another step and construct next to it in association with it this digi-studio where you could actually put the PA project into place and create more curriculum at Santa Fe Community College to feed that facility. And also it would be a little studio that handled other shows, infomercials, television shows and so on, throughout the county.

We met with Virginia and Barton and they both felt that there seemed to be some overlap there. So now we're taking it to the next step. We want to make you guys informed of what we're doing. Ask you if you have any questions. I guess that's about it.

CHAIRMAN ANAYA: Thank you. Are there any questions, comments?

COMMISSIONER VIGIL: I'm just glad that they're considering Santa Fe County as an alternative site. I'd like to see all the political force that's necessary to get behind this because I see it as a strong economic base for Santa Fe County and for the entire state. I don't know if I have any further information. Perhaps Steve, you do on where we're at with regard to the sublease with the Land Office and how we're moving forward with that, because

that I think is the next sort of step to take to move forward with this and then after that I'd like to find out from you if you have sufficient investors behind you, if the governor or the legislature, what kind of response you're getting from them. Steve, do we have an update on that?

STEVE ROSS (County Attorney): Mr. Chairman, Commissioner Vigil, what we're doing right now is working on a sublease and I believe a management agreement with the college. We have a meeting scheduled with the president next week, some time next week to discuss the draft. We've had a little bit of a setback because the attorney who's responsible in my office for drafting those documents is leaving, so we're going to lose the benefit of that institutional knowledge but we'll try to pick that up after she leaves.

We're going to have a meeting next week. We're not doing anything as far as I know with the Land Office directly right now. What our intention has been is to lease in shorter term increments to avoid the controversy which we've talked about a lot.

MR. COPPOLA: We consider this a public and private enterprise. My company, obviously is private. We're commerce, but we believe in education. So we believe that these schools and stages should also be the state of New Mexico's or the County's or the City's or the actual university should have some money involved with this. But the commerce of it, which is what my company does, selling these all over and promoting it would go back to feed that.

My own company has money and then we're meeting local investors, like Mr. Cope from Hobbs we talked to and some other people. The governor himself is very interested in this. There's lots of other things. We're going to do it. We're making the first one. My company's putting up the money and we're doing it to launch this in February. So we have legislation being written for - what committee is it going to be? The Economic Development Committee is very interested in this.

And actually it does three things. When people worked with me on Duke City Shoot-Out they said, we learned more with you in 2-1/2 day, Mr. Coppola, than we did in school. That's always going to be the case. It's always going to be the case. But it doesn't have to be the case. So if you have a program like this it's going to - not that the schools are bad. They're very good. It's going to amp it up. It's going to make it better. And Hollywood, when some of these kids get into the Hollywood system them put them in as go-fers and go get the coffee. They have to hire so many New Mexicans that basically they just bring their own people in. So go get the coffee, and then they take the money and they run. So they never know what the skill level is on the local New Mexican crews.

Our films you know, because there's three kids per category and if we don't have those kids you don't have the movies. The other thing that it does is that - and I'm from Hollywood too, they say, well, why would I bring my film to New Mexico unless it's a western or south of the border, they don't have any studios. It's location-contingent. They still feel that. So with these, these kind of movies which are genre, you can shoot a high seas pirate movie on one of these little digital stages. You sell that to Germany they say where the hell is that film shot? New Mexico.

So when you start doing that you create this brand. It allows the big boys to say, well, maybe we'll put \$400 million into a Hollywood studio. My personal feeling is you're not going to have Hollywood studios anymore. You're going to have these kinds of studios. So it's a win-win situation either way you look at it.

COMMISSIONER VIGIL: Okay. Thank you. Thank you, Nicholas. Thank you, Christopher. Mr. Chairman, members of the Commission, this is an initiative that I think the Commission should take seriously and provide a support system for. I know that they've been working very closely with Barton Bond. Barton Bond was not able to be here today because he's actually filming in Clovis, New Mexico and hopefully we'll be able to get a wrap-up report from him also with regard to this. But I thrown in my continued support for this and want to keep the communications going and work out whatever we need to do to assist you and it is a possibility that it can be done at the business park. I for one would move forward with that. Thank you, Mr. Chairman.

CHAIRMAN ANAYA: Thank you very much. Thank you all for being here. Okay, we're going to skip D, Commissioner Vigil?

COMMISSIONER VIGIL: Right.

IX. D. Resolution No. 2005-195. A Resolution Supporting Legislation for the New Mexico Water Trust Fund During the 2006 Legislative Session (Commissioner Montoya)

COMMISSIONER MONTOYA: Thank you, Mr. Chairman. Before you is a resolution, Mr. Chairman, that's being circulated throughout the state. Basically, what it's talking about there is that the Board of County Commissioners of Santa Fe County encourages the New Mexico legislature and Governor Bill Richardson to allocate \$125 million from the oil revenue increase to capitalize the Water Trust Fund during the 06 legislative session, and that we send copies of this resolution as well to the legislature, Speaker of the House, the representatives and President Pro Tem.

This is in regards to all of the issues that have been coming up, Mr. Chairman, statewide, regarding water issues and the limited amount of funding that the Water Trust Fund has received over the years and as a way of attempting to create additional capital through the creation of a trust fund type of account if you will, Mr. Chairman. And with that I would move for approval.

COMMISSIONER VIGIL: Second.

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

COMMISSIONER SULLIVAN: Mr. Chairman, I just say that the Water Trust Fund hasn't been capitalized yet. I attended the Water Trust Board meeting yesterday and they're in quarterly meetings. Some issues were brought up with regard to the current structure that's being proposed for the water project fund. And I'm not familiar with all of the

background but it basically boils down to there are issues of how that fund would be administered and what input local governments and county governments would have in its administration.

As currently proposed and someone like Bill Fulginetti would be more experienced at this issue than I am, but apparently as currently proposed it could have a negative impact on some municipalities and counties in terms of some of their statutory authorities. So that doesn't take away from this resolution, but I just want to let you know that this isn't all sweetness and light. There's some more to this than meets the eye and we need to have a say in not only allocating some money to this fund, but then how this fund is administered. Because as currently envisioned, it's going to be administered by the state with requirements that could impact local county and municipal land use requirements. There's a lot of scenarios floating around, but we need to keep a handle on it.

I would also mention on the last line I think the word administer should be administered with a d in the resolution. That would be my comment, Mr. Chairman.

CHAIRMAN ANAYA: Okay. How do you feel about changing that administer to administered?

COMMISSIONER SULLIVAN: It says, Whereas the Water Trust Board administers two accounts, the Water Projects Fund and the Water Trust Fund administer in furtherance of the board's mission. I'm just saying that that should be administered. That's all. That's of less importance than my other comment that we need to keep a careful watch on how this fund evolves.

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

COMMISSIONER CAMPOS: Just a question for Commissioner Sullivan, what are the specifics? That's general talk.

COMMISSIONER SULLIVAN: No, we don't have the specifics yet. It's been discussed in - I don't want to say backrooms but it's been discussed in non-official formats. It hasn't been discussed at the Water Trust Board, public meetings. Let me put it that way. At least not to my knowledge. So it was brought up by one of the Water Trust Board members at the meeting yesterday, himself. He had concerns about this. So I'm not sure what's going on. I'm just saying somehow we need to monitor it.

COMMISSIONER MONTROYA: Mr. Chairman, I'm sure that the Association, because this is where this is coming from as well, will be monitoring that as well because actually our executive director sits on that board also.

COMMISSIONER SULLIVAN: Right. He wasn't the one that brought this up and neither was Mr. Fulginetti, it was another board member. So something, the municipalities and the counties are not feeling quite right about how this might go so we need to have some input into it, particularly during legislative session if they're writing some enabling legislation to go with that.

CHAIRMAN ANAYA: Okay, there's a motion and a second. Any more discussion?

COMMISSIONER CAMPOS: I would just ask Commissioner Montoya to keep us apprised.

COMMISSIONER MONTOYA: Okay. I will. Because this is just really for the creation of this investment fund if you will and I think anything that would go along with this we will follow. Absolutely.

The motion to approve Resolution 2005-195 passed by unanimous [5-0] voice vote.

CHAIRMAN ANAYA: Item F we tabled, right? It needs to be tabled. Actually, it's going to be in January.

COMMISSIONER MONTOYA: Item F? Move to table.

COMMISSIONER CAMPOS: Second.

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

IX. G. Staff Requests Authorization to Publish Title and General Summary of an Ordinance Amending Ordinance 2002-13 an Ordinance Addressing Water Conservation for all Residential and Commercial Uses of Water within Santa Fe

COMMISSIONER SULLIVAN: Thank you, Mr. Chairman. Just to refresh your memories, the Commission's memories on this. We brought forward an ordinance which Mr. Dalton worked on and he'll talk to us about this one in just a minute, a number of months ago. In addition Commissioner Vigil brought an expert from California in to talk about a number of ways that we can draft ordinances that would have more rapid hot water delivery to homes which saves a great deal of water. And some various versions of ordinances were looked at by the staff and I understand there was some coordination with the Construction Industries Division as some of these would have to be administered by them in terms of pipe lengths and sizes of pipes and layout of plumbing fixtures.

But I think in the end, staff's feeling and Wayne can correct me if I'm wrong was that it was better to have a flexible ordinance rather than being too specific in the design of the homes and so what has been presented here is a fairly simplified ordinance and then I believe there's been another handout here that you have this afternoon that makes it even a little more flexible or a little more understandable. So with that, Wayne, if you'd bring us up to date on what we're looking at currently today.

WAYNE DALTON (Review Division Director): Mr. Chairman, what I passed out was a revised version of the ordinance that was drafted, and that ordinance has actually been looked at by the Legal Department. Staff's feeling is to draft an ordinance that's actually user-friendly and actually gives the people of Santa Fe County and developers the option of not only installing a hot water recirculation system but maybe some other device that gets water to the

tap within five seconds, and that's what staff is trying to accomplish with this ordinance in front of you this afternoon.

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

CHAIRMAN ANAYA: Okay. Did you want to comment more or are you done?

MR. DALTON: I'm done.

CHAIRMAN ANAYA: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Dalton, would you explain how this is more user-friendly?

MR. DALTON: Mr. Chairman, Commissioner Campos, this gives the developer or the citizen the opportunity to venture out and install other devices if they don't want to install a hot water recirculation system. Maybe they can do an on-demand system, centrally locate their water heater, use smaller diameter piping. This also goes into super-insulation methods so they insulate their water pipes so they don't lose the heat. So this gives them options of not only doing a hot water circulation system.

COMMISSIONER CAMPOS: And how do you administer it?

MR. DALTON: Mr. Chairman, Commissioner Campos, that's something that we're going to have to work on.

COMMISSIONER CAMPOS: So someone comes in. They have a menu of options, and then decide on some. Do you have approval? Are you guys still in the loop?

MR. DALTON: Mr. Chairman, Commissioner Campos, yes. Staff will be in the loop. It will have to be approved by the Land Use Administrator or by staff.

COMMISSIONER CAMPOS: It seems like a lot of these should be used in combination, not separate. There's some that are separate that should be used in combination but you're laying them out all differently so you can choose hot water line run distances. That should be in any system. Smaller diameter piping. That should be in any system. Super-insulation, that should be required in every system. I'm not sure how that works.

MR. DALTON: Mr. Chairman, Commissioner Campos, this is just a draft and what staff wanted to bring forward to the Commission. If the Commission wants the ordinance strictly to state the applicant shall install hot water recirculation or on-demand system we can do that.

COMMISSIONER CAMPOS: I know you can do that. This is - I think it has to be refined a little bit, the menu. So this is just for purposes of publication, right?

MR. DALTON: That's correct.

COMMISSIONER CAMPOS: Okay.

CHAIRMAN ANAYA: Any other comments? Is there a motion?

COMMISSIONER SULLIVAN: If there are no other comments, I'd just move to publish title and general summary for the draft ordinance that Mr. Dalton has brought forward here.

COMMISSIONER CAMPOS: Second.

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

like to say that I'm completely against this. It's just another requirement that the County is tacking onto homeowners or builders. It just doesn't seem to stop and I think that a lot of builders are doing that. A lot of the things that are mentioned in here, insulation of piping, installing their circulation pump if they want to, I don't think that we should continue to keep telling residents and builders how to build their house.

COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: I think just to add that I think we're also - Commissioner Campos asked how we're going to enforce this. I think we're already short-staffed with some of the ordinances that we have in the books and to add another one to enforcement and we're still looking at what's going on with the cisterns, the water catchment systems and how that's playing out. Again, it gets back to my whole issue of if this is going to be something that's going to make a house affordable for people in our community then let's do it, but I've yet to hear any evidence to convince me that this is another expense and not a savings for a new home builder.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Campos.

COMMISSIONER CAMPOS: If the Commission has taken a lot of actions to save water and we're beginning to look at the energy issue, I think it's important that we don't give up. This system in particular is very simple. It doesn't add much additional cost. It will save water for the community, especially if we have farmers out in Stanley who are doing wells. As long as that well has water, the longer that home has value. If you start having dry wells out in Stanley or Chimayo then these houses are going to be worthless or very much worthless. We've got to do whatever we can to save water. I think this is very reasonable. Rooftop catchment is a very reasonable way of doing that too. So I disagree with both you, Mr. Chairman and Commissioner Montoya. I think these are things that we absolutely have to do because we're faced with a situation of finite water resources. Thank you, Mr. Chairman.

CHAIRMAN ANAYA: Thank you. Commissioner Vigil.

COMMISSIONER VIGIL: Mr. Chairman, I'm going to vote in favor of this. I actually see it as a cost savings and probably a component of affordable housing because in fact, while the initial cost is I think no more than \$350 - Wayne, you may correct me. The savings that the homeowner actually gets from utilities and water is really compensated for within the first six months, was my understanding from the testimony we heard. I think we're actually creating a benefit and a component that would promote not only water conservation but affordable housing, affordable utility bills and the other observation that I think I've made is that we're bringing forth developments and they've come before us we have made this a condition of approval for many of these developments and the developers, many of whom, and I don't know that we have the statistics, but many of the developments that are actually out there are already incorporating some kind of a water circulation system or a hot coil system or something to address this. So I think actually developers are ahead of the curve in some ways than we are. So I think that this addresses all of the issues that this Commission should be

concerned about with regard to water conservation and affordability.

COMMISSIONER CAMPOS: Mr. Chairman, one last comment.

CHAIRMAN ANAYA: Go ahead.

COMMISSIONER CAMPOS: I think our expert speaker estimated that we would be saving an average of 10,000 gallons of water per year per dwelling unit. That's significant when you start adding it up throughout the county, especially in rural areas that are relying on wells. You've got to preserve those wells as long as you can. This is a small investment.

The motion to authorize publication of title and general summary of a water recirculation ordinance passed by majority 3-2 voice vote with Commissioners Anaya and Montoya voting against.

XII. E. 1. Discussion and Possible Direction on the Judicial Complex

JOHN SALAZAR (Manager's Office): Thank you, Mr. Chairman. What I'm going to do is read this letter and if the Commission has anything they'd like to add or remove from this letter, or any comments, I'll be happy to take them and adjust this.

CHAIRMAN ANAYA: Sure. Go ahead. It begins: Governor Richardson and Secretary Jimenez, on behalf of the Board of County Commissioners, we are hereby requesting \$12 million in capital outlay money to supplement and help complete the funding of a new District Court Facility. The present courthouse does not contain enough space for staff and the current design jeopardizes the safety of the public and judges. Santa Fe County has listed the new First Judicial District Courthouse as one of the top five priorities in our Infrastructure Capital Improvement Plan. We have identified a location for and acquired most of the property needed for construction of the new courthouse. We anticipate completing the property acquisition process during this fiscal year. In addition, the County anticipates utilizing its recently authorized one-sixteenth gross receipts tax receipts to provide the base funding for the new courthouse. Santa Fe County has begun planning for and done preliminary design work for the new facility. The County will proceed to complete the design work and construct and maintain the new First Judicial District Complex facility as the funding is put in place. As you may know, the New Mexico Supreme Court lists construction of a new First Judicial District Courthouse as a Priority 1 capital outlay request. We respectfully request your support on this funding request. Please feel free to contact Santa Fe County Manager Gerald Gonzalez at 986-6200 should you have any questions or need any additional information.

Sincerely, the Commissioners and Gerald.

CHAIRMAN ANAYA: Why don't you tell us what department you're with and your name.

MR. SALAZAR: Sorry, Mr. Chairman. John Salazar, Manager's Department.

CHAIRMAN ANAYA: Thank you.

MR. GONZALEZ: Mr. Chairman, Commissioners, this letter is in support of obviously a request from the Governor's office to get a portion of his funding allocation in order to help us to move forward with the proposed new district court complex. We understand some other counties are already beginning to lobby the Governor's office. We just wanted to make sure we had our own opportunity to do that. Judge Hall brought to my attention what the actions the state Supreme Court had taken and I know he's here to answer any questions that you may have on that side or to make additional comments if you would like to do so.

CHAIRMAN ANAYA: Any questions of the judge or John?

COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: John, the sentence where it says that we've identified a location for and acquired most of the property. What does that mean, most of the property?

MR. GONZALEZ: Mr. Chairman, Commissioner Montoya, if I could respond. We're still lacking, as you know, there's that little piece that belongs to the Barker family that's in between the Paramount and where the Anacon building sits. And you may recall that the Commission authorized staff to begin discussions with the Barker family to see if we couldn't acquire that piece to sort of round out the square - I guess that's a contradiction, isn't it? To complete the square where we're proposing to put the district court building, assuming that that site works out architecturally.

COMMISSIONER MONTOYA: Okay. And then I guess just for purposes of maybe just minor editing, I would suggest that where it says Santa Fe County has begun planning for and done, blah blah blah, that that be a new paragraph and that the very last paragraph, starting with we respectfully request your support on this funding. And that would be my only suggestion as to how that might break out.

And then Judge Hall, how does this tie in with what you brought and presented to us the last time you were here in terms of the - this is separate from what you talked to us about at the last meeting, correct?

JUDGE JIM HALL: Mr. Chairman, Commissioner, no, this is actually connected to it. As you recall, when I spoke to you two weeks ago, you all asked for an e-mail update. I hope you received that. I know at least some of you did. This is connected to what I was discussing at the last meeting. The Supreme Court simply hadn't approved it yet, and I hope you got an opportunity in the e-mail that I sent you to see the grid that was approved by the Supreme Court that prioritized the projects throughout the state. There's a total of \$188 million in the projects but the top priority grouping is \$22.5 million and that's where the Santa Fe County money is located.

So after I got that approval from the Supreme Court we sent a letter, the judges as a group, to the Governor and to Secretary Jimenez and I encouraged the County to do the same. I would encourage you to do this. I would also encourage you to the extent you can to engage in additional lobbying efforts. My understanding is the Governor's capital outlay requests are going to go this week to the legislature. So we've been sort of focusing a lot of our efforts

towards the Governor's office and the executive during the last ten days. I would encourage you to do the same.

CHAIRMAN ANAYA: Thank you, Judge.

COMMISSIONER MONTROYA: Thank you, Judge. With that, Mr. Chairman, I move for approval of this letter.

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

COMMISSIONER CAMPOS: Question for the judge. Do you think it would be wise to state that this First Judicial Complex also services Rio Arriba and Los Alamos Counties? We are three counties. I like it. It's neat and straightforward.

JUDGE HALL: Mr. Chairman, Commissioner Campos, I'll leave that to the judgment of the Commission politically. There are courthouses in Rio Arriba. We've just renovated the courthouse up there with funds from Rio Arriba County and some from the legislature. Haven't had an big steps forward in Los Alamos but I know there are some sensitive views about that since they have their own county courthouses as well. The reality is most of the facility and operation is here in Santa Fe. So I'll leave that to you.

CHAIRMAN ANAYA: Are you done?

COMMISSIONER CAMPOS: Yes, I'm done.

CHAIRMAN ANAYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chairman, I just had two things I think would help in the letter and to be a little more accurate. One of the things in the middle there where we say, In addition, the County anticipates utilizing its recently authorized 1/16 percent gross receipts tax. You may recall when we were discussing and debating that 1/16 gross receipts tax, I raised the issue, was this going to be dedicated to the district court building, and the response was no, it wasn't. That a portion of this would be used. We didn't know how much. Maybe all of it, maybe half of it, but it wasn't clear. So I think we want to be equally clear in the letter and I think we could just simply say the County anticipates utilizing a portion of its recently authorized 1/16 and then we haven't been specific about what that portion is, but I don't want to give the wrong impression that that is dedicated because we had some discussion about that and I believe the court officials were clear that they weren't asking that it be dedicated for that purpose.

The other thing that I would add somewhere in the letter is we've identified this as an ICIP priority and I think that that's important. As unpopular as courthouses are for public funding we as a County Commission, we, as a County Commission, several months ago, and we could put the date in here - I don't recall when it was - have already identified that as an ICIP priority. It's on our list, and I think we need to mention that. This is not an add-on request, or yes, by the way, we can get \$12 million more for the district court. We would certainly love to do that. This is a backup to a priority that the Commission has already established for this legislative session. I think that that would make the letter stronger.

MR. GONZALEZ: Mr. Chairman, Commissioner Sullivan, is there some way we would modify that third sentence to stress that?

COMMISSIONER SULLIVAN: I would say right at the beginning, on behalf of the Board of County Commissioners, we would like to bring to your attention that Santa Fe County has identified the construction of a new district courthouse as its first ICIP priority for the upcoming fiscal year. And we are hereby requesting \$12 million in capital outlay funding, etc., etc. as the letter reads. I'd put it right near the top of the paragraph to indicate that we've been thinking about this for a long time and it's not just something that is an afterthought.

CHAIRMAN ANAYA: Commissioner Vigil, did you have anything?

COMMISSIONER VIGIL: Well, it can be placed in several places. The second paragraph before the end says that the New Mexico Supreme Court lists construction as a priority number one capital outlay request and it is also listed in the ICIP plan for Santa Fe County as a number one capital outlay request. Either way.

COMMISSIONER SULLIVAN: I would leave that drafting to the staff. I think just the concept of recognizing that we feel strongly about this as a primary facility.

COMMISSIONER CAMPOS: I'd like to get some comments from Mr. Gonzalez. What do you think?

MR. GONZALEZ: Mr. Chairman, Commissioners, I think we can wordsmith that to take care of that issue without too much strain. We can work that out.

COMMISSIONER CAMPOS: Good.

CHAIRMAN ANAYA: Good job, John.

The motion to approve the letter on legislative funding for the judicial complex passed by unanimous [5-0] voice vote.

JUDGE HALL: Mr. Chairman, Commissioners, just one other thing. This Friday at 4:00 our newest judge is going to be sworn in. Judge Raymond Ortiz. I hope you all got invited to that but I want to invite you once again and encourage you to attend as well as the County staff. My understanding is you're still going to address the issue of the site feasibility study here soon, so I'll remain here until you address that as well. Thank you.

CHAIRMAN ANAYA: Thank you, Judge.

IX. H. Resolution 2005-196. A resolution to support legislative funding for Southside Branch Library of the Santa Fe Public Library (Commissioner Anaya)

CHAIRMAN ANAYA: I have a little resolution that I'd like to read. A resolution to support the legislative funding for the Southside Branch Library of the Santa Fe Public Library.

Whereas, the Santa Fe Board of County Commissioners support the work of Santa Fe Public Library in bringing much needed library service to the residents of Santa Fe County; and
Whereas, we urge the state legislature to provide funding for capital expenditures

operating costs, furniture, fixtures and equipment for the new Southside Branch Library of the Santa Fe Public Library which is slated to open in late fall 2006; and

Whereas, the new Southside Branch Library will provide vital library services to not only the Southside quadrants of Santa Fe, but also to all Santa Fe County residents; and

Whereas, the Southside Branch Library will serve over 4,000 children from seven local schools, city and county, who live within walking distance; and

Whereas, in the next 15 years over 50,000 additional city and county residents will choose to live in the area; and

Whereas, we the Board support the legislative efforts to ensure the Southside Branch Library has the needed funding to provide all the residents of Santa Fe County a great library.

Now, therefore, be it resolved by the Santa Fe County Board of County Commissioners support the efforts in appropriating monies from the New Mexico State Legislature in 2006 season and in the following years to come.

With that, I'll go ahead and make a motion to approve. Is there a second?

COMMISSIONER CAMPOS: Second.

CHAIRMAN ANAYA: Motion and a second. Any discussion?

COMMISSIONER SULLIVAN: Mr. Chairman, discussion. I don't have a copy of this.

CHAIRMAN ANAYA: I'm sorry. I thought you all had it.

COMMISSIONER SULLIVAN: No. We just heard it. I just had a question for staff. Is this on our ICIP list for funding this year?

RUDY GARCIA (PFMD): Mr. Chairman, this is not on our ICIP plan.

COMMISSIONER SULLIVAN: So how do we respond? Not that the Southside Branch of the library is not a good thing. We had the advocates for it in here last month and they indicated 20 percent of their usage was outside the city and so forth. When we do a resolution like this, how does the staff handle this when they're dealing with the legislature and the appropriations committee.

MR. GARCIA: Mr. Chairman, Commissioner Sullivan, this resolution is in support of actually any lobbying efforts the Southside Public Library is doing at the legislature and staff will actually assist them, whether they're in committee hearing or not, we'll stand up on behalf of Santa Fe County and say we are in support of the Southside Library.

COMMISSIONER SULLIVAN: But it's apart from our ICIP requests.

MR. GARCIA: Correct.

COMMISSIONER SULLIVAN: If we had to choose, we'd obviously have to stay with our ICIP requests.

MR. GARCIA: Yes, Commissioner. That's correct.

COMMISSIONER SULLIVAN: Okay. I just want to clarify, Mr. Chairman. It's certainly a great initiative for the community and for the area. My comments aren't to take away anything from that. We do so many of these resolutions and then the legislators ask us what do you want here? You can only do so much. We want to be sure we keep focused on our priorities.

CHAIRMAN ANAYA: Thank you. Any other comments? Would you guys like to see it before you vote?

COMMISSIONER SULLIVAN: Don't let him see it. Just one more outrageous request.

CHAIRMAN ANAYA: It wasn't intentional.

COMMISSIONER MONTOYA: Mr. Chairman, I guess, kind of along those lines as well. I didn't read it; I heard it. So maybe if I read it I might read something different, but what I heard is, and what Rudy referred to is that we're going to support them for the lobbying and that's it. My thinking would be that – rather than having a resolution saying that we're going to do that we just tell them we're going to help them as we can, as Commissioner Sullivan suggested. Because there's others that are going to come, different groups that are going to come and say, well, we need this for whatever. Then we can say, well, we can help as we can as well. This one makes it seem like this will be like a priority all of a sudden, it's on our priority list. That's just my hearing without reading exactly what's in here. So I don't know.

MR. GONZALEZ: Mr. Chairman, Commissioners, I know Commissioner Vigil is probably familiar with the process as well. During the legislative session, there are many community initiatives that come forward independently of any prioritization that the County has done and generally speaking, unless there is some policy reason not to do that, we have stepped forward in the committees and so forth and indicated our support as being the county that contains those communities to help them move forward with their own legislative initiatives. This simply formalizes what we normally do on an off-the-cuff kind of basis as we're sitting there in committee. Routinely, committees will turn to the county, particularly the county the project is in and say, does the County oppose or do they support? Well, given the choices that you've got, we don't want to oppose any community projects out there, so the other option is to support them and that's generally the position that we take.

CHAIRMAN ANAYA: Thank you, Gerald. Commissioner Vigil.

COMMISSIONER VIGIL: Do we have resolutions for our priorities drafted?

MR. GONZALEZ: Mr. Chairman, Commissioner Vigil, we don't have resolutions per se. We do have letters that are sitting on my desk that were drafted by our contract lobbyists that will be going out to all of the legislators in the Santa Fe delegation indicating what our priorities are.

MR. GARCIA: And Mr. Chairman, Commissioner, also to add to that, we have a resolution that actually was in support of the Commission that actually takes forward our entire ICIP plan.

COMMISSIONER VIGIL: And identifies the priorities within that resolution?

MR. GARCIA: Mr. Chairman, Commissioner Vigil, it doesn't identify – they are the top five priorities, but it just identifies the ICIP plan.

COMMISSIONER VIGIL: Okay. One of the concerns I would have through the legislative process and a resolution that is not a part of our ICIP plan while it is something we do support, our lobbying efforts are really spread thin if we have to be at a hearing to

submit a resolution in support of a particular project. While I think we can rise to the occasion and say we are in support of it, the problem that our lobbying staff may have is that this being a 30-day session, they're going to be spread so far with all these hearings. So if there is a hearing being held in one committee for the Southside Library and a hearing being held for the judicial complex in another committee, how do you identify what the priority is. You almost have to stick to what's in our ICIP plan. And furthermore, if you do have to testify in support through this resolution, and you get asked a question, is Santa Fe County supporting this? Yes. We have a resolution with those statements. Is it on your ICIP plan? No, it isn't. There's a conflicting message there.

And further, I think do we become the fiscal agent as we would for all our other priorities? I don't think so. I think the fiscal agent for this project actually is the City. So I'm not that comfortable. Are we a fiscal agent? Does anyone know? Do we become partially a fiscal agent for this project?

MR. GARCIA: Mr. Chairman, Commissioner Vigil, if this project was allocated money from the state legislature it's within the city limits and the County would not be the fiscal agent on this project.

COMMISSIONER VIGIL: Okay. Thank you.

CHAIRMAN ANAYA: Any other comments? I know last meeting the board was here and they spoke to the Commission and we pretty much told them that we didn't have funding to support this but we would draft up a resolution so that they could take with them to their meetings. And at that time the Board didn't say yea or nay. And now that the draft is completed and the resolution is on the table - I hear your concerns but I really don't think that this could cause conflict. There's a lot of other projects out there that go to the legislature that we don't even hear of and know of which lie in our communities. And any time I'm at the legislature and somebody stands up, it wouldn't matter what district, that is trying to get money for their community, I'm going to stand up and I am going to say I'm in support of this project. Because I think it takes a lot for somebody to come from their communities and go before the legislature to try to get money for their communities. And even though you don't have a resolution, if they're there trying to get monies, and I'm in that room, I will stand up and support that for community centers, or roads, or any other projects that are in the community.

The motion to approve Resolution 2005-196 passed by unanimous [5-0] voice vote.

X. OTHER MATTERS FROM THE COMMISSION

CHAIRMAN ANAYA: Let's go back to other matters from the Commission.
Commissioner Campos.

COMMISSIONER CAMPOS: I have nothing.

CHAIRMAN ANAYA: Commissioner Vigil.

COMMISSIONER VIGIL: Mr. Chairman, could you pass on me for now, please?

CHAIRMAN ANAYA: Sure. Commissioner Sullivan.

COMMISSIONER SULLIVAN: Just one item, other than wishing the staff and the Commission and all of our constituents a happy holidays and Merry Christmas and Happy New Year, is to ask, Gerald, have we received any response from the City on our letter with the draft regional water legislation?

MR. GONZALEZ: Mr. Chairman, Commissioner Sullivan, not to my knowledge.

COMMISSIONER SULLIVAN: Okay. Could we make an inquiry and I'll also prod some of the City staff at our next Buckman Board meeting as well, but I'd like to have them respond to that so we can move forward with something for the future. That's all I have, Mr. Chairman.

CHAIRMAN ANAYA: Thank you, Commissioner Sullivan. Commissioner Montoya.

COMMISSIONER MONTOYA: Thank you, Mr. Chairman. Just a couple of announcements. I would just encourage us to start thinking about board assignments, appointments for next year. I know we haven't had any discussions and I know Commissioner Campos wants to be on every single one, but he won't be able to. So we can start thinking and discussing what we want to serve on.

And I also would like to maybe suggest – I know that the packet material is not always consistent in terms of staff. If I had my preference, I would like to receive a recommendation as opposed to a request. And I know some staff say Staff recommends blah blah blah, and others say, staff is requesting. Well, you could request, but I'd rather you recommend what it is that you're seeking in terms of whatever it may be, because I think that is much clearer in terms of direction than a request. A request, you're going to get five different responses. You'll probably get five different votes, but at least we'll vote on something that's being recommended as opposed to being requested.

And then the other thing, Mr. Chairman, I attended the University of New Mexico Hospital summit that they had. There had been some discussion about imposing the statewide gross receipts tax to cover some of the costs – UNMH is incurring losses of costs. That's certainly going to impact citizens statewide and I don't know if that's something that we would want to support. I did mention that we have enacted gross receipts taxes ourselves and covered different costs that we have, be it through the jail or for a new courthouse or whatever the issue may be, but we're pretty much tapped out in terms of our ability to impose any other sort of gross receipts tax, and to have a tax dedicated solely to UNMH, I think, I don't know if that's going to benefit the constituents in Santa Fe County as much as they say it is, but I know that Steve Shepherd has provided some information that I'll share with you all as well. Just something to be aware of that that may be coming up potentially this legislative session.

And then lastly, Mr. Chairman, I also want to wish all the staff and everyone out there a Merry Christmas and a Happy New Year and hope you have a blessed and safe holiday season.

CHAIRMAN ANAYA: Commissioner Vigil.

COMMISSIONER VIGIL: In addition to wishing County staff and all happy holidays and a wonderful new year, I just want to point out that today's meeting completes one year that I have been serving on this Commission. And I actually want to tell you what a pleasure it has been serving with all of you. I think we've gotten a lot accomplished and I'm looking forward to the accomplishments that we can make in the future.

There is one item under this Matters from the Commission that I'd like to bring to the Commission's attention and it's a brief letter brought to my attention by Tamara Lichtenstein, and in its substance, it's basically thanking the Commission for the Agua Fria Community Center and stating that earlier in the process of discussing plans for this center, the Village Association voted to make a special request of the BCC which we will be doing through this letter. This request is to name the Agua Fria Community Center for an individual whose years of public service on behalf of Agua Fria as well as her broader constituency began when she became a Santa Fe County staffer. Her commitments and efforts increased when she was elected to a seat on the Board of County Commissioners and retained that seat because of her responsiveness to constituency concerns. She has continued to represent the Agua Fria community through the state senate. The Agua Fria Village Association is recommending to the Board of County Commissioners, Mr. Chairman, and I will be bringing forth a resolution at the appropriate time for consideration, that the Agua Fria Community Center be named the Senator Nancy Rodriguez Center. Thank you, Mr. Chairman.

CHAIRMAN ANAYA: Thank you, Commissioner Vigil, I think that's a great idea. I would like to thank Rudy Garcia and Steve Ross and Paul Olafson and Joseph Gutierrez. We had a meeting, a community meeting in the Town of Madrid last night with representative Rhonda King to discuss various issues. It was a successful meeting and if you all haven't been to the Town of Madrid now that they have all their lights up, I would recommend you drive through there in the evening. It is spectacular.

As I reflect back on 2005 I want to acknowledge Santa Fe County staff. A special thanks to the Santa Fe County employees for all their hard work they provide for the Commission and an excellent service they provide to our constituents. Santa Fe County departments are the Assessor's office, the Attorney's office, the Clerk's office, Corrections - adult and juvenile facilities, Housing, Health and Human Service, the County Extension offices, the Finance Department, the Fire Department, and all of the fire and paramedic volunteers, the Human Resources, the Land Use Department, the Manager's office, Project and Facilities Management Department, the Public Works Department, the Treasurer's office, the Sheriff's department, and the Water Resource Department.

We have accomplished much in 2005. And I look forward to a productive 2006. I wish all the County staff and their families and all the constituents of Santa Fe County a very happy and safe holiday season. And I too want to say happy holidays to our Commissioners who work very hard for their constituents. So with that, thank you very much.

COMMISSIONER VIGIL: Mr. Chairman, two more.

CHAIRMAN ANAYA: Go ahead. The New Mexico Association of Counties' Christmas luncheon is this Friday from 11 to 2. Also, on December 20th at 10 am, our County

Clerk's grandfather is being honored by the Department of Transportation and a building is being dedicated to Reggie Espinoza on the south side of Santa Fe near New Mexico State Police. And again, that's on December 20th at 10 am for those that would like to attend. Thank you, Mr. Chairman.

CHAIRMAN ANAYA: Thank you, Commissioner.

X. Committee Appointments/Resignations
A. Appointments to the Santa Fe Library Board

COMMISSIONER CAMPOS: I just have a question. I don't remember every appointing anybody to the Santa Fe Library Board. Is it - is this the first time? Where do we get the authority? How does that come to us? Okay. We don't know.

CHAIRMAN ANAYA: Actually, I think the committee came to us and asked us - they wanted to appoint two people from the county because the rest of the people are from the city, I believe. So they asked us to find two people and we have two people, Christy Montoya and Jennifer Jaramillo.

COMMISSIONER CAMPOS: What do you think about Jennifer?

CHAIRMAN ANAYA: I don't know.

COMMISSIONER CAMPOS: I don't know.

CHAIRMAN ANAYA: Is there a motion to approve both?

COMMISSIONER MONTROYA: So moved.

COMMISSIONER CAMPOS: Second.

CHAIRMAN ANAYA: Any more discussion?

The motion to appoint Christy Montoya and Jennifer Jaramillo to the Library Board passed by unanimous [5-0] voice vote.

X. B. Appointment to the Senior Services Advisory Board

COMMISSIONER SULLIVAN: Move to approve.

COMMISSIONER CAMPOS: Second.

The motion to appoint Robert Pavia to the Senior Services Advisory Board passed by unanimous [5-0] voice vote.

XI. Consent Calendar

A. Budget Adjustments

1. Resolution No. 2005-197. A Resolution Requesting a Budget

SFC RECORDED 02/20/2006

Increase to the General Obligation Bond Series 2005A Fund (330) / Public Works and Water Projects to Budget Bond Proceeds Issued for Capital Expenditure in Fiscal Year 2006 / \$20,006,009 (Finance Department)

- 2. Resolution No. 2005-198. A Resolution Requesting an Increase to the State Special Appropriations' Fund (318) / Vista Grande Library to Budget a Grant Awarded Through the New Mexico State Library for Expenditure in Fiscal Year 2006 /\$34,409 (Projects & Facilities Management Department)**
- 3. Resolution No. 2005-199. A Resolution Requesting an Operating Transfer From the General Fund (101) /Capital Package to the State Special Appropriations Fund (318) /Agua Fria Community Center for Expenditure in Fiscal Year 2006 (Project & Facilities Management Department)**

B. Professional Service Agreements

- 1. Request Authorization to Enter into Amendment No. 7 to Professional Services Agreement #24-0107-YDP with Compass Group USA, Inc. to Extend the Term of the Agreement and Increase Compensation for the Santa Fe County Youth Development Program / \$40,000 (Corrections Department)**
- 2. Request Approval of Amended #2 to Contract #22-0098-PW with Louis Berger and Associates to Clarify the Term of the Contract for Design of the Public Works Facility as Conditionally Approved by the BCC on November 8, 2005 (Project & Facilities Management Department) ISOLATED FOR DISCUSSION**
- 3. Request Authorization to Award Professional Services Agreement #26-0714-PFMD/RH for DCSW Architects to Perform a Site Feasibility Study for the Judicial Complex in the Amount Not to Exceed \$20,000 as Allowed Pursuant to 13-1-125 1978 NMSA (Project & Facilities Management Department) ISOLATED FOR DISCUSSION**

C. Miscellaneous

- 1. The Santa Fe County Adult Detention Facility Requests Approval of Amendment #2 for Contractual Agreement # 26-1812-ADF/RH for Temporary Nursing Staff for the Medical Unit at the Facility with QMS. Total Compensation Not to Exceed \$150,000 (Corrections Department)**
- 2. Resolution No. 2005-__ . A Resolution Requesting Authorization to Execute a Loan Agreement Between Santa Fe County and the New Mexico Finance Authority for Partial Financing of the**

SFC RECORDED 02/20/2006

Paramount Property Purchase (Finance Department) ISOLATED FOR ROLL CALL VOTE

- 3. Findings of Fact AFDRC Case #Z 04-5719-Casa Rufina Apartments / Approved (Land Use Department)**
- 4. Findings of Fact EZ Case #S 04-4551 - Oshara Village Final Plat and Development Plan / Approved (Land Use Department)**
- 5. Findings of Fact CDRC Case #DL 05-5450 - Najdowski, Hayes, and Coe Density Variance /Approved (Land Use Department)**
- 6. Resolution No. 2005-200. Approval of PHA Board Resolution Approving the Calculation of the Performance Funding System for the Public Housing Operating Subsidy for CY 2006 (Housing Department)**
- 7. CDRC Case #DP-045780 - Application of Suerte Del Sur LLC for Master Plan Approval: Order Amending Final Order Adopted on July 26, 2005, to Correct Minor Errors on the Conditions of Approval (Legal Department)**
- 8. Request Approval of an Agreement Between County of Santa Fe /Pojoaque Soil and Water Conservation District for Resource Management on the La Cieneguilla Open Space Property / \$44,800 (Project & Facilities Management Department)**
- 9. Request Approval of a Memorandum of Agreement Between the County of Santa Fe and the Commissioner of Public Lands for the State of New Mexico for Resource Management on the Rio Nuevo Open Space Property (Project & Facilities Management Department)**
- 10. Request Authorization to Approve GO Bonds for Public Library Resources-New Mexico State Library / \$34,409 for Vista Grande/El Dorado Library (Project & Facilities Management Department)**

CHAIRMAN ANAYA: Is there a motion to approve the Consent Calendar?

COMMISSIONER VIGIL: So moved.

COMMISSIONER MONTOYA: Second.

CHAIRMAN ANAYA: Moved and seconded. Any discussion?

The motion to approve the Consent Calendar with the exception of items B. 2 and 3 and C. 2 passed by unanimous [5-0] voice vote.

SFC RECORDED 02/20/2006

XI. B. 2. Request Approval of Amended #2 to Contract #22-0098-PW with Louis Berger and Associates to Clarify the Term of the Contract for Design of the Public Works Facility as Conditionally Approved by the BCC on November 8, 2005 (Project & Facilities Management Department)

COMMISSIONER SULLIVAN: Mr. Chairman, Joseph, could you give us what the background is on this?

MR. GUTIERREZ: Mr. Chairman, Commissioner Sullivan, I'll defer to Rudy Garcia. He'll answer questions.

MR. GARCIA: Mr. Chairman, Commissioners, in the previous contract with Louis Berger and Associates there was never no expiration date and since you guys did an amendment to the contract we actually wanted to make sure that the engineers, architects on this project actually had a time limit to actually finish the design for construction documents of this project so we placed an amendment for 120 days added to their contract for them to get the construction documents to the County.

COMMISSIONER SULLIVAN: And they're comfortable with meeting that schedule?

MR. GARCIA: Mr. Chairman, Commissioner Sullivan, yes, they're comfortable with meeting that schedule and as of December 2, we issued out a notice to proceed for the additional services based on the amendment to their contract, so yes, they are comfortable with that.

COMMISSIONER SULLIVAN: And what consequences are there, if any, if they don't meet that 120 days?

MR. GARCIA: Mr. Chairman, Commissioner, I can't answer that question.

COMMISSIONER SULLIVAN: Well, the reason I ask is because on the Eldorado Senior Center we had a schedule and a promise of completion in 90 days or three months and it took 12. And in the ensuing 12 months, construction costs went up and staff time increased and so forth and so on. There didn't seem to be any incentive for the design professional to complete on a timely basis. Is there some staff recommendation that there could or should be some incentive?

MR. GARCIA: Mr. Chairman, maybe the Finance Department or procurement could assist us in actually what they've done in previous contracts.

MR. GUTIERREZ: Mr. Chairman, Commissioner Sullivan, there's nothing specifically written in the contract. What we could do is, because everything is based on the compensation clause, we would probably scrutinize the invoices to make sure they are on schedule before any compensation is made to the contractor. So basically, I would think the compensation clause is the kind of policing of the contract.

COMMISSIONER SULLIVAN: That didn't seem to hurry up the Eldorado architect. So I would just mention, and certainly design professionals are not always in favor of it, but the state uses a liquidated damages clause that they are under a penalty if they don't

complete on time, unless there's been an extension granted because of longer review times or environmental issues or things of that nature. I know those are clauses that I believe DOT and I know General Service Department have been using for some years. I don't think they enforce them too frequently. I think it's there as a big stick, as it were, and they can speak softly and wield the big stick but we don't seem to have any real motivation – obviously, if this same firm were to be working on another job that had that kind of a clause they would complete that other job first rather than suffer liquidated damages.

MR. GUTIERREZ: Mr. Chairman, Commissioner Sullivan, I understand your comments and we can certainly work on that for any future agreements. I know that staff and myself are watching this one very closely, obviously because of the funding that is associated with it. Previously the funding wasn't in place to properly move the project forward. In today's market, as the prices go up, we definitely want to move this forward, and the fact that all the preliminary work that they've done on it and are already at 60 percent complete I think that we can meet the schedule. The only two issues that we will have – actually, the one issue that we need to come back to the Commission is, for Commissioner Campos, is the energy saving aspect of this. We do plan to bring this back to you in January with the architect.

COMMISSIONER SULLIVAN: I would just say, Mr. Chairman, we want to move this forward, obviously, but I would ask that the staff look into these clauses. We have other facility construction coming up now where we have hopefully a district courthouse. We have other facilities, road projects, a number of water projects and a number of things that the public has passed bonds for, has passed taxes for bonds for. I think they have a right to expect those to be completed on a timely basis. So maybe we want to look at the alternatives for that that might give our projects some priority.

MR. GONZALEZ: Mr. Chairman, Commissioner Sullivan, we'll be glad to do that.

COMMISSIONER SULLIVAN: Move for approval of Amendment two, Mr. Chairman.

CHAIRMAN ANAYA: There's a motion.

COMMISSIONER CAMPOS: Second.

CHAIRMAN ANAYA: And a second. Any discussion?

The motion to approve Amendment 2 with Berger and Associates passed by unanimous [5-0] voice vote.

XI. B. 3. Request Authorization to Award Professional Services Agreement #26-0714-PFMD/RH for DCSW Architects to Perform a Site Feasibility Study for the Judicial Complex in the Amount Not to Exceed \$20,000 as Allowed Pursuant to 13-1-125 1978 NMSA (Project & Facilities Management Department)

COMMISSIONER SULLIVAN: Mr. Chairman, my question on this was did we solicit or receive any interest from any other firms in performing this study?

MR. GUTIERREZ: Mr. Chairman, Commissioner Sullivan, we did not. You brought this up last meeting which was two weeks ago and to meet this time frame and to move this project forward, it was not feasible, in my opinion to meet the deadlines that are imposed in terms of packet material and contractual agreements. Having said that, the credentials of the firm that we selected I think are definitely suited to this project. They've done a lot of research with the County already. They've built courthouses. So I don't feel that the County is taking the second best offer on the table right now, Commissioner Sullivan.

COMMISSIONER SULLIVAN: Your letter said the County had selected Design Collaborative Southwest so that seemed to imply that there was some choice in the matter, but I would say the County has designated, rather than selected here. And by the way, I don't think this is a good idea. I don't think this is a good way to spend public funds on sole source procurement where there's other options available. I don't see here a time schedule. What is the time frame that we're shooting for that makes this so critical and what is the deadline for them to complete this study?

MR. GUTIERREZ: Mr. Chairman, Commissioner Sullivan, the time frame, I believe we have the expiration date as the end of March to get us through the session. We would like to get them, and I've talked to the individuals with the company, to get us a report prior to the opening of the session, probably the week the session opens. In terms of giving us a preliminary report to show or not show that the site the County has picked for a potential courthouse, that it's a test fit. The scenario in terms of square footage, parking scenarios, those types of things, would work on the site that we're looking at right now. That would hopefully point the Commission in the right direction in terms of making the final decisions that will need to be made in terms of moving forward with the courthouse. It's not going to answer all the questions but as it was explained to me, it's pretty much a test fit, again based on the needs analysis and the square footage that's already been identified, parking requirements, if the DA – if there's a possible location on the site, if it doesn't make sense to put them there. Again, we can all use that information prior to the session in terms of if the test fit works for this property and there's already lobbying efforts to secure capital dollars, I think it's a good fit. It goes hand in hand with each other.

COMMISSIONER SULLIVAN: So when you say prior to the session, what would be your target date for that?

MR. GUTIERREZ: At best it's going to probably be the week before the session opens that they'll have the report.

COMMISSIONER SULLIVAN: January 15th?

MR. GUTIERREZ: I think this session starts the second or third Tuesday of January.

COMMISSIONER MONTOYA: January 17th.

COMMISSIONER SULLIVAN: I would suggest that the Commission consider approving this with a condition that the initial report be prepared and presented to the County no later than January 10th.

MR. GUTIERREZ: Mr. Chairman, Commissioner Sullivan, I talked to the individual there in terms of presenting to the Commission at your first Tuesday meeting of January.

COMMISSIONER SULLIVAN: I think that's fine, but in terms of getting the report in a completed state so you can use it for the purpose of lobbying and your legislative work. So they're keyed into a January 10th date. That's also our first Commission meeting of the month. So you're okay with that and Design Collaborative Southwest is okay with that?

MR. GUTIERREZ: Mr. Chairman, Commissioner Sullivan, they are.

COMMISSIONER MONTOYA: Mr. Chairman, Commissioner Sullivan, what if we went with the 10th as the draft and then a final by like the 13th?

COMMISSIONER SULLIVAN: That's fine too. We need to set time limits, that's all.

COMMISSIONER MONTOYA: We wouldn't have had a chance to provide input to it if we're going to get the final one the 10th.

COMMISSIONER SULLIVAN: That's true. Well, I would say then let's move for approval with a condition that the draft report be prepared and presented to the Commission on January 10th and that the final report - it's not the final report. I guess it's the revised draft report be prepared and presented to staff no later than January 13th. Does that work?

CHAIRMAN ANAYA: Is there a second?

COMMISSIONER MONTOYA: Second.

CHAIRMAN ANAYA: And a second.

COMMISSIONER MONTOYA: Second.

CHAIRMAN ANAYA: Any more discussion?

The motion to authorize a PSA with DCSW passed by unanimous [5-0] voice vote.

- XI. C. 2. Resolution No. 2005-201. A Resolution Requesting Authorization to Execute a Loan Agreement Between Santa Fe County and the New Mexico Finance Authority for Partial Financing of the Paramount Property Purchase (Finance Department)**

COMMISSIONER MONTOYA: Mr. Chairman, I just wanted to make a motion because we do need a roll call vote for this one. But I did have one question in looking

at this time line. It had that October 6th, NMSA approved our loan application and we're December 13th. Why did it take two months for us to get this.

SUSAN LUCERO (Finance Director): Mr. Chairman, members of the Board, Commissioner Montoya, we received the loan agreement documents from our bond counsel in time for this meeting but not in time for prior meetings. So we received it after our last meeting of November, our admin meeting.

COMMISSIONER MONTOYA: So after October 6th, it went to our bond counsel?

MS. LUCERO: Well, they're on contract with the Finance Authority. So they prepare the documents on their behalf and then send them out to the different jurisdictions that did receive funding. And we received it at the end of November.

COMMISSIONER MONTOYA: Thank you.

CHAIRMAN ANAYA: Is there a motion?

COMMISSIONER MONTOYA: Second.

CHAIRMAN ANAYA: Motion and a second. Any more discussion?

The motion to approve passed by unanimous [5-0] roll call vote with Commissioners Anaya, Campos, Montoya, Sullivan and Vigil all voting in the affirmative.

XII. Staff and Elected Officials' Items

A. Corrections Department

1. Corrections Department Quarterly Status Report

GREG PARRISH: (Corrections Director): Mr. Chairman, Commissioners, what you have before you is a report for the Corrections Department, a quarterly report which we're going to implement to keep the Board apprised of the status of the department. As you take a look at the report, I hope in the beginning you'll realize that the Corrections Department wanted to take this opportunity to acknowledge all the support you received from other departments, to include PFMD, Finance, Human Resources, Legal and Manager's office in the recent takeover of the adult facility.

As you know, we've basically been operating the adult facility for 62 days and we've accomplished a great deal of things and I hope the report reflects that, but it was a joint effort by all these departments. And in that same respect, I would like to take this opportunity to recognize some of the people in the department that have also contributed and worked very hard over the last – some for two years, almost two years and some just recently who have joined the department. I'd like to start with Bob Ortiz, the deputy director. He's been very instrumental at the adult facility in working to coordinate the ongoing operations and make it as smooth as possible. Bill Blank you met at one of the last meetings, the day-to-day operator and jail administrator for the facility. He's got 30 years of corrections experience and he's been responsible for the day-to-day operations. Dr. Laura Kaye, she's our medical director. When

the County decided to take over the adult facility, we decided to go with a medical department and Dr. Kaye. We've been very fortunate in getting her. She has emergency room service experience. She's really turned that department around. We've been providing exceptional service. I think the service that the community demands in the jail is starting to be provided to the individuals that are there.

Billy Merrifield is here also. He's the youth service administrator. He's got 12 years of correctional experience, seven with juveniles. He's responsible for the juvenile facility and all the operations out at that facility. Robert Apodaca was supposed to be here but I didn't see him. Tino Alvo is here from electronic monitoring. He's responsible for that program. We also have Julian Barela here. He's the finance manager at the adult facility. He recently provided his first financial report to the department and I think it was exceptionally well done on his part.

CHAIRMAN ANAYA: You had him watching the money?

MR. PARRISH: We have him watching our money and Susan's watching all the money. So I feel real confident with that. But I wanted to take this opportunity to thank all of them and all the good work they've been doing and also give you an opportunity to put a face with the name when you contact the department and need something and they can provide services for you. I also have Laura Felix here. She's the administrative service manager, and I asked Laura to come here because Laura is resigning at the end of this month to move to Colorado Springs with her husband. I tried to talk her out of that but she insisted on going. But she's been a wealth of institutional knowledge. She worked for Santa Fe County when the County ran the juvenile and the adult facility years ago. She worked for Corrections Corporation of America, Cornell, and then she rejoined the County approximately two years ago.

CHAIRMAN ANAYA: I think we have the final say whether she can go or not.

MR. PARRISH: Okay, good. We can vote on that at the end of this then. But I think she's been a real asset and I wanted to recognize her and all the service she provided in the past and in the last couple years. So with that being said I'd like to thank these people and they are also here to answer any questions you should have regarding the report. This report is going to be a quarterly report. We hope to refine it and have graphs and other things that will depict populations, medical services, programming, participation and also budget utilization so you can track this on a quarterly basis, so you know where we're standing as the year progresses. From this report, just briefly, if I can go through some of the highlights by department. As you know, the Youth Development Program houses the juvenile facility. It's a secure facility. We have approximately 57 juveniles there when this report was prepared last week. We recently received five juveniles from San Miguel County. The juvenile facility in Quay County closed recently and we've received numerous inquiries from other counties about housing their juveniles at our facility because there's very limited facilities in northern New Mexico.

I also noted on here that the Bureau of Prisons was moving seven individuals to a facility in Montana. Since we wrote this report that has changed. Three of those juveniles were moved to the Montana facility. The other four they're holding in abeyance until January when

they're going to visit us on another occasion for an audit and we hope to favorably impress them where they will rescind that, the transfer of those four individuals. We'll know more about that in January.

We're also hired Richard Olivares. Many of you may be familiar with him. He's a part-time employee right now. He's a local retired educator. We hired him to help us with some of the Spanish-speaking education challenges that we face, and he's working with us on that. We currently have three Santa Fe Public School teachers providing services at the juvenile facility. We also have hired Brian Partridge. He's a sex offender counseling therapist, and we've also had our clinical director, Kathy Albricht and another therapist join the Association for the Treatment of Sexual Abusers. That was one of the issues with the Bureau of Prisons. They highlighted that they wanted more participation in that in our staff and we've done that to accommodate them. The day reporting therapist has also joined that association.

The treatment facility has recently remodeled part of the facility to provide additional privacy for therapy sessions. We've increased some of our participation with the Community College. We currently have a computer design class that's going to start in January and also a culinary class that will be starting. We've instituted a training program for janitorial services and enrolled several juveniles for college correspondence courses. These are some of the issues that we had with the Bureau of Prisons also to make sure that there's appropriate programming for the staff. So we've tried to address that.

These are just some of the things that we're currently doing, and we're continuing, hopefully to improve the services that the facility provides to the juveniles that we house there.

The electronic monitoring program, it currently has 154 participants. That's approximately a 15 percent increase since last year. The courts are very enthusiastic of this program. We continue to use it as an alternative to incarceration whenever possible. We're also testing a live GPS program where we can track individuals live time and see where they're at. And we can also ban certain areas where – we can highlight an area where they would not be permitted to go, and that would set a trigger to one of our case managers notifying them of that.

With the takeover of the adult facility we've also looked into placing the electronic monitoring program that deals with adults at the adult facility so that it could better facilitate that transfer from incarceration to electronic monitoring. Often the judges on the J & S will make that a condition of release. We're hoping to facilitate that quicker by having them on site and every night they could check to see who needs to be hooked up so we can release them immediately and hopefully cut some of our incarceration costs then.

The adolescent treatment center and the day reporting have been operating since approximately June. You can see the participation in the adolescent treatment center is nine males and one female. We're also exploring some opportunities for Medicaid there so we can make it more available to other entities in the area that might want to participate in that program. Day reporting has been also operating since about June. We currently have about ten participants from the district court. That's also an alternative to incarceration for juveniles, avoiding the possibility of going to incarceration immediately, the judges now have an option to put them in day reporting. And if they perform well there then they can continue there and

avoid the incarceration.

The adult facility, the current population as of last week was 494 inmates, 65 were females, and of the 494, 106 are Department of Corrections. We have seen a recent increase in the past year in the number of female inmates and it's something we're looking to address in some of our programming and other services that we provide. One of the issues we had with the Department of Justice several years ago when they were auditing the facility and they're continuing to audit the facility is medical care and mental health. And as I mentioned earlier, I think the addition of a staff member of Dr. Kaye's caliber has added a great mitigating factor on future audits that we will have with them.

Since taking over the facility, and I was supposed to include this in the report and I apologize; it didn't get in there. But Dr. Kaye did provide me with some statistics and I'd just like to share those with you. From October 11th to November 30th, we had over 1,000 inmates seen by medical staff. The physician, Dr. Kaye, saw 190 individuals in that 50-day period. The mid-level provider saw 52 people. Other nursing services were in excess of 800 inmates that were seen. That's seven days a week. That averages out to almost 20 individuals being seen every day. We also have patients receiving pharmacy. Of our population, I think I mentioned 494, approximately 234 are on some type of pharmaceutical drugs that are provided to them. Our dentist, who is only there two days a week, and in that eight-week period saw 62 inmates. So I think you can see from this that the medical services is pushed to the limit and is really providing services to the inmates.

Since the County has taken over the facility we've also upgraded the telephone system, the computer service as well as the inmate management system, and we've installed additional cameras that give the staff more coverage for inmate activity.

Along with this we have also identified some capital expenditures on things that we're going to have to consider with the upcoming legislative session and future budgetary considerations. The electronic control panels in some of the units are malfunctioning and may need to be addressed. There's an issue with the sallyport on a security issue that has to be replaced. The building was built approximately seven or eight years ago. I think it was built in 1997, so eight years ago. Some of the equipment in there is going to have to be replaced, including the washers and dryers and some of the kitchen equipment. We're continuing to identify those and at future updates we'll provide you with information on costs and that. We've also identified through having a competent medical provider now, we've also identified medical equipment that is necessary, and currently, we are probably looking at approximately \$25,000 in expenditures, just for medical equipment to provide quality service.

We've changed some booking procedures for females. We're also looking at changing the housing to make it more inmate friendly or at least safer so that inmates that are predators don't have an opportunity to take advantage of some of the less fortunate. We're negotiating a contract with the New Mexico Department of Corrections. I've recently sent a letter to Secretary Joe Williams indicating that we believe we can increase the number of Department of Corrections inmates from 106 to 216. And we will begin negotiating with him after the first of the year on a new contract to address that issue. He's very interesting in housing additional

inmates at the facility so that he can avoid sending inmates out of state.

We will have to look at hiring and training to make sure that we are addressing those issues. The staffing and hiring is one of the critical issues that we have to address. We are working with the Manager's office and HR to streamline some of the systems and hopefully improve that so we can get staff on board as quickly as possible. We did train our first County staff. We had a graduating class of three correctional officers that joined the staff approximately two weeks ago. But staffing not only in security, but as you know from the report the nursing staffing is a real problem. We have approximately 50 percent of the nursing staff currently hired as County employees and the rest we're using nursing agencies to supplement it, to make sure that we have appropriate coverage. We continue to identify services that we feel are necessary and we've recently hired a program manager and administrator, jail administrator that can speak to that. We're trying to get programs back on line to make sure that the services are being provided to the inmates.

We're also looking at the inmate welfare fund as a means of paying for some of these additional services and counseling. As I said, this is a work in progress. We'll try and update you quarterly. We'll try and give you a report and hopefully, at that time we can have each one of the managers present their department more effectively than I did. With that, I'll stand for any questions as will any of the staff.

CHAIRMAN ANAYA: Thank you, Greg. Commissioner Vigil.

COMMISSIONER VIGIL: Thank you. Mr. Chairman and Gerald, I'd really like to encourage you to work with Greg with regard to meeting the needs for the jail. We have heard repeatedly that staffing is such a key issue and staffing is so critical but in fact if we don't really step up to the plate for that I'm concerned about the consequences of that.

I want to thank you, Greg and the wide spectrum of work that your staff does. I as a Commissioner just want to state publicly that there have been many times that I have heard from family members of inmates or juveniles who are incarcerated who are really freaked out because they haven't been able to either visit with their inmate or their juvenile and I've been able at 10:00 at night to contact Greg and the spectrum of work and services he provides, understanding how families are affected through incarceration is very much appreciated, because I know you've stepped up to the plate to assist those families.

I have one concern, Greg, that I would request, that each of our quarterly reports include, and that is what are we doing to keep drugs out of our jail?

MR. PARRISH: Mr. Chairman, Commissioner Vigil, that's a constant struggle, and with the current case law and strip searches and we're adhering to that. We're addressing that issue. We're doing more shake-downs. We're trying to identify individuals that there is probably cause to do appropriate searching of, so it's an ongoing battle. But I think that's something we can track from some of the logs we maintain at least and I can do some type of reporting on that. We also sweep the facility with dogs on occasion and we recently did that at the juvenile facility.

We don't seem to have a problem at the juvenile facility, though just recently we did have some contraband entered. The adult facility, it's an ongoing struggle with the people

coming and going and it's just a matter of training our staff to make sure that they're vigilant in keeping an eye on those things. I will try and implement something of that in a future report.

COMMISSIONER VIGIL: It's a critical piece that we need to remedy. And now that Santa Fe County has taken over the jail, one of the focuses throughout all of these issues should be keeping drugs out of jail. It's disheartening to me to read articles in our local newspaper about the amount of drugs that are actually in there. And it's also disheartening to me as an attorney to go to the criminal justice system and see some of the inmates actually coming to court high. It's a very, very serious problem and without us creating a priority for attacking it – and I don't know what that means. If the logging, Greg, that you're proposing be done more regularly or what, but I know that there are models out there that have addressed this as a focus in their jails and I think if Santa Fe County is truly to take a leadership role in reform in our jail we will have to create a focus for keeping drugs out of our jail. Thank you, Mr. Chairman.

MR. GONZALEZ: Commissioner Vigil, I just wanted to reflect that the same issue was raised at the LFC hearing that I attended for the Corrections Department, and they're facing similar issues to those that we are – recruitment, infiltration of contraband and those same kinds of issues. So I think Secretary Williams has probably been on the hot seat as well, recently about the same kinds of issues at the state level. So you raise an appropriate point and we'll continue to focus on it.

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

COMMISSIONER MONTOYA: Greg, Clayton is in Colfax County?

MR. PARRISH: Yes. Did I misquote that in there?

COMMISSIONER MONTOYA: You have Clayton County. So Colfax, which is inclusive of Clayton and Raton, right?

MR. GONZALEZ: Mr. Chairman, I think it's actually in Union, but I'm not sure.

COMMISSIONER MONTOYA: Oh, is it Union. Oh, okay. So those are the counties that we're working on getting some of their juveniles into our facility. Is that correct?

MR. PARRISH: Mr. Chairman, those are the counties that have contacted us. Taos and Clayton County contacted us recently and asked for us mail them agreements that we could put in place to house their juveniles. Yes.

COMMISSIONER MONTOYA: Okay. And then on the ARC, the relationship that you mention with Su Vida has had problems. What is being done to evaluate what's going on at that time, or what potentially could be done in order to improve that? What's being done?

MR. PARRISH: Commissioner Montoya, what we have there is a partnership. When we started this program it was supposed to be just for day reporting for the district report. Su Vida wanted a partnership with us, share some resources and staff, see if we could have some of their juveniles come and participate in that program. We're talking to their director right now, Mr. Merrifield is, to address that. They don't hold their people to the same standards that we do. It's become somewhat disruptive because they share a large classroom with the district court people. And we have influence over the district court people and their

behavior because we have the hammer of going to – they could end up incarcerated if they violated.

The Su Vida juveniles are a little more loose. They're not as well disciplined and their staff does not maintain control, and it's become disruptive to the whole program. So we're evaluating if we want to continue that partnership.

COMMISSIONER MONTOYA: Okay. So that's what that is. And what is SFCADF?

MR. PARRISH: Santa Fe County Adult Detention Facility.

COMMISSIONER MONTOYA: Okay. And then regarding the day reporting program, you have ten participants and it says in the first few months it shows at all indications as being a positive alternative. What indicators do you have that are giving you that feedback?

MR. PARRISH: Mr. Chairman, Commissioner, talking to some of the parents, they've had a very positive impact of this. Their child does not get the stigma of going into incarceration, but they felt that threat and almost being down the hall from where they could end up has had a very positive influence. I've talked to several of the parents. They have to personally pick them up and drop them off and the feedback I'm getting from them and from the district court, Barbara Vigil has all been positive.

COMMISSIONER MONTOYA: Good. So that is part of the alternatives to incarceration, right? That program?

MR. PARRISH: Exactly.

COMMISSIONER MONTOYA: And then the \$156,000 that you're identifying in terms of capital expenditures, is that part of our capital improvement request, or are these recent ones that have just come up?

MR. PARRISH: Commissioner Montoya, these are recent things that we've identified in the last few months since we took over the adult facility.

COMMISSIONER MONTOYA: Okay. So nowhere is these being requested in terms of any funding. This is the first time.

MR. PARRISH: Exactly. We're going to be providing this information to the Manager's office so they can prioritize with other things in our lobbying efforts.

COMMISSIONER MONTOYA: Okay. Thank you.

CHAIRMAN ANAYA: Commissioner Campos,

COMMISSIONER CAMPOS: Mr. Parrish, what's your perspective on the budget, pre-takeover and today? If you look at your thoughts and thinking, before the takeover and what it is now after the experience that you've had. What ideas or what thoughts to you have to share with us?

MR. PARRISH: Mr. Chairman and Commissioner Campos, I think we may have underestimated some of the things. Some of the things that we're identifying on the capital is one thing. Those control units are critical to the safe operation of that facility, and there's some 80,000 there. Some of the equipment needs to be replaced. Staffing, we've identified staffing issues. I think our contractor ran a very lean operation. We used the figures they provided us for the budget process which we also determined weren't as accurate as we would

have liked, and we're continuing to evaluate that. And it's all driven by the population too. We've been fortunate in that our population, Santa Fe County's, has been done. If it was up 400, 450, just our population, that would significantly impact our budget. But I think we were somewhat optimistic in our projections. After two months, and I just mentioned Mr. Barela did a fine job with the presentation to us. We're on track, percentage-wise, but I can see some things that we should address that are going to have to take some fiscal – it is in the budget.

COMMISSIONER CAMPOS: When do you think you're going to be making this presentation to the Commission as to additional expenses?

MR. PARRISH: I was hoping to wait to the mid-year, at least get a better evaluation of where we're at after four months, talk to Finance a little more then address some of those issues if there's concerns.

COMMISSIONER CAMPOS: Another issue, after MTC left there was an issue of a lot of maintenance, a lot of repairs that had to be done. How's that going along?

MR. PARRISH: The Legal Department is still handling that with some exchange of letters we're having with them on some major issues.

COMMISSIONER CAMPOS: That's for money that we think they owe us.

MR. PARRISH: Exactly. That hasn't been resolved yet.

COMMISSIONER CAMPOS: It hasn't been resolved. But has your department been moving forward with some of the maintenance and repair work that's necessary?

MR. PARRISH: Commissioner Campos, yes we have. We've started to address some of the issues that have to be taken care of and prioritize them, and moving forward with the day-to-day maintenance.

COMMISSIONER CAMPOS: Anything significant in the maintenance and repair?

MR. PARRISH: There's just a lot of upkeep and things, and some of the things we highlighted – the control units concern us because those are things we can't seem to get a handle on getting to work properly. So that's our biggest issue right now.

COMMISSIONER CAMPOS: I have some questions for jail administrator Blank. Sir, how long have you been on as the administrator now?

BILL BLANK (Jail Administrator): Approximately 60 days.

COMMISSIONER CAMPOS: What ideas do you have for us after 60 days experience with this institution as to where we need to go?

MR. BLANK: Mr. Chairman, Commissioner Campos, if I could back up just a moment to answer some of the questions about drug controls and things of this nature. I'd like it to be known that we do do shakedowns periodically. We have shaken down three quarters of our facility with narcotics dogs. We do random urinalysis and things of this nature. All of those produce negative results. I do not want to leave this honorable Board with the conclusion that we do not have drugs in the Santa Fe County jail, nor would any jail administrator stand before you and say my area's clean. We are learning. We're new. We have a very young staff and we are aggressively trying to take control of a situation that – and I choose my words – that was lacking the last three or four months in attention, possibly.

To answer your question, sir, I think our programs are very much reflective of our community. We are now looking for alternatives of funding such as grant funding and things of this nature for not only drug abuse but alcohol treatment, education. We have a wonderful group of volunteers that are supplying us with Narcotics Anonymous, Alcoholics Anonymous, and things that cause police contact in our community are being addressed with individuals within our jails. We are trying very hard to set up liaison with our community, so that when someone leaves our facility they have a support group outside because as you're well aware, we don't know if we're going to have someone two days or two years.

What I see as happening is, effectively, is developing teams of people, such as shakedown teams. Tactical teams that approach these issues as they occur, such as if we get intelligence as far as narcotics and things of this nature. We look forward to working with the public defender and the prosecutor's office and this Board in assuring you that we're going to try to perform at our peak. But right now we're in education, evaluation phase. We inherited some staff that is in dire need of education, so basically, what we're doing is addressing many of those issues. The classification issue, that the bonding of inmates together so they can be less disruptive.

We've added 90 more cameras I believe and simply we work almost seven days a week in attempting to manage this. Major Ronald Dodge, Mr. Vincent Vigil, our program manager, all of those people have had a very effective impact on the way we do business. When we look another six months down the line, I look forward to standing before you with some real positive, progressive things that we are instituting within the system. We are bonding together with not only the Department of Justice and the Department of Corrections but our sister counties as well.

So as we continue, we look forward to working with the Board and giving you positive updates. I hope I answered your questions.

COMMISSIONER CAMPOS: Yes, sir. Thank you very much.

MR. BLANK: Thank you very much.

CHAIRMAN ANAYA: Thank you, Commissioner. Any other comments?
Commissioner Sullivan.

COMMISSIONER SULLIVAN: Yes, just briefly, Mr. Chairman, I had an opportunity to tour the youth facility during their Thanksgiving dinner for the parents of the inmates. I think there's been a great deal of progress there. There's certainly better esprit de corps than we've had in the past. I have not yet gotten to the jail yet but I do want to make that tour as well to see some of the new security measures, the intake changes, particularly the female intake, and some of those things that you brought up in your report and to take a look at the medical situation as well, particularly the suicide watch and some of the situations there that we had problems with before.

So I've been wanting to do that. And I thank you all for your work, for being here today to answer questions. The only general feeling that I'd like to convey is I think we're starting to, and I think we need to focus on developing a Santa Fe County identity to both facilities. I think in the past we've handled Corrections as a multi-headed hydra and every

entity, whether it be BOP, whether it be State Corrections, or whatever, was one of those heads of the hydra and we never could figure out who was in charge, whether it was MTC, or whoever was putting in the most amount of money into the facility seemed to carry the biggest stick and so forth. So I always felt like we were punching jello to try to get some handle on this.

I think we're started there. I would just ask the staff in both facilities to encourage and develop in their own mindset that they are Santa Fe County employees. This is a Santa Fe County facility. We look to them to provide this important service. We'll support them in that, much more so than we would have probably as a private contractor, and maybe that esprit de corps, maybe it's building respect and esprit de corps for the work that you do. That's the only think that I've seen that I think we really need to build on, and if we can do that, we will have two facilities that are really not only state of the art but examples for the rest of the country. I think we're getting there and that's kind of what I look for when I go through the facility. I kind of look for the attitude, the attitude of the employees. Are they just doing their job or are they putting forward some ideas, some enthusiasm, some feedback from the inmates that they're dealing with. And that tells a lot, at least to me. I've seen the curve swing and I like that and I want to encourage everyone to keep doing that. Thank you, Mr. Chairman.

CHAIRMAN ANAYA: Thank you. Any comments?

COMMISSIONER VIGIL: I would just want to encourage my fellow Commissioners that all the requests we make need funding and what I'm hearing from these reports that it's a budget for Corrections so again, Greg, I encourage you to go and work with the County Manager and know that at least this Commission will support those funding requests.

MR. PARRISH: Thank you.

CHAIRMAN ANAYA: Thank you, Greg. Are you done?

MR. PARRISH: Mr. Chairman, Commissioners, just two other things. I'd like to invite all of you to the Christmas party at the juvenile facility. Commissioner Sullivan alluded to the fact that he was at the Thanksgiving one. The Christmas party is this Saturday at 11:00 and you're more than welcome to attend. I think it's really an opportunity to see the facility at its best. And also I'd just like to remind you, after the first of the year, I'd like to start the semi-annual inspections by the Commission where you all get an opportunity first hand to see the facility. And I want to thank you for your time and thank you for recognizing the staff.

CHAIRMAN ANAYA: Thank you, Greg and it's important that you brief the Commission and I want to thank you for sitting down with me once every two weeks and keeping me up to speed. And thank you staff for the wonderful job you're doing and I hope you have a wonderful and Merry Christmas and a happy new year. Thanks again.

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XII. C. Project & Facilities Management Department

1. Presentation and Discussion Requesting Santa Fe County's Support for the City of Santa Fe's Application to the Bureau of Land Management for Patenting of 160 Acres of Land to the City for Recreational Purposes in Section 22, Township 17 North, Range 8 East (Located just North of Marty Sanchez Golf Course) in Santa Fe County

CHAIRMAN ANAYA: Paul, how long is this going to take?

PAUL OLAFSON (Open Space Director): We'll be as brief as possible, sir. I just want to remind you that some of the Commissioners are going to have to be leaving early, which will be about 8:00, I believe, and we still have a lot of things that we need to discuss. So I don't mean to cut you short but if you could just get to the point, we would appreciate it.

MR. OLAFSON: Mr. Chairman, Commissioners, thank you. Thanks for the time. I'm before you today with a request from the City of Santa Fe to ask the Board of County Commissioners to grant support for the City's application for a patent of 160 acres of land north of the Marty Sanchez Golf Course, anticipated uses out there are for an archery range, an ATV course and also connecting trails, existing and new connecting trails to the Santa Fe National Forest. I want to also mention that there's a possibility through New Mexico State Parks & Rec trails grant to look at funding for a potential ATV park and that would be a next step of the County and City working together to develop a proposal for that grant application. And finally, also, that the County is to continue to work with BLM on additional open space issues and trail issues within this area and throughout the county as part of our resource management planning process. I have Martin Valdez to speak for the City's interest.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Olafson, do you recommend this?

MR. OLAFSON: Mr. Chairman, I would recommend it. I think it's an appropriate use and I think the details of exact siting and size and everything is a next step. However, the uses that are anticipated there I believe would serve the public and the County as well as the City.

COMMISSIONER CAMPOS: But those are areas that we'll deal with later?

MR. OLAFSON: Yes. This is simply asking the County Commission to support the application. The specific application has not been developed at this stage.

COMMISSIONER CAMPOS: Okay. Mr. Chairman, I'm in support if we want to move forward.

COMMISSIONER VIGIL: Move to approve in support of this application.

COMMISSIONER MONTROYA: Second.

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

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discussion? Do we want to let Martin say a few words?

COMMISSIONER CAMPOS: We've got to move, Mr. Chairman.

CHAIRMAN ANAYA: I know but he's been sitting in the audience for four hours. He can at least say hi.

MARTIN VALDEZ: Hello. Hello and thank you, I think.

CHAIRMAN ANAYA: If you want to say something. You don't have to.

MR. VALDEZ: I think Paul said it all. We approached BLM with this request and they wanted us to meet with County staff and get their support also.

CHAIRMAN ANAYA: Thank you. Thank you, Martin.

The motion to support the City's application with BLM passed by unanimous [5-0] voice vote.

XII. C. 2 Discussion and Conceptual Approval of a Headstart Program to be Located on Santa Fe County Leased Property within Lower Agua Fria

MR. GUTIERREZ: Mr. Chairman, in your packets there's a memo from me and a letter from Larry Martinez who's with PMS, and a copy of a master plan. Anyway, this summer, Larry had approached the County, PMS approached the County in terms of looking for land where they would place a Headstart School program on County land and Projects and Facilities, we have researched that and there is a piece of land available that is leased currently right now by the State Land Office and PMS has secured dollars to build this school and they're requesting that we get conceptual approval from the County Commission so they can move forward on this. Larry Martinez from Presbyterian is here to speak on this issue or answer any questions.

CHAIRMAN ANAYA: Okay, is there any questions? Commissioner Montoya.

COMMISSIONER MONTOYA: Regarding the property lease, currently, how much is Youth Shelters paying on that, and then how much would it increase? Because it increases as you put buildings on the site.

MR. GUTIERREZ: Mr. Chairman, Commissioner Montoya, Youth Shelters, my understanding has not paid anything. The lease that they have is expired so we need to go in and negotiate a lease. The leases that the County has in existence usually don't cover the lease payments that we make to either the BLM or the State Land Office. So we're rethinking the way that we structure these leases to make sure that the County is made whole in terms of any investment they made or infrastructure improvements that we have to make at this point. But the lease payments themselves in terms of the land would be significantly less had they gone out to purchase land or those types of things.

COMMISSIONER MONTOYA: So we're paying the lease for the Youth Shelters now?

MR. GUTIERREZ: We're paying the lease – this property represents about eight acres and the County is paying the lease for the total of the eight acres.

COMMISSIONER MONTOYA: To the State Land Office.

MR. GUTIERREZ: To the State Land Office. And we have a sub-lease with Youth Shelters and it has expired. But I don't know the payment. It was very minimal. I think it was less than \$50. So we're not recouping our own cost in terms of what we have to turn over the leaseholder, in this case, the State Land Office. So we'll be renewing that lease to make sure that those payments increase to at least become whole in that area.

COMMISSIONER MONTOYA: Let me just suggest you take a look at the – it's under the Arroyo Seco Teen Center or the Hands Across Cultures Teen Center lease agreement, because I know that they're paying like \$6,000 a year to the State Land Office, to Santa Fe County, who then pays –

MR. GUTIERREZ: Right, Mr. Chairman, Commissioner Montoya. That lease is structured. It keeps up with the base payment but the escalating cost that the County is responsible for, that clause isn't captured in the Hands Across Culture lease agreement, but for the most part, they make most of the lease payment for the County.

COMMISSIONER MONTOYA: As opposed to the Youth Shelters.

MR. GUTIERREZ: Exactly.

COMMISSIONER MONTOYA: Wow. What a deal. Anyway, I guess the question that I have here is what would the potential lease cost be then for Presbyterian Medical Services?

MR. GUTIERREZ: Mr. Chairman, Commissioner Montoya, we haven't worked that out yet because we haven't looked at the infrastructure improvements. This is really conceptual. They have an idea in terms of the square footage of the buildings. They have an area that they would like. They basically need to move forward in terms of the federal guidelines. Mr. Martinez can speak to that more appropriately. But those terms will be worked out and those would be brought back to the Commission for final approval.

COMMISSIONER MONTOYA: Okay. Mr. Chairman, I'd move for approval.

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

COMMISSIONER VIGIL: Second.

CHAIRMAN ANAYA: Motion and second. Any more discussion?

Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chairman, I would just add, and I didn't want to steal any of Larry's thunder but I toured the Manderfield Elementary School along with Senator Domenici recently. Their center of gravity of students and children that are at that facility has changed to the south part of the City. The facility they have now of course is up on Canyon Road and all the buses have to negotiate that to get the students there and most of the students don't come from that area. So it makes a lot of sense to move it. And it's also outdated for current, modern needs. So it makes sense for them to move to a more centrally located place, and I'm certainly in support of our doing this and of course everyone has to pay their fair share when we get down to the lease negotiations.

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

CHAIRMAN ANAYA: Larry, do you want to come and say hi to us?

LARRY MARTINEZ: Good evening, Mr. Chairman. I want to thank you very much. I don't think I could have summarized the situation better than Commissioner Sullivan did. I want to thank him for having come and joined us on the day that Senator Domenici made the tour. And I just want to wish each a very merry Christmas and a happy holiday season. Thank you very much.

COMMISSIONER MONTOYA: Merry Christmas, Larry. And Mr. Chairman, just a reminder, I'd like to get that report on the Youth Shelter also so we can see what the arrangement is on that.

MR. GUTIERREZ: Mr. Chairman, Commissioner Montoya, we will do that.

XII. C. 3. Resolution No. 2005-202. A resolution requesting an operating transfer from capital outlay GRT (213) to the state special appropriations fund (318) for the Eldorado Senior Center/ \$100,000 [Exhibit 2: Memo]

MR. GUTIERREZ: Mr. Chairman, we are here requesting and recommending approval of a budget adjustment of \$100,000 from the FY06 capital outlay GRT for \$100,000 to award a construction bid for Vista Grande Senior Center. Two weeks ago we had the bid opening for Vista Grande Senior Center. The lowest bid came in at \$1,109,000. The funds that we have available are \$980,000 for the center. Staff and I went last week, last Friday to negotiate with the lowest bidder and that firm actually lowered their price by three percent, which was about \$30,000-some. So we're basically \$100,000 short of awarding the construction bid at this point.

CHAIRMAN ANAYA: Any questions?

COMMISSIONER VIGIL: Move to approve.

CHAIRMAN ANAYA: There's a motion. Where are we getting the money?

MR. GUTIERREZ: Mr. Chairman, the money is coming from capital outlay GRT, the FY06 allocation. It's actually - there's \$200,000 at the end of FY06 that would be available. So we'd be using \$100,000 of that.

CHAIRMAN ANAYA: Okay. Any other comments? There's a motion. Is there a second?

COMMISSIONER SULLIVAN: Second.

CHAIRMAN ANAYA: Motion and seconded.

The motion to approve Resolution 2005-202 passed by unanimous [5-0] voice vote.

XII. D. Water Resources Department

1. Discussion and Possible Action Regarding an Extension of the Water Service Agreement with John J. McCarthy

DR. WUST: Thank you, Mr. Chairman. Mr. McCarthy entered into an agreement for 22 acre-feet of water, I think it's been six years ago now. That original agreement that you have a copy of in your packet included a termination clause that if Mr. McCarthy had not had an approved final development plan in place by a date that was two years after the signing of that agreement, then the agreement would terminate. Since that time there have been two extensions of that agreement. The language has been changed. Instead of saying two years after such and such, there's a termination date repeating the language if the final development plan was not approved by this date then the agreement would terminate. Each amendment was extending that agreement for another two-year period.

The latest one expires December 31st of this year and the applicant has requested another two-year extension. I will note that the 22 acre-feet of that water comes from the original 500 acre-feet that is now an allotment from the City in perpetuity through the City/County water services agreement. As such, it did not require the applicant to bring forward water rights like the water service agreement do nowadays. The applicant instead paid a fee and has been paying standby charges since that time. There is no preliminary or final development plan that has been approved yet, nor has there been one submitted to the County Land Use Department. So that is the status of where we stand at this moment.

CHAIRMAN ANAYA: Any questions?

COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: Steve, what's your recommendation?

DR. WUST: Mr. Chairman, Commissioner Montoya, I'm going to give you a mixed message on this, and the reason is extending this water service agreement for development on state land has many policy implications as part of it. Those are decisions a lot of which I'm not part of which and all of which rest in your purview. But I will make a comment based on my position as the Water Resources Department Director, which means I'm in charge of the County utility and if you're giving me a change to get 22 acre-feet back for my utility for County projects, I would dearly like that, but I realize there are a lot of other implications of extending or not extending this agreement, due to its location, due to the development that's been proposed and other items that I don't feel comfortable expanding my role beyond what I just told you as part of the County utility director.

COMMISSIONER MONTOYA: Gerald, do we have a staff recommendation?

MR. GONZALEZ: Mr. Chairman, members of the Commission, it's my understanding that the State Land Office staff supports the application that's coming forward.

COMMISSIONER MONTOYA: Move for approval.

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

COMMISSIONER CAMPOS: I need more information.

CHAIRMAN ANAYA: Commissioner Campos.

COMMISSIONER CAMPOS: Dr. Wust talked about implications that he didn't really want to expressly mention. Give me a little background, Gerald.

MR. GONZALEZ: Mr. Chairman, Commissioner Campos, I think what it really goes to is the whole relationship that we've been working on with respect to the State Land Office and that's sort of the delicacy. As you know, we have many irons in the fire with them. Certainly we have the Public Works facility that's going to be located on State Land Office land. We just discussed a facility that the Headstart program that's moving onto such land. We have the whole question of San Cristobal development, so those are all the delicate relationship issues that this is a portion of. That was the reason for my reference to the support from the State Land Office. Obviously, it's something that they look upon favorably. The decision of course ultimately is the Commission decision, but I think what they're signaling is that in the interest of keeping relationships on a smooth course that this is what they would support.

COMMISSIONER CAMPOS: Are they telling us that we should do this if we want to maintain good relations with them? Is that what you're telling us?

MR. GONZALEZ: Mr. Chairman, I would never presume to tell the Commission what they should do, but -

COMMISSIONER CAMPOS: I'm not asking that. I'm asking what message are you getting?

MR. GONZALEZ: But I do believe the signals are fairly clear that they're saying that this is a good relationship kind of move.

COMMISSIONER CAMPOS: This is the third extension. It's been going on for a long time. At what point do you end it? How far do we go with an extension? This is the third extension.

DR. WUST: Mr. Chairman, Commissioner Campos, what I wrote up for this one, since the other two were for two years and the original agreement said the thing terminated two years after signing. I just put two years just for consistency sake.

COMMISSIONER CAMPOS: I guess the question is for how many additional two-year periods do you keep adding on to this? At what point do we say, okay, this is enough? Enough time has passed and now it's time to rescind and move forward with the use of the water. Somebody wants to use it right now.

CHAIRMAN ANAYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chairman, I had a question for Mr. McCarthy. This agreement is with Mr. McCarthy. Now, John, there's been changes in contractual relationships out there. I believe Horton Homes is involved now. What is your role in this? Are you still the developer? Could you explain that to me?

JOHN MCCARTHY: Of course, Mr. Chairman, Commissioner Sullivan. Originally, I signed a planning lease with the State Land Office in September of '95. And it

was my responsibility to obtain master plan approval, which we did. The State Land Office to dispose of land requires a bid process and we never had any intention of developing it ourselves. We were a facilitator. So the successful winner of that bid process was an entity called SCV Limited Liability Company, which is comprised of myself and Dan Turrow. What we did with the property was simultaneously transfer it to Horton Homes and as far as the water rights go, Horton had an obligation, or has a continuing obligation to process the preliminary plat application. The actual disposition and holding of the water right now is in SCV, LLC, and if you notice the original agreement it also states it's in my name for the benefit of the State Land Office. So we just facilitated the financing of the water.

Our obligation is to Horton and to whomever is the successful bidder at this next sequence of bids, and that's part of the problem, Commissioners, that it's such a lengthy and difficult process. Our responsibility of SCV, LLC is to assign this water to the successful bidder for the State Land project known as San Cristobal. So we're paying the standby fees. We put up the capital, SCV is the "we" for the benefit of the State Land Office, and the subsequent winning bidder. So we're in an awkward place right here now because we don't have direct control of the process that Horton is following.

COMMISSIONER SULLIVAN: It seems like perhaps we should be granting the extension to Horton Homes. We're looking to Horton Homes to submit the preliminary and final plat, right?

MR. MCCARTHY: Yes, sir, but the condition in the water supply agreement doesn't go outside of that agreement. So what's vulnerable right now is the water supply agreement, without which we can't move forward.

COMMISSIONER SULLIVAN: I understand.

MR. MCCARTHY: Did I answer your question?

COMMISSIONER SULLIVAN: My understanding is you've got a limited liability corporation. You're essentially holding the water right, and Horton Homes has contracted with you? Or they have to go through this bid process that's coming up?

MR. MCCARTHY: Right now, Horton Homes has the option to move forward on San Cristobal. We, San Cristobal have assigned our option to be the developer on the property to Horton Homes.

COMMISSIONER SULLIVAN: Okay, but Horton Homes still has to go through this State Land Office bid process that you referred to, that's coming up?

MR. MCCARTHY: Before there's a final plat and disposition of the land.

COMMISSIONER SULLIVAN: So someone else could bid on it as well?

MR. MCCARTHY: Yes, sir.

COMMISSIONER SULLIVAN: And of course, Horton Homes would say, well, we've got 22 acre-feet of water rights through SCV Limited, so we've got kind of a step up on this thing.

MR. MCCARTHY: That goes to any bidder that comes to the table.

COMMISSIONER SULLIVAN: Oh, okay. So you would provide that to any bidder, whether it's Horton Homes or anybody.

MR. MCCARTHY: Exactly.

COMMISSIONER SULLIVAN: I see. So you just turn that over to them and recoup your fees.

MR. MCCARTHY: We're a conduit, sir, for the State Land Office.

COMMISSIONER SULLIVAN: Plus of course a modest profit.

MR. MCCARTHY: No, not on the water.

COMMISSIONER SULLIVAN: Okay. I've got a question for staff, for Legal. If we're considering making a third extension to this, and I don't know - I would like to know some more about this to be honest with you, in more detail about the whole project and the relationships. And I understand that it's over at the end of December so we could extend it for a short period of time to get that additional information. I would think we should take the opportunity when we do these extensions to be sure that the agreements reflect current County policies and procedures. In other words, if you have an old land use agreement that's been around for years and years and years. They may not be subject to current policies. And we've refined our policies and they're better.

Let me explain to you the question I'm getting at. There's reference in the agreement, it's on page 2 under water rights, paragraph number 2, to the County's line extension policy, that they must commit to that, dated February 10, 1998. Of course that's eight years ago. Since then we've significantly refined and I think bettered our line extension policy. So my initial reaction is that there should be an amendment in the amendment that makes reference to our current - that the applicant is obligated to follow our current line extension policy. Now, if you go to page 4 under paragraph 9, at the bottom, there's another paragraph that says that service to the development shall be subject to all the duly operated policies, rules and regulations of the utility, and those policies, rules and regulation, whether now enforced hereinafter to be adopted as filed at the Office of the County Clerk, hereby incorporated into this contract as expressed terms hereof.

So my question, Mr. Ross, is does that paragraph mean that whatever line extension policy the County is currently utilizing would be applicable to this development? Or would this February 10, 1998 policy be operative?

MR. ROSS: Well, Mr. Chairman, Commissioner Sullivan, paragraph 2 of course, we don't use this paragraph in more recent water service agreements because we haven't, as least since I've been here, been accepting cash in lieu of water rights. We've been requiring folks to bring water rights to us. This reference to the line extension policy, which of course, you're absolutely correct. There are at least two subsequent line extension policies that I'm aware of. There may be a third one that has been enacted since the 1998 policy. But it seems to - it's hard to understand what that sentence is intended to do and of course you've pointed out an interesting inconsistency with Section 9. I'm not sure which one would - I haven't studied this contract enough. I'm not sure which one of these would predominate if a dispute were to arise. It's too bad that the agreement that we signed in 1999 didn't use some more inclusive language. I'm in the habit of saying things like Resolution 1998-13, as amended. Or language sort of like what's in Section 9 here.

To answer your specific question though, it's hard to tell you which one of these paragraphs would predominate in the event of a dispute.

COMMISSIONER SULLIVAN: Okay. I didn't mean to put you on the spot. If the Commission wanted to approve this extension, would it be reasonable to approve it with direction to or with the condition that you negotiate the appropriate language that would make the agreement subject to the current line extension policy. Would that be reasonable?

MR. ROSS: Mr. Chairman, Commissioner Sullivan, that would be reasonable. One thing that we had talked about amongst ourselves earlier today is that maybe it would be appropriate to extend this agreement for say a year on its face and give us some time to renegotiate the agreement and modernize it. It's not going to be all that easy to modernize this particular agreement because it is so unusual. But certainly things like you've pointed out can be corrected and some of the - like big Section 4 is completely different now. Some of those things could be modernized if we had an opportunity to sit down with the folks and go through it line by line.

COMMISSIONER SULLIVAN: That makes sense. I'm just focusing on some small, specific things that are in the context of the existing agreement. I think it does need to be modernized and I think your suggestion is a good one. The only other one, Mr. Chairman, is in paragraph 7 on page 4, and that deals with assignment of obligations. My understanding is in our new water service agreements, all of our water service agreements now - I'm not talking about line extension policies now. I'm talking about water service agreements. The owner or the applicant or the customer cannot transfer any of their rights to that agreement without the County Commission's approval. And in this paragraph it says that the customer has a unilateral right to do that and all it has to do is give the County written notice of the transfer.

I think the County should be a party to any of those transfers because it may be transferred to an entity that we don't feel it should be transferred to, for whatever reason. I don't know. And I'm not making any comments about Horton Homes or anybody. I'm just looking in the future. Mr. Ross, would it be appropriate to amend that paragraph and require the Board of County Commission approval of any assignment.

MR. ROSS: Well, that's certainly something that we would have to discuss with them. It is true that we've been reluctant to permit these kinds of clauses in our recent water services agreements in part because just having these water services agreements be a commodity has created kind of a market for them. We're not really sure where all the commitments the County has obligated itself are at this point. So that's certainly something we should discuss. This is also an unusual arrangement. Mr. McCarthy described the process in place over at the State Land Office, and it may be appropriate to have some language in here that recognizes that unusual process. In other words, he's the initial holder of the water services agreement but whoever wins the phase 2 bid over there is going to be the party that's going to need to use it.

So some recognition of that would probably be appropriate but it's something we could sit down and hammer out with them, given some time.

COMMISSIONER SULLIVAN: Those are my comments.

CHAIRMAN ANAYA: Okay. Commissioner Vigil.

COMMISSIONER VIGIL: Mr. Chairman, I move that we extend this water service agreement for a one-year period, at which time clean up language and updated language for water service agreements will be brought forth before the Commission for reconsideration for future extensions.

CHAIRMAN ANAYA: Commissioner Vigil, we already had a motion and a second.

COMMISSIONER VIGIL: Was the motion for the two-year extension?

COMMISSIONER MONTROYA: Yes, it was for what's being given right here, but I would be open to that friendly amendment.

COMMISSIONER VIGIL: I would propose it as an amendment, Mr. Chairman.

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

COMMISSIONER SULLIVAN: Mr. Chairman, I think the line extension policy and the assignment issues really need to be settled on now. I see the attorney for the owner here. Ms. Vazquez, would either of those conditions be a problem for this one-year extension?

MS. VAZQUEZ: Mr. Chairman, Commissioner, I speak on behalf of John McCarthy, the applicant and Mr. Jerry King, State Land Office, who unfortunately was unable to be here today because it's his daughter's 22nd birthday. And so he's out with her today. So I thank you for listening to this request. With regard to the line extension, Commissioner, I don't believe that the State Land Office would have a problem. The only line extension that I can recall in the changes, the recent one that was proposed. I don't recall two, so until I took a look at them I really couldn't agree completely to those. From what I remember from previous water service agreements, I don't see that as a problem.

With regard to the assignment, that is an issue for the State Land Office, and it's an issue because of the way that the process works. In my conversations with Jerry King today and the last couple days, we're unsure as to who's going to be the next bidder. We're unsure if it's going to be Mr. McCarthy and a group that he's going to put together, if it's going to be DR Horton, if it's going to be somebody else, or if the State Land Office is going to take it on. The assignment, by requesting that it come before the County Commission just adds more time to an already very lengthy process right now.

I believe the Commission is protected because this water service agreement is only for the benefit of the State Land Office. So you're not going to see the 22 acre-feet going to a project in Tesuque or a project - it's going to go for a project that is slated as a State Land Office project. I just want to point out a couple of accomplishments that have happened since this assignment, since this water agreement. I was one of the County attorneys that worked on these water service agreements back in '99. And this water service agreement is different than all others because it was specifically for the benefit of the State Land Office. When this agreement went into effect there was also the land that was given to the County for the business park, at the same time. And the College District ordinance was being put together back in '99.

The State Land Office was one of the huge planners of that Community College District Ordinance. That ordinance was passed in 2000. A master plan was submitted in 2001 and was approved in 2002. Because of the laundry list of conditions on that master plan, which were voluminous on that master plan there was a need to acquire more water than the 22 acre-feet before we went forward with preliminary and plat approval for this project. John McCarthy, as Jerry puts it, Jerry King put it, is in charge of the water. DR Horton has been trying to get some, but John McCarthy and his partner have acquired water rights, worked with the County on a transfer of those water rights and are working to put together more water for phase 1 of this approval.

Right now, we don't know where it stands and that's why the assignment clause, as is, is important to keep. Until we have a better understanding of that - I did speak to Commissioner King and he said that he would like to have a meeting with County staff to clarify the role of DR Horton, clarify the role of John McCarthy, and set up sort of a time line as to when we're going to submit for approval.

COMMISSIONER SULLIVAN: Okay, Mr. Chairman. That's certainly a lengthy answer to the question. Let me just ask Commissioner Vigil. Commissioner, in your motion is it your intent that during this one-year period that a new agreement would be negotiated to reflect the current conditions?

COMMISSIONER VIGIL: That was how I stated the motion. Is there a problem with that?

MS. VAZQUEZ: Not at all.

COMMISSIONER VIGIL: So we have some direction here. Commissioner Campos asked the question, how long is this thing going to go, and I think the answer with this motion would be one year and at the end of one year we expect to see an agreement that meets the conditions of this specific project and has the most updated County line extension policies and other policies, in so far as possible incorporated in it. Am I expressing the direction correctly then? Would that be -

MS. VAZQUEZ: For plan approval, Commissioner Vigil? So we would either come in with a plan within that time, or amend the water service agreement, or both.

COMMISSIONER VIGIL: Right. If you're actually - you have master plan approval, right?

MS. VAZQUEZ: We have master plan approval, yes.

COMMISSIONER MONTOYA: That's my suggestion.

COMMISSIONER VIGIL: That's my intent also.

COMMISSIONER SULLIVAN: That they get in here by a year or this is the end of the road.

COMMISSIONER MONTOYA: No.

COMMISSIONER VIGIL: No.

COMMISSIONER VIGIL: They can go on forever with the water service agreement? For ever and ever?

COMMISSIONER MONTOYA: For another two years.

COMMISSIONER SULLIVAN: In perpetuity. But her motion is one year.

COMMISSIONER MONTOYA: Right. And at the end of that one year, the water service agreement be renegotiated and take a look at where they are in the process at that time.

COMMISSIONER SULLIVAN: But at the end of one year, I understand her motion to be, at the end of one year we would anticipate having a new water service agreement that would reflect these updates.

COMMISSIONER VIGIL: That's correct.

MS. VAZQUEZ: Or submittal of the plan.

COMMISSIONER VIGIL: Right.

MS. VAZQUEZ: I just want to make that clear because we're trying to figure out a time line for the submittal of the plan.

COMMISSIONER SULLIVAN: Is it submittal, or is it approval?

COMMISSIONER MONTOYA: Submittal.

MS. VAZQUEZ: If the customer fails to submit a final plat for the development for BCC approval by December 28, 2007.

COMMISSIONER SULLIVAN: Okay, so now that would be changed to 2006.

CHAIRMAN ANAYA: Okay, there's a motion and a second with a friendly amendment.

The motion to approve a one-year extension passed by unanimous [5-0] voice vote.

XII. F. Indigent Hospital and Health Care Program Board

1. Approval of Indigent Hospital and County Health Care Claims

CHAIRMAN ANAYA: Can I have a motion to go into the Indigent Hospital and Healthcare Board?

COMMISSIONER SULLIVAN: So moved.

COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chairman, before we do that, I know we had moved Rosanna up to 6:00. We're definitely not going to be there at six o'clock. Do you want to be moved back to 8:00?

MS. VAZQUEZ: That's fine, Commissioners, or I can do it really fast now if you'd like me to.

COMMISSIONER VIGIL: This is a public hearing though. Wasn't it scheduled for a public hearing?

MS. VAZQUEZ: It was scheduled for a public hearing.

CHAIRMAN ANAYA: We might have to move it to 8:00/

COMMISSIONER VIGIL: I do believe that, Mr. Chairman, because I know

there are some people who have contacted me with regard to this and they may plan on being here within the time frame that it was published.

MS. VAZQUEZ: That would fine. I will be back at 8:00. Thank you so much for allowing me to go to my children's Christmas.

COMMISSIONER VIGIL: Bring your kids.

MS. VAQUEZ: I'll try. I don't know if you want all three of them here.

COMMISSIONER MONTOYA: Mr. Chairman, move to go into Indigent Hospital Healthcare Program Board.

COMMISSIONER VIGIL: Second.

CHAIRMAN ANAYA: Moved and seconded.

The motion to convene the Indigent Board passed by unanimous [5-0] roll call vote with Commissioners Anaya, Campos, Montoya, Sullivan and Vigil all voting yes.

CHAIRMAN ANAYA: Approval of the agenda.

COMMISSIONER MONTOYA: Move to approve.

COMMISSIONER CAMPOS: Second.

CHAIRMAN ANAYA: Motion and a second. Any discussion?

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

CHAIRMAN ANAYA: New Business: Approval of Indigent and County Healthcare Claims. Is there a motion?

COMMISSIONER VIGIL: Mr. Chairman, if we don't need to go into executive session, that is if nobody has any questions, I move we approve the Indigent Hospital and County Healthcare Claims.

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

COMMISSIONER CAMPOS: Second.

CHAIRMAN ANAYA: Motion and second. Any discussion?

COMMISSIONER MONTOYA: Mr. Chairman, is that your recommendation?

GREG SMITH (Indigent Board Director): Mr. Chairman, Commissioners, that's correct. We recommend approval of the presentation of claims as 841 claims in the amount of \$114,035.42.

CHAIRMAN ANAYA: Any more discussion?

The motion to approve the Indigent Claims as presented passed by unanimous [5-0] voice vote.

MR. SMITH: I'm glad I got a chance to say hi.

CHAIRMAN ANAYA: Motion to go out.

COMMISSIONER SULLIVAN: Move to adjourn the regular Indigent and Hospital Healthcare Board meeting.

COMMISSIONER VIGIL: Second.

CHAIRMAN ANAYA: And seconded. Any more discussion?

The motion to reconvene in regular session passed by unanimous [5-0] voice vote.

X. 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**

MR. ROSS: Mr. Chairman, we need to go into closed executive session to discuss pending or threatened litigation, and discussion of the 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, 8 and 5) 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.

CHAIRMAN ANAYA: How long will it be? An hour?

MR. ROSS: Probably an hour, Mr. Chairman.

CHAIRMAN ANAYA: We'll be back at 6:30.

[The Commission met in executive session from 5:35 to 6:50.]

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

XII. G. 2. Resolution No. 2005-203. A Resolution Authorizing the County Manager to Execute All Agreements Necessary to Resolve the Dispute Over the Cost of Upsizing the Water Main in the Valle Serena Subdivision

COMMISSIONER CAMPOS: Mr. Chairman, I move that we adopt the resolution.

COMMISSIONER MONTOYA: Second.

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

The motion to adopt Resolution 2005-203 passed by unanimous [5-0] voice vote.

XIII. PUBLIC HEARINGS

A. Land Use Department

- 1. LCDRC Case #VAR 05-5300 – Las Lagunitas Sign Variance – Ranch Partners LLC, Applicant, Linus Abeyta, Agent Requests a Variance of Article VII (Sign Regulations), of the Santa Fe County Land Development Code to Allow a Temporary Marketing Sign to be Located on the Southeast Corner of the Property and to Allow Six (6), 3' x 5' Flags to be Located at the Northeast Corner of the Property. This Request Also Includes a Renewal/Extension of a Previously Approved Variance to Allow the Six (6), Existing 3' x 5' Flags at the Main Entrance of the Subdivision to Remain. The Property is Located Along the I-25 West Frontage Road, In Las Lagunitas Subdivision within the Traditional Historic Community of La Cienega/La Cieneguilla, Section 5, Township 15 North, Range 8 East (Commission District 3) (DELIBERATION ONLY)**

MR. DALTON: Thank you, Mr. Chairman. The Board of County Commissioners heard this case on November 8, 2005. The decision of the Board was tied two votes to approve and two votes to deny. Under Commission rules of order, this application is automatically tabled until the next meeting. This case is now coming before the Board for deliberation and vote only. Thank you.

CHAIRMAN ANAYA: Is there any questions of Wayne?

COMMISSIONER MONTOYA: Mr. Chairman, move for approval.

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

COMMISSIONER VIGIL: Second.

CHAIRMAN ANAYA: Motion and a second. Any discussion?

Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chairman, I don't feel we should approve this. This applicant took out a permit for a temporary sign that had a 19-month limitation on it and they left those signs up for six years, 4 ½ years longer than the permit. They made no attempt to comply with the permit conditions. They didn't come in and request an extension. They just violated the terms of the permit. And by approving this motion we would reward them for violating the terms of their permit for 4 ½ years by giving them a permit to do the same thing for another two years. That seems totally inappropriate.

CHAIRMAN ANAYA: Thank you, Commissioner. Commissioner Vigil.

COMMISSIONER VIGIL: Mr. Chairman, is it two years that they're requesting?

MR. DALTON: Mr. Chairman, Commissioner Vigil, it was actually approved by the LCDRC for one year.

COMMISSIONER VIGIL: That was my understanding. It's only one year.

MR. DALTON: That's correct.

COMMISSIONER VIGIL: And Mr. Chairman, I would just say that within that time frame we as a County did not enforce that permit either. So if there's blame it should be shared.

COMMISSIONER MONTOYA: Right. That's our job.

CHAIRMAN ANAYA: Was your motion for two years?

COMMISSIONER MONTOYA: No, it's for LCDRC recommendation.

CHAIRMAN ANAYA: Okay. Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Dalton, the size of the sign, how big is that?

MR. DALTON: Mr. Chairman, Commissioner Campos, the existing sign that exists there now is 11 x 11.

COMMISSIONER CAMPOS: Do they want a new sign or are they asking just for renewal of the 11 by 11 sign?

MR. DALTON: Mr. Chairman, Commissioner Campos, all they're asking is for renewal of the existing.

COMMISSIONER CAMPOS: 11 by 11.

MR. DALTON: Yes.

COMMISSIONER CAMPOS: And that's a board sign? What kind of sign is it?

MR. DALTON: I believe it's a board sign.

COMMISSIONER CAMPOS: Okay.

CHAIRMAN ANAYA: Any more questions?

COMMISSIONER VIGIL: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Vigil.

COMMISSIONER VIGIL: If I remember correctly, the applicant testified that within a year's time the development itself would be sold out and they would have no

further need for this marketing. Is that correct?

MR. DALTON: Mr. Chairman, Commissioner Vigil, that is correct.

COMMISSIONER VIGIL: Thank you.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: So this wasn't a temporary sign. This was a sign for the entire duration of the marketing period. I can't see how the Santa Fe County Commission has the obligation to provide seven year's worth of marketing sign under an 18-month permit. I think we've been, whenever we can, when the issues say that the applicant makes a reasonable attempt to accomplish something under the ordinance. They've made a reasonable attempt to comply. There's conditions that prevent that. This is so egregious. It's so far out of even being close to the ordinance that it just seems inappropriate to me to make a decision favoring continuing that. Thank you.

The motion to approve LCDRC Case #VAR 05-5300 passed by majority 3-2 voice vote with Commissioner Campos and Commissioner Sullivan voting against.

- XIII. A. 2. **CDRC Case #V 05-5290 Vista Clara Ranch Variance (Reconsideration) - The Board of County Commissioners Request Reconsideration of a Variance of Ordinance No. 2003-06 (Commercial Rainwater Catchment Systems), to Allow the Utilization of an Alternative Water Conservation Method for Vista Clara Ranch. The Property is Located off of State Road 41, North of Galisteo, within Section 25, Township 14 North, Range 9 East (Commission District 5)**

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Campos.

COMMISSIONER CAMPOS: The reason that this was brought us is simply to add a condition, essentially that the variance would exist only so long as the applicant used the treatment plant that was approved by the Environmental Department. That's my memory of that discussion. I would like to add that as a condition. That's the only thing I want to do.

CHAIRMAN ANAYA: So if we add that as a condition, do you want to comment on that, Kay? Or are you okay? Okay. Do you want to make a motion?

COMMISSIONER CAMPOS: I'll make the motion that we add that condition to the other conditions that were set by the County Commission at its last meeting.

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

COMMISSIONER MONTOYA: Second.
CHAIRMAN ANAYA: Motion and a second. Any more discussion?

The motion to add a condition to CDRC Case #V 05-5290 passed by unanimous [5-0] voice vote. [See page 67]

- XIII. A. 4. **Case #MIS 05-5350. Jay Jalaram, LLC Liquor License. Jay Jalaram, LLC, applicant, requests a transfer of ownership of a liquor license. The property is located at 3815 Highway 14, within Section 35, Township 15 North, Range 8 East (Commission District 5)**

JAN DANIELS (Review Specialist); Thank you, Commissioners, Jay Jalaram, Incorporated, formerly the Lone Butte General Store is a legal non-conforming business established before 1981. The applicant states that he is requesting a transfer of ownership of a liquor license from to Jay Jalaram, Incorporated due to a change in stock ownership of the owner corporation of more than ten percent. The State Alcohol and Gaming Division has granted preliminary approval of this request in accordance with Section 60-6B-4 NMSA of the Liquor Control Act.

Legal notice of this request has been published in the newspaper and the Board of County Commissioners are required to conduct a public hearing on whether or not the proposed request for transfer of ownership of a liquor license should be granted. The request is in accordance with the notice requirements and staff recommends approval.

CHAIRMAN ANAYA: Is there any questions of staff? What's the pleasure of the Board?

COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: I have a question and I don't know if you've got this answer, Jan, but what are they going to sell? Packaged liquor or by the drink or both?

MS. DANIELS: Well, it's the Lone Butte Liquor Store, Mr. Chairman, Commissioner Montoya, so they're selling - it's a liquor store.

COMMISSIONER MONTOYA: Oh, it's a liquor store.

MS. DANIELS: Inside the Lone Butte General Store, it's a liquor store. Max Myers is here tonight, the agent and treasurer for the corporation, and he'll be able to further answer that question.

COMMISSIONER MONTOYA: Okay. Then my second question would be do we know how many crashes that have been in that particular - what is it? Highway 14? What is that?

CHAIRMAN ANAYA: Fourteen.

MS. DANIELS: I have – I didn't realize that was a concern, Mr. Chairman, Commissioner Montoya. But I can certainly check on it for you and get the information to you as soon as I get it.

COMMISSIONER MONTOYA: Okay. I would appreciate that.

MS. DANIELS: All right.

COMMISSIONER MONTOYA: And again, Mr. Chairman, that's the concern that I have regarding the whole issue of DWI and if this is going to continue to exacerbate that problem or if there's some way of eliminating it. But I don't know. I think we're pretty limited in our scope. I think this is just a formality that the applicant has to go through rather than having any real significance come out of the Commission's decision. So I'd like to see that the Commission had a little bit more say in what can and can't go on as far as liquor licenses in the county. That's my personal opinion. Thank you.

CHAIRMAN ANAYA: Okay, Kay, we're going to have to do your thing over again because I didn't allow public comment, so if you could just stick around. I apologize for that. Commissioner Montoya, could you briefly state what your concern was?

COMMISSIONER MONTOYA: Well, just the number of alcohol related crashes that are along that road and whether or not some of it may be attributable to sales out of the Lone Butte Liquor Store.

CHAIRMAN ANAYA: Okay. Any other comments? What's the pleasure of the Board? This is a public hearing. Would anybody like to speak for or against this project? Hearing none, what's the pleasure of the Board?

COMMISSIONER CAMPOS: Move to approve.

COMMISSIONER VIGIL: Second.

CHAIRMAN ANAYA: Motion and a second. Any more discussion?

COMMISSIONER CAMPOS: Mr. Chairman, we don't have much discretion. This is pretty much determined by state law.

The motion to approve Case #MIS 05-5350 passed by majority 4-1 voice vote with Commissioner Montoya voting against.

**XIII. A. 2. CDRC Case #V 05-5290 Vista Clara Ranch Variance
(Reconsideration)**

CHAIRMAN ANAYA: Sorry, Kay, but we're going to have to go back to this again. I won't read the whole thing but I just want to go ahead and open it up to anybody in the audience that would like to speak for or against this case. This is the Vista Clara Variance, hearing none, what's the pleasure of the Board?

COMMISSIONER SULLIVAN: Move for approval, Mr. Chairman, as amended by Commissioner Campos' condition.

CHAIRMAN ANAYA: There's a motion.

COMMISSIONER VIGIL: Second.
CHAIRMAN ANAYA: And a second.

The motion to add a condition to CDRC Case #V 05-5290 passed by unanimous [5-0] voice vote.

- XIII. A. 7. **AFDRC Case #DP 05-5430-PNM Miguel Lujan Line Extension – Public Service Company of New Mexico (Laurie Moye, Agent) Request Development Plan Approval (For Miguel Lujan Tap) to Allow .2 of a Mile of Newly Constructed Electrical Poles and Overhead Electric Lines to Serve the Santa Fe Area, this Request also Includes a Variance of Article III, Section 2.3 6b (Height Restrictions for Dwelling or Residential Accessory Structures) of the Land Development Code to Allow Electric Line Poles to Exceed 24-Feet. The Property is Located Along Rufina Street, Between Camino de Tercero and Henry-Lynch Roads, within Section 32, Township 17 North, Range 9 East and Section 5, Township 16 North, Range 9 East (Commission District 2)**

MR. DALTON: Thank you, Mr. Chairman. On November 3, 2005, the AFDRC met and acted on this case. The decision of the AFDRC was to recommend approval for a development plan to allow .2 mile of newly constructed electric lines and poles to serve the Santa Fe area. This recommendation included a variance of Article III, Section 2.3.6b, height restrictions for dwellings or residential accessory structures, of the Land Development Code to allow electric line poles to exceed 24 feet.

Ordinance No. 1998-15 amending Article III, Section 8 of the Land Development Code specifies that all new and replacement utilities shall be placed underground or subject to approval by the BCC, who shall consider environmental and visual impacts. The total length of the Miguel Lujan Tap is 1.8 miles with approximately .2 miles within the traditional historic community of Agua Fria. The need for the Miguel Lujan Tap is to meet existing and anticipated power needs in portions of the Agua Fria Village, Cerrillos Road and Siler Road neighborhoods by carrying the electricity to PNM's existing Miguel Lujan Substation located on Industrial Road. The project will also reduce the amount of electrical load on the existing 46 kV lines that supply the substation to prevent overloading of the line and prevent loss of critical equipment. The development would involved the placement of single-pole tubular steel structures typically 85 feet in height. The new tap structure will be at least 100 feet in height at the beginning of Rufina Street to meet National Electric Safety Code clearances.

Recommendation: It is the evaluation of staff that the proposed development plan and variances for construction of overhead electric lines and poles is needed to serve the Santa Fe Area. However, Ordinance 1998-15 states that all new and replacement utilities

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shall be placed underground, or be subject to approval by the BCC, who shall consider environmental and visual impacts. Staff recommends denial of the requested variance.

CHAIRMAN ANAYA: Any questions of Wayne? Commissioner Vigil.

COMMISSIONER VIGIL: Wayne, also the EZC heard this case, did they not?

MR. DALTON: Mr. Chairman, Commissioner Vigil, that is correct. The EZC heard this case last Thursday.

COMMISSIONER VIGIL: Do we have any minutes of that hearing available? I know there was a request to get them?

MR. DALTON: Mr. Chairman, Commissioner Vigil, staff has not received minutes yet for that hearing.

COMMISSIONER VIGIL: Okay, do you want to give us a summary of that recommendation?

MR. DALTON: Mr. Chairman, Commissioner Vigil, the decision of the EZC was to deny the request from PNM for overhead utilities and a height variance for the electric line poles, based on I believe the EZC ordinance that specifies that those have to be placed underground.

COMMISSIONER VIGIL: Did they deny variances for both requests, the height variance and the underground? I'm not clear on that.

MR. DALTON: Mr. Chairman, Commissioner Vigil, yes, they denied the whole entire development plan.

COMMISSIONER VIGIL: Okay. Thank you.

CHAIRMAN ANAYA: Any further questions? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Just one clarification. Wayne, the drawings in the packet show pole heights of 85 feet and your staff report talks about a height of 100 feet, at least, it says. Which would be the right number?

MR. DALTON: Mr. Chairman, Commissioner Sullivan, it's a combination of both. The poles will be 85 feet in height, but where the actual lines, I believe, entered the Miguel Lujan Substation will actually have to be 100 feet in height to meet electrical clearance codes. And I believe Laurie can answer that question. Just to make sure that's the right answer.

COMMISSIONER SULLIVAN: Thank you.

CHAIRMAN ANAYA: Thank you, Wayne. Laurie, good evening.

LAURIE MOYE: Good evening.

[Duly sworn, Laurie Moyer testified as follows:]

MS. MOYE: Good evening Commissioners. Thank you for the opportunity to present the Miguel Lujan Tap. [Exhibit 3] It's a transmission project, an electric transmission project that would connect an existing 115 kV line in Santa Fe County with an existing substation in the city. And we are requesting a development plan approval including a height variance and permission to construct overhead. Approval of all requests are necessary to implement the project.

The next slide discusses the things that Wayne read, which is what we're asking for. Why do we need this project? It's to supply existing power needs in the portions of Agua Fria, Cerrillos Road and Siler neighborhoods. It's also to reduce the amount of electrical load on the existing 46 kV line which is now at capacity and supplies these neighborhoods and runs through Agua Fria.

Also the ability to maintain quality electric service under a single-outage condition, the loss of a line or critical piece of equipment. With the current loads on the 46 kV system, the loss of one 46 kV circuit can adversely affect PNM's ability to provide service. This map shows the area served by the Miguel Lujan Substation. It's the yellow-orange line. And the green dot there is the Miguel Lujan, not quite in the center of it. And of course the blue-purple is the city limits. But you can see that that station serves a large, growing area.

For consistency purposes I thought you'd like to see the entire route. This is the route from the tap at the existing 115 line along Rufina. We cross into the city and then into the portion that we're talking to you about, the green portion in the Agua Fria traditional historic community, and then on into the city and onto the Miguel Lujan Substation, which is in the city on Industrial Road.

This is the request, this is the property that we are here tonight to discuss. This is .2 miles in the traditional historic community and the Santa Fe County jurisdiction. It's .2 mile, a single-pole transmission structures, approximately two structures, tubular steel. They'd be 80 feet. We're talking about 85 to 100 because we're not sure what we're going to have to cross at the intersection of Henry Lynch and Rufina. The structures are designed to accommodate a distribution underbuild. That's why the minimum height is 85 feet. And any necessary easements for the transmission and distribution line have been acquired.

This is a photo looking east along Rufina on the city property, then looking east. There's a question about the height. The structures would be single-pole, tubular self-weathering steel designed to accommodate a distribution underbuild and they're typically 85 feet in height.

Public involvement. We've had two public meetings that occurred in the past two years, and we've actually had more than that now. We had an original public meeting in January of 2004. We presented three alternatives and asked the community to select a preferred alignment. The second meeting was in May of 2005 to present the preferred alignment and to get any additional input. We met with the Agua Fria community at the Agua Fria Utility Subcommittee meeting on June 27, 2005. We also met with them October 24, 2005. We always communicate with our neighborhood associations and any interested parties.

We originally designed this as an overhead line and we worked with the stakeholders and citizen groups to identify the siting of an overhead project and design that would be acceptable to all.

Visual considerations: two poles, the structure height would be between 85 and 100 feet, self-weathering is brown. It looks like a wood pole but it's steel. We would use non-

specular which is non-reflective conductor, which is the wire. We would carefully place the transmission structures and the distribution structures to avoid any driveways and access roads, and then the following visual simulation illustrates what the project would look like. So to orient yourself, you're standing on city land by the apartments and you're on the - you're looking from the northwest at the site. Of course when the picture was taken the site was vacant and now there's a retirement home on that site. So this is what the site looks like today, and this would be what the site would look like with the Miguel Lujan transmission line. Since it's Christmas, I thought I would put stars on the new poles. So there are two large poles and one small pole that would be along Rufina.

Overhead and underground considerations: PNM routinely builds overhead transmission lines. Overhead technology is time-tested, cost-effective. Overhead lines impact only the area surrounding the base of the poles. Underground magnetic fields are higher at the surface directly above an underground line, and at ground level directly below an overhead line. Underground failures could result in the line being out of service for a much longer period of time. Cultural resources could be affected because we would have to trench this. And undergrounding could create greater impacts such as soil loss and loss of native vegetation.

We're here to ask for approval of the .2 mile of single-pole transmission structures and as you all well know, reliable electric service is fundamental to the protection of the health, safety and welfare of this community. I'll stand for any questions.

CHAIRMAN ANAYA: Any questions of the applicant?

COMMISSIONER MONTOYA: Mr. Chairman

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: Does this - what involvement if any does the PRC have in this?

MS. MOYE: Mr. Chairman and Commissioner Montoya, PNM files a form called the 440 to inform the PRC that this amount of money is going to be spent on this project. It's an informational filing to the PRC.

COMMISSIONER MONTOYA: Just informational? They don't act on it or do anything on it?

MS. MOYE: That's correct.

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

CHAIRMAN ANAYA: Okay, I've got a question. You said .2, two tenths of a mile?

MS. MOYE: Yes.

CHAIRMAN ANAYA: But you've already got approval to build the lines with the City?

MS. MOYE: Mr. Chairman, that's correct.

CHAIRMAN ANAYA: So you're going overhead, and you've got approval from the City already.

MS. MOYE: That's correct.

CHAIRMAN ANAYA: So you're getting to this .2 and you're asking us to either go underground or overhead – or you're asking us to go overhead for this .2, and after that, back in the city again? Is it still overhead?

MS. MOYE: It's back in the city and then after that it's .6 of a mile in the Extraterritorial Zone, the Two-mile Extraterritorial Zone, for .6 mile.

CHAIRMAN ANAYA: And you got approved for both sides except for the .2.

MS. MOYE: I have not gotten approval for the .6.

CHAIRMAN ANAYA: On the other side.

MS. MOYE: On the other side. I've gotten approval for the one mile in the city. I'm here to ask for the .2 from the County tonight, and then I will be at the ex Zone, for .6 mile.

CHAIRMAN ANAYA: And you got approved for both sides except for the .2.

MS. MOYE: I have not gotten approval for the .6.

CHAIRMAN ANAYA: On the other side.

MS. MOYE: On the other side. I've gotten approval for the one mile in the city. I'm here to ask for the .2 from the County tonight, and then I will be at the Extraterritorial Zoning Authority in January to ask for overhead approval for the .6.

CHAIRMAN ANAYA: Okay. This is a public hearing. Is there anybody in the audience that would like to speak for or against this project? Hearing none, what's the pleasure of the Board?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: They're putting poles similar to this up now outside of Richards Avenue that were approved as a part of the line that goes into the substation there on Richards Avenue in the city. And these self-weathering poles are very obtrusive. They stand out like a sore thumb and probably the easiest way is if you look in your packet, if you go back to the end of this presentation and look for Figure 8 in the packet. If you can find it.

CHAIRMAN ANAYA: The one they handed out?

COMMISSIONER SULLIVAN: No, it's in the packet.

CHAIRMAN ANAYA: Okay. You see Figure 8? That's the before picture. Now flip over to the next one, Figure 9. That's with the pole put in, one pole put in. So they really stand out like a sore thumb. I was surprised. I think one reason, it's obvious they're very tall. And the other reason is there's nothing around them that's that color. That weathering brown is kind of the color of the door to the Commission Chambers. It's a rust color. Dark, dark rust color. And it goes against the blue sky and it just absolutely stands out. And I don't know if they could be painted blue or white or something, but I don't think you could pick a color that would stand out more than that color does.

I know there's an advantage to having self-weathering because once it has a patina

of rust on it you don't have to come back in there and paint it. So there's probably some maintenance advantage there. But all I can tell you is once I saw those things, they are very intrusive on the landscape.

MS. MOYE: Mr. Chairman, if I could, the picture I believe you're referring to in packet is up on the screen.

COMMISSIONER SULLIVAN: No, it's a different one. It's a Figure 8. But we've seen the drawings. That's my comment.

COMMISSIONER VIGIL: The underground line, is it a transmission or a distribution line?

MS. MOYE: Mr. Chairman, Commissioner Vigil, we're requesting permission for an overhead transmission line, and an overhead distribution line.

COMMISSIONER VIGIL: Which one will be underground.

MS. MOYE: If you request this to be placed underground, the transmission line will be placed underground. The distribution line will not be built.

COMMISSIONER VIGIL: And why is that?

MS. MOYE: Mr. Chairman, Commissioner Vigil, the community, during our meetings in 2004/2005 asked for distribution underbuild along this line. They wanted it overhead so we would put in distribution underbuild so that they could tap off that for electricity for their property. Because right now, they have to either go to Cerrillos Road or Agua Fria Road to get electricity for them to develop their land.

COMMISSIONER VIGIL: Is it possible, Laurie, for them to tap into a line if it was dug underground?

MS. MOYE: Mr. Chairman, Commissioner Vigil, PNM would only place the transmission line underground. We would not place this distribution line underground. This distribution line is not needed today for a PNM system.

COMMISSIONER VIGIL: It's for future use?

MS. MOYE: It's for future use, but we agreed with the community to place it in now overhead.

COMMISSIONER VIGIL: Okay. Is it possible for PNM to underground both distribution and transmission lines?

MS. MOYE: Mr. Chairman, Commissioner Vigil, PNM routinely undergrounds distribution lines. This would be our very first transmission line that we would place underground. And because we do not need this distribution line today, we would not put it underground and spend the money to do that. And we would not put both of those lines in the same trench. So there would be one trench for the transmission line and then in the future, if you deny the height variance, the distribution line would be placed underground, most likely across the street and not in the easement for the transmission line. Am I answering your question?

COMMISSIONER VIGIL: Why would it be placed separate? Do you need to place them separately? Is that a safety issue?

MS. MOYE: Mr. Chairman, Commissioner Vigil, it is a safety issue. It's a

heat issue also, and if you would like more technical descriptions I have an engineer that could perhaps better answer that question.

COMMISSIONER VIGIL: No, I just needed to know whether it's a safety issue.

MS. MOYE: Yes, ma'am.

COMMISSIONER VIGIL: Question. If we do not grant the variance for the underground, what would happen then? Would you go ahead and pursue the underground and maybe appeal or go to the PRC under Rule 22 and request - what would you do?

MS. MOYE: Mr. Chairman, Commissioner Vigil, we would wait to see how the EZA rules on it and if they ruled for it to be overhead, this is only two poles and .2 mile and we probably would come back to you appealing it or to district court if that's our other avenue. We would not put two poles underground. If the EZA denies our request to build it overhead, then PNM is prepared to go to the PRC and ask the PRC to consider this transmission line to be considered as a part of Rate Rider 22, and given the terms of the rates, only the jurisdiction, the governmental jurisdiction that is requesting the underground, the PNM customers within that jurisdiction would pay the differential cost, which means that the City of Santa Fe would not pay. They would have an overhead line. We would stop at the city, go down, go underground, and then come back up to tap into our line, our Project Power line, our existing overhead line.

And that cost differential of \$2 million would be divided among all of the PNM customers in Santa Fe County.

COMMISSIONER VIGIL: And is that a guaranteed decision by the PRC?

MS. MOYE: If I could ask my lawyer to step up here, Mr. Chairman, Commissioner Vigil.

ANASTASIA STEVENS: Good evening, Mr. Chairman, Commissioner Vigil. I'm Anastasia Stevens with Keleher & McLeod representing PNM. The answer to that is it's not a guaranteed decision. As you are obviously aware, the tariff has a limitation for transmission level lines. Based on a Supreme Court ruling though that affirmed that tariff, and based on the Commissioners' rationale and the testimony of all the parties, PNM is fairly confident that the Commission would not make that distinction. The reason that the tariff does not include overhead was because PNM at that point was taking the position, and I think probably still takes the position today, that only in rare circumstances would they consider, for safety reasons, undergrounding transmission level lines. Again, the thought there was long distance lines. This is a unique situation. The only other place where they do have underground lines is in downtown Albuquerque for a very small section.

COMMISSIONER VIGIL: Thank you. Mr. Chairman, I have no further questions. What I will comment at this point in time is this particular project is within my district and I have been speaking with constituents and I'm well aware of PNM's efforts to create resolve with a lot of the issues that the Agua Fria Village Association and the constituents around there have had is dating back to a substation issue about two or three

years ago. The AFDRRC, through the minutes that they proposed in our packet, and by the conversations of I've had with the members of the AFDRRC, are recommending that we grant this variance to this underground requirement in our ordinance. I do believe that it isn't appropriate to do variances for ordinances, but in this case for .2 miles, based on the residents' desire to be able to hook up to this line, because I know there's a lot of potential, private, personal development in that area that these residents have an interest in, and I think that was probably the reason why they voted to recommend that this body grant the variance.

Mr. Chairman, with that, I have no further questions.

CHAIRMAN ANAYA: Is that a motion, Commissioner?

COMMISSIONER VIGIL: I can make it in the form of a motion. Mr. Chairman, I move that the Board of County Commission approve case #DP 05-5430, PNM Miguel Lujan Line Extension to allow for .2 mile of a newly constructed electrical pole and overhead electrical lines to serve the Santa Fe area, providing a variance from our ordinance that requires undergrounding, and a variance that has a limitation for height restrictions.

CHAIRMAN ANAYA: Is there a second? I'll second it for discussion. Any discussion? Commissioner Campos.

COMMISSIONER CAMPOS: Question for Commissioner Vigil. I didn't quite hear your entire argument. You said that the folks from Agua Fria supported the overhead? What was their rationale?

COMMISSIONER VIGIL: Their rationale, according to the minutes that we have from them and some of the communications that I've had is that they will be able to hook up to the overhead when they start developing their properties, whereas, the way they are currently, they would have to go to a further distance to hook up and it would be more costly for them.

COMMISSIONER CAMPOS: Okay, I have a question for Ms. Moyer. Ms. Moyer, you said it would cost an additional \$2 million to do the undergrounding, the .6 and the .2? Is that about right?

MS. MOYER: Mr. Chairman, Commissioner Campos, yes.

COMMISSIONER CAMPOS: And how would that be paid out over a year, over ten years, over twenty years? How is that paid out?

MS. MOYER: PNM is proposing that that \$2 million be paid out over a three-year period, 36-month period. And the way the tariff reads it is divided up by the rates, the schedule that you receive your electricity, what schedule you're under. And so it would depend on what type of user you are as to how much of a rider you would see on your bill.

COMMISSIONER CAMPOS: You're saying three years that you would request that the PRC - do they have any kind of discretion to say five or ten years?

MS. MOYER: Mr. Chairman, Commissioner Campos, the PRC does look at the length of time. However, the carrying costs beyond three years, it just becomes more

and more. It's higher and higher.

COMMISSIONER CAMPOS: When you say carrying costs, you're talking about –

MS. MOYE: If I could, I'm going to ask the lawyer to step back up here.

MS. STEVENS: Let me say first of all the tariff provides for between one and seven years of collection, but that's the sort of term that the Commission could vary if they felt appropriate. Carrying costs are interest rate based on investment and there's a fairly complicated calculation because your investment declines as you start to recover it. But it would be based on a percentage. Strictly speaking, under the tariff, it's based on PNM's last litigated rates case, which was because PNM's had lots of rate case settlements with reduced rates. The last litigate rate case was in 1990 and the interest rate then was 12.52 percent. Maybe it's 12.62 percent. Anyway, it's quite a high number. The cases since then have stipulated – involved with the Rio Rancho request, it's stipulated at a lower percentage than that. But it still adds substantial cost, so there's a balancing process that the Commission and the company take into consideration, what people can tolerate as an increase versus additional cost. The purpose is to make PNM whole, not necessarily to – and to moderate the effect on customers.

COMMISSIONER CAMPOS: Have you figured out how much, if you did have to make the \$2 million investment, how much that would affect the average user of electricity in the county?

MS. MOYE: Mr. Chairman, Commissioner Campos, yes, we have some approximate numbers. If you're a schedule one, which is a residential user, you would see \$2.63 on your bill. Now, understand these are approximate numbers.

COMMISSIONER CAMPOS: That's per month, right?

MS. MOYE: Yes, per month. Right. These figures are per month.

COMMISSIONER CAMPOS: And that's on a how many year pay-out?

MS. MOYE: Three years.

COMMISSIONER CAMPOS: On a three-year pay-out. And how would that be on a seven-year pay-out.

MS. MOYE: \$1.40.

COMMISSIONER CAMPOS: Okay.

CHAIRMAN ANAYA: Any other questions? Commissioner Sullivan.

COMMISSIONER CAMPOS: I have a question still for legal.

MS. MOYE: Excuse me, Mr. Chairman, Commissioner Campos, Would you like the rest of the numbers? It's more than just the residential users.

CHAIRMAN ANAYA: Okay.

COMMISSIONER CAMPOS: Go ahead, if you'd like.

MS. MOYE: I would like to just read it in if I could. Schedule 2 which is small power users in a three-year period would see \$2.23, shops, offices, small warehouses. Schedule 3 user, which is what's called general power, which is larger commercial facilities, larger buildings, up to about 120,000 square feet would see an

increase of \$57.54. The large power users, which are you largest commercial and industrial facilities, very large office buildings over 150,000 square feet, large food stores, large retail chain stores, large manufacturers would see a monthly increase on their bills of \$591.13. And then Schedule 11 which is water and sewer, which is 11-B, would be \$90.68. All those figures are over a three-year period.

COMMISSIONER CAMPOS: Okay. Question for legal. This ordinance we have that says that all these power lines must be undergrounded, what authority do we have as a Commission to waive or vary that? Is it explicit?

MR. ROSS: Mr. Chairman, Commissioner Campos, it's the same criteria we normally have when we're -

COMMISSIONER CAMPOS: So it's the regular variance criteria?

MR. ROSS: That's right.

COMMISSIONER CAMPOS: Do you think this is - so the regular variance criteria would apply, and you're talking about the County or the EZO criteria, right?

MR. ROSS: Undue, extreme hardship. Yes. Related to topographical blah blah blah. And that doesn't seem to apply to this.

MR. ROSS: I guess that's your call.

COMMISSIONER CAMPOS: What's your call?

MR. ROSS: In normal situations, you're right. We're talking about a cliff, a river, that makes a portion of the property unusable and requires you to look, to vary from the provisions of whatever code you're having a problem with. This doesn't fit into that nice, neat box, of course.

COMMISSIONER CAMPOS: It doesn't seem to. Okay. Thank you.

CHAIRMAN ANAYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Could I understand again, if you have to underground, you won't do the transmission line. Is that correct?

MS. MOYE: Mr. Chairman, Commissioner Sullivan, if we have to underground, we would not do the distribution line.

COMMISSIONER SULLIVAN: You wouldn't do the distribution line.

MS. MOYE: That is correct. And if we did underground, we would restrict the use of the easement. Currently, with an overhead easement, the landowners have full use of the 15-foot easement underneath the wires for parking, drainage ponds, landscaping, that sort of thing. We ask that the National Electric Safety Code be followed in terms of any structures that they would put adjacent to the line. If the line was underground, they would not be able to pave it. They would not - we would not want them to park on it. There certainly could not be a retention drainage pond on it. So the easement would be more restrictive.

COMMISSIONER SULLIVAN: Okay. Now, you're talking about the transmission line. The line - am I correct?

MS. MOYE: Yes, sir.

COMMISSIONER SULLIVAN: The line that you have to have at this point is the transmission line. And does that cost \$2 million?

MS. MOYE: Yes, sir.

COMMISSIONER SULLIVAN: Okay. So the distribution line, that's no additional cost onto bills, onto the monthly cost of bills.

MS. MOYE: To place it underground?

COMMISSIONER SULLIVAN: To place it anywhere? Above ground, underground.

MS. MOYE: Neither is the transmission line to place it overhead. To place either one overhead, to place the - because the distribution line is not included in the underground cost, the underground cost only reflects the transmission line.

COMMISSIONER SULLIVAN: Okay. But PNM recoups the cost of all of its capital investments through its rates, right?

MS. MOYE: Mr. Chairman, Commissioner Sullivan, yes, that's correct.

COMMISSIONER SULLIVAN: So one way or another, PNM is going to be reimbursed for the cost of this. Now, the \$2 million, that's for the .6 of a mile and the .2 of a mile?

MS. MOYE: Mr. Chairman, Commissioner Sullivan, yes.

COMMISSIONER SULLIVAN: You can just say yes. It's late. So if you can't go underground with the distribution line and you can't go overhead with the transmission line, theoretically, you will still build the transmission line.

MS. MOYE: That's correct.

COMMISSIONER SULLIVAN: Okay. And the distribution line you're doing as a favor to the land developers that are looking to develop along the route of the line.

MS. MOYE: That was the request of the community. Yes.

COMMISSIONER SULLIVAN: When you say the community, what does that mean, the community?

MS. MOYE: It means the landowners along Agua Fria, in Agua Fria and along Rufina, on both sides of Rufina.

COMMISSIONER SULLIVAN: Okay. Thank you.

CHAIRMAN ANAYA: Okay, do we have a motion? We have a motion and a second and we've had discussion. To me, being an electrical contractor, to me it doesn't make sense to go overhead and then drop down and go underground .2 of a mile, and then come back overhead if the EZA decides to approve it. I think that we all - there are thousands of power poles in the City of Santa Fe. You'll see this power pole for two days and then it will disappear and you'll never look at it again. That's just the way I look at things. I see the pole in and then it's gone. If you leave today and drive home you're going to see all the power poles but then tomorrow you'll wake up and you'll forget about them.

And then we need to upgrade our power lines. Everybody needs electricity. Everybody uses electricity. So I think this makes sense. Then you have the CDRC

approval and the community's approval from there, I just think you – you have the Commissioner that serves that district that is in agreement, I think this is a win-win.

The motion to approve passed by majority 3-1 voice vote with Commissioner Sullivan voting against and Commissioner Montoya abstaining.

COMMISSIONER MONTOYA: Mr. Chairman, I guess I would have liked to have seen the EZC minutes before I would have voted on this. I didn't even know that they had met until Commissioner Vigil mentioned that. And I was just kind of curious as to why they voted to disapprove this.

CHAIRMAN ANAYA: Okay. Thank you. The ayes have it.

COMMISSIONER MONTOYA: So I'll abstain.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Campos.

COMMISSIONER CAMPOS: Just a quick comment. This is really a huge policy question that we have to be consistent about. If we have this rule, we have to be willing to pay for it but it seems like we don't want the poles but we don't want to pay for it. So I think this Commission maybe has to revisit that legislation and decide what it wants to do because it can't just be inconsistent.

CHAIRMAN ANAYA: Thank you very much for your comments.
Congratulations.

MS. MOYE: Thank you, Mr. Chairman, Commissioners.

CHAIRMAN ANAYA: You're welcome.

- XIII. A. 8. CDRC Case #Z 04-5120 – Luis Atencio Master Plan – Luis Atencio, Applicant, Request Master Plan Zoning Approval to Allow a Gallery and a 35-Seat Restaurant on 3.37 Acres. The Property is Located at the intersection of US 84/285 and County Road 88, within Section 18, Township 20 North, Range 9 east (Commission District 1**

MR. DALTON: Thank you, Mr. Chairman. On October 21, 2004, the County Development Review Committee met and acted on this case. The decision of the CDRC was to recommend master plan zoning approval to allow a 35-seat restaurant facility and art gallery totaling 2400 square feet on 3.37 acres. The applicant is requesting master plan zoning approval for a 2400 square foot 35-seat restaurant facility. The property is partially developed and includes the Atencio family private chapel and two service buildings. The property is located within a designated commercial district, in accordance with Article XIV, Section 7, El Valle de Arroyo Seco Highway Corridor Zoning District.

The application was reviewed for adjacent property, access and parking, terrain

management, water, liquid and solid waste, fire protection, landscaping, signage and lighting.

Recommendation: If the County Hydrologist agrees with the evaluation on the geo-hydrological report, staff recommends approval for master plan zoning to allow a 2400 square foot 35-seat restaurant facility and art gallery on 3.37 acres. Mr. Chairman, it is staff's evaluation that the County Hydrologist does not agree with the geo-hydrological report submitted by the applicant, therefore staff recommends denial based on lack of water availability. This application does comply with all other code requirements. Thank you.

CHAIRMAN ANAYA: Thank you, Wayne. Any questions of Wayne? Hearing none, is the applicant here?

[Duly sworn, Mustafa Chudnoff testified as follows:]

MUSTAFA CHUDNOFF: Mr. Chairman, members of the Commission, my name is Mustafa Chudnoff, senior hydrologist with Glorieta Geoscience consulting firm based here in Santa Fe. Mr. Atencio has requested that I assist him with the presentation, given that the primary issue of concern is the State Engineer's opinion on water availability and the questions related to the water budget for the proposed project.

Let me give you a bit of chronology if I may. The original submittal was made in 2004, late summer of 2004. At that time there was no geo-hydrologic study conducted per the County Code requirements. On the basis of the failure of the – or the lack of this submittal, the State Engineer issued their negative review in a letter dated September 17, 2004. Subsequent to that date, a geo-hydrology report was submitted and provided to the County and reviewed by the County Hydrologist, Dr. Wust. That report is dated April of 2005.

The geo-hydrologic, the well testing aspect of that report was found to be adequate. That is my understanding from the County Hydrologist. However, there was still an issue regarding the water budget. Our firm was retained to re-evaluate the water budget and submit a revised calculation. That we did in a memorandum addressed to the County dated October of 2005 and that memorandum was reviewed by the County Hydrologist who has found the water budget to be problematic – excuse me. The water budget was found to be acceptable in terms of estimating the demand of the restaurant, and that number, we estimated that the restaurant would require on an annual basis approximately 0.285 acre-feet per year.

However, the County Hydrologist had reservations regarding the minimum lot size and water availability calculations. And the County Hydrologist's comments are summarized in a letter addressed to staff dated November 1, 2005. Subsequent to that we held a meeting with the County Hydrologist and he agreed to consider a revised water availability calculation which I have submitted to him today. I have some additional copies here to pass around if I may.

[Exhibit 4]

The concern of the County Hydrologist, which I share, is that the well log that was prepared by the well driller, and it was not done under the supervision of an onsite geologist is very vague and general in terms of describing the amounts of sand and clay in the well. And based on that ambiguity, Dr. Wust adopted a conservative approach in calculating the minimum lot size and water availability. We have a 48-hour pumping test that was conducted at a

continuous rate of 20 gallons per minute. After the first 12 hours the draw-down ceased. That is the water level stabilized in the well for a period of 1 ½ days to the conclusion of the test. And then the well fully recovered after the test. That is not suggestive of a well that is predominately clay as assumed by Dr. Wust.

So I've prepared revised calculations and I would suggest to you that a water availability of .297 acre-feet, or adequate to meet the project's water supply is available. So on the basis of this revised calculation, the applicant, Luis Atencio is requesting that you proceed with approving the project. I don't want to speak too much for Dr. Wust. I know he's expressed some concern he hasn't had an opportunity to review my memorandum in detail. Dr. Wust in his November 1 memo was prepared to recognize a water availability of .22 acre-feet, which will meet the bare necessity of the project, based on our approved water budget, so if County staff needs additional time perhaps the Commission would be prepared to accept a suggestion from the applicant that you grant approval for a project with a water use of .22 acre-feet with the right to increase that to as much as .297 acre-feet, subject to review and approval by County staff. Thank you very much.

CHAIRMAN ANAYA: Thank you, sir. Any questions? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Just one question on the water budget. Talking in the packet about .35 acre-feet as being requested. Or .33, correction. And Dr. Wust is saying that the aquifer can only sustain .22 acre-feet. The State Engineer letter says that average restaurants in Santa Fe, on the average, not the high end, use 4.9 acre-feet. So there seems to be a large difference between 4.9 acre-feet and .22, which is perhaps what one single residence might use with people eating three meals a day as opposed to a restaurant of 35 seats, which could theoretically serve 100 meals a day, and washing dishes and so forth that would go with that.

Have you looked at this 4.9 acre-feet that the State Engineer is the appropriate number for a restaurant?

MR. CHUDNOFF: Chairman Anaya, Commissioner Sullivan, I have not looked into the analysis, specific analysis conducted by Santa Fe County. The water budget that I prepared is based on looking at meter water use by two comparable Mexican or northern New Mexican restaurants, El Parasol Restaurant, owned by the Atencio family, located in Los Alamos. There is a Parasol Restaurant owned by the Atencio located here in Santa Fe. And my water budget is based on the number of customers, the number of tickets, daily tickets, monthly, annual tickets, and their metered water use. It's quite interesting, and this is documented in my October 2005 report, it's quite interesting that both restaurants, the water use in both restaurants fell closely together at that - I've got the numbers here, but basically, 1.24 gallons, a little over one and a quarter gallons per ticket. And a ticket includes both take-out as well as sit-down customers.

I think the difficulty with using a generalized number as developed by Santa Fe is are they including restaurants with service bars? What other features or amenities are included in the restaurant? What type of food do they serve? So I think a better comparison is looking at

restaurants with similar service characteristics and a similar menu. And I think that's accomplished with the El Parasol comparables.

CHAIRMAN ANAYA: Any other comments? Okay, this is a public hearing. Is there anybody in the audience that would like to speak either for or against this case? Are you for or against?

[Duly sworn, Valerie Espinoza testified as follows:]

VALERIE ESPINOZA: Commissioners, Chairman Anaya, my name is Valerie Espinoza and I'm not here on official business with the County Clerk's office. However, I'm here to speak in support of Mr. Atencio, my former neighbor from Santa Cruz and his request to have his property in Arroyo Seco zoned for commercial use. I've known the Atencio family for a lifetime and they're a very prominent and long-established family from the Española area.

Their existing restaurants, as many of you know, the Paragua and the El Parasol, have been in business in the area for almost 40 years. And this family has placed many residents from the City of Española and Santa Fe County to work, thus providing some form of economic development and as a matter of fact, the food and service in his restaurants are excellent.

It's my understanding that this property lies within a commercial district already, which is at the intersection of US 84/285 and County Road 88. Within that area there's a modular home sales lot, a gas station, a fire station and a County Public Works substation site. I don't know if any of you have seen his site yet, but if you have, you would notice there's a man-made capilla, a chapel, which is very remarkable, and bears a cross that shines bright at night. This chapel and proposed restaurant can only add to the value and beauty of the Arroyo Seco area.

Mr. Atencio, I have witnessed has jumped through hoops to accommodate the land use requirements and has had this case tabled over and over, and has hired different firms as you've heard, and spent a lot of money to get to this state. First, I think he was told he needed water rights, and then he didn't need them and he simply just wants to open a business for himself and his family.

So I would just personally like to see the Commission recommend approval of this proposal. Thank you for your time and consideration.

CHAIRMAN ANAYA: Thank you, Ms. Espinoza. Any other comments for or against? Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Chairman, I just would like to have Dr. Wust's assessment of the hydrological issue.

DR. WUST: Mr. Chairman, Commissioner Campos, basically, the only real information we can go by on this well is the driller's log. It describes the majority of the formation as brown sandy clay. And as a geologist, I have to interpret, put some kind of numbers to that. But that tells me, by saying that, that it's mainly a clay with a little bit of sand in it. Now, the lower 40 feet, which the driller defined as the primary water-bearing zone, was described as sand and clay lenses. And so there it's pretty easy to say, we can estimate it's probably 50-50, when somebody says something like that. But when somebody says brown

sandy clay, one must assume the vast majority of the thing is clay. Now, Mustafa mentioned to you that they had some pretty good transmissivities when they did the pump test. Well, you can have one water-bearing zone with very high transmissivities and get those results. To use an extreme example we see wells in the mountain zone that's nothing but solid granite until they hit a fracture and then they get huge productivity out just a really small portion because of very high transmissivities.

So that's not definitively related to the total thickness of the well. And the way the County estimates, or the methodology from the County's perspective, how we do it under the Code to look at a 100-year water supply in storage under the property, we have to look at saturated thickness and the yield of that saturated thickness. And when applying that to this particular well you come up to the results that I came up with. In fact in the Code rewrite, I've been rewriting a portion of the water supply part and I've been trying to define that more directly. It's pretty vague in the current Code, but what I just described to you, the way I look at it in terms of trying to estimate a description of brown sandy clay versus sand and clay, I've put that into the Code rewrite so we can all do it the same way from now on. So I'm trying to be consistent here on the methodology.

The terms of the water budget, I thought that Mustafa had adequately had tried to do a reasonable estimation the way he looked at it. I agree that a lot of restaurants in the city use quite a bit more water. I think there may be some other factors there. For example, the city has absolutely no restrictions on people's water use. So I don't know what kind of water conservation methods a lot of the restaurants in town use. But I can say that the water budget originally estimated in the last report, which I think was about .33, really utilized a lot of water conservation methods and I don't see how they can get it down to .22. And I haven't been given any documentation how they could succeed in that, so I'm a little hesitant that the applicant would just agree to be at .22. I don't know how they can actually meet that budget.

The unfortunate fact is that that's not a very deep well that was drilled through a lot of clay layers and therefore the water availability is less than some other wells in that area. That's just a fact of the well. I'm just addressing the water availability and the methodology used on the water budget.

COMMISSIONER CAMPOS: Thank you, Mr. Chairman.

CHAIRMAN ANAYA: Okay, what's the pleasure of the Board?

COMMISSIONER VIGIL: I have a question for Mr. Wust, Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Vigil, go ahead.

COMMISSIONER VIGIL: Your memo of November 1, 2005 makes that assessment. But I also heard the geo-hydrologist state that subsequent to this memo there's been a new geo-hydrological report. Is that accurate?

DR. WUST: Mr. Chairman, Commissioner Vigil, no. There has been multiple geo-hydrologic reports. First off, I think it was noted there was a typo on that memo of mine. You're correct. It's the first of November, 2005. I think it says November 200. I left the five off. But this last November, that's the date of that. There was a geo-hydrologic report and water budget originally done by Jim Corbin. And there was an earlier review by me and

actually the review by the State Engineer, I believe is based on that earlier geo-hydrologic report by Corbin.

Since that time GGI took over and did another geo-hydrologic report, and that one, the more recent one that Mustafa talked about is the one that first of November review is based on. That's the most recent one I've seen.

COMMISSIONER VIGIL: It appears, Mr. Chairman, Steve, that there is a possibility that the applicant could offset the water budget by water conservation measures. Was that your intent?

DR. WUST: Mr. Chairman, Commissioner Vigil, I think at this point it's probably a lot more about the size of the restaurant, the number of seats. That would probably have a much greater effect. There could be some other water conservation measures. For example, the amount of take-out and not having to wash dishes versus eat-in. Those kinds of things. But in essence, until I'm really presented with something and how they're going to figure it all out, I can't tell you that they can reduce their budget and there are ways to do it like I just mentioned, reduce the number of seats or try some other methods in terms of the way they serve food. But until that's all laid out, I don't know if they can reach .22, and I don't know what the number would get to, depending on what they propose.

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

CHAIRMAN ANAYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chairman, I just want to bring up a couple of things. If the Commission were to approve this master plan, two things I think are important. One would be a condition that it's only for a 35-seat restaurant because we can see that it would be fairly easy to increase the size of the restaurant and then go way over the water budget and 100-year water availability. So that would be one condition that I would suggest. Another one would be that the applicant contact the Environment Department Drinking Water Bureau because the staff, Dr. Wust's report indicates that this would probably be a public water system. And just like the girls school was. We had that same condition in the girls school that we approved just recently and they did in fact contact the Environment Department and the determination, my understanding was that yes, it is a public water system. You're dealing with the public and the health and safety of the public is of course paramount.

So what that means is that they require monthly tests and so forth to be sure that the water meets the health standards. But I think those are two conditions that would be important as a part of the conditions that are laid out here.

CHAIRMAN ANAYA: Are you done, Commissioner?

COMMISSIONER SULLIVAN: I'm finished. Thank you.

COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: Steve, is that the public water supply system, is that something that every restaurant around this area, let's say, goes through? Tia Sofia's or San Francisco -

DR. WUST: Mr. Chairman, Commissioner Montoya, first off, any restaurant

or any facility at all that's already on a community water supply is not a public water supply system itself. It's part of another water supply. So Tia's would be already on somebody else's water system. Most restaurants are, and it's got to do with the definition. It's a different definition than what the County uses for community water system. And it's pretty simple. If you serve 25 or more people for at least 60 days a year, you're a public water supply system. So for example, the rest stop at La Bajada is actually a public water supply. And when you're your own water source then you have to follow all the rules because somebody else isn't doing it for you because you're not attached to somebody else. In this case they have their own source, a well, with 35 seats, they're probably going to be serving 25 or more people at least 60 days a year, which would make them a public water supply system.

The type of system they are, the regulations aren't very nefarious. They mainly have to do with checking for bacteriological contamination, and in this case I believe nitrates. They're a lot more strict if you for example serve households because people drink a lot more water when they're home. But the big thing is the bacteriological. That's the number one concern of public water systems and that's the public health and safety issue that Commissioner Sullivan alluded to.

CHAIRMAN ANAYA: Okay. Did you want to speak?

MR. CHUDNOFF: Mr. Chairman, members of the Commission, on the subject of review by the New Mexico Environment Department, we are aware that this is a requirement. It was in a previous version of proposed conditions of approval by County staff and through the development review process NMED will be obviously reviewing the plans and imposing some type of a testing program that the applicant will accept.

CHAIRMAN ANAYA: Okay.

COMMISSIONER MONTOYA: Yes, it's in the conditions. Mr. Chairman, I would recommend approval of this case, upholding the CDRC recommendation, as well as the applicant's suggested water budget of .297. Adding that to the condition.

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

COMMISSIONER VIGIL: I'll second it.

CHAIRMAN ANAYA: Any discussion?

COMMISSIONER MONTOYA: Mr. Chairman, I feel that Mr. Atencio has been through a pretty laborious process here, having communicated pretty extensively with him about this. He's gone through what's needed to be done to the letter or our Code and our ordinance and I believe that what he's proposing here is going to be a low water use restaurant and facility. I think that will be something that we'll let them and the staff work to determine exactly what that water budget will eventually be. But I do believe that this is something that's going to add to the community there in Arroyo Seco also and it's going to be a good thing for the community.

CHAIRMAN ANAYA: Commissioner Campos.

COMMISSIONER CAMPOS: I have a question for Commissioner Montoya. What do you mean allow staff and applicant to figure out the water budget?

COMMISSIONER MONTOYA: The .297. This, Mr. Chudnoff, is your latest

study results, right?

MR. CHUDNOFF: Yes, sir.

COMMISSIONER CAMPOS: This says that this should be the budget.

COMMISSIONER MONTROYA: That's what you're suggesting, right?

MR. CHUDNOFF: Mr. Chairman, members of the Commission, that is the water availability. The budget, the bare bones budget for the restaurant was presented in a previous memorandum. The discussions that we've had with the County Hydrologist is regarding the water availability and how to interpret the driller's log. And I've developed a number that's larger than the number developed by Stephen.

COMMISSIONER CAMPOS: And your budget is .22?

MR. CHUDNOFF: Let me just get the numbers correct for the record. In the report that I prepared dated October of 2005 the restaurant water budget, assuming 250 customers a day, assuming 125 would be take-out, 125 would be sit-down table service. We estimated that the restaurant would require 0.25 acre-feet. This is with the restaurant fully developed and busy every day that it's open. The balance of the water is for incidental and employee use at the art gallery. But the restaurant itself, the water budget is estimated at 0.25 acre-feet per year.

COMMISSIONER CAMPOS: And is there any way you could reduce this further? Dr. Wust suggests that you could sit down, provide additional data to discuss other options where you could actually reduce your budget needs.

MR. CHUDNOFF: The immediate action that would be taken by the owner if it appeared that he was approaching the water budget limit, unless the County's imposed some water conservation limit, water would only be provided at the sit-down service upon request. It wouldn't be automatic. To the extent that paper products could be used instead of washing dishes, that would be an option. And these would provide the biggest gains in water use. Limiting the number of seats or square footage doesn't limit the number of walk-in customers but switching over to paper products is always a possibility if we saw, as time progresses that we were approaching the limit.

COMMISSIONER CAMPOS: Dr. Wust, do you see any other ways of reducing the budget? Any other ways that we could do that?

DR. WUST: Mr. Chairman, Commissioner Campos, the most direct way that reduces water very quickly is reduce the number of customers they can serve a day. That's just the bottom line on how you reduce your use. You just serve fewer people. But I don't know if you want to impose that on him. That's a whole other business item. That is the most direct way to reduce your use.

COMMISSIONER CAMPOS: They're projecting, well, they want to have 35 seats, right? What would you have to reduce it by to come within your numbers?

DR. WUST: Mr. Chairman, Commissioner Campos, the way they calculated their water budget was by the number of meals served, both take-out and sit-down, so I'm not sure by reducing the number of seats, what that would affect in terms of the sit down. Things like that. I'm not sure I can figure it out in my head right at the moment. And based on their

methodology, that's why I just said reduce the number of people you serve because they did it by, as he said, by tickets. By the number of meals served.

COMMISSIONER CAMPOS: Your findings are that this well is clearly inadequate for what's planned for that project?

DR. WUST: My calculation is that the water availability is still significantly below their water budget.

COMMISSIONER CAMPOS: Thank you, Mr. Chairman.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: On condition 7, is there a clarification that's needed there? I was talking about contacting the Environment Department Drinking Water Bureau in my last comment and I had just reread condition 7. It says the applicant shall comply with requirements for a public water supply as required by the Office of the State Engineer. Maybe I can ask Mr. Dalton. Shouldn't that be the New Mexico Environment Department?

MR. DALTON: Mr. Chairman, Commissioner Sullivan, that is correct.

COMMISSIONER SULLIVAN: Okay, so Commissioner Montoya, that should be one correction I think that we would make to the conditions, that that would be the New Mexico Environment Department. The other thing we were talking about fine-tuning and shaving the water budget and this well has only limited capability. I don't see any condition here like we have on others for quarterly reports. So what monitoring do we have? Shouldn't we have a quarterly reporting condition here? Don't we typically require the applicant to submit quarterly reports?

MR. DALTON: Mr. Chairman, Commissioner Sullivan, yes. That actually should be put in as a condition, requiring quarterly reports to the Land Use Administrator.

COMMISSIONER SULLIVAN: Otherwise, we don't know whether he'll be using .297 or 4.9 as the State Engineer estimates, acre-feet per year. So Commissioner Montoya, I would recommend that that one correction and that quarterly report condition be added to your motion.

COMMISSIONER MONTOYA: That's fine. I guess the only question I would have, what's the comments and report that they're asking for from the State Environment Department under condition 1.a, and number 7, now that's it's been amended, instead of Office of State Engineer, NMED.

COMMISSIONER SULLIVAN: Well, Mr. Chairman, the State Environment Department has to approve their septic system, their wastewater system. And they also have to approve their public water system.

COMMISSIONER MONTOYA: So that would include that on 1. a?

COMMISSIONER SULLIVAN: It could. It could. Unless they had any other comments. They might have comments about setbacks, or location of the septic tank in relation to the building.

COMMISSIONER MONTOYA: It could include all of that.

COMMISSIONER SULLIVAN: It could include any comments, but in

specific, number 7 only talks about the public water supply, and I just wanted to clarify that you don't get that approval from the Office of the State Engineer; you get it from the Environment Department.

COMMISSIONER MONTOYA: Right.

COMMISSIONER SULLIVAN: The quarterly reports of course would be submitted to the County.

COMMISSIONER MONTOYA: So do we need number 7 if we're going to get it on 1. a?

COMMISSIONER SULLIVAN: Or 1.b, you could say, 1.b, including public water supply. I think the point is that they want to point out here to the applicant or to anybody else that deals with this that this is a public water supply, as opposed to any other comments the Environment Department might have, health comments, or it could have to do with the cooking facilities or the venting or the grease trap or anything like that.

COMMISSIONER MONTOYA: Because then it's also covered actually under 1.d. So they have to comply with comments from the County Hydrologist and his comments are to talk to NMED.

COMMISSIONER SULLIVAN: His written comments did not mention – yes, they did.

CHAIRMAN ANAYA: So Commissioner Montoya, do you agree with Commissioner Sullivan's amendments?

COMMISSIONER MONTOYA: Well, I guess we could probably just eliminate number 7, because they're going to have to comply with them under 1. b and 1.d, with the review of NMED and Steve Wust. So 7 is kind of redundant I think. So I would just eliminate 7 and add what would become number 12, which is the quarterly reports to the Land Use Administrator.

CHAIRMAN ANAYA: Does the seconder agree with that?

COMMISSIONER VIGIL: Yes.

CHAIRMAN ANAYA: Any more discussion?

The motion to approve CDRC Case #Z 04-5120 with conditions as modified above passed by majority 4-1 voice vote with Commissioner Sullivan voting against.

XIII. A. 9. CDRC Case #V 05-5221 – Bad Ass Coffee Co. Variance – Seferino and Ruby Valdez, Applicants, Requests a Variance of Article III, Section 4.1 and 4.2 (Types and Location of Commercial Districts) of the Land Development Code to Allow Commercial Zoning Outside of a Eligible Commercial District to Allow an Indoor/Outdoor/Drive-Thru, Retail Coffee Shop on One Acre. The Property is Located at 3 Kokopelli Drive within the Traditional Community of Pojoaque, Section 7, Township 19 North, Range 9 East (Commission District 1)

MR. DALTON: Thank you, Mr. Chairman. On November 17, 2005 the CDRC met and acted on this case. The decision of the CDRC was to recommend approval of a variance of Article III, Sections 4.1 and 4.2, types and locations of commercial districts of the Land Development Code to allow commercial zoning outside of an eligible commercial district to allow an indoor/outdoor drive-thru retail coffee shop on one acre. The property is currently vacant. The subject property is located at 3 Kokopelli Drive off State Road 502. The properties in the surrounding area are of mixed use. The applicant has indicated that if the variance is approved a master plan/development plan will be submitted for consideration for a drive-through, walk-in retail coffee shop.

Recommendation: Staff's position is that this application is not in accordance with Article III, Section 4.1 of the Land Development Code. In granting this variance, the purpose of the Code to avoid strip commercial development along collector and local roads, and to protect existing residential development from encroachment of not residential uses would be violated. Thank you.

CHAIRMAN ANAYA: Any questions of Wayne?

COMMISSIONER VIGIL: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Vigil.

COMMISSIONER VIGIL: Staff is saying that it's not in compliance with the commercial node, but I also read somewhere that through the planning process this is going to be recommended commercial corridor. Is that correct?

MR. DALTON: Mr. Chairman, Commissioner Vigil, that is correct. The Planning Department is looking at this area for commercial eligibility.

COMMISSIONER VIGIL: Is this also coming through one of our planning processes, the Pojoaque planning process?

MR. DALTON: Mr. Chairman, Commissioner Vigil, that is correct. We are looking at it with the Pojoaque Plan.

COMMISSIONER VIGIL: We have not adopted that yet, but if it is one of their recommendations, does that nullify the commercial node?

MR. DALTON: Mr. Chairman, Commissioner Vigil, there is no commercial node in this area. That is why the applicant has to request a variance to the location criteria. There is not a commercial node within this area.

COMMISSIONER MONTROYA: There is one.

MR. DALTON: The nearest commercial node would be 285 and I believe the road to Nambe. That's the nearest commercial district. This is about 2 ½ miles away from this district.

COMMISSIONER VIGIL: Thank you, Mr. Chairman.

CHAIRMAN ANAYA: Any other questions? Is the applicant here? Would you please come forward, state your name and we'll swear you in. Do you have anything to add to the testimony.

[Duly sworn, Ruby Valdez testified as follows:]

RUBY VALDEZ: Mr. Chairman and Commissioners, I believe that it will only add to the community of Pojoaque. I think that we need an establishment for people to meet, where they can gather. I think what we will be doing is not really employing high school students but rather employing some of the retired community in the area and I believe that it will just add a great value to the community.

CHAIRMAN ANAYA: Did you want to add something? Who came up with the name?

[Duly sworn, Seferino Valdez testified as follows:]

SEFERINO VALDEZ: No, she pretty much said it all.

CHAIRMAN ANAYA: Okay, is there any questions of the applicant?
Commissioner Sullivan.

COMMISSIONER SULLIVAN: I wondered, Mr. or Ms. Valdez, how far down Kokopelli Road is this coffee shop going to be?

MS. VALDEZ: Number 3 Kokopelli is right off of 502.

COMMISSIONER SULLIVAN: Okay. So how do we handle the traffic and the turning there? We just recently had a fatal accident on 502 not two months ago.

MS. VALDEZ: We still have to go through the master planning, so I believe all the state agencies still have to be contacted and then we will have a list of compliances that we have to go with.

COMMISSIONER SULLIVAN: So would this front on 502?

MS. VALDEZ: Yes, sir. It does.

COMMISSIONER SULLIVAN: I'm not so much concerned about the commercial nature of it in the corridor per se, as I am that the high speeds on 502, once you get up to about that point are over 55 miles per hour.

MS. VALDEZ: Mr. Chairman, Commissioner Sullivan, this property is located right past the old Pojoaque High School and over the arroyo there. So we are not – we're about three driveways before you would get to Nino's Automotive. So where traffic would be coming from would be from the stop light, or they would be taking the off-ramp to either Española or to Santa Fe. So I believe traffic is already either coming from a dead stop, or slowing down to be able to go and head in the direction that they're heading.

COMMISSIONER SULLIVAN: Well, we can look at that later. By the time you get to Nino's it's no problem to be going 55 miles an hour and I'm just wondering how it

would be signed to prevent rear-enders from collisions from people who would want to be turning right into there, and then also what you could do about people who would be wanting to turn left into there, who would be going east on 502. Do you have any thoughts on that?

MS. VALDEZ: No, Commissioner Sullivan, we do not. We do have to go through any of the compliances that Transportation would impose on us. We would hope that we would be able to meet all those conditions. If we wouldn't be able to meet all those conditions, of course we wouldn't want to have anything there that was going to be a liability for anybody. We only want to add value to the community.

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

CHAIRMAN ANAYA: Thank you, Commissioner. Any other questions of the applicant? Thank you very much. This is a public hearing. Is there anybody in the audience that would like to speak for or against this case? Hearing none, what's the pleasure of the Board?

COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: I'd like to move for approval of this case. It is at this point for the change to commercial, at which point if they go through the master planning process they will have to get the necessary compliances that Commissioner Sullivan is referring to. Commissioner Vigil is correct. I've been to a number of the Pojoaque Valley Planning Committee meetings and this case was actually discussed at the last meeting that they had and the committee was pretty favorable of the request when they presented before the committee last Thursday. I would say that it is likely that this is also going to become part of a commercial corridor, if you will, based on the discussion that's been going on within the planning committee as well, and I think what Sef and Ruby are trying to do is to get a little bit ahead of the game, now with materials and construction costs and everything the way they're going. It could be a while even before they get through the whole planning process before they're able to start something.

So I would move for approval of CDRC's action of November 17, 2005.

CHAIRMAN ANAYA: Is there a second? I'll second it. Any more discussion?

The motion to approve CDRC Case #V 05-5221 passed by unanimous [5-0] voice vote.

CHAIRMAN ANAYA: I can't wait to get some coffee there. Congratulations.

- XIII. A. 3. EZ Case DP 02-4325 La Pradera Subdivision, Phase 1 – Rosanna Vazquez, Agent for Gardner Associates, LLC (John McCarthy, Bob Lee Trujillo), Applicant is Requesting an Amendment of the Conditions Restricting Construction of 11 Live/Work Units as a Back-up Water Supply Plan for the Approved Plat/Development Plan for a Mixed Use Subdivision Consisting of 80 Residential Units and 16,335 square feet of Commercial Space on 69.2 Acres. The Property is Located Along Dinosaur Trail in the Community College District within the Two-Mile Extraterritorial District, Section 17, Township 16 North, Range 9 East (Commission District 5)**

JOE CATANACH (Technical Review Director): On March 9, 2004, the BCC granted final plat and development plan approval for the referenced mixed-use subdivision. The subdivision utilizes the County water utility. Conditions of the approval included restrictions on the construction of 11 condominium live-work units, and I would refer you to the development agreement attached as Exhibit B regarding that agreement between the applicant and the County. This restriction was for the purpose of providing a backup water supply plan until it could be demonstrated that the total water allocation of 13.14 acre-feet per year approved for the water service agreement would not be exceeded. The restriction is in effect until there is a minimum of three years of water use data from a sufficient number of occupied houses. The live-work units are included in the total residential density of 80 units which are restricted to .16 acre-feet of water per year per residential unit.

The applicant is requesting to submit water rights for transfer to the County water utility instead of restricting construction of the 11 live-work units. Based on consultation with the County Hydrologist, staff recommends approval subject to the following conditions:

1. Execute relevant agreement as required by the County Water Resources Department for water rights needed as a backup water supply plan.
2. Restriction on the construction of the 11 live-work unit shall remain in effect until water rights have been transferred to the County water utility.

Thank you, Mr. Chairman, and I would only add that Steve Wust is available for any questions that you may have.

CHAIRMAN ANAYA: Thank you, Joe. Any questions of Joe.

COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: For Steve. Steve, you're comfortable with what has been submitted here for your review? If maybe you could summarize it please.

DR. WUST: Mr. Chairman, Commissioner Montoya, I'm comfortable that if the Commission approves this that we can work out a water service agreement for the extra water. The question that remains is in essence how much? When this development was first

approved and got their initial water assignment, their 20 percent – what we used to call line loss, what I like to call line capacity surcharge was not part of the water allocation. And if the Commission so chooses, that could be added at this time for any or all of the total water budget. And what we would just do is do a water service agreement with the appropriate water rights for whatever amount that the Commission deems is appropriate.

So it's certainly allowable to do this. This is the same – bringing more water rights is part of the backup plan is what the Commission approved for Oshara and we worked out that agreement. So this is not an unusual arrangement. In fact it's been done before. So we certainly could execute that arrangement and the question just remains as to if the Commission wished to impose the 20 percent line loss at this time, for any or all of that water budget, and therefore that would just dictate how much water and water rights we negotiate in the water services agreement.

COMMISSIONER MONTOYA: Would you suggest that we include that, the 20 percent?

DR. WUST: Mr. Chairman, Commissioner Montoya, we've done it for almost all of them and I think it would be consistent to do that. This is also in the Community College District where 20 percent has usually been added. So I would think that's reasonable. I would add that because this would require – this is additional water, it would require a water services agreement. We're going to, based on discussion earlier today, we'll make sure that water services agreement is the current template that County Attorney Ross has put together so it will have all the standard requirements that we've had before.

COMMISSIONER MONTOYA: Okay. Thank you, Mr. Chairman. Thanks, Steve.

CHAIRMAN ANAYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chairman, I had a similar question, and my question was whether this development agreement was in fact the water service agreement. Because normally, we have an agreement to water budgets and then we have a water service agreement that includes all the details of the line hookups and the extra 20 percent line capacity surcharge. So I think it's good to clarify that. If Dr. Wust says it's been clarified, I did some quick calculations here and if that was done, they would have to have 4.39 acre-feet of water, in addition. And how I get that is I take 20 percent of their total water budget, which is what we do for all of them, and then as backup we add this 1.76 acre-feet – you see that in phase 2 of the agreement. Phase 2 of the agreement says that that will use 1.76 acre-feet. So the 1.76 would be the backup that they would have and the rest would be the line capacity requirement. Anyway, that's the numbers I come up with and from a technical standpoint I think it's do-able, as Dr. Wust says.

CHAIRMAN ANAYA: Thank you. Is the applicant here?

MS. VAZQUEZ: Thank you very much for letting me go to my kids' Christmas pageant. They did very well.

Commissioner Sullivan, we are in agreement with your numbers on the 20 percent line loss, but I wanted to just explain to this Commission why it was, what happened with our water

budget when we came in at master plan, because I think it's important. When we submitted our water budget for the original master plan we did two things. We went to the Office of the State Engineer, John McCarthy went to the Office of the State Engineer and put together a water budget. That water budget was submitted to master plan and was approved at master plan for La Pradera. That water budget was a .126. The approach that was taken during that water budget was to add everything together. Let's use low-flow fixtures, faucets, toilets, dishwashers, and let's figure out a graywater system for this development. And these developers did in fact put that together.

So we came forward with a water budget of a .126 that the Office of the State Engineer helped us with and approved. When Dr. Wust came in, which was after the master plan approval, he said, wait, wait, wait a minute. You need to give me some facts. This isn't good enough for me and he said okay. So we did. We went back the County utility numbers. We took Rancho Viejo's numbers, which averaged a .18 and from it we subtracted out certain things that our subdivision wasn't going to have. So from the .18 we took out evaporative coolers, which we have not allowed through our covenants. We took out outdoor landscaping because we were going to use graywater instead. And we added something innovative to our water budget, which wasn't counted in the calculation by Dr. Wust and wasn't counted in the calculation by this Commission and that was the fitting of toilets to a graywater system to serve the toilets themselves.

What that required was a double piping system of graywater into the house. That number, how many times everybody flushes a day, wasn't included in our water budget of a .126. We just left it out. We used it because we thought it was important. We went through the Environment Department. We got a variance on the requirements for the graywater use but it was never calculated into our water budget.

It was because of all of the work we did with the numbers from the County utility on Rancho Viejo and all of the numbers, the work we did with the Office of the State Engineer that we got a water budget of a .126. Currently, La Pradera's water covenants require each house to use only .126 and the agreement that we made with Dr. Wust was a similar agreement that he made with everybody else, if you prove up .126, you can get back that difference, once you show me sufficient data. So we restricted every house to .126.

We offered up the condo units, Commissioners, as a backup. Because Dr. Wust was uncomfortable, we said okay. We want to make you comfortable, let's offer up the condo units right now. The problem that these developers are facing currently is that we have buyers for this project. This project is a project with only 80 units. It has a lot of offsite costs. It's had substantial delays in it. We'd like to get rolling on it. We have some buyers for it. They don't want to buy it with the condition that holds off on the condo units. So we're here before you to ask you to please accept in exchange for the water under the water service agreement, water rights.

And I want to tell you a little bit about the water rights so you're comfortable. Greer Enterprises, and Alexis is here from Greer, about six months ago entered into an agreement with the County on an intent to dedicate water rights. She came into the County with water

rights from Pena Blanca. She showed them to the County Attorney. John Utton reviewed them. We did an application for transfer to the Buckman wells and I've got packets for you just to show you what they are. [Exhibit 5] And there's a signed agreement on an intent to dedicate water rights. So we're one step farther in getting a water service agreement because that transfer process, for those water rights has already started.

So we would ask you tonight to please approve the request to allow us to exchange the water service agreement for water rights water. I'm going to pass this out and I'd like to make this part of the record.

Commissioners, with regard to the 20 percent line loss, that was while I feel the 20 percent really wasn't added, because we came in with probably one of the best water budgets this County has approved in the last few years. Should you decide to add the 20 percent, we would agree to it, begrudgingly, frankly, but we will agree to it. We will agree to it because it is something that you all want and require in your allocation policy, but I think that this Commission needs to keep in mind that when developers work as hard as these do to put forward a water budget that is an innovative and as low and as costly to put together, there ought to be some incentive to this developer to put together that water budget. To put together a system that's costly.

So we would ask you to consider that when applying the 20 percent.

COMMISSIONER SULLIVAN: Mr. Chairman, question.

CHAIRMAN ANAYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Let me clarify, Ms. Vazquez. You have agreed, have you not, to a water allocation of .16 acre-feet per dwelling unit, in the agreement that's been executed. Is that correct?

MS. VAZQUEZ: The development agreement? Yes. We agreed to a .16.

COMMISSIONER SULLIVAN: And you're asking for some credit for your innovation or what you hope will be innovation. Again, this water budget hasn't been proved. No homes have been built yet and no water's been delivered. And I'm looking at paragraph 4 of that agreement.

MS. VAZQUEZ: Of the development agreement, sir?

COMMISSIONER SULLIVAN: That's correct. The only agreement we have in our packet. And that agreement allows that if your actual water usage is less than the projected water usage of .16, which you've agreed to, that you will be able to - the County will release back to you for transfer to another location the difference between that amount and the 13.14 acre-feet that makes up your water budget. So it seems to me that you're fully covered here if in fact your calculations are accurate, then you will have released back to you those water rights. Is that a fair description of the incentive there?

MS. VAZQUEZ: Commissioner, we're both protected. The County and the developer.

COMMISSIONER SULLIVAN: I was just responding to you. You were asking

MS. VAZQUEZ: And I'm answering that question. I'll get to that.

COMMISSIONER SULLIVAN: Could you just say yes or no without some editorializing?

MS. VAZQUEZ: Well, I'd just like to answer the question and that is -

COMMISSIONER SULLIVAN: Yes or no would help me.

MS. VAZQUEZ: That is if we approve the .126 under the development agreement and under the conditions by Dr. Wust, we would be able to get that water back. What we gave you in return was a water budget that was a really good one. We used graywater.

COMMISSIONER SULLIVAN: Mr. Chairman, Rosanna, I think we've gotten all of the PR about the water budget here.

CHAIRMAN ANAYA: Rosanna, answer yes or no.

COMMISSIONER SULLIVAN: I think I'd have to assume that that was a yes, Mr. Chairman. But I think this is not a complicated case. The applicant has agreed to a water budget of .16. I recall this case. It was Commissioner Duran who brought up the request that was approved that phase 2 be held back as a reserve for proof of those figures because they were much lower than Rancho Viejo or anyone else was experiencing. I think we need to be consistent with the 20 percent as Dr. Wust says. If they want to transfer that, plus an additional 1.76 acre-feet as the backup and if everything that they're experts have estimated comes true they'll have those excess water rights released back to them. I don't know how much more reasonable we can be than that and I don't know - this takes a lot of additional explanation, but that's how I view it at least.

MS. VAZQUEZ: Mr. Chairman, we would agree to the condition number 1 by Dr. Wust. We would request that we would be allowed to go forward and those condo units be released, given the fact that we've entered into an agreement to dedicate water rights and that water rights is already in the transfer process. So we would ask you to not apply condition number 2, but we will gladly enter into a water service agreement as soon as practical with the County.

COMMISSIONER SULLIVAN: Mr. Chairman, I would recommend against that. We've just been handed out some information about water rights agreements. I don't think that Mr. Wust has had a chance to look at those as to whether those can be transferred or not. I think that we either have 11 units that wait until we get the figures or we have the water rights. I think the rest is a promise. Now, if somehow they want to fill a bond in there that would be equal to the cost of 4.39 acre-feet of water rights, whatever that is at the market rate and bond it, so if those water rights didn't come through then we could go out and purchase them separately, maybe that could be considered. But I think condition 2 is an integral part of Dr. Wust's recommendation.

CHAIRMAN ANAYA: Okay. Rosanna, tell me why you don't want to throw in condition number 2. Just real brief. Just the bottom line.

MS. VAZQUEZ: Mr. Chairman, two reasons. One is we've already started the transfer process already. And Steve Ross and I spoke to John Utton today to see how that transfer process was going so I could communicate that to you. They have already negotiated

one protest. They're in the process of negotiating the second. He thinks they're very good rights. He's reviewed them, and he's comfortable with them. That was the only reason the County entered into an agreement to intend to dedicate.

Secondly, it was the same agreement that was entered into by Oshara. Oshara was not required to hold back their units. They were required only to enter into a water service agreement. Their backup was much more – we're only talking the 1.76 acre-feet here, Commissioners, and the additional 20 percent should you decide to go forward with that. The transfer that's going forward is for 50 acre-feet of Pena Blanca water rights right now.

CHAIRMAN ANAYA: Okay. Thank you. Any other questions? This is a public hearing. Is there anybody in the audience that would like to speak for or against this project? Hearing none, what's the pleasure of the Board?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I'd move for approval with conditions 1 and 2 and the negotiation by staff of an applicable water service agreement which would indicate the line capacity surcharges there, 20 percent that are typically applied to such water service agreements.

CHAIRMAN ANAYA: Okay, there's a motion by Commissioner Sullivan. Is there a second?

COMMISSIONER CAMPOS: Second.

CHAIRMAN ANAYA: Motion and second. Any more discussion? All in favor signify by saying "aye". All opposed?

MS. VAZQUEZ: Thank you. Thank you very much for holding this up for me. Good evening.

COMMISSIONER VIGIL: What was the vote?

CHAIRMAN ANAYA: I heard – what did you vote?

COMMISSIONER SULLIVAN: Three ayes and one no.

CHAIRMAN ANAYA: What did you vote?

COMMISSIONER VIGIL: I didn't.

CHAIRMAN ANAYA: I heard two ayes and two noes. I didn't hear you vote. What is your vote?

COMMISSIONER VIGIL: I'll vote aye.

CHAIRMAN ANAYA: Okay. Is there another motion on the floor?

COMMISSIONER CAMPOS: No, the ayes have it.

COMMISSIONER SULLIVAN: The ayes have it.

COMMISSIONER CAMPOS: The motion carries.

COMMISSIONER VIGIL: If I'm to understand correctly, what we are actually voting on is staff's recommendation. Is that correct?

COMMISSIONER CAMPOS: Yes.

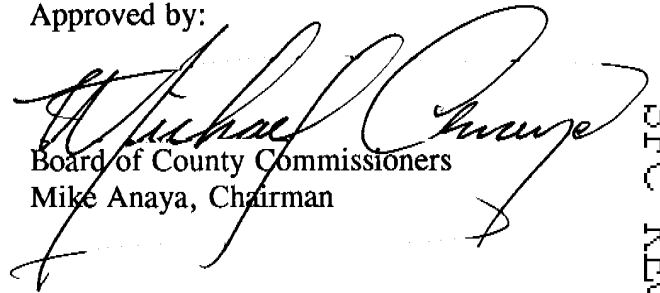
The motion to approve EZ Case #DP 02-4325 with both conditions passed by 3-2

voice vote with Commissioners Anaya and Montoya voting against.

XIV. ADJOURNMENT

Chairman Anaya declared this meeting adjourned at approximately 8:50 p.m.

Approved by:




Board of County Commissioners
Mike Anaya, Chairman

Respectfully submitted:

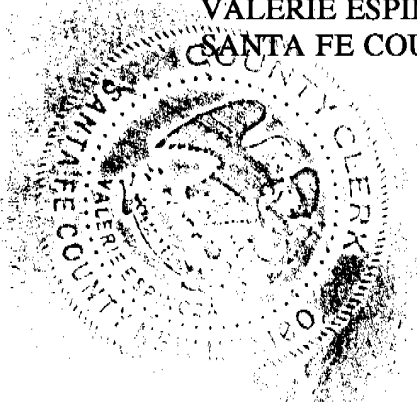


Karen Farrell, Commission Reporter

ATTEST TO:



VALERIE ESPINOZA
SANTA FE COUNTY CLERK

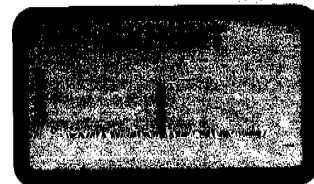
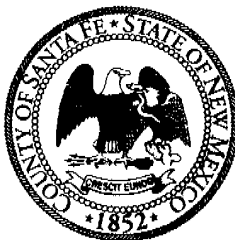


SFC RECORDED 02/20/2006

Harry B. Montoya
Commissioner, District 1

Virginia Vigil
Commissioner, District 2

Michael D. Anaya
Commissioner, District 3



Commissioner, District 5

Gerald T. E. González
County Manager

December 14, 2005

Honorable Governor Bill Richardson
Office of the Governor
Capitol Building, Room 400
Santa Fe, NM 87503

Secretary James Jimenez
Department of Finance and Administration
180 Bataan Memorial Building
Santa Fe, NM 87501

Governor Richardson and Secretary Jimenez,

On behalf of the Board of County Commissioners we are hereby requesting \$12,000,000 in capital outlay money to supplement and help complete the funding of a new District Court Facility. The present courthouse does not contain enough space for staff and the current design jeopardizes the safety of the public and judges. Santa Fe County has listed the new First Judicial District Courthouse as one of the top five priorities in our Infrastructure Capital Improvement Plan. We have identified a location for, and acquired most of the property needed for construction of the new courthouse. We anticipate completing the property acquisition process during this fiscal year. In addition, the County anticipates utilizing its recently authorized 1/16th Gross Receipts Tax receipts to provide the base funding for the new courthouse. Santa Fe County has begun planning for and done preliminary design work for the new facility. The County will proceed to complete the design work and construct and maintain the new First Judicial District Complex facility as the funding is put in place. As you may know, the New Mexico Supreme Court lists construction of a new First Judicial District Courthouse as a Priority 1 Capital Outlay Request. We respectfully request your support on this funding request. Please feel free to contact Santa Fe County Manager Gerald González at 986-6200 should you have any questions or need any additional information.

Sincerely,

Chairman Michael D. Anaya

Vice-Chairman Harry B. Montoya

Commissioner Virginia Vigil

Commissioner Paul Campos

Commissioner Jack Sullivan

Gerald T.E. González

SFC RECORDED 02/20/2006

CC: Hon. Judge James Wechsler
CJC Budget Committee
237 Don Gaspar Ave.
Santa Fe, NM 87501

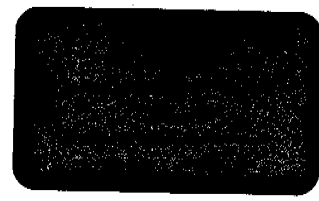
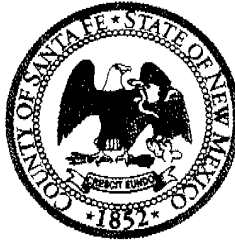
Santa Fe County Legislative Delegation Members

SFC RECORDED 02/20/2006

Harry B. Montoya
Commissioner, District 1

Virginia Vigil
Commissioner, District 2

Michael D. Anaya
Commissioner, District 3



Gerald T.E. González
County Manager

MEMORANDUM

Date: December 13, 2005

To: Board of County Commissioners

From: Joseph Gutierrez, Director
Project & Facility Management Department *J.G.*

RE: Budget Increase for Vista Grande Senior Center

Background and Summary

In the 2004 State Legislative Session, the Vista Grande Senior Center received \$742,400. In the 2005 State Legislative Session, an additional \$95,000 was received. On September 27, 2005, the Santa Fe Board of County Commissioners authorized an additional \$200,000 from GRT funds for a total of \$1,037,400 for this project.

On November 29, 2005, the Santa Fe County Project and Facilities Management Department held a bid opening for the Construction of the Vista Grande Senior Center. The lowest bid came in at \$1,109,653.75 (GRT included). The P&FM Department negotiated with lowest bidder to a new total of \$1,077,375.00. Currently, there is a shortfall of \$100,000 to complete this project.

Recommendation

The Project & Facilities Management Department is requesting a budget increase from the Capital Outlay GRT fund into the Vista Grande Senior Center State Appropriation Fund in the amount of \$100,000.

SFC RECORDED 02/20/2006

SANTA FE COUNTY

RESOLUTION 2005 - _____

A RESOLUTION REQUESTING AUTHORIZATION TO MAKE THE BUDGET ADJUSTMENT DETAILED ON THIS FORM

Whereas, the Board of County Commissioners meeting in regular session on December 13, 2005, did request the following budget adjustment:

Department / Division: Project & Facilities Mngmt Dept./Admin. Fund Name: Capital Outlay GRT Fund

Budget Adjustment Type: Budget Increase Fiscal Year: 2006 (July 1, 2005 - June 30, 2006)

BUDGETED REVENUES: (use continuation sheet, if necessary)

FUND CODE	DEPARTMENT DIVISION	ACTIVITY BASIC/SUB	ELEMENT/ OBJECT	REVENUE NAME	INCREASE AMOUNT	DECREASE AMOUNT
318	0753	390	0300	Operating Transfer In	100,000	
TOTAL (if SUBTOTAL, check here)					100,000	

BUDGETED EXPENDITURES: (use continuation sheet, if necessary)

FUND CODE	DEPARTMENT DIVISION	ACTIVITY BASIC/SUB	ELEMENT/ OBJECT	CATEGORY/LINE ITEM NAME	INCREASE AMOUNT	DECREASE AMOUNT
213	0114	481	8010	Capital Purchases/Roadways		100,000
213	0114	490	0100	Operating Transfer Out	100,000	
318	0753	481	8001	Capital Purchases/Buildings & Structures	100,000	
TOTAL (if SUBTOTAL, check here)					200,000	100,000

Requesting Department Approval: _____ Title: Director

Date: 12/13/05

Finance Department Approval: _____ Entered by:

Date: 12/13/05

County Manager Approval: _____ Date:

Date:

John S. Hart 12.13.05

SANTA FE COUNTY
RESOLUTION 2005 - _____

ATTACH ADDITIONAL SHEETS IF NECESSARY.

DEPARTMENT CONTACT:

Name: Angela Quintana Dept/Div: P&FMD/Admin. Phone No.: 992-9860

DETAILED JUSTIFICATION FOR REQUESTING BUDGET ADJUSTMENT (If applicable, cite the following authority: State Statute, grant name and award date, other laws, regulations, etc.):

- 1) Please summarize the request and its purpose.
This request is to increase from the Capital Outlay GRT Fund (213) into SAP fund (318) to assist in the shortfall of funds for the Vista Grande Senior Center.
- 2) Why was this request not included in the Fiscal Year 2006 Operating Budget?
Construction Bids for Vista Grande Senior Center came in after budgeting cycle.
- 3) Is the transfer recurring or non-recurring and what are the future funding impacts of this request?
Non-recurring
- 4) Does this request impact a revenue source? If so, please identify (i.e. General Fund, state funds, federal funds, etc.), and address the following:
 - a) If this is a state special appropriation, cite statute and attach a copy. N/A
 - b) If this is a state or federal grant, cite grant name, number, award date and amount. N/A

SANTA FE COUNTY
RESOLUTION 2005 - _____

ATTACH ADDITIONAL SHEETS IF NECESSARY.

DEPARTMENT CONTACT:

Name: Angela Quintana Dept/Div: P&FMD/Admin. Phone No.: 992-9860

DETAILED JUSTIFICATION FOR REQUESTING BUDGET ADJUSTMENT (If applicable, cite the following authority: State Statute, grant name and award date, other laws, regulations, etc.):

- 4) (Continued):
 - c) If this request is a result of Commission action, please cite and attach a copy of supporting documentation.
N/A
 - d) Please identify other funding sources that can be used to match this request.
N/A
- 5) If this request impacts the Capital Purchases category, please detail items to be purchased and what they will be used for. The requested amount will be used for the construction of the Vista Grande/El Dorado Senior Center.
- 6) Does this request have an FTE impact for the department/division? If request increases FTE, include number of positions, position type (term, permanent, etc.), and the future funding impact and revenue source.
N/A

SANTA FE COUNTY
RESOLUTION 2005 - _____

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Santa Fe County that the Local Government Division of the Department of Finance and Administration is hereby requested to grant authority to adjust budgets as detailed above.

Approved, Adopted, and Passed This 13th Day of December, 2005.

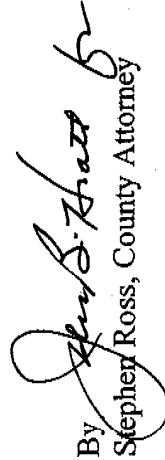
Santa Fe Board of County Commissioners

Michael Anaya, Chairperson

ATTEST:

Valerie Espinoza, County Clerk

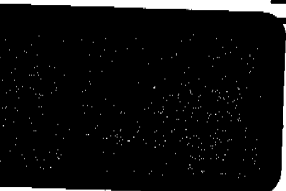
Approved As To Form.

By 
Stephen Ross, County Attorney



Miguel Lujan Tap 115kV Transmission Project

- The Miguel Lujan Tap 115kV Transmission Project is an electric transmission project that would connect a 115kV transmission line in Santa Fe County with the Miguel Lujan Substation in the City.
- PNM is requesting development plan approval for Miguel Lujan Tap including a height variance and permission to construct overhead.
- Approval of all requests is necessary to implement the project.





The Migration of the Tap Projects Needed to:

- supply the existing power needs in portions of the Agua Fria, Cerrillos Road, and Siler Road neighborhoods.
- reduce the amount of electrical load on the existing 46kV line which is now at capacity and supplies these neighborhoods.
- maintain quality electrical service under single outage conditions (i.e., a line or other major piece of equipment out of service). With the current loads on the 46kV system, loss of one 46kV circuit can adversely affect PNM's ability to provide service.

SFC RECORDED 02/20/2006

Miguel Lujan Tap 115KV Transmission Line Project

Miguel Lujan Tap Transmission Line Route

Should more details be required, please contact the project engineer for more information.
This map is for informational purposes only and does not constitute an offer of insurance.
The project engineer is not responsible for any errors or omissions on this map.
Operator Miguel Lujan Tap 115KV

Approximate Length: 1.8 miles
Existing 115KV Transmission Facilities
48 KV Line
115 KV Line
Substation



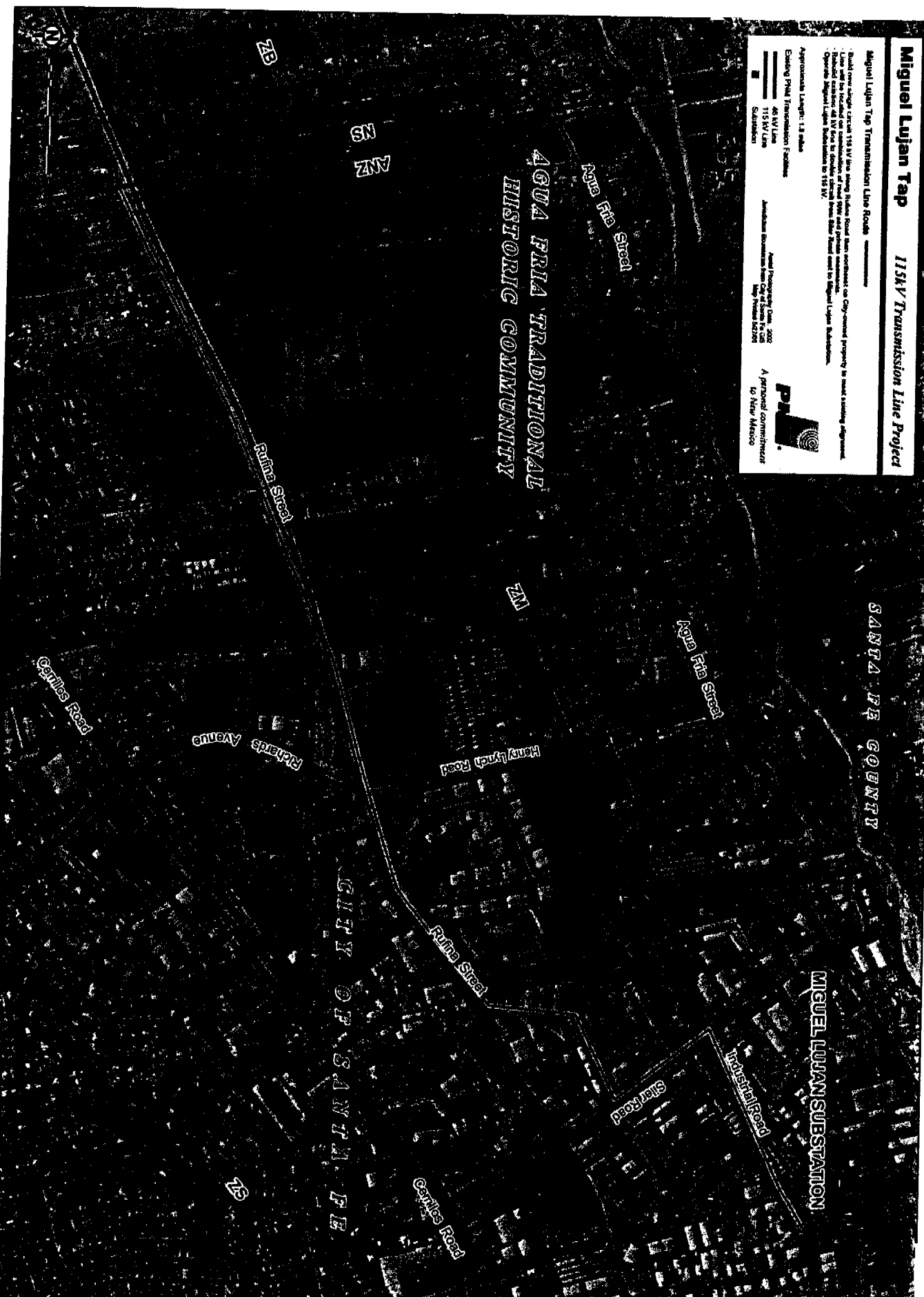
A personal commitment to New Mexico

SANTA FE COUNTY

MIGUEL LUJAN SUBSTATION

AGUA FRIA TRADITIONAL HISTORIC COMMUNITY

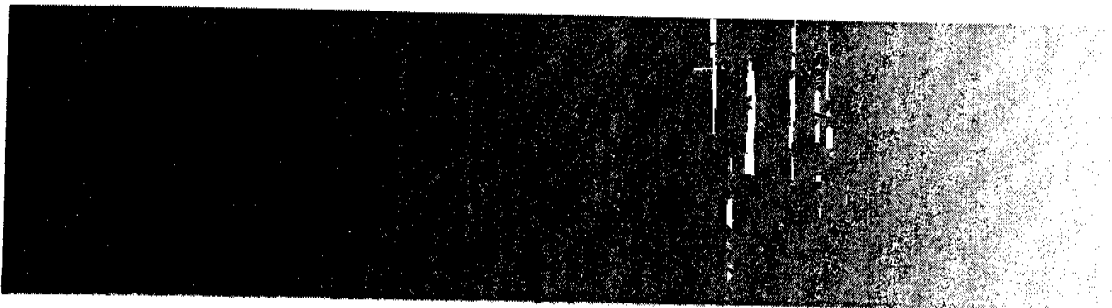
CITY OF SANTA FE





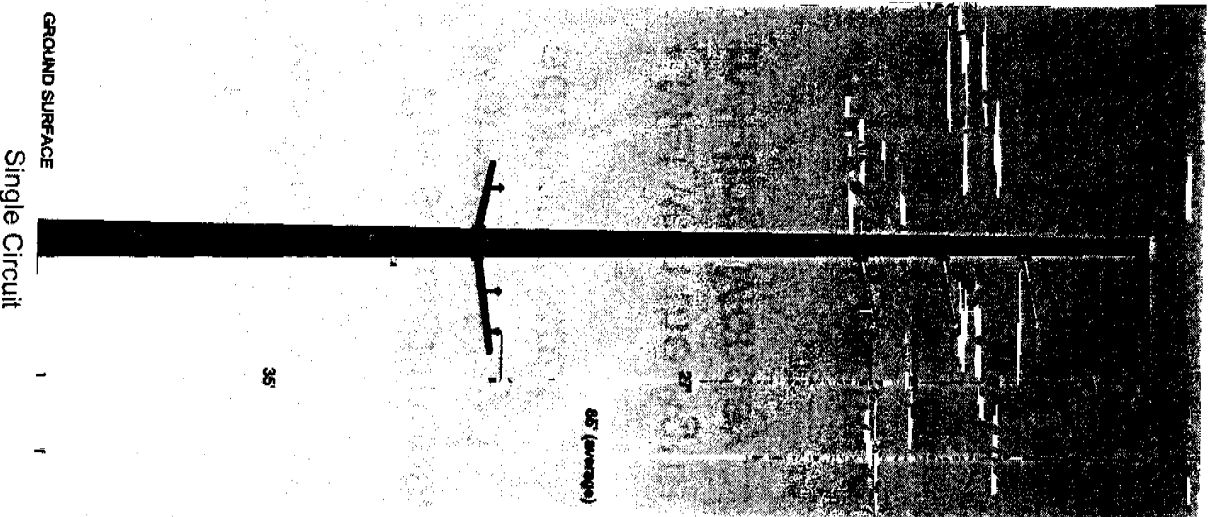
*Miguel Alemán PDP Project within the
Agua Fria National Historic Community*

- Approximately two-tenths of a mile of single-pole transmission structures would occur within the AFTHC.
- Approximately two single-pole tubular steel structures typically between 85-100 feet in height would be installed in the AFTHC along the north side of Rufina Street.
- The structures would be designed to accommodate distribution underbuild.
- Any necessary easements for the transmission and distribution line have been acquired.



Height

Structures would be single-pole tubular steel, self-weathering designed to accommodate accommodation distribution underbuild, typically 85 feet in height.



TYPICAL 115KV TRANSMISSION STRUCTURES

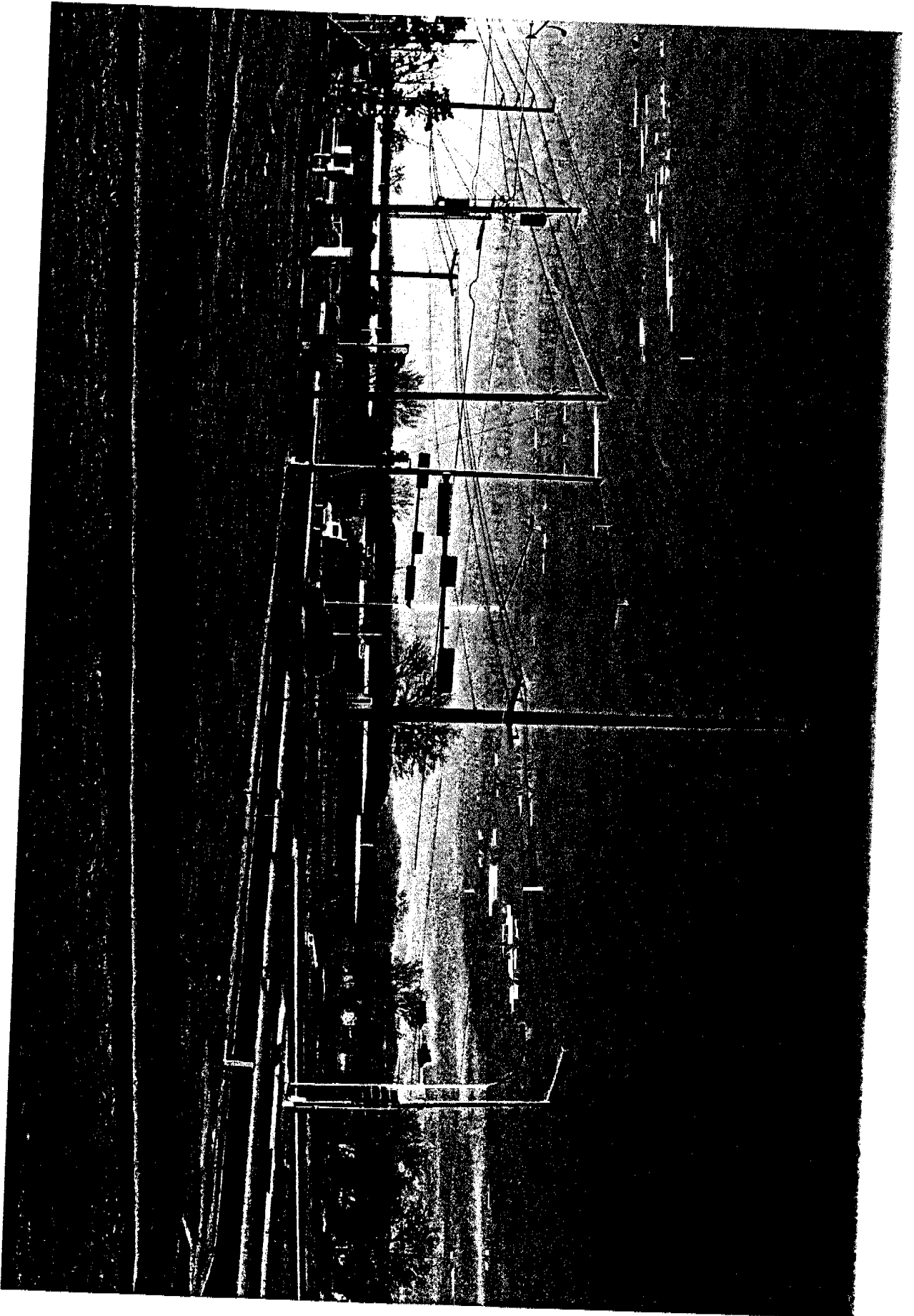
Tangent, direct-bury, tubular steel with distribution underbuild.

Structure heights vary based on site conditions.

Visual Considerations

- Approximately two single-pole tubular steel structures would be installed in the AFTHC along the north side of Rufina St.
- Structure height would typically be between 85-100 feet.
- Structure design includes self-weathering steel poles.
- Mitigation would include the use of non-specular (non-reflective) conductor.
- The placement of transmission structures would be carefully sited to avoid driveways and access roads.
- The following visual simulation illustrates what the project could look like along Rufina Street.

SFC RECORDED 02/20/2006



SFC RECORDED 02/20/2006

Approval of the Miguel Lujan Tap Project

- Approximately two-tenths of a mile of single-pole transmission structures would occur within the AFTHC.
- Approximately two single-pole tubular steel structures typically between 85-100 feet in height would be installed in the AFTHC along the north side of Rufina Street.
- Approval of all requests is necessary to implement the project.
- Reliable electric service is fundamental to the protection of health, safety and welfare.



In a previous report dated October 2005, GGI calculated an annual water availability of 0.348 acre-feet (AFY) based on the following assumptions:

- Specific Yield (SY) of 0.15,
- Recovery Coefficient (RC) of 0.8
- Reliability Level (RL) of 1.0
- Effective Saturated Thickness (ST) of 86 feet (assumed 50% of aquifer is non-producing clay)
- Area (AC) of 3.374 acres

In his evaluation of GGI's report and MLS calculation (November 1, 2005 memorandum), Dr. Steven Wust, County Hydrologist calculated an annual water availability of 0.22 AFY based on the following assumptions (where differing from GGI's assumptions):

- SY_{upper} = 0.15 ST_{upper} = 26.4 feet (sand)
- SY_{upper} = 0.01 ST_{upper} = 105.6 feet (clay)
- SY_{lower} = 0.15 ST_{lower} = 20.0 feet (sand)
- SY_{lower} = 0.01 ST_{lower} = 20.0 feet (clay).

Dr. Wust's finding is based on his interpretation of the well log that 125.6 feet of the aquifer (representing 95% of the formation) is low water producing clay.

In the absence of pumping test data, Dr. Wust's more conservative interpretation of the very generalized well log may be an appropriate approach. However, the results of the 48-hour pumping test of the Atencio well performed with a constant discharge of 20 gpm (no drawdown after the first 12 hours of the test) suggest that the underlying aquifer has a relatively high transmissivity. The test data are inconsistent with an aquifer comprised of 95% clay, and suggesting a much higher sand content.

GGI suggests that the project water availability (A) be recalculated assuming 35% sand in the upper zone and 50% sand in the lower zone with the results as follows:

- SY_{upper} = 0.15 ST_{upper} = 46.2 feet (sand)
- SY_{upper} = 0.01 ST_{upper} = 85.8 feet (clay)
- SY_{lower} = 0.15 ST_{lower} = 20.0 feet (sand)
- SY_{lower} = 0.01 ST_{lower} = 20.0 feet (clay)

Weighted ST x SY = 10.99 feet

and

$$S = AC \times SY \times ST \times RL \times RC$$

$$S = 3.374 \times 10.99 \times 1.0 \times 0.8$$

$$S = 29.66 \text{ acre-feet}$$

SFC RECORDED 02/20/2006

$$A = S / (AC*100)$$

$$A = 29.66 / (3.374*100)$$

$$A = 0.088 \text{ acre-feet/acre/year}$$

Using 3.374 acres of the whole property and the Availability (A) of 0.088 ac-ft/acre/yr, the Use (U) for the site can be calculated as follows:

$$U = MLS*A$$

$$U = 3.374 \text{ ac} * 0.088 \text{ ac-ft/ac/yr}$$

$$U = \mathbf{0.297 \text{ ac-ft/yr}}$$

This should be adequate to meet the project's (gallery and restaurant) previously accepted anticipated total annual indoor water requirement of 0.285 acre-feet (0.25 restaurant and 0.035 gallery) while allowing for incidental outdoor uses (establishment of xeriscaping) and unanticipated contingencies.

SFC RECORDED 02/20/2006

INDEX

- Intent to Dedicate Water Rights and Acknowledgement
- OSE Change of Ownership of Water Right (Pena Blanca)
- OSE Application to Change Point of Diversion and Place and/or Purpose of use From Surface to Ground Water
- OSE Change of Ownership of Water Right (Stagecoach)
- OSE Change of Ownership of Water Rights (Dietz)

SFC RECORDED 02/20/2006

Intent to Dedicate Water Right and Acknowledgement

GREER ENTERPRISES, INC., a New Mexico corporation, (hereafter "Greer") hereby intends to dedicate to Santa Fe County (hereafter "County") through a water service agreement the water right described below under the following terms and conditions and hereby acknowledges the following conditions and limitations:

1. **Water Right.** The water right consists of approximately 50.085 acre-feet per year of consumptive use water described in State Engineer File 03942-A into RG-20516 et al.
2. **Transfer.** The water right may be transferred into Buckman well Permit RG-20516 subject to paragraph 6 of the Water Resources Agreement between the City and County of Santa Fe approved by the Board of County Commissioners on January 11, 2005 and by the Governing Body of the City of Santa Fe on January 12, 2005, provided that both the County and the City are co-applicants on all such transfers and that Greer takes responsibility for the transfer, including all costs associated with protested applications. The County and the City shall be advised of all settlement discussions and shall have the right to approve any proposed conditions of approval. The transfer is subject to the County having sufficient capacity within the 1,325 acre-feet per year described in paragraph 6 of the Water Resources Agreement, as determined by the County at any time.
3. **No Right of Service.** Greer acknowledges that this Intent to Dedicate does not create any obligation by the County and does not create any right in Greer, and in particular does not entitle Greer to any water delivery from the County. This Intent to Dedicate does not entitle Greer to any water that may be made available by the County as part of the additional water (375 acre-feet per year) secured by the County under paragraph 2 of the Water Resources Agreement. Water delivery, if any, from the County water utility will only be made pursuant to a water service agreement, or amendment thereto.
4. **Dedication.** If the County offers Greer a water service agreement, or amendment thereto, Greer agrees to dedicate the water right, or portion thereof, equal to the quantity of water service provided by the agreement, up to the amount approved for transfer by the State Engineer. If the County does not offer a water service agreement to Greer or the quantity of water service offered is less than the amount approved for transfer by the State Engineer, then the Greer agrees to enter into negotiations for the sale to and purchase by the County of the undedicated right or portion thereof. If the parties are unable to agree on a purchase of the undedicated right or portion thereof, then Greer may re-transfer the undedicated right or portion thereof for others uses, as determined by Greer, subject to approval of the State Engineer.

SFC RECORDED 02/20/2006

5. County Actions Unaffected. Greer acknowledges that this Dedication, and any actions or communications associated with it, do not in any way bind or obligate the County, or any employee, official, board, agent or other entity thereof, to take any action, including but not limited to: acceptance of any application or other documents for filing; processing of any application or proposal; approval of any kind of land use or development proposal; issuance of any license or permit; or any other action, whether discretionary, ministerial or otherwise, with respect to any proposal or application or other request by Greer or anyone on its behalf. Nothing herein constitutes a commitment, promise, assurance or other favorable indication by the County that any such license; permit, approval or other consent will in fact occur or be granted. Greer understands and agrees that any water service commitment, if any, that may be made by the County is totally independent of any other action or decision-making process of the County and has no bearing whatsoever upon the exercise of any authority or discretion of any County official, employee, board, agency or other entity.6. Supercession by water service agreement. This Intent to Dedicate shall be superceded , when and if, a water service agreement or amended water service agreement is executed by the County and Greer pertaining to the water rights which are the subject of this Intent to Dedicate.

GREER ENTERPRISES, INC.

By:

Alexis Girard, President

STATE OF NEW MEXICO)
) ss:
COUNTY OF)

Before me appeared Alexis Girard, with due authority as the President of Greer Enterprises, Inc., and who provided satisfactory evidence of her identity and voluntarily acknowledged and signed this instrument on behalf of said corporation this ____th day of 2005.

SFC RECORDED 02/20/2006

-33177
#2⁰⁰
HC-3356.7
\$300

File Number: 03942 - A

NEW MEXICO STATE ENGINEER OFFICE
CHANGE OF OWNERSHIP OF WATER RIGHT

SANDOVAL COUNTY
200431091
Book- 407 Page- 31091
1 of 5
09/30/2004 11:47:09 AM

1. OWNER OF RECORD

Name: Lorenzo and Darlene Armijo
Contact:
Address: P.O. Box 1331
City: Pena Blanca

Work Phone:
Home Phone:
State: NM Zip: 87041

NEW OWNER

Name: Greer Enterprises, Inc.
Contact: Alexis Girard
Address: 215 W. San Francisco Street, Suite 300
City: Santa Fe

Work Phone: 505-983-6504 x104
Home Phone:
State: NM Zip: 87504

2. AMOUNT CONVEYED

State Engineer File Number: 03942
Subfile Number _____ of Cause Number _____
Owner of record has conveyed _____ all _____ of said right.
(all or part)
Consumptive Use: 50.085 acre-feet per annum
Diversion Amount: _____ acre-feet per annum
Other: _____ (units)

3. PURPOSE OF USE

Domestic: _____ Livestock: _____ Irrigation: Municipal: _____ Industrial: _____
Commercial: _____ Other (specify): _____
Specific use: _____

4. PLACE OF USE

See Exhibit A (attached) acres of land described as follows:

Subdivision of Section (District or Hydrographic Survey)	Section (Map No.)	Township (Tract No.)	Range	Acres	Priority

Trn Number: 313342

2004 AUG 31 AM 8:37
2004 JUL 13 PM 2:14
STATE ENGINEER OFFICE
ALBUQUERQUE, NEW MEXICO
STATE ENGINEER OFFICE
ALBUQUERQUE, NEW MEXICO

SFC RECORDED 02/20/2006

NEW MEXICO STATE ENGINEER OFFICE
CHANGE OF OWNERSHIP OF WATER RIGHT

SANDOVAL COUNTY
200431091

Book- 407 Page- 31091
2 of 5

09/30/2004 11:47:09 AM

5. WELLS TO ACCOMPANY CONVEYED RIGHT

Well File No.	Subdivision	Section	Township	Range
---------------	-------------	---------	----------	-------

6. CONSENT TO LAWFUL CHANGE IN PLACE AND/OR PURPOSE OF USE

(I, We) the above owner(s) of record, hereby consent to a lawful change in the place and/or purpose of use of the above-described water right: (To be completed only if it is an irrigation water right and has been conveyed separate from the land to which it was appurtenant.)

Lorenzo Armijo
(Signature)

Darleen Armijo
(Signature)

7. ADDITIONAL STATEMENTS OR EXPLANATIONS:

2004 OCT 31 AM 9:37

STATE ENGINEER OFFICE
ALBUQUERQUE, NM 87103

2004 JUL 13 PM 2:14

STATE ENGINEER OFFICE
ALBUQUERQUE, NM 87103

SFC RECORDED 02/20/2006

ACKNOWLEDGMENT FOR NATURAL PERSONS

(I, We)

(Please Print)

affirm that the

foregoing statements are true to the best of my knowledge and belief.

Applicant Signature

Applicant Signature

NOTARY

This instrument was acknowledged before me this

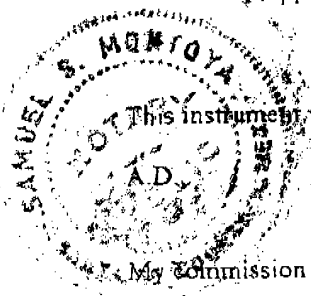
7th day of *July*

By *Lorenzo Armijo & Darleen Armijo*
Name of Applicant

My Commission expires

10-27-04

Samuel S. Montoya



File Number: 03942

Notary Public

NEW MEXICO STATE ENGINEER OFFICE
CHANGE OF OWNERSHIP OF WATER RIGHT

SANDOVAL COUNTY
200431091

Book- 407 Page- 31091
3 of 5

09/30/2004 11:47:09 AM

ACKNOWLEDGMENT FOR CORPORATION

[Signature]
Signature of Officer

State of (New Mexico)
County of (Santa Fe) ss.

This instrument was acknowledged before me this 18 day of May
A.D. 2004 By Alexis Gerard, President
(Name of Officer) (Title of Officer)

of Green Enterprises, a NM corporation
(Name of Corporation Acknowledging) (State of Corporation)

on behalf of said corporation.

My commission expires



[Signature]
Notary Public

STATE ENGINEER OFFICE
ALBUQUERQUE, NEW MEXICO
2004 AUG 31 AM 9:57
STATE ENGINEER OFFICE
ALBUQUERQUE, NEW MEXICO
2004 JUL 13 PM 2:40

SFC RECORDED 02/20/2006

ACTION OF STATE ENGINEER

This Change of Ownership form is hereby accepted for filing in accordance with Section 72-1-2.1, NMSA -1978 (1985 Repl. Pamp), as amended.
The acceptance by the State Engineer Office does not constitute validation of the right conveyed.

Nancy Cunningham

NEW MEXICO OFFICE OF THE STATE ENGINEER
APPLICATION TO CHANGE POINT OF DIVERSION AND PLACE
AND/OR PURPOSE OF USE FROM SURFACE TO GROUND WATER

1. WATER RIGHT OWNER

Name: Greer Enterprises, Inc.
Contact: Alexis Girard Work Phone: 505.983.6504 X-104
Address: 215 W. San Francisco Street, Suite 300
City: Santa Fe State: NM Zip: 87504

And Co-Applicants:

Name: COUNTY OF SANTA FE, a political Subdivision of the State of New Mexico
Contact: Doug Sayre, Acting Director, Utilities Dept. Work Phone: 505.986.6211
Address: P.O. Box 276
City: Santa Fe State: NM Zip: 87501

And

The County of Santa Fe will join with the City of Santa Fe and Greer Enterprises, Inc., as a co-applicant on this Application, as owner of the proposed Transfer-To-Location Wells:

Name: CITY OF SANTA FE, a municipal corporation
Contact: Galen Buller, Director, Sangre de Cristo Water Division Work Phone: 505.955.4200
Address: P.O. Box 909
City: Santa Fe State: NM Zip: 87504

2. CHANGE FROM

A. POINT OF DIVERSION (a, b, c, or d required, e or f if known)

a. SW 1/4 SW 1/4 NW 1/4 Section: 9 Township: 16N Range: 6E N.M.P.M.
in Sandoval County.

b. X = 478,847.4 feet, Y = 1,679.970 feet, N.M. Coordinate System
Central Zone in the Pueblo de Cochiti Grant.
U.S.G.S. Quad Map

c. Latitude: d m s Longitude: d m s

d. East (m), North (m), UTM Zone 13, NAD ____ (27 or 83)

e. Tract No. , Map No. of the Hydrographic Survey

f. Lot No. , Block No. of Unit/Tract of the ____ Subdivision
recorded in County.

g. Other:

h. Give State Engineer File Number of existing diversion:

i. On land owned by (required): Lorenzo and Darlene Armijo

j. Source of water supply:
a. Name of ditch, acequia, or spring: Cochiti Dam/Cochiti Canal
b. Stream or water course: Rio Grande
c. Tributary of:

SFC RECORDED 02/20/2006

STATE ENGINEER
NEW MEXICO
02/20/2006
10:50 AM

**NEW MEXICO OFFICE OF THE STATE ENGINEER
APPLICATION TO CHANGE POINT OF DIVERSION AND PLACE
AND/OR PURPOSE OF USE FROM SURFACE TO GROUND WATER**

2. CHANGE FROM -- Continued

B. PLACE OF USE

23.85 acres of land described as follows:

Subdivision of Section (District or Hydrographic Survey)	Section (Map No.)	Township (Tract No.)	Range	Acres
Map 3 MRGCD Tract 66A1	S8	T16N	R6E	7.30
Map 3 MRGCD Tract 78B	S8	T16N	R6E	9.36
Map 3 MRGCD Tract 79B	S8	T16N	R6E	6.79
Map 3 MRGCD Tract 80	S8	T16N	R6E	.40

Who is the owner of the land? Lorenzo and Darlene Armijo

If there are other sources of water for these lands, describe by file number:

C. PURPOSE OF USE

Domestic: _____ Livestock: _____ Irrigation: T Municipal: _____ Industrial: _____
 Commercial: _____ Other (specify): _____
 Specific use: _____

D. QUANTITY

Diversion Amount: 71.55 acre-feet per annum
 Consumptive Use: 50.085 acre-feet per annum

SFC RECORDED 02/20/2006

SHEET 11 OF 100
 2005 JUN -7 PM 3:43

NEW MEXICO OFFICE OF THE STATE ENGINEER
APPLICATION TO CHANGE POINT OF DIVERSION AND PLACE
AND/OR PURPOSE OF USE FROM SURFACE TO GROUND WATER

4. CHANGE TO: See "Attachment A"

A. LOCATION OF WELL (A and/or B or E Required)

SEE "ATTACHMENT A" FOR A DESCRIPTION OF THE LOCATION OF WELLS

- a. ___ 1/4 ___ 1/4 ___ 1/4 Section: ___ Township: ___ Range: N.M.P.M. County.
- b. X = ___ feet, Y = ___ feet, N.M. Coordinate System ___ Zone in Grant. U.S.G.S. Quad Map
- c. Latitude: ___ d m s Longitude: ___ d m s
- d. East (m), North (m), UTM Zone 13, NAD (27 or 83)
- e. Tract No. ___, Map No. ___ of the Hydrographic Survey
- f. Lot No. ___, Block No. ___ Of Unit/Tract of the County. Subdivision recorded in ___
- g. Other:
- h. Give State Engineer File Number if existing well: RG-20516, et al
- i. On land owned by (required): United States and/or easement owned by the City of Santa Fe
- j. If new well, give approximate depth (if known) ___ feet; Outside diameter of casing ___ inches. Name of driller and license number (if known)

B. PLACE OF USE

N/A acres of land described as follows:

Subdivision of Section (District or Hydrographic Survey)	Section (Map No.)	Township (Tract No.)	Range	Acres
---	----------------------	-------------------------	-------	-------

TO BE USED AT ANY LOCATION WITHIN THE SERVICE AREA
OF COUNTY OF SANTA FE

Who is the owner of the land? Numerous land owners within the County of Santa Fe

If there are other sources of water for these lands, describe by file number:

C. PURPOSE OF USE

Domestic: T Livestock: Irrigation: Municipal: T Industrial: T
 Commercial: T Other (specify): and any and all other purposes of use related thereto or
 allowed by Permit No. RG-20516, et al
 Specific use:

SFC RECORDED 02/20/2006

STATE ENGINEER OFFICE
SANTA FE, N.M. 87500
2006 FEB 20 PM 3:13

NEW MEXICO OFFICE OF THE STATE ENGINEER
APPLICATION TO CHANGE POINT OF DIVERSION AND PLACE
AND/OR PURPOSE OF USE FROM SURFACE TO GROUND WATER

D. QUANTITY

Diversion Amount: Maximum allowed under Permit No. RG-20516, et al acre-feet per annum
Consumptive Use: 50.085 acre-feet per annum

5. REASON FOR CHANGE

Application is hereby made to change point of diversion and/or place and/or purpose of use for the following reasons: To provide water for residents of and other water users within the County of Santa Fe

6. ADDITIONAL STATEMENTS OR EXPLANATIONS:

See Attachment A.

ACKNOWLEDGMENT 1 of 3

COUNTY OF SANTA FE, a political subdivision of the State of New Mexico, and co-owner with GREER ENTERPRISES, INC., of the water rights described herein, affirms that the foregoing statements are true to the best of its knowledge and belief.

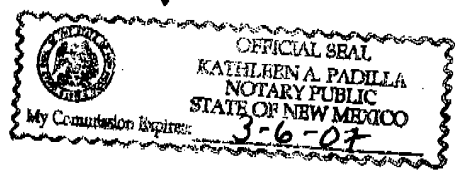
Applicant Signature
COUNTY OF SANTA FE, a political subdivision of the State of New Mexico

By: **Gerald T. E. Gonzalez**, County Manager

STATE OF NEW MEXICO)
) ss:
COUNTY OF SANTA FE)

Before me appeared **Gerald T. E. Gonzalez**, with due authority as the Manager of Santa Fe County, a political subdivision of the State of New Mexico, who provided satisfactory evidence of his/her identity and voluntarily acknowledged and signed this instrument on behalf of said County this 27 th day of January 2005.

SEAL



Kathleen A. Padilla
NOTARY PUBLIC

REC'D
FEB 2 11 31 AM '06
COUNTY CLERK
SANTA FE, NEW MEXICO

SFC RECORDED 02/20/2006

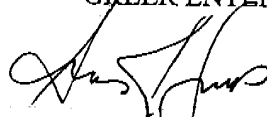
NEW MEXICO OFFICE OF THE STATE ENGINEER
APPLICATION TO CHANGE POINT OF DIVERSION AND PLACE
AND/OR PURPOSE OF USE FROM SURFACE TO SURFACE WATER

ACKNOWLEDGMENT 2 of 3

I, Alexis Girard, President of Greer Enterprises, Inc., affirm that Greer Enterprise, Inc. is the owner of the subject water rights and has a certain contractual relationship with the County of Santa Fe providing them an interest in the water rights described herein, and state that the foregoing statements are true to the best of my knowledge and belief.

GREER ENTERPRISES, INC.

By:



Alexis Girard, President

STATE OF NEW MEXICO)
) ss:
COUNTY OF SANTA FE)

Before me appeared Alexis Girard, with due authority as the President of Greer Enterprises, Inc., and who provided satisfactory evidence of her identity and voluntarily acknowledged and signed this instrument on behalf of said trust this 21th day of January, 2005.

SEAL


NOTARY PUBLIC

August 9, 2008

SFC RECORDED 02/20/2006

STATE OF NEW MEXICO
COUNTY OF SANTA FE
REC-001-7 PM 3:43

NEW MEXICO OFFICE OF THE STATE ENGINEER
APPLICATION TO CHANGE POINT OF DIVERSION AND PLACE
AND/OR PURPOSE OF USE FROM SURFACE TO GROUND WATER

ACKNOWLEDGMENT 3 of 3

THE CITY OF SANTA FE, a municipal corporation and owner of the Buckman Wells into which the water rights described herein are proposed to be transferred, affirms that the foregoing statements are true to the best of its knowledge and belief.

CITY OF SANTA FE, a municipal corporation ATTEST

By: *M. P. Lujan*
Mike P. Lujan, City Manager
Date: *3-18-05*

Yolanda Y. Vigil
Yolanda Y. Vigil, City Clerk

Approved as to form by:

A. H. Howard CAO
Bruce Thompson, City Attorney

Date: *3-18-05*

STATE OF NEW MEXICO)
) ss:
COUNTY OF SANTA FE)

Before me appeared **Mike P. Lujan**, with due authority as the Manager of the City of Santa Fe, who provided satisfactory evidence of his identity and voluntarily acknowledged and signed this instrument on behalf of the City of Santa Fe this *18*th day of *March* 2005.

SEAL

Juan - Salazar
NOTARY PUBLIC

SFC RECORDED 02/20/2006

REC'D BY: [unclear]
[unclear]

**NEW MEXICO OFFICE OF THE STATE ENGINEER
APPLICATION TO CHANGE POINT OF DIVERSION AND PLACE
AND/OR PURPOSE OF USE FROM SURFACE TO GROUND WATER**

ACTION OF THE STATE ENGINEER

This application is approved/denied/partially approved provided it is not exercised to the detriment of any others having existing rights; and is not contrary to the conservation of water in New Mexico nor detrimental to the public welfare; and further subject to the following conditions:

Witness my hand and seal this _____ th day of _____, 200____,
_____, State Engineer.

By:

SFC RECORDED 02/20/2006

STATE ENGINEER
NEW MEXICO
2006 JUN -7 PM 3:46

Attachment A

Greer Enterprises, Inc. and Santa Fe County propose to discontinue the diversion and consumptive use of 50.085 acre-feet per annum for irrigation under File Number 03942-A and transfer that consumptive use amount to ground water points of diversion comprising the Buckman well field, owned by the City of Santa Fe. The rights transferred hereby shall be used to offset depletions on the Rio Grande resulting from pumping of ground water authorized by State Engineer Permit RG-20516, et al., for domestic, municipal, industrial, commercial, and any and all purposes of use related thereto or allowed by Permit RG-20516 et al. within any location in the service area of Santa Fe County, on land owned by numerous owners within the County of Santa Fe. If granted, this application will not increase the already approved diversion amount under Permit RG-20516, et al.

Applicants propose to change the point of diversion of the above-described water rights to the Buckman well field, owned by the city of Santa Fe:

RG-20516-S-5 (Buckman Well No. 1) located at a point where X = 527,167 feet and Y = 1,759,246 feet, NMSPCS, Central Zone, NAD 1927;

RG-20516-S-6 (Buckman Well No. 2) located at a point where X = 527,865 feet and Y = 1,757,053 feet, NMSPCS, Central Zone, NAD 1927;

Well No. RG-20516-S (Buckman Well No. 3) located in the NW1/4 NW1/4 NE1/4 of Section 1, Township 18 North, Range 7 East, NMPM;

RG-20516-S-2 (Buckman Well No. 4) located in the SW1/4 SW1/4 SE1/4 of Section 1, Township 18 North, Range 7 East, NMPM, at a point where X=529,816 feet and Y=1,753,913 feet, NMSPCS, Central Zone, NAD 1927;

RG-20516-S-3 (Buckman Well No. 5) located in the SW1/4 SW1/4 SE1/4 of Section 1, Township 18 North, Range 7 East, NMPM;

RG-20516-S-4 (Buckman Well No. 6) located in the NE1/4 NE1/4 SE1/4 of Section 1, Township 18 North, Range 7 East, NMPM;

RG-20516-S-7 (Buckman Well No. 7) located at a point where X = 529,304 feet and Y = 1,758,756 feet, NMSPCS, Central Zone, NAD 1927;

RG-20516-S-8 (Buckman Well No. 8) located at a point where X = 525,349 feet and Y = 1,758,340 feet, NMSPCS, Central Zone, NAD 1927; and

RG-20516-S-9 (Buckman Well No. 9) located in the NW1/4 SW1/4 SW1/4 of Section 31, Township 19 North, Range 8 East, NMPM, at a point where X=531,966 feet and Y=1,757,293 feet, NMSPCS, Central Zone, NAD 1927;

The Buckman Wells are located generally from 7-16 miles northwest of the intersection of State

SFC RECORDED 02/20/2006

NEW MEXICO STATE ENGINEER OFFICE
CHANGE OF OWNERSHIP OF WATER RIGHT

1. OWNER OF RECORD

Name: Scott Itzen Diez
Contact: Scott Itzen Diez
Address: Stagecoach Motor Inn
3360 Cerrillos Road
City: Santa Fe

Work Phone: (505) 471-0707
Home Phone: (505) 471-0707
State: NMzip: 87505

NEW OWNER

Name: John J. McCarthy &
Bob Lee Trujillo
Contact: John J. McCarthy
Address: 825 Allendale Street
City: Santa Fe

Work Phone: (505) 988-2189
Home Phone: (505) 988-2189
State: NMzip: 87501

2. AMOUNT CONVEYED

State Engineer File Number: RG-28789
Subfile Number GW-2.58
Owner of record has conveyed all
(all or part)

of Cause Number SF71-43,347, Volume II
of said right.

Consumptive Use: 5.53 acre-feet per annum
Diversion Amount: 5.53 acre-feet per annum
Other: _____ (units)

3. PURPOSE OF USE

Domestic: _____ Livestock: _____ Irrigation: _____ Municipal: _____ Industrial: _____
Commercial: X Other (specify): _____
Specific use: Motel and related uses

4. PLACE OF USE

N/A acres of land described as follows:

Subdivision of Section (District or Hydrographic Survey)	Section (Map No.)	Township (Tract No.)	Range	Acres	Priority
<u>N/A</u>	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

SFC RECORDED 02/20/2006

NEW MEXICO STATE ENGINEER OFFICE
CHANGE OF OWNERSHIP OF WATER RIGHT

5. WELLS TO ACCOMPANY CONVEYED RIGHT

Well File No.	Subdivision	Section	Township	Range
RG-28789	SW1/4 SE1/4 NE1/4	5	16N	9E

6. CONSENT TO LAWFUL CHANGE IN PLACE AND/OR PURPOSE OF USE

I, the above owner of record; hereby consent to a lawful change in the place and/or purpose of use of the above-described water right: (To be completed only if it is an irrigation water right and has been conveyed separate from the land to which it was appurtenant.)

Scott Itzen Diez

7. ADDITIONAL STATEMENTS OR EXPLANATIONS:

ACKNOWLEDGEMENT FOR NATURAL PERSONS

I, John J. McCarthy affirm that the foregoing statements are true to
(Please Print)
the best of my knowledge and belief, By: John J. McCarthy

Signature
John J. McCarthy

Signature
Bob Lee Trujillo

NOTARY

This instrument was acknowledged before me this ____ day of

A.D., ____ By _____
Name of Applicant

My commission expires

Notary Public

SFC RECORDED 02/20/2006

NEW MEXICO OFFICE OF THE STATE ENGINEER
CHANGE OF OWNERSHIP OF WATER RIGHT

ACKNOWLEDGMENT FOR CORPORATION

Signature of Officer

State of (_____)
County of (_____) ss.

This instrument was acknowledged before me this _____ day of

A.D., _____, By _____ (Name of Officer) _____ (Title of Officer)

of _____ a _____ corporation,
(Name of Corporation Acknowledging) (State of Corporation)

on behalf of said corporation.

My commission expires

Notary Public

ACTION OF STATE ENGINEER

This Change of Ownership form is hereby accepted for filing in accordance with Section 72-1-2.1, NMSA-1978 (1985 Repl. Pamph), as amended. The acceptance by the State Engineer Office does not constitute validation of the right conveyed.

SFC RECORDED 02/20/2006

Trn Desc:
Log Due Date:

File Number: RG-28789
Trn Number:

**NEW MEXICO OFFICE OF THE STATE ENGINEER
CHANGE OF OWNERSHIP OF WATER RIGHT**

CHANGE OF OWNERSHIP INSTRUCTIONS

- a. The "Owner of Record" of a water right is the current owner recorded in the State Engineer Office.
- b. This form shall be completed by the new owner and shall be accompanied by a warranty deed or other instrument of conveyance.
- c. A separate Change of Ownership of Water Right form shall be filed for each water right recorded in the State Engineer Office by either Permit, License, Declaration or Court Adjudication.
- d. This form shall be filed in triplicate (three) and must be accompanied by a \$2.00 filing fee. Each form must be signed and notarized.
- e. An original will be forwarded to the new owner with instructions to file it with the county clerk in the county in which the water right is located. Acceptance of the form for filing by the State Engineer does not constitute verification of the right conveyed.

LINE BY LINE INSTRUCTIONS

- 1. Name and address of new owner is required.
- 2. If for irrigation, "Diversion Amount" is the diversion at the farm (turnout) headgate. State Engineer file number is required.
- 3. State purpose of use of the existing water right of the owner of record.
- 4. A legal description of the land with the water right or place of use is required. If possible, a copy of the survey plat shall accompany this document.
- 5. If the ownership of a well is being changed, the State Engineer file number of the well is required.
- 6. If the water rights are being conveyed without the land a verification (signature) from the seller is required.

Assistance in completing this form is available, and filing of the form may be done, at the State Engineer Office in Santa Fe and the District Offices located as follows:

- Santa Fe, Room 102, Bataan Memorial Building, P.O. Box 25102,
Santa Fe, NM 87504-5102, Phone # 505-827-6120
- District 1, 121 Tijeras, NE., Suite 2000
Albuquerque, NM 87102, Phone # 505-841-9480
- District 2, 1900 West Second Street,
Roswell, NM 88201, Phone # 505-622-6467
- District 3, 216 South Silver, P.O. Box 844,
Deming, NM 88031, Phone # 505-545-2851
- District 4, 133 Wyatt Drive, Suite 3,
Las Cruces, NM 88005, Phone # 505-524-6161
- Aztec Sub-Office, 100 S. Oliver Dr.
Aztec, NM 87410, Phone # 505-334-9481

SFC RECORDED 02/20/2006

Trn Desc:
Log Due Date:

File Number: RG-28789
Trn Number:

SPECIAL WARRANTY DEED

Scott Itzen Diez ("Grantor") warrants that the Grantor is the owner of 5.53 acre-feet of consumptive use water rights (5.53 acre-feet of diversion) in the Middle Rio Grande Basin located in the Santa Fe sub-basin. Water Rights are as described in the attached adjudication order (Attachment) State Engineer File Number RG-28789, Sub-file Number GW 2.58 of Cause Number SF 71-43,347 SANTA FE RIVER STREAM SYSTEM ADJUDICATION SUIT, VOLUME II located in Santa Fe County, New Mexico. For valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantor grants to John J. McCarthy and Bob Lee Trujillo whose address is 825 Allendale Street, Santa Fe, New Mexico 87501, a fee simple interest in the water rights, with special warranty covenants.

DATED: May , 2002

BY:

Scott Itzen Diez
Stagecoach Motor Inn
3360 Cerrillos Road
Santa Fe, NM 87505

STATE OF NEW MEXICO)
) ss.
COUNTY OF SANTA FE)

This instrument was acknowledged before me on May _____, 2002, by Scott Itzen Diez, Stagecoach Motor Inn, 3360 Cerrillos Road, Santa Fe, NM 87505

SEAL

NOTARY PUBLIC

My Commission Expires:

SFC RECORDED 02/20/2006

46-6-04800

NEW MEXICO STATE ENGINEER OFFICE
CHANGE OF OWNERSHIP OF WATER RIGHT

995313

1. OWNER OF RECORD

Name: Bernard and Alicia Cawley
Contact: Stagecoach-Motor Inn
Address: 3360 Carrillos Road
City: Santa Fe

Work Phone:
Home Phone: 438-9864
State: NM Zip: 87505

NEW OWNER

Name: Scott Tzay Dyer
Contact: Stagecoach-Motor Inn
Address: 3360 Carrillos Road
City: Santa Fe

Work Phone: 505/471-0707
Home Phone:
State: NM Zip: 87505

2. AMOUNT CONVEYED

Consumptive Use: _____ acre-feet per annum
Diversion Amount: 5.53 acre-feet per annum
Other: _____ (units)

State Engineer File Number: RG-28789
Subfile Number GW-7, 5R
Owner of record has conveyed _____

of Cause Number _____
of said right.

all
(all or part)

3. PURPOSE OF USE

Domestic: _____ Livestock: _____ Irrigation: _____ Municipal: _____ Industrial: _____
Commercial: Other (specify):
Specific use: Motel and related purposes

4. PLACE OF USE

4.399 acres of land described as follows:

Subdivision of Section (District or Hydrographic Survey)	Section (Map No.)	Township (Tract No.)	Range	Acres	Priority
Santa Fe River Hydrographic Survey	SW1/4 S21/4	NEL/4 Sec,	5-T16N R9E	4.399	194R
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

File Number: RG-28789
GW-2.58

STATE ENGINEER OFFICE
SANTA FE NEW MEXICO
96 SEP 12 PM 2 28

SFC RECORDED 02/20/2006

NEW MEXICO STATE ENGINEER OFFICE
CHANGE OF OWNERSHIP OF WATER RIGHT

5. WELLS TO ACCOMPANY CONVEYED RIGHT

Well File No.	Subdivision	Section	Township	Range
EG-28789	SW1/4 NW1/4 NE1/4	5	16 N	9 E

6. CONSENT TO LAWFUL CHANGE IN PLACE AND/OR PURPOSE OF USE

I, the above owner of record, hereby consent to a lawful change in the place and/or purpose of use of the above-described water right: (To be completed only if it is an irrigation water right and has been conveyed separate from the land to which it was appurtenant.)

7. ADDITIONAL STATEMENTS OR EXPLANATIONS:

NO
5
50

ACKNOWLEDGEMENT FOR NATURAL PERSONS

I, Scott Itzen Diez affirm that the foregoing statements are true to
(Please Print)
the best of my knowledge and belief. By:

~~Signature~~

Signature

NOTARY

This instrument was acknowledged before me this 9th day of September

A.D., 1996, By Scott Itzen Diez

My commission



OFFICIAL SEAL
Jana M. Lujan
NOTARY PUBLIC
STATE OF NEW MEXICO
My Commission Expires: 2/29/97

Notary Public

File Number: EG-28789

GW-2.58

SFC RECORDED 02/20/2006

STATE OF NEW MEXICO

COUNTY OF SANTA FE

IN THE DISTRICT COURT

HENRY P. ANAYA, et al.,

Plaintiffs

vs.

PUBLIC SERVICE COMPANY OF
NEW MEXICO, et al.,

Defendants,

STATE OF NEW MEXICO ex rel
S. B. REYNOLDS, State Engineer,

Plaintiff-in-
Intervention

OFFER OF JUDGMENT

ORIGINAL PLEADING
FILED ON 1/27/06

COUNTY

DISTRICT COURT CLERK'S OFFICE

No. 43,347

SANTA FE RIVER
STREAM SYSTEM ADJUDICATION

VOLUME II

Sub-file No.: GW-2.58

FILE COPY

COMBINED OFFER & ORDER

The plaintiff-in-intervention STATE OF NEW MEXICO and the
Bernard and Alicia Cawley
defendant(s) (dba Stage Coach Motor Inn) agree that
the right of the defendant(s) to divert and use public waters from
the Santa Fe River stream system is as follows:

Purpose: Commercial (Motel and Related Purposes)
a) State Engineer File No.: RG-28789

b) Priority: 1948

c) Source of Water: Underground waters of the Santa Fe
River stream system.

d) Point of Diversion:

Well RG-28789 (W-11, Map Sheet No. 27), located
in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 5, Township 16 N.,
Range 9 E., N.M.P.M.

e) Place of Use:

Stage Coach Motor Inn, in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$,
Section 5, Township 16 N., Range 9 E., N.M.P.M.

f) Amount of Water:

The total amount of water diverted at the
well described above shall not exceed 5.53 acre-
feet per annum.

The plaintiff-in-intervention and the defendant(s) agree that
this agreement contains all claims of right of the defendant(s) to
the use of public surface or underground water in the Santa Fe

Sub-file No.: GW-2.58

SFC RECORDED 02/20/2006

River stream system, except as contained in other Offers of Judgment and adjudication orders entered in this cause.

The plaintiff-in-intervention and the defendant(s) further agree that any conditions imposed by the State Engineer in granting any permit or license relating to this water right are incorporated into this agreement and that such conditions should be included in any Consent Order. The plaintiff-in-intervention and the defendant(s) also stipulate that a Consent Order may be entered in accordance with these agreements:

OFFER ACCEPTED:

Defendant: *Bernard Cowley* — *[Signature]*
Special Assistant Attorney General
Defendant: *W. Alvin Cowley*
Address: *3360 Cervantes Rd.* Date: *9/15/80*
Santa Fe, N.M.

CONSENT ORDER

THE COURT, having considered this agreement between the parties, finds:

1. The Court has jurisdiction over the parties and the subject matter;
2. The right of the above-named defendant(s) to withdraw and use the public waters of the Santa Fe River stream system is as set forth above;
3. The defendant(s) has(have) no surface or underground water rights in the Santa Fe River stream system other than those referred to in this Order and those other Orders entered by this Court in this cause regarding water rights owned by the same defendant(s) in this stream system.

IT IS THEREFORE ORDERED that the water rights of the defendant(s) are as set forth above. The defendant(s) and all those in privity with the defendant(s) are enjoined from any diversion or use of the public surface or underground waters of the Santa Fe River stream system, except in strict accordance with the rights set forth hereinabove or in other Orders of this Court.

Dated this _____ day of _____, 19____.

JUDGE OF THE NEW MEXICO DISTRICT COURT

SFC RECORDED 02/20/2006

IMPORTANT - READ INSTRUCTIONS ON BACK BEFORE FILLING OUT THIS FORM.

Declaration of Owner of Underground Water Right

HC#70493
\$1.00

RIO GRANDE UNDERGROUND WATER BASIN
BASIN NAME

77 MAY 24 10:52

Declaration No. RG-28789

Date received May 24, 1977

STATEMENT

ALBUQUERQUE, N.M.

- Name of Declarant: Alicia Casoley & Bernard E. Casoley Sr.
Mailing Address: 3160 Carrillos Rd., Santa Fe
County of Santa Fe, State of New Mexico 87501
- Source of water supply: shallow water aquifer (artesian or shallow water aquifer)
- The well is located in the SW 1/4 SE 1/4 NE 1/4 of section 5, Township 16N, Range 9E, NE 1/4 SEC 418 LOT 2 Map No. on land owned by Declarants
- Description of well: date drilled Approx. 1948, diller J D Smith, depth est. 225 feet, outside diameter APPROX. 6-5/8 inches; original capacity 25 gal. per min.; present capacity 12 gal. per min.; pumping lift APPROX. 170 feet (below) land surface; make and type of pump: Reja Submersible; make, type, horsepower, etc., of power plant: 1/2 HP electric; Fractional or percentage interest claimed in well: 100%
- Quantity of water appropriated and beneficially used: 7.52 acre feet per annum (acre feet per acre) (acre feet per annum) for domestic, sanitary, commercial, irrigation and related
- Average actually irrigated: 1.0 acres, located and described as follows (describe only lands actually irrigated):

Subdivision	Sec.	Twp.	Range	Acres irrigated	Owner
in the vicinity of SW 1/4 SE 1/4 NE 1/4	5	16N	9E		Declarants

Water use also includes commercial purposes at the Stagesch Motor Inn. Usage based upon an average occupancy of 70%, 14 units and 2 sets of living quarters. Said 14 units can be occupied by 48 persons.

This enterprise is also connected to the "Chez Rene" well for standby purposes in case of failure of the above described well but the two water supply systems are separate from each other.

- Water was first applied to beneficial use: month day year Approx. 1948 and since that time has been used fully and continuously on all of the above described lands for the above described purposes except as follows: continuously for irrigation purposes until water supply changed to City Water in 1973. Plans are to disconnect from City Water and reconnect to well.

Additional statements or explanations: Water use as follows:

Motel: 48 x 100 x 365.25 x 0.70 = 1,227,240 gal/yr	or 3.76 AF/AN
Irrig: Approx. 1.0 acres at 3 AF/Ac/An	or 3.00 AF/AN
Living Quarters: 7 x 365.25 x 100 x 0.35 = 63919 gal/yr	or 0.30 AF/AN
2 x 365.25 x 250 = 182,625 gal/yr	or 0.56 AF/AN
TOTAL	7.52 AF/AN

Alicia Casoley & Bernard E. Casoley, Jr. being first duly sworn upon my oath, depose and say that the above is a full and complete statement prepared in accordance with the instructions on the reverse side of this form and submitted in evidence of ownership of a valid underground water right, that I have carefully read each and all of the items contained therein and that the same are true to the best of my knowledge and belief.

Alicia Casoley

Bernard E. Casoley, Jr. declarant.

Subscribed and sworn to before me this 13th

My Commission expires 12/9/79

Michelle J. Garcia

day of May 1977, A.D. 1977

Casoley Casoley Notary Public
8-15-80

STATE ENGINEER OFFICE
SANTA FE, N.M. 87501
JUN 10 PM 12 50

FILED
UNLESS CITY ENGINEER LAW A DECLARATION IS ONLY A STATEMENT OF DECLARANT'S CLAIM.
NO CHANGE FOR FILING DOES NOT CONSTITUTE APPROVAL OR REJECTION OF THE CLAIM.

SFC RECORDED 02/20/2006