



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC MINUTES
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SANTA FE COUNTY

BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

June 8, 2010

Harry Montoya, Chair - District 1
Kathy Hollan - District 4
Liz Stefanics - District 5
Virginia Vigil - District 2
Michael Anaya - District 3

SFC CLERK RECORDED07/14/2010

SANTA FE COUNTY
REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS
June 8, 2010

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 3:09 p.m. by Chair Harry Montoya, 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, Harry Montoya, Chair
Commissioner Virginia Vigil, Vice Chair
Commissioner Kathy Holian
Commissioner Liz Stefanics
Commissioner Mike Anaya [late arrival]

Members Excused:

[None]

V. INVOCATION

An invocation was given by Leroy Catanach from the Treasurer's Office.

VI. APPROVAL OF THE AGENDA

- A. Amendments**
- B. Tabled or Withdrawn Items**

ROMAN ABEYTA (County Manager): Thank you, Mr. Chair, there are several amendments to the agenda this afternoon. The first coming under IX. Special Presentations, we're going to need to table item B, the presentation to Art Trujillo. We need to make sure we can schedule that when Mr. Trujillo can join us.

Under the Consent Calendar on page 2 of the agenda, XII. A. Community Funds, we added a request for approval of \$250 in community funds for Somos un Pueblo Unido. Under Miscellaneous, C. 3, I need to clarify that the property lease agreement between the County

and CHRISTUS St. Vincent Regional Medical Center is going to be for \$16 a square foot and not \$21 as indicated in the lease. And that amount is based on current market conditions.

Item #4 under Miscellaneous on page 3 of the agenda has been tabled, a letter of intent regarding the CARE Connection.

Staff and Elected Official Items, XIII. B. Growth Management, a presentation and possible approval of 40-year water plan is tabled, and 2, presentation and request approval for submittal of the Santa Fe County water conservation plan is tabled.

Under Matters from the County Attorney, D. we added 1, which is consideration of publication of title and general summary of an ordinance reforming the County's procurement practices with respect to road and building construction projects.

On the next page of the agenda, page 4, under Public Hearings, XIV. A. Growth Management, item 4, CDRC Case Z 09-5520, New Mexico Boys and Girls Ranch Master Plan is tabled. Page 5 of the agenda, item 7, CDRC Case S 08-5210, Sandstone Pine Estates is tabled. And the last item, item 8, CDRC Case Z 09-3132 PNM Caja del Rio Substation, that item is tabled. And those are the amendments from staff, Mr. Chair.

CHAIRMAN MONTOYA: Okay.

COMMISSIONER HOLIAN: Move for approval with amendments.

CHAIRMAN MONTOYA: Motion by Commissioner Holian.

COMMISSIONER STEFANICS: Second.

CHAIRMAN MONTOYA: Second by Commissioner Stefanics. Any discussion?

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

VII. APPROVAL OF CONSENT CALENDAR

A. Consent Calendar Withdrawals

CHAIRMAN MONTOYA: Are there any withdrawals?

COMMISSIONER HOLIAN: Move for approval.

COMMISSIONER VIGIL: Second.

CHAIRMAN MONTOYA: Okay, we have a motion by Commissioner Holian, a second by Commissioner Vigil.

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

XII. CONSENT CALENDAR

A. Community Funds

1. **Request for Approval of \$250 of Community Funds for Somos Un Pueblo Unido (Commissioner Stefanics)**

B. Final Orders

1. **CDRC Case # VAR 09-5400 Nikolos Cecere. Nikolos Cecere, Applicant, Requests a Variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to Allow a Land Division of 5.6 Acres Into Two Lots. The property is Located at 101 Lower La Joya Road, within Section 36, Township 16 North, Range 11 East, (Commission District 4). John M. Salazar, Case Manager (APPROVED 4-1)**
2. **CDRC Case # Z 08-5450 Cimarron Village Master Plan. Joseph Miller, Applicant, Land Development Consultants, Agent Request a Master Plan Amendment to the Previously Approved Cimarron Village Development to Allow a Mixed-Use Development Consisting of 34 Commercial Lots, 3 Single Family Residential Lots, 20 Live/Work Units, and 30 Townhouse Units for a Total of 53 Dwelling Units on 81.69 Acres± and a Rezoning of an 8.126-Acre Parcel to a Neighborhood Mixed-Use Zoning Designation for Residential and Commercial Development. The Property is Located East of Eldorado on the East Side of US 285, off Colina Drive and Camino Valle, within Sections 9 & 16, Township 15 North, Range 10 East (Commission District 5) Vicki Lucero, Case Manager (APPROVED 4-0)**

C. Miscellaneous

1. **Request Approval of Amendment No. 1 with Georgia Place, LLC, Office Rental Space for the Santa Fe Assessor's Office Located at 128 Grant, Total Amendment Amount \$21,600.00 (Domingo Martinez, County Assessor)**
2. **Resolution 2010-101. Request Approval for a Budget Increase to the Fire District's Revenue Fund 244 to Budget New Revenue From a Movie Production Standby for the Personnel and Apparatus Resources Required on the Production of Thor/ManHatTan in the Amount of \$34,997 (Community Services/Fire)**
3. **Property Lease Agreement Between Santa Fe County and CHRISTUS St. Vincent Regional Medical Center**
4. **Letter of Intent Regarding Care Connection and Sobering Center (TABLED)**

VIII. APPROVAL OF MINUTES

- A. Approval of May 11, 2010 BCC Minutes**

COMMISSIONER STEFANICS: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Stefanics.
COMMISSIONER STEFANICS: I'll move approval of the minutes of May
11, 2010.

COMMISSIONER HOLIAN: Second.

CHAIRMAN MONTOYA: I have a motion by Commissioner Stefanics, a
second by Commissioner Holian. Any discussion?

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

IX. SPECIAL PRESENTATIONS

**A. Proclamation Recognizing Pojoaque Pueblo Boys and Girls Club Youth
Andrea Castellano as New Mexico State Youth of the Year and Desiree
Garcia as New Mexico State Junior Youth of the Year (Commissioner
Montoya)**

CHAIRMAN MONTOYA: This is a presentation that I have recognizing
the two youth from the Pojoaque Pueblo Boys and Girls Club and they were both honored by
taking I would say some pretty lofty awards in terms of their participation in the Boys and
Girls Club. I'll just read the first one. This one is for Andrea Castellano. It says:

Whereas, the mission of the Pojoaque Pueblo Boys and Girls Club is to help youth
develop sound character, leadership abilities and the willingness to give back to the
community; and

Whereas, the Boys and Girls Club believes that learning opportunities and experiences
are key to young people realizing their full potential; and

Whereas, the Youth of the Year Program at Pojoaque Boys and Girls Club recognizes
those young people who make a difference in the lives of other club members and set an
example for other youth to follow; and

Whereas, the Youth of the Year is selected for generously sharing their talents in the
community, their high level of academic achievement and positive leadership skills; and

Whereas, being named New Mexico State Youth of the Year is the highest honor a
Boys and Girls Club member can receive;

Now, therefore, be it resolved that we the Board of Santa Fe County Commissioners
hereby recognize Andrea Castellano, New Mexico State Youth of the Year for serving as a
role model and demonstrating excellence in academic achievement and community service.
And I would move for approval.

COMMISSIONER VIGIL: Second.

CHAIRMAN MONTOYA: I have a motion by myself, second by
Commissioner Vigil. Any discussion?

The motion passed by unanimous [4-0] voice vote. [Commissioner Anaya was not present for this action but joined the proceedings directly.]

CHAIRMAN MONTTOYA: The next proclamation is recognizing the Junior Youth of the Year. And this is, the first couple of whereases are the same and I'll read:

Whereas, the Junior Youth of the Year Program at Pojoaque Boys and Girls Club recognizes those young people who make a difference in the lives of other club members and set an example for other youth to follow; and

Whereas, being named New Mexico State Junior Youth of the Year is the highest honor a Boys and Girls Club member can receive in the junior age category, 12 and under;

Now, therefore, be it resolved that the Santa Fe County Board of County Commissioners hereby recognize Desiree Garcia, New Mexico State Junior Youth of the Year for her outstanding service to her family, school and community, while inspiring other youth to strive for equally high levels of achievement. And I would move for approval.

COMMISSIONER HOLIAN: Second.

CHAIRMAN MONTTOYA: Second by Commissioner Holian.

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

CHAIRMAN MONTTOYA: I would like to ask Andrea and Desiree to come forward and if we could also take a photo.

DESIREE GARCIA: I just wanted to say thank you to all of you. It's an honor, especially to receive it from Mr. Chair and all the Commissioners. I appreciate it and I want to say thank you to Don and Gwen, I couldn't do it without them, and to J.S. for being my role model.

ANDREA CASTELLANO: Thank you, Mr. Chair and the other Commissioners. This is a great honor and I've gone really far with competing for the Youth of the Year and me and Des both could have not done it with Don and Gwen, our directors, and the support of our family, our friends and the community. So thank you very much.

CHAIRMAN MONTTOYA: And Andrea, do you want to tell us a little bit about what went along with being the New Mexico Youth of the Year in the competition?

MS. CASTELLANO: Okay. So I competed for the local Youth of the Year in Pojoaque and winning the local Boys and Girls Club Youth of the Year in Pojoaque I received a \$1,000 scholarship and I received a plaque and I also got to go on to compete at the state level for State Youth of the Year in Farmington. And I also received a scholarship from Readers Digest for college also. And then when I went to compete for State Youth of the Year and what came with State Youth of the Year, winning State Youth of the Year, I got a \$2,000 scholarship, one from Readers Digest and one from the Tupperware Company. I also received a plaque. And then I got also to go on to compete at Regional Youth of the Year, and that was in Dallas, Texas at the Dallas Cowboy Stadium, and that was probably the

best thing I ever got, the experience of my life because I got to meet a lot of new people, a lot of famous people. I got to meet Jerry Jones, Roger Staubach, and some other Dallas Cowboy cheerleaders and also the football players.

I competed against eight other contestants and it was an experience. Unfortunately I didn't win Regional Youth of the Year but when we were there competing we got told that they were going to start a new scholarship fund for the Youth of the Year that made it to regional level. We had to say our speeches that night before the guests at the Dallas Cowboy Stadium at the field. They had a silent auction and they raised over \$200,000 in a matter of five minutes so with that money they split it between the eight of us that competed for Regional Youth of the Year and each one of us came home with a \$20,000 scholarship. So it was a great accomplishment and I learned a lot. It was a great experience, once in a lifetime opportunity. Thank you.

CHAIRMAN MONTROYA: Congratulations. Don, did you or Gwen want to say anything? I want to just recognize Pablo Sedillo who's here with Senator Bingaman's office. Pablo, thank you for being here. Appreciate it. And Don and Gwen, girls, thank you and congratulations again. Tell Don he's got to be doing something right to have two state champs out of the same club. Good job, Don.

IX. C. Presentation and Update on the 2010 Census

ROBERT L. LUCERO: Mr. Chair, Commissioners, thank you for letting us come before you today. We're going to try and be as brief as we possibly can, specifically myself. What we'd like to do is do an offer to come back some time in mid-July to September and do a workshop on how to navigate the databases on the web. This is on the statistical abstract of the United States. I have data from 2000, but we would teach you with this particular information and then when the data from this census period is made available in 2011 you would be able to access the same databases with the newer information.

So that's pretty much what I'm trying to pitch. I would also like to thank the Commission for appointing a Complete County Committee that's been very instrumental for us to educate and motivate and right now we're trying to get people to participate in the census. I would also like to thank Pablo Sedillo for bringing in Senator Bingaman's office and they're assisting us in all the counties up north. Right now what I'm going to do is have our partnership assistance sort of maybe highlight two things out of the Complete Count Committee and then we'll turn it over to Jonathan Miles who's a field operations manager for this area and he'll give us an update of what we've done and where we're at right now.

My name is Robert L. Lucero and I'm a partnership specialist for the US Census Bureau. The next person up is Donodo Covillo.

DONODO COVILLO: Mr. Chair, Commissioners, again, I'd just like to thank you for your generous support of the Complete Count Committee. We met at your offices down at West Alameda all the time and your employees and the employees of the City and

especially the shelters and the people that were participating in the Complete County Committee and our liaison to that committee, Joseph Maestas did a wonderful job and I wanted to thank him. He's not here today.

I wanted to tell you and thank you, Commissioner for coming to the opening down at the office. Your support all along this process has been very important because it's a joint process and since government benefits from a complete count I think you understand how important it is and I would just like to tell everyone, Commissioners and constituents alike, that if you get a knock on the door, please open the door and talk to the census workers because they're probably your neighbor or a relative or a friend and we're out there knocking on every door on the people that have not responded. At that point I would like to introduce Jonathan. We at the census are always talking acronyms and abbreviations. He is the AMFO. The Assistant Manager for Field Operations and he will give you a - whatever and answer any questions you have about the response and how the field operations are doing.

We just got a notice from Denver yesterday that the Santa Fe office has done the best in what's called the non-response follow-up. Again, NARFU. You have to talk in the census language if you want to know what's going on. And NARFU, we are the best in the state as far as getting questionnaires returned to be counted in Denver. So again, here's Jonathan.

JONATHAN MILES: My name is Jonathan Miles. I'm Assistant Manager for Field Operations of the United States Census Bureau. So I'm just going to give you quick numbers as far as where we are. We have about 29,000 housing units in Santa Fe County that did not respond that we've gone out and done a physical interview with the people there or determined that the housing unit was vacant. This operation as was mentioned is called non-response follow-up. It's the largest of the census operations. We hired a little over a thousand people for this operation. Through attrition we're down to about 330 employees in Santa Fe County. So we are about 25,000 cases into the 29,000 cases. We're almost done with the county as far as this operation.

We intend to finish up in the next two weeks the kind of difficult cases - people that are refusing to participate, that sort of stuff. We are also beginning to do ads, which are people, communities that were not on our address list. People that are saying they have not yet had a physical visit. So we're doing that at this point. If you - I imagine that you get these sorts of calls: I haven't received my census thing. What do I do? I can give you information about that. There's a specific number they should call: 505-216-9012. And that way, if people feel that they were missed we can get somebody out there, make sure that they're counted. We want this count to be incredibly accurate. We're working very, very hard to do this night and day.

So the next phase after non-response follow-up is going to be roughly the same size. We'll have about 250 employees in Santa Fe County. It's called vacant-delete check. So places we've determined in this operation are vacant or non-existent we will be going out there to make sure that actually do not exist or are vacant. So that's all I've got. If you have questions.

CHAIRMAN MONTROYA: Any questions? Commissioner Stefanics and then

Commissioner Holian.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. Is there any kind of cross tabulation now or later with the statistical data about voter rolls and addresses?

MR. MILES: No. We were not asking people if they're registered voters or anything like that. It's just a simple count.

COMMISSIONER STEFANICS: The reason I ask this is for our County Clerk, I guess. I encountered many years ago a vacant piece of land where nine people were registered to vote. So I'm just wondering if the County Clerk's Office ever does any kind of matching. No. Okay. Thank you.

CHAIRMAN MONTOYA: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Jonathan, can you tell me how you deal with homeless people?

MR. MILES: Sure. We had an operation, it was the 31st of April through the 4th of May, where we were out on the streets at night. We had worked with local organizations to identify populations – where populations were at night, whether they be in shelters or under specific bridges or arroyos and that sort of thing. And during those four nights we were out there with flashlights and that sort of fun stuff counting and getting information from people.

COMMISSIONER HOLIAN: Can you give me an idea of how many people that might be.

MR. MILES: Sorry. That was a while back.

MR. COVILLO: Five hundred in Santa Fe.

COMMISSIONER HOLIAN: Okay. And what about people who just absolutely refuse to open the door to you? What do you do in that case?

MR. MILES: We try and get – there's two situations of refusals. There's people who will open the door and say I'm not going to participate, where you at least have an idea that somebody does live there, so you can get a population count of at least one out of the house. Or we will just do it as a population unknown, and the regional level will take that into account when they do the final counts.

COMMISSIONER HOLIAN: Okay. Thank you.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: Thank you. A couple of questions. Well, first a couple of comments. Thanks to Pablo, Senator Bingaman's office for bringing in support for this. I know that the joint cooperation between state, local and federal needs to happen for a success rate to increase and I know we need to increase that. I also want to thank Hutch Miller. I want to thank Rita Maes who started with this Complete Count Committee. If it were not for their staffing and their coordination of when to meet, how to meet and noticing, the committee may have floundered a little but thanks to their efforts they created that glue that was necessary. So I so appreciate their staffing. Roman, thanks for making them available for this Complete County Committee.

I also want to thank HR and perhaps Joseph's shop. I'm not sure how often or where

you met. You said Alameda. I think it was at our Human Resource, but if you met in our Community Services Department, thank you for making the infrastructure available for that too. That was another necessary component for the Complete Count Committee.

Question now. When does it end?

MR. MILES: We will do a very small operation in the middle of August. It will run through the middle of September. We're talking maybe 100 people statewide, and then by the middle of September it will be over. All operations will be ended and the Santa Fe office will begin closing down at that point.

COMMISSIONER VIGIL: Is there a statutory deadline for count?

MR. MILES: Well, the results have to be presented to the president by December 31st.

COMMISSIONER VIGIL: Okay. And it's really, I think, critical that you go to the denser population and that will be interesting to know what the population ratio is between city and county. I'm looking forward to that ultimate count. Have you done a presentation before the City?

MR. MILES: I have not. I believe that the partnership side of the Census Bureau has but I have not.

COMMISSIONER VIGIL: Okay. So they're familiar with a similar presentation. That would be good to know.

MR. MILES: We're doing a presentation with the City on the 30th.

COMMISSIONER VIGIL: Okay. And did I also hear you say that there's a number where people can report fraud?

MR. MILES: No, there's a number where people can report that they have not received a census form or not received a visit from us.

COMMISSIONER VIGIL: Okay. Would you restate that number?

MR. MILES: Sure. That number is 505-216-9012.

COMMISSIONER VIGIL: Okay. And is there a way that you can help people who are saying they're getting someone at their door that is not.

MR. MILES: Sure. Usually our individuals will leave what's called a notice of visit if the respondent isn't home, and that notice of visit will list the employee ID number. It also lists a phone number that they can call to confirm that that person does work for us, based on that employee ID number. If they don't have a notice of visit form, which is a little blue form like this, stating all their information they can also call that 216-9012 number.

COMMISSIONER VIGIL: Also there are credentials that are presented, correct?

MR. MILES: Yes.

COMMISSIONER VIGIL: And that's what they look like. So if someone comes to your door, if they do not have the accurate credentials there's another clue.

MR. MILES: Correct. Absolutely.

COMMISSIONER VIGIL: Are you receiving many reports of fraud? I'm talking about Santa Fe County.

MR. MILES: Not very many in Santa Fe County. The place where we have gotten some and it does touch Santa Fe County, obviously, is Espanola. We've gotten some reports there but not very many. Maybe four.

COMMISSIONER VIGIL: Okay. And this is a speculative question, because I've heard speculative assessments. I understand that when the census count is in we may have a flat count. Is that something that you can speculate on at this point in time? No increase or very little increase in population.

MR. MILES: I cannot say anything about the numbers as far as what I think they're going to end up being.

COMMISSIONER VIGIL: Thank you, Mr. Chair. Appreciate the report.
Thank you.

MR. MILES: You're very welcome.

CHAIRMAN MONTOYA: I just too want to thank each of you for the work that you did and are doing still, and I also want to go with what Commissioner Vigil said in terms of Hutch and Rita and the work that they did, went around the state talking to different people. It sounded like we had a very good organization in terms of what we were getting out there and how we were getting the job done, compared to a lot of other counties and municipalities. So I think they're definitely to be commended and thank you for your support of their efforts as well. Appreciate it.

MR. MILES: Thank you, Commissioners.

X. MATTERS OF PUBLIC CONCERN –NON-ACTION ITEMS

CHAIRMAN MONTOYA: This is where if anyone would like to address the Commission on issues not on the agenda this is the point to do that. If you would come forward.

DAVID LUCERO: Mr. Chair, Commissioners, I'm David Lucero, president of Local 1782, and just to let you know that we did get off the negotiating table and tried to get our contract ratified and it was turned down by membership, and with your help we would like to get back on the table and get it done right.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: Roman, what is the next step?

MR. ABEYTA: Mr. Chair, we will hopefully be able to identify what the issue is and if it's something we could work towards then we will do that, but if it's something such as salary increases, then we might not be able to get off.

COMMISSIONER VIGIL: So the two options are renegotiating or just coming for a decision before the Board.

MR. ABEYTA: Well, no. The existing contract will just stay in place. That's one of the options and the other is to come back to the table and see what the membership perhaps isn't satisfied with and if we can make any concessions towards that then we'll do

that. But again, if it's financial then we probably won't be able to and we'll just continue with the existing contract.

COMMISSIONER VIGIL: And do the rules provide for a timeline for that?

MR. ABEYTA: No.

COMMISSIONER VIGIL: Okay. Thank you, Mr. Chair.

MR. LUCERO: Excuse me. The reason – the only thing that – we know that right now it's hard times and we are having some hard times. We can't – they can't sign a contract for four years without anything. It could pick up. If there would be a clause inside the contract. We don't have to negotiate the whole contract over. There was some of the current language that was in the contract that was taken out and that's what they were kind of

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

MR. ABEYTA: Mr. Chair, we'll look at that language but I believe there might have been language in there that said every quarter we would review the financial situation. So if that's not in there maybe that's language we can put in there. But if that's in there then maybe there's something else we can do. But I believe there might be language that we could come up with that says every quarter or every so often we'll look at the financial picture and if there is something available we can do that. But again, David and I will sit down and we'll look at that language together.

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chair. So, Dave, you're saying that it's on the table. Is that what you said? What's on the table?

MR. LUCERO: The contract.

COMMISSIONER ANAYA: The contract's on the table because you guys didn't agree.

MR. LUCERO: We took it to the membership to ratify the contract.

COMMISSIONER ANAYA: And they didn't agree with it.

MR. LUCERO: They didn't agree with it.

COMMISSIONER ANAYA: They're sending it back.

MR. LUCERO: They want to put the language, I guess language that was taken out. They want us to renegotiate some of the articles that were in there.

COMMISSIONER ANAYA: Okay. Thanks.

CHAIRMAN MONTOYA: Thank you, David.

MR. LUCERO: Thank you.

ALBERT LUCERO: Mr. Chair and Commission, my name is Albert Lucero. I am also a steward and also with the Local 1782. My direction is that if we can just have you guys please give your input and let us have communication with you during our negotiation times during the next negotiations that we're going to be in. Okay? Thank you.

CHAIRMAN MONTOYA: Thank you, Albert.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: I don't know if that's something we can do, right? We can't negotiate with these guys. Personally.

COMMISSIONER VIGIL: Would that be *ex parte*?

MR. ABEYTA: Mr. Chair, it could be a violation of the collective bargaining agreement, but we'll research that and if it's possible then we would allow that, but if not, legally we may not be able to.

COMMISSIONER ANAYA: So you'll let us know and you'll let us know?

MR. ABEYTA: Yes.

COMMISSIONER ANAYA: Thank you.

CHAIRMAN MONTOYA: Anyone else like to say anything at this time?

Okay.

XI. MATTERS FROM THE COMMISSION

A. Resolution No. 2010-102. A Resolution of Santa Fe County Requesting the Public Regulation Commission (PRC) of the State of New Mexico to Adopt Rules and Regulations to Protect New Mexico Consumers of Propane as Mandated By Senate Bill 468, Signed by Governor Bill Richardson in 2009 (Commissioner Anaya)

COMMISSIONER ANAYA: Thank you, Mr. Chair. This is a resolution that I believe this Commission passed something similar before the legislature and I'll go ahead and read it. And then I have Pilar here and Betty, if you have any questions they could answer or if they want to add something to it.

Whereas, rising fuel costs across the country are of increasing concern to the public, especially low-income persons in rural areas of New Mexico; and

Whereas, many low-income persons in the rural areas depend on propane gas as an energy source to heat their homes in the winter; and

Whereas, it is necessary for those New Mexicans who are most vulnerable to the high costs of fuel be protected; and

Whereas, the 2009 legislature and Governor Richardson with the passage and signing of Senate Bill 468 instructed the PRC to adopt rules and regulations to protect propane consumers; and

Whereas, oversight of rules and regulations of the propane gas industry by the PRC would ensure that New Mexicans, particularly low-income New Mexicans are paying fair prices for propane gas and services; and

Whereas, oversight of the propane gas industry by the PRC should establish transparency in billing and services provided by New Mexicans, particularly low-income New Mexicans as a component of the rules and regulations adopted by the PRC;

Now, therefore, be it resolved by the Board of County Commissioners of Santa Fe County is asking that the New Mexico Public Regulations Commission adopt rules and

regulations to protect consumers of propane gas in New Mexico.

So I'll move for approval.

COMMISSIONER VIGIL: Second.

CHAIRMAN MONTOYA: Motion by Commissioner Anaya, second by Commissioner Vigil. Any other discussion?

COMMISSIONER STEFANICS: Thank you for bringing it forward, Mr. Chair and Commissioner.

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

XI. OTHER MATTERS FROM THE COMMISSION

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: Nothing right now. I'll pass.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: I'll reserve. I'll wait till others.

CHAIRMAN MONTOYA: Okay. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I would just like to say congratulations to all the winners in the primary that we had last week in New Mexico, especially to our own Domingo Martinez in the County Assessor position, as well as Robert Garcia in the County Sheriff position, and to Danny Mayfield and Robert Anaya who may very well, I think almost certainly be joining us on the Commission next year. I would like to say thank you also to all the people who ran. I know how much work it is and how much dedication it takes to run for public office, and I just want to say how much I appreciate the sacrifice that you who ran made for our community.

CHAIRMAN MONTOYA: Okay. Thank you, Commissioner. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. I would like to thank our County Clerk's Office and all the volunteers for the election. It went very smoothly I understand and there are many, many people behind the scenes who oftentimes are not recognized. And I ditto what Commissioner Holian said about the time and energy it takes to run for office and it's great that people stepped up to the plate, statewide and locally.

I would also like to congratulate all the graduates in Santa Fe County. We congratulated our own County employees who graduated from Santa Fe Community College last time, but as you note there are many, many people who at the high school level to the college level who have been graduating and it's great we have such an interest in education.

I would also like to recognize and thank PFLAG Santa Fe. They earned over the past years several hundred thousand dollars and this year they gave out 24 college scholarships to individuals here in the community. And I would also urge all of us to be aware of fire conditions, because with the wind and the hot weather we just don't want to have any

traumas or emergencies throughout our county. Thank you, Mr. Chair.

CHAIRMAN MONTTOYA: Okay. Commissioner Vigil.

COMMISSIONER VIGIL: Thank you. I'd like to underscore congratulations to all those who won office of election, both in the county and statewide, and those who ran for those offices. It is, as Commissioner Holian said, it is a very difficult task to undergo an election. It was one of those experiences for me, Mr. Chair, that was like law school. Had I known what I was getting into I would not have done it. So sometimes it's good just to dive in there and just deal with the consequences. So congratulations to everyone, both winners and losers on just diving in there and taking the risk.

I also want to thank all those volunteers throughout the city and the county to do a lot of the cleanups that we've had. We've had Santa Fe Cleanup Day, we've had River Cleanup Day. We've had many days where volunteers throughout the community have come forth and dedicated their time to cleaning up either the river or their surrounding areas and I don't know that they ever get recognized as well as they should, so I'd like to recognize those of you who go out and keep our community clean.

And I'd also, Mr. Chair, like to tap into somebody's brain in terms of when we are doing the teen outreach event. I think it's coming up. Does anybody in the audience know when that is? I know it's being sponsored by Santa Fe County. It will be at Santa Maria de la Paz. I don't have those specific dates and I don't see anybody in the audience who might be able to –

MR. ABEYTA: Mr. Chair, Commissioner Vigil, they're today and tomorrow.

COMMISSIONER VIGIL: Today and tomorrow. Great. Okay.

MR. ABEYTA: In the morning.

COMMISSIONER VIGIL: Okay. That's a wonderful event that Santa Fe County sponsors. It's youth outreach and I'd like to thank all those participants who are involved with that and let the community know that is something we'd like to continue to do. Thank you, Mr. Chair.

CHAIRMAN MONTTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chair. I wanted to just let people know that I attended the flea market in La Cienega and I thought that went very, very well. There was a lot of people there, and I think that's going to be a big success. So anyway, I think that was a good move on our part. Thank you.

CHAIRMAN MONTTOYA: And I'd like to recognize Patricio Pego Guerrerortiz. Welcome to Santa Fe County. You're public utility director. Is that the correct title? Okay. So I'd like to welcome you on board. Glad to see you and glad that you're with us. I think that was a good acquisition from wherever you came.

I'd also just like to thank everyone and also congratulate everyone in terms of the races that were run. Of course I did unsuccessfully run for the State Land Commissioner position but I certainly want to thank Commissioner Vigil and Commissioner Holian for endorsement, Commissioner Stefanics for your help and certainly want to thank everyone for having had this opportunity and certainly Roman and Steve for being patient with me when I

wasn't showing up to half of my standing meetings. So it was certainly a great experience, one that I certainly learned from we'll see what lesson I take up when I learned a little bit from this particular race. Congratulations to everyone who participated in the democratic process. I think it bodes well when you get people who want to serve and want to get involved.

COMMISSIONER HOLIAN: I move to adjourn as the Board of County Commissioners.

COMMISSIONER VIGIL: Second.

CHAIRMAN MONTOYA: I have motion to adjourn as the Board of County Commissioners, second by Commissioner Vigil. Any discussion?

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

COMMISSIONER VIGIL: Mr. Chair, I move we reconvene as Board of Directors meeting for the Renewable Energy Finance District.

COMMISSIONER STEFANICS: I'll second.

CHAIRMAN MONTOYA: I have a motion by Commissioner Vigil to convene as the Board of Directors meeting for the Renewable Energy Finance District, and we have a second by Commissioner Stefanics. Any discussion?

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

XIII. STAFF AND ELECTED OFFICIALS' ITEMS

A. Board of Directors Meeting for the Renewable Energy Finance District 1. Appointment of REF D Chair, Vice Chair and Secretary

CHAIRMAN MONTOYA: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Mr. Chair, I would like to make a motion that the chair and vice chair of the Board of the Renewable Energy Financing District be the same as for the Board of County Commissioners. I just think it will be smoother for future meetings.

CHAIRMAN MONTOYA: Okay, we have a motion to appoint the Renewable Energy Finance District Board chair as the same for the BCC chair and vice chair positions, which would be myself as chair and Commissioner Vigil as vice chair.

COMMISSIONER STEFANICS: Mr. Chair, I'll second with an amendment though, that the terms are consistent with the chair and vice chair of the County Commission, so that the terms are parallel.

COMMISSIONER HOLIAN: I accept that.

CHAIRMAN MONTOYA: Okay. I have a motion, second by Commissioner Stefanics. Any discussion?

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

CHAIRMAN MONTOYA: Now we need to appoint a secretary.
Commissioner Holian. It says "and secretary."

COMMISSIONER HOLIAN: Well, I have a question – this is for staff, I guess. Does the secretary have to be a Commissioner?

DUNCAN SILL (Economic Development): Mr. Chair, I would like to defer that to Peter Franklin to respond.

PETER FRANKLIN (Bond Counsel): Mr. Chair, Commissioner Holian, I guess I'm not sure of the answer to that but my best guess just standing here is yes, it should be a member of the Board to keep the minutes of the Board meetings and so on. And that can certainly be delegated or you can get the assistance of staff to do the legwork on that. But there should be an official member of the Board playing that role.

COMMISSIONER VIGIL: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: And perhaps because these are open, public meetings and they do require a quorum we might need a recording secretary for this, so could that be contracted for?

MR. FRANKLIN: Mr. Chair, Commissioner Vigil, yes, it could be.

COMMISSIONER VIGIL: I would just suggest that we already have an in-house recording secretary because if we're going to conduct these meetings during BCC, my motion would be to include our recording secretary as contracted with the County as the secretary for this Renewable Energy Board, unless and if Legal comes back to us and says that it has to be another position. Is that an okay motion?

COMMISSIONER STEFANICS: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: I'm reading in the memo, in the last sentence of the first paragraph, that the district Board of Directors are initially composed of the five members of the Santa Fe County Board of County Commissioners. So if we have to appoint a secretary I think it has to be from the Board.

COMMISSIONER VIGIL: I think the appointment has to be made by the Board but it doesn't have to be a Board member, correct?

MR. FRANKLIN: Mr. Chair, Commissioners, I think the secretary should be a member of the Board but a recording secretary or someone that the Board designates as somebody to record the meeting and take minutes need not be a Board member per se. Hopefully that added great clarity to your deliberations. In other words, Commissioner Vigil, I think this Board can use the County's recording secretary to actually record the sessions, take the minutes and so on but the person attesting the documents, which will be the secretary of the Board, in other words, attesting the signatures on bond documents and things like that ought to be a member of the Board.

CHAIRMAN MONTOYA: What was the purpose of having a secretary?

MR. FRANKLIN: The statute requires it.

CHAIRMAN MONTOYA: Oh, the statute requires it. Okay. So then I'd like to nominate Commissioner Holian to be the secretary.

COMMISSIONER STEFANICS: Second.

CHAIRMAN MONTOYA: Any further discussion?

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

XIII. A. 2. Consideration and Adoption of Resolution No. 2010-1 (Open Meetings)

CHAIRMAN MONTOYA: This is the Open Meetings Act. Mr. Franklin.

MR. FRANKLIN: Mr. Chair, Commissioners, this Open Meeting Resolution is modeled almost verbatim on the County's standard Open Meetings Resolution. It does provide for regular meetings to occur in conjunction with the regular BCC meeting on the – or rather, the first meeting of each month that the BCC regularly meetings, at 1:30 rather than at 2:00. I guess there's been some debate about whether that makes the most sense from a timing perspective and if the BCC or sitting as this Board you all would like to adjust that, that can certainly be done, even if you adopt this form of Open Meetings Resolution. We would amend the resolution to change the regular meeting date if this Board felt that was appropriate.

CHAIRMAN MONTOYA: What are the thoughts? Tuesday, 2:00, second Tuesday?

MR. ABEYTA: Mr. Chair, I think your meetings start at 2:00 regularly. We moved those up for special presentations. So you may start at 1:00.

CHAIRMAN MONTOYA: For the Renewable Energy?

MR. ABEYTA: Yes. Because today we just started at 3:00 because of the budget study session but normally we move those up one hour if we have presentations.

COMMISSIONER HOLIAN: Mr. Chair, I move that we approve Resolution No. 2010-1 with the amendment that the meetings be held on the second Tuesday of the month starting at 1:00 p.m.

COMMISSIONER VIGIL: Second.

CHAIRMAN MONTOYA: Okay. There's a motion by Commissioner Holian that it will be the second Tuesday of the month starting at 1:00. Second by Commissioner Vigil. Any other discussion?

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

XIII. A. 3. Program Launch Status Report and Discussion
[Exhibit 5: Presentation material]

MR. SILL: Mr. Chair, Commissioners, thank you. I'm here today to give a brief program update concerning some of the activities that we've been working on. To recap, the Board of County Commissioners adopted by Ordinance 2009-12 back in October 27th to create a Renewable Energy Financing District. During the month of September the County issued a formal request for proposals to seek the assistance of a qualified firm to help us develop program activities, implementation, administration and financial services. Renewable Funding was selected at that time in January and actually I have a couple of the folks with me today. Brian Cassett, who is the local New Mexico program manager as well as Renewable Funding's chief operating officer, and Mimi Frusha. They're here to also help address questions that the Board might have. They've also been instrumental in helping us develop some of the program processes up to this date. In the packet I have provided you there is a sample application which would likely be the final form of the application that we distribute to the public, as well as the terms of the program which basically describes the program purpose, eligibility, the processes and some of the related issues.

We have been working quite a bit on bringing the contents up to date so that we could get ready for the launch of the program. Some of the activities include the development of a website where updated information will be made to the public. As I mentioned we have the application in a good draft form as well as program terms. We've done a market analysis which seems to indicate that the demand for these improvements is definitely there for the community given energy issues which we are constantly trying to address and the County is looking for ways to get away from fossil fuel dependency, renewable energy becomes more of a solution to some of the challenges that we have. With that said the market analysis that we looked at indicated that out of the approximately 44,500 residential dwelling units on record about – up to two percent of these dwelling units could take advantage of the program. That translates into approximately 900 units for the program. So as you could see we could have significant activity in the community to translate not only into energy savings but as well as green jobs and help bring some activities to this local economy.

Also, we've used the stimulus CDBG funding to develop this program so I'd like to express my gratitude and thanks to the federal government and the federal delegation, Bingaman, Udall and Lujan's office for their support and continuing guidance. We've been working closely with DOE as well as other federal agencies to look at best practices that we could adopt here, so with that said we have a brief power point presentation that we want to go over with you and after that we'll take questions.

As I mentioned, some of the current activities that we're engaging in, we're looking at an initial project inclusion of about 40 to 50 projects and the reason for that is that we want to manage the effectiveness and the efficiency of the program, knowing that the process needs to be worked out, so we don't want to take on more than we could handle. So this is just the initial phase of it, and looking at an aggregate amount of a little bit over a million dollars for

that initial phase.

Again, there's some final guidelines that we're looking for from the DOE in order for Renewable Funding to finalize the underwriting activity, so that the program could be launched. A website has been developed and we'll continue to develop it so the public could access information, and as a matter of fact, this is what the website will look like. This is the front page. You can see that some of the contents that people can look for are the online applications, frequently asked questions, where events will be held. So with that said I want to turn it over to Brian Cassett to go over some of the contents of key documents and application processes. Brian.

BRIAN CASSETT: Commissioners, thank you for the audience. One of the program elements that we'll be implementing is mandatory workshops for both contractors and property owners. The point of these workshops will be to explain in detail the program terms, make sure that both contractors and participants fully understand the program and the consequences of participating in the program, and how the process will flow.

Moving on to the workflow process, one of the key elements of what we've done over the past couple months is develop a workflow process that brings property owners through the process of participating. This chart here is color-coded to indicate the responsibility of each step. The first step, the home owner will go through an education process, mostly guided by the mandatory workshops, and will apply to enter into the district. At that point the program administrator, Renewable Funding, will receive the application, will review, make sure that the project is in line with the program terms, that the property meets our underwriting criteria. As you can see off to the right we will do this within five business days.

When the district board meets we will have a list for you guys to approve of recommended properties to be included in the district. This list will include a project, a property owner and an amount. After the district has voted to include these properties, the district board has voted to include these properties, the property owner will have 180 days to install the project. This will include interconnection with the utility, if it is an electricity producing renewable energy improvement. After the project has been fully installed the property owner will put in a funding request. We will receive the funding request. We will review the funding request, make sure that the project is what it says it is and has met our requirements, and that it has been inspected and if necessary, if it's being interconnected to an electrical system, that it has been properly interconnected.

At this point we will again provide the district board with a list of approved projects for funding and they will vote to issue the bonds for those projects. At that time we are able to record this special assessment lien, issue the bonds and pay the property owner or the contractor, should the property owner consent to have the contractor paid directly. At this point the property will be financed and will have 20 years to repay the financing through a special assessment.

So I'm not going to spend too much time on this slide. These are just the key documents for the property owners that have been developed with each step. Essentially step one, the application. This provides us all the information that we need to process the

application. When we receive the application we will send the property owner early disclosure documents. This outlines the terms of the financing, makes them aware of the cost of the financing.

In step three, the request for funding, these are essentially the documents that allow us to review the project that has been constructed and move forward with the funding process. At this time we will give them their final disclosure statements, giving them the final terms of their financing. And the last step will be the closing documents themselves. These are the documents necessary to close the bond and execute the financing.

This slide outlines the financial structure of the program and follows the cash flows for issued bonds and what happens to those bonds. I won't spend time going through the details but if you guys have a chance to look it over and ask any questions that would be phenomenal. I think at this time we are available to take any questions that the Commissioners might have.

CHAIRMAN MONTOYA: Okay. Questions? Commissioner Anaya, then Commissioner Vigil, Commissioner Stefanics.

COMMISSIONER ANAYA: Thank you, Mr. Chair. There's four renewable energies to choose from?

MR. CASSETT: Are you looking at the program basics slide?

COMMISSIONER ANAYA: I'm looking at the first or the second slide where it says renewable energy. It says solar/photovoltaic, solar/thermal, wind, geothermal.

MR. CASSETT: Correct. These are the projects that are eligible for financing within this program. These projects have been specified in statute by Senate Bill 647 which serves as the enabling legislation for this program.

COMMISSIONER ANAYA: Okay, so how would this help me if I wanted to put a solar/photovoltaic system on my roof? How does it help me?

MR. CASSETT: Sure. The main obstacle for procuring a solar PV system is the large upfront cost. Essentially, when you buy a PV system you're being asked to buy 20 to 30 years worth of energy up front. What this does is it spreads out the costs of that improvement over the lifespan of the improvement so you're paying for energy more on a year-to-year basis.

COMMISSIONER ANAYA: So does this – do the photovoltaic cells that I put on my roof, the panels, is it going to be tied into PNM?

MR. CASSETT: Yes. So the way it works currently is that there's a net metering program. So if you're an owner of a PV system that is producing energy, that energy will first go to serve the load at your house that you demand at any given moment. If at a point you are producing more than you're using in your home, you will send that energy back into PNM's grid and your meter, your electrical meter at that point will actually spin backwards.

COMMISSIONER ANAYA: So will we be making money?

MR. CASSETT: It depends on – yes, on a month-to-month basis, depending on how large your system is versus how much energy you're using, absolutely. One of the

other benefits of a PV installation in PNM territory at least is that for every kilowatt-hour of energy that your system produces, PNM will pay you a 13 cent production based incentive, which is essentially they are purchasing what's called the renewable energy credit. They then take that renewable energy credit and use it to meet their statutorily mandated renewable portfolio standards by the Public Regulations Commission. So they're purchasing those green attributes from you. So whether or not you use the energy or send it back into the grid, they're paying you 13 cents per kilowatt-hour.

COMMISSIONER ANAYA: Just by generating it.

MR. CASSETT: Just by generating it.

COMMISSIONER ANAYA: And what about the other utility companies that are in Santa Fe County?

MR. CASSETT: They other utilities, they're co-ops, and because their RPS requirements at this time are not the same they're not offering the same type of incentive programs, so for PV it's not quite as good of a deal in those territories. However, they are offering net metering programs which have their own advantages. Additionally, solar/thermal systems are particularly effective in areas that are using propane because of the high price of propane.

COMMISSIONER ANAYA: What is solar/thermal?

MR. CASSETT: Solar/thermal is - it's essentially a system where you're heating up hot water and using it for domestic purposes, whether it be showers or dishwashers or actually heating purposes.

COMMISSIONER ANAYA: That would be solar panels on the roof to heat hot water.

MR. CASSETT: Correct. A different type of panel, but yes, absolutely.

COMMISSIONER ANAYA: So you're saying right now we couldn't use it in those other parts, in the other utility companies? Or we could put it in? Does it benefit those folks that are on REA?

MR. CASSETT: Mr. Chair, Commissioner Anaya, we could absolutely use the program in all areas of the district. What I'm saying is that the benefits of PV systems in co-op territories is not at this time as great as it is within PNM territory. That's not to say that the benefits of thermal systems is not as great. Actually, in the more rural areas where there tends to be more propane use, thermal systems again are pretty effective. I can say that we're working with the co-ops and by we, I'm also involved with the Renewable Energy Industries Association, to develop incentive structures which would make PV investments more attractive within co-op territories.

COMMISSIONER ANAYA: So if I put the system in and I generate power, PNM will give me 13 cents on every kilowatt I generate?

MR. CASSETT: They will, plus your net metering benefits. So you're offsetting your energy bill with the net metering benefit, plus your getting 13 cents per kilowatt hour whether or not you use that energy or not.

COMMISSIONER ANAYA: On the average home what would it cost to put

the system in, photovoltaic?

MR. CASSETT: We're looking at an average cost between \$17,000 and \$25,000.

COMMISSIONER ANAYA: And that's the purchase of the photovoltaic cells, the connection, the transfer switch or whatever?

MR. CASSETT: That is an all-in price, not subtracting out the 30 percent federal tax credit that's received, and the ten percent state tax credit that's received. So there's really four benefits when you have a PV system for example. Let's say you have a \$20,000 PV system. You would have a \$6,000 federal tax credit that comes along with that. You'd have a \$2,000 state tax credit that comes along with that. You'd have your net metering benefit if you're in PNM territory. Well, actually, whatever territory you're in. And then if you're in PNM territory you would also get a production based incentive of 13 cents a kilowatt hour. So by spreading the remainder of those costs out over time, you're really doing pretty well. This is a very attractive program.

COMMISSIONER ANAYA: Do you have to be connected to PNM to get the credits?

MR. CASSETT: You have to be connected to PNM to get the credits.

COMMISSIONER ANAYA: So if somebody lived in the rural area that didn't have –

MR. CASSETT: Are you talking about the program, or are you talking about –

COMMISSIONER ANAYA: The program.

MR. CASSETT: No.

COMMISSIONER ANAYA: You don't have to be connected to PNM.

MR. CASSETT: No. This is not based on which utility you're –

COMMISSIONER ANAYA: Okay. So somebody that's not connected to the grid can get involved.

MR. CASSETT: Yes.

COMMISSIONER ANAYA: Okay. Thank you, Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: Thank you. The mandatory workshop should probably include Commissioners, because we've been going through this sort of process by process. I think when we're ready to start perhaps some kind of an overview or training because I have questions. In the application has there been criteria set that would allow for the board to accept or deny applications? And who will be initially reviewing those?

MR. CASSETT: We will be initially reviewing those and screening them against criteria that have been established by the district. And recommending and letting you guys know that they have met those criteria.

COMMISSIONER VIGIL: Have we adopted that criteria?

MR. CASSETT: Not as of yet.

COMMISSIONER VIGIL: So we will be doing that? Is that correct? Okay. So that's another action we would need to take in the future. So my question to you is a practical

one. Say somebody gets accepted in the district. The application meets all criteria. We approve it, and he or she doesn't install the infrastructure within the 180 days. What happens then?

MR. CASSETT: They would have to reapply. I think we can extend their funding reservation for a certain amount of time for a fee. I don't have that number off the top of my head right now.

COMMISSIONER VIGIL: So that's another thing we need to clarify. The other clarification I would need is with regard to the 20-year payback on this. Same question. First of all, what if the property gets sold? What happens to the mortgage?

MR. CASSETT: To the lien?

COMMISSIONER VIGIL: To the lien.

MR. CASSETT: The lien would transfer to the next property.

COMMISSIONER VIGIL: Okay. So they would be respondent and that would be disclosed.

MR. CASSETT: Correct. It would be disclosed and it would transfer.

COMMISSIONER VIGIL: And based on – if you could just give me some approximate figures – based on the cost of the infrastructure that you just testified to, less the credits, how much of a monthly payment would – let's say on a \$20,000 investment. How much of a monthly payment would that involve for somebody who wants to participate? On the average.

MR. CASSETT: If you could make it bi-annual, I think I have a pretty good idea. A bi-annual payment of around \$600 to \$800.

COMMISSIONER VIGIL: Okay. That's a question that's been posed to me and I guess it will be dependent on financing and what financing is received. But people don't know approximately how much it will increase their payments. But that's a good ballpark figure.

MR. CASSETT: That's a good ballpark figure and what I'll say is going through the documents, we outlined some of the disclosure documents, and that's the purpose of those disclosure documents is so that they can clearly understand the costs of the financing.

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

CHAIRMAN MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. A couple of questions, the first on legal. If we are the board for this entity and our property is listed in the vote that we'll be taking care of – because it's not a district vote; it's the district's board vote on the properties. Would that not be a conflict of interest?

MR. FRANKLIN: Mr. Chair, Commissioner Stefanics, if I understand your question you're saying if you would like your personal real estate holding to be included, I think you could recuse yourself from that vote.

COMMISSIONER STEFANICS: Well, my issue, Mr. Chair, is that if there is more than two of us doing this we could have a problem with the board. I can't envision us

voting often once we have an amount of money we're going to use. Because it was identified as a certain number of properties that would probably qualify, and if we had the properties come forward – I just want to point that out as a technical issue that might happen.

The second thing is, Mr. Chair, and I don't know if it would be Peter or who would answer this, the transfers. Let's say I was in this program. It's a 20-year payoff. I decide I'm old; I have to go into a nursing home. I sell my house. Does the new owner-buyer have to pay off the lien, or does it carry out over time. And the reason I ask this is we have this already with a few road assessments in the district and I get calls from people saying I never knew that I had an extra assessment on my property. And you can say, well, you're supposed to read the fine print, but let's be honest here. In the excitement of buying a home there are a lot of things that are not disclosed to people. So how does this money-handling thing go when you sell the house?

MR. FRANKLIN: Mr. Chair, Commissioner Stefanics, on that, we believe that – this is not set in stone yet, but we believe that the assessment can be pre-paid. The pre-payment – it would be optional, but the pre-payment would be at the option of the new – either the purchaser of the property, or they could just continue to pay the assessment on an ongoing basis. The pre-payment of the assessment would be for an amount sufficient to pay off the corresponding bonds at the first call date on those bonds, which means there would probably be a pre-payment premium or penalty up to a certain amount of time. So people might choose to just continue to pay the assessment annually.

As far as disclosure of that, this is a question that comes up all the time in many contexts, not just this context, and frankly, it's a hard question to answer. It will be disclosed as a legal matter. The lien is recorded in the title to the property and the pre-payment features of the lien are also part of the record notice, the notice of the lien that is recorded. And I think people who – I guess I'd say a couple things about that. Although under the law people are considered responsible for figuring out what liens and encumbrances appear in the title to their property by getting a title report and by asking questions about the exceptions to title that appear. There are also some educational efforts that should be made with local realtors, for example. This is something that probably approaching the Santa Fe Board of Realtors to provide some education to local realtors about – these renewable energy assessments may start showing up in title reports and when you're representing a seller that should be something that's disclosed in the real estate contract, the purchase and sale agreement. To just try to sort of heighten the level of awareness of this sort of thing.

But I daresay from time immemorial, people have been saying I wasn't aware of this. I wasn't aware of this. I didn't know anything about it. There's only so much either the legal system or the title system or any of us can really do in terms of making people aware of the possibility that their property will be subject to certain taxes, certain assessments, may be subject to various liens. I think all we can really do is try to raise the level of awareness and to make sure that there is clear notice recorded in the chain of title so that people who are looking for what their annual costs are going to be will know where to look and will look at the right documentation.

COMMISSIONER STEFANICS: So Mr. Chair and Peter, you indicated that people could pay off the loan or they could continue paying on the loan. So would that in fact effect our lending institutions and because I might want to pay it off but incorporated into my mortgage. And will they even do that? I just think there's a few things about the financing at the end, like when there's a transfer, that probably we should clarify. And we don't have to answer it today.

The other thing, Mr. Chair, is many people in the county are excited about this program. But we've had many, many updates here at the Board of County Commission, so I keep getting calls from people chomping at the bit, like when can I apply? Is it ready? So I do think that probably we need to be saying, when we start these presentations, we're not ready yet. Or we're on the cusp or – we were told many months ago it would be up and running by now. That's what the public heard in these meetings right here. So I would just encourage us to be a little clearer with the communication about this, because we're not ready and it's not up and running yet and people are ready to apply. So that's the only comment I have. And I think it's a great program. I'm not dishing the program at all. I just think we have to be clearer in where we are in the process. Thank you, Mr. Chair.

CHAIRMAN MONTROYA: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Well, first of all I'd like to say this is a pretty exciting day for me. It's been a long journey and I would like to thank a number of people. First of all, I'd like to thank Duncan Sill for pulling together all the complicated pieces of this program. And I would like to thank Brian Cassett for being the local face of Renew Fund here in Santa Fe County and bringing a lot of knowledge on how to put this program together. And I would like to thank Peter Franklin and Sam Gill for helping us negotiating the intricacies of forming a Renewable Energy Financing District, which we can see is very complex. There are a lot of questions on what this actually means. And also I'd like to thank Mimi Frusha and the Renew Fund people for bringing your expertise here. You have implemented it other places, and as long as it's taken to implement it, it would have taken a lot longer if we'd had to really do it all by ourselves. That's for sure.

I would also like to thank all the people in Santa Fe County who have attended our various workshops and so on and given us suggestions and asked questions, so that we know the kinds of things we're going to have to be answering.

I would like to ask though, would it be possible to set up our first workshop? We are going to have mandatory workshops for people before they actually put in the application. Can we do that at this point? And in essence get the program rolling?

MR. CASSETT: Sure. Mr. Chair, Commissioner Holian, I think it's a great idea to reach out at this point, talk about the program, let people know that although it's coming we're not ready and keep them updated, communicate and get it going in that manner. The mandatory workshops in my mind will be something that we utilize to make sure that the people who are participating in the program are aware of the final terms of the program and it's really an opportunity for us to help them prepare for the process.

So while I think it would be great for us to continue with our outreach efforts, I'm not

sure now is the right time to start the mandatory workshops.

COMMISSIONER HOLIAN: Okay. Do you want to hazard a guess as to when we can actually start the process rolling?

MR. CASSETT: Do I want to hazard a guess? Mr. Chair, Commissioner Holian, what I'd like to do instead of guessing is talk about what we are awaiting. And what we are looking at right now is conversations happening between the US Department of Energy, the administration and FHFA, in order to help us develop standards to implement in these programs. We're part of that conversation, we being Renewable Funding in the pace community. And it's a good opportunity for us to develop national standards for pace programs that can be implemented throughout that will in the end contribute to the success of all programs.

This is what we are waiting for at this moment in time. We were looking for answers in weeks and not multiple months, and we plan to be ready to launch the program 30 days after final clarification from these entities.

Mr. Chair, Commissioner Holian, I just want to emphasize that this is a really positive process that's happening nationally and it's going to give us strong footholds pushing this program forward.

COMMISSIONER HOLIAN: Okay. Thank you, Brian. And are commercial properties subject to those same underwriting criteria or could we move forward with commercial?

MR. CASSETT: The commercial properties are not subject to the same underwriting criteria as residential properties. They will be subject to different underwriting criteria and a different process that will involve much closer collaboration with lenders. What we're looking at right now, and San Francisco is developing a commercial process that we hope to be able to replicate, and yes, we can move forward with that as quickly as possible. Again, there's some complexities on the commercial end too and again, we'll just keep moving forward in both directions.

COMMISSIONER HOLIAN: Okay. Thank you, Brian, and again, I just want to thank everyone who put this together. It really has been an incredible amount of work. Thank you.

COMMISSIONER VIGIL: Peter Franklin did a nice job too. Thank you, Peter. I don't know if your name was mentioned. The question I have is are you updating City Councilors? Are you doing presentations before City Hall? Let me give a preface to that. Most of the inquiries I'm getting on this are from city residents and I wouldn't be surprised if most of the applicants come from the city with regard to that. I think it's imperative that City Councilors stay abreast of the progress in this Renewable Energy Financing District. Is that part of your educational outreach?

MR. CASSETT: I have not been in touch with City Councilors. I have been in very close contact with Nick Sciavo, who is the sustainability director over at the City of Santa Fe, updating him as to the progress of the program.

COMMISSIONER VIGIL: And it might not be a bad time, even though we

can't do mandatory workshops at this time, to check in with the Mayor perhaps, as to whether or not an update as we've received today would be beneficial.

MR. CASSETT: I think that's an excellent idea.

COMMISSIONER VIGIL: Thank you, Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chair. On this, what is our goal?

What is our goal?

MR. CASSETT: Mr. Chair, Commissioner Anaya, the goal here is to advance the procurement of renewable energy systems by providing financing that spreads out the cost of these assets over the lifetime of them.

COMMISSIONER ANAYA: So why – explain the commercial/industrial on a case-by-case basis.

MR. CASSETT: What that's referring to is the application process that commercial properties will go through when they are looking for financing. Again, because it requires close collaboration with lenders, it's really projects that are being done on commercial levels and industrial levels really need to be examined in light of who their lenders are or what the project is, the benefits of the project, things like that. That's what we're referring to when we say case-by-case basis.

COMMISSIONER ANAYA: Okay. So the goal of this project is to reduce the use of burning coal.

MR. CASSETT: Correct. I would say that coal, natural gas.

COMMISSIONER ANAYA: Natural gas, coal, and the more solar that we put out there the least amount we would burn.

MR. CASSETT: That is correct. I would also say that the other goal of this program is to produce savings, energy savings to businesses and residents.

COMMISSIONER ANAYA: To the consumer.

MR. CASSETT: Correct.

COMMISSIONER ANAYA: So when I see case-by-case basis on industrial and commercial, I think that would be probably one of the biggest pluses in reducing coal and gas consumption.

MR. CASSETT: Mr. Chair, Commissioner Anaya, I agree with you 100 percent. As we move forward in this program we look forward to making that happen on the commercial and industrial level. It's very important.

COMMISSIONER ANAYA: Okay. Thank you.

CHAIRMAN MONTOYA: Okay. Any other questions? Thank you. Do we have a motion to adjourn?

COMMISSIONER HOLIAN: Move to adjourn.

COMMISSIONER STEFANICS: Second.

CHAIRMAN MONTOYA: Motion by Commissioner Holian to adjourn from the board of directors meeting for the Renewable Energy Financing District. Second by Commissioner Stefanics.

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

COMMISSIONER VIGIL: Move to reconvene as Board of County Commissioners, Mr. Chair,

COMMISSIONER STEFANICS: Second.

CHAIRMAN MONTOYA: Motion by Commissioner Vigil to reconvene as the BCC. Second by Commissioner Stefanics.

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

XIII. B. Growth Management

- 3. Consideration of Authorization to Publish Title and General Summary of Ordinance No. 2010-__ to Amend the Paragraph C of Section 18 of the County's Affordable Housing Ordinance, Ordinance No. 2006-02, to Provide That, When the Unit is Sold, Refinanced Or is Subject to a Filing of New Ownership with the Santa Fe County Assessor's Office, within Ten Years of Entry Into the Affordable Housing Program, the County Shall Share in the Appreciation in Value on That Unit in the Percentage as the Proportion of the County's Initial Lien to the Initial Market Value of the Unit. After the Ten-Year Period, the County Would Only Recoup the Principal Amount of the Mortgage Held and the Accrued Interest Thereon**

DARLENE VIGIL (Affordable Housing Administrator): Mr. Chair, Commissioners, this particular item was reviewed at the work study session that was held April 29, 2010. This is to allow for the County to share in the appreciation only in the value that is participated in, the County's percentage of the portion should be taken upon when the home is sold, refinanced, or there is a transfer of title. I stand for any questions.

CHAIRMAN MONTOYA: Okay. Commissioner Vigil.

COMMISSIONER VIGIL: And this is applicable only for the first ten years of ownership?

MS. VIGIL: Mr. Chair, Commissioner Vigil, yes.

COMMISSIONER VIGIL: Okay. And truly, what is the experience of affordable housing owners in Santa Fe County. Is it beyond ten years that they remain in their affordable housing unit that they first purchased?

MS. VIGIL: Mr. Chair, Commissioner Vigil, my experience has been that there has been out of over \$14 million of these silent liens we have received \$422,000 within the last eight-year period. It's been in general first-time homebuyers do not sell their homes within seven years; it's generally ten.

COMMISSIONER VIGIL: And our current ordinance is only applicable to first time homeowners, correct?

MS. VIGIL: Mr. Chair, Commissioner Vigil, that is correct.

COMMISSIONER VIGIL: Okay. Thank you, Mr. Chair. I move for approval.

COMMISSIONER STEFANICS: I'll second.

CHAIRMAN MONTOYA: Motion by Commissioner Vigil for approval, second by Commissioner Stefanics. Any other discussion? Just kind of related but unrelated – are we looking at the percentage on the affordable housing in terms of what's being required right now?

MS. VIGIL: Mr. Chair, Commissioners, yes, we are, at this point in time. We will be taking a look at the percentages, mobile homes and rental in the next phase of reviewing the ordinance.

CHAIRMAN MONTOYA: Okay, let me clarify. In terms of the developments that are required to provide affordable housing units, are we looking at the 30 percent right now that is being required of those developments?

MS. VIGIL: Mr. Chair, yes. At this point in time.

CHAIRMAN MONTOYA: When are we going to see something?

MS. VIGIL: Mr. Chair, Commissioners, I would hope to have that done within the next, hopefully, three to six months.

CHAIRMAN MONTOYA: Okay. Because I think we really need to look at that and reconsider what we have on the books.

MS. VIGIL: Absolutely.

CHAIRMAN MONTOYA: As soon as possible.

The motion passed by unanimous [3-0] voice vote. [Commissioners Holian and Anaya were not present for this action.]

XIII. C. Matters From the County Manager

1. Update on County Roads, Water and Wastewater Projects
[Exhibit 1: Road projects; Exhibit: Water & Wastewater Projects]

MR. ABEYTA: Thank you, Mr. Chair. I have a few items. The first I'm going to start with is an update on our County roads, water and wastewater projects. Penny Ellis-Green, the Assistant County Manager is passing out a list to you that we have compiled – two lists, actually. One that has all our road improvement projects and the other list has our utility priority projects. Now, the list has the project description – both lists have the description, the timeframe for the fiscal year that we're planning to make the improvements, and remarks specific to funding and whether or not funding is available.

The reason why I share both lists with you today is because I need you to take a look at the lists over the next couple weeks to see if there are any road projects or water or

wastewater projects that you would like added to the list. Now, as you can see, we obviously don't have enough funding for everything that's on both the lists, but this is an attempt to organize all of our projects for the purpose of prioritizing and ultimately coming up with a capital improvement plan, 20-year improvement plan that is being called for in the Sustainable Land Development Plan.

So again, the purpose is to let you know that we have organized all of the projects that we are aware of in both public works and utilities, and if there is anything – a project that isn't on there that you would like to add, we can do that. And then at some point in the next probably 30 to 60 days we will be coming back and finalizing the projects that we have funding for the next two or three years.

Now, if you look at the road projects list first specifically, you'll see that we have \$15 million in roads projects that we do have funding for but due to the timing of the funding and its availability those road improvements will be spread across the next three years. Those road projects will be at the top of your list.

The bottom of the list – I'm going on to the next page – are roads that are on our five-year road improvement plan but funding has not been identified. And so that's where I would ask that if there are roads that aren't on here that you would like us to add over the next couple of weeks through your constituent liaisons we can add to this list.

As far as the utilities projects, we have water projects on top and wastewater projects. You'll see that we do have for this year \$821,000 worth of water projects that are funded. There is an identified funding source, and we have another \$1.6 million worth of water projects where we have an identified funding source for next fiscal year. But as we get into FY 2012, 13, 14 and beyond, there are still water projects but not an identified funding source. So that's something that we are going to have to work on again through either capital improvement planning or financial planning with our financial advisors.

As far as wastewater goes, we have a total of \$850,000 worth of wastewater projects that we have identified funding for for this next fiscal year, but going into the future, into 2012 and beyond, we will need to identify a funding source for those projects also. I stand for any questions.

CHAIRMAN MONTROYA: Questions? Commissioner Stefanics.

COMMISSIONER STEFANICS: Mr. Chair, Roman, was the water and wastewater list also designed for just the ones that we might purchase? Or is this strictly construction?

MR. ABEYTA: Mr. Chair, Commissioner Stefanics, it would include both. If there's any for purchase that aren't on here, or construction, let us know that.

COMMISSIONER STEFANICS: Thank you very much.

CHAIRMAN MONTROYA: Commissioner Vigil.

COMMISSIONER VIGIL: Thank you, Mr. Chair. I had an interesting meeting this week – and Pablo Sedillo isn't here – with Pablo Sedillo and Tanya Trujillo from Senator Bingaman's office, to learn that there is federal funding available for feasibility and planning for water assessment and water districts. I'm actually looking at meeting with the Interstate

Stream Commission to gain their support because it's the Bureau of Reclamation that really oversees this. This potential funding is something that I think we could gain support for from our federal delegation because the dollars that they have available are not for infrastructure; it's really for future feasibility and future infrastructure identification.

So one of the things that I'm going to move forward and maybe Pego needs to be a part of this meeting with me and the Interstate Stream Commission, which will be next Monday at 9:00 in the morning. One of the things I'd like to do is be able to connect with what's available federally, especially for the water associations that we have and that's one avenue that I think we can move forward with. So with that, Roman, I would just ask that Pego, who probably is familiar with this to some extent, contact me and I think I'd like to jointly work with him to see how we can stay on this. Tanya Trujillo from Senator Bingaman's office is familiar with us moving forward on this as I told her I think this is something we need to tap into.

The benefit of this is it will look at Santa Fe County as a whole, our water associations as a whole, and probably be able to do a long-term planning process. And that is where federal dollars are available.

MR. ABEYTA: Okay.

CHAIRMAN MONTOYA: Any other questions?

MR. ABEYTA: Mr. Chair, a few other items. The first being regarding our Public Works Department and some of the recent activity that has taken place. There is still an ongoing investigation regarding our employees at the sign shop where it was reported in the newspaper with potentially illegal activity taking place. And investigation is in place. Once the investigation is complete we'll take the necessary personnel actions. As a result of that the County Human Resources Handbook has been updated by Human Resources. We will be forwarding a copy to Steve Ross and the Legal Department for their review. In that handbook I am going to propose a zero tolerance drug and alcohol use policy and also a provision to implement random drug and alcohol testing for all County employees. Again, a draft has been delivered to Legal. I would like to be able to pass out a draft at the end of this month at our administrative meeting and then have the Board take action on that Human Resources Handbook and the new policies sometime in July. So that will be forthcoming.

The following policies and procedures have been implemented in regard to road construction projects. IFB 2010-0324, which is an on call concrete and miscellaneous road construction bid was advertised on May 23rd. A pre-bid was conducted on June 2nd and bids are due on June 10th. Therefore the practice of piggy-backing off state road agreements for road construction or maintenance purposes will be scrutinized and reviewed by our Legal Department from now on. Piggy-backing off of the City of Santa Fe's road construction price agreement will be prohibited. We'll no longer need to do that as a result of the bid that we just advertised. Any road project over \$100,000, however, will be sent out for individual bids following all of our procurement rules and regulations.

We have put together a County road maintenance schedule and we plan on updating this list every two weeks and providing this list not only to the Commissioners but to the

public on our website so that people will know when we're going to be in their areas to maintain their roads. In addition to the maintenance list once our road project list is finalized we'll also put that on our webpage so that people will know when their road will be worked on and upgraded.

We've also added a link to the State Auditor's fraud hot line from our webpage so that any individuals that suspect fraudulent behavior by County employees or the County in general can go to our website and they can click on a button that will send them directly to the State Auditor's fraud hot line and the State Auditor can take the necessary actions.

We are currently reviewing the possible removal of the millings that were placed at the Nambe church parking lot. We have sent a letter to the church and we are awaiting their response. If we are allowed to go back on the property to remove the millings we will do that within the next two weeks. And so that is an update regarding our Public Works Department and some of the recent changes that we are trying to implement with Public Works.

Finally, Mr. Chair, in regards to Santa Fe Canyon Ranch. I went out to a community meeting on Sunday with the residents and we met at the mansion or the movie star house or whatever they called it. We had a meeting there with the public and we talked about a process. We are planning on bringing forward a schedule of different things that will take place over the next three months so that we can get to the point where we ultimately contract with somebody to put a master plan together for that property that the community will be happy with, we'll be happy with and the public at large will be happy with. The community understands the need for us to try to generate some kind of revenue off of – as a result of our purchase of that property and potential uses of that property and they're very open to working with us. Our first step, which we have already taken, is to do a communitywide survey. So over the next month we will be surveying the residents of La Cienega to ask them what kind of uses they would find acceptable there, which are totally not acceptable, such as perhaps maybe a gas station, or something like that. But once we have the survey done then we will start working on a process for how we then take some of those uses and start to plan for them. And once we get to that point we'll have regular updates and eventually a discussion and approval of uses for that property from you guys.

And so again, we had that community meeting and they understand the need for us to do something with that property rather than just let it all sit there. Again, they expressed their gratitude to myself and to you guys for not only purchasing the property but also taking the heat that we've taken from the media, the public and others. And so they wanted to be sure to let you know that they are grateful for the action that you took.

CHAIRMAN MONTROYA: Commissioner Vigil.

COMMISSIONER VIGIL: Thank you. Thank you, Roman. I'm so glad you had the opportunity to meet with the La Cienega folks. One of the – there's so much potential for that property and one of the potential revenue-bringing alternatives that I would like to be discussed is how this property can be promoted through and by the film industry. The film industry right now is having to address a lot of gaps in what their needs are, not only for locations but for housing. And so I'd like that to be part of the assessment. I think we'll be

taking action on the new film fee later on but in the meantime the potential for what we do have and thinking outside of the box we should look at not only the film industry but I know Commissioner Holian and I have talked about creating the possibility of a green community. I'll literally defer to Commissioner Holian because that insight came from her.

COMMISSIONER HOLIAN: Thank you, Commissioner Vigil. Well, the thought occurred to me that it could be sort of a model green community that would be a test bed or even an educational community that could bring people in from all over the country to learn about different building techniques or other sorts of techniques that are related to renewable energy and things like that. I just think it could be turned into a model in some way, and also even a destination for people to come to learn about those technologies. Just an idea.

CHAIRMAN MONTOYA: Okay. Any other? Roman?

MR. ABEYTA: Those were my updates, Mr. Chair. Thank you.

CHAIRMAN MONTOYA: Roman, I was just going to ask, if we could make sure that noticing is adequately noticed when we have our meetings and agendas and all that. I don't know if anyone else got notice from some constituents who are not pleased that certain things are supposed to be happening and then they're not. Or they should be in the agenda and they're not or they are when they shouldn't be.

MR. ABEYTA: Okay.

CHAIRMAN MONTOYA: I know we've had some meetings that weren't noticed in the past that we need to take care of.

XIII. D. Matters From the County Attorney

1. Consideration of Publication of Title and General Summary of an Ordinance Reforming the County's Procurement Practices with Respect to Road and Building Construction Projects to Ensure That the Public Trust is Maintained, That Projects Are Properly Designed and Constructed and Completed within Budget, That Projects Are Contracted Only After a Fair and Transparent Procurement Process; Providing for Training, Auditing and Confidential Reporting

CHAIRMAN MONTOYA: Steve, before you get started I just wanted to update the Commission and also the public that there will be the removal of those millings. It wasn't pavement; it was millings that was placed on the church parking lot in Nambe. Jeff Trujillo met with the staff yesterday at the church and that's what the archdiocese has requested is that we remove those millings and my understanding is that's going to take place next week, Tuesday and Wednesday. Just to let people know. And if we could also send out a release expressing our apology for the way this occurred and that we are going to correct it.

MR. ROSS: [inaudible] that led to some questionable practices engaged in by our County employees. In most cases this ordinance attempts to plug holes that are permitted

by the procurement code but can be abused by employees, and I'll just kind of go through them really quickly. The County Manager included a number of these items in his update just a few minutes ago. These provisions in this ordinance will codify a number of the changes that he proposed just a few minutes ago. So for example, Section 1, Outside Contracts. It's perfectly legal to purchase off a contract with another governmental entity but along with that privilege comes a responsibility to do so in a sensible and legal manner. We don't yet know whether there were illegalities involved in the contracting that occurred at the Public Works Department but certainly the fact that one vendor got millions of dollars of work and other vendors didn't get the same benefit suggests that there is at least the possibility that improprieties could occur in that type of a scenario.

So this section of the proposed ordinance severely limits that practice. I left a blank in there for the possible value above which competitive bidding will be required but the County Manager just suggested \$100,000. I have that suggestion also in a parenthetical there in Section 1. So if this ordinance becomes law the practice of purchasing from another government contract would be limited to those situations where the total value of the purchase is less than \$100,000.

Section 2 follows on with that concept. For convenience we will award contracts for either four or eight years at the County. That's permitted by the procurement code depending on the size of the contract. But in order to be fair and to get everyone's eyes on this thing more regularly, Section 2 proposes that multi-year contracts be limited to three years, and if feasible rebid once a year or every two years.

Section 3, the Board of Commissioners to approve capital projects, and Section 4 are related. We have a pretty good safety net here at the County of good checks and balances if things come through the process the way they're supposed to, but if they don't, for example if outside contracts are used and purchase orders are used there are not very many eyes that see that stuff. So these two sections are intended to bring large capital projects and road maintenance projects in front of you and by so doing it subjects the projects to the eyes of the entire government apparatus, so that if there's any irregularities they'll be noticed and corrected.

Section 5, we're almost out of community funds but that just describes what we currently do with community funds. When community funds are appropriated they come through the Legal Department and they are made subject to a professional services contract so that we ensure there's a quid pro quo for any such use of any such funds.

Sections 6 and 7 are somewhat related. One of the problems that we've encountered in purchasing road and construction projects with a purchase order is that there are not detailed specs and sometimes it's not clear what the contractor is obligated to deliver. And it's also sometimes unclear whether the County employees who are obligated to check the projects have the expertise needed. That's sort of related to Section 10 also which proposes that a lot more training be provided to County employees who are working in these areas, not only on the limitations of the procurement code and the constitution but the responsibility for monitoring and accounting for stuff that's delivered to the County in connection with a road

project or a construction project.

Section 8 is related to the subject I was speaking about just a second ago with the CIP and the road maintenance list. If there's a process or a request from constituents for major road projects or major repair projects it's already in place. We have a very good system in place with the constituent liaisons and they know how to work with County staff, so this just proposes that if a constituent provides a request that it go through that system so we can make sure that it's handled appropriately.

Section 9, Auditing, we typically don't do much auditing of road construction and building construction projects, waiting for the auditors to look over those things. I think it's a good idea that we have Finance people involved in those projects and I'm proposing this section to ensure that the basic financial stuff, checking to make sure that things were being billed for were actually delivered to the County actually occurs.

Section 10 – I talked about training. I think it's really important that County employees be trained on these subjects. We, in the last few weeks I've discovered that a number of the County employees who are participating in these transactions had no idea that there were limitations on their conduct and that some of the stuff they were doing might not have been proper.

And of course Section 11, the County Manager just reported on. We need a means for confidential reporting for both employees and members of the public for things that they think are not right. This proposes that my office be the recipient of such reports in part so that we can handle them in an appropriate manner and so privileges and confidentiality apply to the report and so that the persons – there's not even a suggestion that persons can be subjected to workforce discrimination or harassment or anything of the sort.

The ordinance, the last sentence of that Section 11 codifies something that's also a part of federal law, that persons making confidential reports concerning fraud or abuse or irregularities have the absolute protection of the Whistleblower Protection Act at the federal level and if this ordinance becomes law, of this ordinance from any sort of workplace harassment as a result of the report.

Section 12 we can talk about. I've proposed that the effective date be the standard effective date which is 30 days from the date of enactment, but we can talk about what kind of a process you'd like to go through to get this thing in law. So with that, I'll stand for questions.

CHAIRMAN MONTOYA: Okay Questions? Commissioner Vigil.

COMMISSIONER VIGIL: I actually have some recommendations. Under Section 3, when you identified that these projects, that all building or road construction projects undertaken by the County except those projects that are funded by grant from the New Mexico Legislature or federal government. We also sometimes receive from grants – I think we need to include except those projects that are funded through assessments, assessment districts, road assessment districts or neighborhood associations. I do believe, and Robert, you're here. You might be able to clarify that for me, that sometimes there are neighborhood associations that contribute to this and I want to make sure that we don't lose

the opportunity for neighborhoods to continue to contribute and maybe they provide matching funds. Am I correct in that, Robert?

ROBERT MARTINEZ (Public Works Director): Mr. Chair, Commissioner Vigil, that is correct. Homeowners associations do contribute to road improvement projects.

COMMISSIONER VIGIL: Okay. So maybe that needs to be included in that section. Do you agree, Mr. Ross?

MR. ROSS: Well, Mr. Chair, Commissioner Vigil, to the extent there's a County portion of that it should be included on the CIP, I would think. But that's correct.

COMMISSIONER VIGIL: Okay. So I would not like to disclude that option, because that has been really one of the opportunities of partnerships that the County has had for road improvement and maintenance. Also, should on Section 4, the Road Advisory Committee also be a part of recommendations for the CIP. And maybe they are. I'm just not reading it in the way that this is identified. It says that the CIP must be voted on by the Board of County Commissioners and it doesn't identify the Road Advisory on the CIP except for maintenance.

MR. ROSS: Mr. Chair, Commissioner Vigil, no, that's an oversight. They already have provided input on the CIP and will continue to.

COMMISSIONER VIGIL: Great. So I just want to make sure that they're included then. Because I think this really enhances their role with regard to their recommendation. Thank you, Mr. Chair. Thank you, Robert. Thank you.

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, Steve, I didn't see anywhere where working on private roads. Is that in here?

MR. ROSS: Mr. Chair, Commissioner Anaya, we're not allowed to work on private roads unless we're paid to do that.

COMMISSIONER ANAYA: Right. Should it say in there that we do not work on private roads?

MR. ROSS: I guess it could, yes. It doesn't need to be stated in order to make that a fact, but maybe what you're saying is we should remind people of that and put it right here in the ordinance. Is that what you're saying?

COMMISSIONER ANAYA: Yes. Something to the effect that – if somebody says, can you come work on our road, the constituent services is going to check into it, right? And they're going to say, no, we can't work on that road because of what it stipulates in this, and plus, it's a private road.

MR. ROSS: Commissioner Anaya, that's a good idea.

COMMISSIONER ANAYA: It would be easier for us to explain it to them. Because we get that – I'm sure we all get it. Can you come pave our road or can you come grade our road? Can you maintain our road? And we can't do that. Thank you, Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. Steve, on Section 11, page 3, is there anything there that would conflict with the process that Roman is setting up

with the State Auditor's office and the website?

MR. ROSS: Mr. Chair, Commissioner Stefanics, I'm going to have to look at that because I'm not completely aware of what's going on with the Manager's proposal. So I will look at that before this comes back to you and make sure that it's general. This is fairly specific. We might want to add that in there, that we're going to –

COMMISSIONER STEFANICS: Okay. So I just want to have you recheck that. That's all. Thank you, Mr. Chair.

CHAIRMAN MONTOYA: Okay. Steve, I think this is good. This is certainly something that there's no doubt about what can and cannot be done here. The only thing that I have is that on the very last whereas, the second sentence, and are the product and a fair – should that be "of"?

MR. ROSS: It should be product of a fair and transparent procurement process. Thank you.

CHAIRMAN MONTOYA: Okay. Any other discussion?

COMMISSIONER VIGIL: Move to approve for title and general summary.

COMMISSIONER HOLIAN: Mr. Chair, and I would like to add a friendly amendment that we approve it as an emergency ordinance so it can come to us at the next meeting.

COMMISSIONER VIGIL: I accept that friendly amendment, Mr. Chair.

CHAIRMAN MONTOYA: Okay. Is that a second?

COMMISSIONER HOLIAN: I'll second. Yes.

CHAIRMAN MONTOYA: Okay. Motion by Commissioner Vigil, second by Commissioner Holian. Any other discussion?

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

COMMISSIONER VIGIL: Just for clarification purposes, I did want to include in my motion Commissioner Anaya's recommendation that private roads cannot be addressed by the County in any way, shape or form.

COMMISSIONER HOLIAN: Mr. Chair, and I assume that we're also accepting the recommended amounts.

COMMISSIONER VIGIL: I'm fine with them.

COMMISSIONER HOLIAN: Me too.

- XIII. D. 2. **Executive Session**
 - A. **Discussion of Pending or Threatened Litigation**
 - C. **Discussion of the Purchase, Acquisition or Disposal of Water Rights**
 - D. **Collective Bargaining**

Commissioner Holian moved to go into executive session pursuant to NMSA Section 10-15-1-H (7, 8 and 5) to discuss the matters delineated above. Commissioner Stefanics seconded the motion which passed upon unanimous roll call vote with Commissioners Anaya, Holian, Stefanics, Vigil and Montoya all voting in the affirmative.

COMMISSIONER ANAYA: Mr. Chair, before we go to that, can I ask a question concerning the church? Before we go into exec.

Thank you, Mr. Chair. Who's going to remove the millings from the church.

MR. ROSS: Mr. Chair, Commissioner Anaya, we're going to do it with the same crew, the same forces that put the millings down initially.

COMMISSIONER ANAYA: Is that legal?

MR. ROSS: Yes. Essentially what happened is we trespassed and placed a bunch of stuff on their property so we're treating it as a claim against the County because the church has indicated they didn't want that stuff and now they've give us permission to come in and take it and we're under an obligation to restore the premises to the way it was before, and so we're going to do that and that might involve hauling in some additional materials and doing some cleanup, because it's going to be -- it's not the greatest solution.

COMMISSIONER ANAYA: I just didn't want -- if they ask the question to me at least I have an answer. Thank you, Mr. Chair.

[The Commission met in closed session from 5:15 to 6:15.]

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

XIV. PUBLIC HEARINGS

A. Growth Management

6. CDRC Case # V 06-4572 Grabowski Variances. Edward and Pam Grabowski, Applicant, Javier Ortega, Agent Request Three Variances of the County Land Development Code: 1) to Allow Disturbance of Slopes of 30% and Greater; 2) to Allow the Height of the Residence to Exceed 18'; and 3) to Allow Retaining Walls to Exceed 10' in Height in Order to Construct a 6,862 Square Foot Residence on 1.12 Acres. The Property is Located off Old Santa Fe Trail at 59 Cloudstone Drive within Section 6, Township 16 North, Range 10 East (Commission District 4) Vicki Lucero, Case Manager

SHELLEY COBAU (Review Division Director): Thank you, Mr. Chair, members of the Commission. On April 15, 2010 the CDRC met and acted on this case. The decision of the CDRC was to recommend approval of this request, and the CDRC minutes are attached as Exhibit G.

On November 30, 2006, the EZA denied the applicants' previous request for variances of slope standards, building height and visibility for a 9,876 square foot residence, and those minutes from the EZA meeting are included as Exhibit D. The applicants revised their proposal and submitted a new application in January of 2007 for variances regarding slope disturbance, height of building, height of retaining walls and visibility standards to allow construction of an 8,345 square foot residence. On March 29, 2007, the EZA granted approval of this variance request and that approval is in the minutes in Exhibit E of the EZA meeting.

The decision of the EZA was appealed in district court by neighbors of the applicant. The EZA's decision was overturned by the district court. The applicants appealed the district court's decision. However, before a ruling was made the applicants entered into a settlement agreement with the neighbors, which is included as Exhibit F. The result was a revised proposal which is before the BCC today. With this proposal the applicant has decreased the size of the house by almost 1,500 square feet and is asking for the same variances that were previously approved by the EZA with the exception of the variance on visibility, which is now not required by County Code because we no longer have the Extraterritorial Zoning Ordinance.

The applicant is requesting three variances of the County Land Development Code, one to allow disturbance of 30 percent slopes and greater, two, to allow the height of a residence to exceed 18 feet, and three, to allow retaining walls to exceed ten feet in height in order to construct a 6,862 square foot residence on the 1.12-acre property. I'm not going to read the Code sections that are cited. One regarding 30 percent slope and then the next section of Code regarding building height, as stated in the staff report.

The applicant is handicapped and due to the steep terrain, in order to keep the entire house on a single level to allow handicap accessibility, a height of up to 24' 9" is being requested, where a maximum height of 18 feet is allowed by the Code.

In Article VII of the Code it cites that retaining wall height can't exceed 10 feet. The applicant is requesting to construct a retaining wall of up to 24'9" in height, and therefore they're asking for a variance of that article of the Code.

Regarding the granting of variances, the Code states, Where in the case of proposed development it can be shown that strict compliance with the requirements of the Code would result in extraordinary hardship to the applicant because of unusual topography or other non-self-inflicted conditions, or that these conditions would result in inhibiting the achievements of the purposes of the Code, the applicant may file a written request for a variance, and that's why they're here today.

The subject property is a legal lot of record and therefore would be entitled to a development right for a single residence. Article II, Section 3.1, Variances, of the County

Code, supports the granting of variances for these types of circumstances. The staff objective is to maintain a compact, low-profile residence in order to minimize environmental and visual impacts. Staff considers the requested variances to be reasonable within the terms of the County Land Development Code due to the unusual topography present on the site. Staff and the CDRC as well recommend approval of the variances the applicants are requesting and I'll stand for questions.

CHAIRMAN MONTOYA: Questions for Shelley, for staff?

COMMISSIONER VIGIL: Just a clarification. Shelley, it sounded to me like you said that the agreement that was entered into with the neighbors included the variances proposed today.

MS. COBAU: Yes, I believe that's the case, Mr. Chair and Commissioner Vigil.

COMMISSIONER VIGIL: Okay. I just needed that clarified, Mr. Chair.

CHAIRMAN MONTOYA: Okay. Is the applicant here?

JAVIER ORTEGA: Mr. Chair and members of the Commission, my name is Javier Ortega and I'm the agent for the Grabowskis. First off, I'd like to just thank you for the opportunity to be able to come before you today and also thank you very much for moving us ahead in the agenda for the sake of getting Mr. Grabowski home at a decent time. Also, I'd like to thank the staff for helping us get to this point. They were very helpful in just helping us get through the process. Outside of what Shelley went over I'd just like to kind of have a couple more thoughts to you.

As was mentioned, we've had a bit of a history with this particular project, this particular piece of land and we worked really hard, the Grabowskis worked really hard in trying to satisfy the concerns that the neighbors had originally on this project and they worked with them to come to what we're proposing to you today, and what you see in your packets there. And we're happy to report that we do have their support in what it is that we proposed to them. It's great there's nobody here to talk against the project, which is great. The new design makes better use of the site, keeps a low profile and satisfies as many of the ordinances as possible that the lot will allow. So outside of that I stand for questions.

CHAIRMAN MONTOYA: Okay; questions for the applicant? Okay, thank you, Javier. This is a public hearing so if there's anyone who would like to speak on this case if you'd please come forward. Seeing none, this hearing is closed.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Holian.

COMMISSIONER HOLIAN: I move for approval of CDRC Case V 06-4572, Grabowski Variance.

COMMISSIONER STEFANICS: Second.

CHAIRMAN MONTOYA: I have a motion for approval by Commissioner Holian, second by Commissioner Stefanics. Any discussion?

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

XIV. A. 1. Request Consideration and Approval of Solid Waste Ordinance No. 2010-5, an Ordinance to Repeal and Amend Solid Waste Ordinances 2005-5 and 2009-13, Making Changes to Solid Waste Fees and Permits (1st Public Hearing)

HELEN PERRAGLIO (Finance Department): This is a presentation that you have seen with a few modifications when we brought this to you about a month ago. I'll go through it real quickly. What we have in front of us is our solid waste forecast for fiscal year 2011. Our estimated revenues are about \$250,000 as they stand with no changes to our current ordinance. We have an operating budget of about \$1.7 million and our operating shortfall will be about \$1.5 million. We plan to have a transfer in from our environmental GRT. Our GRT revenues we are forecasting will be down about five percent, so that's about \$780,000 and our total variance would be about \$750,000 that Solid Waste will see, and that is supported by general fund property taxes. That's how we'll plug that gap.

Some things to just consider for the future are that tipping fees could increase and the general fund may have to increase support to Solid Waste if water and wastewater need to tap into that environmental GRT.

So going forward we propose a gradual five-year increase to our current ordinance in which the permit types would increase \$10 a year for five years. So starting in fiscal year 11 we would have \$65 as our 24 punch all the way up to \$105 at the end of five years and to stay steady at \$105 thereafter.

Okay, we just threw this in again as what others charge for solid waste. The one change that we did include is Torrance County in the blue there in the middle. Torrance County charges their users \$120 a year. And we'd like to point out that if Santa Fe County could not provide transfer stations the only other options that constituents could use would be BuRTT and Waste Management, and those are significantly higher fees than what we're proposing. What we charge currently and what we're proposing is very equitable in line with those types of fees. And this is only in the next five years as well. It would take five years to get to that point. At the end of five years these other entities could charge a lot more. It also puts us right in line with other counties that have similar operations to us.

CHAIRMAN MONTOYA: Is Torrance or Taos, is that pickup or is that transfer stations?

MS. PERRAGLIO: Transfer stations.

CHAIRMAN MONTOYA: Transfer stations?

MS. PERRAGLIO: Taos is definitely. Torrance and Taos are both transfer stations. This is one that I added for you because I think we were directed to look at what would the impact be. The potential impact on the solid waste variance, basically if you look at the blue line, that would be the break-even line each year for the type of fee we're looking at. So starting in fiscal year 11 all things remaining the same, we are estimating a decrease in

users. Any time we have a fee increase we figure, to be conservative we should estimate a decrease in users. Right now we have about 8,000 to 9,000 users, but to be conservative we're saying let's say we only bring in 6,500 users of the transfer stations, the revenue forecast would be about \$422,000. If our solid waste budget remains flat then we have an operational deficit of \$1.3 million. If our environmental gross receipts tax remains flat at \$786,000 then we could estimate about half a million dollars is the variance that property tax will cover.

So that's how this is laid out. So if you go for five years, starting in fiscal year 11, the half a million deficit goes to about \$300,000 at the end of five years, with this proposed ordinance, all things remaining equal.

And then the questions that were asked of us at the last meeting were number one, how much waste per district? Is there a way to get a number of the users, the percentages? So on the answer we have our annual tonnage per station is as follows, so you can see where the high-traffic areas are. Tesuque is only three percent. Stanley is only four. Nambe is seven. San Marcos is eight percent. Eldorado is 24 percent. La Cienega is 26 and Jacona is 29 percent.

And then the other question was do we have to use Caja del Rio and the SWMA or can some use Torrance County. I think that was your question, Commissioner Anaya. And the answer to that is that SWMA was first established and jointly funded by the City and County. It now operates as a separate entity that must break even as an enterprise fund. With less users fees will increase and it will be detrimental for the majority of Santa Fe County needs. Torrance County is also more expensive than Caja del Rio. So I think that kind of rules that one out

And then the last question was how can we enact the Section 13.86 for low income and senior citizen credit. That's something that the BCC can authorize and direct the County Manager to establish procedures by which county residents may obtain that. So we can enact that at any time. So I'll stand for any questions and then we can open it up to the public.

CHAIRMAN MONTOYA: Any questions for Helen? Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I just have one. Would the first fee increase take effect on July 1st, if we pass this?

MS. PERRAGLIO: Mr. Chair, Commissioner Holian, yes, that's the intent.

COMMISSIONER HOLIAN: Okay. Thank you.

CHAIRMAN MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. Let's talk about the low-income possibility and I was operating with a different level than you were. So looking at the HUD guidelines, would we stand to lose a lot of the proposed increase if we stayed with the HUD guidelines?

MS. PERRAGLIO: Mr. Chair, Commissioner Stefanics, yes. From my estimate we would stand to actually lose significant revenues because of the median income per HUD guidelines. It would actually put us back to before when the ordinance was only at \$35 and we would lose whatever progress we have made and over a five-year period the fee

would only be about \$53 at the end of five years, and currently our fee is \$55. So we would be doing a severe backtrack.

COMMISSIONER STEFANICS: So, Mr. Chair and Helen, and Steve, I guess, how hard would it be to just delete language related to HUD and just allow the County Manager to establish procedures?

MR. ROSS: Mr. Chair, Commissioner Stefanics, I'm struggling to find that in the ordinance but I think that sounds do-able.

MS. PERRAGLIO: I think it's 13.6.

COMMISSIONER STEFANICS: What page are you on of the ordinance?

CHAIRMAN MONTOYA: Page 24, I think.

MS. PERRAGLIO: Let me find it for you. I apologize.

COMMISSIONER STEFANICS: Page 28.

MR. ROSS: So right now it says that the County Manager shall establish procedures but the Board authorizes the low-income credit. I suppose you could delegate all that authority to the County Manager so it could read the County Manager may authorize a low income or senior citizen credit.

MS. PERRAGLIO: I think the question is the wording where it says as determined from time to time by the US Department of Housing and Urban Development. If we could change that language so that it would not be dictated by HUD.

COMMISSIONER STEFANICS: Right. Mr. Chair, the reason I'm asking this question is the HUD number is higher than what we give the property tax break on. We give the property tax break on \$32,000. So these really are low income individuals. But that was really – I was envisioning that level versus the higher level. Then the staff brought to my attention, Mr. Chair, that quite a few people in Santa Fe County would qualify for the \$53,000 level, but it still would be a small number of people that would qualify at the \$32,000 level. So that's why I'm wondering if we can just delete the HUD reference in this.

MR. ROSS: So we'd say to get the lower income credit you have to be 80 percent of the area median family income for the county? Or would it be –

COMMISSIONER STEFANICS: Well, Mr. Chair, Steve, the \$32,000 I'm talking about has to do with state law that allows the break for property taxes.

MR. ROSS: Well, we could just refer to that state statute. I can get you the number.

COMMISSIONER STEFANICS: Well, actually, I had had Julia provide it, Mr. Chair, for me and I thought I had passed it on to staff, but maybe not.

MR. ROSS: I can go up and get it right now so that we have the statute number to refer to in the ordinance if you want to take action on it.

COMMISSIONER STEFANICS: Well, while we're having the public hearing I might be able to find it right here too. But that's my point, Mr. Chair. I'd like to see something done for low income but the HUD guidelines would wreck the idea of really trying to bring in some money.

CHAIRMAN MONTOYA: And this other way it wouldn't, Commissioner?

COMMISSIONER STEFANICS: Well, I'd defer to staff for an analysis of the \$32,000 mark.

MS. PERRAGLIO: Mr. Chair, we don't have the specifics demographics on file with us but we could get that. It would be much less of an impact.

CHAIRMAN MONTROYA: Okay. Commissioner Vigil.

COMMISSIONER VIGIL: Mr. Chair, actually before I take action on that I'd like to know exactly what kind of an impact it would mean. I received a recent email. I think it came from the Finance Department identifying us going even to this low income exception is going to create a larger hole in our budget and without knowing what that income, what that hole is, whether it's the \$32,000 or not, I think we have to have that information before we take action. It could very well be – solid waste management can be evaluated from many avenues. It could very well be that our senior citizens, low-income servers are the higher users for this service. I don't know. Did you want to comment, Olivar?

OLIVAR BARELA (Solid Waste Manager): Mr. Chair and Commissioner Vigil, yes. The numbers that we're looking at, under the HUD numbers, the median income right now is \$66,900 and \$53,290 would be our cut-off number. And that would include probably the majority of the pool of people that we're referring to that use our program. Also, the article that we're looking at also identifies people that are 65 and older. If you take those two combined would probably entail the majority of the people that use our transfer stations. So with regard to your question about the numbers to identify a lower threshold we would just need a benchmark, some kind of an index or whatever, and we'd include that in the ordinance article, which would probably lower that number. But I don't have the demographics to address it. Just by visually telling you who are visitors are at the transfer stations, it would be probably include everybody, just on observation.

COMMISSIONER VIGIL: And that's the kind of information I think we have to have before we make this decision. I think it's really generous of us to look at alternatives to affect our senior citizens and low income, but in fact, one of the realities of solid waste management is that it is senior citizens and low income people who tend to take more advantage of this than those people who are working people because they can actually possibly afford private solid waste management services. There's other reasons why. So it could be that despite the fact that we're trying to be socially just here, we may be biting our nose to spite our face with regard to this program. So I want to make sure we have that information before we take action on it.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIRMAN MONTROYA: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair and Commissioner Vigil, it only says that we may authorize a low-income credit. We don't really have to do anything. I sort of think that if we would really like to see a fee increase start in July that we need to move forward. We don't have to authorize that, or we can direct staff to look at different ways that it could be implemented. But we're not committing ourselves to anything.

COMMISSIONER VIGIL: Well, before I commit myself to anything I want to

know what the data and the consequence is of the direction we're taking will mean for us.

CHAIRMAN MONTOYA: Okay. Any other –

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chair. I noticed – I have a residential permit here for ten punches. Are we eliminating this?

MR. BARELA: Yes, Mr. Chair and Commissioner Anaya, we are eliminating the ten-punch permit and I'd like to give you some reasons behind that if I could. One of the reasons is the fact that we noticed that people were hoarding their refuse at home for a longer period of time and coming to the transfer station with larger load which is creating a health problem at home. They're just storing more refuse at home or wherever they're storing it, and then they're creating a situation at the transfer station where they're coming in with much larger loads and they're creating where the loads are even prohibited by our ordinance that would be too large to handle with ten punches. So we decided it would be in the public's best interest to offer them a 24-punch to use at least every other week and bring in the refuse and take it out of their backyard or wherever they're storing it and have better use of it and continue with the one-punch.

COMMISSIONER ANAYA: This is the way I look at it and this is the way I operate at home. I buy the 24-punch ticket and I only use ten. It's not – I'm not going to the transfer station if I have a 24-punch ticket and I go, oh, I've got to go take the trash. I take the trash when I have time to take the trash. That's my schedule. I'm not – I like the ten punch, because for five years now I've bought the 24-punch and only used it maybe six, seven times. Can we have the ten-punch and then reduce the price to \$35 for a ten-punch ticket? And then have the 24-punch ticket for \$65. I'm just telling you my personal experience. I can't use 24 punches in a year.

And then if I don't use the 24 punches then I lose out. I don't have a ticket – if I use these ten punches, then I can go back and buy another ten punches if I need it.

MS. PERRAGLIO: Mr. Chair, Commissioner Anaya, one thing I wanted to point out and I didn't include it on this slide. I did in a prior presentation. One of the things we noticed, a trend when we did our last fee increase to the \$55 was that we sold minimal amounts of \$55 24-punch permits and we skyrocketed in 10-punch. So what constituents is they went to buy the 10-punch permit instead. What this ordinance proposes is just consolidating it, simplifying it. It's similar to other counties. Right now we have such a smorgasbord of options that we are never going to meet that deficit, the operational variance. That's the reality of the situation. If we keep offering those ten punches at a lower rate then we are going to be in the same situation.

COMMISSIONER ANAYA: I understand that, but what you're saying is that now, if I don't use the transfer station and I buy a 24-punch ticket, I'm paying for things that I'm not using. Right?

MS. PERRAGLIO: It's possible.

COMMISSIONER ANAYA: That's what I've been doing. I've been paying

for the transfer station that I'm not using because I only use ten punches out of the 24 ticket. So is that fair to me? No. I don't think it's fair. So I'd like to see the ten-punch ticket come back at a reduced price.

CHAIRMAN MONTOYA: Okay. Any other questions for staff? If not, this is a public hearing. First public hearing. If people would like to come and comment on this case, please come forward on this ordinance. Okay. Seeing none, this first public hearing is closed. So we'll have another one when? Two weeks or in a month?

MS. PERRAGLIO: Mr. Chair, we actually are asking for you to take action on this ordinance.

CHAIRMAN MONTOYA: Oh, you want to take action on it? So this is not the first public hearing.

COMMISSIONER HOLIAN: I would like to move for approval.

COMMISSIONER VIGIL: I'll second it.

COMMISSIONER STEFANICS: Mr. Chair, I'd like to amend it. I'd like to amend the motion to delete the language relating to the Housing and Urban Development Department so that it leaves the ability for the County Manager to reflect upon this.

COMMISSIONER HOLIAN: I agree to that.

COMMISSIONER VIGIL: I actually think I'm okay with that too, Mr. Chair, because I think the County Manager can make the assessment determined on how much use we're getting. There is never a fairness about solid waste management. There is always going to be someone where it doesn't meet with their particular criteria, lifestyle choices, whatever. But I think if we create the opportunity for the County Manager to determine and make that assessment – because we can't be making these decisions every time there's an unfair issue. I think we're moving in the right direction, Mr. Chair, and so as the seconder of the motion I agree with those amendments.

CHAIRMAN MONTOYA: Okay. So just to clarify then, Commissioner Stefanics, that sentence that begins To qualify for the – that whole sentence then, right? Would be deleted?

COMMISSIONER STEFANICS: I would propose to delete – exactly.

CHAIRMAN MONTOYA: Okay. On page 28, to delete – to keep the first sentence of 6, to delete the second sentence, and to keep the last sentence.

CHAIRMAN MONTOYA: Okay.

COMMISSIONER HOLIAN: I'm okay with that.

CHAIRMAN MONTOYA: Okay. The motioner, Commissioner Holian, is okay with that. Secunder.

COMMISSIONER VIGIL: I am okay with that.

CHAIRMAN MONTOYA: Commissioner Vigil, you're okay with that. So we have a motion and a second. Any other discussion?

COMMISSIONER ANAYA: Mr. Chair, I'm going to vote against this because I live in a rural setting and I'm giving you all facts of a rural lifestyle, and I think that it is important that we have a ten-punch card so that we can give our public more options and

thank you.

CHAIRMAN MONTOYA: Okay. Any other discussion?

The ordinance passed by majority [3-2] roll call vote as follows: Voting for were Commissioners Stefanics, Vigil and Holian; and voting against were Commissioners Anaya and Montoya.

COMMISSIONER VIGIL: I'm going to say yes and I'm going to give an urban perspective. I do not have the option or the delicacy or the opportunity to have a choice. I have to pay a large amount of solid waste permit because I'm in an urbanized community.

- XIV. A. 2. Ordinance No. 2010- 6, an Ordinance to Require Permits and Fees for Motion Picture and Television Productions; Repealing Section 9.F of Ordinance No. 1992-3, Business Registration and Licensing Ordinance, Requiring Registration Or Licensing for Motion Picture/Television Production/Photography Activities; and Amending Article III, Section 1, Table III. 1.6 of Ordinance No. 2008-12, as Ordinance Establishing Permit and Review Fees for Projects in Santa Fe County, New Mexico, Pertaining to Film Permit Application Fees [Exhibit 3: Supporting material]**

JACK KOLKMEYER (Growth Management Director): Good evening, Commissioners. First of all I'd like to start off by thanking Jose Larrañaga, former County Attorney Ted Apodaca, Steve Ross and others for helping us put together this film ordinance. There are not very many other film ordinances in the state. We literally pulled together every film ordinance we could find throughout the country to draft an ordinance that we felt suited the needs for film production in Santa Fe County and we also got a great deal of input from the New Mexico Film Office, from other communities throughout the state and also from our local film union. When we brought this first before you, you had questions on fees and also on whether contributions could be made to individual communities by film production companies and I'll get to answering those in just a second.

But I wanted to start off by reminding us that there really are three really key, important reasons why we pulled this film ordinance together, the first one being that we really needed a very clear and solid way to regulate film and media activities in our county, really to protect health, safety, welfare and the well being of the county and our residents by requiring permits and fees, so that through this process we will know exactly what activities are taking place, where these film activities are occurring, and what effects and concerns there may be for these locations.

Secondly, since we have one of only two media districts in the entire country we

wanted to make sure that as we move forward with Santa Fe Studios and the evolution of our media district that production within this zoned district would not have to come in for individual film permits every time a film was shot or produced on that property. And this would also take into account other studios and soundstages that would be developed and licensed in the future in Santa Fe County as well.

And also we wanted to put into perspective or put into an ordinance the fees that we're charging so that they're not part of another ordinance, so that when film companies come through our county all the things that they need to do to do film production within our county would be easily accessible and clear to them in one place. We have a fee schedule as you know in the ordinance already, but also there are other provisions in the ordinance that would allow Public Works, the Sheriff's Department and the Fire Marshal also to charge for services that they would need to accrue for whatever they would have to provide for a film production as well.

Film production, the fees are really not designed to produce income other than to cover the cost of doing the permits for the film production. We had a little bit of a discussion about the fees that we charged and what they would all go to. The permit fees are really just to cover the cost of staff to get the information from the production companies coming to shoot there. The real importance about that too as we've learned when we were looking at the fees, and Jose has passed out to you some information on fees that are charged throughout the state right now. You'll notice, as I told you at the last meeting, we're right about in the middle of what's being charged by other communities. Some counties have no fees at all, and really the reason for that and behind that is what generates income to a community are not the film permit fees but they are the services that film production companies need, the local people that are hired, the resources that they pay for within the location that they shoot.

Some of the other ways that revenue will come back to us though and some other ways, we right now have about 30 to 40 County-owned locations identified that we think might be usable for film production companies including Santa Fe Canyon Ranch. I think Commissioner Vigil brought that up earlier this afternoon, and so we are working with location personnel at the film office to provide all this information with them. So that's really where the revenues are going to be generated from. So the information that Jose gave you, you see that there Los Alamos County, Torrance County, Bernalillo County charge no fees. San Miguel charges \$40, and that's issued as a temporary use permit. Again, they don't have a film ordinance, so that's back to the point where we want to pull all this together and put it into one fee ordinance. So again, as I pointed out, we're right in the middle of that.

When you get to places in places in southern California like Beverly Hills they're charging \$955 a day, and in part of course that's because where the primary film production center is located in that area. And then we looked at a whole lot of other locations and we've broken that out for you too so you can see some information on that. Denver, a large city, for example does not charge a fee at all, and again this goes back to the point that it becomes competitive for particularly a production there for fees that they need to charge then we want the films to come to Santa Fe County. We'd like not to be priced out of it in that regard.

And then we also included for you some information on some of the films that have been shot in the state of New Mexico going back to about 2003, and you'll notice there's a lot of activity in the state of New Mexico and also Albuquerque. The majority of it splits between Albuquerque and Santa Fe but you look through there you'll see that there are a lot of other communities in Santa Fe County that benefit from this as well. So that was to answer your question that came up about what fees we charge and where we fall within that.

Then I believe it was Commissioner Anaya that asked us the last time if there was something that we could put into the ordinance that would require that contributions be made to the local communities. Our discussions with our legal counsel at that time suggested that that's not something that we should do, but in researching this we went back and we found some information that had been given to us last year by the Galisteo Community Association Board where they put together a little one-page sheet of information that they had requested that we give to film production companies when they come in for permits and one of the things on there is we're requesting a donation to be made to that community association board. We feel we could do that. We could suggest that if you're going to be filming in Galisteo, Madrid or whatever that you might want to meet with a particular group and discuss things with them. But legal counsel suggested that that was not something that we should put into the ordinance.

I believe those were the two principal questions that you had raised to us the last time and that's again, just a brief reiteration of the reasons for this ordinance, and having given you that information I stand for questions.

CHAIRMAN MONTOYA: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Jack, I have a question. I have a friend who works for the Forest Service. And when the film Wild Hogs was shooting around here they wanted to film a scene that was in a little pool of water. This was up in the Pecos area and there was a river and it had a deep pool and they wanted to film a scene in that pool. Now, they didn't want the actors to be in cold water for very long, so they wanted to reroute the river, fill the pool with hot water, film the scene and then route the river back.

Now, I think that's an extraordinary bad idea. It was obviously an environmental nightmare. What would happen if a production company wanted to do something like that in Santa Fe that we knew - who would make that decision about what was appropriate and what wasn't?

MR. KOLKMEYER: Mr. Chair, Commissioner Holian, most of that would be done through the permitting process. We would know where they would want to shoot, what types of things that they would want to do, and we actually have provisions in here about cleanup and - Jose you may need to help me with this a little bit. If there was some other way how they would have to take care of those things. Do you know where that other section was in there?

COMMISSIONER HOLIAN: Well, I'm just wondering when do we decide that whatever they want to do is not a good idea and we say no?

MR. KOLKMEYER: First of all, if they came and they suggested to us that

they were going to reroute the Alamo Creek or something we would probably not suggest that they do that. If it was in an area where for example that might not present itself as a problem it would have to be restored to the condition in which they found it and that would be again a provision of not only the ordinance, a directive from the ordinance but that would be something that we would work out with them in the film permit. For example, the example that you gave, it was federal land did you say?

COMMISSIONER HOLIAN: Yes. It was on national forest land and so they were applying for a permit to do that from the National Forest Service, which they did deny it, by the way.

MR. KOLKMEYER: So I suggest we'd be in the same situation as that as well.

COMMISSIONER HOLIAN: Good.

JOSE LARRAÑAGA (Development Specialist): Mr. Chair, if I might address that a little bit. Through the permit process with having a good ordinance we could address that and then they would have to put up a bond if something like that would happen. Of course we'd look at it and they'd have to bring in plans and so on. We had the same deal with Wild Hogs when they resurfaced a road in Madrid and then later on we had a little bit of a drainage problem which they had to fix.

CHAIRMAN MONTOYA: Okay. Thank you, Jose. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. Is there a definition for episodic television production. I see one for major production and one for small scale production. Am I just missing where you have a definition for episodic television production?

MR. KOLKMEYER: I thought there was. Mr. Chair, Commissioner Stefanics, I thought there was. Let me look through here real quickly. I don't see one.

COMMISSIONER STEFANICS: Okay. And the other comment I just want to make, Mr. Chair, is I still believe that the major production fees are too low. Thank you. That's all.

MR. KOLKMEYER: Mr. Chair, we had discussed episodic definitions before and I don't see that right now. I'm not sure why it dropped out but we can put that back in. In your comment about the fees, well, we've given you the information and again, our fees are kind of right in the middle. We wanted to lower them from what they were before because the recommendation from the film industry was they were too high and we don't want to get ourselves into a situation where we would lose the opportunity to have a film. So they kind of do fall in the middle.

CHAIRMAN MONTOYA: Any other questions or comments? I agree with Commissioner Stefanics. I think – you see Beverly Hills all the time and they pay \$955 a day and here we're asking for what? 200 bucks. 100 bucks.

MR. KOLKMEYER: Mr. Chair, we're not Beverly Hills.

CHAIRMAN MONTOYA: We're much prettier than Beverly Hills. You're right about that.

COMMISSIONER STEFANICS: Mr. Chair, just a comment. We are like

Arcadia though. Arcadia is in northern California. It's \$250. So there are some small communities on that list. Thank you.

CHAIRMAN MONTOYA: Okay, this is a public hearing. If anyone would like to comment on this ordinance.

JENNIFER SCHWALENBERG: Hi, Mr. Chair and Commissioners. I'm Jennifer Schwalenberg. I'm the deputy director of the New Mexico State Film Office. Our expert here is Don Gray who's on contract with the state as our contract location scout who deals with this stuff all the time. I thought it was interesting that Jack or Jose put in the location fees for Beverly Hills, Tarzana and Santa Monica, because these communities in Los Angeles they don't want film and that's why they have such high fees. And we don't want to become Los Angeles and we will price ourselves out and the existing rates are pretty usual for this state. So we're in support of the lower fees.

DON GRAY: Yes, I would just second that as well. There are a lot of communities that sort of got exhausted in the Los Angeles area by film production and television production and they introduced much higher fees so that they would discourage a lot of production. A lot of those communities are now second guessing that because a lot of that production has actually come to New Mexico and they'd like to bring it back there. As well, I second the idea that the fees are for covering administration costs, but really what you want to do is encourage film for economic development for the other impact that they bring to a community. If that's what you want to do then if you could keep the fees low then you're not competing against other counties which have no fees at all. All things being equal, if Santa Fe is more expensive in terms of the County fees, in terms of hotel rooms, in terms of restaurants and all those sorts of things, if there's a gas station here and there's a gas station in another county that's cheaper, they'll probably shoot the gas station in another county.

MS. SCHWALENBERG: I do think that it does send a wrong message. We do want to be film friendly throughout the whole state. I'm a resident of the county and would like to see more productions in the county and I think it's just real important that we keep that message that we're film friendly, not only the state but the county.

CHAIRMAN MONTOYA: Okay. Thank you. Is there anyone else that would like to speak on this ordinance? Nobody's going to get up at the last second here? So this public hearing is now closed. What are the -- Commissioner.

COMMISSIONER VIGIL: I move we approve and include direction to staff to put the definition of episodic television as part of the ordinance, Mr. Chair.

COMMISSIONER HOLIAN: Second.

CHAIRMAN MONTOYA: I have a motion by Commissioner Vigil, second by Commissioner Holian. Any discussion? Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chair. What was the motion?

COMMISSIONER VIGIL: I move we approve.

COMMISSIONER ANAYA: Oh, to approve. Yes, I was going to wait till we had some public comment before I said anything and I looked in the audience and I said who out there is for the movie industry. And I noticed you two in the back over there and I go, I

haven't seen their face before, maybe they're in the movie industry. But I want to thank you for coming forward and saying what you did, even though I don't agree with you. I might agree with you. Thank you.

CHAIRMAN MONTOYA: Okay. Any other discussion?

The motion passed majority [3-2] roll call vote with Commissioners Vigil, Holian and Anaya voting in favor and Commissioners Stefanics and Montoya voting against.

CHAIRMAN MONTOYA: And just to explain my vote as well I agree with Commissioner Stefanics that I think these are low in terms of fees.

- XIV. A. 5. **CDRC Case # VAR 10-5100 George Hansrote Variance. George Hansrote, Applicant, David Smith, Architect, Agent, Request a Variance of Article III, Section 2.3.3 (Residential Uses) of the Land Development Code to Allow the Disturbance of 30% Slopes for the Construction of a Single-Family Residence and a Detached Studio. The property is Located at 59 Calle Encanto, within Sections 17, Township 18 North, Range 10 East, (Commission District 1) John M. Salazar, Case Planner [Exhibit 4: Photographs of site]**

JOHN MICHAEL SALAZAR (Review Specialist): Thank you, Mr. Chair, Commissioners. The CDRC heard this case on March 18, 2010. The decision of the CDRC was to deny the variance by a 4-2 vote. This is mentioned in the caption, but the subject property is an existing 11.367-acre legal lot of record within the Los Caminitos Subdivision. The lot is currently vacant. The applicant is proposing to construct a 2,600 square foot residence with a garage and a detached 500 square foot studio and a driveway of approximately 175 feet from Calle Encanto to the proposed residence. The proposed studio building which will be located behind the residence will not have vehicular access to it.

The original application proposed a 5,100 square feet residence with a garage, a 475 square foot detached studio with patio area and a 692-foot driveway. The applicant went before the Extraterritorial Land Use Commission on February 12, 2009, where the application received a recommendation of denial based on a unanimous vote. The ELUC wanted the applicant to move his building site closer to the road where the property is flatter. The applicant did not move forward to the Extraterritorial Land Use Authority and the subject property is now regulated by the County Land Development Code since the Extraterritorial Zone no longer exists.

The property consists primarily of difficult terrain with some small areas of 0 percent-15 percent and 15 percent-30 percent; the majority of slopes on the site exceed 30 percent. Section 2.3.3a of the Land Development Code states: No development sites may occur on a natural slope of thirty percent (30 percent) or greater. The proposed lot contains some

scattered areas that are less than 30 percent. The applicant is requesting a variance to allow the disturbance of 30 percent slopes in order to construct this residence, studio and driveway. The driveway and studio disturb the least amount of 30 percent slopes while an estimated 95 percent of the residence will disturb slopes 30 percent or greater.

While the applicant has moved the building site location and reduced square footage from the 5,100 originally proposed to 2,600 square feet, the revised location remains on primarily 30 percent slopes. The applicant's agent has stated that the buildable area on the property is a small area at the low end that is within an arroyo.

The applicant would also like to take advantage of the solar exposure the current siting provides, as it is south facing.

Staff conducted a site visit prior to the March 18, 2010 CDRC meeting where staff concluded that the flat portion nearer to the road is a more suitable building site for the applicant. The pictures handed out to your earlier show the flat area at the bottom of the property along with where the applicant is proposing to build that part of the hill.

The applicant's agent has stated that there would be drainage problems with this particular site but staff believes that the drainage could be resolved through berming and other methods to redirect the drainage from where the residence could be constructed.

Recommendation: Staff believes that more suitable locations for building are available on the lower portion of the site. Relocation to the lower portion would also reduce driveway length and could further improve fire access. The arroyo area closer to the road has gentler slopes that would minimize the disturbance of 30 percent slopes. The applicant does not demonstrate that strict compliance with the provisions of the Code would result in an extraordinary hardship since there are other buildable sites on the property. Therefore staff along with the CDRC recommends that the request for a variance be denied. I'll stand for questions, Mr. Chair.

CHAIRMAN MONTOYA: Questions for staff. John Michael, so they did move the original location to the present one?

MR. SALAZAR: Yes, Mr. Chair.

CHAIRMAN MONTOYA: So the original one is up on top over there.

MR. SALAZAR: This was the original location right here. A lot further up, disturbing a lot more 30 percent slopes. You can see from the model.

CHAIRMAN MONTOYA: Okay. If the applicant would be sworn in.

[Duly sworn, David Smith testified as follows:]

DAVID SMITH: David Smith 223 Delgado Street, Santa Fe, New Mexico. Mr. Chair and Commissioners, if I might. First of all, thanking you all for hearing us. It's been kind of a long trip for us through several committees. I might add something that John Michael said, while the vote was 4-2 for denial, that was in a vote only session. The session before that is when the public hearing was and it was a tie vote 2-2. So it was sent to the next committee meeting where it was denied. My feeling in that is that the others that voted against me or against the project, when we came before them the second time, did not have the advantage of the public hearing in which we had support from the community and quite a

discussion about alternatives. So I hope that you'll bear with me as I run through some of the questions that have come up.

Let me first of all, after I've passed that out -- as John said, this was the original submission which is a much larger house. Actually this is the second submission. Initially we went to the County to talk about something on the flatter ridge here and we were encouraged to stay off the ridge, so that's when we came with this. Kind of a re-evaluation led us to this much smaller house yet still complying with some of our goals. Our main goal was a southern exposure built into the hill for energy efficiency and to stay away from the north where it does hold snow quite a bit of the year on this whole side.

Each time, whether it was this one or this one, the staff has recommended that there were other buildable areas. I don't know. The word area is kind of confusing because what we're left with as we move down the hill is an area here, which is behind the 50-foot setback are required by the community association. This represents about a 3,000 square foot block, 16 feet high, not necessarily a house design, but to show the envelope in which we're talking about in the suggested site. This is the reason went to and have been supported by the community association, the architectural committee of Los Caminitos because this would be unscreened by any vegetation. There is quite a bit of vegetation in the lower part of the arroyo. It would be the closest how to any road in the whole subdivision and there is a neighbor, I think there's a letter of support for our location here. There is a neighbor across the street which is about 60 or 70 feet beyond the road but completely screened by vegetation.

So I put this to kind of show you that the envelope that we're left with, which I feel -- and I'll give you some reasons in a moment, is not in the spirit of what the ordinance was meant to do in terms of the use of a lot like this.

So just briefly, I'll bring up a few points we've talked about extensively in other public meetings. First of all, the suggested site at the front of the lot doesn't allow for the maximum energy efficiency and solar exposure that we have built into both designs. We're talking about approximately 70, 75 percent passive building that we will hope to construct. The technical aspect of it has to do with the fact that this is the confluence of two waterways. Building at this point would essentially create a dam across these drainage ways and which it's not considered by the staff, as a design professional I certainly have to consider that and we are in a situation where there could be water there and a significant amount of water that has to be rerouted, practically speaking, we're talking about under the house because the terrain as you see on each side of that site goes up very steeply and we would be getting into quite a bit of site and vegetation in order to essentially trap that water and reroute it around the house. Under a house is, from a technical point of view not a very attractive thing from the point of view long-term maintenance of such an underground waterway.

The third thing is that suggested site by the staff would effectively block future access to any other development on the site which might be a studio as we've shown a studio in our submission, or a guesthouse, because anything behind that would not have any vehicular access.

The fourth point would be, as pointed out in the letter of support from the

architectural committee, it would be the most visible to the community and in fact placing it there would put us at odds with the community in terms of their approval and our relationship to them in terms of trying to realize this project.

So in summary I would say that the hardships created have to do with the long-term costs in energy and money for a less efficient house and the necessity to take extraordinary and expensive measures to deal with the drainage and access to any auxiliary building such as a studio or guesthouse, and alienation of the community by building on a site which they are opposed to. With that, I'll be glad to answer any questions.

CHAIRMAN MONTROYA: Okay. Any questions for the applicant?
Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. So you have proposed two different sites and they've both been denied.

MR. SMITH: Yes.

COMMISSIONER STEFANICS: No other sites. And the County is suggesting that you locate there.

MR. SMITH: Here, where these two arroyos come together. In other words – I'm sorry. The access to the site as you can see, this is inaccessible by any stretch of the imagination vehicularly. This side also. So only up the draw is the only way to have any access to any of the interior of the site. So essentially from moving from here down to here we've taken this 11-acre site and made the developable area here, yet staff still maintains that the flat area here where the arroyos flatten out – which by the way is very vegetated, which is what we're counting on for some screening from the road to essentially redesign it, what is left.

COMMISSIONER STEFANICS: So Mr. Chair, would that site that is proposed by the County in the arroyo, would you have to get flood insurance? Would the owners have to get flood insurance?

MR. SMITH: It's not in a flood plain per se. I'm somewhat uneducated but I would say know, because it's not in a floodplain. But it is in a situation where a cloudburst, you can see by the washing patterns, that cloudburst can send a considerable amount of water down which has to be dealt with. It couldn't be ignored at all.

COMMISSIONER STEFANICS: And Mr. Chair, are any – is this all gradual slope? Are there any sheer cliffs in this piece of property?

MR. SMITH: No. There's not any rocky edges or anything, but it's not gradual in the sense – it's mostly over 30 percent, but there aren't any ledges or sudden drops. There's no sudden drops.

COMMISSIONER STEFANICS: So, Mr. Chair, what's your highest elevation and your lowest elevation?

MR. SMITH: The highest elevation is 7210 and the lowest is 7070. So it's what?

COMMISSIONER STEFANICS: Two hundred.

MR. SMITH: Two hundred approximately.

COMMISSIONER STEFANICS: Thank you very much, Mr. Chair.

CHAIRMAN MONTOYA: Okay. Commissioner Vigil.

COMMISSIONER VIGIL: On that point. And perhaps this question goes to staff. I thought I heard testimony that the County has recommended that there are other alternative sites, yet I'm only seeing one identified. Are there more than that?

MR. SALAZAR: It would just be this one site right here, Mr. Chair, Commissioner Vigil. There's a small area over in this corner of the property but there's a house right here. What would that be? Maybe 100 feet from the property line.

MR. SMITH: There's also a required setback from the road.

MR. SALAZAR: It's the subdivision setback, not necessarily ours, but the subdivision has their own covenants.

COMMISSIONER VIGIL: So there is only one other alternative.

MR. SALAZAR: Basically.

COMMISSIONER VIGIL: That's the clarification I needed, Mr. Chair. Thank you.

CHAIRMAN MONTOYA: Any other questions for the applicant? Okay. If not, this is a public hearing. If there's anyone who would like to speak on this case if you'd please come forward.

[Duly sworn, Gerald Hotchkiss testified as follows:]

GERALD HOTCHKISS: I am a neighbor to this property. All I'll say to start with is my house, wherever this is built I won't see it, so I'm not talking from the point of view I don't want to see a house. This is not affecting me personally. However, I want to make a couple of things pretty clear. One is I walk this trail up here. I walk it all the time. This area is much steeper than this would show you. It's hilly. There are many ravines. It's a very steep place with hills, valleys, all the big trees in the valley where the water runs down.

Secondly, he talked about the architectural committee. A letter was written by the now chairman of the committee which is totally, as far as I'm concerned, improper, because it's basically one man's opinion. He's not talking about any covenants we have. He's not talking about any rules we have. I was president of the association. I was chairman of the architectural committee. I've been a lot owner for 25 years. I built my house 20 years ago.

The only area we could talk about - we have our own restrictions in siting. The committee's experience, they say in order to minimize impact to arroyos, properties and roads from erosion the restrictive covenants require the architectural control committee to examine proposed building sites for their impact on drainage patterns, the amount of cutting and filling of earth that is required. The committee's experience is that these impacts require special attention when a proposed building site is located on ridges with an average slope on each side of greater than 20 percent, or away from ridges or slopes with an average gradient of more than 25 percent. These are our rules, not the County's. And I want to say that there is a very, perfectly good site near the road. It is the opinion of the chairman of the architectural committee that they don't want it there. It's not in our covenants. This is not something which the members of the association would agree with. It's never been brought up. If they

want to bring it up it could be made at the annual meeting. But at this point there's no discussion of where a house is put.

As far as siting from the road, obviously, anybody can put up new trees. When I built my house I spent more than I ever thought I would putting up new trees and bushes to make sure that anything I damaged could be minimized. So I think that that's – I have to say that from the point of view – just for me, I'm not talking – the association has no opinion about this. We don't get involved until you people make your own decision of what you allow and not allow, but as an individual I just want to say that any comment that's been made by anybody, whether they're a chairman or an individual's opinion, which they have a right to as I do, but I'd like you to know that we have rules about the damaging of land, because it's permanent.

It reminded me – I lived on the east coast in a small town of 18,000 people and our town was burned down by the British with one building. We had the oldest townhall in all of Westchester County because that was all that was left after they burned down the town. And there was a man that came from New York and he wanted to build a big house and we didn't have the laws like you have. And then he wanted to put cows around it to look pretty. And there was an old-timer who loved water and David's brook ran through the property and he said if you bring the cows here that will be the end of the fishing, the end of the water. You can't turn it around. He put the cows in. The stream was hurt. No more fish. Then he took them away; he didn't like the cows. I mention it only because all of these decisions are permanent. We can change the drainage. When you change something that's why you have these rules. It's permanent. You can't bring them back.

Nobody knows quite how they're going to go. People can say this or that but they don't know, and that's why I sort of am conservative to protect the land because when we moved out here 20 years ago it was the land that drew us. We didn't know anybody here. We didn't have any friends. But we just saw this land as the most gorgeous place we'd ever seen in America. I still feel that way. Thank you.

CHAIRMAN MONTOYA: Thank you. Anyone else like to speak on this case, please come forward.

[Duly sworn, Dara Vahid testified as follows:]

DARA VAHID: My name is Dara Vahid and my address is 61 Calle Encanto, Santa Fe. Good evening. My name is Dara Vahid and I am the neighbor to the east side of this lot. And whatever presentation was given in here, part of it was correct, part of it was not. Part of the presentation was not reflecting the facts, so I would like to take a few minutes and give a little history on this lot and what has been happening there.

First of all the topography of this lot is as it shows on this map, from the aerial photography. And that will give a better idea of how lot is. This is lot number ten, this is the street. This is high on the ridge, there is a trail that people walk. And this is my house in here. This is Gerry's house. This is the house across the street and there are three other houses. This is the area. Now, this lot, basically is made of all these steep canyons. Here, very up there. Here very steep. It's more of 90 degrees. If you stand there it's like a wall. You're

going to fall down. The drainage goes right new to this middle section which is arranged in here.

Now, the original place which was suggested, which required about seven or eight variances at the time and it was rejected was somewhere around here, very up on the top of everybody. Then, after that, they abandoned that plan and brought the building further down, which is in here, next to this ridge. And if you notice that only drainage is right next to here. So if you build the house you have to move this drainage to this side, so you totally rearrange the whole map of the land.

The new location is again on the side of this here, that they're going to dig into it, put more than 90 percent of the building inside there. Then on the top of that build a studio, which is going to be higher than all this here. The area that I marked in red there is a flat area that it doesn't need any variances, it doesn't need any cutting or doing or anything. A building can be put in here very easily. So this is the topography of the area.

Now, the history of this lot goes back. The person who build this house, actually he bought that lot about 20, 30 years ago. But they left and then after a while they got old and they moved back to California and they want to sell this lot. The value of the lots in this subdivision according to County tax authority, for taxing purposes is \$250,000 for each five-acre lot. These people, they knew that nobody's going to buy that for \$250,000 because that building site has no view. So they sold it with one-fifth of the price, about \$100,000, \$120,000. Now, this new owner jumped in and bought it and he was hoping that he will get these variances and build a house on the top, so financially it would be very good. If I bought something with \$80,000 and build a house right at the top after a while you'd get two or three million. So that was his plan.

Of course the first time -- I heard two times it was denied in the Land Development Commission. So this was the history of [inaudible] I don't have to explain this and I apologize. If you ask for a variance that means that you want to get permission to modify the law or break the law or something like that and in order to do that you have to show a very good reason. And these people didn't show any reason. The only reason that was given to me at the previous meeting is that they want to have a view, which is understandable. If you come to Santa Fe you want to have a view but you have to pay for it. I remember about 15 years ago when we are trying to buy our house, I saw a lot on this east mountain, a lot about two times of this room and it was \$1 million, 15 years ago. And I asked the person, why is that? He said, you see the view? That's what you pay for.

So in here, with \$80,000 that you spend on the lot you can't have a view just for that reason. You can't get variances. So that's what it is. Now, one may talk about hardship. These people are not residents of New Mexico. The man, the owner, is an old retired man who at this time works overseas. He has married a younger woman who is I don't know, the second or third wife, which is a young woman, she happens to be a doctor, has a practice in Los Angeles. And they don't have any kids. So he doesn't have to build a house to raise his kids and things and if he doesn't do that he's going to cause hardship. And I think therefore that the conclusion is that the guy wants to do it for the money. And that's not the reason for

variances.

The County staff, they're unbiased people. I don't eat lunch with them. But two of them, Mr. Salazar and Ms. Lucero, both evaluated this thing and both times they suggested to deny the variances because there is a flat area over there you can build over there. So that's as far as the [inaudible]

Now, I think Gerry talked about that letter from community, that letter does not reflect the opinion of the community. That letter reflects the opinion of the guy who signed it. He is the only one who is telling me or the other one what is good for me and what is bad for me, and certainly it should not be as admitted as the view of the whole subdivision. Because, I don't want to go through the whole thing but he violated the covenants on several different things. That's not the opinion of the committee which is five members, and three of whom – two of whom actually nobody knows where their whereabouts is. One has a telephone number in Oklahoma; one has a telephone number in California. The other one was in Minnesota and none of them know where this thing is, where the building is. So that's only his opinion.

So in summary, the person bought a cheap lot, wants to get variances, build a building and sell it expensive. The other thing, solar energy and thing is just beside the point. You can have a point anywhere and have solar energy. This is not like the old days. So I would submit that with consideration of the history and what I said and the staff recommendations, two previous denials from the other committees, I respectfully submit that this Commission deny the variances. Thank you very much. If you have any question I could answer.

CHAIRMAN MONTROYA: Okay. Thank you. Is there anyone else who would like to speak on this case. Okay, this public hearing is closed. You can give your final comments, Mr. Smith.

MR. SMITH: Again, I appreciate your consideration here, just to set the record straight, with all due respect to Dara, George Hansrote and I have known each other for years. He worked for Los Alamos for years. He was a Santa Fe County resident until two years ago. This is a retirement home. His plans have been put off because he's not retired, he's working overseas for reasons of many people are not retiring as early as they thought. He does have three beautiful children. He and his wife and three beautiful children. They are grown and in college. But they are planning to live here as a retirement home as is evidenced by the various things we've gone through and the various committees we've gone through to try to put together a plan for them to use this lot.

Another thing I might say is we have been turned down twice but only once on this particular submission. The other submission was one with six variances that we abandoned and worked with this staff to try to work at the lower end of the site. Also, as a professional architect, I stand by this map. I stand by the slope analysis that I gave you and submit that as John said the only alternative to this is the site that we have discussed that is close. Also, on several occasions the prices of this lot has been brought up and I think that that's immaterial and it is not true that the various assumptions that he's made about my client, for whatever reason, I don't know. But I know George well and I know what his intentions are. Thank you

very much.

CHAIRMAN MONTOYA: Okay. Thank you. Okay, the public hearing is closed. Questions? Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, okay, so Mr. Smith, could you get the microphone and come up? So your proposal was the top house first?

MR. SMITH: This was about two years ago, yes.

COMMISSIONER ANAYA: Okay, so now you want to build it right there.

MR. SMITH: Yes.

COMMISSIONER ANAYA: And staff is saying you need to build it right there.

MR. SMITH: Well, it's kind of nebulous. They say there are other existing places to build in the lower area and as John said, that means right here.

COMMISSIONER ANAYA: Okay. Well, from what I've heard, I like the house right there where he's got it proposed. I think if you put it down there right where it looks like the middle of the draw it doesn't make sense. Or the middle of the arroyo it doesn't make sense to me. And I really don't care where they live or where they're from. Everybody has a right to come forward and ask for a variance, and that's basically - I don't care how much you paid for the land. I think everybody has a right to do what they want with their property in terms of different locations as long as they come and ask for a variance in different slopes, but to me, from what I see there and you stand by what you have there, that you built.

MR. SMITH: I do, and I think staff will too in terms of its accuracy.

COMMISSIONER ANAYA: For me that makes the most sense, right there.

Thank you, Mr. Chair.

CHAIRMAN MONTOYA: Okay. Commissioner Vigil.

COMMISSIONER VIGIL: I have a question. I'm not sure who it should go to, but is that location in violation of the covenants?

MR. SMITH: It's not in violation of the covenants until we go with the final design before the architectural committee and the architectural committee has the ability to accept or deny what we give them then. They have seen this design. The letter from the chairman of the architectural committee - we had a meeting and Dara was there so they're aware of this and it has been stated by them in the letter that they prefer this proposed site to anything closer to the road. Now, this design will have to go through, of course through them and then through County permitting so all ordinances and everything and covenants will have to be dealt with. But we're seeking the variance here so that we can go forward and try to use this site.

COMMISSIONER VIGIL: Okay. So I guess what I'd like to state to you is regardless of what the outcome is going to be here, if we in fact do approve this with regard to its variances, if it still is in violation of the covenants you may still have a lawsuit before you. You realize that, don't you?

MR. SMITH: Oh, absolutely. I've been at this a long time. We would not

build anything in direct opposition to the decision of the architectural committee.

COMMISSIONER VIGIL: Okay. This is my sixth year as a Commissioner and it is rare that the owner of a house does not invest themselves in the time to come before the Commission. Why is the owner not here?

MR. SMITH: He's in Manchester, England, overseeing the construction of a nuclear power plant. He's here every two months for approximately two weeks and just does a job with the meetings we've had.

COMMISSIONER VIGIL: So is this what? A second or third home?

MR. SMITH: No. He has one home in California.

COMMISSIONER VIGIL: So this will be a second home for him.

MR. SMITH: It will be a retirement home. Upon his retirement – his wife is getting ready for retirement when they can build upon this lot when they can build upon this lot and retire here, actually selling the California home for what it's worth is part of the possibility of building this house.

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

CHAIRMAN MONTOYA: Commissioner Holian, then Commissioner

Stefanics.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Mr. Smith, can you show me on your topo there where the water flows when it goes down.

MR. SMITH: [inaudible] So really it flows all the way from here, all the way down

COMMISSIONER HOLIAN: And with that particular design are you planning on putting any water diversion infrastructure into the house?

MR. SMITH: No.

COMMISSIONER HOLIAN: You think that it will go around the house?

MR. SMITH: That is one of our givens, yes. That we keep the bottom of this arroyo as the bottom of this arroyo. That's why pulling it to this side as much as we have on the 30 degree slopes is done this way. Because any siting here would have the same problems we would have done here. And any siting on this site is 30 degree slopes also and it also faces north.

COMMISSIONER HOLIAN: Okay. Thank you.

CHAIRMAN MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. Maybe the staff could answer this. On the road that's down by the property, where are there some drainage pipes or ditches underneath the road?

MR. SALAZAR: Mr. Chair, Commissioner Stefanics, a bar ditch around along Calle Encanto. The applicant would probably have to put a culvert in when the install the driveway. The other lots along Calle Encanto have culverts so they can cross this bar ditch. Basically, that's where the drainage is going and then it's running down in this direction.

COMMISSIONER STEFANICS: Okay. Just a comment, Mr. Chair. I live in

an area much like this and we would think that anybody who would build in an arroyo would be foolish. First of all, we have flashfloods. Just look at the rain we had this week. Secondly, that's where the coyotes are down along the lower tiers of the arroyos, and third, it's trails for wildlife. If there are other areas of this property beside the arroyo to consider I'm willing to listen to staff but to put a house in an arroyo to me is not appropriate. Thank you.

COMMISSIONER VIGIL: On that subject, is that what staff is recommending, that this house be placed on an arroyo? Because I don't want to draw that conclusion if that's what you're not recommending.

MS. COBAU: Mr. Chair, John, could I intervene? I went to this site, and I'm the County's floodplain administrator. I went and walked this site - Wayne, myself, John Michael went and did an extensive, about a 2 ½ hour walk along the ridgetop and down. The thing to remember and to keep in mind in making your decision is this isn't a small piece of property. It's 11 acres. So the watershed that's contributing to this area that is being represented as a large arroyo is not that large an arroyo. This isn't the Arroyo Hondo we're talking about. It's a relatively small drainage area that could be mitigated by the applicant perhaps, increasing percolation above the home. The soil is highly erosive. That's why we have all the ravines and rills and gullying that you have. It's not necessarily caused by large amounts of rain, it's caused by highly erosive soil.

So I just want to point out that we have a really strict floodplain ordinance and it is definitely not the staff's position to place someone in an arroyo where they would be harmed in any way by stormwater. But small amounts of runoff such as this can be easily mitigated. It's just a matter of money. It's probably less expensive to mitigate that little amount of runoff than to try to construct a home on a 30 percent slope.

CHAIRMAN MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: So Mr. Chair, based upon Commissioner Vigil's question, where is the site or where are the suggested sites that you think this house should be built?

MR. SALAZAR: Mr. Chair, Commissioner Stefanics, the suggested site is right in here on this flat area. It's outside the 75-foot setback from the road, and it's right in this area.

COMMISSIONER STEFANICS: Is there any other site on this 11+ acre property?

MR. SALAZAR: The other sites are within the 75-foot setback that the subdivision requires. There's one in this area, there's one in this part of the property right next to the road.

COMMISSIONER STEFANICS: Thank you.

CHAIRMAN MONTOYA: Any other questions? Okay. What is the recommendation?

COMMISSIONER VIGIL: Mr. Chair, I move we approve staff's recommendation and deny the applicant the variances.

CHAIRMAN MONTOYA: I have a motion by Commissioner Vigil to deny

the variance. Motion dies because of lack of a second. Is there an alternative motion?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: I move to approve this case, with conditions.

CHAIRMAN MONTOYA: Motion by Commissioner Anaya to approve the variance request with conditions.

COMMISSIONER HOLIAN: I'll second it.

CHAIRMAN MONTOYA: Second by Commissioner Holian. Any other discussion? Commissioner Stefanics

COMMISSIONER STEFANICS: Mr. Chair, what are the conditions?

COMMISSIONER ANAYA: Are there any?

COMMISSIONER STEFANICS: There weren't any listed.

MR. SALAZAR: There were no conditions listed. The only condition would be that the applicant just come in for a building permit, follow the permit procedure.

CHAIRMAN MONTOYA: Okay.

COMMISSIONER VIGIL: Are there any potential conditions based on the fact that this motion might pass that staff might consider incorporating into this?

MS. COBAU: I think the applicant should be advised that the driveway slope is going to have to be 11 percent or flatter or we're going to have issues with the Fire Department and when they design their driveway they may come back for a variance. So they need to get an 11 percent driveway up to this site if they can.

COMMISSIONER VIGIL: Okay.

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: From what I see there there is no slope.

MR. SALAZAR: Mr. Chair, Commissioner Anaya, John Sanchez and have sat down with the applicant's agent before moving this forward to the public hearing process and basically the driveway meets the 11 percent criteria for fire. The home meets the 20-foot height limitation with building on the side of a – well, we would say a ridgetop. It meets everything besides building on 30 percent slopes.

COMMISSIONER ANAYA: Okay. Thank you.

COMMISSIONER STEFANICS: Well, the question was what conditions, so that it not be built on a ridgetop. That the driveway be 11 percent or less. What else?

MR. SALAZAR: The applicant come in for a building permit.

COMMISSIONER STEFANICS: The applicant would come in for a building permit. That all state and other county requirements be met in terms of water and wastewater.

MR. SALAZAR: We could add, and they already meet, but the Commission could add that the septic tank be placed on slopes less than 30 percent.

COMMISSIONER STEFANICS: Thank you, Mr. Chair.

CHAIRMAN MONTOYA: Any further discussion?

The motion passed by majority 4-1 voice vote with Commissioner Vigil voting

against.

XIV. A. 3. Water Focus Group Presentation on Supplemental Well Application and Public Outreach

[Audio difficulties were experienced during the initial part of Ms. Torres' presentation.]

KAREN TORRES (County Hydrologist): The public meetings that were held and the staging plan for wells that are going to come up.

The chief benefits to the Buckman Direct Diversion and why we are spending money on this is so we don't need as much groundwater. Currently, even though we are bulking water from the City of Santa Fe the amount of groundwater that we use from them is approximately 430 acre-feet of water and approximately 280 acre-feet of surface water that comes from the reservoir from the mountains. Once the BDD comes on line we will be decreasing our groundwater usage substantially, going forward into time and projecting our full growth at some point in the future at 2,400 acre-feet. Again, primarily water being imported in from the Rio Grande.

So this project is the implementation of the conjunctive management plan, which came forward to the Board back in January of 2009 if I remember right. The elements of this plan were the protection of groundwater resources, again, reliability of supply – we want to optimize our public assets, and then also acequia protection, was one of the key merits of the plan. One of the things we examined with the conjunctive management plan was our need for backup supply. We looked at flows on the Rio Grande which will be our source of supply, looking at potential drought. When you start looking historically at the amount of water that's available on the Rio Grande the chance of there being no water there or going below our curtailment is probably not very likely. There's probably just a few days that have happened in the period of 2000 to 2007. So that dashed line is when our curtailment on the Rio Grande would begin to our VSA agreement, and the blue jiggly line is the amount of water on there so when it goes past dashed line, that would mean we'd have to reduce our water flow.

So we looked at this data, though we can't guarantee this is going to be what happens in the future, the biggest threat to supply on the Rio Grande is going to be either malfunction of the BDD equipment or some type of flood incident. Still, with that notion we still need backup supply. We still can't guarantee that there's not going to be any malfunction or anything not going wrong with the Buckman Direct Diversion.

So one of the elements of the conjunctive management plan was highlighting that these wells would only be used for backup supply and for minor maintenance pumping. But the wells are not full production use like many of the groundwater wells in this basin. Only a backup. The reason the County would want to even start the wells is so we can be proactive in aquifer management. The goal was to use several smaller wells around the basin to spread out the pumping impact. The wells have been sited to minimize impacts and yet can feed growth areas within Santa Fe County. And though it might seem paradoxical by adding these

backup wells less groundwater will be used overall by Santa Fe County.

So we looked at strategies for backing up BDD. This was discussed a bit in the conjunctive management plan. I thought I'd sort of highlight what we went through. There was the no action alternative, using the City of Santa Fe, existing wells as backup, the five what I'm calling the Water Focus Group wells that were chosen through this process, and a combination of the two. So I was going to kind of highlight pros and cons.

So with no action, that means we don't have any sort of backup supply at all and we're relying on the BDD to be functional all the time. That may result in discontinued water service, we'd have to go to severe conservation to meet demand and public welfare would suffer as a result of this.

Looking at the City of Santa Fe solely as a backup, it would be an interim solution. They have some capacity to back us up but not long term. It would require us to have negotiations with the City of Santa Fe. This may defer costs initially if no water is needed for backup, but if water is needed the cost is high to use the City water because we are not only paying for what's called the O&M or fixed costs of the BDD, whether we use water or not, but we would also be paying a fee to the City on top of that. We'd also lose control of aquifer management which is one of the key reasons why we wanted our own wells to begin with, and then there is a bit of a public perception issue with the City of Santa Fe water supply.

Using existing wells as backup, this group thoroughly looked at two different well locations, the Rancho Viejo and Public Works site. They were evaluated. I liked these sites initially because they exist and I know what the data is and I know what we're getting. In sort of looking at these, the production is limited on these two wells. They're not – it would be nicer to have a higher production so we could meet our peak demand. Not to say that we need it for long-term production but when we do need these wells on we need them on and we need a lot of water fast. We went through the process of the ranking. They weren't in the 90 percentile of that ranking. There were higher depletions from these sites on La Cienega Springs, and because these sites were favored by this group there's going to be higher legal costs and litigation costs associated with that due to public outcry.

So we have the five Water Focus Group wells solely as backup. So it was felt that the wells that were chosen through this process it would simplify or shorten the process with the OSE, the Office of the State Engineer. There would be lower legal and litigation costs, but there are higher capital costs because the costs initially, the cost of putting in five wells right away is a lot of money. So that was not something that was a pro for this. They did locate them to serve growth areas yet balance the impact. The aquifer is preserved if we do use solely these wells as backup, we can control that. Because none of these wells – there is fixed locations but we don't know what the production is going to be, so that's an unknown. We don't know whether I'm going to hit the production target I'd like to hit. But we can stage these wells as the utility grows, and I'll talk about that in a little bit.

So the last option is a combination of both the City and the Water Focus Group wells. What this entails is to use the City backup initially to look at how reliable the BDD is, what type of downtime we're looking at. It will be a cost savings if we don't have to use water, if

we don't have a lot of downtime. It buys some time to start drilling some test wells to ensure the production targets can be met by unknown surface geology. We can work on a staging plan for these wells, meaning how many wells we need and when we can finance them to come on line. It also buys time to seek grant funding for this project, and the thought was we'd discontinue City backup when the wells are on line.

So previously we went through a sensitivity analysis for well locations. We still look at those same criteria that were reviewed earlier: favorable hydrogeology, groundwater contamination, avoid areas served by domestic wells, give preference to higher pressure zones, avoid drainages, springs and faults, stay away from areas of known aquifer decline, give preference to areas of lower slopes and proximity to water lines, stay away from community and municipal wells, and then what was added by this group is black out areas where there was known man-made contamination that was documented.

Also there was new rankings and new ratings that were done, but this was the final map that came out of this group process. The black sort of oreo cookie looking things are the blackout areas for known contaminant sources. And what this group did was we ranked it by percentile. The light blue areas are the highest ranking areas that were done by this analysis and this weighting. I believe the little black squares are residences that most likely are on domestic wells and then also State Engineer water wells overlaid on top of that.

So I'm going to go into each site individually. We've picked a site called the Las Campanas well site which is off of La Tierra, and in fact with further analysis this site can be moved slightly to the east but it's still more or less in this same area. We have the Caja del Rio site that is off of the Caja del Rio Road, where the road turns there, near where the new archeological center is being built.

We have the Tank Line site. This is a line that we have in the road near Rancho Viejo that goes to our existing water tank that's out there. This is near existing infrastructure. We have the fairgrounds well site which is at the location of the County fairgrounds. And we also have what we're calling the Rail Trail well site, a well along the rail trail, south of our existing tank is to avoid domestic wells that are in the Arroyo Hondo area, yet north of the major Eldorado domestic well area. So it's sort of near the Nine Mile Road area, in that vicinity.

So after these well sites were picked we looked at impacts – impacts to nearby well owners or predicted well owners, and we also looked at impacts to streams and springs. So to do this the group came up two scenarios that they wanted to present to the public. The first one is a worst-case scenario, and we had some assumptions with that scenario. We presumed full build-out, meaning that we're going to pump 2,400 acre-feet of water. We started at the maximum amount. This scenario is in the first year, we have the Buckman facility is down for eight months during the peak demand, which is followed by five years of extreme drought, then followed by maintenance pumping. This scenario is repeated every ten years. So every ten years the Buckman goes down for almost a year, followed by a five-year drought, and then some maintenance pumping. We did that out for 100 years.

We also did what we called the most likely scenario. Again, we assumed full build-

out. We assumed that the Buckman facility was down for one month during peak demand. We had some years of drought but not significant – not enough to cause significant curtailment and there was some backup. And then we repeated this every five years going out to 100 years.

So I have a visual graph just sort of illustrating what these scenarios look like. The red is the pumping from the wells and the blue is the BDD supply and the green or turquoise color is City backup supply. So this is our worst-case scenario which repeats itself every ten years for 100 years. And then we have our most likely scenario, we have some pumping in the first year, a little bit after that, then it happens again every five years. So that's what we considered to be most likely.

And I did my hocus pocus and ran a bunch of models and did a bunch of stuff and came up with some numbers. I ran all of the depletions on the streams and springs. I ran all the wells pumping simultaneously at the same time. But due to their distance in the basin certain wells have higher depletions than other wells. So there's a little spring depletion percentage on there. So if you look at for instance the Las Campanas site, the pumping from that well is about eight percent is considered to be contribution to depletion on the springs, whereas at the Tank Line it's slightly higher, the Rail Trail, ten percent, Fairgrounds, 21 percent and the Caja is like 42 percent. So the depletions on the streams and springs are not equal. Certain well locations have higher depletions due to their location in the basin.

So we ran these numbers for the worst case and the most likely scenario and then compared them to the depletions from what we'll call our move-from site as a marker or an indicator whether or not we like these numbers or not. And we do have under the worst-case scenario, we do greatly decrease our depletions on the springs. We do increase them on the streams because we move the pumping centers closer to the Rio Grande, but we move them away from the springs. So we do see substantial savings on this depletion on the springs and streams, and this is due to the placement of these wells. This is due to where these wells are located at. And this is the worst-case scenario.

Now, with the most likely scenario, it's greatly decreased. We have a huge decrease on the streams and the springs. So hopefully, the BDD is as reliable as we hope it's going to need very little backup supply and so we'll have very little depletions on our streams and springs.

And we also looked at impairment of domestic wells. When you look at domestic well impairment you're looking at declines in the aquifer caused by the pumping, and other factors as well. You have to look at regional decline and also the amount of water that goes down in the well when you turn your pump on. So when you turn your pump on in your own domestic well you have a lowering of the water column initially, and that's going to vary from location to location. So basically we tried to educate the public on the criteria for impairment and what that means through the state process. So basically, as long as Santa Fe County is not predicted to reduce the water column by 70 percent in an area, that pretty much is not considered an impairment. So that's sort of a threshold that's utilized administratively.

So we also did modeling for drawdown to the aquifer. We compared the most likely

scenario with the worst-case scenario. This is after 100 years of pumping. Our most likely scenario numbers look really great. Within 1,000 feet of the well we're looking at at maximum three feet of drawdown near that well, and when you get a distance away from there it decreases dramatically. Even our worst case scenario numbers were not terrible as far as draw-down and most of the water columns can withstand that type of draw-down.

So one of the big focuses of the presentation was how to prevent impairment. What is the County doing to prevent drying out other people's nearby wells or drying out our springs and streams? So due to our proposed low pumping, that is the first step in avoiding impairment by not pumping a lot of water. We're also planning on a very detailed monitoring plan that will be looking at water levels at minimum on a monthly basis, and then also we'll take that data and project it to the future to make sure that our initial projections are sound and that we aren't getting into any draw-downs we were not anticipating through the modeling effort.

So we have a domestic well monitoring plan, so we recognize the fact that there may be some wells that see some minor drawdown effects over time. Whether or not there's impairment is going to have to be determined on a case-by-case basis. To protect these wells we're proposing a two-mile monitoring area around each pumping well site. Within the area draw-down will be measured in specific monitoring wells on a regular basis so we're proposing starting out with one designated monitoring well and then seeing if we have any issues and then expanding that if necessary based on what the data shows us. We're proposing some corrective action to be taken if the rate of drawdown shows impairment to be possible within 40 years, and if impairment does occur there will be a mitigation plan to ensure the water users are made whole.

We're also proposing a monitoring plan, a surface water monitoring plan. Surface water monitoring is difficult and it has not been done extensively in this basin. I think the only thing that we could accomplish with surface water monitoring is establishing a baseline for discharge for the streams and the springs. We don't know exactly what the impacts will be from the pumping of these wells versus the streams and the springs but we can start monitoring the pumping of the basin. We can start looking at precipitation, we can start looking at discharge from the springs and discharge from other inputs into the Santa Fe River.

Hopefully, by putting this data together – it's existing data. It's just not compiled and synthesized. By using existing data which shouldn't be too expensive to the County, it won't require us to go out and hire a bunch of experts to go out and do this, your expert's standing in front of you. We can gather this information and put it together. The goal is to start tracking it to see if we can tease out sensitive areas and see if in fact there's reduced discharge from the springs, is there a way to prevent that from happening further in the future? How do we handle this? It hasn't been done very comprehensively in my opinion and so that's what's proposed with this surface monitoring plan.

And this is just a photograph of the Santa Fe River area, some major points that are on here. The City's wastewater treatment plant – that's a major input into the Santa Fe River that

would have to be monitored, or at least the data would be requested so we can understand what that input is. We have springs at La Cieneguilla and the La Cienega area. We also have a monitoring gauge by the USGS at the bottom on La Bajada. So the thought was we could measure the inputs, measure the outputs, and try to tease out from that the contribution of discharge from the spring. I'm hopeful that something like that can be done at least to establish a baseline.

So we discussed also mitigation that could happen. What happens if the County comes in and starts pumping these wells full time and it's demonstrated that we dry up someone's well, or it's predicted to? So our first thought on that was if our declines are greater than what we anticipate we reduce pumping in that well and shift the pumping centers around so we can keep people whole. That's the most cost-effective way to handle that. If there's still an issue that goes on we may suggest a plan of replacement for a well if it's not somewhere we can connect to our system, or to connect to our system. Whatever makes the most sense based on a feasibility study. We're proposing if this does happen and we have to propose mitigation we would bring a plan to the Board for approval.

And so in summary, those are all the things we're doing to protect users and supplies. An overall decrease in groundwater usage will protect not only our folks in La Cienega but our domestic well folks as well. The well permit conditions will only allow us to use these as backup wells, not a full-time production wells to add to our capacity to the BDD. The wells will be located to minimize impacts to users and supplies. The monitoring program will be in place to regularly evaluate impacts and take corrective action if needed, and then by adjusting the pumping centers wells will be operated to minimize impacts on nearby wells, streams and springs.

So, just a little bit about the public meetings we did and the public outreach that was done. We started this group with letters to the homeowners associations and I generated a few phone calls. We held three public meetings and to advertise that we did some posters and thank you to the Public Works Department for putting together our posters from the sign shop. I really appreciate that. They helped us out immensely. We posted the signs up and there was an ad in the newspaper announcing these meetings. But I think the most effective public outreach was sending out letters to homeowners near where these wells are located at. My first swipe of estimating the amount of parcels that were near these wells was 10,000, so we had to pare it down from there. So I looked at – first I took miles, then I took one mile. I pared it down to a few thousand, which is a lot of postage. So then what I focused on and did the analysis with this project I delineated areas for folks that were on domestic wells. So I narrowed it down again and got it down to 700 letters which was in our budget to send out. So I sent that out. And that we did get very good turnout due to that.

The Water Focus Group attended these public meetings and they got to go through what staff gets to go through, being hammered with questions about why we're going to dry up the aquifer and those types of issues. I have to say they handled it very well. They defended these well locations. They defended this analysis and they actually – at first the public was very skeptical about this. At one meeting they thought the group was consultants

that we had hired and they got very offended and assured the public that they were not consultants but they were just involved in this process.

At any rate so they did add credibility and dependability to this project. What the recommendation of this group is number one, they feel that the conjunctive management plan is a good plan for water supply in this basis and they would like that to be implemented. They see that the use of City backup initially to not only see the reliability of the BDD but perhaps for cost saving if possible. They would like to see some permit language that assures implementation of the conjunctive management plan, start some test wells to ensure production targets can be met, work on a staging plan and by that we mean they understand that we can't fund five wells all at the same time. They have to come in logically and in a staging fashion and also be a part of our CIP projects, so we are still negotiating the terms of that but I think we're well underway of getting that language handled. We'd like to see some grant funding for this project sought, and then just continue City backup when the wells are on line.

So the next step in this – I think this is our last public meeting. Thank you for being patient with me. And we're completing the language on the water right application. We are almost there. I think we're going over the language for the monitoring plan and for the staging and for other small language details which I think we're well on our way to work out. Then we will bring the final application with this language to the Board for approval, hopefully by June 29th. That was our target date. If we can't agree on language we might need a couple more weeks but I think we're well on our way. Also, we're going to mandate conjunctive management plans to include this well location analysis and the monitoring plans conceptually, and then as we get further down with this project maybe more specifically, and then start the well testing program. I believe that is the last slide, so with that, I'll stand for questions.

CHAIRMAN MONTROYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. First of all, Karen, I think we're missing the page that says Summary at the top, after overview. At least I am. Oh, wait. I apologize. But if we could get that page, that would be good.

MS. TORRES: Certainly.

COMMISSIONER STEFANICS: I'm assuming that many of your participants are standing or sitting in the audience.

MS. TORRES: Yes, they are.

COMMISSIONER STEFANICS: Your work group, and I'd like to thank you very, very much for your work. We felt like we needed to move on this plan but I'm glad that you took time to participate, that you can now help be our advocates as we move forward in the future and we want to protect the water that people have, but we also want to have that plan in place for the BDD. So thank you very much everyone who came tonight and the people who are not here as well. Thank you.

CHAIRMAN MONTROYA: Okay. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Thank you, Karen, and

thank you – I see Jose and Walt and John in the audience and I know it was an incredible amount of hard work to put this together, but I think that we came out with a better solution in the long run. So I'm really pleased and again, thank you.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: Of course my gratitude goes out to all of you who participated in this process. I have a particular question. With regard to impact, we're monitoring these wells. How do we look at monitoring private wells? I know that we at the County have tried to make attempts to monitor and identify how much usage private wells are and as we do approvals from this point forward, but there are so many private wells out there that I don't think we have that mechanism in place. Was that discussed at all? And would that have an impact?

MS. TORRES: What's being proposed is when we have a well that we like, we're proposing a survey to figure out not only the number of domestic wells in the area but the distance from where we're going to be pumping, how the wells are completed or how deep they are and where the perforations are at, and I was kind of thinking about it. I tend to like to do fieldwork and ground treatment so if the time allows it there could be an opportunity to also do compliance on our metering program to ensure that the wells are metered and to have a better estimate of well locations. And it's an opportunity to do that. Now, it won't be countywide. It will of course be probably within a one- to two-mile radius of this. These wells are placed so we tried not to be close to domestic wells. So I think the closest wells to where these production wells will be located are the most sensitive ones. That's probably what I'll spend the most time on is ensuring that they have sufficient water columns, what we're predicting.

Then through the monitoring plan, if something does go awry, someone calls us and complains that my well's gone dry and you guys have done this, then we have a mechanism in there to evaluate this, see if it's due to our pumping, and also to evaluate other pumping that's going on in the basis and see if that is in fact the case.

COMMISSIONER VIGIL: Thank you, Mr. Chair. Thank you, Karen. Those are such critical components of knowledge that we can gain through this process, because most of the issue revolves around how private wells are impacted by potential sites. So I think if we get enough information together, not only by how our wells impact the aquifer but if there's some cross-sectional analysis that can be done with private wells it would create the larger benefit. So I appreciate the monitoring attempts of the entire aquifer. Thank you, Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chair. I just want to thank staff for a wonderful job and thank this community for stepping in and the focus group. I see a lot of people from La Cienega. Good.

CHAIRMAN MONTOYA: Okay. I too would like to thank staff, Marvin, community members, Jose, Paul, J.J., everybody that participated. I do have a couple of questions regarding the blackout areas where man-made contamination is documented. Have

you done that?

MS. TORRES: No, it wasn't documented by myself; it was documented by NMED. They have a data set where there is contamination from man-made sources, meaning it could be from a dry cleaning institution, it could be from a septic tank, it could be from any number of things. So they have certain sites that are located, and we tried to agree on a setback. I tried to get a setback and the consensus of the group is to avoid the areas entirely.

CHAIRMAN MONTOYA: Completely. Okay. And then the next question I have is, in terms of the flow in the Santa Fe River, Steve, we had talked about this in terms of using some of our excess capacity, particularly with the BDD that would allow the flow of the Santa Fe River. Is that going to be monitored as well or is that going to be separate? How is that going to be managed?

MR. ROSS: Mr. Chair, we proposed that because they have a significant amount of extra water, probably for a significant number of years. And the City hasn't taken advantage of that offer.

CHAIRMAN MONTOYA: Oh, they haven't?

MR. ROSS: Have not.

CHAIRMAN MONTOYA: Wow.

MR. ROSS: So for example, they shut the river off a couple days ago and it's not flowing now.

CHAIRMAN MONTOYA: So I guess they turned down our offer.

MR. ROSS: I guess impliedly.

CHAIRMAN MONTOYA: Okay. And then in terms of the City of Santa Fe, I guess that brings up the next question is that they're being recommended as the primary source for backup prior to doing any of these wells.

MS. TORRES: Yes.

CHAIRMAN MONTOYA: So how is that going to work in terms of – what system are we going to hook up into the City to use as backup for our system?

MS. TORRES: Well, our system is very integrated with the City of Santa Fe's system. Right now we receive bulk water from the City of Santa Fe to supply our customers. So they have –

CHAIRMAN MONTOYA: So the source then is the wells.

MS. TORRES: It will be either – if the BDD is down, then it will be either pumping from the Buckman Wellfield, pumping from the municipal wells that are in town, or water from the reservoir up in the mountains.

CHAIRMAN MONTOYA: Okay, so that will be the source.

MS. TORRES: I don't know what ratio it is. My guess is because our largest customer right now, Rancho Viejo, is to the south, that tank is fed primarily from pumping from the municipal wells and from the reservoir. The folks that we're going to be serving on the west side, meaning we're going to start backing up Las Campanas and the west sector and that area, that will be primarily from the Buckman Wellfield and also the northwest well. So the system isn't integrated that way with those supplies.

CHAIRMAN MONTTOYA: So what happens if the City says no?

MS. TORRES: I believe, and it might be a question for John Utton. I believe that we have an agreement in place that allows that to occur.

CHAIRMAN MONTTOYA: Steve, are you aware of any –

MR. ROSS: Well, Mr. Chair, we have two agreements with the City. One is for bottom half protection of Buckman pumping. It's limited to 850 acre-feet and I call it the bottom half because it's literally the bottom half of whatever the County is receiving from Buckman up to 850, is part of one agreement. There's another agreement that provides for an additional 500 acre-feet of water, unspecified water. That agreement was entered into earlier than the previous agreement I just mentioned. And it's not clear that that 500 acre-feet could be used for backup purposes. We'd have to go talk to them about that. I've already made an appointment with the City Attorney and we're going to talk Monday about that. So I would say that putting the two agreements together that backup is the bottom half protection and direct water supplies, including backup would be the 500. I think that's how it was negotiated and I think that's the position they've been taking, so any deviation from that – we're obviously going to have to talk to them about the near term because there's no time to drill and equip wells between now and next March which is when they'll be needed. So we obviously are going to have to talk to the City. So I will.

CHAIRMAN MONTTOYA: Okay. So hopefully that will happen then in terms of getting the City to agree that we can utilize them at least in the short term. And then in terms of the completion of the language for the water right application, what language is being completed there?

MS. TORRES: The application is going to have language regarding the conjunctive management plan, what that proposes. It's going to have some limitations on pumping, that we will only use these wells as outlined in the conjunctive management plan as backup or maintenance and not as full-on production wells, unless there's a catastrophic event then we'd have to use them for supply. But also, there's a conceptual monitoring plan that's going to be submitted with the application for surface and groundwater. Did I forget anything, gentlemen? I think that's it.

CHAIRMAN MONTTOYA: Who does this application go to? OSE?

MS. TORRES: It goes to the State Engineer, yes. So we're completing up the language on that and we will have it to the Board for your approval.

CHAIRMAN MONTTOYA: Okay. So the language that we want in there is to have it for restricted use.

MS. TORRES: Yes, absolutely. Absolutely.

CHAIRMAN MONTTOYA: Okay. That's all the questions I have. Anybody else care to prolong this meeting? Okay. Anything else, Karen?

MS. TORRES: I think that's it.

COMMISSIONER VIGIL: Just in terms of procedure, we don't really need to take action tonight, but when we get the application finalized we need to take action on the application before it's submitted? And when will that be?

MS. TORRES: Yes. Our goal is the next BCC, at the end of the month. And we should have our language completed by then.
COMMISSIONER VIGIL: Okay. Thank you very much.

XV. ADJOURNMENT

Chairman Montoya declared this meeting adjourned at 8:35.



Valerie Espinoza
VALERIE ESPINOZA
SANTA FE COUNTY CLERK

Approved by:

Harry Montoya
Board of County Commissioners
Harry Montoya, Chairman

Respectfully submitted:

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

SFC CLERK RECORDED 07/14/2010

PUBLIC WORKS ROAD IMPROVEMENT PROJECTS

CR 16A Jayner Road - City Bond	■	\$250,000.00	Unbonded
CR 28B - Area Course	■	\$500,000.00	Unbonded
CR 28 Stephens Road - Area Course	■	\$500,000.00	Unbonded
Crab Victorian - Area Course	■	\$250,000.00	Unbonded
Corona Curran Road - City Bond	■	\$50,000.00	Unbonded
Travis Road - City Bond	■	\$50,000.00	Unbonded
Pope Road - City Bond	■	\$50,000.00	Unbonded
Phelan and Phelan - City Bond	■	\$150,000.00	Unbonded
Grand Total		\$8,770,533.00	

Description Priority	Project Estimate	Fy 2010	Fy 2011	Fy 2012	Fy 2013	Fy 2014	Fy 2015	Fy 2016	Fy 2017	Remarks
Water Projects										
Supplemental Wells 5	15,880,000		150,000		3,050,000	3,200,000	3,200,000	3,000,000	3,000,000	\$880,000 Available in Capital outlay GRT
Agua Fria water line Project	400,000		400,000							Funding is available in Capital Outlay GRT
Cuatro Villas Transmission Water Line for Sombrillo Elementary School	500,000		250,000	250,000						Funding is available in Capital Outlay GRT
Greater Chimayo Water System Improvements Water Storage Tank	250,000	250,000								Funding is available in Capital Outlay GRT
Glorieta Estates water system improvements	96,000	96,000								Funding is available in Capital Outlay GRT
South Meadows Water and Sewer lines CR #62	625,000	400,000								\$225,000 is available in Capital Outlay GRT and \$400,000 from the Utility Capital Reserves
Utility Rate Study	75,000	75,000								Funding is available in Capital Outlay GRT
Aamodt Settlement, Water Planning, Water Right Issues, Legal Issues, Transactions	500,000		100,000	100,000	100,000	100,000				No Funding Available Funding should come from GRT and designed by Santa Fe County
Interconnection Cuatro Villas/Greater Chimayo Canoncito Project (Project on GOB 2009 Issue)	250,000			250,000						Funding Available in the 2009 G.O.B.
City/ County S-1 Transmission Line, County's part is \$360,000 = 12%	5,310,000		200,000	300,000	5,010,000					
Eldorado water system upgrades, new well and transmission line	360,000		180,000	180,000						No Funding Available
Las Campanas Transmission Water line	400,000									Funding is available in Capital Outlay GRT
North La Cienega Water Improvements/ Water line improvements I-25 and CR # 54	360,000		360,000							No Funding Available
SCADA system for Booster stations, Storage tanks/wells	1,731,000			781,000	850,000					No Funding Available
Stanley fire system and Equipment & improvements	180,000			180,000						No Funding Available
Valle Vista Water System upgrades	250,000			250,000						No Funding Available
Water Line Improvements I-25 and CR # 54	1,250,000			250,000	250,000	750,000				No Funding Available
Grand Total	800,000									
Grand Total	29,137,000	821,000	1,648,000	2,541,000	9,280,000	4,050,000			3,000,000	
Wastewater Projects										
Valle Vista WWTP	3,278,000		750,000	1,100,000	1,100,000	320,000				\$500,000 available CDBG, \$2,000,000 available Capital Outlay GRT, and \$770,000 Capita Reserves
Pojoaque WWTP Collection line/ Lift station phase II	1,970,000				800,000	270,000				No Funding Available
Sombrillo/Arroyo Seco Collection Line/Lift station	10,500,000			5,000,000	5,500,000					No Funding Available
Glorieta Baptist Center, Village, and Estates			100,000							No Funding Available
Edgewood WWTP/COLLECTION SYSTEM			100,000							No Funding Available
Grand Total	14,848,000		850,000							

Adjoining Counties and City Of Santa Fe Film Permit Fees

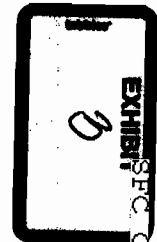


EXHIBIT 9
SFC CLERK RECORDED 07/14/2010

Los Alamos County – No Fee.

No film permit in place. No Ordinance in place.

Torrence County – No Fee

No film permit in place. No Ordinance in Place.

Bernalillo County – No Fee.

Film permit in place.

San Miguel County - \$40.00 (1 day or 1 year) Issued as a Temporary Use Permit.

No film permit in place. No Ordinance in place.

Sandoval County - \$200.00 (1 day or 1 year) Issued as a Special Event Permit.

No film permit in place. No Ordinance in place.

Toas County - \$200.00 (1 day or 1 year) Special Use.

No film permit in place. No Ordinance in place.

City of Santa Fe - \$25.00 Application and \$150.00 Permit Fee.

Film Permit in Place.

Rio Arriba County - \$15.00 Application, \$40.00 Inspection, \$75.00 first seven days, \$15.00 each additional day.

Film permit in place. Ordinance adopted in 2009.

Santa Fe County Proposed Fees – Major Production, \$100.00 Application, \$150.00 first five days, \$15.00 per day after first five days, \$300.00 thirty day cap, \$10.00 per day after thirty days. Small Scale Production, \$100.00 Application, \$75.00 first five days, \$15.00 per day after first five days, \$225.00 thirty day cap, \$10.00 per day after thirty days. Episodic Television, \$100.00 Application, \$225.00 monthly fee.

Film Permit Fees

Beverly Hills – \$955.40 per day (Commercial & Residential Areas), \$502.90 per day (small scale productions)

Pasadena - \$647.00 per day, \$350.00 per day (small scale)

Santa Monica - \$500.00 per day

City & County of Denver – No Fees

SFC CLERK RECORDED 07/14/2010

	When is a Film Permit required:	Who is exempt:	Cost:	Reason for Permit:
City of Arcadia	Any filming within the city limits	Personal use and news purpose	Permit Fee: \$250.00 1 st day/\$75.00 for add'l days and \$75.00 per location. Still Photo Fee: \$169.40 per day + \$75.00 City facility per location.	Public safety, regulate filming and limit cities liability
Culver City	Any filming within the city limits.	Personal use and news purpose	Permit Fee: \$330 per day \$250.00 on studio lot per day + \$60.00 Business Tax Still Photo Fee: \$75.00 per day + \$60.00 Business Tax	Public safety, regulate filming and limit cities liability
City of Beverly Hills	Any filming within the city limits	Personal use and news purpose	Permit Fee: \$955.40 per day Com'l/Residential Areas Small Scale - (under 15) \$502.90 per day Non-profit: \$323.70 See attached for fees when using city property. Still Photo Fee: \$130.50 per day Sidewalk, homes & private business \$153.00 per day. Rodeo Drive (other fees depend on location). \$350.00 - 7 consecutive days	Public safety, regulate filming and limit cities liability
City of Burbank	Any filming within the city limits, at any place other than an established motion picture or television studio.	Personal use and news purpose	Permit/Still Photo Fee: \$150.00 + \$400.00 per day if on city street or sidewalk.	Public safety, regulate filming and limit cities liability
City of Glendale	Any filming or electronic video taping for educational, entertainment or other commercial purposes, other than for news purposes, at any place other than an established motion picture or television studio.	Personal and news purpose.		Public safety, regulate filming and limit cities liability.
City of Inglewood	For the purpose of making any com'l motion picture or television production	Personal use, student and news purpose	Permit/Still Photo Fee: \$250.00 Business Tax: 1. Public property - \$220.00 1 st day; plus \$110.00 each add'l day. 2. Private property - \$44.00 1 st day plus \$22.00 for each add'l day. City Facility: 1. Parks, City Hall \$1,500.00 per day 2. Public right of ways (streets, alleys) \$1,032.00 per day	Public safety, regulate filming and limit cities liability

Attachment 1

SFC CLERK RECORDED 07/14/2010

	When is a Permit required:	Who is exempt:	Cost:	Reason for Permit:
City of Monrovia	Any filming within the city limits	Personal use and news purpose.	Permit Fee: \$ 755.00 1 st day \$790.00 each add'l day Still Photo Fee: \$200.00 + add'l fees if city facility used.	Public safety, regulate filming and limit cities liability
City of Pasadena	Any filming within the city limits.	Personal use and news purpose.	Permit Fee: Private Property- \$647.00 per day Public Property - \$825.00 per day Small Scale (Handheld camera & crew of 10 or less): \$350.00 per day Still Photo Fee: \$54.00 per day Plus - \$68.00 per hour if using sidewalk Intermittent Traffic Control - \$204.00 per hour + cost of police (city property fees vary depending on where one is filming. To film at city hall it is \$9,000.00 per day)	Public safety, regulate filming and limit cities liability
City of San Marino	Any filming within the city limits	Personal use and news purpose	Permit Fee: Public - \$2,500 .00 per day Private - \$500.00 per day Still Photo Fee: Public - \$1,000.00 per day Public streets: \$2,500.00 per day	Public safety, regulate filming and limit cities liability
City of Santa Monica	Any filming within in city limits	Personal use and news purpose.	Permit Fee: \$500.00 per day Still Photo Fee: \$100.00 per day (most areas) \$200.00 per day - Parks \$500.00 per day - Exteriors/ \$1,000.00 Interiors - City Hall \$100.00 per day - Beaches, Bayside District & Airport These fees are permit fees there are also location fees for beaches, Bayside District & Airport.	Public safety, regulate filming and limit cities liability

Attachment 1

SFC CLERK RECORDED 07/14/2010

FILMING PERMIT RULES AND REGULATIONS
CITY and COUNTY of DENVER

RULES AND REGULATIONS OF THE ZONING ADMINISTRATOR
DEPARTMENT OF ZONING ADMINISTRATION

b. Department of Public Works, the Police and Fire Departments, and the district council member within whose district the proposed filming will take place. Exemptions to the insurance requirements may be granted by MOACF, in consultation with the Zoning Administrator, for filming by non-commercial educational, charitable and public service organizations.

b. The applicant shall, at least 48 hours prior to the proposed filming operations, distribute leaflets explaining the proposed operations to the adjoining residents and businesses located within 200 feet of the proposed filming site or sites. The leaflet shall contain the phone number of the production company and MOACF. MOACF in consultation with the Zoning Administrator may shorten this notice period or waive this requirement entirely in the event of unforeseen circumstances where it does not appear that the operations will unduly disturb the neighborhood.

c. Filming operations shall comply with the Rules and Regulations established by the Zoning Administrator, in consultation with MOACF. After formal notification to the production company by the Zoning Administrator, after consultation with MOACF, the Filming Permit may be cancelled if there is a failure to comply with the Rules and Regulations and all operations allowed by the permit may be ordered to cease.

d. Permits for filming shall show the duration of the filming. Filming at any one residential location shall not exceed 14 calendar days. A permit may be extended by the Zoning Administrator, upon consultation with MOACF, to allow filming to exceed this limit upon the determination that additional time is necessary and that the operations are in compliance with the Rules and Regulations.

e. The Zoning Administrator may add conditions to the permit, after consultation with MOACF, to protect the safety and comfort of the neighborhood in which the filming is taking place.

f. MOACF and the Zoning Administrator shall establish Rules and Regulations under which filming for less than 24 hours may take place in any zone district.

Passed by the Council
November 30, 1992

Ramona Martinez- President

Approved: Wellington E. Webb -
Mayor December 3, 1992

Attest: Arie Taylor
Clerk and Recorder,
Ex-Officio Clerk of the
City and County of Denver

Published in the Daily Journal
November 6, 1992

Prepared by John L. Stoffel,
Assistant City Attorney
10 / 28 / 92

Statutory Authority:

Denver Revised Municipal Code
§59-38 (a) (13).

Basis and Purpose:

The City and County of Denver ("Denver" or "City") recognizes that the motion picture, television and commercial producing industries are a vital part of the economy in the Denver area. Denver's policy is that all City departments shall cooperate with the Mayor's Office of Art, Culture and Film ("MOACF"), and that such departments shall assist MOACF in its efforts by making property and services available for filming. These Rules and Regulations will clarify and expedite the filming permit process and will establish procedures and requirements for filming operations within Denver.

a) **Fees**

- 1.) At no time shall any fees be charged for Filming Permits.
- 2.) Fees may be charged for any additional permits issued by the City.

b) **Parking**

When Street Occupancy Permits are required, it shall be

the responsibility of the Production Company to obtain a Street Occupancy Permit from the Denver right of Way Section, and to abide by the regulations of that permit.

Denver Right of Way Section
Division of Transportation
Department of Public Works

200 W. 14th Ave.
Denver, CO 80202
(720) 865-2795
(720) 865-2886 fax

c) **Notice of Filming - Procedure**

1.) **Notice.**

The Filming Permit applicant shall, at least 48 hours prior to the proposed filming operations, distribute leaflets to the adjoining residents and businesses located within 200 feet of the proposed filming site or sites, but it is suggested that the Production Company also leaflet the entire face of the block, on each side, in residential areas.

2.) **Contents.**

The leaflet shall explain the proposed operations and



ABIQUIÚ

- 2008 DocWest
- 2008 Georgia O'Keeffe
- 2008 The Year One
- 2008 Brothers
- 2007 Appaloosa
- 2007 Indiana Jones and the Kingdom of the Crystal Skull
- 2006 3:10 to Yuma
- 2006 Comanche Moon
- 2005 The Astronaut Farmer
- 2005 Into the West
- 2003 The Missing

ALAMOGORDO

- 2009 The Book of Eli
- 2008 Men Who Stare at Goats
- 2008 Transformers: Revenge of the Fallen
- 2008 The Year One
- 2007 Afterwards
- 2006 Transformers
- 2005 The Astronaut Farmer

ALBUQUERQUE

- 2009 The Book of Eli
- 2008 Men Who Stare at Goats
- 2008 Friendship
- 2008 The Spy Next Door
- 2008 Night and Day
- 2008 Crash
- 2008 Easy Money
- 2008 Crazy Heart
- 2008 Kites
- 2008 Terminator Salvation
- 2008 Saint John of Las Vegas
- 2008 My One and Only
- 2008 Sex & Lies in Sin City
- 2008 Legion
- 2008 Observe and Report
- 2008 Easier With Practice
- 2008 The Year One
- 2008 Not Forgotten
- 2008 Love Ranch
- 2008 Brothers
- 2008 Game
- 2007 Hamlet 2
- 2007-08 In Plain Sight
- 2007 The Spirit
- 2007-08 Breaking Bad
- 2007 Dark Country
- 2007 The War Boys
- 2007 Swing Vote
- 2007 Five Dollars a Day
- 2007 Love N' Dancing
- 2007 Linewatch
- 2007 Afterwards
- 2007 Husband for Hire
- 2007-05 Wildfire
- 2007 The Eye
- 2007 In the Valley of Elah
- 2007 Love Lies Bleeding
- 2007 Urban Justice
- 2007 The Sarah Connor Chronicles
- 2007 Sunshine Cleaning
- 2007 Tennessee

- 2007 To Live and Die
- 2006 Have Dreams, Will Travel
- 2006 Bearfest
- 2006 Carriers
- 2006 Employee of the Month
- 2006 Fanboys
- 2006 The Flock
- 2006 The Hitcher
- 2006 The Lost Room
- 2006 No Country for Old Men
- 2006 Transformers
- 2006 Trade
- 2006 Wild Hogs
- 2005 The Astronaut Farmer
- 2005 Bordertown
- 2005 Rant
- 2005 Doubting Thomas
- 2005 Three Wise Guys
- 2004 Believe in Me
- 2004 Cruel World
- 2004 Dreamland
- 2004 First Snow
- 2004 In From the Night
- 2004 Nothing But Life
- 2004 RX
- 2003 A Thief of Time
- 2003 Around the Bend
- 2003 Coyote Waits
- 2003 Elvis Has Left the Building
- 2003 Formosa
- 2003 Mail Cop
- 2003 Mojave
- 2003 21 Grams

ALCALDE

- 2006 Comanche Moon

ALGODONES

- 2008 Terminator Salvation
- 2007 Appaloosa
- 2007-05 Wildfire
- 2007 Urban Justice
- 2006 Trade

ALTO

- 2008 Game

ARROYO HONDO

- 2006 No Country for Old Men

BELEN

- 2008 My One and Only
- 2007 Swing Vote
- 2006 Have Dreams, Will Travel
- 2006 Fanboys
- 2006 Living Hell
- 2006 The Lost Room

BERNALILLO

- 2008 Crash
- 2008 Love Ranch
- 2007 Saint John of Las Vegas
- 2006 Trade

BOSQUE FARMS

- 2008 Observe and Report
- 2005 First Snow

CARRIZOZO

- 2009 The Book of Eli

CARNUEL

- 2006 Trade

CEDAR CREST

- 2006 Trade

CERRILLOS

- 2008 Not Forgotten
- 2008 Bear for My Horses
- 2007 Dark Country
- 2005 The Far Side of Jericho
- 2005 Three Wise Guys

CHAPARRAL

- 2008 The Burning Plain

CHIMAYÓ

- 2008 Spoken Word
- 2006 The Hitcher

CIMARRON

- 2006 Comanche Moon

CLOVIS

- 2005 Three Wishes
- 2004 Believe in Me

COLUMBUS

- 2008 The Burning Plain

CORRALES

- 2008 Easy Money
- 2008 Bear for My Horses
- 2004 Cruel World
- 2003 Coyote Waits

CUNDIYO

- 2006 The Hitcher

DEMING

- 2007 Indiana Jones and the Kingdom of the Crystal Skull

EDGEWOOD

- 2008 Crash
- 2006 Carriers

ELIDA

- 2004 Believe in Me

ESPAÑOLA

- 2008 Spoken Word
- 2008 Crazy Heart
- 2008 Brothers
- 2006 Naked Fear
- 2005 The Astronaut Farmer

ESTANCIA

- 2006 The Flock
- 2006 The Lost Room

FLOYD

- 2004 Believe in Me

FORT STANTON

- 2005 Into the West

GALISTEO

- 2008 DocWest
- 2008 Georgia O'Keeffe
- 2008 The Keeper
- 2008 Sex & Lies in Sin City
- 2008 Kites
- 2008 Legion
- 2007 Appaloosa
- 2007 Conspiracy
- 2006 3:10 to Yuma
- 2006 Buried Alive
- 2006 Comanche Moon
- 2006 The Hitcher
- 2006 Save Me
- 2005 The Far Side of Jericho
- 2005 Intervention
- 2005 Into the West
- 2005 Seraphim Falls
- 2003 The Missing

GALLUP

- 2004 Black Cloud

GLORIETA

- 2008 Brothers

GRANTS

- 2003 21 Grams

HACHITA

- 2007 Indiana Jones and the Kingdom of the Crystal Skull

JARALES

- 2007 Sunshine Cleaning

JEMEZ SPRINGS

- 2008 Friendship
- 2008 Crash
- 2008 Easier With Practice
- 2008 Game
- 2007 Afterwards
- 2007 Wild Hogs
- 2006 Carriers
- 2003 A Thief of Time
- 2003 Coyote Waits

LA BAJADA

- 2006 No Country for Old Men
- 2005 The Far Side of Jericho
- 2005 Seraphim Falls
- 2003 The Missing

LA CIENEGA

- 2008 Bear for My Horses
- 2006 Comanche Moon

2005 Seraphim Falls
2003 The Missing

LA LUZ
2007 Transformers

LA MADERA
2007 Appaloosa

LAS CRUCES
2008 The Burning Plain
2007 Indiana Jones and the
Kingdom of the Crystal
Skull

LAMY
2008 Kites
2007 Appaloosa
2006 Comanche Moon
2006 Living Hell

LAS VEGAS
2008 Friendship
2008 Georgia O'Keeffe
2008 Run for Her Life
2008 Not Forgotten
2008 Beer for My Horses
2008 Brothers
2006 Comanche Moon
2006 Fanboys
2006 No Country for Old
Men
2006 Wild Hogs
2005 The Astronaut Farmer
2005 North Country
2004 The Longest Yard
2003 Blind Horizon

LORDSBURG
2005 Seraphim Falls

LOS ALAMOS
2008 Brothers
2005 Into the West

LOS LUNAS
2008 Love Ranch
2006 Have Dreams, Will
Travel
2006-07 In Plain Sight
2003 Around the Bend

**LOS RANCHOS DE
ALBUQUERQUE**
2008 In Plain Sight
2008 Breaking Bad
2008 Husband for Hire
2007 Five Dollars a Day
2007 Swing Vote
2007-05 Wildfire
2006 In Plain Sight

LOVINGTON
2005 Glory Road

MADRID
2008 Beer for My Horses
2006 Wild Hogs

2005 Three Wise Guys
2005 The Far Side of Jericho

MAGDALENA
2006 Transformers

MESCALERO
2008 Transformers: Revenge
of the Fallen

MILAN
2003 21 Grams

MONTEZUMA
2008 Georgia O'Keeffe

MORIARTY
2007 Five Dollars a Day
2006 Carriers
2006 The Hitcher
2006 Have Dreams, Will
Travel
2006 The Lost Room
2005 The Flock
2005 First Snow
2004 Believe in Me
2003 Around the Bend
2003 21 Grams

MOUNTAINAIR
2008 My One and Only
2007 Have Dreams, Will
Travel

PECOS
2008 Doc West
2008 Crazy Heart
2006 Naked Fear
2006 Comanche Moon

PILAR
2006 No Country for Old
Men

PLACITAS
2004 Dreamland

POJOAQUE
2006 Carriers
2006 Wild Hogs

PORTALES
2004 Believe in Me

RIO RANCHO
2008 Easy Money
2008 Crash
2008 Game
2008 Love Ranch
2007 Felon
2007 Breaking Bad
2007 Dark Country
2007 The War Boys
2007-05 Wildfire
2006 The Lost Room
2004 Dreamland
2003 Mojave
2003 Coyote Waits
2003 A Thief of Time

ROMEROVILLE
2003 The Missing

ROSWELL
2008 Men Who Stare At
Goats

RUIDOSO
2007 Game
2005 Into the West

SALINAS
2003 Around the Bend

SAN LUIS
2006 Carriers

SAN YSIDRO
2008 Love Ranch
2003 A Thief of Time

SANDIA PARK
2008 Love Ranch
2006 Fanboys

SANTA FE
2009 The Book of Eli
2008 Georgia O'Keeffe
2008 Doc West
2008 The Keeper
2008 Crazy Heart
2008 My One and Only
2008 Sex & Lies in Sin City
2008 Run for Her Life
2008 Spoken Word
2008 Legion
2008 Not Forgotten
2008 Beer for My Horses
2008 Kites
2008 Brothers
2007 Appaloosa
2007 Shoot First and Pray
You Live
2007 Felon
2007 Swing Vote
2007 The Burrowers
2007 Conspiracy
2007 Kid Nation
2007 3:10 to Yuma
2006 In the Valley of Esh
2006 Buried Alive
2006 Carriers
2006 Comanche Moon
2006 Employee of the Month
2006 The Flock
2006 Wanted: Undead or
Alive
2006 Living Hell
2006 The Lost Room
2006 Naked Fear
2006 No Country for Old
Men
2006 Wild Hogs
2005 The Astronaut Farmer
2005 Bordertown
2005 Into the West
2005 North Country
2005 The Far Side of Jericho
2005 Rent

2005 Seraphim Falls
2005 Three Wise Guys
2004 In From the Night
2004 The Longest Yard
2003 Mojave
2003 The Missing

SANTA ROSA
2008 Friendship

SANTA TERESA
2004 Glory Road

SHIPROCK
2006 Transformers

SILVER CITY
2005 North Country

STANLEY
2008 Friendship
2006 The Hitcher

SUNLAND PARK
2003 RX

TAOS
2008 Terminator Salvation
2006 No Country for Old
Men
2006 Wild Hogs
2006 Comanche Moon
2005 Seraphim Falls

TESUQUE
2008 The Keeper
2008 Sex & Lies in Sin City

TIJERAS
2005 Wildfire

TRUCHAS
2008 Spoken Word

**TRUTH OR
CONSEQUENCES**
2008 The Year One
2007 The Burning Plain

TULAROSA
2006 Afterwards
2008 Transformers: Revenge
of the Fallen

WALDO
2006 Living Hell
2006 Wanted: Undead or
Alive

WHITE ROCK
2006 Wanted: Undead or
Alive

WILLARD
2008 Men Who Stare at
Goats
2006 The Flock



COCHITI

- 2009 The Book of Eli
- 2008 Crash
- 2008 Kites
- 2008 Beer for My Horses
- 2007 Dark Country
- 2006 Carriers
- 2006 Living Hell
- 2005 Three Wise Guys

ISLETA

- 2007 The Eye
- 2006 Trade

JEMEZ

- 2008 Easier With Practice
- 2008 Crash TV
- 2007 Linewatch
- 2007 Saint John of Las Vegas

LAGUNA

- 2006 Carriers
- 2005 Three Wise Guys

MESCALERO

- 2005 Into the West

NAMBÉ

- 2006 The Hitcher
- 2005 The Far Side of Jericho
- 2005 Rent

**OHKAY OWINGEH/
SAN JUAN**

- 2008 Spoken Word
- 2008 Brothers

SAN FELIPE

- 2006 The Hitcher

SANTA ANA

- 2008 Sex & Lies in Sin City
- 2007 Wildfire
- 2006 Carriers
- 2006 In Plain Sight
- 2005 Three Wise Guys
- 2003 A Thief of Time

SANTA CLARA

- 2006 Comanche Moon
- 2003 A Thief of Time

SANTO DOMINGO

- 2007 The Dark Country
- 2006 In the Valley of Elah
- 2006 Carriers
- 2006 The Hitcher
- 2005 The Astronaut Farmer
- 2003 Mall Cop

TO'HAIJILEE

- 2008 Night and Day
- 2007 Breaking Bad
- 2006 Carriers
- 2003 A Thief of Time
- 2003 Coyote Waits

ZIA

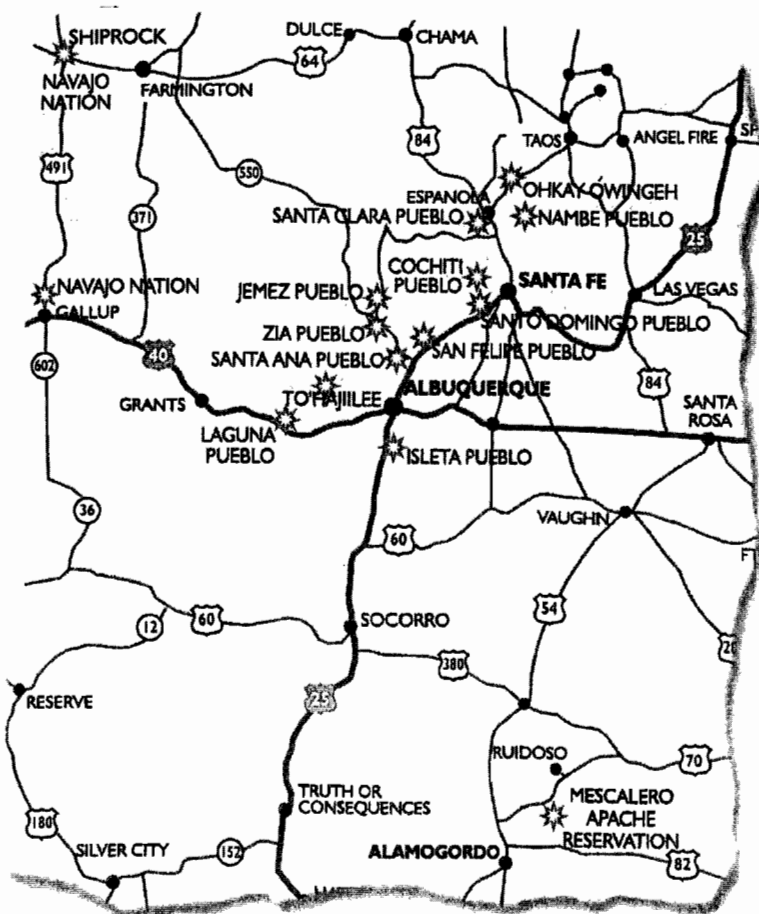
- 2009 The Book of Eli
- 2008 Doc West
- 2008 Men Who Stare at Goats
- 2008 Kites
- 2008 Love Ranch
- 2008 Brothers
- 2008 Game
- 2007 Dark Country
- 2007 Linewatch
- 2006 Carriers
- 2006 The Hitcher
- 2006 Trade
- 2005 The Far Side of Jericho

2005 Wildfire TV Pilot

- 2003 Coyote Waits
- 2003 Mojave
- 2003 The Missing
- 2003 21 Grams

NAVAJO NATION

- 2006 Transformers
- 2004 Black Clou

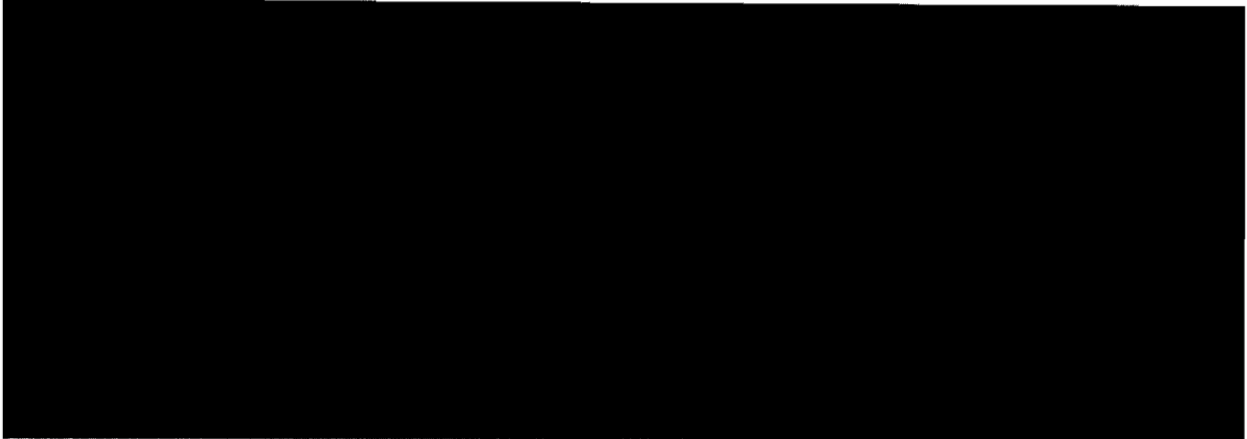
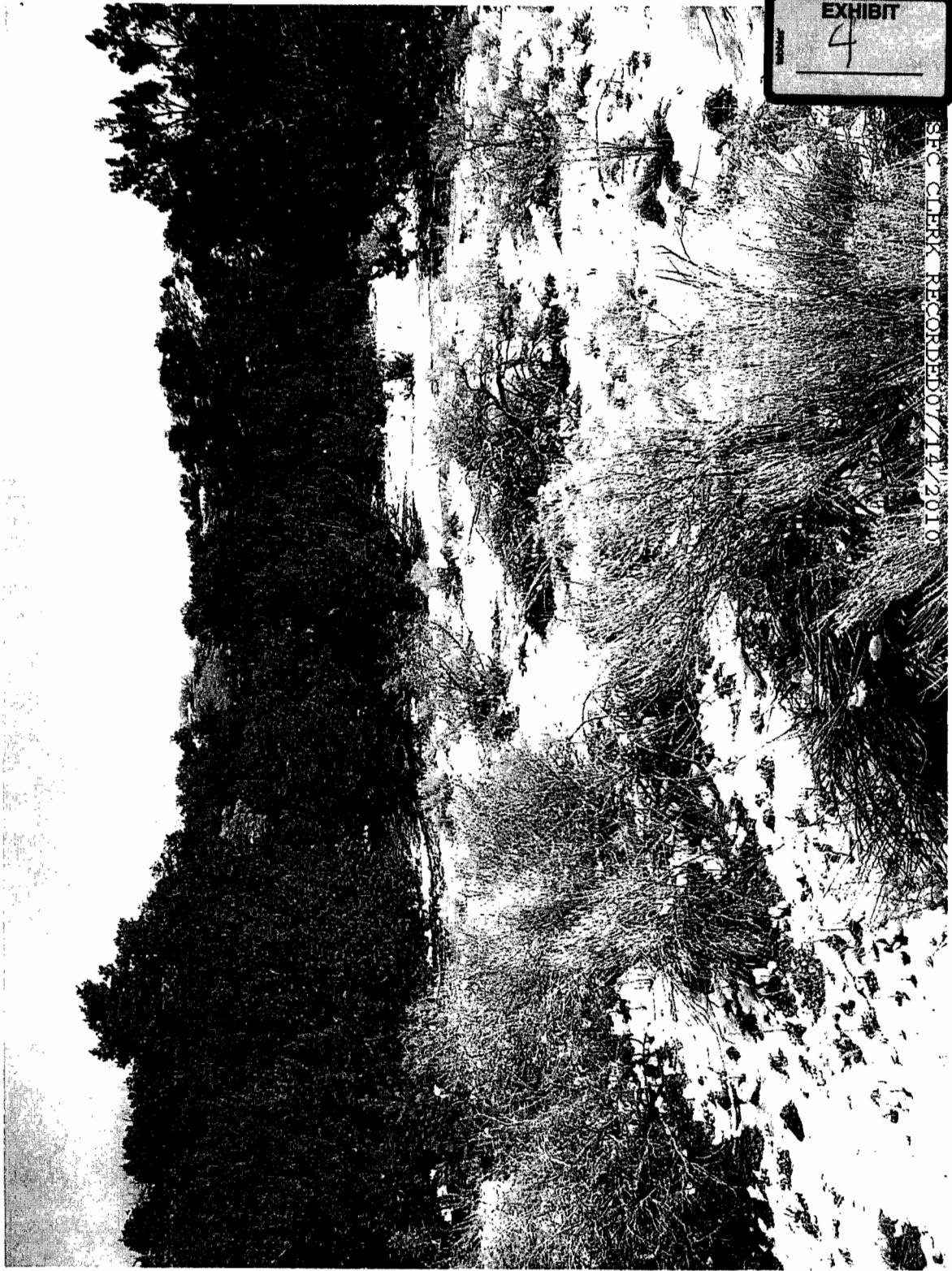


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 418 Montezuma Av
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 800.545.9871 Toll-Free
 505.476.5600 Phone
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EXHIBIT

4

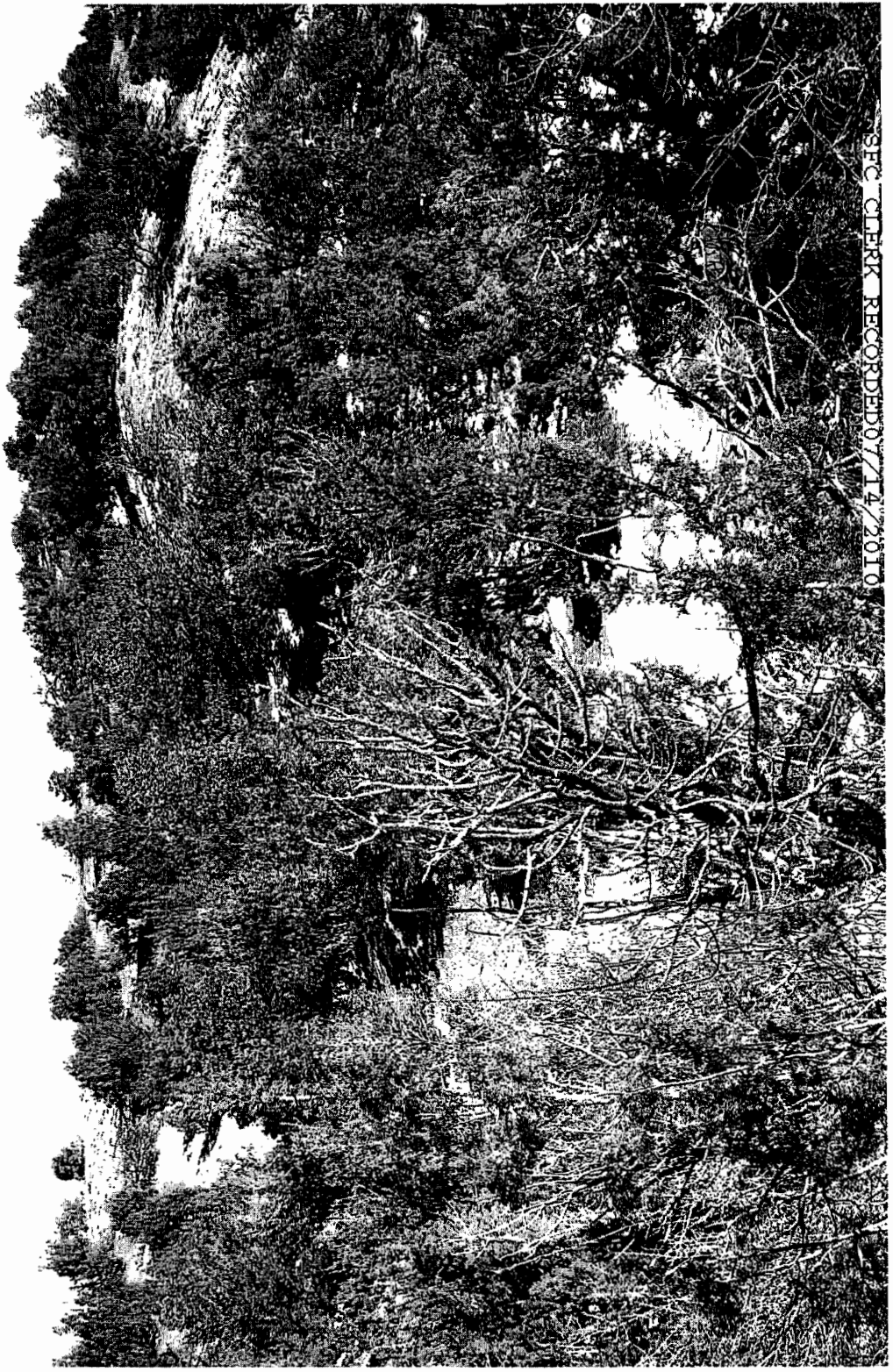
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SFC CLERK RECORDED 7/14/2010



SFC CLERK RECORDED 07/14/2010



SEC. CLERK RECORDED 07/14/2010

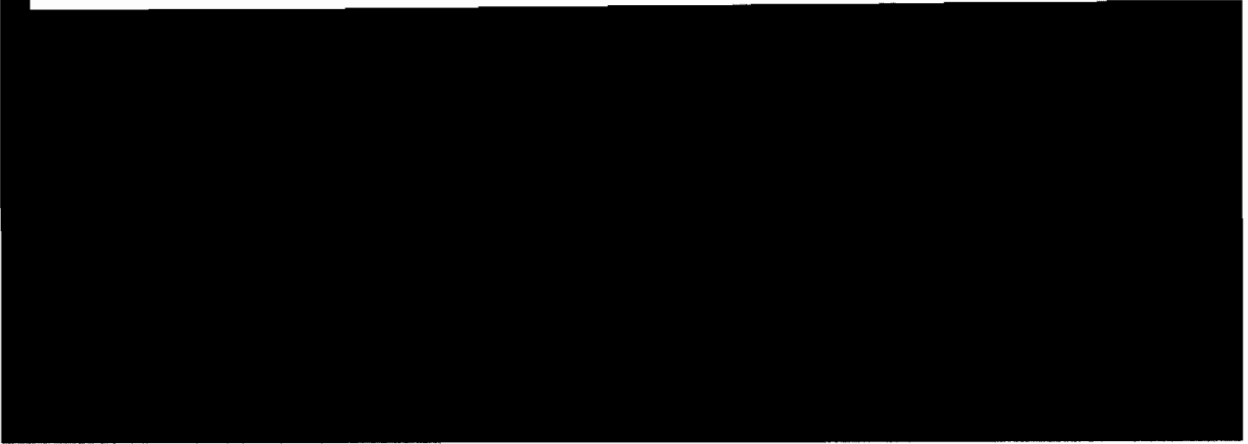
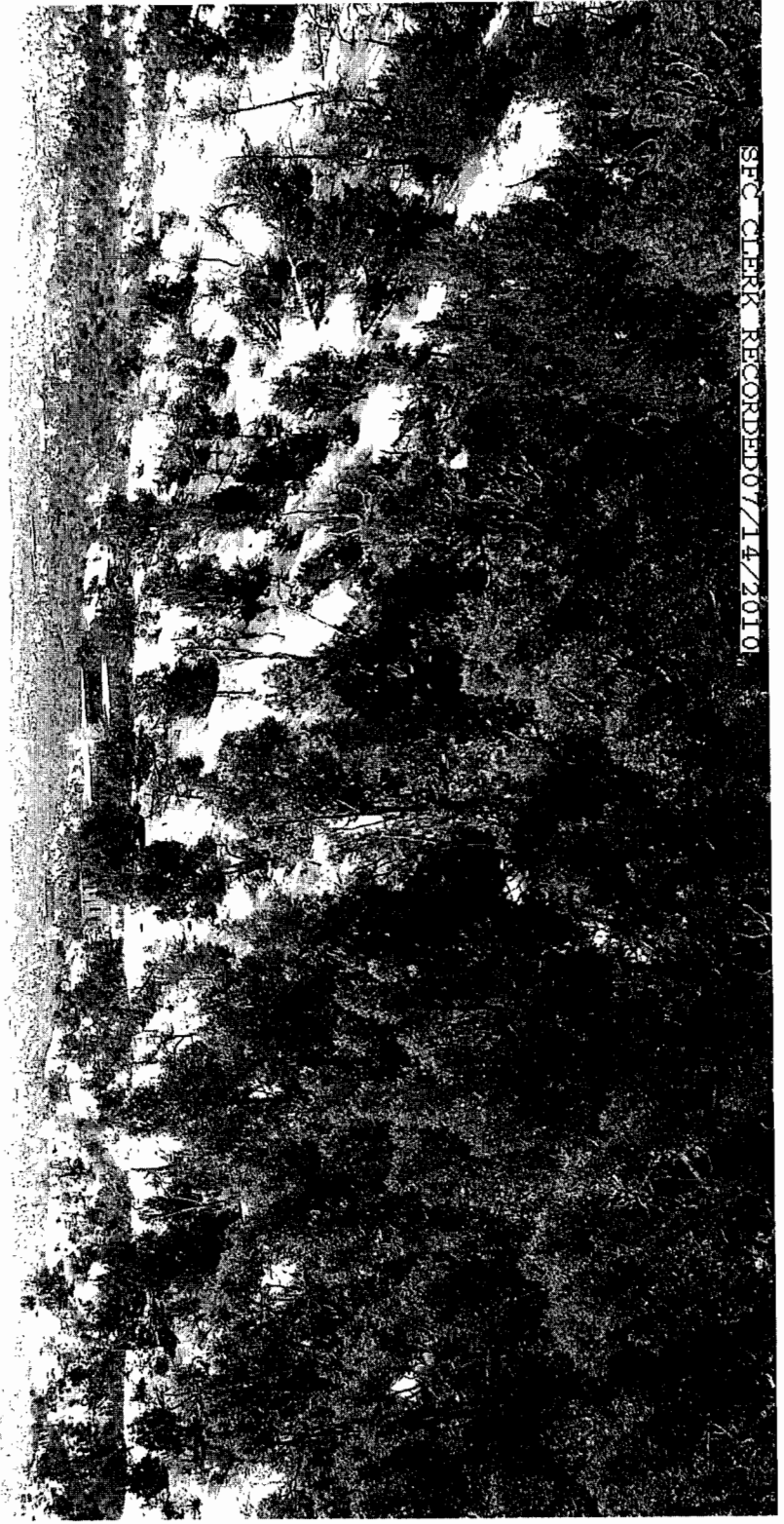


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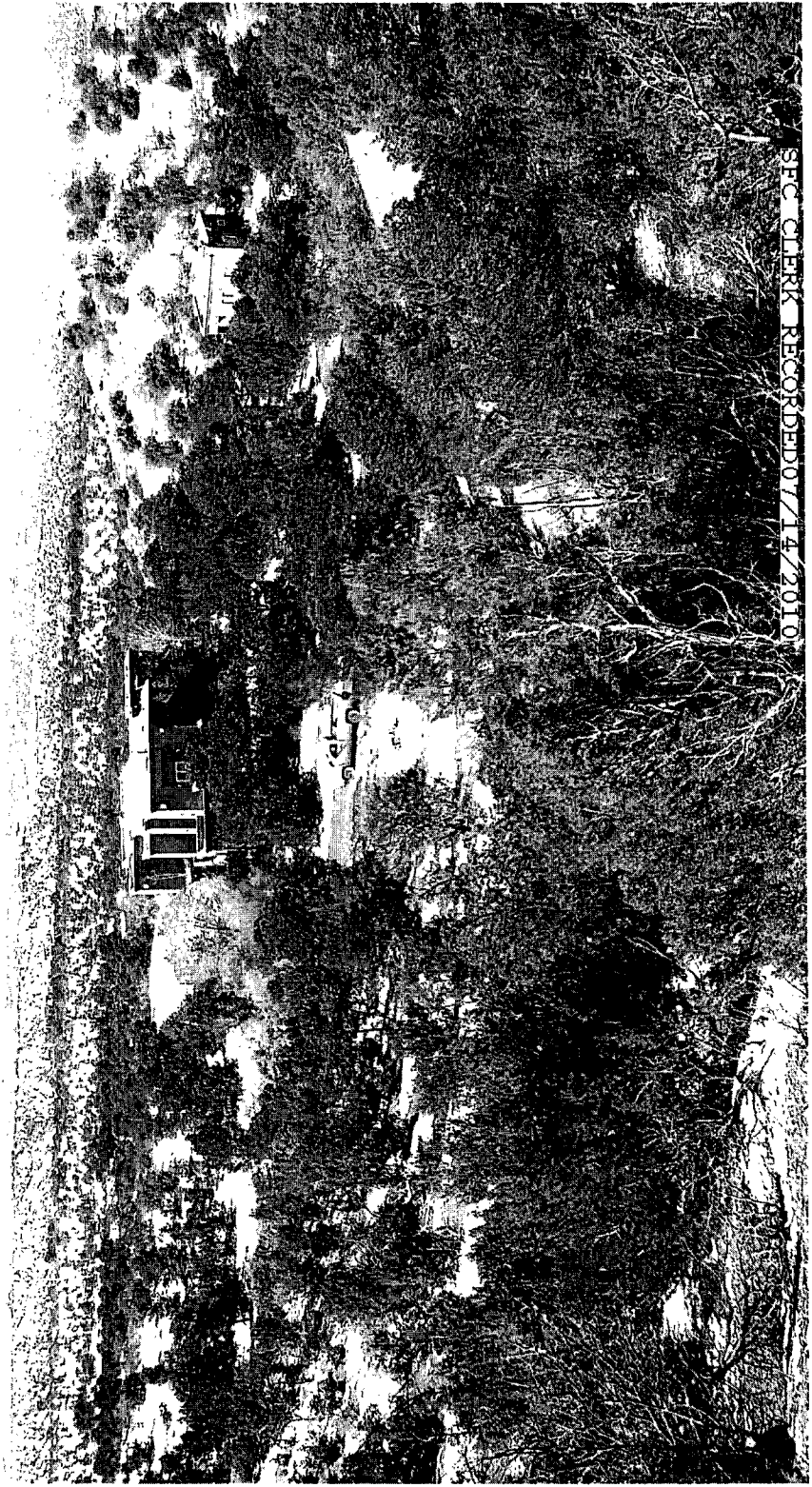


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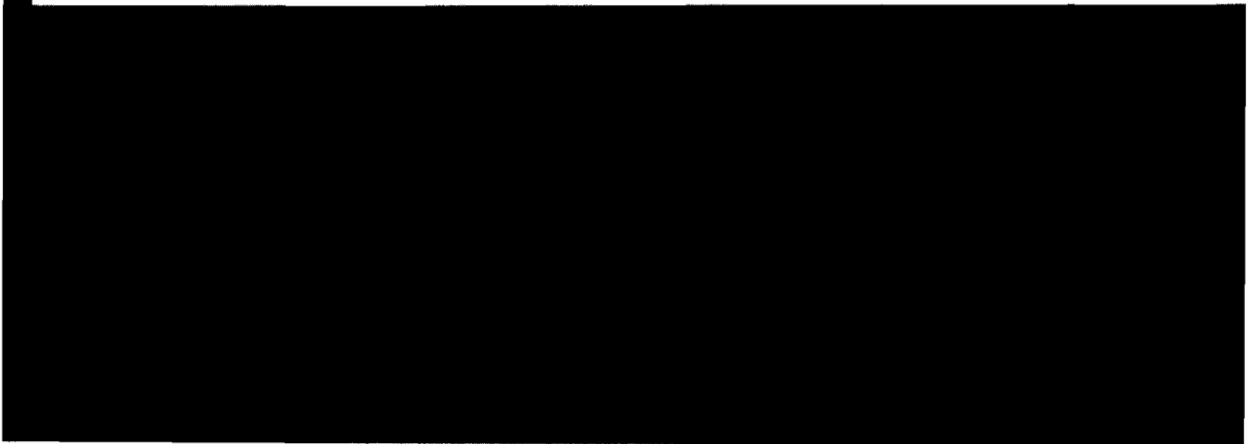
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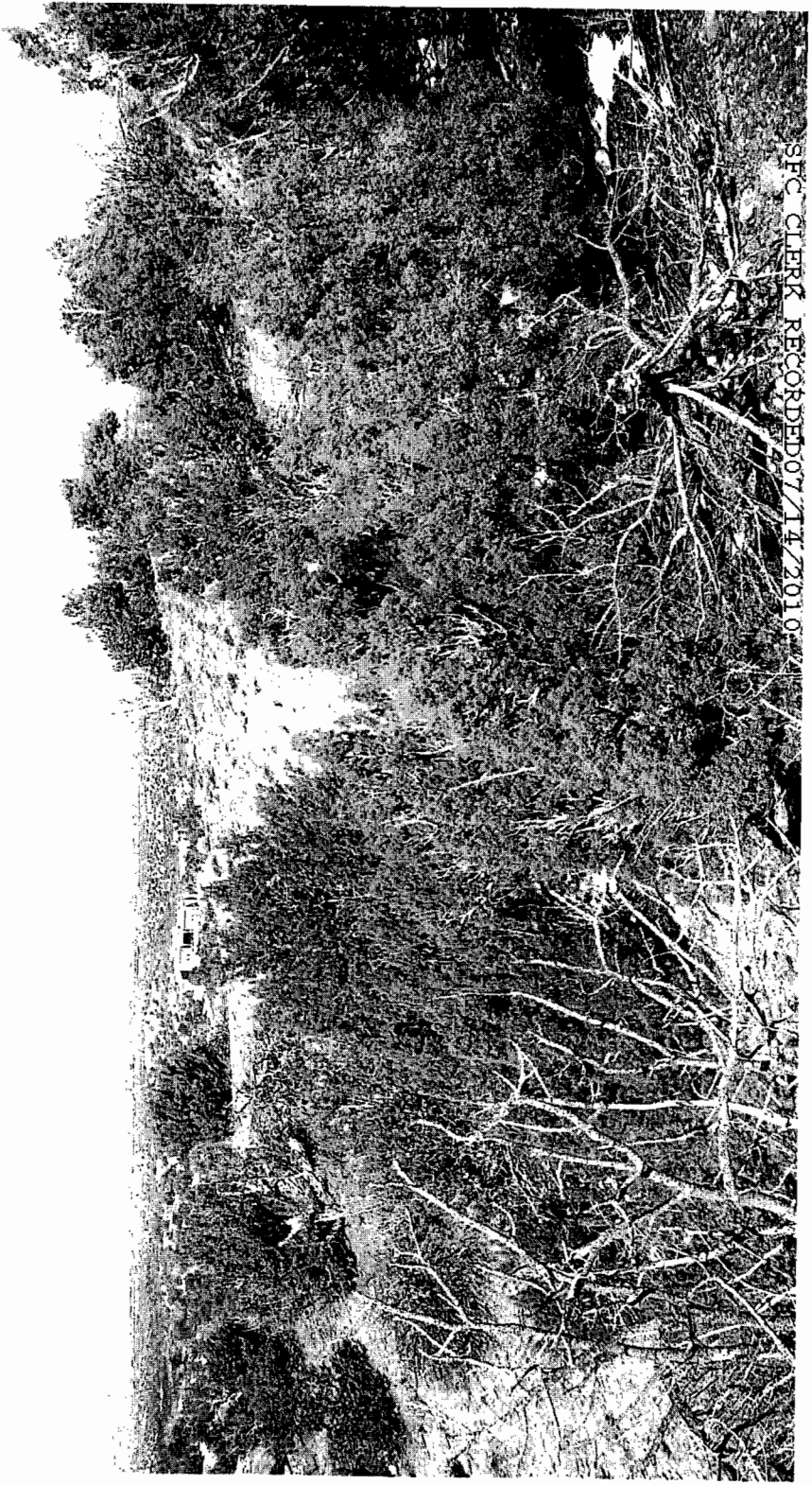
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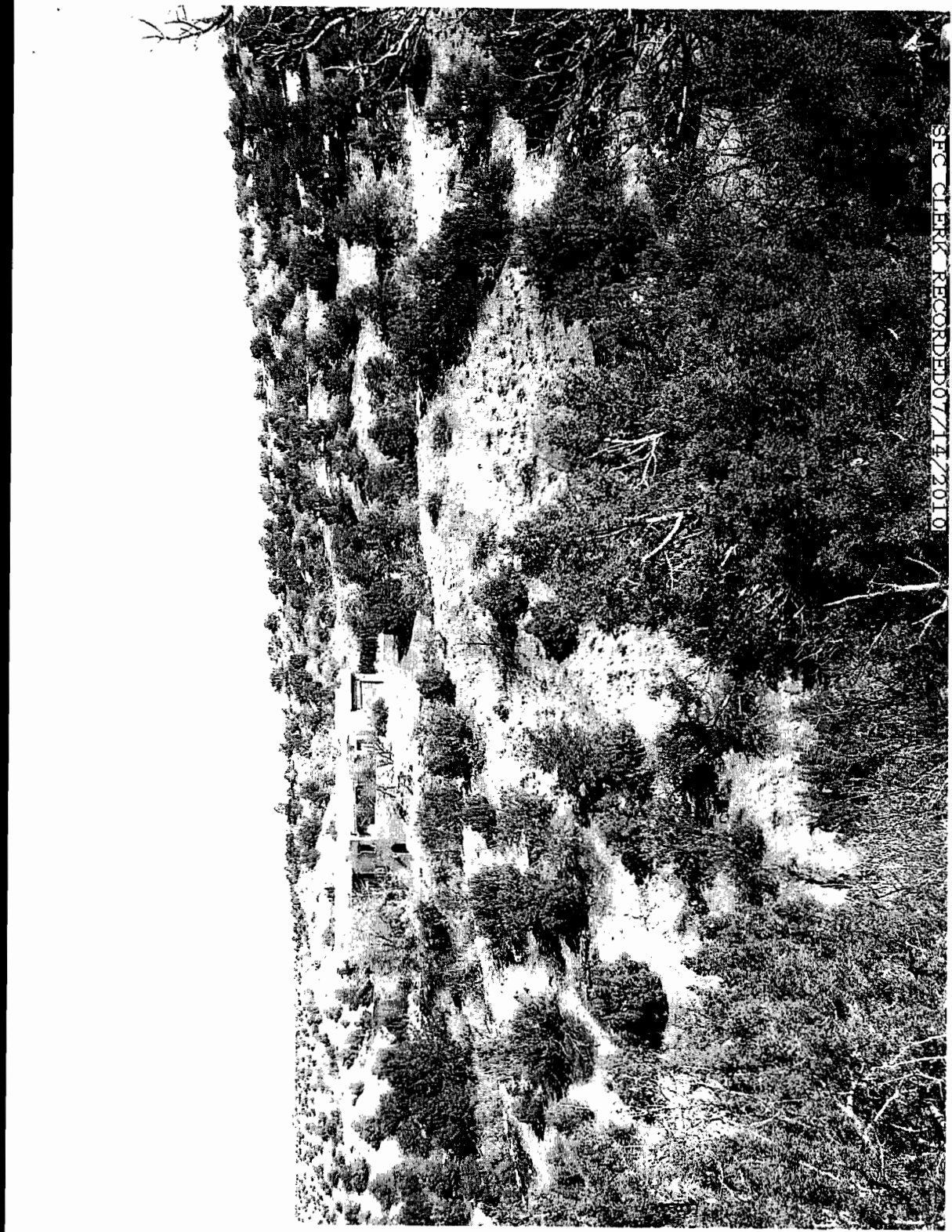


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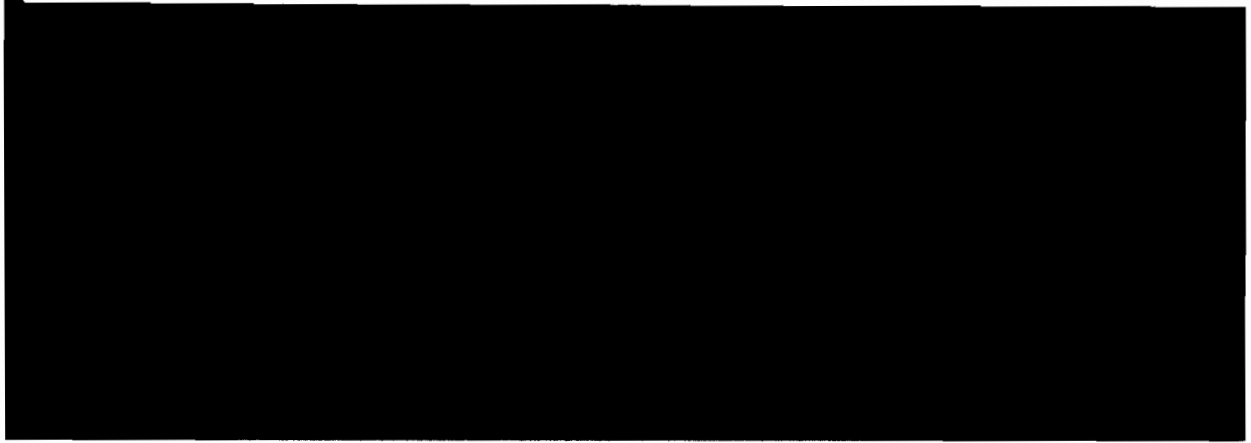
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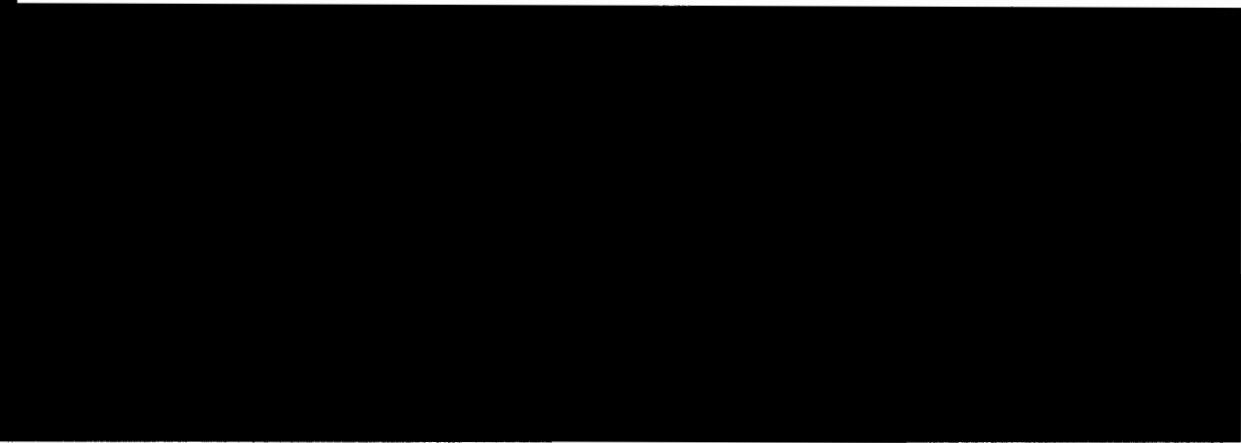
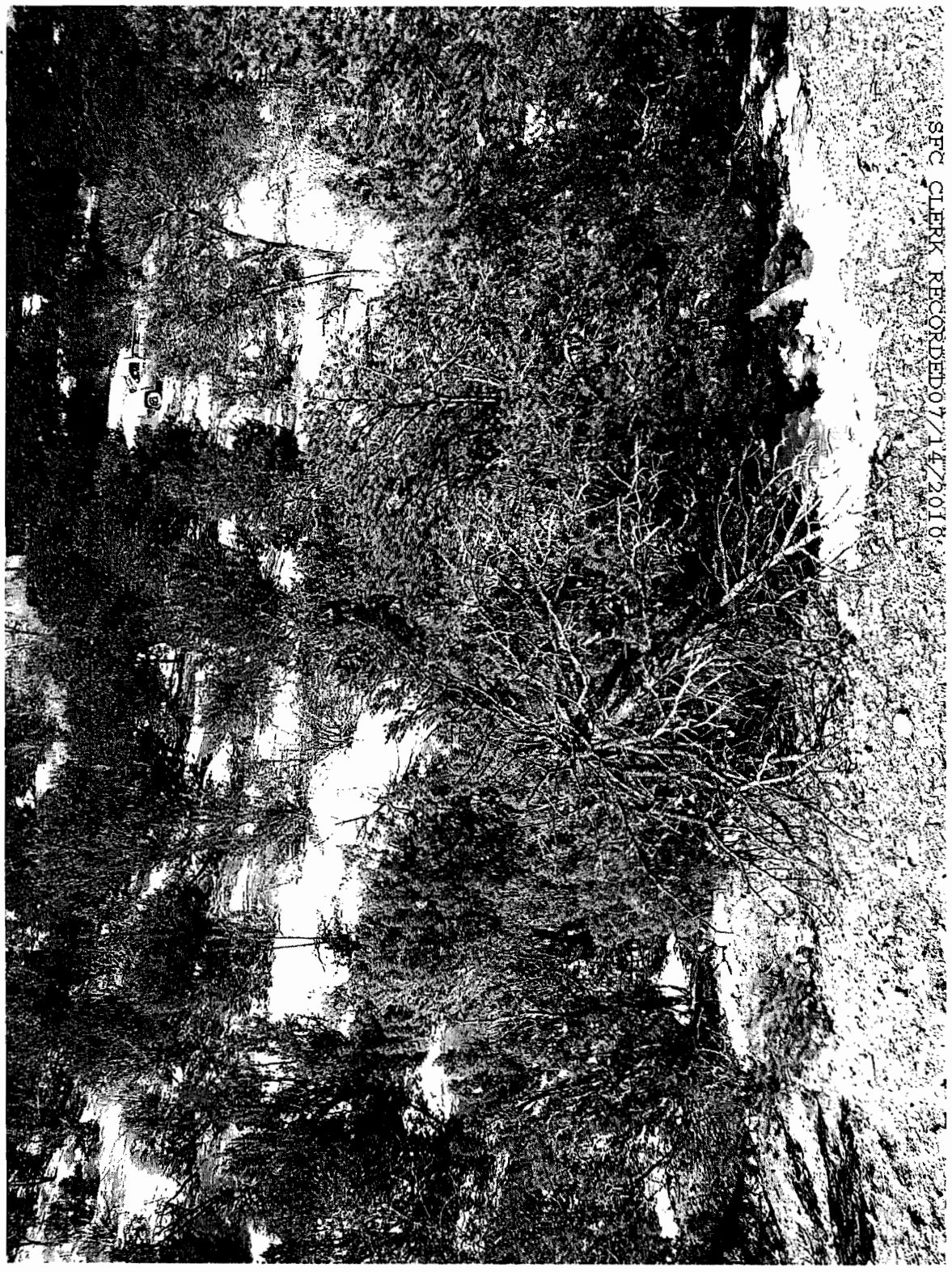
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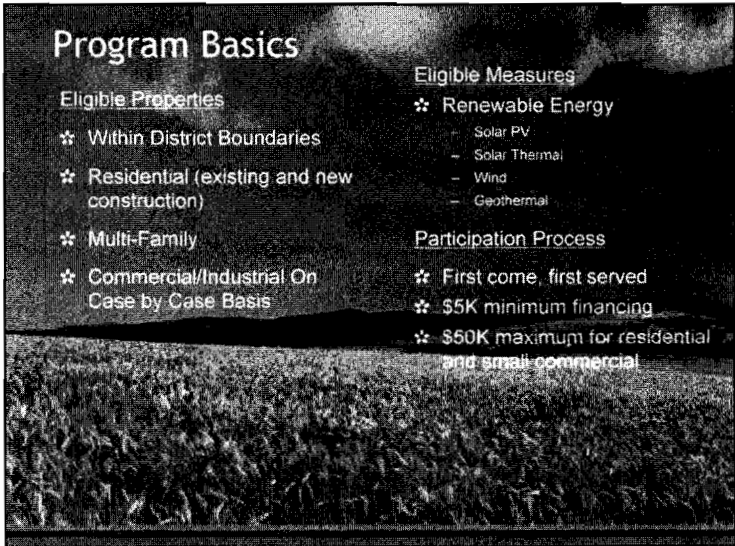
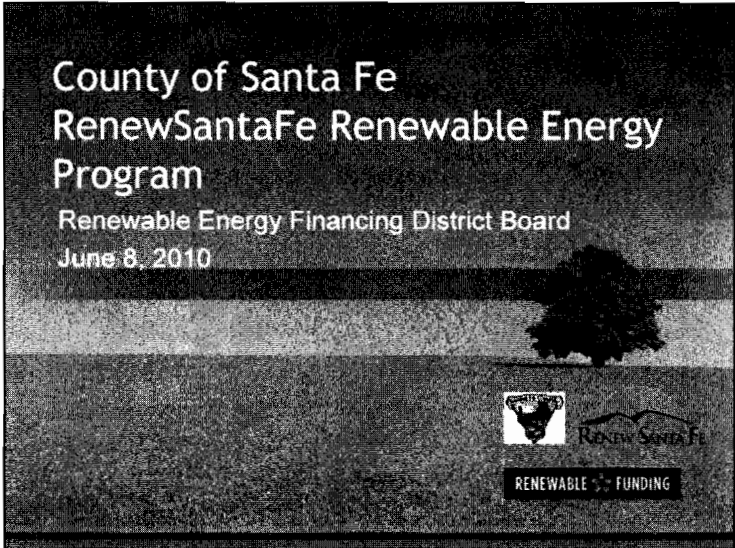


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SFC CLERK RECORDED 07/14/2018





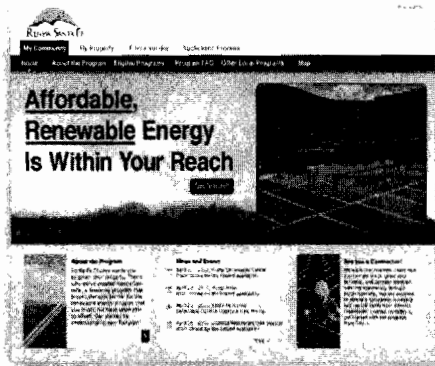
Program Update

- Initial pilot phase will consist of 40-50 renewable energy projects.
- Final underwriting criteria will be based on guidance to be released by the U.S Department of Energy
- Website is in development
- Property owners and contractors will attend mandatory workshops
- Market Analysis, Program Application, Program Terms, and Process Flow have been developed
- Program financial structure has been determined

Website

Features:

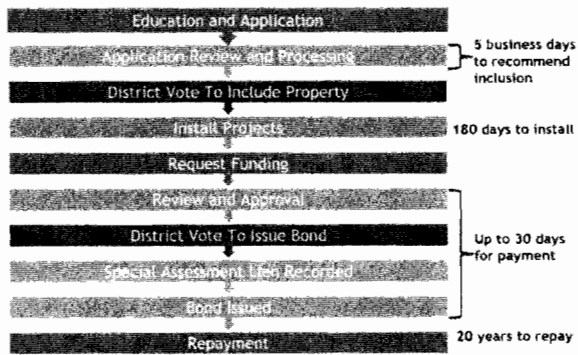
- Online Application
- Program Description and Documents
- FAQ's
- Other Programs
- Workshop Information
- Analytic Tools



Mandatory Workshops

- During workshops, property owners and contractors will:
- ✧ Learn about the program terms and underwriting criteria.
 - ✧ Have the opportunity to talk with the Program Administrator about individual projects
 - ✧ Learn about the work-flow process

Property Inclusion Process Flow



Homeowner District Program Administrator Contractor

Key Documents for Property Owners

Step 1: Application	<ul style="list-style-type: none"> • Application Checklist • Application Form • Mortgage Statement • Contractor Project Summary • Contractor Bid and Audit • Lender Notification
Step 2: Early Disclosures	<ul style="list-style-type: none"> • Truth and Lending Estimate • Good Faith Estimate • Fair Lending Notice
Step 3: Request for Funding	<ul style="list-style-type: none"> • Request for Funding Checklist • Request for Funding Form • Contractor Project Summary • Final Invoices and Building Permit/Inspection
Step 4: Final Disclosures	<ul style="list-style-type: none"> • Notice of Right to Cancel • Truth and Lending Final • HUD 1-A Settlement Statement
Step 5: Closing Documents	<ul style="list-style-type: none"> • Information Verification Form • Special Assessment Contract • Payment Assignment • Authorization to Release Utility Information

RenewSantaFe Cash Flow and Program Structure

