

SANTA FE COUNTY

BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

August 25, 2015

Robert A. Anaya, Chair - District 3
Miguel Chavez, Vice Chair - District 2
Kathy Holian - District 4
Henry Roybal - District 1
Liz Stefanics - District 5

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This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:00 p.m. by Chair Robert Anaya in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

b. Roll Call

Roll was called by County Clerk Geraldine Salazar and indicated the presence of a quorum as follows:

Members Present:

Commissioner Robert A. Anaya, Chair
Commissioner Miguel Chavez, Vice Chair
Commissioner Kathy Holian
Commissioner Henry Roybal
Commissioner Liz Stefanics

Members Excused:

None

- I. C. Pledge of Allegiance**
D. State Pledge
E. Moment of Reflection

The Pledge of Allegiance was led by Steve Fresquez, the State Pledge by Laura Hernandez and the Moment of Reflection by Cordilia Montoya of the Clerk's Office.

CHAIR ANAYA: If everyone could remain standing. Commissioner Stefanics.

COMMISSIONER STEFANICS: Mr. Chair and Commissioners, I would like to remember Kathy Berkeley's husband, Rob Barns. Kathy Berkeley was in charge of our senior centers for awhile, worked at the Eldorado senior center and he was very involved. He taught photography. Helped the seniors learn how to program their iPhones and iPads. And we'd like to remember her and him in our thoughts, thank you.

CHAIR ANAYA: Thank you very much.

1. F. **Approval of Agenda**
1. **Amendments.**
2. **Tabled or Withdrawn Items**

Manager Katherine Miller noted the following changes to the agenda:

- Page 3, II. Consent Agenda, item B. 10. – Tabled
- Page 4, III. Action Items, item C.2. Resolution requiring legal status of Santa Fe County Roads has been added. She requested this be heard at the end of the agenda with the Pojoaque Community Plan. .
- Page 5, VI, Matters from the County Attorney, additional items were added to the Executive Session and an item B for possible action.
- Page 6, VII, Public Hearings, A. 1 Ordinance to amend the County Road Ordinance has been tabled.

COMMISSIONER CHAVEZ: Mr. Chair.

CHAIR ANAYA: Commissioner Chavez.

COMMISSIONER CHAVEZ: Manager Miller, we have also in executive session an item VI 2.B. litigation regarding rights-of way of County roads are those the same County roads to be discussed in the resolution or is that a different matter?

MS. MILLER: Mr. Chair, I would say those are the same.

COMMISSIONER CHAVEZ: Okay, I just wanted some clarification on that. So we'll still be discussing the resolution regarding rights of way after the public hearing on community plans and after executive session.

MS. MILLER: Mr. Chair, yes, that's the request on the amendments to the agenda.

CHAIR ANAYA: Ms. Miller, I want to ask on the community plans are items 1 and 2 first public hearings?

MS. MILLER: Mr. Chair, yes, those are first public hearings and they are not for action. The 3, 4 and 5 are the second public hearings and they are for action.

CHAIR ANAYA: So I would like to move the action items to the top of that agenda and the first public hearings behind it because I know we have some residents that are going to come from each of those action areas and I think we can move to closure on those.

COMMISSIONER CHAVEZ: Is that a motion?

CHAIR ANAYA: I'm just talking about the amended agenda, so yes, I guess I would. I would –

COMMISSIONER CHAVEZ: I would second that motion. So all the second public hearings will be heard before the first public hearings.

CHAIR ANAYA: Yes, I believe those are going to go expeditiously. And then I got clarification on another one. So is there a motion on the amended agenda.

COMMISSIONER CHAVEZ: So moved, Mr. Chair.

COMMISSIONER STEFANICS: Second.

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

G. Approval of Minutes (Action Item)

1. Approval of July 28, 2015, BCC Meeting Minutes

COMMISSIONER HOLIAN: Mr. Chair, I'll move for approval of the July 28, 2015, BCC Meeting Minutes.

COMMISSIONER ROYBAL: Second.

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

H. Honoring Our Veterans and Service Men and Women

COMMISSIONER CHAVEZ: I would ask Mr. Matthew P. Hernandez to come forward. Thank you, sir, for being here today. Mr. Hernandez is an employee of Santa Fe County. Matthew P. Hernandez enlisted in the United States Navy in July 2005 under the National Call to Service program. Mr. Hernandez finished boot camp and transferred to "A" school for training in Computer Support and Radio Communications. Upon completion of school, he was transferred to USS Momsen. USS Momsen was soon deployed to the South Pacific for various operations including maritime interdiction and medical evacuations. Some of the areas USS Momsen visited include Malaysia, Guam Republic of the Philippines, and Australia. Mr. Hernandez continued serving on the USS Momsen until January 2007, when he was honorably discharged. While on USS Momsen Mr. Hernandez received the Global War on Terrorism Service medal and Expeditionary medal. He then started work as a civilian contractor of Northrop Grumman. Part of Mr. Hernandez' work also had him working at Kirtland Air Force Base. Mr. Hernandez continued working as a contractor at multiple locations for most of his career until late November 2014. Mr. Hernandez was then offered a job with Santa Fe County where he continues to work today.

Mr. Hernandez the microphone is yours if you would like to say a few words.

MATTHEW P. HERNANDEZ: Thank you, Mr. Chair and Commissioners. I don't really have much to say other than it is an honor to be here and recognized and just thank you.

CHAIR ANAYA: Thank you, Mr. Hernandez. Commissioner Chavez.

The Commissioners thanked Mr. Hernandez for his service to the country and the county, stating it was an honor to have him present and all other veterans.

All the veterans present were invited forward for photographs with the Commission, Manager and other elected officials. A Certificate of Appreciation was presented to Mr. Hernandez.

I. Employee Recognition

1. Introduction of New Employees

MS. MILLER: Mr. Chair, as you can in your packet for the month of July we had about 15 new hires and several were student interns who were here for just a few weeks but we did have student interns. But I did want to turn it over to the County Clerk because I believe the only individual that is here from that list in your packet is her new Chief Deputy of the Bureau of Election and I wanted to give her an opportunity to introduce him to you.

CLERK SALAZAR: Chair Anaya, Commissioners, I have appointed a new Bureau of Elections Chief, Steve Fresquez. Steve comes to the County with many years of election experience at the state level, private industry and he has worked at the County in the past and he is now our new Bureau of Elections Chief in the Clerk's Office. Steve Fresquez.

CHAIR ANAYA: Excellent. Let's give Steve a round of applause.

2. Recognition of Years of Service for Santa Fe County Employees

MS. MILLER: This is recognition of Santa Fe County employees that hit either a 5, 10, 15, 20, 25 year mark last month. Sammy Vigil in Corrections, Adult Detention Officer, has 5 years of service. Richard Hilderbrandt, in the Sheriff's Office a Sheriff Deputy II has 5 years of service on August 30th. Adam Bailey who was in the Treasurer's Office and is now an Accountant Senior in Finance Department with 10 years of service. Nanette Demague, in Corrections is an Adult Detention Lieutenant with 10 years of service. Anthony Martinez also in Corrections. He is the Auditing Compliance Manager. And one who has been with us for 25 years and I do believe she has submitted her notice of retirement this fall and that is Agnes Leyba-Cruz who is a Project Specialist but has also been in several jobs at the County and she will be greatly missed. She's going to retire soon so she has 25 years of service as of August 20th.

I would like to recognize these employees and express my appreciation for their dedication to Santa Fe County. It also helps us to retain good employees and have that experience in the jobs and that institutional knowledge. So please give them a hand and thank them for being here.

CHAIR ANAYA: Thank you, Ms. Miller. On that note there's no replacement for that experience and tenure that those employees, each and every one of them have dedicated to Santa Fe County. So thanks to them very much.

II. Consent Agenda (Action Items)

CHAIR ANAYA: What is the pleasure of the Board?

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: Mr. Chair, I just have a couple of quick

questions for II B.4 ad II B. 10.

CHAIR ANAYA: Okay. Are there others that any other Commissioners have questions on? Seeing none, Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. So regarding the hazard mitigation plan, I just want to say that I'm very pleased to see this go forward. It's a good exercise I think for a community to go through this and it is good for Local Governments to be prepared and this is a way that we can be prepared.

The question that I have on this is what is the timetable for this and also is there going to be any public outreach? In other words, outreach in the sense of getting input from people in the community and also ultimately letting people know what we are doing to be prepared – more prepared in the future.

CHAIR ANAYA: Mr. Taylor.

BILL TAYLOR (Procurement Manager): Thank you, Mr. Chair. Commissioner Holian to answer your question we've currently received proposal on an RFP that we issued and we'll be evaluating and scoring those proposals on Monday the 31st.

COMMISSIONER HOLIAN: Is there a timetable for how long the process is going to take?

MR. TAYLOR: I think they have a six month process for planning and there will be outreach to the multi-tribal entities and other jurisdictions for the multiple hazard mitigation plans.

COMMISSIONER HOLIAN: So, I guess the reason I am asking the question and maybe Katherine can answer this is I'm wondering if we should be organizing any community meetings on this topic?

MS. MILLER: Mr. Chair, Commissioner Holian, I believe we would be able to do that. Martin is probably more familiar with the specific scope of work that we've asked the contractors to propose on.

CHAIR ANAYA: Mr. Vigil.

ASSISTANT CHIEF MARTIN VIGIL: Commissioners, yes, Commissioner Holian, there are four as previously mentioned outreach. What these are is to engage stakeholders in FEMA's new concept of whole community. So we're really interested in looking at everybody's perspective of their communities and whether actual or perceived threats from that particular area and these are going to be regional meetings.

I think you're well aware throughout the year engage our communities in several different platforms of emergency preparedness and we're still always available to do that. Specifically – I know the Commissioners initiated within their own districts particular issues around wildfire or flood and we've always been very well received. So that will continue.

COMMISSIONER HOLIAN: Yes, and that is exactly why I was asking because I would like to organize some community meetings when we've gotten a little further into the process just to let people know, you know, the kinds of things that we're getting prepared for and how we're getting prepared.

ASSISTANT CHIEF MARTIN VIGIL: And these regional meetings are going to be the four areas of the County.

COMMISSIONER HOLIAN: Thank you very much. Those are all my

questions on that.

CHAIR ANAYA: Commissioner Holian, thank you item 10.

COMMISSIONER HOLIAN: This has to do with the Santa Fe River Greenway and I notice that there's funding being allocated here in the amount of about \$430,000 and this is to, I guess, start purchasing property for the greenway trail. So my question is how much funding total has the County committed to for the construction of the Santa Fe River Greenway from the GO Bond issuances that are referred to in two resolutions that are referenced in the packet?

SCOTT KASEMAN: Mr. Chair, Scott Kasement with the Public Works Projects Division. Commissioner Holian, are you asking just about the funding for the Siler Road to San Ysidro crossing stretch?

COMMISSIONER HOLIAN: No. I am sort of asking for the Santa Fe River Greenway. And I guess it was the entire greenway that was referenced in the two GO Bond issues that were on the ballots. And I'm just wondering what the total funding is.

MR. KASEMAN: The total funding from those two bonds was approximately \$6 million.

COMMISSIONER HOLIAN: And how much roughly have we spent so far just out of curiosity?

MR. KASEMAN: So far I think we have only spent half million but we do have another \$5 million budgeted for the Frenchy's to Siler stretch for acquisition, design and construction there. So the money – the \$430,000 is what's left over that is available for this stretch.

COMMISSIONER HOLIAN: I see. Great, thanks, Scott. Those are my questions, Mr. Chair.

CHAIR ANAYA: Thank you. Commissioner Chavez.

COMMISSIONER CHAVEZ: I'll move for approval of the consent agenda.

COMMISSIONER STEFANICS: Second.

CHAIR ANAYA: Motion and a second. I just had a comment that I wanted to render on the record relative to the last discussion. I know that the level of commitment when we were working on the Greenway project in the beginning was a partnership with the City and many other stakeholders but I think we had a discussion at a prior meeting as to what is that continued commitment to all parties involved in the project going forward and I think the manager has been exploring this question with all parties including the City of Santa Fe. So this is one piece or one allocation but as we progress to other allocation I think we need to better understand and the hope that the level of commitment from all of the parties is still high and at that same level. If it is, they I think that we are in a good position to continue as we have continued but if the commitments aren't the same or there isn't the same interest then I think we'll need to make determinations on what part or what part or what segments make the most sense and in the interest of which communities along that corridor. So I would put that on the record as an item for continued evaluation and discussion.

So this only commits to one portion and one component of that budget, correct, Ms. Miller?

MS. MILLER: Mr. Chair, yes. This particular resolution is specific to Siler Road to the San Ysidro crossing in the County.

CHAIR ANAYA: Thank you so much.

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

A. Final Orders

- 1. CDRC CASE # S 15-5050 Cienda Partners (Estancias Unit III) Preliminary and Final Plat and Development Plan Amendment. Cienda Partners, Applicant, Scott Hoeft, Agent, Requests Preliminary and Final Plat and Development Plan Amendment to Sub-Phase the Previously Approved Estancias Unit III Residential Subdivision (37 Lots on 117 Acres) into Two Phases. Phase 1 Will Consist of 23 lots and Phase 2 Will Consist of 14 Lots. The Property is Located within Las Campanas Subdivision, North of Las Campanas Drive at the Caja del Rio Intersection, within Sections 2 and 11, Township 17 North, Range 8 East (Commission District 2). Vicente Archuleta, Case Manager (Approved 4-0)**
- 2. CDRC CASE # V 14-5330 Francisco and Arlene Tercero. Francisco and Arlene Tercero, Applicants, and The Amarante Romero Trust (Arlene Tercero, Trustee), Applicant, Request a Variance of Ordinance No. 2007-2 (Village of Agua Fria Zoning District), Section 10.6 (Density and Dimensional Standards) to Allow a Small Lot Family Transfer of 1.53 Acres (Frank and Arlene Tercero Parcel) Into Two Lots, Each Consisting of 0.75 Acres More or Less and Approval of an Additional Small Lot Family Transfer on the Adjacent 2.549 Acre Lot (Amarante and Emma Romero Parcel) to Create 2 Lots, Each Consisting of 1.25 Acres More or Less. The Applicants also Request a Variance of Article V, Section 8.2.1c (Local Roads) and Article III, Section 2.4.2b 3 (A)(1) (Roads and Access) of The Land Development Code to Serve the 4 Proposed Lots and One Existing Lot, for a Total of Five Lots. The Road that Services the Properties (Calle De Quiquido) Does Not Meet the Specifications of Local Lane, Place or Cul-De-Sac Roads Being that the Road is Too Narrow and Does Not Have Adequate Drainage Control Necessary to Insure Adequate Access for Emergency Vehicles. The Properties are Located At 1443 and 1645 Calle De Quiquido, within Section 32, Township 17N, Range 9 East (Commission District 2). Miguel "Mike" Romero, Case Manager (Approved 3-1).**
- 3. CDRC CASE # V/ZA/S 10-5352 Rio Santa Fe Business Park. Peña Blanca Partnership, Applicant, Jim Siebert, Agent, Requested a Master Plan Zoning Amendment to an Existing**

Zoning Approval and Preliminary and Final Plat and Development Plan Approval to Create Four (4) Commercial Lots on A 31.44 + Acre Parcel to be Utilized as a Commercial/Industrial Use. The Applicant Also Requested a Variance to Allow a Cul-De-Sac (Dead End Road) to Exceed 500 Feet in Length. The Property is Located at 54 Colony Drive, North West of N.M. 599, North of Paseo De River, Within Section 10, Township 16 North, Range 8 East, (Commission District 2). Jose E. Larrañaga, Case Manager (Approved 3-0)

B. Resolutions

- 1. Resolution No. 2015-112, A Resolution Adopting Local Government Road Improvement Fund Project No. SB-7806 (103)16 for Pavement Rehabilitation/Improvements of Avenida de Amistad in Santa Fe County, New Mexico. (Public Works/Robert Martinez)**
- 2. Resolution No. 2015-113, A Resolution Adopting Local Government Road Improvement Fund Project No. SP-5-15(184) for Pavement Rehabilitation/Improvements of Avenida De Amistad in Santa Fe County, New Mexico. (Public Works/Robert Martinez)**
- 3. Resolution No. 2015-114, A Resolution Adopting Local Government Road Improvement Fund Project No. CAP-5-16(470) for Pavement Rehabilitation/Improvements of CR98 (Juan Medina Road) in Santa Fe County, New Mexico. (Public Works/Robert Martinez)**
- 4. Resolution No. 2015-115, A Resolution Requesting a Budget Increase to the Fire Tax Fund (222) to be Utilized for Contractual Services to Write the Santa Fe County Multi-Jurisdictional All Hazard Mitigation Plan for the County Fire Department/\$75,000. (Finance Department/Carole Jaramillo)**
- 5. Resolution No. 2015-116, A Resolution Requesting a Budget Increase to the Regional Emergency Communications Center Fund (245) From Cash Carryover for the Purchase of a Shelter Structure for the Farber Mobile Command Unit/\$30,000. (Finance Department/Carole Jaramillo)**
- 6. Resolution No. 2015-117, A Resolution Requesting a Budget Increase to the Federal Forfeiture Fund (225) to Budget Cash Carryover/\$6,550.00 for Region III for Night Vision Equipment Copier Maintenance. (Finance Department/Carole Jaramillo)**
- 7. Resolution No. 2015-118, A Resolution Requesting a Budget Increase to the General Fund (101) to Budget Cash Carryover for the Santa Fe County Extension Service Program/\$43,000.**

- (Finance Department/Carole Jaramillo)**
8. Resolution No. 2015-___, A Resolution Requesting a Net Budget Decrease to Various Capital Project Budget to Realign the FY2016 Budget to the FY2015 Balances and to Budget New Grants Received for FY2016/- \$2,708,910. (Finance Department/Carole Jaramillo/Public Works/Adam Leigland)(TABLED)
 9. **Resolution No. 2015-119, A Resolution Removing Timberwick Road from the Santa Fe County Road Map. (Public Works/Robert Martinez)**
 10. **Resolution No. 2015-120, A Resolution Delegating Authority to the County Manager to Acquire Real Property Interests Necessary for Construction of the Santa Fe River Greenway from Siler Rd. to San Ysidro Crossing. (Public Works/Scott Kaseman) Miscellaneous**

C. Miscellaneous

1. **Approval of County Health Care Assistance Claims in the Amount of \$74,627.28. (Community Services Department/Patricia Boies)**
2. **Approval of Direct Purchase of Service Vendor Agreement, Nutrition Service Incentive Program (NSIP) Agreement, Certification Regarding Debarment, Suspension, and Other Responsibility Matters, Assurances, Certification Regarding Lobbying; Resolution Authorization; and Letter of Commitment. (Community Services Department/Rachel O'Connor)**
3. **Memorandum of Agreement Between the New Mexico Energy, Minerals and Natural Resources Department and the County of Santa Fe to Manage and Maintain the Pojoaque Valley Recreation Complex Under the LWCF Act. (Public Works/Colleen Baker)**

[Clerk Salazar provided the Resolutions and Ordinance numbers throughout the meeting.]

III. Action Items (Public Comment)

A. Items from Consent Agenda Requiring Extended Discussion / Consideration

There were none.

B. Miscellaneous

1. **Request for Direction on the Creation of the Office of County Flood Commissioner Pursuant to NMSA 1978, Sections 4-50-1 through 4-50-9. (Public Works/Adam Leigland)**

ADAM LEIGLAND (Public Works Director): Mr. Chair,

Commissioners, as way of brief background. As you all well know we often struggle with the affects of storm damage across the entire county with our roads and also other entities in the county, acequias for instance, and conservation districts also struggle with preparing for and also mitigating effects of storm damage. We have been looking at different ways to address this. In May of this year I came before you and presented the idea of what's known as the Office of the County Flood Commissioner. This is an entity that is authorized by State Statute and allows counties to approve the creation of this office. This office has unique powers with regard to addressing storm damage.

At the May 26th meeting I just presented the idea and gauged the Commission's interest and at that meeting the Commission asked me to go back and do a little more research and come back at a second time again to see if this is worth pursuing. At the May 26th meeting you asked me to do two things in particular. To compare the duties to existing entities that is to say the Soil and Water Conservation Districts and you also asked me to survey the other three counties across the state that have already created this office and those counties are Chaves, Doña Ana, and Sierra.

So you'll see the memo that I talked to a number of people in each of those three counties and I will say that except for one comment, they were all very enthusiastic about it. My counterparts in other counties said they actually wished they could work more often with them. They think that they work very well together. The Doña Ana County felt that they wished the flood commissioner could do more just in general as a matter of resources. I'll address the one negative comment I heard in a second.

I also looked at what Soil & Water Conservation Districts what they're allowed to do and what they are doing. Soil & Water Conservation districts do have the ability to address storm damage. That's one of the powers that the State Statute allows them to do. And they also, this is something that I learned is that Soil & Water Conservation District have the power to subdivide themselves if you will into what are called watershed districts and these watershed districts also have similar powers and they actually have a little bit more power to raise revenue. So they do have the ability – Santa Fe County has two Soil & Water Conservation District within its boundaries. But then when I started to survey some of these districts as to whether they actually did do this flood damage they said they don't actually consider as a core responsibility. They really focus more on the soil part, the soil conservation part of their duties. I could only find one Soil & Water Conservation District in this state and I mentioned it, it's called Coronado that actually does do stormwater damage mitigation.

So I think that is a powerful mechanism but it seems that those districts which are independent are choosing not to exercise that as one of their powers. Another thing I'd like to mention with regard to Soil & Water Conservation District is that they are completely independent from the county. They work for a state commission. So if the Commission were interested in something that they had a little bit more power over, the Soil & Water Conservation District mechanism cannot provide that.

In sum, I think the Flood Commission just based on the testimony of other counties, based on the research that I've done it seems like it could be a powerful mechanism for this county. But as I mentioned one county, Sierra County, has had problems recently with their flood commissioners. Enough problems that I think it could maybe raise some eyebrows as to whether or not it is something that this County wants to

start. I tried to do more research into what are some of the problems were and the problems really came down to that one particular flood commissioner who felt he did not need to follow county laws. He circumvented the county's procurement processes and he tried to circumvent the county's HR process. He tried to not really follow the rules of the county. So taking that and looking at what the state statute allows staff tried to come up with a way that we felt could address the pitfalls of the Sierra County situation and still provide the County Commission with the ability to really truly exercise the powers that the flood commissioner has to offer. As you'll see in your packet we drafted an example if you will, a memorandum of agreement that would be an agreement between the County Commission and the flood commissioner and try to really get a hold and rein in the flood commissioner to prevent some of the problems that other counties have seen. What's in your packet is just an example of what it could like that. And then also what you'll find in your packet is an example of what an enabling resolution would look like. These are merely to present possibilities of creating it.

You'll also see in your packet a tentative timeline so if the Commission did choose to go down this path it wouldn't happen overnight because you have to create the commission. You'd have to go to the State to get the commissioner appointed because the commissioner has to do research, come back to you to request funding. You have to approve the funding and whatnot. So it would probably be 24 months before the flood commissioner could be up and running. But I will stress that the County Commission has numerous points – they control the flood commissioner's budget and have approval of expenditures and decisions.

I think in general that the flood commissioner is a powerful mechanism. I think it could address a lot of the problems we face particularly in the north part of the county but really countywide. And my recommendation is that we pursue it and take it to the next step. With that, Mr. Chair, I stand for questions.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR ANAYA: Commissioner Stefanics then Commissioner Holian.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. So, Adam, we would be talking about creating a new employee position or assigning an existing employee to take on these extra responsibilities; what are you thinking?

MR. LEIGLAND: Mr. Chair, Commissioner Stefanics, that's a great question. The flood commissioner is fully self-funded because the flood commissioner has through the County Commission the ability to levy an assessment, a property tax assessment up to 1.5 mills. I forgot to mention that that is very important and one of the key things that the Commission will have to decide is whether or not there's interest in levying a 1.5 mill property tax.

COMMISSIONER STEFANICS: Okay, so, I have some interest in this, not myself personally, but I have interest in the County doing this. But what relationship would a flood commissioner have with any federal entities, federal, that might be able to assist with any disasters?

MR. LEIGLAND: Mr. Chair, Commissioner Stefanics, to examples – the Sierra County example, the Sierra County flood commissioner is the county's primary interface with FEMA and so it is that interaction with FEMA that is where the Sierra County flood commissioner ran afoul of his county commission. But they use him to

work with FEMA and also to get all the FEMA grants for flood mitigation. Doña Ana's flood commissioner has been primarily in flood prevention. So the Doña Ana County flood commissioner has primarily focused on building flood control devices, similar to what you see in Albuquerque for instance. And has gotten federal grants to do that construction. So really would depend on what the County Commission asked the flood commissioner to do and you could specify those duties in this draft.

And to answer your other question, Commissioner Stefanics, the flood commission would be a brand new position and it would be funded out of its own proceeds and the flood commissioner would be required to come back to you for what's called a certification of need. So this person would come back and say, I need five new people and five pieces of equipment; and, you would have to approve that. So it exists sort of outside the County Manager's organization. It would be similar probably to how the other elected officials work.

COMMISSIONER STEFANICS: Okay, so, Mr. Chair, what I understand then is if we did something like this, we would have to increase property taxes and has there been any analysis about this because that's certainly not something we all jump on?

MR. LEIGLAND: Mr. Chair, Commissioner Stefanics, you're exactly right. The state statute allows the Commission to assess up to 1.5 mills. The other three counties have all assessed the full mill levy and the analysis I have performed has been what would that revenue look like at .5 mill, a full mill and what would the revenue be generated from that but I have not done any research as to the desirability.

One thing also I'll mention is that the flood commissioner is tied to flood districts which is to say it doesn't necessarily have to be the entire county. It could be, for instance, just to the Santa Fe River Basin, the Pojoaque Valley, or the Santa Cruz Valley. You could specify that. So one analysis we did do is we prepared property taxes to each one of those flood districts so the County sort of naturally divides itself into Estancia Basin, the Santa Fe River Basin, the Pojoaque Basin, and the Santa Cruz so those could divide the flood commissioner's responsibilities based along those flood districts. Then each one of those flood districts will generate more or less revenue depending on the number of households within it. It could be tailored in which case the analysis would have to go further. Does that answer your question?

COMMISSIONER STEFANICS: It does but I believe this would take some specific information for me. While I am favorable to the idea, I am not favorable to an increase in property taxes until I would see greater detail of what level mill, what areas of the county would be affected, if it's not equitable is it almost equitable, etc. Thank you, Mr. Chair.

CHAIR ANAYA: Thank you, Commissioner Stefanics. Commissioner Holian then Commissioner Chavez.

COMMISSIONER HOLIAN: Thank you. Thank you, Adam. I think this is definitely worth pursuing because we know that we're going to have more intense flood events in the future and we have to sort of prepare ourselves to deal with those intense flood events. But as has been noted it would possibly – would lead to a countywide, well pretty much countywide, tax increase.

I was just sort of wondering whether it might not be a good idea to have a little more public outreach. You know, maybe some articles in the newspaper about what this

means and why it's in everybody's best interest to do this and maybe some radio spots and maybe even public meetings, things like that. Just to let people know and not spring it on them so that they feel like they're involved. After the whole situation with the solid waste issue I've gotten really sensitive about public outreach. So that's just one suggestion that I have on how we can do that.

And I would also like to note that Santa Fe County is as you pointed out very complex geographically and there's a small portion, for example, District 4 that is actually in the Pecos River Basin and it's – I don't know if you – in the property tax part of it – in other words the people who are in the Pecos River Basin are in the same precinct as people who are in the Galiesto River Basin. I don't know if you could do that so the people in Dalton Canyon wouldn't have to have their property taxes increased. But you know it is appropriate to the people in Canoncito. I don't know how that works.

MR. LEIGLAND: Mr. Chair, Commissioner Holian, you are correct there are 24 lots that are in the Pecos River Basin so we would have to work with the Assessor to make sure about that assessment.

COMMISSIONER HOLIAN: So you could divide them up even within a precinct?

MR. LEIGLAND: I've had preliminary discussions with the Assessor about how that would work and what he provided me was the way it's currently divided. So right now the assessments are divvied up by school districts and there's within city limits, without city limits and Soil & Water Conservation District – so there's already a lot of layering and we would have to work with him to create yet another layer. But I think it's possible. I don't know what the level of difficulty is. As it happens, the school district boundaries already conform very closely to the river basins except for the case you just brought up. The Moriarty School District boundary almost is right on the line with Estancia Basin and then Santa Fe School District is between Estancia and Pojoaque Valley Basins so it almost works out that way and the real outlier would be the one that you're talking about.

COMMISSIONER HOLIAN: Well, anyway, I'm willing to – I think it's a good idea to go to the next step but again I'd like to see a little bit more public outreach.

CHAIR ANAYA: Thank you, Commissioner Holian. Commissioner Chavez.

COMMISSIONER CHAVEZ: Thank you, Mr. Chair. I agree the impact to the individual property owner or business as a result of increased property tax should not be ignored. But I do think this is moving in the right direction. A lot of our roadways meander through our flood plains and that adds additional maintenance cost to our roads. We are now looking at – in most cases we are considering where possible all weather crossings instead of low-water crossings. So as was mentioned we know that there are going to be – there is development placed in floodplains. We have our road network placed in a lot of floodplain area so not only is that going to lead to maintenance cost when we do have occurrences, there's going to be a damage of personal property and County infrastructure when those floods occur. So I think we have to be better prepared for that.

When you talk about increasing property taxes you have to argue as was mentioned a benefit to the public. So would there be maybe a reduction in flood

insurance in some cases as it applies to County infrastructure and private property owners. Has that been part of your discussion?

MR. LEIGLAND: Mr. Chair, Commissioner Chavez, one of the powers of the flood commission, one of the mandates the flood commissioner, that I think makes it powerful is that it has an explicit mandate to protect private property as well and I think that's one of the differences between – you still have to comply with the constitution, Anti-Donation and whatnot but the flood commissioner has a little bit more power to go into for instance an arroyo and the help the acequias and help private property.

I don't know if it will affect insurance rates but I speculate it would. It also depends on what duties the flood commissioner has. For instance, in Doña Ana County they have focused on flood damage prevention through the construction and maintenance of check dams and whatnot. While the other two counties have used it mostly for some maintenance for cleaning arroyos out but also for flood repair. So it would depend on how that is structured and I think that's up to the Commission to decide what those specific other duties are.

COMMISSIONER CHAVEZ: So then there could be a benefit even though it comes at a price, there would be a benefit to both County government and private property owners.

MR. LEIGLAND: Mr. Chair, Commissioner Chavez, yes, and also acequias and –

COMMISSIONER CHAVEZ: Yes. Thank you. .

CHAIR ANAYA: Thank you, Commissioner Chavez. Commissioner Roybal.

COMMISSIONER ROYBAL: Adam, first of all, thank you for your work on this. I appreciate it. I also had a question as far as the increase in property taxes. You said a maximum of 1.5 mills and you talked about the districts. So would that be specific to those flood districts that you would determine?

MR. LEIGLAND: Mr. Chair, Commissioner Roybal, exactly. If it were decided to just do the flood commissioner's flood district was the Pojoaque Valley it would be all of the properties that are within a certain distance of the waterways that feed into the Pojoaque River. That's how the state statute says you would structure it and it would be only those properties that would have property tax and then the flood commissioner would work within that district.

COMMISSIONER ROYBAL: And then as far as the actual flood board, they would have more authority to go onto private properties and maybe land grants to do this kind of flood mitigation?

MR. LEIGLAND: Mr. Chair, Commissioner Roybal, yes. Again, you still have to comply with the constitution and there's no trespassing. But they do have a little bit more ability to go in and correct damage to private property.

COMMISSIONER ROYBAL: Yeah, I definitely think we should get public input and I think that moving forward would be good for us.

CHAIR ANAYA: Thank you, Mr. Leigland. A couple of comments I would like to put on the record. I think that we have a copy of different committees that I would like to see this discussion happen in specifically. Our Water Policy Committee seems a logical place to have the discussion because of its inclusion of people from the

acequias, people from the mutual domestics, people from the Soil & Water Conservation Districts that are already present on that committee lends itself to be a good place have the discussion and provide some of the feedback you've provided thus far to them. And then I'd like to hear back from their perspective.

I think the other group is our Road Committee because many of the flood issues that we deal with directly correlate with our roadways and I think making that connection is very important. So we should go to our own Road Committee and provide the information relative to the flood commission and how its work might impact drainage issues associated with roads. General Goodwin Road is a perfect example of a road that is a floodplain essentially and we're trying to deal with particular road and move the water and the drainage off of it in order to adequately improve and repair it. There are many roads like that throughout the north, central and southern parts of the County.

I think the other aspect that's important that you touched on a little was that some of the authorities of Soil & Water Conservation Districts have some statutory authority and it is important to note that the Soil & Water Conservation District in Santa Fe is not utilizing any tax base whereas the other Soil & Water Conservation Districts around Santa Fe County in Estancia and I believe up north as well actually utilize some of their mill taxing authority to generate revenue that can specifically be targeted at some of the floodplain issues.

So I'd like to see us peel the onion back even a little further. Send some of this information to our existing committees that we've put in place that have direct impact to these issues and then get back some information before we progress any further. I think one of the key issues that keeps coming up is what would that 1.5 mill do? What will be the direct impact to taxpayers and then we can evaluate all those things as the Commission might consider any further details. So, to clarify, I don't think it's any one piece. I think it is collecting additional information, seeking additional input and feedback from our own committees as well as other public input that we might receive.

COMMISSIONER CHAVEZ: Mr. Chair.

CHAIR ANAYA: Commissioner Chavez.

COMMISSIONER CHAVEZ: You may have mentioned this but so you can correct me if I am wrong but in your group of committees, Parks Open Space Trails Committee [sic].

CHAIR ANAYA: I didn't but I think that's also an appropriate committee for us to give them the opportunity to weigh in.

COMMISSIONER CHAVEZ: And would public works, and maybe Commissioner Anaya you may have already had this in your thought process, but I'll go over it just one more time to be sure. Stormwater management, erosion control, check dams and those kind of things could be part of the design in managing flood control and stormwater management; would that pretty much correlate?

MR. LEIGLAND: Mr. Chair, Commissioner Chavez, are you asking what some of the duties are that a flood commissioners could have?

COMMISSIONER CHAVEZ: Yes.

MR. LEIGLAND: Yes, it would be related to prevention and mitigation of stormwater damage.

COMMISSIONER CHAVEZ: And so managing stormwater that all fits

under that category?

MR. LEIGLAND: That's actually a good question, Commissioner Chavez, because the County through FEMA we have our own stormwater management process through Land Use, for instance and Doña Ana County has actually outsourced that part of their land use process from their land use department to the flood commissioners. So that's not necessarily a direct responsibility according to state statute that stormwater management through a land use process but it's something that other counties have seen that linkage that you just described but what the state statute says is really prevention and mitigation of damage from stormwater.

COMMISSIONER CHAVEZ: But I guess the commissioner then, it would be another point where you would have to coordinate that, I believe.

MR. LEIGLAND: Yes.

COMMISSIONER CHAVEZ: Okay, thank you, Mr. Chair.

MR. LEIGLAND: Mr. Chair, just to summarize what – really I heard a lot of outreach and you mentioned some specifics in the county where Commissioner Holian wants public so we'll come up with an outreach plan with staff and through these committees then and we'll come back with more information and also we had information about the property tax implications and we'll just bring that forward.

CHAIR ANAYA: On the property tax implications, I'm not going to be inclined off the cuff to generate more taxes. I think it's important that we clearly articulate what the direct benefits might be especially as it relates to roads and some of our other immediate challenges that we face relative to water. And just to note, it's important to note that we're in a position to now be talking about flood control where for a decade we were dealing with consistent and constant drought so – a good change of events. Commissioner Chavez.

COMMISSIONER CHAVEZ: One final thought. Would this give you more time, Adam, also, to dig in a little deeper on the impact of flood insurance for both the County and private residents? Do you have access to that type of data or is that just too far out of reach?

MR. LEIGLAND: Mr. Chair, Commissioner Chavez, I'll have to – I don't even know enough to answer that question.

COMMISSIONER CHAVEZ: Well, if you can, let's look into that a little bit maybe the other counties can share some light on that as well. Thank you, Mr. Chair.

CHAIR ANAYA: Thank you, Commissioners. Thank you, Mr. Leigland.

2. Discussion and Possible Direction on Options for Residential Curbside Solid Waste and Recycling Service Regulation within Santa Fe County. (Public Works/Craig O'Hare)

CRAIG O'HARE (Public Works): Thank you, Mr. Chair and Commissioners. I am Craig O'Hare with Public Works Department. This item was tabled at the August 11th meeting and I'll just give a brief background of how we've gotten to where we are today with this issue. As you'll recall we had an ordinance before you on June 30th where there was a public hearing held that would essentially step up three solid waste collection districts where through a competitive process we would in

essence select one single hauler for each of those three collection districts with no hauler being able to be awarded more than two of the three collection districts to maintain competition. Essentially, and this is often called elsewhere, solid waste franchising or exclusive franchising to award solid waste service to a single private entity.

As you'll recall we held public meetings in May. We did receive significant opposition to the proposal in May and also there was significant opposition at the public hearing on June 30th. The opposition to that specific proposal was essentially around that people felt comfortable with their existing private hauler/solid waste service. People were concerned about the small haulers and putting them out of business and some people in principle objected to the proposal that would involve basically the County selecting a hauler for them.

Then you all acted on the 30th to delay the action on that ordinance and to have a second public hearing at your November 10th meeting with the idea that we would then go ahead and issue the request for proposals so then get proposals back from private haulers and see what sort of cost and rates and that sort of thing we found in the proposals and then report back with a second hearing on November 10th. A couple of weeks later during I believe under Matters from the Commission, the item was discussed again and there was a recognition that one of the primary objectives that we were after here, and I would agree with that, is to try and increase significantly the waste diversion and recycling rate. And we were as staff directed to come up with options that might accomplish that that would be different than this exclusive franchising, single regulated monopoly if you will, private hauler proposal that was in the ordinance. And, essentially that's what we've done in the last month or so is to develop that proposal. I've made a lot of emails, as you know, we've received a lot of input on this and we have shared with those that have commented on this either in public hearings/meetings or by email essentially of the fact that the County has stepped back and is taking another look at other alternatives to accomplish the objective.

What we have before you is essentially three options for your consideration as far as moving forward with staff recommending option number two for your consideration.

Essentially, Option 1ne is primarily to stay the course with respect to the original proposal. To do exclusive solid waste franchising in the three districts. You could modify that proposal including changing the boundaries of the district maps or going with fewer than three of the collection districts at your discretion. If you were to choose that option we would urge that you at least maintain two collection districts so we could maintain competition between two haulers that would be selected. If you chose that option we would then go ahead and issue the RFP and see what sort of responses we got back in the way of the details in the proposal.

I failed to mention that after your discussions in mid-July, we decided at the staff level not to issue the RFP. It's a lot of work. A lot of burden on the hauler to put together information like that and to first seek additional direction from you including input from the public.

The second option is the option that we're recommending as staff and that is essentially to maintain the three proposed collection districts and use those as a geographic area because they have a higher residential density and are fairly close to both the BuRRT recycling facility and the Caja Landfill to essentially set up a regulatory

environment where we would keep the existing open market/free market competitive environment amongst haulers that a lot of the public said they wanted to maintain. We would maintain homeowner choice. The homeowner would be able to select their own hauler they way they saw fit. We would not be in any sort of rate oversight or rate regulatory role at all. We would let the open market continue. But in this proposal we are suggesting that the permit would require three operational conditions: 1) any private hauler in the three collection districts that provided refuse collection service would provide at least every other week recycling collection service. That it would in essence be a bundled service. It would not be optional to have recycling but it would required at least every other week. As you've heard me explain before, we would exclude glass as far as the materials need to be picked up at the property. Glass recycling is more problematic particularly with respect to contaminants and contaminating the rest of the load. We would require everything that is currently being accepted at BuRRT and you probably realize that we just greatly expanded that list of materials that we accept at BuRRT to be recycled because we're using a comprehensive materials recovery facility out of Albuquerque. I've noticed – and the City has gone that route as well – I've noticed my recycling has probably doubled in the amount of things volume wise that I recycle at home as a result of that. And, third, we would basically require flow control. That they would be required to go to BuRRT with the recyclables and to Caja de Rio for landfill disposal. And then essentially either a quarterly or every other – twice a year, excuse me, reporting requirement to get information on haulers with respect to their recycling tonnages; their number of customers; their refuse disposal tonnages and things like that. That is our recommended option.

We think this is a good compromise between basically status quo the option number three which is essentially take no action option and the original more aggressive more interventionist approach that we were pursuing earlier this year.

Who might possibly be in opposition to Option 2, in getting input from citizens over the last couple of months and we also had a little impromptu meeting of citizens that showed up a couple of weeks ago when it was tabled we had a meeting out in the hallway. There are certainly people in all three of those collection districts that collect and self-haul their own recyclables now. They like doing it. They feel comfortable doing it and this option, essentially, they would basically be required to have curbside recycling service and would pay an additional amount onto their existing bill to have that service. Some haulers have told us it would be in the six to ten dollar a month additional fee. Some entities that have expressed an interest in somehow being able to opt out of having this recycling collection every other week be sort of forced upon them. It's a neat idea frankly in concept to allow that. I think in reality and practical realities it's a very difficult one to implement and have some degree of compliance or enforcement of people saying that they will self-haul. But that is one amount of opposition to Option 2 and the second and it's not really opposition at least a couple of our haulers do not currently offer recycling in Santa Fe County. I've spoken to them. They will be in a position to be able to offer recycling if it's a mandatory bundled part, if you will, of their refuse service that they currently provide. But it would be a change for them and they would need some time to gear up for that.

And then a modification on that proposal, Option 2, would be we may need to

take a little better look at the maps of the three collection districts. One hauler pointed out a few areas in the southern part of the collection districts that may not have sufficient density to be able to viably provide recycling service. So we need to take a look at that. We think that maybe down the road and this is really down the road, it might make sense to go with a program countywide that would require all haulers that provide property side refuse service to at least offer recycling service. Again, our proposal/our recommendation in those three collection districts is to make recycling service a bundled single fee service combined with refuse recycling.

I have provided, I have about 120 entities on my email distribution list thanks to the public meetings we've had and the input we've received. I have twice now mailed out essentially sharing with the recipients this staff recommended option and including the woman who coordinated the moveon.org petition that you received, she sent out a notice to her 280 petition signers and I will say that at least so far I have received very little response frankly in favor or in opposition to this staff recommended Option 2. A few people wrote to me and I think wrote to you as well and said they were appreciative of the Commission stepping back and rethinking this and liked this Option 2 and a few expressed dissatisfaction having recycling forced on them if you will because they like to self-haul to BuRRT or to one of our convenient center and they recognize if they had curbside recycling they're still going to have glass they have to take. And if you were to choose Option 2 we would recommend that we go ahead and do another round of public meetings in September and gauge the community's interest in going this route. I would continue to meet with the haulers and try to gauge their ability to implement that in a cost effective way and then we would report back to you probably in early October with the notion of if you still support going this route preparing an ordinance and going down that path.

If we today hear from you that you want to go that route or you want to Option 3, status quo/no action route, we would then, as you know we hired a solid waste consulting firm and we would probably recommend or we would interpret your action of selecting Option 2 or Option 3 as saying we don't really need this consultant services anymore because that was really designed to help us with the franchising and the ordinance and the implementation and we would then move to essentially terminate that contract and save significant remaining dollars that are on that.

With that, Mr. Chair and Commissioners, I would be happy to answer any questions or you may want to hear from the public before you ask any questions.

CHAIR ANAYA: I didn't know that we were having a public hearing today. I'll go to Commissioners only. Commissioner Chavez.

COMMISSIONER CHAVEZ: Thank you, Mr. Chair. Well, I think, Craig, we could probably write a chapter or a book on solid waste. Maybe the solid waste agency of the solid waste task force could consider that. In earnest we've been discussing this since 2010 and public participation is good, public comment is good, you know the public buy-in is good, but we're never going to make everyone happy and for some reason we are just creatures of habit and we do not like change especially if it's working for me then I don't want it to change. But often it needs to change for the common good. And what's working for me today may not work for me tomorrow either and it's not going to work for everyone.

So I want to talk. I want to spend a few minutes if we could and I think I'm going to ask Adam to come to the podium at this time and I passed out a fiscal analysis of how we're doing solid waste now. [Exhibit 1] Craig, you touched on that in your presentation – our County solid waste program without the solid waste districts is depending on transfer stations, the BuRRT recovery facility and the regional landfill. I don't know how many millions of dollars the County has spent just in that enterprise right there, the regional landfill itself, the BuRRT recovery facility and the transfer stations. But we do have a flow chart in front of us, two flow charts, it's a two-sided document. And so, Adam, if you would walk us through the fiscal analysis revenue charges with permit options just fiscal year 14 through March 2014 and explain how we're doing that and the revenue recovered in the sale of individual permits for the self-haulers.

MR. LEIGLAND: Mr. Chair, Commissioner Chavez, so what you handed out was part of the analysis that we presented to the Commission when we recently changed our permit structure/permit fee schedule for our solid waste operation. So this really just a fiscal analysis that we performed to arrive at those rate. So as a background the solid waste management plan that was approved by the City and the County and SWMA said that the County should work toward getting its solid waste operation as an enterprise fund and that was one of the goals that was approved in the 2010 plan. So when the Solid Waste Task Force convened and wanted to look at redoing our fee structure one of the recommendations was that we probably can't get too 100 percent enterprise but at least achieve what we call cost recovery which is essentially an operating cost recovery to retrieve/to receive up to a certain target of our operating costs through the permit fee sales. So the goal that the Commission adopted at the time was to get within five years of 30 percent of operating cost recovery. So if you turn to the solid waste permit recommendation, recommendation 2, that's what those numbers demonstrate. So we did an analysis. You asked, Commissioner Chavez, how much we spent on our solid waste operation, we spend about \$2.5 million a year, the County does, in operating our seven convenient centers. What's involved in an operation, just to remind you, staffing them, receiving the solid waste and recyclables and then hauling them to the regional – the management agency. So that's what the County operation looks like.

I'll also mention that the County's solid waste operation by our analysis we handle about 20 percent of the total solid waste in the unincorporated part of the County. We handle about 10,000 tons a year which is by our estimate about 20 percent. The remaining 80 percent is handled by the private sector and that's just the unincorporated part of the County. And then of course the rest of the City handles their own and then some parts along the Santa Cruz Valley, along State Highway 76 some of those are handled by North Central and you probably saw that in the news. And then we know that in the southern part of the County many of those people don't use our regional land use. There's a private hauler called East Mountain that actually goes into the landfill in Rio Rancho.

So that's kind of a snapshot of the solid waste operation of the County. So if you turn to the chart you'll see that we targeted a recovery rate and we estimated that we needed by the calendar year 19 that we needed about \$850,000 and there's some assumptions in here about inflation and whatnot. That's also assuming that we recovery

the same amount of volume as we are now. So in here there's no assumptions about diversion rates or just waste reduction. And then we also modified our permit structure because we heard from the public that they wanted to go six and 12 month permits.

That's what this chart does. That explains why we arrived at solid waste still as of this year, I don't have the numbers as of today, but we are probably only recovering about 50 percent of our operating budget through permit sales.

COMMISSIONER CHAVEZ: So then the remainder of that, Adam, would be coming out of the general fund?

MR. LEIGLAND: The remainder of that, Commissioner Chavez, comes out of two sources. One is the general fund and also the County Commission has dedicated the proceeds of one of your GRT increments. So you have the environmental GRT increment which state statute says it can be either for solid waste or for waste water and this Commission has chosen to dedicate that to solid waste.

COMMISSIONER CHAVEZ: And that's good because GRT is at least a reoccurring revenue source.

MR. LEIGLAND: That is a reoccurring revenue source.

COMMISSIONER CHAVEZ: It's a dedicated revenue source. But still, we're only – we're still hoping to achieve 30 percent recovery costs in permit sales in five years.

MR. LEIGLAND: Mr. Chair, that's correct.

COMMISSIONER CHAVEZ: And there's a possible revenue shortfall from the sale of permits in fiscal year 15 of around \$200,000 -- \$180,000 and some change.

MR. LEIGLAND: Mr. Chair, that was before we raised the rates and that was under the old fiscal year.

COMMISSIONER CHAVEZ: Okay, I stand corrected. So then would it be safe to say that that property taxes because it's also been suggested that property tax should pay for solid waste collection and recycling but with these numbers it seems that both residents in the incorporated and unincorporated parts of the County in fact are in a way subsidizing solid waste and recycling.

MR. LEIGLAND: Mr. Chair, Commissioner Chavez, that's true, yes. So the general fund is generated from revenues from the entire County, unincorporated County, so any general fund revenues that goes to this could be interpreted I guess as a subsidy – that's a loaded term of course – but that could be considered as subsidy for everybody who is not using that solid waste subsidizing the members who are.

COMMISSIONER CHAVEZ: And I know that we all want services at the best price. We want whatever we're going to buy at the best price possible and everything unfortunately comes at somewhat of a price. One of the objectives, there were objectives that were laid out, one was to increase the life of our regional landfill by reducing the waste stream or increasing recycling however you want to phrase it because our recycling rates if you look at percentage wise have been relatively low. I think we've done the best we can. We are trying to improve if at all possible and I guess that's where we're kind of struggling a little bit. But there was also the notion that by managing these districts and suggesting that through an RFP process a larger hauler who can pick up the volume that we need and provide the scale of economy – there was a concern, well, there

is a concern now about the large haulers and the impact on our roads. Has that – is that still a concern or has that sort of diminished as we debate this further?

MR. LEIGLAND: Mr. Chair, yes, one of the goals in trying to minimize the total number of haulers operating in any geographic area was to minimize the number of heavy trucks on our County roads because right now it could be that two different companies are operating within the same neighborhood and maybe they're hop-scotching houses for instance because right now all of the haulers have contracts with individual households. In some cases it is with an entire HOA for instance in Rancho Viejo we know that the HOA and several HOAs there have contracts with a particular provider. But in other areas they have contracts with individual households. So it could be that one house has one hauler and the next door has another hauler and they're both driving heavy trucks. So there you are doubling the amount of truck traffic on that particular road so that was one of the goals of trying to minimize the number of haulers in a given district. It's hard to quantify the exact damage to the roads but we –

COMMISSIONER CHAVEZ: Yeah, I appreciate that, Adam, so in Option 1 that might have happened. I think we could have reduced some of the impact on our roads. There are some homeowners associations because of the way subdivisions were permitted in the past they are now have the responsibility of maintaining the roads within their subdivisions. But the County is responsible for maintaining about, close to 600 miles countywide and that is one of our responsibilities that is not to be ignored just like extending the life our landfill that's not to be ignored.

I think that all residents needs to or should be willing to invest in making that program work. And just on the road issue: there are close to 600 roads in the County. In 2014 the County spent \$2.289 million to chip seal 38 miles of road. It takes an average of \$33,000 worth of labor and equipment to chip seal a mile of road. Every dollar spent on pavement preservation will save \$10 on future road maintenance. Using this figure, road maintenance section saved \$20 million to our pavement preservation program in 2014. Congratulations to the County and your staff, Adam. I think in Option 2 even though it's the path of less resistance, wear and tear on our County roads will continue.

We have two homeowner association in the area who have actually come to the County with their situation, their roads that they're maintaining and asking the County to help them to maintain their roads. Tierra de Oro Subdivision is one of them. And they're not coming to the County Commission only with their request and their hand out. They're coming to the County Commission with dollars in hand to help the situation, to invest in maintenance of the roads in their subdivision. And so I was hoping that we could be more progressive and push that envelope as was suggested in Option 1. Because that's the next best thing to the County as much as some people don't want the County to intervene in this regard, it's the next best thing. The franchise agreement would be the next best thing to the County providing this service in-house and I would hope there would be one day that that would happen and that we would not depend only on the market and only on small or large private haulers. Some are connected, I guess, to the Mafia and others are not. Some or local or more local than others. And, so, another option that I had thought of that I don't think is going to get any traction is that you could keep the three districts intact, which is one good thing in Option 2, because it's a pilot project because if you don't keep the three districts intact we're not going to be able to

have a baseline on what we're collecting, by who, how much and where it's going. So the reporting I think is good. Having people have a business license to do that, I think is good, for large and small.

And the other option would be to keep the three districts intact, select no more than two large private haulers for each of the districts and still allow the small haulers, still give the residents a choice between a large hauler and the smaller hauler that they're comfortable with in each of those districts. So it's still a choice and you still have the scale of economy.

In area one as in all of the areas there are about 5,000 households in each of the areas. In area one, 5,000 households out of those 5,000 the small hauler which I will not name is servicing about 800 households. So my question is, who is servicing the remainder? It is not a smaller hauler doing it by hand. It's one or two of the other larger haulers who are doing it with automation and so that will continue under Option 2.

And so, I just wanted to sort of do a little snapshot in time of where we have been, this is the theme, where we've been, where we're at and where we're going; right, Commissioner? So that's been in my thought process for the last couple weeks and so on almost every topic, every item that we're discussing tonight, I have applied that concept: where have we been, where are we at and where are we going. So with solid waste I think I just walked us through that, where we're at, where we've been and where we're going.

So, I'll leave it at that, Mr. Chair. I think it is unfortunate I think that Option 1 has fallen to the wayside. I think that Option 3, no action, is for me, not even a consideration. Option 2, again, keeps the three districts intact. It requires both garbage collection or solid waste and recycling and it requires permits and reporting and so I think that that's the path of least resistance. It establishes a pilot project that we can learn from because I think that we've learned a lot already and so we can continue to learn, continue to have public meetings and public outreach and I think that we're going to be discussing this long, long, long into the future. Thank you.

CHAIR ANAYA: Thank you, Commissioner Chavez. Just for some clarity, we have several opportunities for the public to provide input. We have Matters of Public Concern, we have items when things become resolutions for public concerns. We have items and public hearings formally noticed when things moved to ordinance and I just want to clarify that as my time as chair I am not going to get to the point where on every single action item we call for public concern each time. We have a process and a procedure in place where we can get public comment on a constant basis. So I just want to say that for clarity.

Now, what I would like to do, Commissioner Chavez provided a lot of detail and a lot of background as to the historical framework but I think I need to go to the rest of the Commissioners and get some feedback from the other Commissioners on this specific item. If there were people here that came that want to make some brief comments, I'm going to afford that today but I just want to clarify that I'm not going to get to the point on action items where each time as we're deliberating a potential resolution or potential ordinance that we go through an exercise on each and every action item. We will never get through our business and the process and procedure that we follow as Commissioners to try and conduct meetings. So I just want to say that upfront. I will give an opportunity

for some brief comments. I do not want to turn this into a multi hour discussion once again on curbside pickup today.

Commissioner Holian, with that.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. First of all I really want to thank staff for all the work that you've done which has turned out to be quite a contentious issue much to my surprise. And I do want to make an important point to everybody out there who is concerned about this particular issue and that is when you look at it in context we have made a tremendous amount of progress in the last 20 years when I think about what trash collection was like when I first moved to the state about 30 years ago. We have a state-of-the-art landfill now. We have a household hazardous waste facility at BuRRT which we didn't have before. We also collect and recycle things that used to go into the landfill. Things like TVs and other Ewaste and florescent lights and so on and so forth. So I think we should all feel proud of what we have accomplished in our County in the last 20 years and I guess that's about when we created SWMA, Solid Waste Management Authority. But I will also say that I think what we need to do now though, the next generation of advance in our solid waste collection system needs to be increasing the diversion rate. Our landfill because it is so state-of-the-art was very expensive, is very expensive to operate and we want to make that landfill last as long as we can because when that landfill is full and we have to find another site for a landfill we're probably not going to be able to find a site in Santa Fe County. We're probably going to have to start hauling landfill trash very far away and that's going to cost a lot of money. The taxpayers are not going to like that either. So it really is in everybody's best interest to make that landfill last as long as possible. So we need to start increasing our diversion rate.

I am willing to go along with Option 2 at this point as the next step not as the final answer but as the next step. And I think that – you know there are some things that I feel very strongly about with Option 2. I think we should keep the three districts intact as mentioned in the recommendation. I also think what we – and we need to make recycling mandatory for the pickup services and I think that we should also look at using barrel size. You know, I don't want to micromanage anything here but I think in putting together the rules of the game for these private haulers we should use barrel size as a way to promote recycling. In other words, people should have a large barrel for recyclable items and a smaller barrel for landfill items and then if they have more landfill items that they want to get rid of then they have to pay double for two small barrels for the landfill items. That's a good way to really motivate people to do more recycling and it's done in a lot of other places in the country.

And I also think that it's absolutely essential that we require the private haulers to collect data. We need to see how much progress we're making using this particular system. It may not be perfect but you know if we collect robust data we can tell what the weaknesses are and how we can strengthen the system in the future. So that also I think is extremely important for us to do. And so that's where I am coming from on this issue. Thank you, Mr. Chair.

CHAIR ANAYA: Thank you, Commissioner Holian. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. I would support

moving toward Option 2. I do believe we need to do the garbage pickup and collection, not we necessarily, but there does need to be that as well as the recycling and I know that most of the community does support that in their heart. Thank you.

CHAIR ANAYA: Thank you, Commissioner Stefanics. Commissioner Roybal.

COMMISSIONER ROYBAL: I also would like to say that Option 2 is something that I will support. I really feel that we have listened to the constituents and to their issues that they did have with our previous recycling ordinance that we were putting in and I feel that we have addressed all of their concerns. I would like to vote for Option 2. Thank you.

CHAIR ANAYA: Thank you, Commissioner Roybal. I'm going to make a few brief comments but Mr. O'Hare, you have a few people that wanted to make some brief remarks. If you do, if you could ask them to come forward and if you could be succinct and if you could not repeat yourselves I would greatly appreciate it.

BARBARA WITT: Thank you very much, Commissioners. I am Barbara Witt with Capital Scrap Metals and we are a very small private hauler. We do haul in all three districts. Just a couple of quick concerns. We would like to work in conjunction with you. We do believe in recycling. We are a recycler also in Santa Fe County. A couple of quick concerns are the solid waste districts. Some of the more denser areas, we do agree may be able to be serviced for \$6 to \$10 more a month. As you get out on this map you're talking twice as long to service some of these areas and the cost might go up considerably for some of our customers. We do service a lot of Highway 14 area and my understanding is that there has not been a lot of feedback from those constituents; however, I would submit to you that they're probably busy working.

I do have a concern with regulating the size of the container that the haulers are required to pickup recyclables in. My biggest concern there is is that there would be contaminations of loads and the private haulers being charged back a fee for having those contaminated loads. With the bucket, 14 gallon, 18 gallon size buckets that for example the City of Santa Fe uses right now, it's very easy for the hauler to actually go through that container and sort out those things that are not recyclables thus not contaminating each load that could become very costly for private haulers.

But otherwise on the whole, you know, we'd like to work with you and we do think that recycling is very important. Thank you.

CHAIR ANAYA: Thank you very much.

JOE EIGNER: Chairman Anaya, Commissioners, I am Joe Eigner from Eldorado and I'm speaking here for myself. I was the lone voice supporting the franchise proposal at the June 30th meeting. I still think that is the best way to go. Franchising is the most common way for counties and many, many cities to meet their solid waste and recycling responsibilities. The bid process allows the government entity to get the best deal for its residents and to define all of the conditions.

Franchising works best when it is exclusive and mandatory. The City of Santa Fe, as you know, a number of years ago went that route using the City forces. Everyone in the City gets recycling and trash service for a single fee. Santa Fe County could test franchising by issuing an RFP as originally planned. I would be quite happy for that to happen in the southeast district or possibly both for the southeast and the southwest

districts.

Franchising could be much more attractive to bidders and you would get a much better response from more bidders if the County, for example, would guarantee a minimum number of participants. That's similar to what Friedman Recycling does with recyclables in Albuquerque. If the city doesn't meet the minimum they pay a penalty. This would be quite risky for the County to do that. It would cost a lot of money if your minimum turned out to be too high and not enough residents signed up for the franchise proposal. But I think it is a viable idea that might be considered and the haulers might appreciate it.

Another idea would be for our homeowners to be required to purchase the two carts that would be needed, the trash cart and the recycling cart, at a one-time cost for the two carts would be about \$100. The homeowners would then retain ownership of the carts.

Option 2 follows what would be permitted and required to report, etc. But there would be open competition as Mr. O'Hare explained. The permit requires flow control and reporting requirements. I think they are absolutely essential. The Option 2 proposal requires a single fee for refuse and recycling minus glass. I think that is also absolutely important. And there would be no separate collection of glass. Glass would still be brought to the County convenient centers and to BuRRT as well.

But I think that Option 2 should be very explicit to require pay-as-you-throw pricing for refuse and in large cart, preferably a 96 gallon cart for recyclables especially if it's going to be every other week. It's been showed nationwide that those two options, pay-as-you-throw for trash and a large cart for recyclables dramatically improves recyclables and that's the way the City appears to be going with a few stumblings here and there. And I think it's very important that the County collection system and the City collection system is as close as possible to each other that allows SWMA to do much more effective advertising which is also an essential component to make this kind of program a success.

The staff suggested for the non-district areas that hauler permitting would also be included which I strongly support but that recycling be optional at an extra fee. The reasoning was that by requiring recycling would cause a dramatic increase to the cost. I'm not sure that that's true. I think collection of both refuse and recycling can be done with a single vehicle or vehicle with a trailer so that two trips probably won't always be necessary in the rural parts of the County and that the increments for the recycling would not be prohibitive.

Option 3, the status quo, I think is unacceptable. As Commissioner Chavez pointed out we've been working for four or five years with many citizen committees, expensive consultants, etc. etc. a lot of public support I believe to change the system now which has proven to be not very effective and the City has followed – SWMA has already followed the recommendations of the consultant and the City is well on that track. And it would be a shame if the County totally ignores those recommendations.

I think there was an Option 4 that staff did not consider and that would be for the County to assume full responsibility for collection using County forces. An alternative for that would be to contract with SWMA to be the collection agency and that's one I would support.

Thank you, Mr. Chair and Commissioners.

CHAIR ANAYA: Thank you, sir.

DON KIRBY: Mr. Chair, Commissioners, I'm Don Kirby. I'm the president of Sonrisa Homeowners Association. I think things are headed in a direction that our homeowners would be pleased with Option 2. Big barrels though would be a problem for the haulers that we mostly use and before you impose that on them, please consider that.

My main point that I would like to make is that there is an element missing from this whole process which is motivating people to recycle. There is no outreach to individuals. You have a public meeting. You have hearings but you don't reach out directly, the County does not reach out to individuals to motivate them to recycle. Even Albuquerque is running TV ads, two more pounds. I see those TV ads. So I would like to urge you to get on the radio, get on the TV, send some mail. I sent you an analogy of how charities get their money and they have no power. They can't impose anything on us. But they get money. And they have a different way of operating and you need to adopt some of that way in my opinion. And I would appreciate if you would consider that. Thank you very much.

CHAIR ANAYA: Thank you, sir.

COMMISSIONER CHAVEZ: Mr. Chair, sir, could I ask you a question. In your neighborhood association are you responsible for maintaining your own roads as well?

MR. KIRBY: Yes, we are. And we primarily use a private hauler that uses small vehicles and they do noticeably less damage than the big haulers that we used to have and we would like to maintain a small hauler in our area for the sake of our roads and our safety on the roads too, I might add.

COMMISSIONER CHAVEZ: Thank you.

CHAIR ANAYA: Thank you, sir,

TED KENNEY: Mr. Chair, County Commissioners, my name is Ted Kenney, I live at 82 Tano Road. I'm in the northern district, Commissioner Roybal's. First I want to congratulate you all on your consideration of public opinion. I think you have been responsive to that and I've appreciated that. In my opinion the alternative 1 that was initially proposed is unacceptable to the public and it represents a very – an overly strong control of government. Second option is not perfect but it is very responsive to public opinion and it gives us an opportunity as Commissioner Chavez has said to have a test case. It would give an opportunity for the Commissioners to look at results and to possibly improve the system as it goes forward.

We have a very large distance between most of the homes in my neighborhood. It would be difficult for a smaller hauler to make money in that neighborhood I would think. So I am grateful for the opportunity to be able to negotiate my own rates, have recycling. I'm still going to have to go to Buckman station and dump off my glass but large containers maybe twice a month for aluminums and metals and that type of thing is a great approach. It may be difficult for some of my neighbors because I think our medium age is 65. We'll have to haul it up a lot of hills and out to the curb but most importantly I think it's important to that we continue to support recycling and do everything we can to incentivize that and that's one thing that I see is missing here.

There's no real incentive to recycle. Making it mandatory is not always that effective.

The other thing that I'd like to point out that I think is missing from the process is transparency. I sent a pretty heated email to Mr. O'Hare considering what I consider to be a total lack of transparency in this entire exercise. I would encourage you to form an interested parties committee that would at least be involved in some of the negotiations with the haulers and have the opportunity to review for the general public some of the discussions that are going on behind closed doors with regard to even category one, monopolizing this process. I think there should be some standardization of the rates that are allowed to be charged for recycling because otherwise it is a license to steal for the haulers. You're forcing it on us. They're going to want to make hay while the sun shines.

I applaud you for considering alternative 2 as staff is recommending. I applaud the efforts toward recycling. My wife has developed in me a great desire to continue to do that and it's the right thing but I really would like to see the Commissioners allow the public, the interested parties in the public to be more involved in the process to make it more transparent so that we're comfortable with the results. Thank you.

CHAIR ANAYA: Thank you, sir.

KAREN SWEENEY: Chairman Anaya, Commissioners, my name is Karen Sweeney. I work with the Eldorado 285 Recycles group and I would like to assure the gentleman who thinks there is no education going on. We work our tails off to educate the public. And I think the fact that the new collection scheme is much greater than it has been is going to trigger a lot of education. So I hope you will see what is coming down the pike.

But I have just one point I'd like to make and I don't know how far afield you're thinking of going with registration but I think every hauler who hauls trash commercially in Santa Fe County should be registered, should report, should be required to accept recyclables. That includes the small haulers that use the convenient center because I think there are many of them and they should be included in the whole operation. That's all I have, thank you.

CHAIR ANAYA: Thank you very much ma'am. Are there any other comments? So I'm going to make some brief comments. All of the Commissioners have comments. I think staff understands the general direction that the Commission has provided but I have some additional comments.

I actually am going to go back quickly to the beginning of how we ended up in this process to begin with and it was based on many discussions associated with what we are doing now in the County associated with our transfer stations and associated with the cost associated with those transfer stations. One of the things that I've said, Craig and others time and time again, is this concept that there are more urbanized areas that have a desire to have curbside pickup some of which are serviced by small providers now. Some of which maybe aren't serviced at all. So I actually think that we still do need and there may be segregated areas and I've said this time and time again, there may be one pilot area as the gentleman suggested that spoke earlier, that we target, that we do an RFP and that we allow some evaluation and some consideration of what rates and fees may be. It may be that southeast sector not the sector which brought in most of the angst and frustration over the current ordinance. So there may be an area that we might pilot.

The other thing that I would say is that having the County still consider itself

doing its own curbside collection in certain areas I don't think is out of the question either. I think we absolutely should pursue and look at options as to what that particular scenario might look like which is completely different than having private providers and the different perspective that we have in certain areas. So there may be areas in the County that make a whole lot of sense to have similar to the City of Santa Fe solid waste and curbside collection. So I want to restate those things for the record.

The other things that we talked about, that I've talked about time and time again, and this came up in discussions and Commissioner Chavez I appreciate your request to do the analysis of what self-haulers are doing was that there are many, many people that will continue to desire to be self-haulers and take their trash to the transfer stations, wherever that might be, especially as it relates to areas that are rural in nature like the majority of my district. And in my efforts and discussions and deliberations, it's how do we continue to expand the recycling at those transfer stations but bottom line how do we offset for those self-haulers those costs associated with that hauling of that solid waste to those transfer stations. Plain and simple, it's my desire and has been from day one, to keep those costs associated with self-haulers as low to zero as we can. My desire is to reduce the costs on those self-haulers that go to those transfer stations to where they utilize the existing tax base of resources that they already pay in property tax and other taxes to cover those cap costs as a primary cost, not as an additional cost or an additional burden on those taxpayers.

So to sum up, Craig, I still would like to see us analyze what primary or pilot area might we have in the County where we might look at Option 1 or what area might we have in the County in the years to come, might we analyze where we ourselves, in an urbanized area, not in a rural area whatsoever, in one of the urbanized areas where we ourselves do the curbside pickup similar to the City of Santa Fe.

So those are additional comments beyond the recommendations going forward and I want to restate on the record, that staff you now have an obligation and a responsibility to go generate yet another document potentially an ordinance that we in fact need to be very methodical in doing outreach for the whole County through some public vetting process. I very much appreciate the gentleman that spoke earlier that spoke of additional stakeholders, additional feedback and someone else made a comment about people being at work, well, that's a reality that we know and understand. So as we go through this next phase, this isn't the end of the game, this is the continued evolution of the game and the process by which we draft now an ordinance through our legal department and then we go into a methodical approach to make sure that we've continued to assemble the public input and comments that we need including stakeholders on both sides of the equation. The public sector as well as the private sector impacted. And that's yet to come.

So, Craig, if you could come forward again, for the public's edification and restate that based on direction and feedback that you've received now you then go back and prepare additional changes potentially an ordinance amendment and then public hearings that will follow suit associated with that ordinance. And, I guess what I would add to that is that we make sure that we engage other people that have not been engaged thus far into that process of communication and input of data including but not limited to the people in the private sector directly impacted.

One last comment, so associated with the changes that we're making and recommending in this ordinance I want to restate what somebody said earlier: whatever it costs that we require for regulation will absolutely be passed on to everyone who takes in that service. So there has to be a very careful evaluation on what those costs potentially will be and what that direct impact to mandating recycling by those providers is going to be to the taxpayer because the other thing that we might very well find out in the evaluation is that because of those costs we do need to rethink who does it and how they do it. And so I think it is very important, I want to ask you, is recycling, which we understand we all want to expand, all five Commissioners up here want to expand, is still a very costly endeavor in the environment we're in; correct?

MR. O'HARE: Mr. Chair, that is correct. It costs to recycle. Recycling does not pay for itself just like landfilling does not pay for itself.

CHAIR ANAYA: So just based on that, do you concur – I think I heard a \$6 rate – I want to hear just a brief feedback because I want to move on, but I heard a \$6 figure. If you mandate recycling throughout the districts it would appear to me, it would seem to me that it is probably going to be more than a \$6 increment because of the excessive costs, no excessive, because of the additional costs it takes to recycle. So do you have even a ball park figure or would you say that the \$6 figure is a reasonable figure.

MR. O'HARE: Mr. Chair, Commissioners, I did mention a \$6 to \$10 a month additional figure, a couple of the haulers I talked to think at least in the more densely populated area of those three districts that that is reasonable.

I do want to make sure that everyone is aware that this service that we're talking about being mandatory or required is already going on out there in probably at least 1/3 of the households already. In other words, the small hauler that people have been considered about is already providing recycling service as well as refuse service and so is one of the large haulers. One of the haulers providing both for in the neighborhood of about \$35 per month and that's the hauler who also provides drive-back service.

So I will do my best to try and get an indication and I've actually asked one of the haulers who does not provide recycling services at all if they could give an estimate. I would not like to reveal which hauler is proposing to charge what but I also understand that they may be reluctant to provide an estimate sort of not knowing how the market will play out.

CHAIR ANAYA: So let me just say this, as one Commissioner on this bench, I don't think any Commissioner – I'm going to speak for myself, that I'm not going to be comfortable as the current chair not knowing what the fiscal impact will be to the constituents countywide whatever difficult decisions that the Commission decides to make I think it's paramount that they fully understand what the impact will be and even if it's a very tough decision that the Commission decides to make that they clearly understand what the impact of that decision will be.

MR. O'HARE: And, Mr. Chairman, I certainly appreciate that. I don't know to what extent with 100 percent assurance that I can go and get information from the hauler. We are talking about an open competitive environment where a lot of times corporations and companies don't like to basically reveal and share and announce what their pricing structure is going to be. We do know already that the private sector is

already providing the sort of service we would be requiring for in the neighborhood of \$35 per month. I'm not sure, and I will do my best, but I am not sure I can come back to you and say exactly that this will not exceed \$10 or \$12 a month for a citizen. You heard one of the haulers here, the woman from Capital Scrap, and they service the more outlying rural areas. They do have some concerns about the fact that the hauling distances are so great that the additional recycling cost could be substantial. We had a meeting earlier this week, or last week I should say, and it could be \$20 a month.

CHAIR ANAYA: Craig, if we could, if I could – Commissioners, can I ask my colleagues a question relative to discussions we've had in the past; is there any interest – I heard that there's already four of you that are all interested in looking at Option 2, I get that, staff gets that. Is there any interest in the majority of the Commission to analyze a specific area to continue on the path that we were previously on if we found a definable area for curbside pickup for the aspect we were looking at before? Is there any interest in that? Commissioner Stefanics, I'll just go down the line.

COMMISSIONER STEFANICS: Okay, Mr. Chair, no. But my interest is an area with a population of X amount and all of those areas should be included. I'm thinking of heavily populated areas. Thank you.

CHAIR ANAYA: So I want to make sure I understand. You're saying no to any further analysis on an actual curbside and only the mandate on the recycling; is that what you're saying?

COMMISSIONER STEFANICS: No, what I heard your question was, Did you think we should analyze a particular area?

CHAIR ANAYA: Right, an urbanized area that's actually willing to take on curbside.

COMMISSIONER STEFANICS: My position is that in looking to the future for Santa Fe County and it is time for us to lend some policy to the future on solid waste and recycling and in those heavily populated areas it should either be in place already or we should mandate something that puts it in place.

CHAIR ANAYA: Okay. Commissioner Holian.

COMMISSIONER HOLIAN: Yes, in agreement with analyzing a mandatory collection service in a heavily populated area.

CHAIR ANAYA: Commissioner Chavez.

COMMISSIONER CHAVEZ: So let me understand your question, Mr. Chair. You would or staff would identify one of the districts that had maybe the more densely populated areas and do a franchise agreement in that particular district?

CHAIR ANAYA: It could be a franchise or it could be the County potentially assuming that responsibility.

COMMISSIONER CHAVEZ: I like that because I did earlier put the thought out that it would be my vision, and maybe not in my lifetime or my first or second term, that the County would engage in the business of collecting curbside solid waste and recycling. I think we should move in that direction so I would be open to that.

CHAIR ANAYA: And all I'm saying is that we have analysis of that that would look like and there might be an area we might do that and it might be a private company or it might be us.

COMMISSIONER CHAVEZ: I think so. And the argument on distance

traveled and subsidized services like public transportation or collection of solid waste and recycling is the same because of the rural or semi-rural nature of our area distance traveled to and from work for public transportation in this case for solid waste collection, distance traveled to do that is going to increase the cost. We have to be aware of that.

CHAIR ANAYA: Thank you.

COMMISSIONER CHAVEZ: It's the biggest debate in public transportation, the distance traveled per trip increases the cost in moving that person from their house to their employment.

CHAIR ANAYA: Thank you, Commissioner Chavez. Commissioner Roybal.

COMMISSIONER ROYBAL: I also would be okay with finding a heavily populated area where we can do that, analyzing that but I do also feel that we would need to get input from the community. Thank you.

CHAIR ANAYA: Thank you, Commissioner Roybal. And on that last point, I think we've all said we want that input. So as we progress to the evolution of the actual ordinance that we do as much communications, inputs, discussions with haulers, discussions with the public, and committees as we can before we get the final draft of that ordinance. And that can happen in a reasonable amount of time. I think it's just a matter of being aggressive about making sure that we solicit the input and that we do it in ways beyond just a notice meeting. I think there were some points made on some public outreach and utilizing public communications and private communications, the radio and other mechanisms to do that.

So do you have clarity on where we are headed?

MR. O'HARE: Mr. Chair, I am not sure I do. If could restate what I think the governing body is asking for that would make sure that we're all on the same page and we as staff leave today knowing what our marching orders –

CHAIR ANAYA: Let me help you, Craig. Let me help you a little. The Commissioners said they want to have direction on Option 2. They want to proceed with some movement on Option 2 but there needs to be communication, dialogue and data provided to the community and outreach with those stakeholders associated with that recommendation. The additional recommendation that I asked for some feedback on was, is there a palate to look at the County doing solid waste in a defined area or a franchise possibly and what I heard is there is interest in exploring that as an option.

MR. O'HARE: Mr. Chair, I guess it's possible but you're talking about two in some senses mutually exclusive options. In other words, you can in a given area have both Option 1 and Option 2. So it sounds like what you might be saying is, and if I were thinking about where would be possibly a good location or a good district now that we've identified three districts to think about Option 1 or pursue Option 1 it probably would be, as you mentioned, the southeast district because that's where with Eldorado and the community there expressing the strongest interest in a solid waste franchising or the County provides an option or environment strategy that that would be of the three districts the district that might make the most sense to then pursue an Option 1 exclusive solid waste franchising, go out for an RFP sort of environment. It is just 5,000 households and then that would leave, in essence, the north district and the southwest district – and it gets a little complicated – but those other two districts, I would presume

pursue Option 2 which would be private hauler, open competition, homeowner choice environment with recycling being a mandatory provision along with refuse. It adds some complexity to it but a single given area can't of course – we can't pursue Option 1 and Option 2 in the same 5,000 household area. And you do need to realize that with Option 1 if we do go down the franchising route, first of all we will know more if we do an RFP for the 5,000 households but if we consider it a pilot and we want to go forward and sign a contract and pick a single hauler to serve that district, that at a very minimum it would need to be a four-year or a five-year commitment, if you will, by contract because of the equipment cost and things like that that would be required for a hauler to basically a proposal that would be reasonably cost effective.

CHAIR ANAYA: So here is what I am going to say: we didn't come here today with an ordinance in hand that we would ready for public review and final decision. What your comments, your last comments are moving towards that we are going to make a final decision on advertising on an area and doing that today and affording you that opportunity to go forward. I didn't hear any Commissioner say that. What I heard Commissioners say was they wanted to look at Option 2 and now we also want to consider an area. Now in your deliberations and your work with the staff and the public and other stakeholders if you devise from those discussions that these are the background facts that we've discovered and here is the primary recommendations on some potential ordinances going forward, I think that needs to occur before we preempt what we might do up here because we want to make sure that we give direction but we also want to afford the public an in point/input into that process before we actually preempt the ordinance itself. Does that sound reasonable?

We're not in a position, I'm not in a position today to make a final determination area southeast quadrant or not. I don't think any of us are. But I think we are saying pursuing item 2, get some more input and feedback and then as far as the other item goes, come back with some recommendations after you've solicited and received that input into the process because then we still have to request publishing title and general summary and we still have to go through a vetted public hearing process that could even change that particular point.

MR. O'HARE: I understand that. It could be very confusing for certain parts of the community if we're pursuing sort of the potential for something else happening in one of the districts.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: I actually have changed my opinion a little bit on that. As we're talking about this it seems like it is getting extremely complex and I'm not sure that we're really going to understand what's going on let alone the public. And so, at this point I would just sort of like to have Option 2 flushed out as we talked about and consider that. Maybe even try that out for a little while. Get some data, see how it's working and then figure out how to possibly modify it going into the future.

This is a process. We're not going to solve the problem in one fell swoop.

CHAIR ANAYA: Mr. O'Hare, Commissioners are there other comments? Do you have the information that you need?

MR. O'HARE: Yes, sure.

CHAIR ANAYA: I know you'd like us to talk about solid waste all day long but we do have other business to attend to.

MR. O'HARE: I'm clear that the direction is what I think it is. I'll answer yes.

CHAIR ANAYA: So for the public's edification we are still going to go for more input and we're still going to have a public hearing process that will be thoroughly vetted before any final decisions are made. Thank you. Thank you, Commissioners.

3. Request Waiver from Section 1 of Ordinance No. 2012-5, Outside Contracts, and Approval to Purchase Volume Licensing of Microsoft Software Through the Western States Contracting Alliance (WSCA) State Price Agreement No. 20-000-00-0003B for a Three Year Term in the Amount of \$439,548.39, Inclusive of Gross Receipts Tax (GRT). (Purchasing/Bill Taylor/IT/Daniel Sanchez)

MR. TAYLOR: Thank you, Mr. Chair, Bill Taylor, Procurement Manager, Santa Fe County. Before you today we have a request to approve the contract with Microsoft for the volume purchase using the Western States Contracting Alliance. This is a savings to the County, a significant savings by the bulk purchase through this WSCA contract. And with that, Mr. Chair, I'll stand for questions.

COMMISSIONER CHAVEZ: So Mr. Taylor --

CHAIR ANAYA: Commissioner Chavez.

COMMISSIONER CHAVEZ: -- just for the record and for the public explain or define what the waiver implies because --

MR. TAYLOR: Certainly. Mr. Chair and Commissioner, the ordinance 2012-5, Section 1 states that when the County wants to utilize an outside contract to purchase services or items that exceeds \$250,000 that it requires the Board of County Commissioners approval.

COMMISSIONER CHAVEZ: And this contract is a three-year period with a total agreement amount of \$439,000 and some change.

MR. TAYLOR: That is correct, Mr. Commissioner.

COMMISSIONER CHAVEZ: And so is it a typical contract enacted for a three-year period? Is there an option to renew or it's just a flat three-year contract for the dollar amount that was mentioned?

MR. TAYLOR: Mr. Chair, Commissioner, this is a straight three-year contract. We would do another procurement after three years.

COMMISSIONER CHAVEZ: Got it. Is this a public hearing, Mr. Chair?

CHAIR ANAYA: No, Commissioner Chavez.

COMMISSIONER CHAVEZ: Then I would move for approval.

COMMISSIONER ROYBAL: Second.

CHAIR ANAYA: Motion and second.

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

Stefanics were not present for the original vote but cast their affirmative vote later.]

CHAIR ANAYA: The motion carries unanimously. We are going to continue with the meeting. I did let the other Commissioners know we may have Commissioners stepping in and out to take a brief break. I will give them the opportunity to render their votes if you do need to step out. You two can't step out right now. If we could keep going I would appreciate it. Thank you, Commissioners.

4. Request Approval of Grant Agreement with the Department of Finance and Administration, Local Government Division, for Funding from the Enhanced 911 Fund for the Regional Emergency Communications Center. (Public Safety/Ken Martinez)

KEN MARTINEZ (RECC Director): Thank you, Mr. Chair. Before you is the grant that has been submitted by the Department of Finance and Administration for provision of the equipment and services for the 911 center for the next fiscal year. It's a pass-through grant. This is what helps us fund our telephone 911 equipment, the network services that provide the phone calls into the center and also the training of our operators for answering the 911 calls. So there's no match requested from the County or no other requirements by the County other than to sign it as fiscal agent. It will go to the Department of Finance and Administration and they'll pay for our services through the next fiscal year.

CHAIR ANAYA: So, Mr. Martinez, in the future if we could make sure we always have a dollar amount on the agreement. What is the dollar amount – on the caption itself.

MR. MARTINEZ: Okay.

CHAIR ANAYA: What is the dollar amount.

MR. MARTINEZ: Mr. Chair, the total amount of this is \$983,230.00 and this will include our current upgrade to our telephone system that has actually been started now.

CHAIR ANAYA: So we're talking about nearly \$1 million continued investment into our communications center; correct?

MR. MARTINEZ: Yes, Mr. Chair, that's correct.

COMMISSIONER CHAVEZ: Mr. Chair.

CHAIR ANAYA: Commissioner Chavez.

COMMISSIONER CHAVEZ: Mr., Martinez, that's on top of the financial commitment that the County has made to the 911 emergency communication center.

MR. MARTINEZ: Mr. Chair, Commissioner Chavez, that's correct. This money is paid for through the 911 surcharge that is collected on everyone's land line and cell phones. But yes, this is separate from any money provided by the County for operations.

COMMISSIONER CHAVEZ: Right. And so would you happen to know that dollar amount? At least the County's portion.

MR. MARTINEZ: Currently the amount paid annually into the RECC is about \$3.8 million.

COMMISSIONER CHAVEZ: So that's a significant contribution to ensure the health, safety and welfare of the public in our reach.

MR. MARTINEZ: Mr. Chair, Commissioner Chavez, that's correct.

COMMISSIONER CHAVEZ: So, I would say congratulations to staff behind this grant application. I'm sure it wasn't easy. I'm sure it's taken a fair amount of effort and time to submit this grant and secure the grant. So I want to thank and congratulate staff for their work in this effort because it certainly helps stretch our taxpayer dollar a little further. Right? So congratulations and, Mr. Chair, I would move for approval.

COMMISSIONER HOLIAN: Second.

CHAIR ANAYA: Motion by Commissioner Chavez and second by Commissioner Holian. Any further discussion?

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

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: I would like to have the record reflect that I voted yes for the previous item.

CHAIR ANAYA: So Commissioner Holian voted affirmative on the waiver for the Microsoft software through Western Stats Contracting Alliance. And, thank you, Mr. Martinez.

5. Approval of the FY2016 Hold Harmless GRT Maintenance Set-Aside Project List. (Public Works/Adam Leigland)

MR. LEIGLAND: Mr. Chair, Commissioners, when the Commission passed the ordinance earlier this year to implement the hold harmless GRT the ordinance said that it would be dedicated toward capital and maintenance project so what we're bringing forward to you today is a list of the projects that would be – that those proceeds would be used in the first year. So if you turn to the second page of the report you will see a list of projects. We based the facility projects on the facility condition assessment that we presented to you earlier this year and we also put in some key road projects. These are all to be done by contract, primarily by our Project Control Section of the facilities or for the Road Maintenance Department for the roads. And with that, Mr. Chair, I'll stand for any questions.

CHAIR ANAYA: Mr. Leigland, do these include projects that you had discussions with Commissioners on?

MR. LEIGLAND: Mr. Chair, yes. Yes, these projects have risen from discussions with Commissioners and also with the relevant program managers, for instance, seniors, the Sheriff, whatnot.

CHAIR ANAYA: Commissioner Chavez.

COMMISSIONER CHAVEZ: I thank you for those questions, Mr. Chair.

Adam, would it be appropriate to read the list of projects, list of facilities into the minutes and for the public's information as well.

MR. LEIGLAND: Mr. Chair, Commissioner Chavez, do you want me to read the –

COMMISSIONER CHAVEZ: Or I will. It's Agua Fria Station #2 in La Tierra; Camino Jacobo and I guess that would be the housing site; card access gates at Public Safety, that's our public safety building; the County Administration facility that's partial roof replacement. I can't remember what 72A bridge rebuild. Edgewood Fire Station #2, upgrade ADA; Edgewood Fire Station #2 Cedar Grove upgrade electrical and lighting; Edgewood Senior Center bring building to ADA compliance; El Rancho Community Center, heating and cooling; Glorieta Fire Station, insulate and fire retard; Leo Gurule Park, demo and replace basketball court; Madrid Fire Station #1, reroof; Pojoaque #1, heating and cooling equipment; Public Works, engineering for new heating and air conditioning; Los Pinos Road, all weather-crossing; Public Safety Complex, again, overlay asphalt, restripe and replace wheel stops; Santa Cruz Senior Center, parking lot upgrades, State Health, that's Camino Entrada, parking lot upgrades [sic] and then finally Tesuque Fire Station/Chupadero, restucco the station. And the total dollar amount is 1.65?

MR. LEIGLAND: That's correct.

COMMISSIONER CHAVEZ: Mr. Chair, I did meet with Adam to discuss this list of projects.

CHAIR ANAYA: Did you move it, Commissioner?

COMMISSIONER CHAVEZ: I will for approval.

COMMISSIONER HOLIAN: Second.

COMMISSIONER CHAVEZ: Motion by Commissioner Chavez and second by Commissioner Holian. Any further discussion.

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

COMMISSIONER STEFANICS: Mr. Chair, could the transcriber showing yes on the previous two items. thank you.

CHAIR ANAYA: Yes, that would be items 3 and 4.

C. Resolutions

- 1. Resolution No. 2015-121, A Resolution Adopting Procedures Governing the Acquisition, Integration, and Provision of Technical Assistance to Community Water and Wastewater Systems; and Creating Community System Technical Advisory Committee. (Public Works/Adam Leigland)**

MR. LEIGLAND: Mr. Chair, Commissioners, earlier this year I provided you an update on the ongoing acquisition of three mutual domestics and at that time I indicated that I would be bringing forward the actual updated policy for approval. Back in 2012 the policy regarding acquisition of private systems was brought forward but it was recognized that we needed to make it robust. After a significant amount of public

outreach and dry running it, if you will, we have a policy that we feel very good about that is before you today. I just want to highlight a couple of key things.

First of all it creates what is called a Technical Committee so that anytime a system elects to join they get to join a technical committee which provides sort of a corporate knowledge. They can transfer that corporate knowledge and help us with a lot of the details of integrating that system, a lot of, you know, knowing where all the [inaudible] are and whatnot. And then the process itself is parallel to other processes this Commission has adopted over the years including, for instance, the County Improvement District, the Road Acceptance Traffic Calming. And that is to say that there are numerous points where there's public involvement, we bring it back with check points, there's a—we heard earlier on solid waste that there's — we want to make sure that we understand the costs so that comes forward. So the policy flow itself is similar to other policies just with the specifics of the system.

Also, it has explicit involvement of the Water Policy Advisory Committee which you indicated you wanted. And I will note that the Water Policy Advisory Committee has blessed this process. The chair of that wanted to be here today but he couldn't so he did submit a letter supporting it.

And I think this is something the Commission has been waiting for so with that, I will stand for any questions. I will note that I think there are a couple of people who would like to speak about this.

CHAIR ANAYA: Questions or comments, Commissioners.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: I just had a couple of comments. First of all I would really like to thank staff for all of your work in clarifying the process and I would also like to thank the people who are in the three community water systems which were the first three. They were guinea pigs to some extent. I'm not sure they entirely realized they were going to be guinea pigs but I want to thank them too because they really played an important role in helping the County to develop a good process. One that is good for both the County and for the water systems that are either buying bulk water from us or being taken into our County utility.

In any event, in reading it over I was impressed and as a matter of fact, I'll make a motion for approval of the resolution adopting it.

COMMISSIONER ROYBAL: I'll second it.

CHAIR ANAYA: There's a motion by Commissioner Holian and a second by Commissioner Roybal. Any further discussion? There are some individuals here and this is a resolution so I'm going to afford them an opportunity to make comments. Kyle Harwood.

KYLE HARWOOD: Good afternoon, Commissioners, and thank you, Mr. Chair, for giving me a moment. I too want to commend staff for putting together a policy that lays out a process for this topic. I would also like to note that I have been working with County staff for about three years on a possible acquisition of a small system here in Santa Fe and I note that the schedule laid out the way I understand it, is that applications made this November, preliminary approvals in March, we would not be coming back before the BCC until March 2017 for that consideration. There is a

consideration in this policy that allows you to acknowledge extraordinary circumstance and to perhaps quicken that process. I would ask you to direct staff to go ahead and allow this particular water system to move forward. We have been patiently waiting for the policy for several years and it would be our preference to move forward more quickly than March of 2017.

Thank you, Mr. Chair, Commissioners.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: On that point, I would like to ask Adam for your opinion on what was just requested.

MR. LEIGLAND: Mr. Chair, Commissioner Holian, yes, the system is called Santa Fe West it's a 84 unit mobile home park in Agua Fria Village area and Mr. Harwood has been working with us and we have been pushing him off until we had a policy in place. I think that with the amount of work that we've done to date it won't be as complicated. Another thing that we told Mr. Harwood is that there are three ahead of him in the queue and so we didn't think that would be fair to make him wait but I think that the system will be somewhat – at this point I think it will be somewhat simpler.

COMMISSIONER HOLIAN: So you're saying that it could be sped up.

MR. LEIGLAND: That's true, Commissioner. I think it could be accelerated and I think it could go in parallel with the others. We have done preliminary work with him and he's also been waiting in the wings too.

COMMISSIONER HOLIAN: And what is the name of that water system?

MR. LEIGLAND: Commissioner Holian, It's called Santa Fe West. It will be different from the three we've done so far. The three we've done thus far have been a mutual domestic and a water cooperative so this will be 100 percent private system and it would be – so it is slightly different. It operates right now as sort of a retail, internal retail system, so it won't be 100 percent easy but easier.

COMMISSIONER HOLIAN: Thank you, Adam.

CHAIR ANAYA: Mr. Taylor.

ROGER TAYLOR: Roger Taylor, Galisteo, New Mexico. I'm here as the president of the Ranchitos de Galisteo Water Users Association which is a private mutual domestic. I started working on this actual document with some of the staff about three years ago; worked at some of the meetings; worked on helping draft some of the language. As the head of a mutual I really do support this policy for a number of reasons. One of the things that very clearly was noticeable in the first meeting of the thirty something heads of their mutuals in the County is that it's an aging group. I'm not sure I could even say that there was somebody there who is in his or her 50s. A lot of 60s and 70s. A number of the groups I saw were in their 80s and even early 90s. People have been on the same positions running their mutual domestics for 30, 40 even some 50 years. So it is an aging issue going on and not a younger supply coming up. So that's the first issue to think about.

We know that with contaminants in the soil both natural and not, with drought, with rising cost of supplies and equipment and repairs as well as the increase in regulatory requirements, it also becomes much more difficult to continue to run some of these water mutuals. So it's not only just a current challenge but it is one that is coming

in the future which is probably tomorrow, next month, the year to come.

One of the things that I really think is important about this policy is it provides fair treatment to the people who have been doing this, many of them without remuneration, most of it volunteer work for many, many years and there's a pride of ownership in that they set up these structure, they provided for the delivery of clean water/potable water to their small or larger communities and the current policy or the one that has been in place is fairly punitive and a bit hostile if you look at it. This provides for very clear transparent process for how an evaluation of the assets and the liabilities would take place whereas the prior policy really only looked at the assets and left the liabilities with the people in the dust, if you will. It provides a credit for all those assets. So if I think of our mutual which is one of the most highly rated one in the state and has been for years, and is valued at well over \$1 million, should at some point in 20 or 30 years when I'm no longer able to do it and we want you to take it over, that would be an asset to you and we would want a credit. So it's fair.

It also provides for a transfer of knowledge. It allows for the people who have been doing this work to come in on a board or in a committee to actually bring some of their knowledge during the transition and then to remain in place afterwards. So it provides for some of that pride. And it's a partnership approach if you think about it.

So I think this is an excellent, excellent policy and I highly, highly would support passage. Thank you.

CHAIR ANAYA: Thank you, Mr. Taylor. Seeing no other discussion.

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

CHAIR ANAYA: Okay, C.2 we're going to be doing at 6, so we'll move on.

IV. Matters of Public Concern

CHAIR ANAYA: Are there any individuals in the audience that would like to come forward and address the Commission on any items of public concern? [None were presented]

V. Discussion/Information Items/Presentations

A. Presentations

1. Update on the Creation of New Water Rates. (Public Works/Adam Leigland)

MR. LEIGLAND: Mr. Chair, Commissioners, as you know the Public Works Department has been working on what's called a cost of service study, re-evaluating our rates. We actually did that at the request of one of our wholesale customers and earlier this year we brought to you a resolution which you approved that listed several of the principles that we wanted to consider in creating a rate schedule. So we've completed most of the steps of the cost of service study which is actually a formal process that is articulated by American Waterworks Association, and we've completed

those steps and we thought it was prudent to come back to you and just give you the results of those steps and let you know what the next steps are.

Just briefly to go over the steps in determining your cost of study. The philosophy behind a cost of service study is that you identify the costs, you identify a series of customer classes, you figure out what costs are implied upon your system by that customer class and then you design a rate that has that customer class recover its cost. So the first thing you do is determine the policy and customer class and that was what the Commission approved earlier this year. Then we determined our revenue requirements. We just looked at our operations revenue requirements. We broke those cost components up into fixed costs and variable costs essentially and then we allocated those to the customer classes. So if you go through the memo you'll see a series of tables. You'll see that we created some customer classes. You'll see that our utility, that 98 percent of our customers are single-family residences and then we have some small commercial and then we have two – some large wholesale customers and a couple of – and one raw water customer. If you go to table 2 you'll see that we determined that our utility in order to cover operating expenses it needs to generate \$4.8 million a year. Now let me just talk about that for a second. That does not include debt service. So right now the utility – the debt service is covered by the general funds. There's some GRT and so GO Bond debt. Also this \$4.8 million makes the assumption that BDD will be down 17 percent of the time and that's based on our analysis since BDD has been operating it's been down 17 percent of the time and then also when the BDD is down we buy water from the City on a wholesale basis. The City has indicated to us that they are going to implement a new wholesale rate of \$7.28 per thousand gallons. So all the revenue numbers in this reflect that new rate. But I want to stress that that rate has not gone into effect yet and this is really reflecting the worst case scenario. That rate – we may push back on that rate, it may be justified so – the revenues you see on Table 2 should be considered sort of a worst case scenario.

Then if you look at Table 3 we divided our operation into essentially the fixed and the variable costs components. And one thing that you'll notice is that our utility has a very high fixed cost component and that's a reflection of two things. One is that we're small so we don't get economies of scale. We have 5,000 customers. For instance, the City has 30,000 customers but there still needs to be a utility director managing water rights and all of that sort of stuff. So we don't get economy of scale. And also we have a very high investment in BDD and so we are covering – right now we are covering the full cost of our total capacity of the system even though if we're not exploiting our full capacity right now. So our utility has probably higher than average fixed cost component.

And then if you down to Table 4 you'll see that we've allocated those costs to our customer classes. And this is really the thing that we felt was most important to bring back to the Commission was that what we found was that some of our customer classes are not paying their full share. Residential customer class is essentially subsidizing our commercial and institutional customer classes. So when we bring a new rate schedule to you what you'll see are rates that essentially try to strike that balance. So as you see it on Table 4 column 3, that will be the cost share that we'll try and strive to with the rates as opposed to what you see on column 2 which is where you see a little internal cross subsidies.

CHAIR ANAYA: Just, Adam, on that point. The rates will stay flat at the residential rate or could potentially go lower or just the commercial rates going up?

MR. LEIGLAND: Mr. Chair, that's a great question. What we imagine is that the residential rates will stay the same and all the other rates will go up either slightly or maybe somewhat significant. The residential rates should stay the same.

CHAIR ANAYA: They flat at minimum, I would think --

MR. LEIGLAND: Yes.

CHAIR ANAYA: -- if they were bearing the burden.

MR. LEIGLAND: The revenue requirements as shown in Table 2 is actually slightly higher than we're covering now. So if you take into account the greater revenue requirement and the shifting of cost share the residential rate should stay the same and then all the other rates should increase..

CHAIR ANAYA: Okay, thank you. Commissioner Chavez.

COMMISSIONER CHAVEZ: Thank you. On that point, Adam, the memo does state further down in reading it's safe to say that we will see some increase in production cost, in operation cost and I would imagine that we would have to factor that in in some sort of CPI or some factor so that we don't want to misled the public by saying that rates will not increase in the future but that the phase in rate increase would be over a longer period of time.

MR. LEIGLAND: Mr. Chair, yes, that's a great question and yes. So the policies and principles that was approved by the Commission this year included an annual adjustment based on CPI and in reality the rates so when I say the rates will stay flat they won't be adjusted other than the CPI, however, the CPI is implemented. So when we bring the new rate schedule for you there will also be policies describing how that CPI adjustment, how it is determined. Because, actually, if you're familiar with CPI there's about 20 different ways to go to the Bureau of Labor Statistics to find out which one you want to use. The one we have proposed using is the most standard at about 2 percent per year. But they'll be a policy of how that will be implemented so the customers aren't caught by surprise.

COMMISSIONER CHAVEZ: Right, right. Thank you. If you want to go ahead and continue, Adam, I think --

MR. LEIGLAND: No, this was just for information. We're going to be bringing it for action. Later this year we'll be bringing a new rate schedule and I just wanted to indicate to the Commission that there will probably be some internal shuffling of our customer classes.

COMMISSIONER CHAVEZ: Okay, Mr. Chair, I'll yield the floor.

CHAIR ANAYA: Thank you, Mr. Leigland. Appreciate the information. Before we go to the next item I want to ask the Commissioners, does any Commissioner have any specific information item reports from any of the departments that they would like to pull?

COMMISSIONER CHAVEZ: I don't, Mr. Chair, but at this time if I could, I would like to let the record reflect that I want to vote in the affirmative of the resolution adopting procedures for the community system technical advisory committee.

CHAIR ANAYA: The record is so reflected. So Commissioners are there any departments -- Commissioner Chavez, you don't have any?

COMMISSIONER CHAVEZ: No.

CHAIR ANAYA: Any other Commissioners have any department questions on the information reports? Seeing none, we'll go now to the next item.

2. **REDI Net Presentation of Current Open Access Middle Mile Broadband and Public Safety Activities in Northern New Mexico by Duncan Sill, REDI Net General Manager, North Central New Mexico Economic Development District, Martin Vigil, Fire Assistant Chief and Ken Martinez, RECC Director, County. (Commissioner Holian)**

DUNCAN SILL: Chair Anaya, Commissioners, thank you. Good afternoon. I'm going to go ahead and wait for the screen to load. By way of introduction I think most of you are familiar with REDI Net. Santa Fe County is actually a joint powers agreement local entity of the network that was constructed and developed several years ago in northern New Mexico. And while the power point is being loaded I want to point out that I have with me today Mr. Hvtce Miller who is the current chair of the REDI Net Board and he is Santa Fe County board representative. Martin Vigil, you obviously know him from the fire department, consulted with me on some content I have in the power point on issues that are affecting the regions and the county and Ken Martinez has done the same as well. I also want to recognize Gabriel Montoya who is the Pueblo of Pojoaque representative for the REDI Net Board.

I was just informed that it is not going to project, so if I may direct the Commissioners' attention to the packet of material that was submitted and I will try to verbalize descriptions so the audience can follow along to the best of my ability.

So, again, REDI Net is an open access middle mile broadband high speed network that is community owned and publicly operated and managed in northern New Mexico. It was a concerted joint of four tribal governments in northern New Mexico along with four local governments and the council of governments in this region. Back in 2010, we were fortunate enough to receive a \$10 million+ grant from the Department of Commerce, NTIA. NTIA is the National Telecommunication and Information Administration. There was a program under the stimulus program under the [inaudible] program that funded this development. There were also significant local and tribal contributions towards the development of the project. So the development and the construction of the network itself actually took a three year time period to develop and it expands over a 140 miles in this particular region. Again, slide 1, demonstrates the local jurisdictions and the governments and the tribes who were involved and continue to be involved so I want to name them directly to recognize their contribution. Starting with the City of Española, Los Alamos County, Rio Arriba County, Santa Fe County, the Pueblo of Tesuque, Pojoaque, Santa Clara, Ohkay Owingeh, at that time San I also had the option to join in but at the end of the construction period they elected to sit out for the moment. So again, this particular network is a public joint effort hat is co-managed by these jurisdictions and local tribes. I report directly to them. I am the general manager for that network.

So if I could direct our attention briefly to slide 2, where it describes the coverage

area. As I mentioned it spans a new built of fiber into northern New Mexico that covers approximately 140 miles on both directions northwest and northeast toward Rio Arriba County extends and meets and interconnects with the Kit Carson Co-op broadband network that has just recently – oh good, we do have slides now so the audience can follow along. You can see on the map it actually expands a pretty large geographic area and that is just the beginning stages of this network built. So going westward and through the urban centers of the City of Española and into the territories of Santa Clara Ohkay Owingeh we go westward to connect Los Alamos County where we have services not only to government services but the school districts and some of the resource facilities. Going down south we come all the way down along the main highway connecting a lot of assets into Pojoaque Pueblo as well as to Tesuque and into the northern part of Santa Fe City boundary. We actually terminate into the city at the corner of Paseo de Peralta and St. Francis and after the initial construction and development of the network we were able to solidify additional resources and we actually have some assets southward now and into the point of presence that is located at the extension center and from there we partner with another entity and we're able to service the Community College and the Higher Education Center. Chair Anaya, I recently saw him at the HEC event and that particular location is being served by REDI Net. So there is a lot of education facilities as congregated in that institution and we're looking forward to supporting that tremendously into the future.

So if I could direct your attention to slide number 3, our current status as I mentioned we have completed construction off of the initial built of the network effective September 2013. We were actually operating the network since February 2013 while we were still completely some of the built into the various regions. We are now looking to build a comprehensive asset management plan and begin to built some enhancement and some support services to the mission that is critical to our regions including public safety, economic development, education, and health care . And if could direct your attention to the next slide. As I mentioned the network is a high speed network so you could see in this chart that previously a lot the region were deficient in terms of broadband access. What we have done in the network, again, this is an initial stage, we have a lot more work to do but a lot of the region in northern New Mexico now is seeing access to these types of broadband speed. So that has increased a lot of opportunities for many of the community and economic development and constituent services including education.

I use the term “middle mile” and what that means is this is somewhat akin to the I-25, I-40 corridor of highway systems where the middle mile delivers the main trunk of transmission of information pursuant and complying with the original federal grant the network itself was only committed to build a middle mile network but we've been able to partner with other institutions and private entities and other networks to extend lateral platforms so our capacity is increasing on a regular basis and hopefully that continues over time for that type of development. Initially, we connected over 120 major institutions in the region a lot of them were government services, health care institutions, public safety, fire stations, education, school districts and a lot of the local tribal/pueblo institutions.

The open access component of the network which is a compliant aspect form the

federal government and was also something that the regional partners agreed and wanted to do to address the deficiency in the region is to have an open access arrangement where other networks who are qualified can actually utilize the infrastructure and the assets built and currently we have nine ISPs, internet service providers, that have come into the region as a result and we continue to attract additional major service providers into the region and rekindling and redressing the relationship with encumbered service providers. That is something that is still in development and we are seeing some of the benefits of being promulgated and promoted into the various parts of the region. It is something that is a priority for us to continue to build that capacity.

So as I mentioned briefly the critical mission of rating that was to support four pillars including public safety, education, economic development, health care and what we have discovered over the development stage and also engaged them in feedback from our constituents that there are other opportunities for innovation that would also integrate existing infrastructure and make those systems more efficient. For example, working closely with electric co-ops to make the electric grid more efficient. We could actually work collaboratively with water systems to make the water delivery more efficient. So those are some of the things that the board of directors and our stakeholders are paying a lot of attention to in the operational stage.

CHAIR ANAYA: Duncan.

MR. SILL: Yes, sir.

CHAIR ANAYA: Could I ask a question here. I know that the network predominantly works from the Kit Carson Taos County other area down into Santa Fe but essentially, for lack of a better word, it dead ends here in the metro-plex of Santa Fe. I know we've had discussions in the past, Commissioner Stefanics and I have had conversations relative to how we might expand the network further south into Santa Fe County and areas not served or way underserved. Could you just talk briefly about where does the line dead end, if you will, and where are there expansion opportunities to cover the balance of Santa Fe County that is not in a position that they could openly access the network for lack of better words.

MR. SILL: Mr. Chairman, that's a great question. What we're currently able to do is to bring physical infrastructure to the point of presence to the extension center and from there we actually have collaboration with other networks that would be able to make broadband access more effective and affordable into various areas. The key issue would be, I don't like to use the term in this case, but because I'm a little pee brain or brain dead a little bit, but for lack of better term, the predicament is to strategically identify access points within the infrastructure where expansion makes cost effective sense. We are now able to begin to look at the southern end of the County more feasibly in terms of where we could bring in leverage of investment and where we could actually implement in the next stage of development. So that is something that we are trying to navigate and coordinate other network investments. We have some entry inquiry right now and I can't speak to it publicly because of confidentiality that will be coming up from both sides of Albuquerque directly from the I-25 corridor and also from the 285 corridor that would align some other public institutions and education institutions that may help enhance that possibility from actualizing so what we're trying to do right now is to look at the design, the architecture and the resources required to carry that out and in

the event that there might be gaps that we identify that is when we begin to look at on the board level what reserve that we have that might be able to fill that gap for reinvestments. Again, the network itself every dollar that we earn is reinvested into the region. It is not a profit driven model even though that we have to get enough resources for operation and to build up a network.

So we are consistently aligning those efforts. We also have a small capital outlay appropriation and I have to personally thank Representative Jim Trujillo who watched out for us two years ago and we go this reauthorized last year. We are waiting for the agreement from DFA and we'll utilize that for part of the designing and engineering for that exact purpose and we'll have more data and tangible details at that point to present back.

CHAIR ANAYA: Let me just ask maybe a different way or a different question is, you mentioned the Higher Education Center and you mentioned education and outreach. Well, there are many areas throughout Santa Fe County from just on the boundary of the city limits all the way to Edgewood that can't access on line courses because they don't have the necessary bandwidth capacity to be able to take classes. Plain and simple. So we had a discussion a couple years back about Cerrillos in particular and figuring out how to expand their potential to make sure that they tried to have that access. So I guess, what I would like to see as we are evaluating costs within the board that we isolate key areas, like, senior centers, Eldorado, Edgewood, Cerrillos, Highway 14 and facilities that can become hub sites for us to hopefully get the necessary infrastructure to those places even though we may not be able to access the entire community at one time we might be able to engage centers, if you will, or public institutions as you call them in your presentation. I guess I would like to see tangible estimates on costs associated with making sure that all of our senior centers and our fire stations have the necessary bandwidth and capacity and then from there figure out what the evolution is to take it from those facilities then to all residents within the community. So at minimum we get to a point where if someone wanted to access bandwidth or take higher education courses that they could go to a facility in their community where they could garner that bandwidth and have the speeds necessary to do that.

And so I see it as a stepped process. It sounds like you're doing outreach with private sector individuals that may want to come in and invest their resources to garner a specific clientele. I think that's fine but I think we also need to figure out in the public realm what can we do as the public sector to figure out how to facilitate creating hubs or centers that we ultimately have services that are a higher capacity than they exist now. I know we had some resources that we were talking about that I believe were in the REDI Net board that we were going to try and figure out how to branch out into those communities. Can you just talk specifically about that piece? Am I out of the box too far in what I'm suggesting?

MR. SILL: Mr. Chairman, no that is a good framework and a statement. In terms of community centers and senior centers we actually are taking a step with the Department of IT on the state level to map out all of the existing assets in the State of New Mexico that might be exactly as you mentioned, the hub, whereas certain infrastructure can be placed or invested in and we are looking at that hub and spoke based out of existing public assets that we already have investments in. So the next stage is to

work with the selected regions to see if it makes sense to further that investment or we have an opportunity to identify, for example, you mentioned the Eldorado Senior Center, and as you are well aware seniors are at facilities down in Edgewood they are key community anchor institutions that will be on the priority list for rating that and several of the service providers that we're working with. And if we could couple co-investment and have that be on a priority schedule then the likelihood of actualizing bandwidth access and to bring the traffic back – for example, to enable online classes or scheduling of doctor appointments. There is a platform that we are focusing developing tele-health access so those are the very same things that we are trying to look at.

CHAIR ANAYA: So, if I could just maybe put on the record and say again that it's my interest before I leave office to try and figure out what are those costs and how do we get that bandwidth to those communities beginning first with those hub entities, like senior centers, like fire stations, like school, those are primary entities, institutions, public bodies, call them what you will, but I think it is very appropriate and necessary for us to isolate what it is going to cost so that we as Commissioners can make determinations on capital funds, bond elections, and other things that we set as priorities.

This has to be a high priority if we're going to engage the rest of the County into the access that a lot of the northern part of the County has now based on this project.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: I'd like to give you a specific example. One side of Highway 14 has access the other side does not. And when we approach Century Link it is not in the works. Going down Highway 41 we have a State Representative who has asked for it repeatedly. So we have areas in the County – and I wouldn't say Eldorado is a problem. I'm talking about many other areas is a problem – that we really do have areas that cannot connect or do anything high speed.

Now this isn't just impacting businesses and small business development it is also impacting our County Clerk and where she can set up election sites. So let's keep in mind that the County has multiple needs and we sure would like to have a concrete plan to go step by step. I would echo, Commissioner Anaya on this. Thank you.

CHAIR ANAYA: Commissioner Chavez.

COMMISSIONER CHAVEZ: I know you have a question and answer segment later on but I want to ask now and it's more for my clarification because I know some of the work has already been done to implement this new broadband system and then there's future work or pockets that need to be addressed. My question is twofold, because I'm honestly not real familiar with the technology in broadband and how it works. I'm not one of the users. I'm just not there yet. But I do see the need. Is this broadband network using existing infrastructure overhead and underground both or just overhead?

MR. SILL: Mr. Chair, Commissioner Chavez, it's actually both. The geographic region in northern New Mexico has a lot of terrain challenges as I think is a related issues with our concerns about public safety. So to leverage the existing assets we did a lot of negotiation and upfront agreements with existing assets that are in place, such as, with PNM and Jemez Co-op and infrastructure owned by the pueblo. Where it was appropriate and efficient we attached to overhead and where we were able to we actually

did underground burial boring construction. And the difference between the two from what I know from my experience and what I've observed in the last few years is that the O&M for underground burial oftentimes is a lot less the longer term that the investment is placed.

However, when you're looking at budget constraints you have to look at the regression model where, what is your rate of return and who are you trying to service, the expediency of the service, is there an improvement – so we have a mixture of that built and in the future when we are looking strategically of extending the network of building out the southside of Santa Fe County or other parts we might be looking at other technological platforms where microwave might be appropriate for one junction of it so the fiber can now be invested underground to offer better security, better O&M, etc. So it's a matter of architecture in design. Does that answer your question?

COMMISSIONER CHAVEZ: Yes, it does. And so can fiber optics operate independently from the microwave technology? Does one depend on the other?

MR. SILL: Mr. Chair, Commissioner Chavez, microwave is dependent on fiber optics. Fiber optic is all – I use the example of the highway system there was the middle mile, I want to further that analogy that it is almost like a central nervous system. So it has these nerves and neurons that goes out into laterals, brings information out and then brings it back. A microwave connects to these terminus of the neurons and then it could also further transmit data over terrain that is very difficult for fiber to be built or not cost effective.

COMMISSIONER CHAVEZ: Okay, so then on the fiber optics because that can only go underground and –

MR. SILL: It could go above on utility poles.

COMMISSIONER CHAVEZ: Oh, fiber optics can?

MR. SILL: Yes.

COMMISSIONER CHAVEZ: So where it is going underground have you had any issues with utility easements or right-of-way or anything like that?

MR. SILL: Mr. Chair, Commissioner Chavez, the way that we have constructed the network a lot of the rights-of-way were predetermined, pre-negotiated, so we have a good relationship with the State. The tricky party is if we have to do new build and crosses an agency like US Forest Service or BIA the process could be held up despite the fact that we might have some network or relationship to expedite it. That is something that we factored in. That part of it a lot of times we don't have total control over.

COMMISSIONER CHAVEZ: Okay, thank you, Mr. Chair.

CHAIR ANAYA: Thank you, Mr. Sill.

MR. SILL: I would like to point your direction to skip over several slides and into slide number 13 where we touch on the topic of public safety. I know that most of us are very concerned about the capacity to improve public safety activities so the national agency right now that has these factors listed from the first net which I will go in explain a little bit of what that means, is very similar issues of what affects this particular region. Most of northern New Mexico face terrain issues, encroachment to critical infrastructure, utilities, are very vulnerable to natural disasters including compromise to water systems. We have populations that are dispersed among great distance. These are

the things that affect us on a regional basis. And if I could direct you to the next slide, in 2012 there was an act in Congress that supported the creation of a national public safety broadband network and it dedicated a band of spectrum from the 700 megahertz spectrum which is primarily used for public safety and some other wireless applications for supporting a national network. That initiative is known as FirstNet. They have been engaging in trying to collect regional and state information to construct this network architecture. And the State of New Mexico was selected recently and the Department of IT DoIT is identified as the single point of contact. Several of the personnel in fire, and I believe also in the police department, I know Ken has attended some of the stakeholder meetings recently held by DoIT as well as FirstNet and will continue to engage and try and get information to them that affects the region. One of the predicaments or challenges from a top down motto is that they have a check list that they're trying to check off and a lot of times a lot of issues are being missed. So we've been trying diligently to engage, especially on the local level, where we have heard significant input from the tribes where their voices and their input have not been heard. So we as a regional entity and they as our local parties we're trying to support that information gathering as well.

So as I mentioned I have gotten some consultation and input from Mr. Martinez and Mr. Vigil about some of the local issues. I would like to at this point ask Mr. Martinez to come up and speak on some of those issues that directly affect Santa Fe County.

KEN MARTINEZ: Thank you, Duncan. Mr. Chair, Commissioners, some of the issues that Duncan asked me to identify are things that are not only a problem for us in this center, our 911 center, but for public safety and first responders and 911 centers throughout the state. For example, after 9/11 there was a huge push to get interoperability between different branches of first response, fire police, EMS and the communication centers and that continues to be an issue. Lack of capabilities for the 911 centers, for example, the Santa Fe 911 center's backup center is Sandoval County. We also have an agreement with Los Alamos County and while we can transfer our 911 phone calls to each of those centers in the event of an emergency here, we cannot transfer or have them handle our radio traffic or our field units. So sharing of frequencies, sharing of channels and bandwidth would definitely assist in closing those gaps of communications between the jurisdictions.

Next generation, as I've spoken in the past, is on the horizon for us and the ability to get text messages or to transfer video or images from the 911 center to the field responders is going to be not only important but expected by the public. So this next generation 911 that's very vague and we don't know exactly what's coming we do have to be prepared and a big part of that is increased bandwidth and increased coverage for our units in the field. Currently we utilize AVL which is automatic vehicle location and GPS tracking for our responders in the field and a lot of the times as has been mentioned to you in the past, Santa Fe County has terrain challenges so coverage issues are big as well in that area. Our bandwidth and mobile data browser signal strength all ties back to being able to cover a large part or a large area with internet service and radio coverage. Microwave is big as well. But there are always challenges that we encounter with communications out in the rural areas of the County.

And another thing that we're looking at is possible regionalization or larger consolidations with other entities around us. So having a backbone infrastructure that would allow us to put different radio frequencies, different channels, different bandwidth possibilities so we have interoperability and communications across our jurisdictions would be a benefit. So identifying these gaps in public safety and communications this is something that may be able to be addressed through a larger network also to the southern part of the county because as you know we do provide dispatch services for Edgewood. So mobile data browser, connectivity and radio connectivity down to that lower part of Santa Fe County would be important as well. So, again, these are just issues that they have asked me to identify.

COMMISSIONER CHAVEZ: So, Mr. Chair.

CHAIR ANAYA: Commissioner Chavez.

COMMISSIONER CHAVEZ: So, Mr. Martinez, again, so I can understand it. We have a larger broadband system that delivers information that needs to be shared between departments and local governments and local tribes. In the area of law enforcement would that mean that we have the city police department and the county sheriff's department – the equipment in their units, radios and computers and all of that would have to be compatible; right, so that the information can be shared? Is that also in the works?

MR. MARTINEZ: Mr. Chair, Commissioner, that is one of the hopes and one of the things that we are trying to work towards is to get an infrastructure that would carry the different frequencies and capabilities for not only radio but also for computer and data to be transferred.

COMMISSIONER CHAVEZ: But then the eight different agencies would have to – that equipment would all have to be compatible then, right at some point?

MR. MARTINEZ: Mr. Chair, Commissioner, picture if you will having a backbone infrastructure network that different types of communication system can work on and over so if you transmit into that cloud-based system it can be compatible with the different types of communications equipment.

COMMISSIONER CHAVEZ: So if I'm in one unit and you're in another unit we don't have to have exactly the same equipment but we can still share that information.

MR. MARTINEZ: Correct. If the backbone infrastructure will support all those different types of communications that is correct.

COMMISSIONER CHAVEZ: Okay, thank you, Mr. Chair.

CHAIR ANAYA: So just on that point, I think it is important as we progress from public safety, from the school and the community centers and the other facilities is the backbone in place, where and where not, or is it not in place. And what do we need to do to make sure we're accessing the backbone in every part of the County so we can understand here is where we have it, here's where we don't and here are the costs associated, as Commissioner Stefanics said earlier, in some sequential way to step into in a progression having the entire County operational under the backbone utilizing the system. And I think that's what I still – you know, it's several years down the road now that I've been here – that's what I'm still looking for. I'm still looking for someone

to come forward and say, Here's where we are with our infrastructure and our higher speed access and our broadband width and here's where we need to get to and here's what it's going to cost to get there. Now, it sounds like there's a lot of other federal partners and potentially state partners that will be coming along to help us fill that gap but I still haven't understood and isolated where we are today and how do we start building that process now, now that we're allocating resources on a regular basis for many other infrastructure priorities. This needs to be one of the primary infrastructures in that planning. And I think that's what we're saying. Tell us what it is that you need. What it will cost to get there and then we have to figure out as policymakers how to prioritize those increments over time.

MR. MARTINEZ: Mr. Chair, that's the exact crux of the issue that we're looking at. We can tell FirstNet and REDI Net and these other providers what the gaps are and what we need to have accomplished but it's going to be incumbent upon them to provide us with the solution and where exactly we are now and what we need to do in the future to get onto those networks. That's what of the issues with FirstNet as well. They allocated this network, they're trying to build it but there is still difficulties in implementing it to the floor level to have it used by the responders and that's where the issue lays. We don't exactly where it is and where it is going to be so that we can jump on it and get using it.

CHAIR ANAYA: Are there questions or comments of Mr. Sill or anybody else present? Commissioners? Duncan, do you have any closing remarks?

MR. SILL: Yes, just very briefly and to Commissioner Chavez's question to Mr. Martinez. If you could go to the next slide there is actually a step-down from the federal level where the national network as promoted by and desired by FirstNet will eventually interface with local network but the difficult part of it is the next three steps that would enable us to do that. The backhaul is where for example REDI Net and some of the network could lend improvement and investment and access to where the current challenge within this state with DoIT and in support of the FirstNet initiative is to build that radio access network where repeaters and some of the wireless technology would be able to transmit the first respondents information from mobile devices, police cars by antennas and GPS system. So all of this has to have some interface. So the logic of it is something that we are trying to identify and we hope to have an opportunity to work further with regional partners so that with that said I want to use that as my closing statement an invitation that we'll stand and noted Commissioner Anaya, Mr. Chairman, we will try and put together some information to the points that you previously raised and bring back to you.

CHAIR ANAYA: Just on that point, Duncan. I think we need to keep always public safety as a high priority but we can't isolate public safety on an island. If we're going to come up with a comprehensive solution for a network it has to be so that everyone ultimately at some point we'll be able to access that backbone. We can't just isolate one piece, build it out, focus only on that and leave everything else to another day. I think it's an opportunity to build a backbone that would handle public safety as well as the other needs throughout the state and the region that you're trying to serve.

Questions or comments? Thank you, Mr. Sill.

MR. SILL: Thank you.

B. Matters from County Commissioners and Other Elected Officials

These are Non-Action Items by Elected Officials, Such as Constituent Concerns, Elected Official Recognitions, and Requests for Updates or Future Presentations

CHAIR ANAYA: Commissioners, are there matters from any elected officials present? Seeing no other elected officials. Commissioners, Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. At the last meeting we took up a cash donation for the young lady who is applying for the State Fair Queen from Santa Fe County and Ms. Miller, I'm wondering how much was collected and did we transmit those funds to her for her application?

MS. MILLER: Mr. Chair, Commissioner, we have almost the full amount and we have one more person who wanted to donate and then we were going to do so.

COMMISSIONER STEFANICS: Okay, well, when I sent her the email she was quite excited that we had done that and her deadline for applying I believe in August 31st coming up so I want to thank everybody. There were some members of the audience donated and some staff and some of the Commissioners and thank you very, very much for that.

At this time I don't have anything else.

CHAIR ANAYA: Thank you, Commissioner Stefanics. Commissioner Holian.

COMMISSIONER HOLIAN: Nothing, Mr. Chair.

CHAIR ANAYA: Commissioner Chavez.

COMMISSIONER CHAVEZ: I have nothing at this time. Thank you, Mr. Chair.

CHAIR ANAYA: Commissioner Roybal.

COMMISSIONER ROYBAL: I don't have anything either at this time.

Thank you.

CHAIR ANAYA: Thank you Commissioners. I don't have anything right now.

C. Matters from the County Manager

1. Miscellaneous Updates

MS. MILLER: Mr. Chair, I have a few items I can leave those until after the public hearing, if you'd like.

CHAIR ANAYA: Excellent. Commissioners, I would like to go to the public hearing. What's the pleasure of the Board?

COMMISSIONER STEFANICS: Mr. Chair, I believe I need a break but if we are going to go straight through the rest of the agenda I think it could take several hours.

CHAIR ANAYA: We don't need to go through the entire thing. So are you saying that you want to break? How long do you want to take a break for,

Commissioner?

COMMISSIONER STEFANICS: Well, we could do some quick things for an hour or so.

CHAIR ANAYA: I'd actually like to do that if we could. Let's go to some of the resolutions. We're at the resolutions.

VII. Public Hearings

A. Ordinances

1. Ordinance No. 2015-___, An Ordinance Amending Ordinance No. 2012-5 to Clarify that the County is Not Prohibited from Maintaining Roads Located on County-Owned Property. (Final Public Hearing – TABLED)

B. Resolutions

3. **Resolution No. 2015-122, A Resolution Amending Resolution No. 2007-120, the Pojoaque Valley Community Strategic Plan, and Resolution Nos. 2010-210 and 2010-225, the Sustainable Growth Management Plan, to Create the 2015 Pojoaque Valley Community Strategic Plan. (Second Public Hearing) (Growth Management - Planning/Robert Griego) (Action Item)**

CHAIR ANAYA: And I know we had a presentation but do you want to provide a summary and then we'll go from there.

ROBERT GRIEGO (Planning): Mr. Chair, Commissioners, yes, this is the second public hearing for the Pojoaque plan. I'll provide a brief update of what the plan is and this is the second public hearing for the resolution to adopt the plan. The plan was presented to the Board for the first public hearing on August 11th. The purpose for the plan is to provide an update to the existing plan in order to ensure that the plan is consistent with the County Sustainable Growth Management Plan and to ensure that the plan is implemented to the Sustainable Land Development Code and to the County's official zoning map.

Key elements of the 2015 plan update include the support for traditional, agricultural, and rural development patterns, appropriate scale residential and non-residential development in the Pojoaque Valley, a revised land use map to include revisions to the mixed use area of the plan, to remove properties within the Jean Bouquet historic district and request from property owners to remove residential properties from mixed use areas, and the need to address intergovernmental issues to facilitate communication and collaboration around the complex issues facing the Pojoaque Valley. And highway safety issues.

Staff recommends approval of this resolution to approval the 2015 Pojoaque Valley Strategic Plan update. I'd like to enter into the record a letter from David Dogruel the former planning committee chair. [*Exhibit 2*] That will conclude our presentation and we stand for any question from the Board.

CHAIR ANAYA: Commissioners, are there any questions?

COMMISSIONER STEFANICS: Mr. Chair, I just want to comment that

the community has done a lot of work and really appreciate it and that came through when we had our first public hearing. Thank you.

CHAIR ANAYA: Thank you, Commissioner Stefanics, Ditto.
Commissioner Chavez.

COMMISSIONER CHAVEZ: I'll just try and piggyback on Commissioner Stefanics' remarks and thank staff and the public for engaging in this process and sticking with it. I know it's not been easy but I'm pretty sure it's been bottom up and staff has worked very hard along with the public to come up with these community plans. And I think it's significant for Santa Fe County because we have these traditional communities that have grown and developed over time and we're trying to be considerate of them as we consider any new or future development that might impact them in a negative way. And, so, I think that it's good we have the plans and we know what the concerns are of the residents and hope that these plans will guide us in the future and that we can revisit them from time to time to be sure we're going in the direction that we want to go in. So, Robert, thank you and your staff and all the public that participated.

CHAIR ANAYA: Thank you, Commissioner Chavez. Commissioner Roybal.

COMMISSIONER ROYBAL: I also would like to thank staff and the community for all the hard work they put into this resolution and with that being said, I'd like to make a motion to approve a Resolution amending Resolution 2007-120, the Pojoaque Valley Community Strategic Plan, and Resolutions 2010-210 and 2010-225, the Sustainable Growth Management Plan, to Create the 2015 Pojoaque Valley Community Strategic Plan. This is the second hearing, thank you.

COMMISSIONER HOLIAN: I'll second that, Mr. Chair. Do we need to have a public hearing?

CHAIR ANAYA: Yes, we do. I'll go ahead and take that motion from Commissioner Roybal and the second and go to public hearing. Is there anyone here who would like to add any additional comments relative to the public hearing? If you would come forward please.

MATTHEW MURRAY: Matthew Murray, 3 Olive Lane, El Rancho and I want to assure the Commissioners that it was a bottom up. There was lots of community input. The Pojoaque Valley Organization talked to all of its members. We have several other officers here tonight so there was lots of input. There was lots of contentious amount the issues and the staff did work very hard to help resolve those and I think they addressed every concern that they legally could. There were some things that were just outside of their scope and so I do urge approval of that as a person who lives in that area, who will be affected by this I hope to benefit by this by being protected against uses that could drop my property value. With this protection, it will allow me and other people to continue to invest in my property and upgrade it which will increase if we resolve the roads issues which would increase the value of my property and the monies available to provide for additional police and fire protection in the valley which we sorely need.

So I urge all of you to vote for this resolution because it is a reflection of the best interest of the Pojoaque Valley community. Thank you.

CHAIR ANAYA: Thank you, sir. Who is here from the Pojoaque community? If I could just have a show of hands of those in support of the resolution. Thank you all for coming. Oh, sure, come forward, sir.

DEVIN BENT: I'm Dr. Devin Bent. I live in Nambe, behind the dairy, as the local say. And I do want – first of all I want to thank the Commissioners because you did give us an opportunity and you changed course and you gave us this opportunity and I really appreciate that. I also appreciate the work that the staff did. I know that they were working four or five nights a week until 10 o'clock. They were always patient and respectful in mediating when we had disputes. It was very good.

I am totally supportive of this ordinance. The only thing I would say is that I think we felt very clearly that we didn't want any lots at all smaller than $\frac{3}{4}$ of an acre. And I don't know, maybe you do, I don't know what's coming out from the consultants about density bonuses, the transfer of density of rights and if that will push the lot size in the valley down below $\frac{3}{4}$ of an acre. That's my only concern.

But again I basically I want to thank everybody involved. Thank you very much.

CHAIR ANAYA: Thank you, sir. Is there any other comments? Thank you all for your work and your efforts. This public hearing is closed. I'll go back to Commissioner Roybal, do you have any other comments?

COMMISSIONER ROYBAL: I don't have any other comments, just the motion to approve.

CHAIR ANAYA: Thank you, Commissioner Roybal.

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

CHAIR ANAYA: Resolution 2015-122, go ahead and give yourselves and everybody that worked on it a round of applause if you could.

4. **Resolution No. 2015-123, A Resolution Amending Resolution No. 2001-117, the La Cienega and La Cieneguilla Community Plan, and Resolution Nos. 2010-210 and 2010-225, the Sustainable Growth Management Plan, to Create the La Cienega and La Cieneguilla Community Plan. (Second Public Hearing) (Growth Management - Planning/Robert Griego) (Action Item)**

AMY RINCON (Community Planner): Good evening Mr. Chair and Commissioners. My name is Amy Rincon. I'm a community planner with Santa Fe County. And this is going to be the second public hearing for the La Cienega and La Cieneguilla 2015 plan update. Staff has been working with the planning committee since 2011 to create this plan update that is before you today. There is a minor amendment to the draft before you. We updated the existing land use map to display a parcel. At the first public hearing we presented the vision statement for the plan along with the objectives that were developed to guide the plan update and the major chapters that are in the 2015 plan.

This year we have held eight planning meetings. All of those meetings took place at the La Cienega Community Center where we worked out deciding on the appropriate

plan update draft to start with, updating information in the draft, examining past land use maps and determining the current land use map.

This plan update is intended to serve as an amendment to the existing plan and will guide future development in the community. The continuing issues for the planning area and the major proposed updates for the La Cienega La Cieneguilla planning area include, for the land use map an expansion of the traditional community boundary, neighborhood commercial proposed along Erica and Los Pinos roads and then the plan development districts which include the Santa Fe Downs, Sunrise Springs and the County-owned La Bajada Ranch, transfer of development rights and the importance of a County created program in identifying sending and receiving areas and there is still concerns over water in the area including Santa Fe River, wells and future water connections and the need to preserve traditionally irrigated agricultural land using tools such as density bonuses are encouraged through the area in general.

At the first public hearing there were a few comments about Las Golondrinas and staff has been working and meeting with representatives from the museum on how best to include the museum in future uses in the overlay and use matrix and zoning map that we'll have coming up later.

This is the second of two public hearings as required by Ordinance 2002-3. Staff recommends approval of the 2015 plan update for La Cienega and La Cieneguilla. And I stand for any questions.

CHAIR ANAYA: Are there any questions of staff? Seeing none, this is a public hearing. We did have a first public hearing. This is the second public hearing. This public hearing is open. Is there anyone here that didn't speak last time that would like to speak at this public hearing. If I could have a show of hands from people from La Cienega and La Cieneguilla here tonight. Excellent. So those that want to speak if you'd come forward.

GENE BOSTWICK: My name is Gene Bostwick. I am the chairman of the La Cienega Planning Committee. We've been at this for about four years and we are so delighted to be at this point. And I want to thank all of the Commissioners for your support in helping us get to that point. And staff through the generations have helped us to get to this.

I brought up a few points at the first hearing that I'm not going to reiterate tonight but they are on the record that we will continue to work on. We're hoping that this is an ongoing process, and we know that after this many years and we will continue to get the little details sorted out. But once again I just want to say thank you.

CHAIR ANAYA: Thank you, Gene. Mr. Dickens.

CARL DICKENS: Carl Dickens, president of La Cienega Valley Association. I want to take the time and identify those members of this committee who spent four years working on this. It is truly a representation of our community and they did an outstanding job and I truly appreciate Commissioner Stefanics comment at the last hearing about how comprehensive our plan is, because it is. So I thank those folks. Among those members were Alonso Gallegos, farmer, rancher and foreman for Tres Rios Ranch. David Camp who is an editor, arbitral, and also an environmentalist. Tom Dixon owner of Green Tractor Farm and a contractor. Rick Dumiak who is a facilities director for the Pueblo of Pojoaque. Gene Bostwick who is the architect, director and operations

manager for New Mexico Algae. Kathryn Becker who is an attorney with the Environment Department. Sylvia LaMaster who is a real estate agent. Tino Gallegos who is a business representative. Jose Varela-Lopez who is president of New Mexico Cattle Growers Association and executive director of New Mexico Forestry Association. Stan Jones a real estate agent. JJ Gonzales, farmer, land owner and one of the best people in our community. Robert Romero who is the economic development representative for the Pueblo of Pojoaque. But I really want to keep a lot of praise on Gene Bostwick who has spent hours and hours of putting this stuff together. He's done an outstanding job and I truly appreciate of the work that this group did. Thank you.

CHAIR ANAYA: Thank you, Mr. Dickens. Mr. Gonzales.

JJ Gonzales: Thank you Commissioners for this opportunity to speak. I also want to thank and mention Gene Bostwick. He did a great job leading this La Cienega and La Cieneguilla planning committee and I want to thank County staff. Robert, Amy, Paul, and Penny they did a wonderful job meeting with us almost every couple of weeks for a couple of hours we were there religiously every night, every Wednesday night we went. And after many, many meeting and after three or four years of this being in the planning stages this got to this stage where I think we're very comfortable about having this thing approved by the Board of County Commissioners.

The planning committee, they were very, very – it was a large group of about 10 or 12 people that would show up. They had all different opinions on this. Some were -- really had their own personal views about things and others were very cooperative and with all those different people being involved they finally came to a consensus of what this plan should for the vision of La Cienega. So with that, I want to thank everybody involved and I hope you approve this community plan tonight. Thank you.

CHAIR ANAYA: Thank you, Mr. Gonzales. Any other comments from the floor from La Cienega and La Cieneguilla? Seeing none this public hearing is closed. I do want to thank all of you who have worked on the plan both here many hours and many hours spent in the community center and in the community and many of those who were present there but maybe couldn't come tonight. Thank you for your efforts. This one of several community plans that this Commission has afforded each community across the county to work on and develop and get to this point.

So with that I would move for approval of the La Cienega and La Cieneguilla Community Plan Resolution 2015 and I look for a second.

COMMISSIONER STEFANICS: Second.

COMMISSIONER HOLIAN: Second.

CHAIR ANAYA: I think Commissioner Holian seconded it as well as Commissioner Stefanics. We'll take two seconds. Any further discussion from Commissioners?

COMMISSIONER CHAVEZ: Just congratulations again to the community. I know it has been mentioned bottom up commitment, four years, but we know that we're committed to the future because our communities mean that much to us so I hope that the County and the residents will continue to engage in this discussion to keep our communities viable and intact when it comes to our cultural and historical legacy. And, you know, this area certainly has that. We have the cultural assets that go

back 400 years and more so there are places the country that would love to have what we have. We don't have to fabricate or fake it. This is real. This is true. It's authentic and that's, I think, why people from all sectors, all economic backgrounds and income levels are willing to participate in giving of their time to make sure that we get to this point.

So, again, just congratulations and thank you for your work.

CHAIR ANAYA: Thank you, Commissioner Chavez. Seeing no other comments, all those in favor.

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

CHAIR ANAYA: The plan is adopted.

5. Resolution No. 2015-124, A Resolution Amending Resolution Nos. 2010-210 and 2010-225, the Sustainable Growth Management Plan, to Create the Chimayo Community Plan. (Second Public Hearing) (Growth Management - Planning/Robert Griego) (Action Item)

ERIN ORTIGOZA: Good afternoon, Mr. Chair and Commissioners. My name is Erin Ortigoza. I am a community planner with Santa Fe County. I'm excited to present to you once again the Chimayo Community Plan. At the July 28th Board meeting we introduced the structure and the context of the Chimayo Community Plan and reviewed the highlights of the planning process including outreach strategies the resulting high levels of community participation and community interest. We recited the plan vision statement which is, "Grounded in who we are today and how that will carry forward in who we are tomorrow." The Chimayo Community Plan is oriented around objectives such of which include reaffirming connections to rural resilient culture, strengthening connections to the past and to culture, building a cohesive community across county lines, inspiring artists, craftsmen, farmers, entrepreneurs by providing facilities and organizations that can support their production to showcase their work and connect them to each other, the community and their markets. Improving local resiliency in restoring individual and community health.

The community is very interested in preserving agriculture, improving local quality of life and promoting economic development. There are goals for each plan element represented in the plan which identifies specific strategies for plan implementation. Key elements of the Chimayo Plan which will support and guide implementation include a land use plan and land use map which will guide future land use and development standards. The formation of a Chimayo community association to prioritize projects and formally engage local government and public agencies. And this association should have representation from residents of each placita, neighborhood, farmers, acequia association, artist, craftsmen, business owners, non-profits and educational and religious institutions. And the last element is a programs and projects matrix which lists strategies, projects and programs, activities and potential partners.

This is the second of two public hearings as required by Ordinance 2002-3. Staff has received community member comments and feedback and included them in the plan

before you today. The changes to the Chimayo Community Plan of August 25, 2015 include minor text amendments and editing to the Chimayo land use map legend. Staff recommends approval of the resolution to adopt the 2015 Chimayo Community Plan. This is our presentation and I stand for questions.

CHAIR ANAYA: Thank you so much. Questions of staff. Mr. Griego, did you have something that you wanted to add?

MR. GRIEGO: Mr. Chair, one of the planning committee members wanted to make a brief statement to the Board.

CHAIR ANAYA: Absolutely. I'm going to go ahead and open, if there's no questions from the Commission. Commissioner Roybal.

COMMISSIONER ROYBAL: I do have a comment. I just wanted to compliment staff again and I appreciate your professionalism in working with the communities and all of your hard work. Thank you.

CHAIR ANAYA: Thank you, Commissioner Roybal. If there's no other questions or comments from staff and I will go back to Commissioner Roybal. This is a public hearing. This public hearing is now open.

ELIZABETH KAY: Mr. Chair, Commissioners, my name is Elizabeth Kay. At the BCC on July 28th we expressed our gratitude to a number of people who bring the Chimayo plan to fruition, today we want to thank a few more. First and foremost thanks to Raymond Bal who chaired every CCP meeting from December 2011 to June 2015 with unfailing good nature, sensitivity and wisdom. Vikki Tejada of El Potrero Trading Post sent emails of all of our emails and newsletters to vast numbers of people and recording the minutes of many meetings. The following Chimayo residents were invaluable: Liz Gold designed our website, Lorraine Vigil championed Chimayo's children, Lucy Collier and Peter Malmgren drew attention to Chimayo's deteriorating chapels and plazas, Sue Farrington kept the subject of Rio Arriba County in the discussions, Shelley Winship and Doug Clark provided expertise on water and cultural issues, Patricia Trujillo Oviedo spoke out for the needs of pilgrims, Dennis Tiede offered statistics about Chimayo's history and demographics, Edward Medina and Julian Sandoval emphasized its safety issues, and business owners Florence Jaramillo, Robert Ortega and Andrew Ortega offered suggestions.

Many people outside of Chimayo assisted our work. New Mexico historian Will Roth and his son Roy contributed overviews of Chimayo's history, plaza and churches. Dr. Marta Weigle, UNM regents professor emeriti and author of over 30 books about New Mexico providing invaluable knowledge and support. Don Usner a photographer and author originally from Chimayo allowed us to reproduce his superb photographs in the Chimayo plan. Architectural designer Rachel Preston Prinz and retired county planner Arnold Valdez gave presentations about preserving Chimayo's architecture, acequias, landscapes and viewsheds. Archaeologist Tom McIntosh created a blogsite about current events in Chimayo. State representative Carl Trujillo and Commissioners Danny Mayfield and Barney Trujillo attended our meetings and spoke. Louise Synderman chair of the New Mexico Historic Preservation Alliance was instrumental in spotlighting Chimayo at the 2012 NM HPA conference. Linda Sanchez a passionate preservationist from southern New Mexico was an enthusiastic participant.

We couldn't have accomplished this without the fabulous staff of Santa Fe

County. Robert Griego, Sarah Ijadi, Erin Ortigoza, Maria Lohmann, Elisabeth Salinas, and Beth Mills among others. And generous support came from people living outside Chimayo, Thomas Romero, Andrew and Clair Smith, Susan Barger, Robert Slayer, Carol Heppenstal, Michael Moore, Debra Roth, Mary Powell, David Rausch, Jerry Rogers, David and Dedie Snow, Lewis Martinez, Derrick Archuleta, Charlie Cardillo, Miguel Gandert, Barney McCollum, Richard Padilla and Virginia Vigil. And further afield, we want to think Vincent Ortiz and Estevan Rael Galvez of New York and especially Ann and David Phillips of Colorado and their friends who have made annual visits to Chimayo for 20 years year. They followed our progress closely because they along with countless other visitors care very much about Chimayo's future.

And, finally, our heartfelt thanks to the many Chimayo families who attended our meetings or kept us in their thoughts. Thank you so much.

CHAIR ANAYA: Thank you very much. Are there other members who would like to make a comment? Seeing none, this public hearing is closed.
Commissioner Roybal.

COMMISSIONER ROYBAL: Thanks again to community members and staff for all of your hard work on this resolution and I'd like to make a motion to approve the resolution amending resolution number 2010-210 and 2010-225 the Sustainable Growth Management Plan to create the Chimayo Community Plan.

COMMISSIONER CHAVEZ: Second.

CHAIR ANAYA: Motion from Commissioner Roybal and second from Commissioner Chavez. Commissioner Chavez.

COMMISSIONER CHAVEZ: Yeah, I want to just bring attention to Table 5 programs and projects matrix because I think this is very unique and even though each of the plans are unique in themselves this is about 100 page document. The document before this for COMMISSIONER HOLIAN: area was about 100 page document . So a lot of thought and effort went into them but on this projects matrix there's a lot of really fine detail in this that again or guiding principles for the area and for the County moving forward and you covered the spectrum from top to bottom. And I'll just mention a few, wastewater feasibility study, under agricultural and economic community development you have a program/project activity that would be a market place to identify appropriate locals to establish local market place in Chimayo for local products to be sold and also harvested good to be sold. So that is very significant. You have a strategic economic development plan. You have multi-purpose, multi-generational wellness center needs assessment. And those are maybe some of the easier things but you didn't shy away from the harder things either. Because you have neighborhood watch program, not easy to do. You have preventive patrols, you're asking staff to be proactive in patrols and law enforcement so that we can get ahead of negative activity. You're even addressing nuisance properties. Nobody wants to deal with that – we don't even want to do that. But it's in here. So you haven't left anything out and those are the things that we deal with as policymakers all of the time and so I appreciate your willingness to help us on those issues from a community's perspective, bottom up with participation.

So each of these community plans are chapters in what Santa Fe County is about. It's about people and place, cultural assets, it's about promoting artists and craftsmen that

are producing quality items that many people come here to look for. So thank you for all of your work.

CHAIR ANAYA: Thank you, Commissioner Chavez. Are there any other questions or comments? Seeing none, there's a motion to approve the Chimayo Community Plan from Commissioner Roybal and second from Commissioner Chavez.

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

CHAIR ANAYA: The Chimayo Plan is adopted. A round of applause for those people present. Thank you, Commissioners.

I'm going to have a time check so I can let everybody know the sequence. We've been at it for quite a few hours. We're going to be going into executive session but first we're probably going to handle at least one more resolution and possibly two depending on the time. We're probably going to go into executive about 6:30 so we'll see how far we get and then we'll come out and conclude the two other resolutions.

- 1. Resolution No. 2015- ____, A Resolution Amending Resolution No. 2003-4, the El Valle de Arroyo Seco Highway Corridor Resolution Nos. 2010-210 and 2010-225, the Sustainable Growth Management Plan, to Create the 2015 El Valle De Arroyo Seco Highway Corridor Plan Update. (First Public Hearing) (Growth Management - Planning/Robert Griego)**

PAUL OLAFSON (Planning Division): Mr. Chair, Commissioners, I'll be succinct. I'm Paul Olafson with the Planning Division, Santa Fe County Planning Division. Before you tonight is the 2015 El Valle de Arroyo Seco Highway Corridor Plan update. The original highway corridor plan was adopted in 2003 via resolution 2003-4. We've been meeting with the community in August to review their plan and provide an update. That's the update before you today. The process has included two community planning committee meetings. They were held at the La Puebla Fire Station approximately 10 community members or volunteers from the community attended those meetings. We reviewed the existing plan and ordinance and we looked at current conditions in the community and any changes that may have occurred since the initial plan. We've also looked at the current community needs and planning goals.

This update is intended to serve as an amendment to the El Valle de Arroyo Seco Highway Corridor Plan and guide future development in the corridor and ensure those plan goals of protecting the unique rural character of that corridor is maintained and continued.

We have developed this draft document with the community. We've also had two communitywide public meetings on August 17th and 20th and approximately 16 community members participated. We have take comments and input from both the community members and the communitywide participants. Some of the major concerns are how the reconstruction of US 84/285 has served to partially divide the community in ways the community would like to get back together, the need for more directional, informational signage along the corridor, safety issues along the corridor particularly with

traffic laws. The community meetings and communitywide meetings were published with ads in the newspaper, email notices and mailings out to property owners within the corridor and the planning areas.

This is the first of two public hearings and the second public hearing is anticipated on September 8th. With that I'll stand for any questions.

CHAIR ANAYA: Thank you, Mr. Olafson. So there is this public hearing and one other public hearing. Commissioner Roybal. Are there any questions or comments for staff? I'll go to Commissioner Roybal.

COMMISSIONER ROYBAL: This is the first hearing. I would like to thank staff again for their hard work and the community members on this plan. I look forward to hearing it again so we can move forward with it.

CHAIR ANAYA: Thank you, Commissioner Roybal. Other questions or comments of staff? Seeing none, this is a public hearing. This public hearing is now open. Is there anyone here from El Valle de Arroyo Seco tonight that would like to comment on the community plan? Keep in mind that they have been involved in the process. There have been a lot of discussions and meetings with that community. Staff is nodding. Are there any other questions or comments from this community of El Valle de Arroyo Seco. Seeing none this public hearing is closed.

Mr. Olafson, we will have one more hearing and then we can move to a vote; correct?

MR. OLAFSON: That's correct.

CHAIR ANAYA: Thank you, Mr. Olafson.

2. Resolution No. 2015- ____, A Resolution Amending Resolution No. 2004-73, the US 285 South Highway Corridor Plan, and Resolutions Nos. 2010-210 and 2010-225, the Sustainable Growth Management Plan, to Create the 2015 US 285 South Highway Corridor Plan Update. (First Public Hearing) (Growth Management - Planning/Robert Griego)

MR. GRIEGO: Mr. Chair, Robert Griego, Planning Manager. This is the first of two required public hearings for the US 285 South Highway Corridor Plan update. The overall intention of this plan is to continue promoting appropriate scale residential and non-residential development in the US 285 South Highway Corridor that meets the areas unique features and guides future development in a manner that maintains the plans overall goal of protecting the rural character of the corridor.

The staff has met with the US 285 South Highway Corridor planning committee and conducted 10 public meetings with approximately 20 community members attending one or more meetings throughout that process.

In addition, we've conducted three communitywide meetings on July 7th, July 13th and July 29th to present the draft update to the community and receive feedback from the community members. Approximately 135 people attended the three communitywide meetings. Staff and the committee received a great deal of input during these meetings which focused on the desire to have the plan update and future zoning and "appropriate land uses to meet the community's needs in services of the people living in and near the

corridor.” The comments and issues identified in these communitywide meetings were reviewed by staff and the committee and adjustments have been made as appropriate to address these community concerns.

This process has included the review of the existing 285 Highway Corridor Plan an ordinance, a review of the existing land uses, development of a draft land use map and draft community plan update which is before you today. And, staff also worked with the committee to develop a draft overlay district which will be an amendment to the SLDC and a draft zoning map which will be part of the official zoning map adoption process.

Some of the issues identified in the plan update included the desire to include the primary goals of the plan, the desire to maintain a residential character of the community, the desire to allow for sustainable responsible businesses to change the needs of the changing and dynamic community, the desire to preserve and enhance the areas open space and trail opportunities and the desire to ensure the community involvement and participation in planning and land use processes be continued throughout the corridor and in the surrounding communities.

This is the first of two public hearings and no action is requested at this time. I stand for questions.

CHAIR ANAYA: Thank you, Mr. Chair. Are there questions of staff.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. I understand that we have a townhall meeting and we advertised that there would be more of these open houses. Did we have very much participation? I heard you say that there were some meetings with 20 people but I thought there was a meeting with a very large number as well.

MR. GRIEGO: Mr. Chair, Commissioner Stefanics, we had a large open house meeting with approximately 96 people and then we had a follow up community open house after we met with the committee. So we had a meeting with the committee, we had another open house meeting and then we met with committee again as a follow up to that meeting.

COMMISSIONER STEFANICS: And from your perspective, did the plan come out with some consensus?

MR. GRIEGO: Yes, I do believe we were able to address a lot of the issues that had been brought forward through that. We are still going through the overlay draft process which will identify some of the issues that were brought forward at those open house including specific uses and whether they would be permitted in each of the districts. But I think we were able to resolve a lot of the issues.

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

CHAIR ANAYA: Thank you, Commissioner Stefanics. Other questions of staff? Seeing none, this is a public hearing. The first of two public hearings. This public hearing is now open. Yes, sir, you have the floor.

ALLAN YAEGER: Hello. My name is Allan Yeager I live in the corridor. I'm here to speak on behalf of the US 285 Highway South Corridor Plan as a committee member. And we did meet as Robert said for 10 times every other week for two plus hours and we systematically worked through the existing ordinance and overlay

in which I call to integrate the ordinance into what's now going to be translated into the new SLDC, the Sustainable Land Development Code. The committee worked very well together along with the Santa Fe County staff to help preserve the intent of the original corridor plan for visions for future growth as well as for the needs of the growing and changing community.

The majority of the time was spent going through, one item at a time, the existing corridor matrix table. There was a lot of pages of what's permitted and what's conditional and so on and comparing it to the SLDC and making the best fit where the items didn't match and where it may not have existed at all. The committee worked well together with the staff to make it through this overlay process and it was during the open house community meetings there was some strong feedback and it affected the surrounding community who were not actually part of the corridor so they weren't invited to this process. But it affected them. So we did have two additional meetings to work and address with the surrounding community concerns and adjusted the transitional document accordingly. The County staff mentioned that we had the hardest ordinance to translate due to the complexity of our plan – it's a really big thick plan. But I think we did successfully create an overlay that meets the needs of all of the surrounding communities as well as the corridor to allow an acceptable growth and permitted uses within that corridor plan.

If you have any questions, feel free to ask them.

CHAIR ANAYA: Thank you, Mr. Yeager.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: I know that there was some controversy. So I thank you for the extra meetings and I thank you for continuing to work with everybody's concerns.

MR. YAEGER: Thank you.

CHAIR ANAYA: Thank you, sir. Any other members of the public who would like to come forward at this time for the public hearing on the 285 south corridor. This first public hearing is closed. This will be at the September meeting, Robert, as well?

MR. GRIEGO: Yes, we will bring this forward at the September 8th meeting.

CHAIR ANAYA: Excellent. Thank you, Mr. Griego. Thank you land use staff and the community for their efforts.

Commissioners, we're going to go to executive session.

VI. Matters from County Attorney

A. Executive Session

- 1. Limited Personnel Matters, as Allowed by Section 10-15-1(H)(2) NMSA 1978.**
 - a. Public Works Department Management.**
- 2. Threatened or Pending Litigation in which Santa Fe County is or may Become a Participant, as Allowed by Section 10-15-1(H)(7) NMSA 1978.**

- a. **Arbitrations Involving the City of Santa Fe.**
- b. **Litigation Concerning Rights-of-Way for County Roads.**
- c. **Litigation Involving Buena Vista Estates, Inc. and Rockology, Inc.**
- d. **In The Matter of the Application of Public Service Company of New Mexico for Approval to Abandon San Juan Generating Station Units 2 and 3, Issuance of Certificates of Public Convenience and Necessity for Replacement Power Resources, Issuance of Accounting Orders and Determination of Related Ratemaking Principles and Treatment, Public Service Company of New Mexico, Applicant, Public Regulation Commission Case No. 13-00390-UT.**

GREG SHAFFER (County Attorney): Mr. Chair, in terms of a time estimate I wouldn't estimate more than half-hour.

COMMISSIONER CHAVEZ: Mr. Chair.

CHAIR ANAYA: Commissioner Chavez.

COMMISSIONER CHAVEZ: I'll make a motion to go into executive session to discuss A.1 and 2. A 1 as limited personnel matters as allowed by section 10-15-1(H)(2) NMSA 1978. 2, threatened or pending litigation in which Santa Fe County is or may become a Participant, as Allowed by Section 10-15-1(H)(7) and there are four items under that category: arbitrations involving the City of Santa Fe, litigation concerning rights-of-way for county road, litigation involving Buena Vistas Estates Incorporated and Rockology and in the matters of the application of Public Service Company of New Mexico for approval to abandon San Juan generation Station Unit 2 and 3, issuance of certificates of public convenience and necessity for replacement power resources, issuance of accounting orders and determination of related ratemaking principles and treatment, PSC of NM, application, PRC Case No. 13-00390-UT.

COMMISSIONER HOLIAN: Second.

The motion to go into executive session to discuss the matters delineated above passed by unanimous roll call vote as follows:

Commissioner Anaya	Aye
Commissioner Chavez	Aye
Commissioner Holian	Aye
Commissioner Roybal	Aye
Commissioner Stefanics	Aye

[The Commission met in executive session from 6:13 to 7:05.]

CHAIR ANAYA: Commissioner Chavez, can you bring us out of executive?

COMMISSIONER CHAVEZ: Mr. Chair, I'd like to make a motion to come out of executive session and hope for a second.

COMMISSIONER HOLIAN: Second.

CHAIR ANAYA: There's a motion to come out of executive session. Only the items reflected on the agenda and read in as Commissioner Chavez stated were presented. Present were the Commissioners, the Manager, the County Attorney and Deputy County Attorney.

COMMISSIONER CHAVEZ: Yes, and I think there was action on one item.

COMMISSIONER STEFANICS: No action.

COMMISSIONER CHAVEZ: No action on none of the items.

COMMISSIONER STEFANICS: No action in executive.

CHAIR ANAYA: No action when we come out and I'll go to Commissioner Stefanics. There's a motion from Commissioner Chavez, a second from Commissioner Holian.

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

B. Possible Action(s) with Respect to Threatened or Pending Litigation in which Santa Fe County is or may Become a Participant Discussed in Executive Session. (Action Item)

CHAIR ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. This concerns PRC Case # 13-00390-UT, pertaining to closure of two of the four units of the San Juan Coal Power Generating Station and replacement energy for the lost generating capacity. Specifically the stipulation is amended by the supplemental stipulation and further clarified and amended by PNM's associate general counsel, Ben Phillips, and VP of regulatory affairs, Gerard Ortiz in correspondence to outside counsel on Friday, August 18, 2015. I move that Santa Fe County withdraw its opposition to the stipulation as amended and take no position.

CHAIR ANAYA: There's a motion from Commissioner Stefanics. Is there a second?

COMMISSIONER ROYBAL: Second.

CHAIR ANAYA: Second from Commissioner Roybal and Commissioner Chavez. Any further discussion?

The motion passed by majority 4-1 voice vote with Commissioner Holian casting the opposing vote.

2. Resolution No. 2015-125, A Resolution Requiring the Legal Status of Santa Fe County Roads within the Exterior Boundaries of the Pueblos of Nambe, Pojoaque, San Ildefonso, and Tesuque to be Resolved Prior to the Board of County Commissioners of Santa Fe County Appropriating Funds for

**the Construction Costs of the Regional Water System
Contemplated by the Aamodt Settlement. (Commissioner
Roybal) [Exhibit 3: Resolution; Exhibit 4: Representative Carl
Trujillo's letter]**

COMMISSIONER ROYBAL: Yes, I'm bringing forth this resolution and any project that anybody is doing, easements are important, whether they're large or small, as far as the project that you're working on. We need to have easements that are correct and resolved. Especially in areas where we have a cloud basically over easement and where we have this problem. So with that being said that is the reason why I'm bringing forth this resolution.

CHAIR ANAYA: Commissioner Roybal, would you read the resolution into the record please?

COMMISSIONER ROYBAL: A resolution requiring the legal status of Santa Fe County roads within the exterior boundary of the Pueblo of Nambe, Pojoaque, San Ildefonso and Tesuque to be resolved prior to the Board of County Commissioners of Santa Fe County appropriating funds for the construction costs of the regional water system contemplated by the Aamodt settlement.

Whereas, the US Department of Interior, Bureau of Indian Affairs, has asserted the Santa Fe County roads within the exterior boundaries of the Pojoaque, the San Ildefonso are in trespass; and

Whereas, the BIA asserted that the County roads within San Ildefonso are in trespass without due consideration of the Pueblo Lands Act and proceedings of the Pueblo Lands Board. Subsequent agreements between San Ildefonso and the County or the history surrounding San Ildefonso; and

Whereas, the County has and continues to strongly dispute the assertion of trespass beyond based upon the facts to which BIA failed to give due consideration; and

Whereas, Congress enacted the Pueblo Lands Act to finally and firmly fix the title of pueblos and non-pueblo members; and

Whereas the Pueblo Land Board expressly recognized that San Ildefonso lands were burdened by the easements for some of what are now County roads; and

Whereas, even if expressly recognized by Pojoaque Pueblo Lands Board access is necessarily implied by its decisions since confirming title without access would frustrate the purpose of the Pueblo Lands Act by rendering the title confirmed, meaningless and finality intended illusory; and

Whereas, San Ildefonso and the County are parties to the 1989 right-of-way agreement that expressly grants rights-of-way to the County for County roads; and

Whereas, although the BIA has since stated that it now undertakes actions to clarify and determine the scope and effect for certain documents, including the 1989 right-of-way agreement and has not re-asserted the trespass claim, it's initial unsubstantiated trespass assertion is nonetheless causing title companies to stop insuring access to the property, access by such County roads –

CHAIR ANAYA: Whereas, leaders are unwilling to fund purchase money mortgages construction and other loans when access to a property serving as collateral for the loan is not insured; and

Whereas, even though the BIA has asserted trespass only as to County roads

located with San Ildefonso, the BIA's assertion has influenced title companies to stop insuring access to property in the Pojoaque Valley whenever access to such property depends upon a County road running through any pueblo in the valley; and

Whereas, lack of willing lenders has the potential to negatively impact the market for and thus the value of affected properties; and

Whereas, a decline in property value for property tax purposes in the area of the county may cause property tax rates to rise for properties in other areas of the county; and

Whereas, the County does not have unlimited resources and largely depends upon property taxes to fund its operations and capital projects; and

Whereas, the County is party to the certain settlement agreement dated April 19, 2012 for the purpose of which is to settle the pueblos claims to water in the matter of the *State of New Mexico, State Engineer, and the United States of America, Pueblo de Nambe, Pueblo de Pojoaque, Pueblo de San Ildefonso and Pueblo de Tesuque v. R. Lee Aamodt et al.* and that certain cost sharing and system integration agreement cost sharing agreement; and

Whereas, the settlement agreement and cost sharing agreement contemplate construction and operation of the regional water system to serve the water customers of the independent water systems of the pueblos of Nambe, Pojoaque, San Ildefonso and Tesuque collectively, the settling pueblos and the County; and – go ahead,
Commissioner.

COMMISSIONER ROYBAL: Whereas, the cost sharing agreement contemplates the County will contribute at least \$7,400,000 towards the planning, design and construction of the regional water system, including the acquisition of necessary right-of-way and service connections cost; and

Whereas, when index for future cost increases the County's construction cost contribution is currently estimated to be at least \$23 million; and

Whereas, among other contingencies the County's contributions towards construction costs of the regional water system is contingent upon appropriations being made by the Board of County Commissioners of the County for such costs; and

Whereas, questions concerning the legal status of the County roads running through the settling pueblos is creating unrest and mistrust among non-pueblo residents of the Pojoaque Valley; and

Whereas, the unrest and mistrust may deter residents from becoming County customers; and

Whereas, an inadequate customer base would undermine the long-term viability of the regional water system; and

Whereas, through BIA's erroneous assertion of trespass was limited to County roads within San Ildefonso, market forces have necessitated that the status of County roads within all settling pueblos be resolved at this time; and

Whereas, it would be imprudent to invest in the regional water system before the legal status of the County roads within the exterior boundaries of the settling pueblos has been resolved, since the County faces an unknown contingent liability related to such County roads included by not limited to potential litigation costs associated with defending its title and County roads the unresolved questions concerning such County roads can negatively impact property valuation for property tax purposes thereby

decreasing property tax revenue or increasing property tax for property owners in other parts of the county and undermining support for the regional water system among such property owners. And the unresolved questions concerning such County roads may reduce the number of county water customers to be served by the regional water system, therefore undermining the long-term viability of the regional water system.

CHAIR ANAYA: Commissioner, you had one more whereas before that.

COMMISSIONER ROYBAL: Whereas, the Board wished to formally express its intention to not appropriate funds for the construction costs of the regional water system unless and until the legal status of the County roads running through the settling pueblos has been resolved and to allocate the resources necessarily to timely resolve the legal status of such roads.

Now, therefore, be it resolved by the Board as follows: The Board will not appropriate funds for the construction costs of the regional water system unless and until the legal status of the County roads running through the settling pueblos has been resolved. The Board may not appropriate funds for the construction costs of the regional water system if the cost of resolving the legal status of the County roads running through the settling pueblos is too great. The County Manager is directed to allocate necessary resources to work with each of the settling pueblos to evaluate and resolve the legal status of the County roads within each pueblo boundary in time for the Aamodt settlement to be timely implemented. Any negotiated resolution or initiation of any litigation on behalf of the Board concerning County roads within the settling pueblos must be approved by the Board. The County Manager is directed to send a copy of this resolution to the state's congressional delegation, the Governor of the State of New Mexico, the Governors of the settling pueblos, the Secretary of Interior and the State Engineer. Passed and adopted this 25th day of August 2015.

CHAIR ANAYA: Thank you, Commissioner Roybal. We're going to do this hearing a little bit different this evening. I'm going to allocate 20 minutes of time for people that want to speak against this particular resolution that Commissioner Roybal is bringing forward and I'm going to allocate 20 minutes of time to speak for this particular resolution. So I would just ask that everyone take this into consideration as we don't have the – we're not going to have every single individual in here speak and so we're going to do this time allocation.

Bertram, I'm going to ask you to help me with that allocation of time and so with that I'm going to go ahead and go to public hearing. I'm going to go back and forth. If there are people wanting to speak in favor of the resolution, I'll let them speak and then we'll let someone speak if they have concerns about the resolution. At the end of the 40 minutes, if we utilize all of the 40 minutes, then we'll go to a motion and a vote. And so is there any questions for Commissioners? So we're good. Okay. So if we have the individuals that would like to speak on this side in favor and any individuals that may have concern on this side and what we'll do is we'll alternate and Bertram, if you'll track each of that time for the total of 20 minutes each, if you could help with that we'd appreciate it. So who would like to begin? Yes, sir. Please come forward. If you would please, when you get to the microphone, if you would state your name and your address for the record I would appreciate it.

ORLANDO ROMERO: Hi. I'm a historian and a writer from Nambe,

New Mexico. My name is Orlando Romero, and Commissioners, I sent you an email and I'm going to try to be as brief as possibly. Firstly, this whole thing is nonsense. The landlords – this has been settled already. San Ildefonso has absolutely no historical claim regarding this issue. But secondly, and more critically than anything else, to take millions of dollars and put it into an infrastructure where you guys – we don't know – none of the citizens in this state and the county know whether you have rights to run those lines nearby or across those roads. Who in the world would invest money in a Mercedes without an engine?

CHAIR ANAYA: So I'm going to stop you right there and I'm going to say that as the Chair of this Commission I fully, completely respect your comments and the comments of everybody in this room. Please keep in mind that the Commissioner, in his resolution, has already articulated his legal basis and justification for why he's carrying forward the resolution. Right now we're going to take in comments so that I can take that feedback in. I'm not interested in dramatizing the matter. I'm interested in some simple, fundamental facts and a position. I'm not interested in having rounds of applause and an animated series tonight. I would like to respectfully take in feedback so that the Commission can decipher it. Keep in mind that a Commissioner has carried this resolution forward. It's very extensive. It has very many moving parts within it. So respectfully sir, if we could just make sure we keep it cordial, that we not animate this. We're all neighbors that have to live amongst each other throughout this county. So I would just respectfully ask us to keep it –

MR. ROMERO: I apologize. I really do apologize but you have to understand –

CHAIR ANAYA: Go ahead, sir. No need to apologize. You were the first one so I just want to clarify; I'm not interested in drama, in hype. I would just appreciate if you would just articulate – I'm for it; these are the reasons why, and then we can move on to the others if we could.

MR. ROMERO: I, on behalf of a number of my neighbors are supporting Commissioner Roybal's resolution. Let me be calm. On the historical basis and my understanding on a legal basis. And that's all. And I'm sorry I got emotional, but for us who live in this area, it's a very emotional and very difficult issue to deal with. Thank you very much.

CHAIR ANAYA: I want to say that we all acknowledge that. This Commission in particular has been through numerous different hearings associated with the Aamodt and many other things so we understand the sensitivity. Do not take my request as a disregard for the level of emotion and concern that are prevalent on both sides. So no need to apologize but I do appreciate your remarks very much. Okay?

MR. ROMERO: Thank you very much.

CHAIR ANAYA: Thank you, sir. Yes, sir.

TERRY AGUILAR: Good evening, Mr. Chair, members of the Commission. My name is Terry Aguilar, former Governor of the Pueblo of San Ildefonso and I'm an attorney and I'm speaking on behalf of the Pueblo of San Ildefonso. On behalf of the Pueblo of San Ildefonso we're here to oppose Commissioner Roybal's resolution and with the time that's permitted, the Aamodt lawsuit was filed in 1966 by New Mexico State Engineer's Office over water rights on the Pojoaque-Nambe-Tesuque Rivers. The

court ordered a settlement discussion in 2000. Santa Fe County and the Pueblos of San Ildefonso, Nambe, Tesuque signed on to the Aamodt settlement in 2006. The settlement includes non-Indian parties such as the local acequia, non-acequia landowners, Santa Fe County and the State of New Mexico.

In 2010 Congress approved the settlement and appropriated money. Public Law 111-291, Title 6, for the Aamodt litigation settlement. The regional water system will be constructed to deliver safe drinking water to pueblos and non-pueblos within the basin. This in 2010. And there's an option for within the settlement if you want to connect or not. Santa Fe County reaffirmed the Aamodt settlement in 2013. The cost sharing agreement and the system integration agreement was executed by Santa Fe County and all the parties also in 2013. The cost sharing sets out funding obligations of the governmental parties to the settlement and establishes a fundamental operation agreement among the parties that will be operating the regional water system.

Santa Fe County to date has been paid \$5.4 million from the United States for water rights to go to the regional water system. Members of the Commission, the deadline to act on the key terms for the implementation of the Aamodt settlement is September 15, 2017, 726 days from now. The Pueblo of San Ildefonso has for years worked with Santa Fe County on this issue, on the implementation and execution of the settlement for the regional water system. Therefore, members of the Commission, Mr. Chair, it is the opinion of the Pueblo de San Ildefonso and behalf of Governor James Mountain and also former Governor Perry Martinez who signed this with President Obama in 2010 – he's here today, former Governor Martinez. We are here because we are the members of the party and it is our intent and our understanding and opinion right now that this resolution will place Public Law 111-291, Title 6, the Aamodt litigation settlement in peril. Thank you, Mr. Chair.

CHAIR ANAYA: Thank you, Governor. Appreciate it. Yes, sir.

MATTHEW MURRAY: Matthew Murray, 3 Olive Lane, El Rancho. As the plaque over there on the wall says, since 1846 when the United States took over this area, this issue has gone on and on and on. And so I think that I'm very thankful that some of the efforts that San Ildefonso Pueblo has put into negotiating and their offer I think in some ways was reasonable. It would clear the title immediately for hundreds of valley residents, but it wouldn't solve the big picture. And that's why I support the resolution. We really have to resolve the entire issue, because my assumption is that a lot of the pipes for the regional water system are going to be under County roads, and so we have to know what those roads are in terms of are they County roads or are they County roads in lease on tribal lands. Because the issue that I'm worried about is that this legislation didn't reference the other legislation, 25-CFR-169, which says that the minimum for access easements and extraction is fair market value. If it had had a clause specifically addressing that I think we would all feel more comfortable, but my concern is this has to be resolved because somewhere down the road, after this is all constructed there could be a simple calculation: How many acres of pipes and easements are on tribal lands? What's the fair market value of that versus the value of the water being supplied to those pueblos? And if they don't equal out, then I could see with two conflicting federal laws, one that says that these easements will be granted free of charge, and another piece of federal legislation that says the minimum is fair market value. I see a potential conflict.

So resolving the roads issue before we do construction is the right thing to do and I urge you to adopt the resolution, even though it puts us at odds with the pueblos which is a very hurtful thing. Thank you.

CHAIR ANAYA: Thank you. Yes, sir.

GOVERNOR MILTON HERRERA: Good evening, Commissioners, Chairman Anaya. I'm here on behalf of the Pueblo of Tesuque, Governor Milton Herrera. I have four key points I'd like to state to the Commissioners and I'm going to read them as it is here. The pueblo opposes the resolution for the following reasons: The pueblo opposes the resolution as it attempts to insert resolution of trespass issues between the County and San Ildefonso into the ongoing negotiation to implement the Aamodt litigation settlement act. The resolution of the trespass dispute is not a component of the settlement and should not be linked to continued obligations of the parties to fulfill their settlement obligations.

Number two, the Bureau of Indian Affairs has not issued trespass notices to any persons or entities regarding Tesuque lands, thus no right-of-way disputes have commenced between the pueblo and Santa Fe County, rendering the title of resolution incorrect in an apparent attempt to include the pueblo in the specific dispute between the County of Santa Fe and San Ildefonso.

Number three: The pueblo is concerned about the unraveling of the settlement as the benefits of the settlement include new water to the Pojoaque Basin and adequate water for all landowners will likely outweigh a protracted dispute with the non-pueblo landowners that could result in damaging precedent for both the pueblos and the non-pueblo landowners.

Number three: With all due respect, Commissioner Roybal was selected to be the lead negotiator for the County of Santa Fe for settlement implementation agreements. However, Commissioner Roybal appears to have comprised his obligation to proceed in negotiations as an unbiased representative in all his county constituents by proposing a solution that will address an issue directly affecting his personal property. Thank you.

CHAIR ANAYA: Thank you, sir.

BEVERLY DURAN-CASH: Chair, Commissioner, and all the Commissioners, thank you for having us today. My name is Beverly Duran-Cash. I'm the president of Northern New Mexico Protecting Land, Water and Rights. I know you want everything factual. I'm not a lawyer and a lot of the things I represent and a lot of the things I support and I volunteer my time for is actually that drama in some ways. It's the people. So I want to stick to the point like you said. The reason why I support and my community supports Commissioner Roybal is not because it only affects him as just was said, because he's a resident. The reason why is because this is a business. Water is business. And you guys are going into a business venture with a government or a business that uses leverage in order to get their way. They will do anything to the community or they will do anything to get the community to see it their way and I think that in my community we believe that running into this business venture with this type of mentality puts us at a complete vulnerable situation.

And that's with our water. So we support Commissioner Roybal. We support him because we as non-pueblo members are 90 percent of the population. So we thank you very much for listening to us. Now I know everybody does not have time to come up here

and I appreciate that but at this time I would like everyone in support of this resolution, in support of Commissioner Roybal's attempt to reach a solution and a fair solution for our community to please stand up. And I want to end, if you would please allow me, because I don't have the legal jargon of the lawyers, but I do want you to hear one case, one case that I've heard and it's haunted me because these are cases that are happening. And I'm going to introduce Mel Chaney, and I want you just to know – you want facts? I'll show you what his facts and his situation and his living is.

MEL CHANEY: I'm Mel Chaney. I live at 17 Vereda Romero which is within the boundaries of San Ildefonso Pueblo. I own my own house there. I have no debt on my house. I'm 90 years old. I know I will not be able to live there indefinitely. At some point they'll tell me I can't drive and I'll have to do something else so I have been taking some time to look at options that I might have. And for example, if I look at Castillo here in Santa Fe, a unit a year or so ago cost \$180,000 or in excess of that. if I look at Oppenheimer Place in Los Alamos, the apartments there cost \$170,000 and on up. If I look at Aspen Ridge assisted living in Los Alamos, the price there is \$2,500 to \$3,000 a month plus extra services that you might need.

My house is my main asset for covering this and when I have to move forward it will have to be based on the sale of my house to take care of my situation. And with the present situation of title problems my house is considerably devalued and maybe even unsalable. I haven't tried to sell it. But the situation on the market right now comes as a shock to me and I want to assure you that I am not unique in this situation. There are many other people in the valley in the same situation. And it seems to me that this resolution is a fast way forward to getting this issue resolved. If the issue goes on, time may run on me and other people. So I urge the adoption of this resolution in the hope that it will be resolved quickly and I appreciate you listening to be and thank you very much for your attention.

CHAIR ANAYA: Thank you very much, Mr. Chaney. Yes, sir.

LEON HOWARD: Good afternoon, honorable Commission. My name is Leon Howard and I am an attorney who has been following this issue and I'm here to point out why this resolution is problematic. Some of that has already been covered and I don't want to be redundant, so I will just drive home a couple of key points. This resolution would tie in the water rights contemplated by the Aamodt settlement with the status of County roads. The legal status of the County roads is an issue that has to be determined irrespective of the outcome of the County's research. The legal status of the County's roads has nothing to do with the County's obligation under the Aamodt settlement. So there's no reason that both of those things cannot coincide and from the outside looking in it only appears to be a delay to start incorporating the County's obligation under the Aamodt settlement.

Passing this resolution would be contrary to the Claims Resolution Act by injecting stipulations into the act not put forth by Congress. The final point I'm here to make is passing this resolution would be a direct breach of the Aamodt settlement agreement and one of the things contemplated by the resolution is avoiding opening up the County for litigation costs, and I think that passing this resolution would open the County up for that type of liability directly. Thank you.

CHAIR ANAYA: Thank you, sir. Yes, sir.

DEVIN BENT: I'm Devin Bent. I spoke before. I'm not a lawyer. I have a PhD from Columbia University in public law and government and I was involved in government before any of you were born. I've been involved 57 years, okay, in government, one way or another, teaching and practicing it. Whatever. Okay. I want to make a couple – this is not just a question of San Ildefonso. I live in a small neighborhood, 25 houses in Nambe. We were losing these access issues long before San Ildefonso raised the question. We are slowly going off the grid. We have a few utilities. When they break they don't get fixed.

Now, as a result of this my property values in the last two years, even before San I said anything. My assessed property values dropped 20 percent. That's a loss to me of \$100,000. Okay. That's a big loss. Mel Chaney is much older – not much older than me, older than me but I'm in worse shape. Let me tell you, okay? So at some point – I'm in pain standing here, okay? At some point we're going to have to sell our house and now in addition to that 20 percent now we've got the cloud on our title. So it's way beyond San Ildefonso. Okay? It's all over the valley.

The other thing I want to point out to you is one of the things we're losing slowly is landline service. Our cell service is bad. Half of the houses, homes in the neighborhood have a home business and they're paying the gross receipts tax. My wife fills out the form every six months. When the landlines go and with crappy cell phone service you're going to lose gross receipts tax too, not just the property tax. You've already lost 20 percent of mine and I protested. So thank you. Thank you very much. I appreciate it.

CHAIR ANAYA: Thank you, sir. Bertram, how are we on time? Okay, so ten and ten. Yes, sir.

GABRIEL MONTOYA: Good evening. Thank you for this time. Governor Tolache sends his regards, Mr. Chair, Mr. Roybal. Nice to see you. My name is Gabriel Montoya. I'm here to represent the Pueblo of Pojoaque. We come with a very short message and a question. The first issue is is that we think that this resolution is unnecessary, just based on the settlement agreement. It provides that all the settlement parties give up the easement right to allow this to go through. So this just seems to us as an unnecessary mix of the road issue versus the settlement issue. I just want to caution the Commission of what this might do to the community as a whole, not just tribes and not just the non-tribal members. All of us are in this together. Every one of us as an agency, as a sovereign has made a commitment to bring these water rights into the valley for the benefit of all. Not one party is going to win over another.

And with that, that's our main – then our question is is Commissioner Roybal, the tribe wants to know where you stand on the settlement as a whole. Is this something that you support or something that you don't support? This is important for us to know as us being your constituency. We have over 580 members that I'm standing here representing and we do have that question. Thank you.

CHAIR ANAYA: Thank you, sir.

MARTHA TRUJILLO: Commissioner Anaya, Commissioner Roybal, thank you very much for having me tonight. My name is Martha Trujillo. This is, as Mr. Bent spoke earlier, this is outside the boundaries of San Ildefonso. I live in Pojoaque. I think easements are an issue not just for the tribes to establish. I in particular have a piece of property that Pojoaque Pueblo has trespassed a waterline on our piece of property.

Right now we're trying to negotiate that and settle out how we will handle that in the future. But I am one of many who are a private landowner who is still unsettled with what is my property? And who is trespassing on my property? And as the Aamodt settlement does come through there will be many private landowners who will be giving up their private property in perpetuity. So I just think that it makes perfect sense to see who has what land and to see that the game be shared fairly, land for land. And if a regional water system does not come to Pojoaque, I think that might be a blessing in disguise because there are so many unanswered questions at this time. Thank you.

CHAIR ANAYA: Thank you very much. Are there other members that would like to speak in opposition to the resolution? Yes, sir.

PHILIP PEREZ: Good evening, Chairman, members of the Commission. My name is Philip Perez. I am the current Governor of the Pueblo of Nambe. I have been the Governor for 3 ½ years and I have not received any correspondence from the County in regards to roads and trespass or road easements. I have neither contacted the County in regard to those same issues. As you can see there's been three other tribal governments that have spoke before me and I sat back trying to figure out what the gist of this resolution is all about. I'm concerned because there seems to be some mix-up between roads and water infrastructure.

In reading the resolution as presented the Pueblo believes there are some flaws in the whereas statements that are made as well as some speculation by using the words can do this, may do this. Again, there are five parties to the settlement agreement. In that settlement those five parties – Nambe, San Ildefonso, Tesuque, Pojoaque and Santa Fe County – had given up rights to their lands for the implementation of this regional water system, which goes back to my initial concern about mixing these two issues together, because they are separate. I will stand before you to say that there isn't a problem with road easement and the granting of right-of-ways, however, for the Pueblo of Nambe we believe that these issues should be addressed in the master plan that the Board recently approved the resolution of. That's where these issues should be discussed, not in a construction project for water infrastructure where those rights have already been given. So with that, Chairman, Commissioners, on behalf of the Pueblo of Nambe, we are in opposition and I thank you for your time this evening.

CHAIR ANAYA: Thank you, Governor.

HEATHER NORDQUIST: Mr. Chair, Commissioners, my name is Heather Nordquist. I live at 40 County Road 84-B. I'm also the executive vice president of Northern New Mexico Protects, and I first of all haven't heard many people thank the Commission for taking action on this and all of the staff. As you know, for over a year now, we have been asking for help on these issues because of its severe impact on our residents and so I'd like to especially thank our Commissioner, Henry Roybal, and thank you all for hearing us this evening on this issue.

If these easements are so simple as the pueblos would have us believe, then it should be no problem for them to settle them by the time the decree needs to be made in 2017. So it's a lot of fancy talk to dissuade you from pushing forward with this and saying it needs to be solved. Clearly it's not an easy thing to solve because this has been going on now for a couple years, especially in the El Rancho area. So I strongly support this and I thank you all for your time and energy in putting this together. Thank you.

CHAIR ANAYA: Thank you. Are there additional comments from anyone on the opposing side to the resolution? Thank you. Yes, sir. Bertram, time check.

LEONARD GARCIA: I'm Leonard Garcia from Cuyamungue. Anyway, I want all of you to turn around and look at the picture back there. That's the treaty of Hidalgo. And I feel that the treaty of Hidalgo has been violated by the pueblos and by the government itself. And easements, the thing is that the people in the valley, where the County roads are, that was part of their property. And they gave some of that property, donated to the County for people to get in and out of their homes. And I'm for Henry Roybal's thing and I tell you one thing, that this is wrong. I mean the pueblos are actually violated the treaty of Hidalgo and I think that it came because the money came from the government and it became dictators to the people and that's against the United States Constitution. That's all I have to say.

CHAIR ANAYA: Thank you, sir. Yes, sir.

DAVE NEAL: Good evening. My name I Dave Neal. I live in El Rancho. Thank you, Commissioner Roybal, for doing this. Thank you very much. I want to clear up a few misconceptions here and I think the attorney will help me on this. In the settlement act there is a provision where the County can exit the settlement act at any time of their choosing. So the water settlement or the regional water system, you can still have the settlement without the regional water system. It may be different, it may require you to go back to the table but ultimately the regional water system does not dictate the Aamodt settlement. It's a separate item. It's a part of the solution.

So the original act, the original settlement act has a provision in there that allows the County to step out of this completely. Having said that, I'm going to go back to Commissioner Anaya. I watched earlier today while you folks talked about the recycling and trash – I guess that would be the right word – pickup. And you made a valid point. These services need to pay for themselves. You can't bring a service to the County and not expect them to pay for itself. The uncertainty that's in the water system right now certainly is in that category. Because you don't know if you've got the easements. You don't even know if you have the roads, much less the easements to the roads.

I kind of joke about this a little bit. If we do the settlement and we don't get the easements, and the water system goes in, does that mean that the residents of the county can not drive down the road but a County truck can to maintain the water system? Because you just got an easement just for the water? They're tied together and they will always be tied together.

Now, one more point and I'll be done. The Pueblo Lands Board Act was enacted in 1934. In that Pueblo Lands Board Act, and your attorney can look at it, it clearly cites County Road 84. It shows it on the map as a public road. It says it's a public road. That's not in question right now. We can fight about County roads all we want; what's in question is all the other minor roads across the river that over the years have migrated. Now, this goes back to the lawsuit that's going on right now, which says that the 1864 mining act gave the residents rights to those properties, and that's in litigation right now with the lawsuit that we filed, but the point that I'm making here is there's plenty of evidence that this is a good, good resolution. I support it and if any of you guys want to sit down and listen to what I've got to say because I've been studying this since last year I'll be more than happy to spend some time with you because there's a lot of study that's

gone on. Thank you very much for your time, Commissioners.

CHAIR ANAYA: Thank you, sir. Yes, sir.

BRUCE DURAN: Good evening, Commissioners, Mr. Chair. My name is Bruce Duran. I'm a board trustee for Jemez Electric. I'll make it clear that I'm not here to represent Jemez Electric; I'm here to represent my own interests. I support Mr. Roybal and I appreciate the fact that he brought this resolution in front of us because what I've seen just in the past few years, what's going on with the easements, Jemez Electric – and I wasn't part of the board of trustees – they were pretty much forced into engaging into a settlement and easements and if not they were going to be held hostage, their equipment and stuff and other types of equipment.

But seeing this brought up a lot of frustration, a lot of anger amongst the community and I think that if we don't put a stop to this and resolve the easement situation going on it's only going to get worse. People – it's getting to a point where people don't want to engage in community activities or do stuff with our neighbor pueblos and things that we used to do in the past together as neighbors, it's not happening anymore. We're reverting back. Instead of being in unity, we're going back, we're kind of separating. And that's not good for the community. It's not going to help us as far as economically and it's not going to help us to grow. And I think Mr. Roybal has the right idea here. We need to straighten out this easement.

One of the governors out here said there is not anyone out there that we can't bypass but that's not true. I myself received a letter from the BIA stating that I was to meet in front of them because I was trespassing on County Road 84B, which I did. I did meet with them and I discussed this matter with them and it obviously is a bigger picture. There's obviously more to it than just me driving out of my driving. We're talking utilities, we're talking about water. Next is going to come the gas. It's a big, big picture out there that we're looking at and I think it's our responsibility as citizens to make sure that we protect our interest and I think that it's your responsibility to make sure that everybody is treated equally. And that's all I've got for you guys tonight. Thank you.

CHAIR ANAYA: Thank you, sir. Yes, sir.

DAVE PIKE: Good evening. My name is Dave Pike. Most of you know me as a taxpayer from the Agua Fria Village. However, I own a property and a house on 88A Summer Road. It's referred to as County Road 113A. I have an extensive investment in my home and my property and I support strongly the resolution that you all are proposing this evening. I'd like to point out that easements with utilities that serve the public particularly with utilities that run through public roads that are maintained by for example the County and paid through by public taxes I believe need to be treated that way and you can't separate them.

Any time you have an easement and you have easement utilities they're intertwined which serve the public, and they're paid by taxpayers. And I believe that you have taken the right step tonight. As you can see this evening in the chambers, there is overwhelming support for the resolution.

I'd like to just briefly just state a little problem that I have currently on my road. My property runs across Summer Road, 113A. 113A has no written agreement, at least with the County or the Nambe Tribe regarding utilities or anything like that. The property in the road area where I live, and I'm probably unique to most, the land runs under the

pavement. That land I pay taxes on. So yet it is a right-of-way for the Santa Fe County to use through prescriptive right. I never did have any written agreement. I recently tried to bore across the road to provide irrigation to produce grapes and part of that problem was that Century Link told me that I'd be liable if I hit the fiber optic line. That places a lot of burden. The problem is it's still a road and there are easements and there's clouds within the easements and I believe this is the one step forward to clear up these problems.

I recently had some friends that I met in the Nambe area and Andrea Roybal are close friends with these elderly couple. They recently told me the story that they went and applied for a reverse mortgage. They were unable to do that. So their retirement plans have changed totally. So it's a real impact and there are more probably stories than you've really heard tonight about these impacts regarding roads, their easements and the cloud that exists. I'm very concerned from my perspective that if I try and sell my land I may not be able to get what I should be getting for the property because of a diminished value and I'm just real concerned. But I appreciate your effort. I have nothing against the Indian people. I think we all live in the same areas. We're married to the same people. We share the same resources and I just would like some resolution and omit some of the friction and move forward to a better community and a better living regarding the roadways. Thank you.

CHAIR ANAYA: Thank you, David. Yes, sir.

JACK SHELBOURNE: My name is Jack Shelbourne and I live at 58-A Evergreen Lane, Santa Fe, New Mexico. I am the manager and I'm married to one of the daughters of the man who constructed a mobile home park there. We have a road that my father-in-law gave to the County. I'm sure you're familiar with it. It used to be 101D now it's Evergreen Lane. It goes on for probably 1800 feet, 20 feet wide. That's close to an acre of land. We have another easement in the back of that same property that's 25 feet wide and again 1800 feet long. That's an acre. And I'll tell you right up front, we didn't get \$3,900 worth of easement for it. We didn't. That's what Jemez had to pay the San Ildefonso Pueblo for their easement. \$3,900 an acre.

We gave it to you. We have another stretch that's 120 feet long and 25 feet wide that we gave to you for 84B. We gave it to you. We have listened to the sovereign nations talking about the difference between the water system and the right-of-ways and the roads. Absolutely incorrect. The waterlines will go into the roads. The Native Americans are not allowed by the federal government to give an easement or a right-of-way into perpetuity. So the rest of these right-of-ways that have already been established, they're all we've got. We can't change them and they can, but we can't. And they also have a clause in all of their easements that says they cannot stack easement. Now if you don't understand what that means it means that if they have a waterline, that's one easement. If they had an electrical line, that's another easement. If they have a phone line that's another easement. If they have a gas line that's another easement. And they all have to be negotiated and settled on separately, not as a package.

I'm not from here. I came here 50 years ago and I've stayed here because I love it. My daughter Heather, she loves it too. My son Bret in Albuquerque, he loves it too. He loves this area, and believe me our way of life is being destroyed. I compliment our County Commissioner, Mr. Roybal, for coming up with this. The water system and the easements are unequivocally and indivisibly linked, and like my daughter said, it

shouldn't take that much time to settle this. All of the documentation is there. It's all there. From the treaty of Hidalgo down to the agreement that you guys have made with the Pueblo San Ildefonso and if we don't settle this right now it will continue to come up as it has for the last over 1,000 years. It's been going on forever. I've been here for 50 years and every 10, 20 years we have to negotiate another treaty with the sovereign nations to arrange for an easement or whatever. And it continues.

We cannot feasibly predict what our water rates will be or what our electrical rates will be if we have to do this. We cannot feasibly predict the viability of the water system, a sewer system – anything if we do not have the easements and the right-of-ways. That's the first thing that any business attempts to do is collect and negotiate an iron-cladly set up the easements that are needed. I compliment Mr. Roybal. I compliment you Commissioners for your listening to us and listening to what we have to say. We're simple people. We work hard. Everything that we have we've worked hard for. My mother-in-law lives in the house she was born in. She's 90 years old. She doesn't know anything about the easements or the roads. She has no idea. But if you try to take her out of her house, believe me, you won't stand a chance. That's what we're dealing with here and I'm trying not to make it emotional but you have to have the right-of-ways in order to continue with the water project.

I have a water system in my mobile home park and it's a bear. It would be very advantageous for me to hook to your water system, but from what I'm hearing about what it will cost me it won't work. And now you can't even tell me for sure what it's going to cost. These roads have to be settled. They have to be negotiated and they have to be done in perpetuity. Sorry. It's going to have to be forever because every 25 years is not going to work. You won't even get financing for it if it has to be done every 25 years. And again, I compliment you. I thank you. I'm very heavily in favor of this resolution, in case you haven't figured that out yet, and I thank you, Mr. Roybal as well. We have been trying for a long time to get somebody to listen to us.

CHAIR ANAYA: Thank you, sir. Bertram? We're out of time, so I appreciate everyone's comments on both sides. Commissioner Roybal.

COMMISSIONER ROYBAL: First I'd like to start off by saying that I respect and appreciate all the speakers tonight, both in favor and also opposed. I look forward to working with the pueblos on a resolution on these easements but I still feel strongly that we need to pass this resolution. So with that being said I would like to move for a motion to pass the resolution requiring that the legal status of Santa Fe County roads within the exterior boundaries of the pueblos of Nambe, Pojoaque, San Ildefonso and Tesuque to be resolved prior to the Board of County Commissioners of Santa Fe County appropriating funds for the construction costs of the regional water system contemplated by the Aamodt settlement.

COMMISSIONER HOLIAN: Second.

CHAIR ANAYA: There's a motion from Commissioner Roybal to adopt the resolution, a second from Commissioner Holian. Other questions or comments? Discussion.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR ANAYA: Commissioner Stefanics, then Commissioner Holian.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. At this point I

believe that we have a responsibility to the use of taxpayer dollars and the movement ahead on this very large water system, which hopefully will be part of a regional water system is dependent upon the security of the resources needed for it, and that includes the roads. So I am tying my decision to protecting taxpayer dollars and the security of the roads. Thank you.

CHAIR ANAYA: Thank you, Commissioner Stefanics. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I would like to explain my vote and I appreciate all the comment that I heard. I am voting for this. I am not, by doing that, making a statement that I don't want the regional water system to go forward. In fact I would like to see it go forward. But my vote is a financial decision. Before the County actually budgets funds for the Aamodt regional water system I believe that we must resolve the easement issues. Thank you, Mr. Chair.

CHAIR ANAYA: Thank you, Commissioner Holian. Commissioner Chavez.

COMMISSIONER CHAVEZ: These discussions and decisions are not easy. I think that the regional water system, especially in the Pojoaque Valley would be an asset for those in the future, and I think it's going to be more important for the future than for us now. To think that there's a fast, easy quick solution to this, I don't think that's going to happen. Certainly the resolution got everyone's attention no doubt. I did not get a chance to see this resolution until this morning. The resolution is new; the discussion is not. The discussion has been going on for the better part of 60 years. There are some in the room tonight that are definitely against any kind of regional water system in any way, shape or form. Some support it and some oppose it.

I don't know that the resolution is going to be the end-all to this debate. So I'm going to be one in the minority in the Commission tonight that is not ready to vote for this resolution and I hope that there is a solution not only to the road issue but some of the other issues that are festering in the community between the non-pueblo and the pueblo residents. And so I – again, I'm going to be the minority. I'm going to vote no, and it's not because I don't think that the road issues should be worked out; they should. And I support the regional water system. I was hoping that there would still be another way, aside from San Ildefonso going to the media, which I think was wrong, but I'm not completely convinced that this resolution is going to get us anywhere in a quick, easy way. So I'm going to sit back, I'm going to question the resolution, not the merits of it or the need to support, to finalize the question about the road issues, but in a hope that we can engage in a larger discussion, not for today or tomorrow, but for the future of the entire county. Thank you, Mr. Chair.

CHAIR ANAYA: Thank you, Commissioners, for your feedback. Thanks to the public for being present. I'll just make a few brief comments and say this. When I set foot in this chamber and was sitting on the end over there where Commissioner Holian was sitting, there were many discussions that have come about around many issues immediately. Each and every issue that comes before this Commission, regardless of which district it falls in, impacts the entire county. One of the single largest issues that came early on was not the basis of the settlement. The settlement was a 40-year or longer struggle to a settlement that came and even had congressional action associated with it.

But as part of the settlement were then discussions and agreements that are still being fleshed out as to who and how that particular water system gets built and paid for.

I'm not going to sit here and articulate all the different comments that I've made since I got here associated with that piece and how complicated and complex that particular piece is for the financing therein and to finance it. And all you have to do is look at my record and look at the discussions that I had on the record and where my votes fell. And it wasn't tied directly to the settlement itself but the actual, long-term expense and cost and benefit to the whole county. So that being said as we evolve and we continue to look at other issues like roads, like baseball fields, like community centers, like senior centers, like taxes and how taxes get assessed and levied and how those taxes come back to this body, and then we in turn have to make decisions on the allocation and the placement of those dollars in communities and to citizens from one end of the county to the other.

They're all interrelated, each and every single one. And so this question, this resolution is saying they're not one individually and independent, but they're all complementing or adversely impacting one another and we have to think and work through all those issues. I'll leave it at that. There's a motion, there's a second. There's been discussion. Thanks again to the public that participated at all levels.

The motion passed by majority 4-1 voice vote with Commissioner Chavez casting the nay vote.

VIII. Information Items

- A. Growth Management Monthly Report**
- B. Public Safety Monthly Report**
- C. Public Works Monthly Report**
- D. Human Resources Monthly Report**
- E. Administrative Services Monthly Report**
- F. Community Services Monthly Report**
- G. Financial Report for the Month Ending July 31, 2015 updates**

CHAIR ANAYA: Commissioners, Ms. Miller, is there any other order of business that we need to attend to?

MS. MILLER: Mr. Chair, yes. I just had a couple of updates for you. Mr. Chair, I just wanted to remind the Commission that the next special BCC meeting, which is on September 1st, next Tuesday, has been designated as the State of Santa Fe County Address. That meeting will start here at 5:30 in the chambers. All of the elected officials are scheduled to speak as well as the Commission.

Also, the Pojoaque Recreation Complex grand opening is an event scheduled for September 27th at 11:00 am. Staff is currently putting the finishing touches on this event and the invitations and the agenda will be sent soon. I just want to make sure that you marked your calendar for that.

Also, the teen court mural program has a schedule of three more murals but I did want to point out, and Commissioner Stefanics gave me her copy since I didn't get one,

but this is kind of exciting. We get the NACo County News in the National Association of Counties newspaper that they put out, there is our last teen court mural. A nice big half-page picture and it's quite an impressive mural if you haven't seen it over on the side of the Sage Inn and apparently NACo thought it was pretty impressive too and put it in their newsletter.

So I just wanted to note that we have three more mural projects scheduled to be completed this fiscal year. There's La Montanita Co-op, Santa Fe Harley Davidson, and our Rio en Medio Community Center. Those are the three that we have scheduled for the rest of the fiscal year and they come on the heels of our successful one at Sage Inn.

And then the last item I had an update on was the New Mexico American Planning Association, the Community Planning staff will be presenting at the American Planning Association statewide conference in Las Cruces in September and their session is titled Planning Survivor, 13 community plans for community plan to zoning. So I believe they're going to talk about their experience doing all the community plans this year, so I think that will be a really informative talk from them for the rest of the state and the planners in the state. So those are the items I had and I stand for any questions if you have any questions of me.

CHAIR ANAYA: Any questions of Ms. Miller? Seeing none, I just want to say that I value each of the five Commissioners – I value each of the four Commissioners and the staff and the work that's done day in and day out. We have votes, we make decisions and we move on to the next items and I really appreciate each and every one of you and would entertain a motion to adjourn.

IX. CONCLUDING BUSINESS

- A. Announcements**
- B. Adjournment**

Upon motion from Commissioner Chavez second from Commissioner Stefanics and unanimous vote and the meeting was adjourned at 8:20 p.m.

Approved by:



Board of County Commissioners
Robert A. Anaya, Chair

ATTEST TO: 

GERALDINE SALAZAR
SANTA FE COUNTY CLERK
9-29-2015

SFC CLERK RECORDED 09/30/2015



Solid Waste Permit Recommendations

Recommendation 2: Achieve 30% cost recovery thru permit sales within 5 years:

	CY14	CY15	CY16	CY17	CY18	CY19
	current	Year 1	Year 2	Year 3	Year 4	Year 5
SW budget	2,394,059	2,538,589	2,613,698	2,682,506	2,753,271	2,830,950
Permit Sales	397,010	415,020	480,390	544,686	710,352	849,285
% recovered	17%	16%	18%	20%	26%	30%

Recommendation 3: Phase out 24-punch permit, phase in 6- and 12-punch permits

	current rate	Year 1 rate	Year 2 rate	Year 3 rate	Year 4 rate	Year 5 rate
1-trip	15	15	16	17	18	19
6-trip	---	35	45	55	70	95
12-trip	---	65	75	85	110	140
24-trip	75	---	---	---	---	---
24-trip, low-income	70	---	---	---	---	---
5 bag tags	5	6	7	8	9	10
Est. Sales Revenue		415,020	480,390	545,760	703,815	897,240

FISCAL ANALYSIS - REVENUE CHANGES WITH PERMIT OPTIONS

FY 14 THRU MARCH, 2014

PERMIT TYPE	NUMBER SOLD IN FY14	TOTAL POSSIBLE PUNCHES	PUNCHES USED JULY 2013-APRIL 2014	ESTIMATED PUNCHES USED MAY - JUNE 2014*	POTENTIAL PUNCHES STILL AVAILABLE	POTENTIAL 24 -TRIP PERMITS NOT SOLD FY15	POSSIBLE REVENUE SHORT FALL \$75/ PERMIT FY15
24-TRIP	3,760	90,240					
SENIOR	1,553	37,272					
LOW INCOME	90	2,160					
TOTAL	5,403	129,672	59,794	12,217	57,661	2,403	\$ 180,190.63

*Punch data not yet available for May & June 2014; used data from 2013

	FY14	FY15	FY16	FY17	FY18	FY19
24-TRIP	3,760	2105	2105	2105	2105	2105
SENIOR	1,553	863	863	863	863	863
LOW INCOME	90	50	50	50	50	50
TOTAL	5,403	3018	3018	3018	3018	3018
Sales Revenue	394,610	221,535	221,535	221,535	221,535	221,535
SW Budget	2,394,059	2,538,589	2,613,698	2,682,506	2,753,271	2,830,950
% recovered	16%	9%	8%	8%	8%	8%



RE: 8-25-15 Email submitted by David Dogruel, member of 2015 Pojoaque Valley "Plan Update" Committee and previous member and chair of the Pojoaque Valley Planning Committee.

Dear Mister Chair and Commissioners:

I worked on the original Pojoaque Valley Community Strategic Plan for approximately six years. The process brought together many members of the communities of the Pojoaque Valley to produce a plan that seeks to preserve the characteristics of the rural lifestyle that has drawn people to the Pojoaque Valley for generations. The plan also attempts to bring forward ideas on how to intelligently prepare for growth and implement ideas for improvement of the way of life of residents of the Valley.

Plans also require periodic review and update, and the process that has recently been completed has been a collaboration between Santa Fe County Planning staff and community members. The process and meetings have been open to the public and the work of the Committee has been publicly vetted in several community meetings.

The updates to the Pojoaque Community Plan do not fundamentally change the Plan, its Vision and Goals. Rather, they seek to align the Plan and its language with the Sustainable Growth Management Plan and the Sustainable Land Development Code. The zoning map and land use table that the Committee has refined reflects the desire to keep density at a reasonable 3/4 of an acre, consistent with much of the existing development in the Valley and the original Community Plan. The community has long expressed a desire to focus higher-impact commercial development along the major highways in the community and the creation of the previous mixed-use districts accomplished this. The current plan update includes a Rural Commercial Overlay that captures the concept of this mixed use, but better aligns with the language of the new SLDC. We also sought to capture forward-looking ideas for community infrastructure in the Plan update, and look forward to working with Santa Fe County in bringing some of these ideas to fruition as funding allows.

In conclusion, I feel that the update of the Pojoaque Community Plan has been achieved via consensus of the Planning Committee, the community and Planning staff, and therefore request your support for the updated plan.

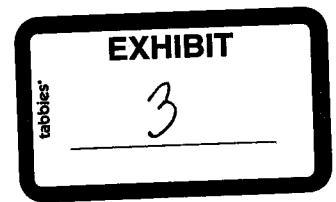
Respectfully submitted,

David Dogruel

S F C C L E R K R E C O R D E D 0 9 / 3 0 / 2 0 1 5

THE BOARD OF COUNTY COMMISSIONERS OF
SANTA FE COUNTY

RESOLUTION NO. 2015-_____



**A RESOLUTION REQUIRING THE LEGAL STATUS OF SANTA FE COUNTY
ROADS WITHIN THE EXTERIOR BOUNDARIES OF THE PUEBLOS OF NAMBE,
POJOAQUE, SAN ILDEFONSO, AND TESUQUE TO BE RESOLVED PRIOR TO THE
BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY APPROPRIATING
FUNDS FOR THE CONSTRUCTION COSTS OF THE REGIONAL WATER SYSTEM
CONTEMPLATED BY THE AAMODT SETTLEMENT**

WHEREAS, the U.S. Department of the Interior, Bureau of Indian Affairs (BIA) has asserted that Santa Fe County ("County") roads within the exterior boundaries of the Pueblo de San Ildefonso ("San Ildefonso") are in trespass; and

WHEREAS, the BIA asserted that the County Roads within San Ildefonso are in trespass without due consideration of the Pueblo Lands Act, the proceedings of the Pueblo Lands Board, subsequent agreements between San Ildefonso and the County, or the history surrounding San Ildefonso; and

WHEREAS, the County has and continues to strongly dispute the assertion of trespass based upon the facts to which BIA failed to give due consideration; and

WHEREAS, Congress enacted the Pueblo Lands Act to finally and firmly fix the title of Pueblos and non-Pueblo members; and

WHEREAS, the Pueblo Lands Board expressly recognized that San Ildefonso's lands were burdened by easements for some of what are now County Roads; and

WHEREAS, even if not expressly recognized by the Pueblo Lands Board, access is necessarily implied by its decisions, since confirming title without access would frustrate the purpose of the Pueblo Lands Act by rendering the title confirmed meaningless and the finality intended illusory; and

WHEREAS, San Ildefonso and the County are parties to a 1989 Right of Way Agreement that expressly grants rights of way to the County for County Roads; and

WHEREAS, although the BIA has since stated that it "is now undertaking actions" to clarify and determine the scope and effect of certain documents, including the 1989 Right of Way Agreement, and has not re-asserted the trespass claim, its initial unsubstantiated trespass assertion is nonetheless causing title companies to stop insuring access to property accessed by such County Roads; and

WHEREAS, lenders are unwilling to fund purchase money mortgages, construction, and other loans when access to the property serving as collateral for the loan is not insured; and

WHEREAS, even though the BIA has asserted trespass only as to County Roads located within San Ildefonso, the BIA's assertion has influenced title companies to stop insuring access to property in the Pojoaque Valley whenever access to such property depends upon a County Road running through any Pueblo in the Valley; and

WHEREAS, lack of willing lenders has the potential to negatively impact the market for, and, thus, the value of, effected properties; and

WHEREAS, a decline in property value for property tax purposes in one area of the County may cause property tax rates to rise for properties in other areas of the County; and

WHEREAS, the County does not have unlimited resources and largely depends upon property taxes to fund its operations and capital projects; and

WHEREAS, the County is a party to (i) that certain Settlement Agreement, dated April 19, 2012, the purpose of which is to settle the Pueblos' claims to water in the matter of *State of New Mexico, ex rel. State Engineer and United States of America, Pueblo de Nambe, Pueblo de Pojoaque, Pueblo de San Ildefonso, and Pueblo de Tesuque v. R. Lee Aamodt, et al.*, No. 66 CV 6639 MV/LCS (D.N.M.) (the "Aamodt Litigation") and (ii) that certain Cost-Sharing and System Integration Agreement ("Cost-Sharing Agreement"); and

WHEREAS, the Settlement Agreement and Cost-Sharing Agreement contemplate construction and operation of a Regional Water System to serve the water customers of the independent water systems of the Pueblos of Nambe, Pojoaque, San Ildefonso, and Tesuque (collectively, the "Settling Pueblos") and the County; and

WHEREAS, the Cost-Sharing Agreement contemplates that the County will contribute at least \$7,400,000 toward the planning, design, and construction of the Regional Water System, including the acquisition of necessary rights-of-way and service connection costs (collectively, "construction costs"); and

WHEREAS, when indexed for future cost increases, the County's construction cost contribution is currently estimated to be at least \$23,000,000; and

WHEREAS, among other contingencies, the County's contribution toward construction costs of the Regional Water System is contingent upon appropriations being made by the Board of County Commissioners ("Board") of the County for such costs; and

WHEREAS, questions concerning the legal status of County Roads running through the Settling Pueblos is creating unrest and mistrust among non-Pueblo residents of the Pojoaque Valley; and

WHEREAS, this unrest and mistrust may deter residents from becoming County water customers; and

WHEREAS, an inadequate customer base would undermine the long-term viability of the Regional Water System; and

WHEREAS, although BIA's erroneous assertion of trespass was limited to County Roads within San Ildefonso, market forces have necessitated that the status of County Roads within all of the Settling Pueblos be resolved at this time; and

WHEREAS, it would be imprudent to invest in the Regional Water System before the legal status of all County Roads within the exterior boundaries of the Settling Pueblos has been resolved, since (i) the County faces an unknown, contingent liability related to such County Roads, including, but not limited to, potential litigation costs associated with defending its title in County Roads; (ii) the unresolved questions concerning such County Roads could negatively impact property valuations for property tax purposes, thereby decreasing property tax revenue or

increasing property taxes for property owners in other parts of the County and undermining support for the Regional Water System among such property owners; and (iii) the unresolved questions concerning such County Roads may reduce the number of County water customers to be served by the Regional Water System, thereby undermining the long-term viability of the Regional Water System; and

WHEREAS, the Board wishes (i) to formally express its intention to not appropriate funds for the construction costs of the Regional Water System unless and until the legal status of County Roads running through the Settling Pueblos has been resolved and (ii) to allocate the resources necessary to timely resolve the legal status of such roads.

NOW, THEREFORE, BE IT RESOLVED by the Board as follows:

1. The Board will not appropriate funds for the construction costs of the Regional Water System unless and until the legal status of County Roads running through the Settling Pueblos has been resolved.
2. The Board may not appropriate funds for the construction costs of the Regional Water System if the cost of resolving the legal status of County Roads running through the Settling Pueblos is too great.
3. The County Manager is directed to allocate necessary resources to work with each of the Settling Pueblos to evaluate and resolve the legal status of County Roads within each Pueblo's boundaries in time for the Aamodt Settlement to be timely implemented. Any negotiated resolution or the initiation of any litigation on behalf of the Board concerning County Roads within the Settling Pueblos must be approved by the Board.
4. The County Manager is directed to send a copy of this Resolution to the State's Congressional delegation, the Governor of the State of New Mexico, the Governor of each of the Settling Pueblos, the Secretary of the Interior, and the State Engineer.

PASSED, APPROVED, AND ADOPTED this 28th day of August, 2015.

**THE BOARD OF COUNTY
COMMISSIONERS OF SANTA FE COUNTY**

Robert A. Anaya, Chair

ATTEST:

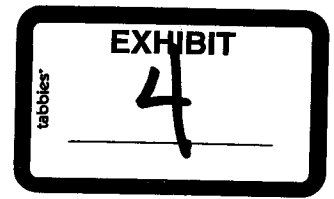
Geraldine Salazar, County Clerk

APPROVED AS TO FORM:

Gregory S. Shaffer, County Attorney



State of New Mexico
 House of Representatives
 Santa Fe



CARL TRUJILLO
 D - Santa Fe
 District 46

COMMITTEES:
 Business & Employment
 Ways & Means

1 Jerry Hatchet Lane
 Santa Fe, NM 87506
 Home Phone: (505) 699-6690
 E-mail: carl.trujillo@nmlegis.gov

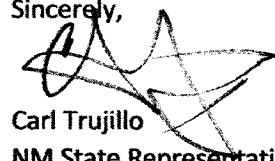
Dear Commissioner,

As a lifelong member of the Pojoaque Valley, I am extremely concerned with mistrust that has grown between members within the valley over the past decade. I believe all people would like to feel safe and secure with regard to legal access to their property and have access to fundamental resources of water, electricity, and heat (natural gas) at a reasonable or market rate. After all, for most of us, our biggest and maybe most important investment of our life will be our home. Unfortunately, a letter to *show cause* from the Bureau of Indian Affairs (BIA) to Santa Fe County, implying that Santa Fe County roads are in trespass, has brought much uncertainty not only to land owners, but also creditors and title companies. This uncertainty has already had an adverse effect on property values and collateralization of these homes, thus eroding the value at a rapid rate.

I write to you today in strong support of Santa Fe County Board of Commissions resolution to resolve legal status of the Santa Fe County roads within the exterior boundaries of the Pueblos of Nambe, Pojoaque, San Ildefonso, and Tesuque (also known as the Pojoaque Valley) prior to the funding of construction of the regional water system. Without the legal status of Santa Fe County roads resolved, uncertainty will persist and this lack of confidence will prompt less people to feel secure in signing onto a county water system. This belief is best underscored by the current situation in which 700 Pojoaque Valley residents have objected in Federal Court to the Aamodt settlement. While, most will agree that infrastructure of this magnitude -a regional water system- could be a very positive improvement to a small community, the unanswered easement issues, make the trust necessary for the system to work, unlikely. The property owners paying property taxes want their voice to be heard.

Thank you for your consideration.

Sincerely,



Carl Trujillo
 NM State Representative 46

Cc: Santa Fe Board of County Commissioners
 Katherine Miller, County Manager

SFC CLERK RECORDED 09/30/2015