

SANTA FE COUNTY

BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

September 28, 2010

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



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC MINUTES
PAGES: 85

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SANTA FE COUNTY
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This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 11:22 a.m. by Chair Harry Montoya, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

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

Members Present:

Commissioner, Harry Montoya, Chair
Commissioner Virginia Vigil, Vice Chair
Commissioner Kathy Holian
Commissioner Liz Stefanics
Commissioner Mike Anaya

Members Excused:

[None]

V. INVOCATION

An invocation was given by Ron Pacheco from the Health Division.

VI. APPROVAL OF THE AGENDA

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- B. Tabled or Withdrawn Items**

KATHERINE MILLER (County Manager): Mr. Chair, I do not believe we have any amendments to the agenda.

COMMISSIONER VIGIL: Move to approve.

CHAIRMAN MONTOYA: Motion by Commissioner Vigil.

COMMISSIONER HOLIAN: Second.

CHAIRMAN MONTOYA: Second by Commissioner Holian. Discussion?

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

SANTA FE COUNTY RECORDS DEPARTMENT
09/28/2010 10:08:10 AM

VII. APPROVAL OF CONSENT CALENDAR

A. Consent Calendar Withdrawals

COMMISSIONER STEFANICS: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you. I'd like to remove A. 1, A. 5
and B. 2.

CHAIRMAN MONTOYA: Okay.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Holian.

COMMISSIONER HOLIAN: I would like to remove XII. A. 6 please.

CHAIRMAN MONTOYA: Okay. Do I have a motion to approve the
Consent minus the withdrawals?

COMMISSIONER HOLIAN: So moved.

CHAIRMAN MONTOYA: Motion by Commissioner Holian.

COMMISSIONER STEFANICS: Second.

CHAIRMAN MONTOYA: Second by Commissioner Stefanics.

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

XII. CONSENT CALENDAR

A. Miscellaneous

1. Request Approval to Renew a Lease Agreement for a Two Year Time Period for the Santa Fe County Fire Department Fire Prevention Division Located at 22 Bisbee Court in the Amount of \$40,200.00 Per Year (Community Services/Fire) **ISOLATED FOR DISCUSSION**
2. **Request Approval of Amendment No. 1 to the Cooperative Project Agreement with the NMDOT, Project No. L5050, for Road Improvements to County Road 98, Juan Medina Road (Public Works)**
3. **Resolution No. 2010-162. A Resolution Accepting the South Meadows Extension for County Maintenance (Public Works)**
4. **Request Approval of Amendment No. 2 Contract No. 2010-0175-PW/MS to Extend Gannett Fleming West, Inc., in the Amount of \$134,603.51 for South Meadows Road (Public Works)**
5. Request Authorization to Enter Into an Indefinite Price Agreement with Mathews Office Supply for Office Supplies for Santa Fe County (Purchasing) **ISOLATED FOR DISCUSSION**
6. Request Approval to Accept an Award of Funds From the SAFER (Staffing for Adequate Fire and Emergency Response) Grant

Program in the Amount of \$499,200.00 for Volunteer Firefighter Training, Recruitment and Retention (Community Services Department/Fire) **ISOLATED FOR DISCUSSION**

7. **Resolution No. 2010-163. A Resolution Delegating to the Chair or Vice-Chair the Authority to Execute the Restated and Amended Project Participation and Land Transfer Agreement, the Supplemental Mortgage By and Between La Luz Holdings LLC, Santa Fe Film and Media Studios, Inc. and Santa Fe County, the Loan Guaranty Reimbursement Agreement By and Between Santa Fe County, La Luz Holdings LLC and Santa Fe Film and Media Studios, the Assignment of Deposit Account By and Between Santa Fe County and Los Alamos National Bank, the Loan Disbursement Agreement, and Other Documents Necessary to Complete the Transaction (Legal Department) ISOLATED FOR DISCUSSION**
8. **Request Permission to Enter Into a Lease Agreement with the Bureau of Land Management for Acreage in Nambe Presently Occupied as the County's Solid Waste Nambe Convenience Center**
9. **Approval of Memorandum of Agreement Between Santa Fe County and the New Mexico Department of Health for Funding the United Way Project Launch Program to Allow for Payment of Program Activities in Federal Fiscal Year 2011 in the Amount of \$733,000**
10. **Approve a Professional Service Agreement Between Santa Fe County and the United Way of Santa Fe County for Funding the United Way Project Launched Program to Allow Payment for Program Activities in Federal Fiscal Year 2011 in the Amount of \$733,000**
11. **Request Approval of the Accounts Payable Disbursements Made for All Funds for the Month of August 2010 (Finance Division)**
12. **Review and Discussion of the Monthly Financial Report for the Month of August 2010 Specific to the General Fund (Finance Division)**

B. Budget Adjustments

1. **Resolution No. 2010-164. A Resolution Requesting an Increase to the Water Enterprise Fund (505) to Budget the Balance for a Grant Awarded Through the New Mexico Environment Department for the Cuatro Villas Mutual Domestic Water Users Association / \$181,574 (Public Works Department/Utilities)**
2. **Resolution No. 2010-___. A Resolution Requesting an Increase to the Capital Outlay GRT Fund (213) / Buckman Direct Diversion Project to Budget Cash Carryover for Expenditures in Fiscal Year**

NO CLEAN RECORD 10/28/2010

2011 / \$5,000,000 (Finance Division) **ISOLATED FOR DISCUSSION**

3. **Resolution No. 2010-165. A Resolution Requesting a Budget Decrease to the Capital Outlay GRT 2010A Bond Fund (337) to Realign the Fiscal Year 2011 Budget with the Actual Available Bond Balance / -\$5,005,360 (Finance Division)**
4. **Resolution No. 2010-166. A Resolution Requesting an Increase to the General Obligation Bond Debt Service Fund (401) to Budget Cash Carryover for Issuance Costs for the Series 2010 Refunding General Obligation Bond / \$3,000 (Finance Division)**
5. **Resolution No. 2010-167. A Resolution Requesting an Increase to the Law Enforcement Operations Fund (246) to Budget Restitution Revenue Received for the Region III Drug Program for Expenditure in Fiscal Year 2011 / \$475 (County Sheriff's Office)**
6. **Resolution No. 2010-168. A Resolution Requesting an Increase to the Law Enforcement Operations Fund (246) to Budget Additional Grant Revenue for the Region III HIDTA Drug Enforcement Program Awarded Through the Office of National Drug Control Policy / \$804. (County Sheriff's Office)**
7. **Resolution No. 2010-169. A Resolution Requesting an Increase to the Detox Programs Fund (242) to Budget a Grant Awarded Through the New Mexico Department of Finance and Administration – Local Government Division to Fund Detox Services / \$300,000. (Community Services/Health)**
8. **Resolution No. 2010-170. A Resolution Requesting an Increase to the Alcohol Programs Fund (241) to Budget a Grant Awarded Through the New Mexico Department of Transportation – Traffic Safety Bureau for the Community DWI Program / \$39,999. (Community Services/Health)**
9. **Resolution No. 2010-171. A Resolution Requesting an Increase to the Fire Protection Fund (209) to Budget the Fiscal Year 2010 Cash Carryover for Various Fire Districts and to Adjust the Fiscal Year 2011 Budget for the Current Year Allocation to the Actual Distribution Amount for Each Fire District / \$2,081,049. (Community Services/Fire)**
10. **Resolution No. 2010-172. A Resolution Requesting an Increase to the Fire Operations Fund (244) to Budget Forestry Revenue Received to Reimburse Fire Administration and Various Fire Districts for Fire Personnel and/or Apparatus Utilized on Various Fires / \$18,515.71 (Community Services/Fire)**
11. **Resolution No. 2010-173. A Resolution Requesting an Increase to the Fire Operations Fund (244) to Realign the Fiscal Year 2011 Budget with the Actual Grant Award (\$10,000) and to**

Carry Forward the Available Fiscal Year 2010 Grant Balance (\$6,378) for Expenditure in Fiscal Year 2011 (Community Service/Fire)

12. **Resolution No. 2010-174. A Resolution Requesting an Increase to the Law Enforcement Operations Fund (246) to Budget a Grant Awarded Through the U.S. Department of Justice Fiscal Year 2010 Edward Byrne Memorial Justice Assistance Grant Program to Purchase Taser Cameras and for Forensic Training / \$76,640. (County Sheriff's Office)**
13. **Resolution No. 2010-175. A Resolution Requesting an Increase to the Emergency Communications Operations Fund (245) to Budget Cash Carryover for Medical Director Services for the Regional Emergency Communications Center for Fiscal Year 2011 / \$20,000. (Community Services/RECC)**
14. **Resolution No. 2010-176. Request Approval for a Budget Increase to the Federal Emergency Management Administration (FEMA) Staffing for Adequate Fire & Emergency Response (SAFER) Grant Cost Center (244) to Budget a New Grant Award of \$499,200 and a New Grant-Funded Full Time Equivalent (FTE) Term Position for the Santa Fe County Fire Department to Implement a Volunteer Recruitment and Retention Program Consistent with the Terms of the SAFER Grant Award (Community Services/Fire)**

VIII. APPROVAL OF MINUTES

A. Approval of August 31, 2010 BCC Minutes

COMMISSIONER HOLIAN: Mr. Chair, I move to approve.

CHAIRMAN MONTOYA: Motion by Commissioner Holian for approval,

COMMISSIONER VIGIL: I'll second.

CHAIRMAN MONTOYA: Second by Commissioner Vigil. Discussion?

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

IX. SPECIAL PRESENTATIONS

A. Presentation to Gus Martinez, Employee of the Quarter (Third Quarter of 2010)

VICTOR BACA (Deputy Assessor): Good morning, Mr. Chair, Commissioners. It is indeed an honor for us to have one of our own chosen to be have the Employee of the Quarter for Santa Fe County. Gus Martinez is a very hard-working individual. I first met Mr. Martinez about 3 ½ years ago when I arrived with Domingo as the Deputy Assessor. I didn't know him before that time although he is a local like I am. I

SPC CLERK RECORDED IN 2010/09/28

hadn't met him. I had met his wife only because his daughter worked with my daughter at the secretary of State's, so I knew his wife. I might have met her before he did.

But in any event Gus is one of our leading appraisers in Santa Fe County. He is charged and is responsible for all the million dollar and above properties. He has taken on the challenge for many years now and he has done an outstanding job. Mr. Martinez in addition recently completed an appraisal of probably the highest residential property in the state, a \$20 million home. To give you an idea of what a \$20 million, we put Walmarts on for \$20 million so this home is a big home and it was very technical in nature and very difficult to appraise but him and he took the lead and his team and they were able to accomplish that appraisal and do it admirably and professionally and without a whole lot of problems.

So it is with a lot of pleasure for me to present this certificate to Gus. He's really done an outstanding job for us since I've been here and they tell me the people that he has worked with before that he also did an outstanding job. So with that I'd like to have our Chief Appraiser who has worked with him longer than I have say a few words and then we can get on with the presentation and the certificate. If that's okay with you, Mr. Chair.

CHAIRMAN MONTOYA: Sure. Thank you. Daniel.

DANIEL KING (Chief Appraiser): Mr. Chair, Commissioners, I'm Daniel King. I'm the Chief Appraiser with the Assessor's Office I've been appraisal supervisor for the last seven years. I would just like to say it was a great honor for me to nominate him. I want to appreciate everyone, Commissioners and anybody involved in selecting him. Normally, in our line of business when we deal with taxes we very seldom make anybody happy. We seldom get a pat on our back and congratulations and it's nice to get the acknowledgement. With that said, Gus does, like our Deputy said, he manages the higher dollar area. To put that into perspective, about 30 percent of our property value in Santa Fe County and tax dollars come from his area. That requires a lot of dedication and diligence. He has to have particular details when you deal with higher taxpayer value property because of the tax dollars involved.

He has to have that diligence when it comes to defending that value, because those are often protested a lot more than others. Those are often filed in court, a lot of them. So he goes through a lot of – let's just say confrontation on a yearly basis. And I've just got to say that every year he makes my division and me successful by his work and through that he makes the Assessor's Office successful, makes the County very successful. And through that the public has reaped those benefits because the services that are performed by these tax dollars are a big benefit to the public. So without that the public would be suffering from him not showing that dedication and fortitude. So I'd personally like to thank Gus for all the work he's done over the last year. He has made me very successful and our office. I'd like to thank his wife Maria too because she's probably the driving force behind you. So thank you, Gus. You guys are well deserving of us.

MR. BACA: At this time, Commissioner, I'd like to have Gus and his family come up to receive this certificate.

GUS MARTINEZ (Appraiser): I'd just like to say a few words. I'm humbled and I appreciate – I couldn't do it without all my coworkers through all these years and them helping me and motivating me and my wife and kids. When I first started

under, it was with Mercy, the last part of it and then Benito and Domingo and I've always said that I'm a reflection of the County and I want to do the best job that I can and when I go out there and meet taxpayers I want to treat them fairly. Because if I don't then I'm not a good reflection of the County and it gives the County a bad name. So that's been my goal through all these years is to do my best and work myself up and get where I'm at, and like I said, I couldn't do it without my coworkers, and the County gave me the opportunity. So thank you guys.

CHAIRMAN MONTOYA: Thank you, Gus. And would all of the staff from the County Assessor's Office, would you please stand and be recognized as well? Thank you. Appreciate all the work that you all do. Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chair. I would like to congratulate Gus and his family for working hard. I didn't realize – well, I realized that Gus has a stressful job out there but you couldn't tell because every time you see Gus he's smiling, in the halls or wherever you see him. But Gus, thank you and Maria Elena, thank you for supporting him and for bringing all your kids. Thanks for what you do. And thank the other assessors for all the hard work that you do for us and we sure appreciate it. Thank you.

CHAIRMAN MONTOYA: Thank you, Commissioner Anaya, and again, congratulations, Gus.

XI. B. Recognition of County Employees Who Volunteered for Habitat for Humanity Women Build Project

DODI SALAZAR (Housing Director): Mr. Chair, Commissioners, this past June 25th the Housing Authority coordinated a County employee day to help the Habitat for Humanity's Women Built project. The Women Built project is a Habitat for Humanity home built primarily by women for a woman. However, we were very lucky because we did have some of our strong male employees volunteer. Thank goodness. The beneficiary of this particular home is Marlena Fisher. She is a single mother with three children. We have included a picture of her on the slide show that we're going to be showing here in just a second. We had 12 County employees volunteer for this project. Our job was to carry, measure, cut and hang drywall, as you can see on the slideshow. It was hard work but I think everyone felt that the cause was so much well worth it. It was something that we are hoping that we can do on an annual basis.

Before we recognize our County employees I do want to introduce Ted Swisher who is the executive director of Habitat for Humanity. He would like to say a few words.

TED SWISHER: Well, I just want to pass on a little wisdom from my grandfather who said when all's said and done a lot more will be said than done. And I want to just take my hat off to these County employees who put on their tool belts and did something for affordable housing and for Habitat for Humanity, and we greatly appreciate it. I just want to let you know, this is just a taste of what is done every year for families in Santa Fe County by its citizens. Last year Habitat for Humanity had 30,000 hours of volunteer labor donated by people from all over the country but of course most

of it from people in this county. So we take our hats off to these employees who made life a lot better for this one family. Thank you.

CHAIRMAN MONTOYA: Thank you, Ted.

MS. SALAZAR: At this time I would like to recognize our County volunteers. First, Allison Moore, project manager with CSD; Marcie Villalpando, Assessment Specialist with the Assessor's Office; Karen Griego, Administrative Assistant at the Fire Department; Valerie Huerta-Giron, Housing and Self-Sufficiency Specialist with Housing; David Padilla, Project Manager with CSD; Arnold Valdez, Senior Planner with Growth Management, and I don't believe Arnold is here today but we do definitely want to recognize him; Nicole Dickson, Field Auditor, Assessor's Officer; Travis Shonrock, Maintenance Technician with Housing; Fritz Fuchs, Firefighter/EMT with the Fire Department, and he could not be here with us but we definitely want to recognize him as well; Stephanie Ortiz, Assessment Specialist with the Assessor's Office, and Deanna Gonzalez, Department Administrator with Housing.

As you can see we had a good showing from the various departments throughout Santa Fe County and we're very, very proud of these individuals who worked really, really hard that day. So thank you.

CHAIRMAN MONTOYA: Thank you all for your work on that project. I'm sure the family is very pleased as well, so thank you County staff for your volunteerism.

X. MATTERS OF PUBLIC CONCERN –NON-ACTION ITEMS

CHAIRMAN MONTOYA: This is where if there is anyone who would like to address on non-agenda items please come forward.

PATIENCE O'DOWD: Good morning, Chairman Montoya. My name is Patience O'Dowd. I'm with the Wild horse Observers Association and I'm here today to talk to you about the opportunity that Santa Fe County has to be the first in the nation to have a wild horse state park in New Mexico. As you know well, being Santa Fe County, tourism is our largest sector private employer, and it's the largest private sector employer in the nation. And 80 percent of that is heritage tourism. For some reason I thought that this was going to be on the agenda today but I got a mixed signal. I just want to let you know that it's a huge opportunity to make New Mexico the number one eco-tourism spot in the world. I brought some of you pictures. How many of you got pictures? Because I have pictures for others. Did you get pictures? So I have more pictures for those of you that didn't receive any. I just wanted to say thank you for having such a positive meeting so far.

CHAIRMAN MONTOYA: Thank you. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I would just like to speak to that, and the reason that we didn't bring a resolution forward earlier is because we didn't have enough time to get it on the agenda. There's a deadline that we have of 24 hours. But we are planning to bring a resolution forward at our next meeting, supporting the purchase.

CHAIRMAN MONTOYA: I think it's pretty unanimous. But thank you all for being here, definitely. Mike's still open.

KAREN BORK: I moved to New Mexico from Norway and I can tell you that I think we're sitting on a gold mine with this horse sanctuary/horse park idea as far as tourism dollars are concerned. I think it has everything to do with economic development. I've traveled extensively in northern Europe and Scandinavia especially and the people that come here already from those countries for the balloon fiesta and to go skiing here, and for the gathering of nations, this would just be one more feather in our cap to say, look, while you're here – because most of the people in northern Europe are like New Mexico people and Colorado people. They're hikers; they like to camp; they're skiers; they like to be outdoors.

And one of the biggest draws in eco-tourism is photo-safaris. And this is something that they don't have in Europe anymore. Their wild horses are gone. The only place I know of right off the bat is Uzbekistan, and they're not set up for tourism dollars. You can go there. They have wild horses but they're smaller ponies. And I think that the other reason that I would say there's a real draw here for horse tourism and promoting it is that I work as a volunteer for the Hispano Chamber, for 25 years since I came here from Norway, and they are going to be more than willing to put brochures about horse tourism in all their convention packets, as well as the Norwegian State Board of Tourism. They would be more than happy, because I have contacts there and my family still lives there, to promote horse tourism in Norway. Lots of Norwegians come here to ski because in Norway they don't have downhill skiing; it's only cross-country. So they come here for the downhill skiing. And Norwegians are expert skiers as anybody who watches the Olympics knows. So they are in love with our ski areas to begin with.

And then the last thing I would like to say is that it's the right thing to do. I think too often misuse the word stewardship. These majestic horses are part of our heritage. They're part of our history. And they were put into our care for us to take care of for future generations. And if we don't do it I think it will be a form of theft for future generations, and most kids are going to ask us what happened to our wild horses? Where are they? How could you let them all disappear from the landscape. So thank you for listening.

CHAIRMAN MONTOYA: Thank you, Karen. If you'd state your name also for the record.

LYNNE POMERANZ: My name is Lynne Pomerantz. I'm a [inaudible] and wild horse photographers. I'll make it really short. I've been leading wild horse workshops since 2007. This is my fourth season and just starting it's incredible what's happened. I have people coming from all over the country. I've had people from Canada, Australia and England this year and I just – I know it would be a terrific draw for this state to have a state wild horse park. That's about it really. I just think it would be a very positive thing.

CHAIRMAN MONTOYA: Thank you, Lynne. Sir.

JOHN CRAWFORD: My name is John Crawford. I'm from Stanley. I noticed on the agenda today that there was no mention of repealing the current prohibition against planning. I would like to remind the Board again at this time, once they have been notified that their actions were in violations of the civil rights act,

deprivation of rights under authority of law that willfulness is established, and that at present this Board is in willful action denying a lawful process to the people of Santa Fe County. Today when you all discuss in you all's meetings on litigations and the threat of litigations, I'm not threatening litigation at this point but I would like to point out that since the Board is in violation of this federal statute that the threat of litigation applies, and because of the way the statute is applied, the liabilities apply to the individuals on the Board as well as the County itself because it is participation in such denial. And I think you should all at least discuss the implications and consider revoking the resolution that you all passed to prohibit planning.

That being one point. The other point is I have made my opinion very clear on repeated occasions that the most thing that impressed me about the proposed final draft that was presented to you all was how poorly drafted it was, something that you would have expected to have been done professionally, by the professionals that you all employ. It was clearly more or less sophomoric, self-conflicted, internally conflicted and very confused. After long thought, and having seen the standard, Oregonian statist agendas and restrictions on rural living and what not that we have come to expect from planning, presented quite openly and not with a normal level of concealment.

I've spent a lot of time thinking about it and as you know we had an earlier meeting about affordability in housing. Two points came to mind. One, that the single largest factors in affordability of housing is zoning ordinances. The amount of zoning ordinances, the more zoning ordinances you have the less affordable housing is. At present the general consensus seems to be that in Santa Fe the burden of zoning is 40 percent, that a \$60,000 house in Santa Fe doesn't cost \$60,000; it costs \$100,000. And that a house that's selling for \$200,000 would cost \$120,000 without the burden of zoning. And the proposed plan obviously intends to put an additional huge zoning burden on housing, and therefore would very much contribute to the unavailability of affordable housing.

The other factor in the document that I think is very important and should be made very clear to you is this document basically mandates a massive increase in the size of planning staff. And the second factor, a factor that affects future availability of housing, which has been very clear in the literature published and studies done on the matter is that the size of planning staff is the single largest factor in denying future availability for affordable housing. And this document mandates a sizable increase in planning staff. So this document for all it touts making affordable housing available does the exact opposite and what it means or seems to me to mean in it is that affordable housing really means subsidized housing. And if you look at the details of that you will see that that also increases the burden of zoning costs in housing.

So I would think that you all should take this into very careful consideration and I urge you all to rescind your current ban on planning. Thank you.

CHAIRMAN MONTOYA: Thank you. Anyone else?

XI. MATTERS FROM THE COMMISSION

A. Resolution No. 2010-177. A Resolution Proclaiming October as Santa Fe County Fire Prevention Month (Commissioner Vigil)

COMMISSIONER VIGIL: Thank you, Mr. Chair. I am so honored and always am to support, as is everyone else here, what I call our first responders, amongst other things. But in particular this is a resolution proclaiming October as Fire Prevention Month. And of course those of us who are always looking at ways to resolve issues look at the area of prevention. With that, Mr. Chair, I'd like to go ahead and read the resolution.

Whereas, the Santa Fe County Fire Department is responsible for public safety in the area of fire, rescue, emergency, medical services and special operations within Santa Fe County; and

Whereas, Fire Prevention Week is October 3 through October 9, 2010, and October is annually regarded as National Fire Prevention Month; and

Whereas, the Santa Fe County Fire Department, in conjunction with Santa Fe County Fire Department volunteer districts is promoting fire safety at local schools and senior citizen centers throughout the month; and

Whereas, the Santa Fe County Fire Department in conjunction with local area cable television and local radio stations is promoting fire safety, prevention and awareness with public safety announcements and TV interviews; and

Whereas, Santa Fe County recognizes the importance of Fire Prevention Month and the importance of the message delivered by the Fire Department regarding fire safety, preventing home fires, practicing exit drills in the home, and smoke alarm testing, which I need to do, and battery replacement twice each year; and

Whereas, the Board of County Commissioners desires to support the program of prevention, preparedness and public education and recognize National Fire Prevention Month and Fire Prevention Week;

Be it resolved that the Board of County Commissioners of Santa Fe County does hereby proclaim the month of October 2010 as Santa Fe County Fire Prevention Month. And with that, Mr. Chair, I move we adopt this resolution, which is Resolution no. 2010-177. And I will turn the program over to our representative.

COMMISSIONER HOLIAN: Second.

CHAIRMAN MONTROYA: Motion by Commissioner Vigil, second by Commissioner Holian. Any discussion?

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

VICTORIA DEVARGAS (Fire Prevention Specialist): Mr. Chair, Commissioners, I'd like to thank you for this and also tell you a little bit about some of the programs that we have in place. Our Fire Prevention Division now in October will be going out to approximately 28 schools throughout the county, covering approximately 2,500 children that we'll be presenting our program to at the grade school level and pre-school. Our programs are grade specific, kindergarten through sixth grade, and we also

present to all the senior centers throughout the county, Chimayo, Santa Cruz, Edgewood, Eldorado, and so we look at all age groups with our programs.

We've also had the opportunity the last couple of years to work with the IAIA campus safety officer in doing campus fire safety presentations and so there we hit all the freshman students and then we also go back in in January and do a refresher for them.

We are also scheduled to be out with our fire safety house to do some presentations. Actually we started those. We started in Eldorado at their community barbecue. We will also be going out to Lowe's Home Improvements. They have a Safety Saturday that we will be participating in, and we also participated in the Tano Road Home Association Community Day.

We're scheduled to do a TV interview tomorrow where we'll be doing a walk-through of our fire safety house, pointing out various hazards that we may see in our home, how to correct them, and also how to do fire drills and escape plans with our children. That's something that we really emphasize, review with parents how to come up with a plan with your children, designating two ways out of every room. That way if the primary way is blocked by fire they know their second way out, and also how important it is to establish a safe meeting place, so that if you can't get to your children your children know exactly where to go when they evacuate the home.

Some of our year-round programs include our pre-school, which is a pilot from last year and was very successful, so we went from two schools to about eight schools that we'll be presenting to throughout the year. It's called the Play Safe, Be Safe. It's a four-week program where instead of just hitting the kids with a one-hour presentation on fire safety we choose specific topics and we present to the children each week for four weeks. Then they get a completion certificate and also information that they take home to their parents about what they've learned.

Also year-round we've been incorporating something we've been doing here in the County is our workplace fire safety program, which talks about evacuation, fire drills, knowing your muster areas, and also incorporates a hand fire extinguisher use. So we've been providing that to County employees in the spring and in the fall for weather conditions, weather permitting. Then we have our day to day tasks which are development review, business inspections, any time we meet with the public is an excellent opportunity for us to provide education and speak to individuals about prevention and fire safety.

So other than that we'd just like to thank you very much for your support and any time you need our programs please let us know.

CHAIRMAN MONTTOYA: Thank you, Victoria. Appreciate all the work that you do.

MS. DEVARGAS: Thank you.

XI. B. Resolution No. 2010-178. A Joint Resolution Urging New Mexico's Congressional Delegation to Support Immediate Congressional Action to Authorize Legislation Allowing Property Assessed Clean Energy Programs (PACE) (Commissioner Holian)

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Our Renewable Energy Finance District, which created the Renew Santa Fe program is a PACE program. PACE by the way stands for Property Assessed Clean Energy. And what it does, basically is it creates a special assessment district which provides up front financing for renewable energy projects. Now, we were just on the verge of implementing our program. We were really just days away, when a letter was issued by the Federal Home Finance Authority to Fannie Mae and Freddie Mac about mortgage lending and PACE districts. And this would be residential mortgage lending.

The letter actually was requesting by Fannie Mae and Freddie Mac and what it did was it established new lending guidelines that were so strict and so onerous that essentially all across the country PACE programs were shut down. Now, the problem is with the fact that PACE programs are special assessments, and the lien that is associated with the loan for that special assessment is attached to the property; it's not attached to the individual. And the priority of the lien is co-equal with property taxes.

Now, this caused a lot of heartburn in the lending industry and they asked for this letter to be issued. Now, the problem for PACE programs was caused as the national level and the solution is going to have to be at the national level too. And what this resolution does is it urges our congressional delegation to guarantee that local governments have the right to assess special taxes for clean energy programs and as they put it, to restore the promise of PACE. By the way, this is a joint resolution with the City of Santa Fe and the Town of Edgewood and I'd like to acknowledge John Abrams who is a councilor from the Town of Edgewood who is here in the audience today. And I'm very pleased that you joined us on this resolution.

I won't read the resolution but I think it's worth noting a couple points. One is that residential and commercial buildings use nearly half of the energy in the United States, way more than automobiles do. So if we – in order to get control of the amount of energy that we use to cut down on the amount of energy we really have to address the problem with existing buildings in our infrastructure. Now, PACE programs are a really powerful way to link homeowners, and business owners for that matter, with the private financial markets. And in fact if we ever get our program off the – if we ever get going. I should say when we get our program implemented we will have immediate access to \$10 million right here in Santa Fe County. That \$10 million is coming from outside the county. So that is a very powerful thing. And I think that's part of the problem with the mortgage lending institutions; they don't like being cut out of the picture. But that's another story.

I think that it's also worth noting that these PACE programs are a really powerful way to create beneficial economic activity in our community. Now, having said that, I think that's what's happened is not entirely a bad thing. I think that this will get resolved and I think that rules will be put in place at the federal level for underwriting criteria for PACE programs. And this is a good thing because this creates more certainty in the

financial markets. That means that more money will be available to us and it will be available at lower interest rates.

So with that, I would like to move for approval of the resolution.

COMMISSIONER VIGIL: Second.

CHAIRMAN MONTTOYA: Motion by Commissioner Holian, second by Commissioner Vigil. Discussion?

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

XI. C. Recognition of Mana del Norte and Their Continued Efforts to Financially Support Hispanic Women of Northern New Mexico in Their Academic Endeavors. Congratulations to This Year's 2010 Awardees – Amy DeHerrera of Pecos, Melinda Lucero of Espanola, Elena Martinez of Santa Fe, Olga Trujillo of Taos, and Brittney Vasquez of Santa Fe (Commissioner Stefanics)

COMMISSIONER STEFANICS: Thank you, Mr. Chair. I was going to ask Dolores Roybal to step up. She is currently the president of Mana del Norte, and Mana del Norte for many years has been raising funds to provide scholarships for women of northern New Mexico to continue their education. Oftentimes these women are struggling. They might be working on their associates degree or a higher degree, but oftentimes they've had illnesses, they've supported family members, are single parents, and Mana del Norte really wants to work to continue their education. So I'd like Dolores to say a few words and then for all of us to go down and have a picture with her. Thank you.

CHAIRMAN MONTTOYA: Thank you, Dolores.

DOLORES ROYBAL: Mr. Chair, Commissioners, thank you for allowing me the opportunity to be here for this recognition of Mana del Norte. Mana del Norte is an all-volunteer, grassroots organization. We celebrated our 21st anniversary September 18th where we awarded five \$1,000 scholarships to the women that you recognized. As Commissioner Stefanics mentioned, these women may not otherwise have continued their education or gone back to school. \$1,000 may not seem like a lot by some standards but it actually makes a significant difference to these people and to their families. And some of you were present at our event and heard the stories of these women which were quite remarkable. So we really appreciate the recognition.

I also want to take this opportunity to thank and recognize Commissioner Vigil for your past support of our hermanitas program, for Commissioner Stefanics for many, many years of support and continued support of Mana del Norte, and also I'd like to recognize one of our members here, County Clerk Valerie Espinoza who has been a long-time member of Mana del Norte. To thank all of you for your support.

COMMISSIONER STEFANICS: Thank you. And this is a certificate of appreciation for serving as a voice and resource for Hispanic women in northern New Mexico and providing opportunities to create a better life for all Hispanic people. And if we could go down for a photo I'd appreciate it.

XI. D. Resolution No. 2010-179. A Resolution Relating to Respect in the Workplace in Santa Fe County (Commissioner Stefanics)

COMMISSIONER STEFANICS: Thank you, Mr. Chair. I would like to move Santa Fe County Resolution 201-179 relating to respect in the workplace in Santa Fe County.

COMMISSIONER HOLIAN: Second.

CHAIRMAN MONTOYA: Motion by Commissioner Stefanics, second by Commissioner Holian. Discussion?

COMMISSIONER STEFANICS: Yes. Thank you, Mr. Chair. There's some materials in your book relating to what happens sometimes, not often, but sometimes in the workplace when individuals in the workplace might be harassed or bullied. And they oftentimes don't go and say anything to the supervisor because they fear that they'll be made more fun of or retaliated against. So what this resolution does is asks that Santa Fe County pay attention to any complaints about bullying or harassment in the workplace and provide training to the supervisors that are here within Santa Fe County.

This is not asking for anything outside of the ordinary but really asking for our County HR and their training programs to address this with supervisors. And I stand for any questions or comments.

CHAIRMAN MONTOYA: Okay. Commissioner Holian, then Commissioner Vigil.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Well, I just wanted to make a few comments. I know that we've all worked in a situation where we have worked with a person who actually seems to try to make life difficult for you and it makes going to work not that much fun. But sometimes the behavior of individuals in the workplace actually crosses over a line and it goes into bullying or abusive behavior. And there are really consequences from that, consequences that we all pay for. People don't want to come to work, they become apathetic about their job. It can even lead to serious illness on the part of people who are the victims of bullying or even workplace violence. So I think it's really important for us to recognize that this is a phenomenon that's not tolerated, to create a workplace that's based on respect, respect for each other and respect for the people of Santa Fe County.

So I sort of look at this as kind of a companion to our Code of Conduct ordinance that we are going to be considering later. And similar to that Code of Conduct ordinance it shouldn't just stop with passing the resolution. We have to put in place a process, an atmosphere in which people feel like they can go talk to their supervisor and feel comfortable about talking to their supervisor if something like that occurs, and that they feel like we will do something about it. So it's not just passing it, it's what comes afterwards that really counts. Thank you, Mr. Chair.

CHAIRMAN MONTOYA: Okay. Commissioner Vigil.

COMMISSIONER VIGIL: Mr. Chair, unfortunately we don't have anyone here from HR but if anyone can address this question – I do receive their emails on all the supervising training that they have and a lot of what this resolution is

requesting actually has been put into place to some extent. I don't know if anyone can address that in particular. But it isn't as if our administration or staff has not been conscious of this issue. I appreciate Commissioner Stefanics bringing it forward because I do think it is something that needs to be addressed. I do think as an ordinance it does encompass some of this. But it seems to me a lot of what's being requested in this respect in the workplace is something that is covered by human resource regulations and something that we've practiced for quite some time and there has to be an additional emphasis in it. I'm happy to support it.

CHAIRMAN MONTROYA: Okay. Other comments? I'll just say that this is something that I think goes in line with what a lot of schools are doing as well in terms of trying to teach children about bullying as well. And I think certainly when we have the situation where we're passing these types of resolutions at a workplace level and an adult level it kind of makes you wonder where do our children learn their bullying practices from. So I think it goes along the line of – I don't know who said it, but what adults start children continue. So hopefully if adults start treating each other with respect and a little more compassion certainly we'll see that trickle down to our communities and schools as well. So with that we have the motion and second. Any other discussion?

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

XI. OTHER MATTERS FROM THE COMMISSION

COMMISSIONER HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chair. Are we going to listen to Dave Simon? Dave, do you want to talk a little about the horse thing?

MS. MILLER: Mr. Chair, I was going to, if it would be okay, I was actually going to bring up the state's acquisition of the Ortiz Ranch under Matters from the Manager, but Dave Simon and some other individuals are here so it would be nice if we could bring that up now.

COMMISSIONER ANAYA: Yes, I'd like to hear from Dave if we could.

MS. MILLER: I just wanted to let you know that the State Energy, Minerals and Natural Resources Department did send us a letter stating that they had intention to acquire approximately 12,500 acres in Santa Fe County, and as part of their process they do notify the local public body whose jurisdiction it is, so they sent us a letter and wanted to get comments. We went to Land Use staff as well as the Open Space staff to review the proposal and staff is in support of it. They do have some suggestions requesting management plans along the lines of having wild horses on the property but I think that Dave could also speak to that issue because Parks and Recreation, or State Parks does have a plan relative to that. And so from the staff's review of this we are in support of it and have had discussions with the cabinet secretary and Dave about the issues that the Open Space staff has said that they would be concerned about making sure that we protect the sensitive land and that sort of thing. So, Dave, would you like to speak to the Commission?

DAVE SIMON: Good morning, Commissioners, Mr. Chair, members of the Board. Good morning to the County Manager. Thank you very much for making some time on your agenda to hear a little bit more about this proposal. I think you're fairly well versed in the basics, which are the state has proposed to acquire a little bit less land than we originally told the County. I think the total we're looking at now is about 12,140 acres from two willing sellers. So these are sellers who are eager to move this property to state public ownership.

I think you're generally familiar where it is. It's about three miles south of New Mexico Madrid along New Mexico 14. One of the reasons we take such an exciting project as an expansion of Cerrillos Hills State Park is because of that location. Not only is it squarely in the middle of the two population centers and south of one of our prime attractions in the county and the state along the scenic byway, the most popular scenic byway in the state, it will protect and preserve a scenic corridor along the byway. It's almost five miles of scenic corridor along New Mexico 14. So the location is prime.

I think the governor is very excited about this project first and foremost it's conservation value, what it will do to maintain these area in open space, protect the natural cultural and recreational resources of what's really a world-class area in the Galisteo Basin that the United States Congress has designated as such, being nationally significant. This allows us to protect more of that. The wild horse feature to it of course is unique. It's not only unique to the state but it would be unique to the United States in terms of having a state-led project which would allow the public to come into close contact to view, experience and learn about these animals. It's just not an experience you can find almost anywhere, a project like this in the US that's a public project.

So we feel like there's a tremendous up side to this for the County and the state in particular. The fact that it will create economic development opportunities, tourism and heritage tourism related spending, and will really tie in I think to the general vision for sustainability and quality of life investments in Santa Fe County, and that's what this has to be viewed as, as an investment in future economic development, quality of life that will pay off extensively over time. I would say that it's been a delight to work with the County of Santa Fe on the Cerrillos Hills State Park project, which started several years ago and through the leadership of Commissioner Anaya and others on the Board is maturing now into a really nice project. We are getting great reviews in the local area about what our staff is bringing to the open space project in Cerrillos. We're on the verge of starting the construction projects that will put a brand new visitors center and museum in Cerrillos, which I believe is going to revitalize that community in a lot of positive ways.

This proposed step by Governor Richardson I think really ties into a broader vision of benefits that this state and County collaboration can have and I think we're going to see the fruits of that work with the County on the Cerrillos Hills in the next months and year, and particularly if this new acquisition does take place.

So we of course want the County's input. That's statutorily required but it's very important to us irrespective of the law, and we appreciate you giving us that input at your earliest convenience. We heard some – obviously informally – from the staff about that and I want to address a couple of those matters right now so the Board is aware of how the state envisions moving forward. Number 1, this land is adjacent to other County-

owned lands, what used to be called the Botanical Reserve. It's about an 1100-acre that's directly adjacent to the property that we would purchase, which we feel is terrific, because we can again integrate land management.

I want the County Board to understand, the staff to understand that with respect to horses and management of those animals, we do not see those animals anywhere near the County-owned property there. That's a botanical and biological reserve. If there are going to be wild horses as a part of this project we see them being west of New Mexico 14 in the area that's most suitable to have the horses. So we want to address the preserve the integrity and purposes of the County's biological preserve.

A management plan would obviously follow state acquisition. That's a public process that we again take very seriously, the input of the public in developing the management plan. That would be a process that would take at least 12 to 16 months to develop a good management plan at which point we can get into more details about what kinds of activities would take place on the Ortiz Mountain Ranch and where and how we would manage them. And again, I think while this would not be County-owned land, this would be state-owned land, the way I approach things I think it would be most important to collaborate very closely with the County as well as obviously the residents and the communities of the area as we plan this addition to Cerrillos Hills State Park.

So on balance I think the governor is very excited about this project. I think he feels like it is a very good use of investment funds and in the long term it will pay off with jobs, economic development and preserving our heritage. So with that I would certainly take any questions that the Commission would have.

CHAIRMAN MONTTOYA: Questions? Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chair. Dave, thanks for coming over and explaining it. I know we talked on the phone a little bit. Tell me where the money is coming from to purchase the property.

MR. SIMON: These funds, Mr. Chair and Commissioner Anaya, would come from the governor's discretionary funds through the federal stimulus bill. It's approximately \$2.8 million, which is the purchase price from these two sellers. I will tell you that – and I don't believe any representatives of the sellers are here today but the state is getting a terrific deal on this acquisition. A very, very good price to get lands into public ownership. But the source of the funds is the stimulus monies.

COMMISSIONER ANAYA: And Mr. Chair, Dave, did they do that little ritual that you were talking about? I was out of town and you said they were going to have something on Tuesday.

MR. SIMON: Right. I was thinking which of the rituals I get put through all the time. Yes, Commissioner, the governor did hold a little event down at the ranch last Tuesday. It was open to the public and there was a good turnout there, and it was a chance to show off the ranch house that's on the property, which would be an actual location for an office or a base of operations for this portion of the park.

COMMISSIONER ANAYA: Okay. Thank you.

CHAIRMAN MONTTOYA: Okay. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. Thank you, Dave. I did have the opportunity to attend the dedication or whatever ritual that's going to be called last week. And there was a nice showing of people that were interested in this,

not just from the local area but nationally. And it shows that there's a lot of interest in not only wild horses but preserving land. The issue I did have and I'm going to bring it up again is I would hope that we would at some point in time look at purchasing the mineral rights for that property because there have been rumors of plans to continue doing something with that land and we can preserve land all we want by buying it but if somebody has mineral rights they still can do whatever they want to. So, thank you.

MR. SIMON: Thank you, Mr. Chair, Commissioner Stefanics. I don't disagree with you. It's obviously the case in New Mexico that most frequently the surface and mineral rights are severed and that's a fact of life when you're doing an acquisition like this. I would commend the County obviously for the number of steps it has taken to enact responsible planning and development guidelines for mineral exploration and development in the county and those will go a long way toward assuring the preservation of this property.

CHAIRMAN MONTOYA: Dave, do we know who owns those mineral rights?

MR. SIMON: I believe most of them are owned by a lady who lives in Kansas.

CHAIRMAN MONTOYA: Okay. She's not in the oil industry?

MR. SIMON: Mr. Chair, I don't think she's a card-carrying member of that industry. I think she's probably had some dialogue with them over the last couple of years.

CHAIRMAN MONTOYA: Okay.

MR. SIMON: But we don't know plans right now for either hard rock or oil and gas development on the property, and there's some potential for it. Mining is part of our heritage in New Mexico and there are certain portions of this property that have a little bit more potential than others. That's also the situation the County got into when it purchased some open space in the county and the situation we have in other state parks. We want to celebrate the mining heritage in places where that's appropriate, teach and educate people about that. In other places where it's not perhaps appropriate we would argue against it.

CHAIRMAN MONTOYA: Okay.

MR. SIMON: But we appreciate the County's input and we look forward to that in whatever formal or informal manners the County wishes to provide the state that input.

CHAIRMAN MONTOYA: Thank you, Dave.

MR. SIMON: Thank you.

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: I want to thank Valerie's department and the County Manager's department and the other departments that participated in raising money for the queen, and I know you raised over \$500. I haven't heard how she's done, but thanks again. Thank you, Mr. Chair.

CHAIRMAN MONTOYA: Okay. Commissioner Vigil.

COMMISSIONER VIGIL: Thank you, Mr. Chair. I have a couple of announcements. I want to point out to the public that the Santa Fe County mobile health van is still up and running quite vibrantly. I have the schedule and that schedule can be

looked at to find out when the mobile health van will be in the area for anyone would like to take advantage of it. What they do is they do health screenings, blood pressure, blood sugar, they provide oxygen. Occasionally they have flu shots if they're available and I think this season they will be, but that isn't always a guarantee. But you can learn more about what kind of health screenings you can get through our website under the Health Department or by doing a search on the mobile health van. This is a service that's available to the public at large and this health van parks itself as far north as Pojoaque and as far south as Edgewood and places in between there. So look at the schedule where it might be available for anyone you think might take advantage of this and it really is an excellent opportunity for someone who doesn't see a medical practitioner on a regular basis to go in and get screened. They have actually referred people to the emergency room in some cases. So I'd like to announce that.

The other announcement I'd like to make is there is going to be a historical event and I think a press release has been issued as of yesterday. And this is the Buckman Direct Diversion first splashing. It's going to be on September 30th and I do believe under the Buckman Direct Diversion website you can get further information. All elected officials have been invited to participate. You do have to RSVP because protective gear is necessary to be a part of that. And I think once this occurs it will be the beginning of a project that the City and the County have been working on for years that benefits the community quite largely in that it provides for surface water diversion to this community, particularly with the experiences that we've had in times of drought this is going to be quite welcomed I'm sure by most members of our community.

Also, on those same lines there's been an independent peer review that's been holding public hearings to learn from the public any concerns they may have about the Buckman Direct Diversion. Most of the issue that's been concentrated on is any potential contamination by the delivery by that water system because it is a sediment cleaning system. This coming Thursday, I think it's from 6:00 to 8:00 in Genoveva Chavez Community Center, there is going to be a presentation by the peer review committee on the draft that they have comprised thus far from the public input they have had. This is open to the public. Anyone who is interested in learning more about this project, any concerns they may have, this is the time to address the peer review committee, and I know I will be there and there will be other members of the joint authority again, which is comprised of both City and County Commissioners. And that's it, Mr. Chair. Thank you very much.

CHAIRMAN MONTTOYA: Okay, Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Just to follow up on the mobile health van, there is going to be a flu clinic in the Glorieta area, in fact at the Glorieta Baptist Church on Tuesday, October 19th from 10:00 to 3:00. I've gotten a lot of positive kudos for setting that up but actually I don't deserve any credit at all. It was really Angela Thorndike who set it up and just asked me to help her reach out to the community and so I really would like to say thank you to Angela for doing that.

And also I would like to again thank Robert Martinez for his help. We've had some really thorny road issues in District 4 as we usually do and he's come up with some really creative solutions, and I've gotten a lot of positive feedback on that. And he's the one who really deserves the credit. So thank you, Robert.

CHAIRMAN MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Nothing, Thank you.

CHAIRMAN MONTOYA: Okay. Just a few announcements. One is Girls, Inc. is having their fundraising breakfast tomorrow morning for those of you who can attend. We've been supportive of them here in the past from Santa Fe County and they continue to provide a great service to a lot of the young ladies in our communities. I also wanted to follow up and thank Robert, Public Works staff, Eric Giron in particular who's been out in District 1 addressing a lot of the issues and needs regarding the flooding that occurred as a result of rain last week and also weeds that grow when they get rained on. We've had tons of weeds that we've had to cut and certainly – do you have all of your mowers now, Robert? Just one? Okay. So certainly when I get phone calls thanking me for cutting weeds and taking care of the flooding those calls are certainly welcome.

This Saturday, October 2nd, Santa Fe County, the Housing Trust is having a mural dedication, so that's going to be happening at that site. Also, I'll just announce that on October 4th Nambe will be having their feast day. Always a good occasion to visit and break bread with our Native American neighbors. October 5th we're having our study session for the Sustainable Land Use Development Plan. That's from 8:30 to 11:30 or is it 12? 11:30. We'll say 11:30 That way we have time to get out for lunch, unlike what we're doing today.

And then also that day, up in Los Alamos, the Regional Economic Development initiative on the broadband is going to be unveiled and that's certainly something that Santa Fe County has been involved with from the beginning. And then October 7th the Santa Fe Realtors are going to be holding a forum on affordable housing. I believe Commissioner Stefanics and I plan to attend that on that next Thursday. So just a few announcements in terms of the upcoming events that are going to be happening.

What are the wishes of the Commission at this point? Lunch? Okay. Any objections? Two o'clock? Is that reasonable?

[The Commission recessed from 12:35 to 2:15.]

XII. A. 1. Request Approval to Renew a Lease Agreement for a Two-Year Time Period for the Santa Fe County Fire Department Fire Prevention Division Located at 22 Bisbee Court in the Amount of \$40,200 Per Year (Community Services/Fire)

CHAIRMAN MONTOYA: Let's call this meeting back to order. It's about 2:12. We are now on the Consent Calendar items. Commissioner Stefanics

COMMISSIONER STEFANICS: Thank you, Mr. Chair. Basically, Stan, we had had a few words this morning but I want to just go over it. One of the directives that we had from the Commission was to identify space that the County owned that could provide offices in lieu of leasing. This is starting out new leases for another two years. So could you talk about whether or not there might be other opportunities within the County and maybe we could ask Joseph or Katherine to comment on it.

STAN HOLDEN (Fire Chief): Mr. Chair, Commissioner Stefanics, once we had our discussion this morning I began talking to other County staff regarding available space. The space that was initially proposed was the vacant space at the juvenile center on Airport Road as a possibility. I've since been told that Fire was not originally identified as one of the agencies that were going to that space and that Corrections had been looking at going to that space. So I'm not sure as of this moment what space might be available in the County, but quite frankly, Commissioner, I was not working from that premise, so I would be happy to take direction today to begin such a search and find out what is available as far as space in an existing County building so that this lease agreement would not be necessary.

However, we have one problem and that is the timeliness is sort of appropriate because the lease expires on the 30th of September, so that's just a couple of days. So we're going to need to take some definitive action today that will allow us to continue to occupy that space while we search out other County spaces to house the Fire Prevention Division.

COMMISSIONER STEFANICS: Okay. And Mr. Chair, Stan, has the – since we talked about this this morning has there been any approach to the current landlord about perhaps retaining the lease for a couple extra months?

CHIEF HOLDEN: Apparently he's on a construction site and we're trying to track him down. We're trying to look for him now to find out whether or not he would be in agreeance to extend the current lease or if his preference would be to go into the new lease agreement.

COMMISSIONER STEFANICS: Well, Mr. Chair and Commissioners, I'm a little concerned that we would just go ahead and approve a new lease if in fact we have space. And I understand that Annabelle is going to be using some of that space that's attached to the juvenile detention center for offices and wanted to retain the rest of the space for the possibility of expanding juvenile services. Well, in the almost two years that I've been here we've been having problems having juveniles fill the space that we currently have, let alone expanding. So I would really hate to get into a situation where we have that space sitting empty for another year, another two years and not utilizing it for the County if in fact we could save some money. Now, while it's not millions of dollars a year it is \$40,000 a year that we could be saving. And I recognize that there's moving costs every time that you go someplace –telephone hookups, IT, etc. So Katherine, can you recommend any way to handle this while we look into it?

MS. MILLER: Mr. Chair, Commissioner Stefanics, one of the things that I was going to suggest is approval for a three-month extension and we'll work on trying to find County-owned space that we could move them into. If for any reason, if the landlord would not go with that, we can come back to the Commission. I don't think they're going to evict them in two days so we'll at least have the authority to pay them for the next month or three months while we look for an alternative.

COMMISSIONER STEFANICS: Well, unless the Commissioners are opposed to that, that's what I would recommend is that we encourage or support the Fire Division that's located in those offices to continue with the three-month extension while we settle this, whether there is available space within County facilities. But I'll leave that to my colleagues.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: One of the requests I would make incorporating that, and I am in agreement with the County Manager is recommending, but I happen to have some information about what's going on at Bisbee Court. And that's a lot of rent that we're paying in today's market. Have we tried to negotiate a lower rent with the landlord on this?

CHIEF HOLDEN: Mr. Chair, Commissioner Vigil, yes. Initially when we proposed to renew the lease the landowner had a much higher proposal as far as the square footage costs. We negotiated that we keep the same amount per square foot lease over the next two years. Part of what was hampering our negotiations was the short term that we were allowed to operate within as far as a lease agreement term. So that's what we're up against as far as negotiating something that you would typically see on the private side, where you can negotiate a lower lease per square foot because of the term.

COMMISSIONER VIGIL: What is the square footage there, Mr. Holden?

CHIEF HOLDEN: I think it's about 6,000 square feet total. And a lot of it is warehouse space that we're utilizing for the wildland division, for storage of their equipment and supplies, and the rest of it is office space for the Fire Prevention Division.

COMMISSIONER VIGIL: So you have – it's almost \$20,100 annually, because this is for a two-year lease, correct. At least that's what it's written, a lease agreement for a two-year time period.

CHIEF HOLDEN: No, ma'am. I believe it's \$40,000 a year.

COMMISSIONER VIGIL: \$40,000 a year?

CHAIRMAN MONTOYA: \$3,300 a month.

COMMISSIONER VIGIL: Okay. Stan, I am so familiar with the fact that you have leverage to negotiate. There are so many units available in Bisbee Court that can be utilized for the Fire Department, inclusive of industrial warehouse space. I think the landlord might know that. It might difficult, maybe, I'm not sure, to move from where you're at, but there are so many unit there that you could move to that have the same kind of facility. I'm surprised that your landlord isn't more willing to negotiate this because there's too many units that have been vacant for too long that you could look at comparative prices and the landlords have lowered their rates tremendously. I really think that's a high rate.

CHIEF HOLDEN: Mr. Chair, Commissioner Vigil, we're certainly willing to go back out and look again. We did look in the Bisbee Court area specifically, and most of the space that was allocated was warehouse space. There was very little office space that was available. And we did put quite a bit of money into the IT infrastructure. Now, on the good side is if we move into the juvenile center, from what I've been told through IT, that infrastructure is already in existence. So we would not have to duplicate that cost that we've already invested at Bisbee Court, because it's already in existence.

COMMISSIONER VIGIL: Okay. And it would be from my perspective prudent of us to first of all look at the juvenile detention facility and secondly look at alternative sites. And I'm familiar with Bisbee Court. I think the T-1 lines and all that are really available for most tenants there. I'm not sure if your needs are beyond that, but I think they're there. Mr. Chair, that's all I have.

CHAIRMAN MONTOYA: Okay. Any other comments? Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chair. How many staff members are located there, Chief?

CHIEF HOLDEN: Mr. Chair, Commissioner Anaya, there are eight individuals there that are assigned full time, and then part of the Wildland Division that has volunteers is also located there as well.

COMMISSIONER ANAYA: And where is Bisbee Court at?

CHIEF HOLDEN: It's the turn off to Rancho Viejo where the BLM, where they just completed the new BLM structures. It's on the opposite side of the street.

COMMISSIONER ANAYA: Okay.

CHIEF HOLDEN: Rancho Viejo Boulevard.

COMMISSIONER ANAYA: Thank you.

CHAIRMAN MONTOYA: Okay. Commissioner Stefanics.

COMMISSIONER STEFANICS: Well, Mr. Chair, I believe that I made a motion that would request the Santa Fe County Fire Department Fire Prevention Division to remain or to renegotiate their lease for another three months while there is space sought within the County.

CHAIRMAN MONTOYA: Okay. I have a motion by Commissioner Stefanics.

COMMISSIONER HOLIAN: Second.

CHAIRMAN MONTOYA: Second by Commissioner Holian.

CHIEF HOLDEN: Mr. Chair, if I could just real quickly as a matter of business. Excuse me, Commissioner. If we extend the lease it's my understanding that we would have to have Commission approval to extend that lease and the Commission doesn't meet again for –

CHAIRMAN MONTOYA: That's what we're doing right now, extending it for three more months.

CHIEF HOLDEN: Thank you.

CHAIRMAN MONTOYA: Yes. That was the motion.

COMMISSIONER STEFANICS: Right.

CHAIRMAN MONTOYA: And then see what happens. Hopefully find some space within –

CHIEF HOLDEN: Okay. Understood. Thank you.

CHAIRMAN MONTOYA: Any other discussion?

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

XII. A. 5. Request Authorization to Enter Into an Indefinite Price Agreement with Mathews Office Supply for Office Supplies for Santa Fe County (Purchasing)

COMMISSIONER STEFANICS: Thank you, Mr. Chair. My real question here is whether or not this is a price agreement for the entire County and not just individual departments.

TILA RENDON VARELA (Purchasing Division): Mr. Chair, Commissioner Stefanics, yes, it is. For the whole County.

COMMISSIONER STEFANICS: So are we using any other office supplies or Mathew is it?

MS. RENDON VARELA: We did a solicitation and Mathews Office Supplies will be the only vendor that Santa Fe County will be utilizing.

COMMISSIONER STEFANICS: Okay. Thank you. Unless there's any other questions I would move for approval.

COMMISSIONER HOLIAN: Second.

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

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

XII. A. 6. Request Approval to Accept an Award of Funds From the SAFER (Staffing for Adequate Fire and Emergency Response) Grant Program in the Amount of \$499,200 for Volunteer Firefighter Training, Recruitment and Retention (Community Services Department/Fire)

COMMISSIONER HOLIAN: Thank you, Mr. Chair. First of all, congratulations, Stan and congratulations to the whole department. That's a really significant sum of money. So when I got the press release I sent it out to my email list and it was really nice to get some messages back saying good job. It's really nice to hear some good news about the County and so on. I also got a lot of messages back from the volunteers in my particular area and they had a lot of good suggestions about what could be done to retain and recruit volunteer. So my question is is that is all this money already earmarked for specific activities or are there still decisions to be made about how it might be used.

CHIEF HOLDEN: Mr. Chair, Commissioner Holian, absolutely we still have time to hear input regarding some of the benefit that we intend to have utilizing these funds for volunteers. There is a dirty nail framework that we have to adhere to based on the application for funds. And it was a very competitive grant. This is the third time we've actually applied for the grant and each time we learned a little bit more as we went along and narrowed our focus a little bit more each time. But because so much of the funds are intended to benefit the volunteers there's quite a bit of leeway that we'll

have as long as it goes towards benefiting volunteers. I hope that answers your question. We can't expend these funds for other purposes.

COMMISSIONER HOLIAN: Right. No. I understand that. Well, I would first of all like to request that at least I can sort of see what the grant application was like so I can sort of get a feel for what the constraints are. But the second thing is I would like to request that you put together a task force of volunteers to solicit input from them directly. They had a lot of good suggestions. I don't want to necessarily pass them on and be the go-between but I think it would be appropriate if you got together just a group of volunteers that could make suggestions. After all, they know best about what it would take to recruit them and to retain them. So that's my –

CHIEF HOLDEN: We're certainly more than happy to do that. Typically we use the Chiefs Association, the Volunteer Chiefs to do that function but we can expand that and include additional personnel.

COMMISSIONER HOLIAN: Okay. Great. And I move for approval.

CHAIRMAN MONTOYA: Okay. Motion by Commissioner Holian.

COMMISSIONER ANAYA: Second.

CHAIRMAN MONTOYA: Second by Commissioner Anaya.

COMMISSIONER STEFANICS: I have a question.

CHAIRMAN MONTOYA: Commissioner Stefanics, discussion.

COMMISSIONER STEFANICS: Yes. Thank you. While I'm totally supportive of this I had another question about uses. Is there any way to take or to utilize neighborhood watch groups in relation to this? Because I was looking at the fire hazard. I know that there's a big emphasis in some of communities about public safety and some of the burglaries and robberies. But it would seem to me that also during fire season that a lot of the same people are very concerned about that. So is there some way you can take neighborhood associations or neighborhood watch groups to utilize them for this?

CHIEF HOLDEN: Mr. Chair, Commissioner Stefanics, that's a very intriguing idea. I'd never really thought of that before. Perhaps not with this grant but another grant that we just received that was approved by the Commission was the CWP grant. Perhaps that one because that is targeting toward specific wildland fires that occur in our communities and it's geared toward public safety in that regard. That might be a better place, but that's a very good idea. I'll pass that along.

COMMISSIONER STEFANICS: Well, the other reason, Mr. Chair, that I even mention neighborhood watch groups or neighborhood associations is that a lot of times those are retirees, and they're not necessarily frail, elderly, disabled retirees; they're healthy retirees, so they might be the volunteer of the future. Thank you.

CHAIRMAN MONTOYA: Stan, just a clarification. Is this \$499,000 per year for four years? Or a four-year period.

CHIEF HOLDEN: It's encompassing of the entire four years, the \$499,000. I wish it were \$499,000 per year.

CHAIRMAN MONTOYA: That would have been nice. Okay. We have a motion and a second.

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

SEP 28 2010 10:28 AM

XII. B 2. Resolution No. 2010-180. A Resolution Requesting an Increase to the Capital Outlay GRT Fund (213) / Buckman Direct Diversion Project to Budget Cash Carryover for Expenditures in Fiscal Year 2011 / \$5,000,000 (Finance Division)

COMMISSIONER STEFANICS: Thank you, Mr. Chair. My question, Teresa, is primarily whether or not this \$5 million had already been budgeted, whether it's part of the original amount we had planned for or if this is something that's extraordinary.

TERESA MARTINEZ (Finance Director): Mr. Chair, Commissioner Stefanics, this is part of the original budget. So the project budget is on task. The payments are on task. There are no foreseen increases. So this is basically a realignment of expenditures between the capital outlay GRT fund and a bond fund. And we're basically rebudgeting what we created in cash balance last fiscal year by the reclassification of expenditures so that we can, if need be, have it available for this year.

COMMISSIONER STEFANICS: Thank you very much. I move for approval of the increase to the capital outlay.

COMMISSIONER HOLIAN: Second.

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

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

XIII. STAFF AND ELECTED OFFICIALS' ITEMS

A. Finance Division

1. Request That the BCC Issue a Written Order Approving and Imposing the 2010 Property Tax Rates for Santa Fe County (Finance Division) [Exhibit 1: Staff Memo; Exhibit 2: Rate Tables]

MS. MARTINEZ: Mr. Chair, this is a statutory requirement that once we basically receive the property tax rates from the Department of Finance and Administration we are to review them and then to bring them before the Board for approval. So we're officially bringing them to you. We've reviewed them; they're accurate and we're reading to move forward and set the property tax rate.

CHAIRMAN MONTOYA: Okay, which are what?

MS. MARTINEZ: This is the operational rate and the debt service rate. So it's the 4.69 for operational and the 11.85 for debt service. And these are the ones that also break it down by entity. Do you the packet material?

COMMISSIONER STEFANICS: Mr. Chair, I don't have anything in writing about this.

CHAIRMAN MONTOYA: I don't either.

MS. MARTINEZ: Okay. Because we did submit packet material. I can give you my copy if you'd like.

COMMISSIONER STEFANICS: Mr. Chair, on this point, I had asked that when we come to approve this that we know how it differed from this past year and what impact it would have upon the taxpayers. I would just like to be clear about the whole thing.

MS. MARTINEZ: Okay. Mr. Chair, Commissioner Stefanics, the reason that you have a more recent rate before you is we –

COMMISSIONER STEFANICS: We don't have anything in front of us.

MS. MARTINEZ: Okay. How would you like me to proceed?

CHAIRMAN MONTOYA: Go ahead and make some copies.

MS. MARTINEZ: Okay.

CHAIRMAN MONTOYA: None of us have anything.

MS. MARTINEZ: I apologize. Basically, what it does is it breaks down the Santa Fe County, the operational rate and the debt service rate. And then it also breaks it down by the various districts that are part of that. When we received the rates from DFA we plugged them into what we have as a yield control formula, and we found that it was different. So we notified DFA and it was a calculation error and they updated that and sent the revised property tax rates to us on September 3rd.

That's what's getting copied before you. Statutorily, we have to have that approved within five days of receiving it. So what we did is we sent a letter to the Department of Finance and Administration identifying that we reviewed the rates as they have been revised and we were in agreement with regard to accuracy and we would bring them before you at your next scheduled BCC meeting, which is September 28, today, and notify them that we had done a conditional approval. So I can't speak to the impact to the taxpayers but I can prepare that for you and have that for the October 12th meeting if you like. I can speak globally to taxable value but I can't speak individually to the taxpayers today. But I can do the research and get back to you on the 12th if you'd like.

COMMISSIONER STEFANICS: Well, Mr. Chair, I am concerned about knowing what we're approving and how it will impact the public, and I recognize we might have to approve it, but if we're asked by our constituents what we did I'd like to be able to answer that.

CHAIRMAN MONTOYA: Did they go up? The 4.69 sounds about the same as it was last year.

MS. MARTINEZ: Mr. Chair, that's correct. Both rates have remained. With the error that occurred it would have been slightly less and with the correction we are at exactly the same rates as last year. So 4.69 for operational and 11.5 for debt service. So they did not change.

COMMISSIONER STEFANICS: Well, Mr. Chair, that's the easiest answer. If it's exactly the same then we can tell the public it's exactly the same.

CHAIRMAN MONTOYA: Right. It didn't go up.

COMMISSIONER ANAYA: We can lower it and get our constituents happy.

COMMISSIONER STEFANICS: Mr. Chair, if we lowered it, Teresa, what would happen to us?

MS. MARTINEZ: We would not have a balanced budget.

MS. MILLER: Mr. Chair.

CHAIRMAN MONTTOYA: Katherine.

MS. MILLER: I did ask that we get a copy of last year's rates. One thing, I think that current rates – two things. The debt service is designed to actually stay at the same rate. We issue debt based upon keeping a constant debt service rate for all of our GO bonds, so that rate should be the same. Operational property tax rate is also controlled by something that is out of the County's control and that's yield control, set by the state. It's a formula that's designed to actually keep that operational rate about the same. So I've asked that we try to pull last year's rate so you can see.

Now, as far as total county residents, either in city or outside the city limits, they have a lot of other factors that may be controlled by other entities, although we don't control those rates. They're set by, for instance, school districts. If they pass bonds the state debt, city debt, city operational, school district operational, all of those can also change. So the bottom line for a resident, property tax could change without the County actually having changed any rate at all. And unfortunately, because we're in charge of actually approving that rate and sending out those tax bills and collecting for all of those entities, it might be perceived that the County has control over those rates. But the only two that we have control over are our debt service and our operational mils. And as I said I don't believe that either of those have changed.

The only way they would change – and debt service, as I said, we actually work to keep our debt service rate the same so that every two years we have a cycle of debt based on what the interest rates at that particular time are and what we currently have out in debt service and how much we could issue and not change our rate as we retire previous debt. So that is a policy of this Commission and the County, and so that debt service rate should be within pennies. And the operational, I do not believe that any changes to the operational mils have been made for years.

CHAIRMAN MONTTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Mr. Chair, I recognize that we don't set the tax rates but I think that what we did ask in the prior meeting, like a month or so ago, is that we be notified if the tax rate is being adjusted so that the residents of our county, if they're being impacted, we will know how to explain this to them. Number one, that we don't set the tax rate, and number two, that we are basically carrying out what the state has handed us for the different institutions within our county. So that's really what I'm concerned about. So do you think that that could be a future discussion, Teresa?

MS. MARTINEZ: Mr. Chair, Commissioner, we could do that.

COMMISSIONER STEFANICS: Okay. Thank you.

COMMISSIONER VIGIL: On that, Mr. Chair.

CHAIRMAN MONTTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: I have never delved too much into this because as a County Commissioner when we make these approvals it has become more and more apparent to me that we get very little control over that. In fact the state really provides all of the guidelines with regard to those tax rates. But the only control we have is how we budget, and our budgeting has been quite conservative, so that if there has been a change it's really not because we've budgeted beyond our ability, because our standard practice is to budget conservatively, but if those tax rates do change it's not the County who changes those tax rates. It really is the state. And it kind of puts us in a very difficult

position, because in fact most of the public perception is that we affect those tax rates. And that's not my understanding. Could you respond to that, Teresa?

MS. MARTINEZ: Mr. Chair, Commissioner Vigil, you're correct. And this has been a heated discussion for some time. We've had discussions as to whether or not Santa Fe County should budget new growth. And you're right. We've been very conservative in the past. We have our trend histories that we keep and we basically budget based on that. We don't typically budget new growth. And we are in the fortunate position that we're in because our budgets are typically conservative and property tax collections exceed what we budget. So you're right from that perspective.

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

CHAIRMAN MONTOYA: Can't we also adjust that tax rate if we so chose to?

MS. MARTINEZ: Mr. Chair, if we chose to budget new growth and increase our budget we could have an impact on the tax rates.

COMMISSIONER VIGIL: And that would make the tax rate higher, right?

MS. MARTINEZ: Yes.

CHAIRMAN MONTOYA: But also, is there another avenue to do that, to where we would just increase that rate?

MS. MARTINEZ: Mr. Chair, I don't believe so.

CHAIRMAN MONTOYA: So it has to do with the budgeting process.

MS. MARTINEZ: Yes, the budgeting process and then what the other entities do.

CHAIRMAN MONTOYA: Yes. Okay. Are there any questions? Did you all have a chance to review this? Is there anything on here Teresa that you want to further explain?

MS. MARTINEZ: I don't think so, Mr. Chair. Just again that the reason it was changed was because the County operational rate was slightly off and it was again a calculation error on the yield control formula.

CHAIRMAN MONTOYA: So I guess the other question that I have is regarding the yield control then, this would maybe tell the taxpayer that your taxes aren't going to go up based on the formula, the yield control? Would that be a fair statement?

MS. MARTINEZ: I always get nervous when you're going to tell the taxpayers anything like that. I think it would be fair because the rates have remained the same. There's not an increase in the rates. And again, we have chosen as a County to stick to our debt service where we try to retire debts before we issue new debts so that we don't see an increase to the principal or interest payments on an annual basis. So I think it would be fair.

MS. MILLER: Mr. Chair, I just want to point out, what we actually need to look at is to whether any resident will see a rate increase or not. If you look at the chart like this, page 1, at the top of that chart it talks about Santa Fe C in R or Santa Fe C in NR, and then the next two columns, C out R and C out NR, those are in the City of Santa Fe residential, second column is in the City of Santa Fe non-residential. Then out, then there's County, outside of the city. So that C out is in the county, outside of the city of Santa Fe and not in one of the other municipalities. If you look over at the end of the page

there's Española and then on the second page there's Edgewood. So the rates are set based upon whether you're in the city, out of the city, or in a residential or non-residential.

If you go all the way to the bottom where it says grand total, and if you look – or I should say if you look all the way to the far left are all of the different taxes that make up the total tax rate. The top one is state debt service, that's based on all property values within the state and all state GO bond debt voted on by the taxpayers statewide. So the rate could go up if taxpayers statewide choose to vote for bonds that would then apply to everybody.

Also, where it says County operation and County debt service, and if you come across to outside of the city of Santa Fe, \$4.70 or \$4.69, and then debt service, \$1.87, those are the two that you control, setting those, either putting mills in place under the operational or taking to the voters by referendum general obligation debt. And as I said the County's policy has been to keep that debt service, the \$1.87, to try to keep the debt service level at that. So from that perspective, you're right. When you go all the way to the bottom though, where it says grand total, that is the rate, depending on where you live that will come out in your tax bill, based upon your taxable value of the property. That, because of all of those other factors, and then those ones at the bottom, where applicable, if you're for instance in the Rancho Viejo special assessment district, so it would be another \$10.

So it really depends on where you live, what was voted for within your district, special assessments, or in some ways Eldorado area water and sewer district operations. That's another 95 cents. Eldorado area debt service, \$2.41. So it just depends on where you live. Those would be added to that county residential rate. So the question would be looking at that bottom line for residents and where do they live, comparing that number to last year's number. And then all the way up the column, anywhere that there's a difference is what has affected the rate. So what we need to get you in order to know whether anything has changed is this chart from last year. And then that would tell you, depending on where you live in the county, what district you're in, whether your rate will go up or down.

And then you also have whether the property value has been reassessed to be of a higher value. And that might affect their bottom line property tax bill as well.

CHAIRMAN MONTOYA: Okay. Commissioner Vigil.

COMMISSIONER VIGIL: Katherine. This might be a good time for you to clarify for me if you can, or Teresa, whoever. How many mil levies does Santa Fe County – what's the maximum we have and – answer that question first, I guess. Do we know?

MS. MARTINEZ: I don't know for certain, so I'm going to have to confirm that. 11.85.

COMMISSIONER VIGIL: 11.85. How many have we utilized? How many are we utilizing? Is that the maximum mil levy we have?

MS. MARTINEZ: I think that's the maximum.

COMMISSIONER VIGIL: And how many are we utilizing?

MS. MARTINEZ: We're using all of them, right?

COMMISSIONER VIGIL: All of it.

2010 SEP 28 10:06 AM

MS. MILLER: Mr. Chair and Commissioner Vigil, this is where the yield control comes in. So, yes, the County has imposed and has had imposed for a very long time all of its operational mils. They're levying – I thought it was 11.35 but I think it's 11.85, and it was that way when I was here before. Yield control does not allow that to actually be \$11.85 per thousand. So if you go across on County operational where I said it's 4.69, and I'm talking on the residential side – non-residential is different. But see the 4.697? That's what the imposition of the 11.85 but then controlled by the state statute of yield control actually brings that down to only \$4.70.

COMMISSIONER VIGIL: Okay. Thank you, Mr. Chair. Thank you, Teresa and Katherine.

CHAIRMAN MONTOYA: Okay. Commissioner Holian.

COMMISSIONER HOLIAN: Sort of on that point I was under the impression that we could, in principle, implement an indigent mil levy. So if we're at the maximum, then could we still do that?

COMMISSIONER VIGIL: If the voters allow it?

MS. MILLER: Mr. Chair, that may be a different – I think there's different statutes. If there is such a thing, and I'd have to double-check that it is that, County operational. It's not going County operation, it would be a separate rate. It would end up being a separate line. If there is something like that. That 11.85 that I was referring to is the maximum number of mils that can be put in place by a county for general operations. And this County does have them all in place.

COMMISSIONER HOLIAN: Okay. Thank you.

COMMISSIONER VIGIL: Along those lines, Mr. Chair. Katherine, if the voters approved an additional mil levy, would that be the triggering event that would increase the mils?

MS. MILLER: Mr. Chair, Commissioner Vigil, on County operational it does not require a vote. On debt service it does require a vote, and so quite often you'll see counties impose a mil and then retract the mil and then impose the mil. The reason that they do that is actually to keep it from going into yield control because then you do get the full amount of the revenue for the one year. Once it stays in place for a year, it is automatically wrapped into the yield control and then that's what Teresa was referring to about new value never actually gets fully accounted for in that operational mil. But for the County right now there is nothing on general County operational mils that would be voted on. And then your debt service is that second line. And just FYI, because I did get a copy of last years, our County operational was \$4.67. It's \$4.70, but then our County debt service was \$1.93 and now it's \$1.87, so it's pretty much identical.

And the bottom line for county residents outside of the city of Santa Fe or outside of municipalities, it was \$18.02 and this year it will be \$18.36, but that's not based upon anything that the Commission did and we're handing that sheet out so that you can see the comparison. But the voters don't typically vote on operational mils. They only vote on debt service.

CHAIRMAN MONTOYA: So Katherine, I guess going back to my original point, or I should just say now is a question, is that the Commission could, if they decided to adjust the County operational either up or down?

MS. MILLER: Mr. Chair, yes. The operational mils are at Commission discretion, obviously, if you repealed any mil or portion of a mil that would be a loss of revenue to the County, but it is the same as City's points and so I think the City of Santa Fe has the ability to impose operational mils and chooses not to. They have a very small portion of their authority of operational mils. But they could. And those do not require voter approval. And those are set by statute, by the way.

CHAIRMAN MONTOYA: Yes. And I think just over the years and this is for the taxpaying public out there, we have remained very stable and very neutral in terms of any increase whatsoever, at least for the last 7 ½ years that I'm aware. It's stayed almost at that 4.6 percent figure during that whole period so we have not looked at increasing taxes in any way and have tried to keep it, if anything, where they're at – flat. So I think that was the point I was trying to make earlier in terms of us having the ability to do that if we thought that there was a need to increase revenues in the budget, but not a good thing to do ever, I don't think. Okay. Was there any other questions? Are you all ready for a motion? We were waiting for all of the info.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: I move that we issue a written order approving and imposing the 2010 property tax rates for Santa Fe County.

COMMISSIONER ANAYA: Second.

CHAIRMAN MONTOYA: Okay. A motion by Commissioner Stefanics, second by Commissioner Anaya. Any other discussion?

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

XIII. B. Community Services Department

1. Public Hearing for Discussion and Adoption of Santa Fe County's Infrastructure and Capital Improvement Plan (ICIP) for Fiscal Year 2012-2016 and Approval of Resolution No. 2010-181 (Community Services Department) [Exhibit 3: Complete List of Projects; Exhibit 4: List of Potential Projects for Top Five; Exhibit 5: Resolution Text]

PAUL OLAFSON (Community Projects): Good afternoon, I'm here today presenting the ICIP plan. You'll remember at our last meeting the Board acted to approve the entire list for the ICIP. That is currently being handed out to you. It's the seven-page document. We're also now today presenting you with some options for potential projects for top five ranking. That's the page that has a matrix on it, kind of spreadsheet with a matrix, single page. And finally, we're also asking for approval of a resolution supporting the top five as well as the entire project with this so that we can then submit that to DFA. That submittal is due on Thursday, the 30th.

So in short, at the last meeting the Commission asked to have a refinement of the list of potential projects and that's the matrix spreadsheet here. We did work with the County Manager's Office and get some different options on there, and I'll just read to

you those options quickly. For District 1, Pojoaque Valley Regional Wastewater. District 2, Agua Fria Park. District 3, Stanley Fire Station improvement. District 4, Glorieta area water tank upgrade. District 5, Eldorado Water & Sanitation District storage tank upgrades as well. And we've also refined some of the countywide projects. We've included Santa Fe County Corrections facility improvements, County RECC, that's the 911 Center expansion, public housing site improvements, Santa Fe County Public Works equipment, and that's trucks, graders, loaders – it's large, heavy equipment. And the last one is Santa Fe County Fire self-contained breathing apparatus person protection equipment and defibrillator replacement.

So that's the list of potential projects. We're asking the Commission to choose at least five; you can go more than five, and rank them as the top five priority for the County for this year's ICIP. Every project that was in the big list that's already approved is already – will be included in the ICIP and is eligible for funding. So the ranking of the top five does not eliminate or supersede a project for funding. They're all eligible.

And then finally I'll just briefly outline on the matrix. We did look at some criteria: Is the project project-ready? Is it supporting public welfare? Does it follow with the community survey that was done? Is it helping leverage other existing County funds or investments? Are there no other funds available? And finally was it supported in the community request or in the community meeting process that we went through. And with that I would ask the Board for direction on the top five.

CHAIRMAN MONTROYA: Okay. Questions for staff?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN MONTROYA: Commissioner Anaya.

COMMISSIONER ANAYA: Paul, when you say the top five are you talking about the bottom five, on this paper?

MR. OLAFSON: No, Mr. Chair, Commissioner Anaya, this is just ten projects and I'm asking the Board to rank at least five of them, or the Board could rank them all, 1, 2, 3, 4, 5 through 10.

COMMISSIONER ANAYA: So the first five and the bottom five –

MR. OLAFSON: That's just the district, the Commission district. Not a pre-set rank.

COMMISSIONER ANAYA: Okay, so I'm not sure if I understand you but I'm going to just tell you my top five, and then we'll just go with that. I'm on page 7 of 7. We could come off of that page, right?

MR. OLAFSON: Yes, anything can come off.

COMMISSIONER ANAYA: I was looking at number 1 would be the Public Works equipment – water trucks, graders, loaders, backhoes, dump trucks. And then I was looking at number 2 would be Public Works heavy vehicles. And then number 3 I was looking at Santa Fe County Sheriff's new vehicles. Twenty years times \$40,000 times five years – whatever that is. And then, after the discussion that Commissioner Stefanics brought up about buildings I put number 4 as renovate the County building at the old courthouse. And five, supplemental wells. That's how I rank them. Thank you, Mr. Chair.

COMMISSIONER STEFANICS: Could you go over that again?

COMMISSIONER ANAYA: Sure. Number 1, I put the Public Works Department. I'm on page 7 of 7. Number 2, Public Works heavy vehicles. Number 3, Sheriff's Department, new vehicles. Number 4, renovate the County building at the old courthouse. And number 5, the supplemental wells. Thank you, Mr. Chair.

CHAIRMAN MONTOYA: Okay. Other discussion or questions? Okay, this is a public hearing so I'd like to open it up. If there's anyone who would like to provide us some feedback. Okay, seeing none this public hearing is closed. Discussion? Commissioner Vigil.

COMMISSIONER VIGIL: Thank you, Mr. Chair. My understanding of the process is that you're asking is that we do the arranging based on the matrix we have in front of us, not from our particular districts, right?

MR. OLAFSON: Mr. Chair, Commissioner Vigil, that was the intent of the matrix, was to provide a list of high projects.

COMMISSIONER VIGIL: And it seems to me that this matrix identifies five countywide projects. They start with the Corrections facility, the 911 Center, the public housing sites, Public Works and the Fire. And it would seem to me and I know that you administratively need these, that we could go ahead and narrow our prioritization to these projects and the remainder of the district projects that you've identified in this matrix, which is Pojoaque wastewater system, the Agua Fria Park, the Stanley fire station, the Glorieta area tanks and the Eldorado utilities in each one of our districts could be number 6, number 7, number 8, number 9, and number 10. Correct?

MR. OLAFSON: Correct.

COMMISSIONER VIGIL: Okay. I just needed that clarified, Mr. Chair. So with that I just think we need to, if we actually need arranging just give you that and with that I would just recommend that we start with our emergency equipment, which are the Santa Fe County Fire, the RECC facility expansion, the Public Works equipment is number 3, the public housing site is number 4 and the Corrections facility is number 5. And I think numbers 5, 6, 8 and 9 as is on the matrix – Pojoaque, Agua Fria, Stanley, Glorieta, Eldorado.

These are just administrative prioritizations. This doesn't guarantee funding for this. This doesn't mean that other projects that aren't going to be proposed won't get funded. And I think we just need to give you direction to do that and let the chips fall where they may at the State Legislature, which there's not going to be very many chips to fall. Thank you, Mr. Chair.

CHAIRMAN MONTOYA: That probably is the only guarantee is that we won't get anything. So we can still prioritize. Commissioner Holian, what are your thoughts and then Commissioner Stefanics.

COMMISSIONER HOLIAN: Well, I agree with Commissioner Vigil, and I guess the only addition that I would like to put in is that of the Commission projects, just to sort of rank them all as number 6, just to make it fair. Not that one district is more important than another district.

COMMISSIONER VIGIL: However you have to put it. Say we're all 6.

MR. OLAFSON: Mr. Chair, Commissioner Holian, I think we can do that.

COMMISSIONER HOLIAN: Thank you.

CHAIRMAN MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. I appreciate the staff identifying projects from all the districts because I think our constituents do look to us to help them. I think that the County identification tries to spread it across different departments. I do recognize that roads and public safety ends up being a high priority to the constituents. Could you identify a little bit about the public housing sites improvements?

MR. OLAFSON: Mr. Chair, Commissioner Stefanics, this was an item from last year's ICIP that we carried over. It was on the top five last year. This is specifically to improve infrastructure items at the three County housing sites, including roads, drainage and basic building infrastructure and improvements.

COMMISSIONER STEFANICS: And Mr. Chair, Commissioner Vigil, how did you rank those five there.

COMMISSIONER VIGIL: Did you write that down?

MR. OLAFSON: I did. Under the countywide, the very last one was number 1, County Fire. Number 2 was County RECC. Number 3 was Public Works equipment. Number 4 was public housing sites. And number 5 was Corrections improvements. I think that's correct.

CHAIRMAN MONTOYA: Where are these from? Public Housing?

MR. OLAFSON: Yes.

CHAIRMAN MONTOYA: And then 5 is Corrections facilities.

MR. OLAFSON: Yes.

CHAIRMAN MONTOYA: Okay. Commissioner Stefanics.

COMMISSIONER STEFANICS: Well, I'm thinking back to our site visits to the jail, the adult detention center. And I'm thinking about the TV monitors that don't work.

CHAIRMAN MONTOYA: And the security boards or whatever it's called.

COMMISSIONER STEFANICS: Maybe I shouldn't be talking about this.

CHAIRMAN MONTOYA: Can we turn off the audio.

MR. OLAFSON: Mr. Chair, Commissioner, if I could just interject here and maybe help it along.

COMMISSIONER STEFANICS: Certainly.

MR. OLAFSON: If you go back to page 6 or 7 on the big sheet there's a whole list of Corrections projects. And all of those issues are identified in that larger sum, and then in the matrix also we've identified a minimum first phase cost. And by putting it a broad category of Corrections improvements it could be addressed if different aspects of the Correctional facility needs.

COMMISSIONER STEFANICS: Well, the reason I'm just bringing this up is I'm wondering if that should go a little higher than some of the others. When we visited the jail as Commissioners we identified some things that need some improvement. So I was wondering if maybe –

COMMISSIONER VIGIL: I'm okay if you want to rank it higher.

COMMISSIONER STEFANICS: I think that all of these things. I think that spreading out our priorities among the different County departments is a good idea,

and so I'm totally in support of that in how we do the five. Except for Corrections. That's all. Thank you.

MR. OLAFSON: For clarification, we could move it up to 4 or 3 or 2.

COMMISSIONER VIGIL: Commissioner Stefanics, are you okay with making it a 4 and we'll make public housing at 5. Or would you like it above Fire and Sheriff's and Public Works?

COMMISSIONER STEFANICS: Well, I'm saying that I know all these things are important to the taxpayers. They want roads taken care of. They want public safety. So maybe making it at least a 4 if we can. Thank you.

CHAIRMAN MONTOYA: Commissioner Holian.

COMMISSIONER HOLIAN: I agree with that. 4 for the Corrections and 5 for the public housing.

CHAIRMAN MONTOYA: Okay. So then it would be 1 – Fire, 2 – RECC, 3 – Public Works, 4 – Corrections, and 5 – public housing.

MR. OLAFSON: And then for clarification the other five would be equally ranked as the 6th.

CHAIRMAN MONTOYA: Six. Right. Okay. So do we have a motion?

COMMISSIONER VIGIL: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: I move we approve the rankings as was stated previously by you and summarized by Mr. Olafson by ranking the remaining district projects as 6, to be placed in the 2012-2016 Infrastructure and Capital Improvements Plan, presented to DFA.

COMMISSIONER HOLIAN: Second.

CHAIRMAN MONTOYA: Okay, we have a motion by Commissioner Vigil, second by Commissioner Holian. Any other discussion?

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

CHAIRMAN MONTOYA: Thank you, Paul.

MR. OLAFSON: Mr. Chair, excuse me. For clarification, we also need an action on the resolution.

COMMISSIONER ANAYA: So moved.

COMMISSIONER STEFANICS: Second.

CHAIRMAN MONTOYA: Well, I would suggest that we include that probably as part of that motion because we don't have it listed separately as a resolution for approval.

COMMISSIONER VIGIL: And approval of resolution. It's included.

CHAIRMAN MONTOYA: So we could say approval – maybe just for clarification.

COMMISSIONER VIGIL: Mr. Chair, as maker of the motion I would include it as a friendly amendment to that motion. I guess maybe what I should do is ask that we reconsider that motion. Is that correct, Steve? I move that we reconsider the motion I made on the ICIP ranking.

COMMISSIONER HOLIAN: Second.

CHAIRMAN MONTOYA: Okay, we have a motion and a second for reconsideration.

The motion to reconsider the previous motion passed by unanimous [5-0] voice vote.

CHAIRMAN MONTOYA: Okay. Motion for reconsideration.
Commissioner Vigil.

COMMISSIONER VIGIL: Mr. Chair, I move that we approve Resolution No. 2010-181 to include the ranking as we delineated to staff for the ICIP process.

COMMISSIONER HOLIAN: Second.

CHAIRMAN MONTOYA: Okay. Motion and a second by Commissioner Holian. Any discussion?

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

XIII. C. Public Works Department
1. Utilities Director's Quarterly Report

PATRICIO GUERRERORTIZ (Utilities Director): Mr. Chair, Commissioners, thank you. I had originally intended to give you an overview of what the Utilities Department, Division, whatever it is designated as at this point, does to provide services throughout the county but given that we may not have all the time that we may need to have that discussion I would like to present to you a summary of the projects that we're working on right now and perhaps over the next few months, one meeting at a time we can make presentations of smaller parts of the whole topic, if that's okay with you.

Just so that we are on the same page, I'd like to start on the projects, based not necessarily on what I consider the priority but what I consider is the important piece in the puzzle that we call infrastructure around the metropolitan area. Most of the projects that you're going to see here mention our projects that we have to include as part of the system or improvements that we can do as part of the system to serve the metropolitan area, meaning that area that is generally adjacent to the city, the City of Santa Fe, and it is within the reach of the facilities that the City and the County own at this point and that can be implemented also in the foreseeable future.

With that in mind, the first one to be mentioned is the MRC Reservoir as you know the BDD project is estimated to be completed or is expected to be completed within the next few months. By spring of next year we'll have water regularly pumped and diverted from the Rio Grande and coming into the metropolitan area. The line that is called as part of that system and runs generally along the alignment of Caja del Rio Road is a high pressure line and is a dedicated transmission line at this point, and my recommendation will be that we keep that line as a dedicated transmission line with as few taps into it as possible. The taps to be made are only to bring water from that line into reservoirs and from those reservoirs we'll have gravity distribution throughout the system. So this MRC reservoir is what I consider the highest priority among those at this

point for two reason because that area is an anticipated area of development, so we expect demand to exist in that area within the next seven to ten years. But we do have demand about to occur by the beginning of next year. Spring the archeology center will be in operation and they will be served out of this system. I don't anticipate the tap will be in place by that time but we will have the infrastructure that will serve that tank, that will help us fill that tank with water from the BDD, the Buckman Diversion.

The availability of land is there. We have the potential for BLM land to be leased to us so we can place the tank. We will have the ability to expand from that facility as the need arises.

The second is a project that you have already heard about and that's the Cañoncito-Eldorado surface water supply. And I want to emphasize that it's surface water supply because those areas, Cañoncito and Eldorado, right now do have a groundwater supply, groundwater supply that as we know is not necessarily 100 percent dependable and in some cases like in Cañoncito we even have some water quality issues. The need to work with that situation is there. At this point the ideal, the concept is something that is slightly different to what you may have heard before. The original concept was one where a line would be extended from the existing Rancho Viejo tank towards Eldorado. A new concept that I started considering as soon as I became familiar with some of the needs is one where the line is extended instead from a higher zone in the system so that we can serve to the highest zone in Eldorado, and the distribution from the highest zone could be made by gravity. So the line would be all gravity and no pumping would be necessary.

That has many advantages as you may imagine. One had to do with power consumption and cost of water because we use a pump in one case versus the ability to have that water whether the power is there or not. The total length of line is about the same. The difference to conduct the water or the higher level pressure or higher service zone would be generally along the Old Las Vegas Highway. And that line would be able to serve, as I said, not only Eldorado but an extension to Cañoncito to provide BDD water in that area. So that's a long-term remedy to projects or issues that those systems have had in the past with respect to supply.

Of course if you run a line along Old Las Vegas Highway you have the ability to serve communities that are intermediate between the city limits and Eldorado as well. I don't want to leave out some of the projects that we have in conjunction with existing mutual New Mexico associations like Cuatro Villas and Greater Chimayo. We are working with them still. We are getting ready at this point to finalize an amendment to a JPA so we can transfer the funds to both associations for their own projects. As you know the idea is that we transfer the funds and we end up owning a fraction of their systems. So we are establishing what that fraction is and we'll have records to be kept along those lines.

The Valle Vista plant is another project you have heard about. I have talked to you about it individually. We have a situation that has an impending peril because of the condition of the existing plant. My proposal to you or my idea to you was to remedy that as soon as possible by building or installing a lift station [inaudible] that will allow us to transfer the wastewater to the City of Santa Fe. I am working with the City on the arrangements for that to happen. One of the conditions would be that it's not a permanent

solution and I think we can live with that if we have a decade or a decade and a half to deal with the issues. We'll have the ability to say in ten or fifteen years, okay, we're ready to take it to our own plant and we'll do that at the time.

We don't have the ability to speak about another plant and at the same time we have to address the issues that have to do with the condition of the existing plant. So this interim solution would be something that would get us out of the immediate situation and at the same time give us the flexibility to connect back to a facility that will truly be a regional facility for that part of the county.

We are working right now for the design of that lift station to be done under the emergency conditions because of the pressure that we have at this point to settle this situation.

We are also working with the City on a comprehensive wastewater transfer agreement. What we mean by that is that in any location around the service area of metropolitan Santa Fe we can connect to the City system as long as the connection is a gravity flow connection. All those waters will end up in the City's wastewater treatment plant by one single agreement that will handle all those situations. As you may imagine they have differing issues and are very similar to what we had with Harry's Road House, around the metropolitan county. And it is my intent to have a more fluid, if you can excuse the pun, situation in all these instances where we would like to have the wastewater flow directly into an existing system rather than continuing with the septic tanks or other alternatives that we use at this time.

We are working on a water use ordinance. At this point the County does not have an ordinance. It does not have a code that regulates the supply of water to our customers. There are many little details that can sometimes go out the window because there's nothing to actually codify a relationship between the supplier and the customer. So we're working on that. I expect to have something for your consideration, hopefully before the end of this calendar year.

One other item that I'd like to bring to your attention. We have been in communication with some of the owners or some of the people who are between La Cienega and south Santa Fe in the area that's called La Cieneguilla or is known as La Cieneguilla. At this point they do not have water service. They are considering the possibility of forming their own association and would like to have the ability to connect to the system also and that ability will exist as we continue to expand the distribution system and the storage system as I had mentioned before with this MRC tank, for instance. And perhaps a connection or a line extension between the west frontage road and the general populated area in La Cieneguilla would provide access to them and the distribution would be up to them to continue or to form this kind of association.

In terms of the solid waste issues, as you may know we do handle that too. We manage that service. We're in the process right now of completing the San Marcos solid waste convenience center, a project that had been stalling for a long time. We are negotiating an agreement for finalizing the design and taking it over to BDD so we can have a project under contract again, hopefully before the end of the calendar year. The construction will be something that we will manage directly in house and we anticipate it will cost approximately \$500,000 to complete.

We're also working on executing some of the agreements that Santa Fe County had with Pojoaque Pueblo regarding the Jacona solid waste convenience center. That convenience center exists at this point. It does not have the conveniences that others have and the County had an agreement with Pojoaque Pueblo or has an agreement with Pojoaque Pueblo for a structure that would increase the quality of the receiving area. There are other efforts right now also to improve the road that connects or accesses not only the convenience center but also the Pojoaque Pueblo wastewater treatment plant which is the subject of another agreement between the Pueblo and the County.

I'd like to just mention also that the County is working very hard in completing some of the details that have to do with the supply of water from the BDD. As you know, we have for instance the South Meadows Road project including some lines that are associated with that distribution system. We also have the Agua Fria phase 3, which is primarily a road improvement project that also includes some water improvements so we can provide and enhance the supply that the Agua Fria Association has at this time.

I think I'll leave it at that and I'll stand for questions.

CHAIRMAN MONTOYA: Commissioner Holian, then Commissioner Stefanics.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Thank you, Pego and I really want to say I appreciate your recognition that it costs money and energy to pump water or sewage uphill. Sometimes people don't pay attention to that. I wanted to ask about the Cañoncito project. I attended a meeting of the Cañoncito Mutual Domestic Association, oh, it was probably over a year ago. And at that time they were more or less promised by representatives of the County that they would have water, essentially, by I think it was December 2012. And most likely, or my interpretation is that may well not happen. So my question is, is timing on this and also to make a recommendation that we schedule a townhall meeting with the people of Cañoncito because – to update them on what the situation is.

I think that they would be understanding if they understood that we were working as hard as we could to make this happen but that we also want to do it efficiently and cost-effectively.

MR. GUERRERORTIZ: Mr. Chair, Commissioner Holian, they are aware what's going on. I had an understanding very similar to yours when I first started three months ago and my understanding was that they were pretty much drinking contaminated water. Well, that's not the case. They have a treatment system. They have a lease that would last another eight years. I [inaudible] in my discussions with them is that that lease will suffice to provide safe drinking water, albeit more expensively than they would if we were able to bring water from the Rio Grande, but I know that the eight years is the period that we have to make sure that we have a project that serves their needs.

So they're not out of water. There not out of safe water. Right now they have an engineer looking at some of the issues that they have with the treatment system that they had problems with. But I was assured that once analysis is finished they will have a way to continue having access to safe drinking water for the next eight years. I am paying attention to that and I am keeping track of what is going on at this point. I will meet with them again so they understand exactly where we are. I am also establishing contact and

looking at the possibility of meeting with the people at Eldorado Water so they know what is in our mind at this point and we hope that we will have their full support.

COMMISSIONER HOLIAN: Thank you. And actually now that you mentioned it I remember that a real issue at Cañoncito with their water treatment system was that because there's back pressure that it would just stop every now and then and they would get no water whatsoever and it would stop at inconvenient times in the middle of the night and the person who's running it would have to go out there and to try to get it going again, replace the filter. And so is that problem being worked on?

MR. GUERRERORTIZ: Commissioner Holian, that is exactly what they are working on. They have operational issues and perhaps there was something that had [inaudible] I personally believe that there was a pre-filtration unit that should have been installed as well as the filters. Former Commissioner Jack Sullivan firm is in charge of looking at that situation and I am very confident that he will come up with a solution, a very viable solution that they can afford.

COMMISSIONER HOLIAN: Thank you.

CHAIRMAN MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. There's a couple of different things, Pego. One is that – I don't know if this is possible but I really would like to see a schematic of your vision for years and hookups and take-overs of different systems, so that we can see how you plan to go out into the county. The other thing is the comment you made – I think you made, subtly, was that when you go to a community you have to take care of the communities in between and that you can't just bypass them without recognizing what they might have in terms of the same needs, if you're putting in the lines or doing whatever. So I think if we have some kind of – and I don't know that this would be the end-all answer, but if we had some kind of schematic that would show people, you're either in the plan or your not in the plan. This might take eight or ten years to get there but in between this is who else would be brought on, etc. I think that's important.

I also think that – I'm thinking of some land use cases that we decided where we've said big projects down 285 would be hooked up to water. And I haven't heard us discuss anything in relation to that. And I recognize that building is not at its top form right now but if all of a sudden building started on some of those projects, what in fact would we do to facilitate them getting hooked up. So I think there's still a lot of questions. Really what I'm advocating is some objective planning and not just reacting to the requests that we get. And I get just as many requests from my communities as well.

The second thing I'd like to move on to is about the convenience center. The San Marcos kind of made me pay attention more. I do understand that we had talked in the past about the San Marcos convenience center, identifying some space to take some of the grasslands, some of the cuttings, etc. What else do you plan to do there?

MR. GUERRERORTIZ: Mr. Chair, Commissioner Stefanics, the general plan or the general design has been to improve the way the circulation occurs and make the facilities that exist today more permanent. Right now we have –

COMMISSIONER STEFANICS: You don't think the muddy hill is permanent?

2010/09/28 09:01 AM

MR. GUERRERORTIZ: The muddy hill is eroding and is not going to last very long and that site was also a landfill, a mini-landfill. So we're improving those conditions. We're improving the conditions that we have for the operator, him or herself, and as you know at this point they don't even have basic services. There's no electricity. There's no gas. We take water in jugs. So those things are being improved primarily. And yes, once the operation begins, because we do have the ability to work on that site once the operation begins we'll have the ability to have any one of the containers at that site will be able to hold either green waste or it could be recyclables. We have the ability to make changes in the operation itself.

COMMISSIONER STEFANICS: Well, the reason I'm bringing this up, and this is as well for you, Katherine, if we made plans to do things and we start getting into tight financial times where we haven't met the cost savings that we had planned, we might need to reassess the priority of some of these things. And while I want to see work done on all the transfer stations and everything else, if we're not realizing the savings that we have identified for this first half of the year I think that we have to look at that.

The other thing is not just in relation into Pego's description of projects but to the entire county, if and when we pass our ethics ordinance with revisions I think it does affect some of the contractors that we've selected in the past. So I think that we should just keep that in mind as we go forward with some of this. That's all. Thank you.

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chair. So we're still moving on with the transfer station, correct?

MR. GUERRERORTIZ: San Marcos? Yes.

COMMISSIONER ANAYA: Things are moving? Thank you.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: Thank you, Mr. Chair. Along the same lines that Commissioner Stefanics was speaking, I actually have seen some kind of a GIS mapping. Perhaps it was just an original schematic of line extensions once the Buckman Direct Diversion line was on board. I think Doug Sayre presented that to BDD. Perhaps BDD staff may have knowledge of it. I don't quite know but I'm recalling that that may be in our file somewhere and that might be what Commissioner Stefanics is looking at, where those lines could potentially extend.

MR. GUERRERORTIZ: Mr. Chair, Commissioner Vigil, in the time this ordinance that I was describing to you we need to define our service area. As we define our service area we create this map that shows what we think is reasonable by the utility. How we get to the different areas or how we get to the boundaries or to fulfill the boundaries of this service area is something that Doug was to discuss. Some would be some of the CIP projects that you considered a few minutes ago. Some would be the proposals or the contributions that developers will make towards the extension of the system. And some will be what the County will consider the master plan infrastructure.

The lines that you're talking about are lines that are associated with BDD and those are just primary lines, arterial lines that were mentioned before that are going to be dedicated transmission lines to move water from one big body of water here to one smaller body of water that's still larger than just a household. So we need to have, and I will bring that to you as we bring this ordinance for your consideration, we'll bring the

map that we envision as being the metropolitan, Santa Fe metropolitan county service area, which will include places like La Cienega, La Cieneguilla, and all the way down to Eldorado and Commonweal as the area that is regional by the utility.

Of course all the parties need to be in line with this. At this point we cannot commit anything from Eldorado, for instance. We would have to sell the idea to them and make it palatable, make it attractive, because it is a very reliable source of supply. And that's the way I envision it be up to that point. What we're trying to do is planning at best, not just react. That's precisely our point. We tend to do the knee-jerk too often sometimes and the consequences of course can be costly.

COMMISSIONER STEFANICS: On this point.

CHAIRMAN MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: On this point, Pego, are you utilizing Mr. Sayre's plans or are you amending them?

MR. GUERRERORTIZ: Mr. Chair, Commissioner Stefanics, most of what we're doing right now is revising some of those ideas, revisiting some of them, like the one with Cañoncito, but not reinventing the wheel. And we are updating or perhaps reconsidering some of the ideas that we were considering in the past. This line along Old Las Vegas was not considered.

COMMISSIONER STEFANICS: That's what I was bringing up, Mr. Chair. You are looking at some changes to the –

MR. GUERRERORTIZ: There are some revisions, there are some reconsiderations that we're doing. Yes.

COMMISSIONER STEFANICS: Thank you. Thank you, Commissioner.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: I'm done.

CHAIRMAN MONTOYA: Okay. Pego, regarding the MRC, the reservoir tank, is that one going to go kind of on the utility easement? There's an existing tank? Or where is this tank going to go?

MR. GUERRERORTIZ: Mr. Chair, there's not an existing tank at this point. The idea in a water system is you have reservoirs in the areas where the demand exists or where you anticipate a demand to be high at any given especially in the near future. There's no tank at this point. There is an area that is considered a high priority as the sustainable development area #1 and it's just north of what the City considers the Airport Development District. So it's going to be an area that when the economy starts resuscitating we're going to have or we anticipate a hoard of activity. So we know our facility, for instance, the Public Works Department Complex is in that area and this tank will serve our facility too as the lines extend.

We are looking for a site that has to meet several requirements, not the least of them being the elevation of course, but also the availability of public land. In this case we have a fairly abundant supply of BLM land in that area that could be utilized with a minimal impact upon the existing neighbors.

CHAIRMAN MONTOYA: Okay. Is there an existing line right now? A power line?

MR. GUERRERORTIZ: There's a power line west of the BDD line.

SANTA FE COUNTY RECORDS DEPARTMENT

CHAIRMAN MONTOYA: Okay. So would it be to the west of this potential site also? The power line?

MR. GUERRERORTIZ: Yes.

CHAIRMAN MONTOYA: Okay.

MR. GUERRERORTIZ: We'll have electricity though at the site.

CHAIRMAN MONTOYA: Okay. And then the Cañoncito-Eldorado, the long-term plan there is to have the County source from the BDD supply that area?

MR. GUERRERORTIZ: It wouldn't be directly from one of the new BDD lines but as the BDD complex begins to operate it will be very difficult to determine which water or what water comes from BDD versus the canyon, for instance. And what we're talking about is operating with our partner, the City, in a way that we can place our BDD-related water rights at different points in the county as we need it. So that understanding exists at least at the staff level and we will be bringing it to the governing body of course at some point to have their blessing. But the idea is that we are partners in this and we are depending upon each other, not subjecting one to the other.

CHAIRMAN MONTOYA: Okay. And then the Cuatro Villas, Greater Chimayo, Española and I forget who else, they've been having ongoing meetings. Have you been participating in those meetings?

MR. GUERRERORTIZ: Yes.

CHAIRMAN MONTOYA: What's the latest on that in terms of the regional water system that's being proposed there at those meetings?

MR. GUERRERORTIZ: Mr. Chair, I've had conversations with them and also with their engineers to better understand what the needs are. And of course they have, in the case of Cuatro Villas for instance, they are awaiting availability or the transfer of those funds, at least the \$250,000 that they would like to have immediately so they can leverage for additional funds from the Water Trust Board. The idea is to not only provide them with the resources but also provide them with the ability to pursue different sources of funding. There are miles and miles of lines that would have to be built in order to completely integrate these communities, and there's also negotiations that need to be finalized with Santa Clara Pueblo for instance for the provisional actual water. We are working on an agreement with Santa Clara Pueblo so that we can wheel water to the communities of both Cuatro Villas and the Greater Chimayo.

As you know the direct transfer between Santa Clara and Española is a little more complicated but we are working also as perhaps the intermediaries or the matchmakers, whatever you want to call it in that understanding as well.

CHAIRMAN MONTOYA: And is NMED, or who's the one facilitating that right now?

MR. GUERRERORTIZ: NMED is coordinating the efforts.

CHAIRMAN MONTOYA: Okay. And then in terms of the water use ordinance that we don't have, what's the timeline for the BCC adopting a water use ordinance?

MR. GUERRERORTIZ: I will have a draft to the Legal Department within the next week and a half and it has a high priority as we have discussed with Steve and my goal is again to have it to you before the end – at least for your consideration – before the end of the calendar year.

SFC CLERK RECORDED 10/28/2010

CHAIRMAN MONTOYA: Okay. Well, thank you. Appreciate it and lots of projects.

XIII. D. Matters From the County Manager

MS. MILLER: Mr. Chair, Commissioners, I had just a couple things. One thing was the earlier item that was discussed relative to the Ortiz Ranch and the other thing I had – at the last Commission meeting Commissioner Stefanics had asked about kind of an update of where we were on the action taken for budget reductions last – in putting together this year's budget. So I've asked Teresa to come and speak on those items and kind of where we are. I would like to point out that in your packets under item XII. A. 12 is the financial reports that have been given to you at the committee meetings. We can enhance those but I just wanted to kind of speak to this issue a little bit.

Firs of I wanted to point out, if you look at that first spreadsheet under that item it is the net operational activity for August 2010. The Commission did approve in the Treasurer's Office two temporary employee to help expedite delinquent property tax collections. I'd like to state that that has been an effective item for the County. If you look at August 09 collections versus August 10 collections they're up from about \$500,000 to \$1.2 million and overall, for fiscal year 10/11, \$850,000 at this point in the year to \$.2 million. So although some of the items that were put into place for cuts have not produced the savings anticipated we do have some of the items that you did put for revenue generation that are producing results that will help offset some of the items that have not produced the savings anticipated under the cuts.

That's not to say we won't continue to work through those but I wanted Teresa to just address what some of those items were and why at the time that they were approved by the Commission what some of the things in implementing them that had come forward and that we're working through to just try to finish implementing them.

MS. MARTINEZ: Mr. Chair, Commissioners, if you recall these are the actions taken by the County Manager when we had our June 8th BCC meeting and the items that we had discussed were a hard freeze, which was the lion's share of savings at \$1.4 million, non-personnel related cuts by directors – this is going back to the directors which said, okay, if you were given this how would you come up with these cuts? That came to \$967,000. We addressed eliminating all travel and seminars with the exception of statutorily required travel. That was estimated at \$210,000. We addressed the reduction of salaries of employees earning greater than \$80,000. That was estimated at \$121,000. We spoke to cutting temps and casual employees and anticipating saving \$103,000. We moved to eliminate take-home vehicles with the exception of the Sheriff's Office and the Fire Department. That was \$22,500. We spoke to the elimination of cell phones, again excluding the Sheriff's Office and the Fire Department. We anticipated a savings of \$73,000. We talked about changing the way we acquired uniforms for our employees and the process in doing that countywide. We spoke to the restructuring of our satellite offices, anticipated savings of \$51,000, and we also addressed reduction or termination of contractual services where feasible, anticipating a \$50,000 savings.

In total, the projected amount was \$3,034,500, on June 8th. That's what we committed. Our revised estimated savings to date and forecast for the remainder of this fiscal year is just at \$2.5 million. Now, the biggest difference of that \$500,000 is coming from the hard freeze. We've had some positions come before us via a process where they have to justify the need for the positions and we have four that potentially will be filled, and what we're currently doing is looking at other positions as they become vacant and evaluating whether or not they can remain vacant to help accommodate this \$300,000 potential difference on the hard freeze.

The uniforms is working. We think we'll make that savings. The termination of contracts, that happened, the \$50,000. So that will happen. The take-home vehicles and the cell phones have not materialized to the level that we had forecast so we're still working with directors and staff to see if there's any room for further reductions with the take-home vehicles and the cell phones. We're also working with our cell phone providers to have the best plans available and make use of our minutes in a countywide plan so that we have additional savings there. The cuts to the temporaries and the casual employees, we still have two temporary employees that are preventing us from materializing at the forecasted savings. Now, those are helping the offices of two elected officials and one of them being the Assessor's Office and one being the Clerk. And the one being key to the imaging project that we have going on in the Clerk's Office, and one again was the on-loan person to the Assessor's Office to help them with their overwork load and understaffing if you will.

So we're anticipating right now today we're about \$500,000 short of making our savings.

CHAIRMAN MONTOYA: Any questions? Commissioner Vigil

COMMISSIONER VIGIL: Teresa, one of the items that I think we spoke to that I didn't hear you delineate, and maybe we didn't – I've totally forgotten here – was office supplies, centralizing that. Has there been any kind of a savings on that. I know we took action on that item earlier. Is there an anticipated savings on that?

MS. MARTINEZ: Mr. Chair, Commissioner Vigil, that was part of the whole SAVE initiative and part of the whole subcommittee's task, and yes, they are occurring. We still have our smart buying practices going on and with the approval today of the office supplies I think that will further help. I don't have a solid number for you but I can get that for you.

COMMISSIONER VIGIL: Okay. That could cut off from the \$500,000 that you –

MS. MARTINEZ: That could further assist.

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

CHAIRMAN MONTOYA: Okay. Other questions. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. Okay, Teresa, we're just now coming to the end of the first quarter. When will you know if we're going to need to enact further reductions or cost savings for January.

MS. MARTINEZ: Mr. Chair, Commissioner Stefanics, we probably wouldn't know until February in all honesty. We would have the January property tax collections at that time and those again are our hefty months. September property taxes

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went down from budget. So that's the first time I've seen them go down. So we have them down for that monthly trend, but because of the collection of delinquent taxes in the Treasurer's Office we're almost better. Not all of it is attributed to that but we're better than budget almost by \$900,000 right now. So before we make further cuts there have been some good revenue news and there have been some – we're watching the revenue because it's not materializing at the level that we have anticipated. So we'll probably enhance our monthly report to start giving you some of the data. I think you'll recall that when we did some of our budget study sessions we came up with the troubled fund status and we had identified funds that were in trouble by the nature of their funding source, so I think we're going to incorporate that into our monthly report, so that you can see how their revenue sources are materializing and how their expenditures are materializing. But I think we would probably do it at our mid-year study session and at that time say, yes, we think the revenues will be sufficient, or, no, it's time to make additional cuts.

COMMISSIONER STEFANICS: Well, Mr. Chair, identifying something by February seems a little late to actualize any savings for the remaining months of this fiscal year. So I would question that. The second thing is, when I first came on as a new County Commissioner there was a Board retreat that was held in November to educate the newbies on things here at the County, specifically budget. And I'm wondering if we're going to be doing that kind of retreat and whether or not that would be a point of conversation at that time. If we are realizing more revenues, that is great. But if we really had to implement some new reductions it doesn't happen over night. And we – I went back to some minutes for a different purpose and our one study session in March, March 31st, we made some decisions. Then we made some decisions in June, and some of those decisions didn't happen till almost September 1st.

So it took several months to even actualize some of the recommendations or decisions we made. So I'm just a little leery about time. So please think about that as we go forward.

The other thing, Mr. Chair, I would – and this is only a recommendation, is that maybe we take the financial report off of the Consent Calendar and actually put it on Items from the Manager and Finance as an item to discuss as we go forward, at least once a month. Thank you.

CHAIRMAN MONTROYA: Okay. Any other questions? Okay. Thank you, Teresa. Katherine.

MS. MILLER: Mr. Chair, Commissioners, that's all I had for now.

XII. E. Matters From the County Attorney

1. Ordinance No. 2010-12. An Ordinance Enacting a Santa Fe County Code of Conduct and Repealing Ordinance No. 2004-3 (Public Hearing)

STEVE ROSS (County Attorney): Mr. Chair, we were going to go to that item, the proposed ordinance enacting the Code of Conduct. This ordinance has been in front of you four times. I just passed out a new draft which is dated September 27th. It should be on your desk there, kind of up towards your name plate. This contains a few

2010/09/28/01/REGULAR MEETING/048

changes that myself and the County Manager worked out over the past week. This is the second public hearing for this ordinance. We've received relatively few comments to date although we received yesterday and today some comments from the League of Women Voters which I'll discuss in a second. And like I just said we made some proposed, fairly minor changes which I'll explain.

I thought maybe I would take us back a little bit and talk about the big picture, the things that this ordinance does. As you recall we had an ordinance that dates from 1996. It was amended slightly in 2004, that when the issue of beefing up our ethics rules came up we looked at, we evaluated and decided that it might be a good framework to start from, so we used the 1996 ordinance and essentially added – looked around the country for ordinances that had provisions we were interested in, looked at how other communities were dealing with it, and put together a new draft, which has about eight new things in it, which I'll explain.

First, the new ordinance has a very broad declaration of our intent to establish ethical and open government, a government that's free from personal financial influences. That's very clearly recited in the declaration of policy on the first page of the ordinance.

Secondly, the ordinance clearly provides that elected officials, appointees, employees and volunteers of the County must observe the highest standards in exercising their authority for the public good, and that the public interest is our prime objective here at the County.

Three, we added a new section based on the Governmental Conduct Act that the state enacted that governs state government only. We're not subject to it. But the new section would in essence subject ourselves to some of the provisions, in particular the concept that's in the state statute of financial interest. The state prohibits financial interests and those financial interests are described in the ordinance and I'll talk about that in a second. We also amended the – well, really added to the conflict of interest sections of the original ordinance which was fairly comprehensive but we added a few new concepts to that which I'll discuss.

Four. We have a new section that governs political activity, primarily drawn from the Bernalillo County ordinance. It imposes campaign contributions that are consistent with state law or at least state law as will be in effect after the general election, and it also provides new, important protections for employees from the political process.

Five. We have a new section that requires completion and filing of an economic interest disclosure form. This is what we now call the financial interest form or conflict of interest form. On this form we'll disclose any relevant conflicts of interest and financial interests that any of us have. This was apparently a voluntary requirement previously although all County employees were required to fill out the form but it had never been required by ordinance. So this is a new section but it's reflective of something we've been doing for many years.

Six. We're creating an independent appointed Ethics Board to administer the ordinance, and we'll talk about that in a second.

Seven. The new ordinance provides rules on *ex parte* communications which reflect the current state of the law in that area but this is an attempt to verbalize the requirements here in the County.

Eight. The proposed new ordinance protects employees from retaliation and workplace harassment for reporting violations of the ordinance. And in connection with the redrafting of the ordinance we went through some of the sections of the ordinance that existed from 1996 and tried to improve them, tried to eliminate redundancies and conflicts where we found them.

Now, let me just take a quick minute. I know we've been here for a long time. But let me just take a quick minute and go through some of the changes that are on this draft from September 27th. As I said the County Manager had a chance to take a thorough look at the ordinance line by line and she and I met and we've proposed some minor changes in some sections. So take a look, the first significant change occurs on page 2. And it's in this long definition of the phrase "anything of value." Now, back further in the ordinance under the conflict of interest section it says that we should avoid conflicts of interest. One type of conflict of interest that is recommended we avoid is accepting anything of value from persons who might have an interest in what we're doing at the County. And so this long definition here, and I apologize for how long it is. Once again we're working with things that came to us from 1996, but part of the long definition discusses the topic of meals.

Previously the ordinance exempted any meal whose total value exceeded \$25 or governed those meals. So if you go out to eat with somebody who's potentially affected by action of the County you have to be careful not to let that person pick up that meal when the total value of the meal is over \$25 but the Manager pointed out that there are lots of events that all of us are invited to where we don't necessarily know the value of the meal but the meal is sponsored in the context of a non-profit event or some sort of a public event where County employees and County officials and certainly elected officials are attending the meeting in their capacity as officials of the County. So we made it clear that those types of things are not subject to this limitation so we don't have the embarrassment or the issue of trying to determine who much one of these things costs and determine whether we have a potential conflict of interest to deal with. So I thought that was a great suggestion and that's incorporated there.

The next substantive – well, these aren't really substantive changes but just turn to page 3 and look at the definition of financial interest. There was some redundancy and conflict there. Those are cleanup deletions there. Some of those statements were there two or three times.

Now let's take a look at page 5. There's a distinction here drawn in this ordinance between prohibited financial interests and conflicts of interest. As you see in Section 10 I've deleted the work prohibited which comes to us from 1996 ordinance, because the concept here is that a financial interest is prohibited. A direct financial interest is on the part of somebody who's making a decision. So for example, if I'm making a decision on a law firm to hire for a particular lawsuit but I have an interest in the law firm, I'm an investor in the law firm or something like that I can't make that decision because I could potentially benefit myself making the decision. That's an example of a prohibited financial interest.

Now, contrast with that from a conflict of interest which isn't prohibited but discouraged. If I'm friends with a lawyer in the same law firm and I'm making decisions concerning whether to hire that firm, that's not prohibited for me to make that decision

2010/09/28/01 09:50:00 AM

but it's something that I need to be very careful about doing and certainly disclosed to everyone who's out there taking a look at that. So we're trying to – with some of these changes, make the difference between a prohibited financial interest and a discouraged conflict of interest as clear as we can make it.

Some of these next pages are just cleanup language. The most significant changes next appear on page 9. Once again the County Manager read these. Most of these provisions date from the 1996 ordinance and they had lots of conflicts and lots of overlap and she pointed out a number of issues with those things. So I took the time to straighten some of this stuff out and try and make the language as clear as I can. Like for example Section 17i at the bottom. Now it says nothing in this section prohibits an employee from engaging in political activity on behalf of the County or consistent with 17c from engaging in voluntary political activities of the employee's own choosing when not on duty. The previous language was extremely unclear and hard to follow. So we're trying to make, once again, this as clean and as clear as we can.

Now let's take a look at page 13, Section 23. This is beginning to talk about how we interact with the County Ethics Board. We were struggling last time to figure out how that should work. Remember, some of this language came from the Bernalillo County ordinance. Bernalillo County was able to convince its auditors to be a clearing house for complaints under their Ethics Ordinance and I was unable to convince our auditors to do the same thing. So we have another proposal here and it's embodied in this new language in Section 23. If this language is in the final ordinance it would work like this: A complaint would come into my office, which would then be immediately forwarded to a person on contract with the County to serve as the clearinghouse for these complaints. And we call that the County contract ethics official. That person would determine whether the complaint even states a claim under the ordinance. Let's say somebody writes a complaint out and says I didn't like that the County bought a fire truck. Well, that's not an ethical violation. So the County contract ethics official would say that's not a violation of the Ethics Ordinance and they would dismiss the complaint and nothing further would come of it, and the Ethics Board would not have to have a meeting about it.

If the complaint, however, does state a claim under the ordinance then it would be moved on. The ethics official would investigate the allegations and prepare a report and some recommendations, and then make a presentation to the Ethics Board and there'd be further proceedings. We added a sentence on the end her that says the Ethics Board must conduct a public hearing prior to taking any action which was absent before. So the way I see that happening is the County would hire probably an attorney, maybe somebody who's already on contract to perform these functions and they would operate completely independent of all of us and would help us make the Ethics Board work.

Now, the next section, Section 24 is the composition of the Ethics Board in general. The County Manager had a really good suggestion I thought, which was to reduce the number of members of the board from five to three and have the three members be appointed at large by the entire Board of County Commissioners. This will send a signal to the public that we're not appointing persons who may be perceived to be under the control or influence of individual County Commissioners, that we have a three member board, people submit nominations, the entire Board votes on the nominations. It makes it very, very, very clean and sends a strong signal of impartiality to the public.

We've had suggestions, for example from the League of Women Voters that the terms be staggered. We certainly would intent to do that. We've had a suggestion from the League of Women Voters that nominations be received from the general public and from civic organizations and certainly we would welcome that. Their suggestion was those things be written in there and I'll discuss in a minute why it's not timely. So that's the suggestion there.

Fourteen, the bottom of Section 24h, right in the center of the page, the findings the Ethics Board can engage in, we made that consistent with the section subsequent that discusses how violations of the ordinance are treated. That's just a technical change. I think those are the bulk of the changes.

So as I said we got a large, very detailed set of comments from the League of Women Voters, a few of which I just touched on, but we just got them today, unfortunately. They're very good comments and there are a lot of suggestions for clarifying things, but they're so detailed and so comprehensive that there's not enough time to make changes in time for today's meeting. But there are suggestions that might be sensible to think about and to look on incorporating, either into this ordinance if you choose to not act on it today for a subsequent hearing or in an amendment to the ordinance. So with that, I'll stand for questions.

CHAIRMAN MONTOYA: Okay. Questions for Steve? Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Steve, in the interface between our HR procedures and this Ethics Board, how would we determine if a complaint comes in whether it should go to the Ethics Board or should it actually just go to HR automatically? Or have a priority of just going to HR?

MR. ROSS: Mr. Chair, Commissioner Holian, if the complaint stated an employment issue we would send it to both, I would think.

COMMISSIONER HOLIAN: Okay, and the other question I have is how about confidentiality or anonymity? Is there any provision for that, or if a person makes a complaint is it automatically in the public domain?

MR. ROSS: Mr. Chair, Commissioner Holian, it's public, the way the ordinance is written right now. The problem with handling anonymous complaints is that when you get down to the time when you need to prove a violation with evidence you have no evidence because there's no witness there to provide testimony and direct evidence of something that may have occurred. That's always a difficulty with confidential complaints.

COMMISSIONER HOLIAN: Yes. I just sort of see this problem with personnel matters because now we treat them confidentially, and in this case it would sort of bring it into the open arena.

MR. ROSS: Right. One possibility is to exempt employment matters entirely from the ordinance. In other words if a complaint comes in and it turns out that the contract person hired to vet these complaints on our behalf, if that person determines that it's an employment matter we could easily amend this to provide that that person sends it to HR and doesn't sent it to the Ethics Board.

COMMISSIONER HOLIAN: Thank you.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: I was just going to comment on that. It would make sense to me if it was an employment issue that it in fact would automatically fall into the personnel area. If in fact after HR reviews it and they identify a violation against this ordinance then at that point in time that case could be referred to the Ethics Board. Isn't that the procedure that should be followed, because it should remain confidential if it's a personnel matter, if in fact through the personnel policies that we have and maintaining the confidentiality in those whatever personnel actions result in that maintains confidentiality and the HR Director I think, maybe together with the Manager would identify whether or not the infraction also violated the Ethics Ordinance, then in fact a referral would be made at that point in time.

MR. ROSS: Yes. I think that's a very good way to do it.

CHAIRMAN MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: On this point, I'm wondering if there could be – I take a little different tack with this. What if there was just a statement that said all ethics complaints relating to employees will be referred to HR, period. And that the Ethics Committee not deal with it at all so they don't know anything about the employee's past disciplinary review. If this is a first infraction for an employee that's a lot different than if it's the ninth or tenth infraction for an employee.

MR. ROSS: Mr. Chair, Commissioner Stefanics, I think that makes a lot of sense.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: I guess it does to some extent. However, if in fact the employee infraction was based on a violation of this ordinance then in fact if it got referred to HR, HR perhaps – and I don't know what the fact pattern would be, but HR says we don't have an appropriate response for this, so perhaps this needs to be handled by the Ethics Board. Then I could actually envision that a fact pattern might be created where there might be an issue that does involve employment that does not violate employees Code of Conduct but does violate this. So I wouldn't want to exclude this process. And I'm not sure what that pattern is. It might be a politically engaged fact pattern. I'm not real sure. Someone who's – I can't even imagine a fact pattern. I don't even want to try to go there.

But I don't want to be exclusive of this but I do think that personnel and employment issues need to be evaluated and determined in-house and remain confidential before they go outside that realm.

MR. ROSS: Mr. Chair, Commissioner Vigil, I can actually, because I've seen everything, envision a fact pattern or several types of fact patterns. The most obvious one would be if the matter is referred to HR and there is no discipline meted out for the offense, and then maybe that creates an ethics issue all of itself. Maybe the underlying allegations create an ethics issue that didn't seem to rise to the level of an employment action but still needed to be addressed. But maybe that sort of situation is something we might want to think more about and then make this a little bit simpler and exclude employment things from it entirely. Because there are some risks disclosing these types of things in the public arena and this whole process, this whole ethics process is completely open; it's not confidential at all, at least the way it's written up here. By the

way, this tracks very closely with what the City does and what Bernalillo County do. They're very similar.

COMMISSIONER VIGIL: I guess I would ask – I think we're congruent here. I'm not too sure if there's a nuance that's different. I guess what I'm saying is I want to protect employees and I want to protect their confidentiality, particularly if there has to be a preliminary determination as to whether or not there was a personnel infraction and whether or not that crosses over a violation of this. So I think it does need to be evaluated and reviewed by personnel and perhaps the County Manager. And if there are no responses to the infraction and the infraction doe violate an ethics then it needs to be referred to the Ethics Committee.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: On this point, another way to handle it would be for the Ethics Committee to handle all employee complaints in a confidential manner so that it does not become public.

COMMISSIONER VIGIL: I guess my understanding of that is it is public once it goes into the Ethics Committee realm. Is that correct, Steve?

MR. ROSS: Mr. Chair, Commissioner Vigil, of course we could take the Ethics Committee into executive session and discuss things. But of course all action needs to be taken in an open meeting. Now, personnel actions are not private, the action itself. Like say if there's an employee termination that occurs, the fact of the termination is not confidential. It's the underlying opinions that resulted in the termination that are confidential. So that could be made consistent. The question is whether you want these types of things handled through the ethics context or whether you want it handled through the HR context. And I think given the fact that we have five collective bargaining agreements plus the HR handbooks it probably argues that most of this stuff should be addressed in the HR context, because of all the complexity that's involved in dealing with employment issues at the County.

CHAIRMAN MONTOYA: Katherine.

MS. MILLER: On that point, Mr. Chair. I agree with Steve on that because if you go and actually look at what the authority of the Board, the Ethics Board would be, it would be essentially to impose a fine. My guess is if it's an employee infraction of this ordinance the person would already be violating the personnel handbook and things that they should be doing in the conduct of an employee and would probably have something more severe of a punishment anyway from the perspective of let's say they received gifts and it was an inappropriate receipt of gifts. I would probably have more of a disciplinary action taken to a HR in employment matters than a \$300 fine. I'm not saying that the fine wouldn't be appropriate but this is more of a monetary fine to an employee whereas disciplinary actions for employment behavior would be quite different.

So I would agree with Steve that those would probably be best handled under personnel matters through – and as you said, we have five unions, we have a whole process for handling personnel matters with appeals. I don't know how complicated it would get if you had that process going on and a fine over here. I think it would muddy

up the waters considerably, and I already think quite a bit of our disciplinary process is rather cumbersome as it is.

So I would think that it would be better to have it one avenue or the other and for employees, probably best if it does appear to be that type of infraction that it's referred to HR for disciplinary action.

CHAIRMAN MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: We're doing this to create some transparency with the public, and once a complaint is brought against somebody the public is going to expect to hear whatever happened and whether it was true or false. So the issue here is what's going to best serve the goal of transparency and what is also going to protect the confidentiality of HR actions? So I'm still going back to the possibility of saying any complaint against an employee or infraction will be referred to HR, or that employees be totally taken out and it strictly be handled by the personnel rules and regulations. And I understand that we want to say to the public there are rules for employees too about ethics. So I'm not sure, and I'm just kind of putting this out there, I'm not sure which is the best way to do this. But I know that transparency and saying to the public, we want things to be clean.

It also goes back, Mr. Chair, to almost what I was talking about this morning. Any of us can bully an employee here and say I want you, or you are going to work on my campaign. We're Commissioners and they're all afraid of their jobs or their afraid of something else. So how do we know that an employee might get into a situation where they're doing something where they really feel like they're being leaned on? I don't know.

CHAIRMAN MONTOYA: Commissioner Vigil, then Commissioner Anaya.

COMMISSIONER VIGIL: Thank you. Mr. Chair, we've created such a focus on employees when in fact the overriding issues on ethics transparency in these kinds of ordinances are more affected by appointed, elected officials or volunteers. I really think we do have the mechanism in place to deal with employees. I think it will be rare that an employee who isn't dealt with from the human resource perspective will be referred to the Ethics Board. As a matter of fact my anticipation of this is that employees will rarely be referred to the Ethics Board. Because I think our human resource process is really very encompassing over issues that affect employees. So I don't want to distort the purpose of this by saying it's about how we deal with employees. This ordinance is really all encompassing in terms of dealing with elected officials, appointed officials, employees, also volunteers and it also deals very much with campaigns and public dollars, Mr. Chair.

So I think we're okay. I still think we're congruent. Let's keep personnel in personnel issues. If indeed we have to do a referral personnel would know to do that, because a referral can come for them. I think that will take care of itself. I think the overriding issues we're going to deal with that this ordinance truly affects that aren't under human resource rules and regulations are again, as I say, appointed, elected and volunteer positions. That's it, Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Anaya.

2010/09/28/01/COMMISSIONER VIGIL

COMMISSIONER ANAYA: Thank you, Mr. Chair. Virginia, you took the words right out of my mouth.

COMMISSIONER VIGIL: Thank you.

COMMISSIONER ANAYA: I want to ask another question here. Section 28, a and b, tell me what that means. On page 18.

MR. ROSS: Okay. Mr. Chair, these were suggestions that were incorporated in the August draft. Several Commissioners asked me to draft up language. a is right out of the City of Santa Fe code and it essentially says that the executive function administering the personnel system, in other words who personnel hiring, firing, discipline and all that stuff occurs as pertinent to a particular individual is the job of the County Manager and that the Board of County Commissioners is responsible for establishing policies, procedures, rules, collective bargaining agreements and stuff like that. But discipline of individual Commissioners is up to the Manager and not the Board.

b is an analog of that concerning the general management functions of the County, which are in this case vested in the County Manager and not in the Board of County Commissioners. The Board of County Commissioners is responsible for budgets, policy, general policy, managing the Manager, things like that. 28b seems to be what we do now. 28a is a little bit of a – I don't think it's a departure from what we do know but these are certainly things that have never been written down before. The City of Santa Fe wrote down 28a but they don't have anything even resembling 28b in the City code.

COMMISSIONER ANAYA: So under a, the Commission is going to leave it up to the Manager to do all the hiring?

MR. ROSS: Hiring, firing, discipline and all that stuff. Yes.

COMMISSIONER ANAYA: The way I look at that is I think the Commission should have some say-so with the directors of the County, and not just leave it directly up to the Manager. I think we should have some communication there. Under b, you're saying that if there's an issue that I can only call the Manager to take care of the issue in my district or in the County. Is that what that says?

MR. ROSS: Mr. Chair, Commissioner Anaya, it doesn't exactly say that. It's more of a statement of principle. It doesn't say that you can't call somebody.

COMMISSIONER ANAYA: Because right now, I don't call the Manager directly, I call my constituent liaison who tracks that, and then it's with the Manager to try to take care of that. Or maybe not. Or just tries to take care of it and on a weekly meeting we let the Manager know what we're doing. Is that –

MR. ROSS: That wouldn't be disturbed at all if this paragraph became law because the constituent services folks operate under the Manager. It's like calling the Manager, calling your constituent services people. And so this wouldn't prevent you from making a phone call to an individual County employee if you so chose to call an employee. This paragraph wouldn't preclude you from doing that and asking them to do something or address some issue. But the principle of this paragraph is essentially that the manager should be the one directing all those efforts and in principle the Board – this paragraph says the Board works through the Manager to get stuff done.

COMMISSIONER ANAYA: So if I want to call the Chief and ask a question, under this I couldn't do that.

MR. ROSS: It doesn't say you can't do that specifically. You've hit directly on the issue that this paragraph presents. If you call someone, call the Chief, the Chief doesn't like it, she files an ethics complaint. It's a subtle distinction between calling an individual and the principles that are being set out in this particular paragraph. I don't think that particular example violates this paragraph but somebody else might disagree.

COMMISSIONER ANAYA: Okay. So if I call the Public Works Director and say Robert, I can't get a hold of the Manager, she's busy, but I need this road graded. Could you put it on the schedule? Is that a \$300 fine?

MR. ROSS: Well, I don't think so but the Ethics Board might disagree with me.

COMMISSIONER ANAYA: I know that's probably how the Commission works and I don't want to be cutting our throats or future Commissioner's throats.

MR. ROSS: I hear you.

COMMISSIONER ANAYA: We are family here. I'm not going to call Robert Martinez and say I want you to go grade our road now. That's not how I operate. I know some people do. But if we ask him to put it on the schedule to get to it, isn't that how the Commission operates? I do. I don't direct Robert around or I don't direct any of the departments around. But seriously, are we going to pass something where we can't even talk to our employees? I don't agree with it. I go through as much as I can through the Manager but I've people out there that I need to talk to too and I don't want to be always in front of the Ethics Board. Thank you, Mr. Chair.

CHAIRMAN MONTOYA: Okay. Any other questions? Commissioner Stefanics, then I have a couple.

COMMISSIONER STEFANICS: Mr. Chair, I think that probably Commissioner Anaya knows his roads better than I know my roads, and I'm still finding out which ones are County roads and which ones are private roads. So I oftentimes end up calling the County just to find out – is this a County road or not? So in that respect I do end up going through the Manager's Office quite a bit. But one of the things I thought about the overall ordinance is that – I know we haven't even gotten to the public hearing part but it doesn't seem like there's a lot of people here waiting to jump up, unless every one of those people are going to come right up.

I was thinking that I would want something to move along, but I think that something can always be improved upon. So if we were ready to pass something I think we could also put in some kind of public work group that would analyze this or examine it for six months to make recommendations for changes. But I think that we as a County have wanted – because of different things that have occurred over the past six months or a year we are wanting to make some kind of statement to the public. So when we're ready I might add on that kind of work group for examination to bring us further changes down the line or something.

MR. ROSS: Mr. Chair.

CHAIRMAN MONTOYA: Steve.

MR. ROSS: Mr. Chair, Commissioner Stefanics, the Ethics Board is also charged with making recommendations concerning the ordinance so one possible technique to do what you just described could be to ask the Ethics Board to provide recommendations.

COMMISSIONER STEFANICS: Well, Mr. Chair, on that point, it doesn't really say who's going to be on the Ethics Board except for that one appointee. Am I reading it wrong?

MR. ROSS: Mr. Chair, Commissioner Stefanics, once there is an Ethics Board appointed then they could serve as a committee to make recommendations for future changes and tweaks to this thing.

COMMISSIONER STEFANICS: Okay. So Mr. Chair, I don't understand. Who would be on the Ethics Board?

MR. ROSS: Mr. Chair, Commissioner Stefanics, whoever the Board of County Commissioners appoints to the Ethics Board. Right now it's proposed to be a three-member board and we'd solicit nominations, appoint three persons and then that would be a constituted board.

COMMISSIONER STEFANICS: Okay. I read it a little differently. Well, I would want, Mr. Chair, if we were going to have such a work group I would want either the County Manager or the County Attorney involved, just to say this will work or this won't work. Because I would expect that you all would know our HR policies, other state laws, etc. And there also has been expressed interest, for example from the League of Women Voters. They might not get appointed to the Ethics Board. So the work group I'm talking about might be a little larger than the three appointees. That's all I'm saying. Thank you.

MS. MILLER: Mr. Chair, I had a comment about Commissioner Anaya's concerns. I think it's important to notice that the statements of general executive management functions, and I think there's a distinction if a Commissioner is requesting something be made a priority, whether they're saying I have something's been brought to my attention in my district. I'd like you to bring that forward versus if Public Works has a road schedule and every Commissioner is in there making phone calls going I want you to do this road, this road, this road. Who is the Public Works Director – which one becomes a priority? Who does he work for? And I think this is intended to say there is a way to deal with actual requests for priorities and for the most part I think that's how it does function from the perspective of – we get requests – you get requests from your constituents all the time. Many of those come to the Manager's office or might be forwarded directly to the individual department to deal with those and they get considered and reviewed and then you get information back as to whether that is something that is our responsibility or when we can address those issues.

I think this is intended that – both of these paragraphs are – that the Commission is a policy making body as well as the elected officials to deal with issues that arise out of constituents but that no individual Commissioner should be directing and ordering staff or you essentially have me and the five of you and directors ordering everyone around and that issue is then who do I actually work for and what priority do I do?

So the distinction of the words general executive management functions, it would be are you actually trying to run a department or not? I don't think that that's how this Commission conducts itself. It does work through – these are our constituents' concerns and you pass them on either through me or through the liaisons. And I don't – I think it's just a way of phrasing that that's how the general management functions would be carried

out by management. So I don't think that it – I understand what Steve was explaining that that might be the type of distinction that needs to be clarified to an Ethics Board.

CHAIRMAN MONTOYA: And I'll just add that I think this clarifies certainly what the role of a County Commissioner is. We do have a Commission Manager type of government in terms of how we're supposed to govern and how we're supposed to implement policy and develop policy and all that and this clarifies it. And I think if you can't be any more clear than when I was on the school board and your responsibility in terms of any sort of executive management functions was one: you hired and fired the superintendent. That was it. You didn't get involved in any other – you've got to move this teacher into a third grade classroom because this parent doesn't like that teacher or you've got to go do this. You just keep it out of that realm completely, and pretty much that's what this says. Our responsibility in terms of any sort of executive management function is with the County Manager. That is the individual that we collectively hire or fire and I think this clarifies and helps to clarify and hopefully will clarify that employees respond to the direction of the County Manager, not at the suggestion of a County Commissioner or a suggestion or another staff member in terms of anything that may be carried out. This certainly puts it in perspective in terms of what – how we're supposed to act and how we have our staff in terms of how they respond.

I had another question regarding – on page 2. We left in those dollar amounts in terms of the meals, \$25 and then transportation. How are we going to measure that so that we know that we're not violating – say someone asks you to go with them to Albuquerque to visit Bernalillo County and what they're doing and they're going to pay for the transportation? You've got to make sure that we can only go so far and then not get back?

MR. ROSS: Mr. Chair, these were designed to eliminate the trip to and from Albuquerque. That shouldn't be a concern. The trip to Los Angeles might be a concern. But certainly the value of the transportation to and from Albuquerque does not exceed \$50. You could insert any number in there if it made more sense given the cost of transportation. The same thing with meals.

CHAIRMAN MONTOYA: Okay.

MR. ROSS: The state happens to use these numbers. The state of New Mexico.

CHAIRMAN MONTOYA: Okay.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Steve, just on what you said, I thought that the state, when we start thinking about like dinners, that there really weren't dinners for \$25 in Santa Fe. I thought it went up to like \$50 or something like that.

MR. ROSS: Mr. Chair, Commissioner Stefanics, I don't think so but I can certainly double-check that for you.

COMMISSIONER STEFANICS: Well, maybe that's something for the future work group to look at.

CHAIRMAN MONTOYA: Yes. Then on page 13, we say we're going to have at least one citizen member. How do we define what a citizen member is?

St: Mr. Chair, it's defined there. It says that a person is a citizen member if they're not affiliated with County government in any way.

CHAIRMAN MONTOYA: Okay. So that's pretty much how we'll determine that one representative.

MR. ROSS: Yes. So they're not contracting with the County, not a County employee, not a County official, not a volunteer. Right.

CHAIRMAN MONTOYA: Okay. We'll open this up for public comment now. This is a public hearing. If anyone would like to speak. Okay. Seeing none, this public hearing is closed. Commissioner Holian.

COMMISSIONER HOLIAN: Mr. Chair, I would like to move for approval of Ordinance No. 2010-12 with the request that a clarification as to how employees might be treated with regard to HR as opposed to this process.

MR. ROSS: Mr. Chair, Commissioner Holian, I drafted a sentence to include in Section 23, which is the section that talks about how we process the complaints through the contract ethics official to the Ethics Board, and we could add this sentence: "The County's contract ethics official will forward all employment matters to the County's human Resources Department for further handling."

COMMISSIONER HOLIAN: Okay. That's okay with me.

COMMISSIONER STEFANICS: Yes.

CHAIRMAN MONTOYA: Say that again, Steve.

MR. ROSS: The County's contract ethics official will forward all employment matters to the County's human Resources Department for further handling. So when a complaint comes in, boom, it gets shot to HR.

COMMISSIONER HOLIAN: Okay. I would like to just note that I feel that this is just a beginning and we're signaling that we are concerned about ethics and openness and that I'm sure that as we go forward we will refine this, but I think it's important to move forward at this point. And I would also like to add that it's important, once we have this in place to educate the people – our employees, our volunteers and our elected officials about what exactly is expected of us.

COMMISSIONER HOLIAN: I'll second.

CHAIRMAN MONTOYA: I have a motion by Commissioner Holian, second Commissioner Stefanics. Discussion? Commissioner Vigil.

COMMISSIONER VIGIL: Thank you. Steve, how are we going to handle frivolous claims? It's possible that we could have an employee or a person out there in the community who like, oh, I'm going to complain about this employee or this elected official on a consistent and kind of basis that it becomes a nuisance, perhaps.

MR. ROSS: Right. Mr. Chair, Commissioner Vigil, we tried to deal with that in Section 23, so the County's contract ethics official, if receiving a frivolous complaint would simply dismiss it. The way this is written that person would have a right of appeal to the Ethics Board of the dismissal. But that would serve a gatekeeping type function. The ethics official certainly wouldn't let frivolous stuff or things that don't state claims or things that are brought for other than proper reasons. Wouldn't let those go forward.

COMMISSIONER VIGIL: I would think that we might also want to research the criminal code, because there is such a thing in the criminal code as filing

false documentation. There is such a violation in the civil code against anyone who is adversely impacting somebody's reputation. Those kinds of things need to be made really clear to complainants. And I know false statements are, and I know normally those are really referred to in police reports and things of that nature, but if someone would actually have a civil claim against someone who constantly came to the point of filing a lot of those there's also a harassment charge under the criminal code. I do think there are some protections out there at some level that need to be clearly understood, perhaps through the training process or something of that nature. What is your response to that?

MR. ROSS: Mr. Chair, Commissioner Vigil, that's why we require that the complaint be sworn so that if somebody lies on their complaint they could be charged criminally with perjury and the litany of things you just described.

COMMISSIONER VIGIL: So an affidavit, a sworn affidavit.

MR. ROSS: Yes. They have to make a sworn complaint.

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

CHAIRMAN MONTOYA: Okay. Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chair. I think that – I'm not against this code, but I think at this time we've had a lot of discussions and concerns and we've had some input that Steve, you said yourself that you haven't had a chance to look through. And I think that maybe – I don't know – is there a rush to get this passed? Or do we want to look at those comments and maybe incorporate them and change some things? So at this time I don't feel that we are, or that we would pass something that has a lot of questions. So at this point I don't think I'll be supporting it. Thank you, Mr. Chair.

CHAIRMAN MONTOYA: Okay. I think it's been stated earlier that this is going to be a work in progress, that as it evolves and we need to refine it we can certainly do that. This is not something that I see is going to be set in stone. In fact I would encourage that future Commissioners visit this on at least an annual basis in terms of some of the sections in there, if they're still appropriate or not. So I think it certainly is a beginning and something that we can begin to work with and work towards, in terms of open government and transparency.

The motion passed by majority [4-1] roll call vote with Commissioners Holian, Stefanics, Vigil and Montoya voting in favor and Commissioner Anaya voting against.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: On this ordinance that we did pass I still would recommend, and I'm not putting it in a motion unless we feel like we should, I think we should have a work group that's larger than the three individuals to look at this and make recommendations within I would say six to eight months for any changes.

COMMISSIONER VIGIL: I agree. I think that would be a prudent thing to do. Perhaps maybe at our next meeting we can give this some more thought and bring it forth as a resolution creating that authority or that advisory board, and that way we'll have the opportunity to identify what purposes and what their scope is and what the number of folks will be in that.

COMMISSIONER STEFANICS: So while you're being our international champion you'll write it?

COMMISSIONER VIGIL: Yes. Bring it back from South America.

CHAIRMAN MONTOYA: So in addition to the Ethics Board.

COMMISSIONER STEFANICS: Well, I'm saying for this initial review that a group of citizens be involved, whether it's the League of Women Voters, the Ethics Board, our County Manager, anybody else that we feel should be involved. This is going to impact some of our boards and commissions we have. Maybe some of those individuals would like to sit on this review work group as well.

CHAIRMAN MONTOYA: So some of the people that we may select for the Ethics Board could be on this task force.

COMMISSIONER VIGIL: Potentially, yes.

CHAIRMAN MONTOYA: Oh, okay. Because I think we're at the point now where we can begin at least to solicit members for the Ethics Board, now that we've passed this. So I guess the other thing I would suggest is that we maybe advertise so that we can begin to get some interested individuals that we can appoint to the Ethics Board. And then build on Commissioner Stefanics' recommendation also.

MS. MILLER: Mr. Chair, maybe this would satisfy both requests, is that we put together for a working group that would also help identify the type of person for recommendation for when we actually put a solicitation out so to speak for those who would like to apply to be on the Ethics Board, some parameters of evaluation that would help you make that selection that would also look at putting together the procedures of how in these areas that are maybe a little bit unclear to the ordinance itself but putting together the policies and procedures for implementation, a recommendation, and all that could be done so that you have all these little details clarified before the board is totally constituted and actually taking complaints.

CHAIRMAN MONTOYA: Okay. Commissioner Stefanics.

COMMISSIONER STEFANICS: Do we have a date of enactment in here?

MR. ROSS: Mr. Chair, Commissioner Stefanics it's enacted today and it's effective in 30 days from recordation. So probably 30 days from tomorrow is when it will become effective.

COMMISSIONER STEFANICS: Well, let's assume, Mr. Chair, that none of us are going to have any kind of ethics complaints before the first of the year, but we should not drag out the request for applications for this so that in fact if something came up we have a group that we can consider. As you saw just recently - I've said all along I have individuals in my district wanting to serve on something. Then, when we had the vacancies on the Library Board and we advertised we had three applicants. So we do have interest out in the public for these things and I'm sure all of us know of people who might like to do this. So let's not delay that too long.

CHAIRMAN MONTOYA: And we also have to hire a hearing officer, right? Put that out to bid?

MR. ROSS: Mr. Chair, we can explore the issue with the current hearing officer we have under contract and see if she's willing to take this on. Otherwise we would have to do an RFP.

SFC CLERK RECORDED 10/28/2010

CHAIRMAN MONTOYA: Okay. Steve, anything else? Do we need an executive session?

XIII. Matters from the County Attorney

2. Executive session

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

MR. ROSS: Mr. Chair, we do need an executive session to discuss at a minimum pending or threatened litigation. Usually we talk about limited personnel issues, although I don't have anything. But I'd say the motion –

CHAIRMAN MONTOYA: So pending or threatened litigation, limited personnel?

COMMISSIONER HOLIAN: Mr. Chair, I move that we go into executive session where we'll discuss pending or threatened litigation as well as limited personnel issues.

COMMISSIONER VIGIL: Would the maker of the motion amend her motion to include water rights.

COMMISSIONER HOLIAN: Plus water rights.

COMMISSIONER VIGIL: I'll second that.

CHAIRMAN MONTOYA: Okay. Motion by Commissioner Holian, second by Commissioner Vigil.

Pursuant to NMSA Section 10-15-1-H (7, 2 and 8) The motion passed by unanimous [5-0] roll call vote with Commissioners Anaya, Holian, Stefanics, Vigil and Montoya all voting in the affirmative.

[The Commission met in executive session from 5:02 to 6:25.]

COMMISSIONER STEFANICS: Mr. Chair, I move that we come out of executive session, having discussed personnel, litigation and water rights.

COMMISSIONER VIGIL: Second.

CHAIRMAN MONTOYA: Okay. Motion by Commissioner Stefanics, second by Commissioner Vigil.

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

XIV. ADJOURNMENT

Chairman Montoya declared this meeting adjourned at 6:25 pm.



ATTEST TO:

Valerie Espinoza
VALERIE ESPINOZA
SANTA FE COUNTY CLERK

Approved by:

[Signature]

Board of County Commissioners
Harry Montoya, Chairman

Respectfully submitted:

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



Memorandum

To: Santa Fe Board of County Commissioners
From: Teresa C. Martinez, Finance Director
Via: Katherine Miller, County Manager
Date: September 14, 2010
Re: Approval of the Revised Property Tax Rates as Calculated by DFA

ISSUE:

Property Tax law 7-38-34 requires that the Board of County Commissioners review and approve the tax rates as calculated by DFA. The County received a letter from DFA dated September 1, 2010 with the most current tax rates. (See attached letter.)

BACKGROUND:

The NM Department of Finance and Administration Local Government Division (LGD) issued its order setting the 2010 property tax rates for Santa Fe County pursuant to Section 7-37-7(A) and 7-38-33(A) NMSA 1978 (see attached). The property tax law also indicates that the BCC shall issue a written order imposing the tax rates within five business days of receipt of the letter from LGD. Upon BCC approval, a copy of its order shall be delivered immediately to the county assessor. Finance staff has reviewed the County's operational mil rates for accuracy and agrees with the rate noted.

SUMMARY:

The finance division requests your approval of the revised property tax rates per the attached certificate issued by DFA, and requests that the BCC issue its own order to be delivered to the county assessor imposing the tax year 2010 property tax rates.

SFC CLERK RECORDED 10/28/2010



STATE OF NEW MEXICO
 DEPARTMENT OF FINANCE AND ADMINISTRATION
 LOCAL GOVERNMENT DIVISION
 Bataan Memorial Building, Ste 201 • Santa Fe, New Mexico 87501
 Phone: (505) 827-4950 • FAX (505) 827-4948
 www.nmdfa.state.nm.us

BILL RICHARDSON
 GOVERNOR

KATHERINE B. MILLER
 CABINET SECRETARY

September 1, 2010

Virginia Vigil, Chairperson
 Santa Fe County Commission
 P. O. Box 276
 Santa Fe, NM 87504

Re: **Order Setting Property Tax Rates - 2010 Year**

Dear Chairman Virginia Vigil:

Pursuant to Sections 7-37-7(A) and 7-38-33(A) NMSA 1978, I issue this order setting as the 2010 property tax rates for your county the rates set forth in the attached certificate.

Section 7-38-34 NMSA 1978 requires the Board of County Commissioners (Board) to issue and deliver to the County Assessor its own order imposing these rates within five days of its receipt of this letter. (As a courtesy, I note that, because this statutory time period is less than eleven days, "a Saturday, Sunday or legal holiday is excluded from the computation". Section 12-2A-7(E) NMSA 1978.) Before the Board issues its order, appropriate elected officials and/or County staff should carefully review the attached rates to ensure their accuracy. Also, please share the attached information with the incorporated municipalities and special districts in your county.

Any questions should be immediately brought to the attention of Isaac Montoya at 827-4333 or RoseAnn Romero at 827-8064.

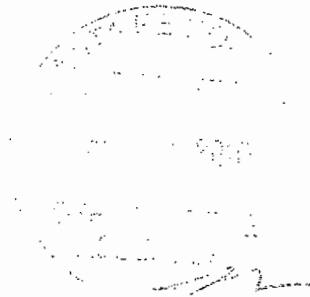
Sincerely,

Dannette K. Burch
 Dannette K. Burch, Deputy Cabinet Secretary
 Department of Finance & Administration

cc: Property Tax Division, Taxation & Revenue Department
 County Assessor – Certified Mail
 County Treasurer – Regular Mail

Attachment

*Rec'd
 9/3/10
 A. [Signature]*



SFC CLERK RECORDED 18/28/2010

CERTIFICATE OF PROPERTY TAX RATES IN MILLS

SANTA FE COUNTY

Revised 9-3-10

TAX YEAR 2010

NET TAXABLE VALUE:

		\$6,790,955,279									
MUNICIPALITY:		Santa Fe		Santa Fe				Española		Española	
TAXABLE VALUE:		2,645,872,123	970,669,160	2,142,307,802	516,934,255	127,102,219	46,516,596	108,158,913	31,801,258	31,879,911	13,932,340
CATEGORY:		C IN R	C IN NR	C OUT R	C OUT NR	LR	1/1D NR	8T NR OUT	8T NR OUT	18 IN R	18 IN NR
State Debt Service		1.530	1.530	1.530	1.530	1.530	1.530	1.530	1.530	1.530	1.530
Total State		1.530	1.530	1.530	1.530	1.530	1.530	1.530	1.530	1.530	1.530
County Operational		4.697	11.850	4.697	11.850	4.697	11.850	4.697	11.850	4.697	11.850
County Debt Service		1.873	1.873	1.873	1.873	1.873	1.873	1.873	1.873	1.873	1.873
Total County		6.570	13.723	6.570	13.723	6.570	13.723	6.570	13.723	6.570	13.723
Municipal Operational		1.093	2.568	0.000	0.000	0.000	0.000	0.000	0.000	3.062	3.916
Municipal Debt Service		0.679	0.679	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Total Municipal		1.772	3.247	0.000	0.000	0.000	0.000	0.000	0.000	3.062	3.916
School Dist. Operational		0.120	0.430	0.120	0.430	0.172	0.441	0.345 (2)	0.488 (2)	0.169 (3)	0.183 (3)
School Dist. Debt Service		3.420	3.420	3.420	3.420	10.391	10.391	8.841 (2)	8.841 (2)	4.821 (3)	4.821 (3)
School Dist. Cap. Improve.		2.000	2.000	2.000	2.000	2.000	2.000	1.997 (2)	1.954 (2)	0.000 (3)	0.000 (3)
HB33 School Building		1.500	1.500	1.500	1.500	0.000	0.000	0.000 (2)	0.000 (2)	0.000 (3)	0.000 (3)
School Dist. Educ. Tech. Debt Service		0.000	0.000	0.000	0.000	0.000	0.000	0.000 (2)	0.000 (2)	0.791 (3)	0.791 (3)
Total School District		7.040	7.350	7.040	7.350	12.563	12.832	11.125	11.283	5.775	5.795
Total State, County, Municipal, & School Dist.		16.912	25.850	16.140	22.603	20.693	28.085	19.226	26.536	16.937	24.964
Other:											
Santa Fe Comm.Col.(1)		2.205	3.000	2.205	3.000	0.000	0.000	0.000	0.000	0.000	0.000
Santa Fe Col.Bldg.Levy (1)		1.015	1.015	1.015	1.015	0.000	0.000	0.000	0.000	0.000	0.000
Total Other		3.220	4.015	3.220	4.015	0.000	0.000	0.000	0.000	0.000	0.000
GRAND TOTAL		20.132	29.865	19.360	26.618	20.693	28.085	19.226	26.536	16.937	24.964

Where Applicable:		Res	Non-Res	
Cattle Indemnity	10.000	Edgewood SWCD	1.000	1.000
Sheep and Goats	10.000			
Dairy Cattle	5.000	Rancho Viejo Sp. Assmt Dist Debt	10.00	
Bison	10.000	El Dorado Area W&S Dist Oper:	0.949	
Horses	10.000	El Dorado Area W&S Dist Debt:	2.411	

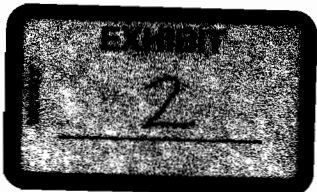
(1) To Santa Fe Com. College--P.O. Box 4187, Santa Fe, NM 87502
 (2) To Moriarty Board of Education
 (3) To Espanola Board of Education

CERTIFICATE OF PROPERTY TAX RATES I
 SANTA FE COUNTY
 TAX YEAR 2010
 NET TAXABLE VALUE:

		\$6,790,955,279			
MUNICIPALITY:				Edgewood	Edgewood
TAXABLE VALUE:		46,512,708	19,869,247	59,889,086	29,989,792
CATEGORY:		18 OUT R	18 OUT NR	8T IN R	8T IN NR
State Debt Service		1.530	1.530	1.530	1.530
Total State		1.530	1.530	1.530	1.530
County Operational		4.897	11.850	4.897	11.850
County Debt Service		1.873	1.873	1.873	1.873
Total County		6.570	13.723	6.570	13.723
Municipal Operational		0.000	0.000	0.000	0.000
Municipal Debt Service		0.000	0.000	0.000	0.000
Total Municipal		0.000	0.000	0.000	0.000
School Dist. Operational		0.183 (3)	0.183 (3)	0.348	0.488
School Dist. Debt Service		4.821 (3)	4.821 (3)	8.841	8.841
School Dist. Cap. Improve.		0.000 (3)	0.000 (3)	1.937	1.954
HB33 School Building		0.000 (3)	0.000 (3)	0.000	0.000
School Dist. Educ. Tech. Debt Service		0.791 (3)	0.791 (3)	0.000	0.000
Total School District		5.775	5.795	11.126	11.283
Total State, County, Municipal, & School Dist.		13.875	21.048	19.226	26.536
Other:					
Santa Fe Comm.Col.(1)		0.000	0.000	0.000	0.000
Santa Fe Col.Bldg.Levy (1)		0.000	0.000	0.000	0.000
Total Other		0.000	0.000	0.000	0.000
GRAND TOTAL		13.875	21.048	19.226	26.536

Where Applicable:

Cattle Indemnity	10.000
Sheep and Goats	10.000
Dairy Cattle	5.000
Bison	10.000
Horses	10.000



**CERTIFICATE OF PROPERTY TAX RATES IN MILLS
SANTA FE COUNTY
TAX YEAR 2009
NET TAXABLE VALUE:**

	\$6,633,131,738				
	MUNICIPALITY:	Santa Fe	Santa Fe		
	TAXABLE VALUE:	2,534,474,403	966,186,526	2,102,642,118	535,000,876
	CATEGORY:	C IN R	C IN NR	C OUT R	C OUT NR
State Debt Service		1.150	1.150	1.150	1.150
Total State		1.150	1.150	1.150	1.150
County Operational		4.670	11.850	4.670	11.850
County Debt Service		1.930	1.930	1.930	1.930
Total County		6.600	13.780	6.600	13.780
Municipal Operational		1.097	2.358		
Municipal Debt Service		0.498	0.498		
Total Municipal		1.595	2.856	0.000	0.000
School Dist. Operational		0.119	0.391	0.119	0.391
School Dist. Debt Service		3.419	3.419	3.419	3.419
School Dist. Cap. Improve.		2.000	2.000	2.000	2.000
HB33 School Building		1.500	1.500	1.500	1.500
School Dist. Educ. Tech. Debt Service		0.000	0.000	0.000	0.000
Total School District		7.038	7.310	7.038	7.310
Total State, County, Municipal, & School Dist.		16.383	25.096	14.788	22.240
Other:					

Santa Fe Comm.Col.(1)	2.190	3.000	2.190	3.000
Santa Fe Col.Bldg.Levy (1)	1.046	1.046	1.046	1.046
Total Other	3.236	4.046	3.236	4.046
GRAND TOTAL	19.619	29.142	18.024	26.286

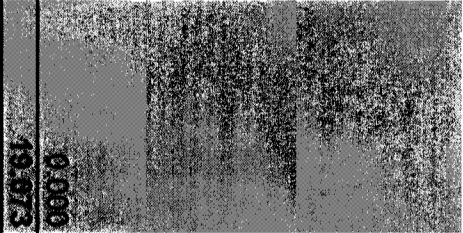
Where Applicable:		Res	Non-Res
Cattle Indemnity	10.000	Edgewood SWCD	1.000 1.000
Sheep and Goats	10.000		
Dairy Cattle	5.000	Rancho Viejo Sp. Assmt Dist Debt	10.00
Bison	10.000	El Dorado Area W&S Dist Oper/Debt.:	3.06
Horses	10.000		

127,381,795	41,350,049	101,058,015	33,608,483	Espanola 30,151,052	Espanola 13,706,736	44,586,520
1 R	1/1D NR	8T R OUT	8T NR OUT	18 IN R	18 IN NR	18 OUT R
1.150	1.150	1.150	1.150	1.150	1.150	1.150
1.150	1.150	1.150	1.150	1.150	1.150	1.150
4.670	11.850	4.670	11.850	4.670	11.850	4.670
1.930	1.930	1.930	1.930	1.930	1.930	1.930
6.600	13.780	6.600	13.780	6.600	13.780	6.600
0.000	0.000	0.000	0.000	3.101	3.856	0.000
0.167	0.410	0.359 (2)	0.500 (2)	0.163 (3)	0.178 (3)	0.163 (3)
9.574	9.574	8.964 (2)	8.964 (2)	4.545 (3)	4.545 (3)	4.545 (3)
2.000	2.000	2.000 (2)	2.000 (2)	0.000 (3)	0.000 (3)	0.000 (3)
0.000	0.000	0.000 (2)	0.000 (2)	0.000 (3)	0.000 (3)	0.000 (3)
0.000	0.000	0.000 (2)	0.000 (2)	0.975 (3)	0.975 (3)	0.975 (3)
11.741	11.984	11.323	11.464	5.683	5.698	5.683
19.491	26.914	19.073	26.394	16.534	24.484	13.433

0.000	0.000	0.000	0.000	0.000	0.000	0.000
19.491	26.914	19.073	26.394	16.534	24.484	13.433

- (1) To Santa Fe Com. College--P.O. Box 4187, Santa Fe, NM 87502
- (2) To Moriarty Board of Education
- (3) To Espanola Board of Education

	Edgewood	Edgewood
20,153,197	53,619,195	29,214,073
18 OUT NR	8T IN R	8T IN NR
1.150	1.150	1.150
1.150	1.150	1.150
11.850	4.670	11.850
1.930	1.930	1.930
13.780	6.600	13.780
0.000	0.000	0.000
0.178 (3)	0.359	0.500
4.545 (3)	8.964	8.964
0.000 (3)	2.000	2.000
0.000 (3)	0.000	0.000
0.975 (3)	0.000	0.000
5.698	11.323	11.464
20.628	19.073	26.394

0.000		0.000
20.628	19.973	26.394

District 2

Project Description	Estimated Project Cost	Commission District
ADD area - feasibility study - sewer system	\$100,000	2
Agua Fria - connect community to municipal sewer	\$1,000,000	2
Agua Fria - connect community water system to Buckman direct diversion	\$1,000,000	2
Agua Fria - Drainage Plan to include catchment ponds versus storm drains	\$25,000	2
Agua Fria - Green recycling facility in Village	\$250,000	2
Agua Fria - River Improvements-Bank Stabilization- Sewer Line Protection	\$250,000	2
Agua Fria - Roundabout-Prairie Dog Loop and CR64	\$250,000	2
Agua Fria Children's Zone	\$2,500,000	2
Agua Fria Community Garden and Flood Control Project	\$100,000	2
Agua Fria Park	\$1,000,000	2
Agua Fria Road - shelters at bus stops	\$150,000	2
Agua Fria Road - extension and roundabout at Henry Lynch Rd	\$200,000	2
Agua Fria Senior Center	\$1,500,000	2
Agua Fria Utility Corridor study/engineering plan	\$300,000	2
Agua Fria Water Systems Upgrades and water rights	\$1,500,000	2
Camino La Tierra - Chip Seal/Slurry Seal	\$125,000	2
Camino La Tierra - mailbox turnout/extend lane taper	\$50,000	2
CR 104 - Chip Seal	\$60,000	2
CR 62 - Chip Seal	\$210,000	2
Food Depot - new warehouse/facilities	\$3,652,197	2
La Junta del Alamo - paving	\$50,000	2
Las Campanas area - water transmission line	\$4,000,000	2
Lopez Lane sewer feasibility study	\$50,000	2
Lopez Lane/Rufina - R-O-W acquisition	\$100,000	2
Pinon Hills - chip seal	\$325,000	2
Puesta del Sol - chip seal	\$200,000	2
Siler Road - noise barrier with tree planting	\$65,000	2
South Meadows Road - water and sewer lines extensions to CR # 62	\$625,000	2
All Projects - District 2	\$19,637,197	

District 2

<i>Project Description</i>	<i>Estimated Project Cost</i>	<i>Commission District</i>
ADD area - feasibility study - sewer system	\$100,000	2
Agua Fria - connect community to municipal sewer	\$1,000,000	2
Agua Fria - connect community water system to Buckman direct diversion	\$1,000,000	2
Agua Fria - Drainage Plan to include catchment ponds versus storm drains	\$25,000	2
Agua Fria - Green recycling facility in Village	\$250,000	2
Agua Fria - River Improvements-Bank Stabilization- Sewer Line Protection	\$250,000	2
Agua Fria - Roundabout-Prairie Dog Loop and CR64	\$250,000	2
Agua Fria Children's Zone	\$2,500,000	2
Agua Fria Community Garden and Flood Control Project	\$100,000	2
Agua Fria Park	\$1,000,000	2
Agua Fria Road - shelters at bus stops	\$150,000	2
Agua Fria Road - extension and roundabout at Henry Lynch Rd	\$200,000	2
Agua Fria Senior Center	\$1,500,000	2
Agua Fria Utility Corridor study/engineering plan	\$300,000	2
Agua Fria Water Systems Upgrades and water rights	\$1,500,000	2
Camino La Tierra - Chip Seal/Slurry Seal	\$125,000	2
Camino La Tierra - mailbox turnout/extend lane taper	\$50,000	2
CR 104 - Chip Seal	\$60,000	2
CR 62 - Chip Seal	\$210,000	2
Food Depot - new warehouse/facilities	\$3,652,197	2
La Junta del Alamo - paving	\$50,000	2
Las Campanas area - water transmission line	\$4,000,000	2
Lopez Lane sewer feasibility study	\$50,000	2
Lopez Lane/Rufina - R-O-W acquisition	\$100,000	2
Pinon Hills - chip seal	\$325,000	2
Puesta del Sol - chip seal	\$200,000	2
Siler Road - noise barrier with tree planting	\$65,000	2
South Meadows Road - water and sewer lines extensions to CR # 62	\$625,000	2
All Projects - District 2	\$19,637,197	

District 4

Project Description	Estimated Project Cost	Commission District
Arroyo Hondo Trail	\$1,000,000	4
Arroyo Hondo Trail - bridge	\$1,000,000	4
Avenida Ponderosa - chip seal	\$150,000	4
Camino Pacifico - chip seal	\$100,000	4
Camino Sudeste - chip seal	\$75,000	4
Camino Tetzcocho - chip seal	\$75,000	4
Camp Stoney Road - Asphalt Paving	\$500,000	4
Canoncito Water System Project	\$5,510,000	4
Cerros Cantando Sub - road improvements	\$340,000	4
County Road 51 - road improvements (1st mile, chip seal; 2nd/3rd miles, gravel)	\$600,000	4
County Road 60 - road improvements-repair	\$200,000	4
County Road 63 - grading and base course	\$100,000	4
CR 63C - Chip Seal	\$15,000	4
Glorieta - sewer system interconnection - Baptist Center, Village and Estates	\$100,000	4
Glorieta Area - tank upgrade	\$200,000	4
Glorieta Area - Regional Water System Planning (includes Glorieta Village, Glorieta Estates, Glorieta East and surrounding area)	\$100,000	4
Glorieta Estates - acquire/improve fire station road and road to church (0.5 mi.)	\$1,000,000	4
Glorieta Estates - Road improvements (Ponderosa, Pine Have Drive, Raven Tree Road and Pop Challee)	\$500,000	4
Glorieta Estates - Road widening/R-O-W acquisition (Fire Station Rd. to Church)	\$500,000	4
Glorieta Estates - water system improvements	\$96,000	4
Glorieta Village - MDWCA - planning funds for wastewater solution	\$75,000	4
La Barbaria - Road improvements-Grading and Road widening	\$360,000	4
Old Santa Fe Trail - road improvements / ROW acquisition	\$350,000	4
Paseo del Pinon - Chip Seal	\$108,000	4
Puye Road - chip seal (0.69 mi.)	\$69,000	4
Toltec Road - chip seal (0.3 mi.)	\$30,000	4
Vista Redonda County Roads - base course repair	\$500,000	4
All Projects - District 4	\$13,653,000	

District 4

<i>Project Description</i>	<i>Estimated Project Cost</i>	<i>Commission District</i>
Arroyo Hondo Trail	\$1,000,000	4
Arroyo Hondo Trail - bridge	\$1,000,000	4
Avenida Ponderosa - chip seal	\$150,000	4
Camino Pacifico - chip seal	\$100,000	4
Camino Sudeste - chip seal	\$75,000	4
Camino Tetzco - chip seal	\$75,000	4
Camp Stoney Road - Asphalt Paving	\$500,000	4
Canoncito Water System Project	\$5,510,000	4
Cerros Cantando Sub - road improvements	\$340,000	4
County Road 51 - road improvements (1st mile, chip seal; 2nd/3rd miles, gravel)	\$600,000	4
County Road 60 - road improvements-repair	\$200,000	4
County Road 63 - grading and base course	\$100,000	4
CR 63C - Chip Seal	\$15,000	4
Glorieta - sewer system interconnection - Baptist Center, Village and Estates	\$100,000	4
Glorieta Area - tank upgrade	\$200,000	4
Glorieta Area - Regional Water System Planning (includes Glorieta Village, Glorieta Estates, Glorieta East and surrounding area)	\$100,000	4
Glorieta Estates - acquire/improve fire station road and road to church (0.5 mi.)	\$1,000,000	4
Glorieta Estates - Road improvements (Ponderosa, Pine Have Drive, Raven Tree Road and Pop Challee)	\$500,000	4
Glorieta Estates - Road widening/R-O-W acquisition (Fire Station Rd. to Church)	\$500,000	4
Glorieta Estates - water system improvements	\$96,000	4
Glorieta Village - MDWCA - planning funds for wastewater solution	\$75,000	4
La Barbaria - Road improvements-Grading and Road widening	\$360,000	4
Old Santa Fe Trail - road improvements / ROW acquisition	\$350,000	4
Paseo del Pinon - Chip Seal	\$108,000	4
Puye Road - chip seal (0.69 mi.)	\$69,000	4
Toltec Road - chip seal (0.3 mi.)	\$30,000	4
Vista Redonda County Roads - base course repair	\$500,000	4
All Projects - District 4	\$13,653,000	

Countywide/County Facility Projects

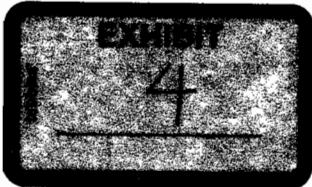
<i>Project Description</i>	<i>Estimated Project Cost</i>	<i>Commission District</i>
Santa Fe County - Additional Vehicles for Solid Waste	\$800,000	all
Santa Fe County - Animal control vehicles (\$40,000/each x 2)	\$80,000	all
Santa Fe County - Corrections - Adult - enhance and repair security and fencing	\$500,000	all
Santa Fe County - Corrections - Adult - mental health unit -- renovate fencing, railings	\$250,000	all
Santa Fe County - Corrections - Adult - relocate/renovate it server room and add equipment for all facility controls	\$1,000,000	all
Santa Fe County - Corrections - Adult - remodel office & public space for bails bonds & electronic monitoring	\$500,000	all
Santa Fe County - Corrections - Adult - renovation of cells at adult medical facility, replace sliders	\$1,000,000	all
Santa Fe County - Corrections - Adult - repair & upgrade perimeter lighting	\$1,250,000	all
Santa Fe County - Corrections - Adult - replace boilers in facility(4)	\$300,000	all
Santa Fe County - Corrections - Adult - replace control panel doors & camera	\$700,000	all
Santa Fe County - Corrections - Youth - perimeter lighting	\$750,000	all
Santa Fe County - Corrections - Youth - repair and upgrade plumbing at youth facility	\$1,000,000	all
Santa Fe County - Corrections - Youth - repair control panel	\$600,000	all
Santa Fe County - Corrections - Youth - replace single-sink commodes related to plumbing	\$800,000	all
Santa Fe County - Corrections - Youth - safety improvements to recreation yard -- landscaping/paving	\$1,000,000	all
Santa Fe County - Corrections - Youth - slider repair	\$200,000	all
Santa Fe County - Corrections - Youth - upgrade and repair perimeter fencing at youth facility	\$500,000	all
Santa Fe County - Corrections - Youth - upgrade youth kitchen facility phase I	\$100,000	all
Santa Fe County - Countywide Facilities Improvements for Energy and Water efficiency	\$6,090,000	all
Santa Fe County - EOC - county mobile command unit (on-site incident management) county wide	\$500,000	all
Santa Fe County - Fire - countywide self contained breathing apparatus/personal protection equip/defib replacement	\$3,000,000	all
Santa Fe County - Fire - equipment (engines, ambulances, pumpers, water haulers, grass vehicles, rescue) county wide	\$5,000,000	all
Santa Fe County - Jacona Transfer Station - road construction	\$675,000	all
Santa Fe County - Media district improvement on Hwy 14 including water and sewer	\$2,630,000	all
Santa Fe County - Office space and storage -- operations and clerk/elections (20,000 sq. ft.)	\$3,000,000	all
Santa Fe County - Public Housing Sites Improvements	\$1,500,000	all
Santa Fe County - Public Works - acquire 2 acres of land in Eldorado area for office/staff fencing, road paving, and storage	\$1,000,000	all
Santa Fe County - Public Works - City/County S-1 transmission line (County portion)	\$360,000	all

Countywide/County Facility Projects

<i>Project Description</i>	<i>Estimated Project Cost</i>	<i>Commission District</i>
Santa Fe County - Additional Vehicles for Solid Waste	\$800,000	all
Santa Fe County - Animal control vehicles (\$40,000/each x 2)	\$80,000	all
Santa Fe County - Corrections - Adult - enhance and repair security and fencing	\$500,000	all
Santa Fe County - Corrections - Adult - mental health unit -- renovate fencing, railings	\$250,000	all
Santa Fe County - Corrections - Adult - relocate/renovate it server room and add equipment for all facility controls	\$1,000,000	all
Santa Fe County - Corrections - Adult - remodel office & public space for bails bonds & electronic monitoring	\$500,000	all
Santa Fe County - Corrections - Adult - renovation of cells at adult medical facility, replace sliders	\$1,000,000	all
Santa Fe County - Corrections - Adult - repair & upgrade perimeter lighting	\$1,250,000	all
Santa Fe County - Corrections - Adult - replace boilers in facility(4)	\$300,000	all
Santa Fe County - Corrections - Adult - replace control panel doors & camera	\$700,000	all
Santa Fe County - Corrections - Youth - perimeter lighting	\$750,000	all
Santa Fe County - Corrections - Youth - repair and upgrade plumbing at youth facility	\$1,000,000	all
Santa Fe County - Corrections - Youth - repair control panel	\$600,000	all
Santa Fe County - Corrections - Youth - replace single-sink commodes related to plumbing	\$800,000	all
Santa Fe County - Corrections - Youth - safety improvements to recreation yard -- landscaping/paving	\$1,000,000	all
Santa Fe County - Corrections - Youth - slider repair	\$200,000	all
Santa Fe County - Corrections - Youth - upgrade and repair perimeter fencing at youth facility	\$500,000	all
Santa Fe County - Corrections - Youth - upgrade youth kitchen facility phase I	\$100,000	all
Santa Fe County - Countywide Facilities Improvements for Energy and Water efficiency	\$6,090,000	all
Santa Fe County - EOC - county mobile command unit (on-site incident management) county wide	\$500,000	all
Santa Fe County - Fire - countywide self contained breathing apparatus/personal protection equip/defib replacement	\$3,000,000	all
Santa Fe County - Fire - equipment (engines, ambulances, pumpers, water haulers, grass vehicles, rescue) county wide	\$5,000,000	all
Santa Fe County - Jacona Transfer Station - road construction	\$675,000	all
Santa Fe County - Media district improvement on Hwy 14 including water and sewer	\$2,630,000	all
Santa Fe County - Office space and storage -- operations and clerk/elections (20,000 sq. ft.)	\$3,000,000	all
Santa Fe County - Public Housing Sites Improvements	\$1,500,000	all
Santa Fe County - Public Works - acquire 2 acres of land in Eldorado area for office/staff fencing, road paving, and storage	\$1,000,000	all
Santa Fe County - Public Works - City/County S-1 transmission line (County portion)	\$360,000	all

Continued from previous page: Countywide/County Facility Projects

Project Description	Estimated Project Cost	Commission District
Santa Fe County - Public Works - equipment (water trucks, graders, loaders, backhoes, dump trucks)	\$3,500,000	all - i
Santa Fe County - Public Works - Equipment Yard for Community College Area	\$500,000	all
Santa Fe County - Public Works - solid waste upgrade transfer station - Jacona	\$750,000	all
Santa Fe County - Public Works - heavy vehicles (\$200,000 x 4)	\$800,000	all - 2
Santa Fe County - RECC - addition to existing space (6,000sq/ft) and equipment	\$2,750,000	all
Santa Fe County - Renovate county buildings and old court house	\$15,000,000	all †
Santa Fe County - Santa Fe Rail Trail	\$1,700,000	all
Santa Fe County - Santa Fe Regional Broadband Infrastructure - greater metro area	\$8,795,000	all
Santa Fe County - Santa Fe River - 8 mile trail (acquisition, trail construction, restoration)	\$21,000,000	all
Santa Fe County - SCADA system for Booster stations, Storage tanks/wells	\$180,000	all
Santa Fe County - Sheriff - equipment	\$100,000	all †
Santa Fe County - Sheriff - new vehicles (20/year x \$40,000 x 5 years)	\$4,000,000	all - 3
Santa Fe County - South Meadows open space (22 acres)	\$440,000	all
Santa Fe County - Supplemental Wells x 3 sites	\$4,500,000	all †
Santa Fe County - Thornton Ranch open space	\$700,000	all
Santa Fe County - transmission line for CCD area tank	\$400,000	all
Santa Fe County - Updated orthophotography - Countywide	\$385,000	all
Santa Fe County - Utility Rate Study	\$75,000	all
Santa Fe County - Valle Vista Water System upgrades	\$1,500,000	all
All Projects - Countywide and County facilities	\$102,160,000	
Total: All Requests - FY 2012	\$187,272,436	



Santa Fe County FY 2012 - 2016 Infrastructure and Capital Improvements Plan (ICIP)

List of Potential Projects for Consideration for ICIP Top Five Ranking

Project Description	Commission District	Estimated Project Cost	Minimum Cost 1st Phase	Project Ready	Public Welfare	Survey	Leverage	No Other Funds	Community	
Pojoaque Valley Regional Wastewater System - interconnection to non-tribal areas	1	\$1,500,000	\$1,500,000	✓	✓	✓	✓		✓	
Agua Fria Park	2	\$1,000,000	\$100,000	✓		✓	✓	✓	✓	
Stanley Fire Station - equipment & improvements	3	\$250,000	\$250,000	✓	✓	✓	✓	✓		
Glorieta Area - tank upgrade	4	\$200,000	\$200,000	✓	✓	✓		✓	✓	
Eldorado Water and Sanitation District - water storage tank upgrades	5	\$300,000	\$300,000	✓	✓	✓		✓	✓	
Santa Fe County Corrections Facilities Improvements	countywide	\$8,200,000	\$1,500,000	✓	✓		✓	✓		X4
Santa Fe County RECC (911 center) Facility Expansion and Equipment	countywide	\$2,750,000	\$275,000	✓	✓	✓	✓	✓		2
Santa Fe County Public Housing Sites Improvements	countywide	\$1,500,000	\$500,000	✓	✓		✓	✓		*5
Santa Fe County - Public Works - equipment (water trucks, graders, loaders, backhoes, dump trucks)	countywide	\$3,500,000	\$1,000,000	✓	✓	✓		✓		3
Santa Fe County - Fire - countywide self contained breathing apparatus/personal protection equip/defib replacement	countywide	\$3,000,000	\$1,000,000	✓	✓	✓	✓	✓		1

Notes: The following is a brief description of the criteria listed in the matrix above

Project Ready - Project has a potential for immediate implementation of a substantial phase if funds are available.

Public Welfare - meets a public health, safety and or welfare need.

Survey - The project is consistent with results of June 2010 public survey of County residents regarding services, specifically: roads/road maintenance, public safety services, water and wastewater services, senior services, youth/recreation services.

Leverage - Project helps to leverage existing county investments or existing funding available Funds

No Other Funds - Project is not likely to be funded through other readily available sources.

Community - Project was solicited with community request or other source outside of County.

4



SANTA FE COUNTY

Resolution No. 2010 –

A RESOLUTION REPLACING RESOLUTION NO. 2010-161 AND AUTHORIZING AND SUPPORTING AN INFRASTRUCTURE CAPITAL IMPROVEMENTS PLAN FOR SANTA FE COUNTY

WHEREAS, Santa Fe County recognizes that the financing of public capital projects has become a major concern in New Mexico and nationally; and

WHEREAS, in times of scarce resources, it is necessary to find new financing mechanisms and maximize the use of existing resources; and

WHEREAS, systematic capital improvements planning is an effective tool for communities to define their development needs, establish priorities and pursue concrete actions and strategies to achieve necessary project development; and

WHEREAS, the process contributes to local and regional efforts in project identification and selection in short and long range capital planning efforts; and

WHEREAS, the Infrastructure Capital Improvements Plan (ICIP) has been developed from citizen input through a series of community meetings, County staff and Elected Officials from various levels of government.

WHEREAS, the Board of County Commissioners approved Resolution 2010-161 on September 14th, 2010 approving the list of projects for the 2012-2016 ICIP but did not approve a list of top five projects for priority ranking; and

WHEREAS, the Board has agreed on a list of top five priority projects at its meeting on September 28th, 2010 and desires to replace Resolution 2010-161 with this Resolution.

NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners hereby authorizes and adopts the attached list of capital projects for inclusion in the Santa Fe County FY 2012-2016 Infrastructure Capital Improvements Plan (ICIP).

BE IT FURTHER RESOLVED that the Board of County Commissioners replaces Resolution 2010-161 with this Resolution that ranks Projects No. 1, 2, 3, 4 and 5, as set forth on the attached list of projects for the 2012-2016 ICIP, as the priority ranking for the FY 2012-2016 ICIP.

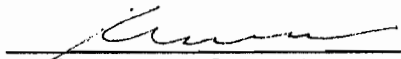
SFC CLERK RECORDED 10/28/2010

APPROVED, ADOPTED AND PASSED this 28th day of September, 2010.

BOARD OF COUNTY COMMISSION

Harry B. Montoya, Chairperson

Approved as to form:



Stephen C. Ross, County Attorney

Attest:

Valerie Espinoza, County Clerk