

SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING

January 10, 2012

Liz Stefanics, Chair – District 5
Kathy Holian, Vice Chair – District 4
Robert Anaya – District 3
Danny Mayfield – District 1
Virginia Vigil – District 2



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC MINUTES
PAGES: 100

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January 10, 2012

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:05 p.m. by Chair Liz Stefanics, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

Following the Pledge of Allegiance, led by Rita Maes and State Pledge led by Tina Salazar, roll was called by Assistant County Clerk Geraldine Salazar and indicated the presence of a quorum as follows:

Members Present:

Commissioner, Virginia Vigil, Chair
Commissioner Liz Stefanics Vice Chair
Commissioner Kathy Holian
Commissioner Robert Anaya
Commissioner Danny Mayfield

Members Excused:

[None]

V. INVOCATION

An invocation was given by Constituent Liaison Julia Valdez.

The other Constituent Liaisons, Juan Rios and Chris Barela were also introduced and thanked for their work.

VI. APPROVAL OF THE AGENDA

A. Amendments

B. Tabled or Withdrawn Items

CHAIR STEFANICS: Are there any changes, Ms. Miller?

KATHERINE MILLER (County Manager): Madam Chair, there are no changes to the agenda as published.

COMMISSIONER VIGIL: Madam Chair.

CHAIR STEFANICS: Yes, Commissioner Vigil.

COMMISSIONER VIGIL: Move to approve.

COMMISSIONER HOLIAN: Second.

CHAIR STEFANICS: Thank you very much. We have a motion and a second to approve the agenda.

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

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: Yes.

COMMISSIONER ANAYA: Madam Chair, I had several people tell me that they can't hear us when we're doing the meeting, so I think I will try and speak closer to the microphone, but I think if we all do, including the public – I guess a lot of times they can't hear us. I don't know if that's an audio thing that we could work on as well, but it would be good if we were going to have these televised if they could hear us.

CHAIR STEFANICS: Thank you very much for that comment, Commissioner Anaya. On the matter of the agenda. We will probably – the Manager and I will probably be changing some of the items for future to maybe try putting some items in different order, and then you as the Commission can let me know if you like that or not for the future. Commissioner Mayfield, you had a comment?

COMMISSIONER MAYFIELD: Well, Madam Chair, on that point, Matters from the Commission, I was just wondering if we could also have, I guess the secondary matters or communications from the Commission at the end of the agenda during the working meeting.

CHAIR STEFANICS: Thank you, Commissioner Mayfield. I think what we're going to do is put the entire Matters from the Commission at the evening session, like starting about 4:30 or 5:00. So that way they public who we invite to come could come forward. But that's a trial, so I'm open for suggestions.

COMMISSIONER ANAYA: Madam Chair, I'm going to be calling into the evening session by phone, so I'd like to do Matters from the Commission before if I could, because I'm not going to be physically here.

CHAIR STEFANICS: For today, Commissioner, we're going to leave it exactly as it is. But I'm speaking to the future that it might be a change we try.

COMMISSIONER ANAYA: Thank you, Madam Chair.

CHAIR STEFANICS: Thank you. Anything else on the agenda?

VII. APPROVAL OF CONSENT CALENDAR

A. Consent Calendar Withdrawals

CHAIR STEFANICS: Any comments, Commissioners, or withdrawals?

COMMISSIONER HOLIAN: Madam Chair, I move for approval of the Consent Calendar.

COMMISSIONER VIGIL: Second. There's a motion and a second for approval of the Consent Calendar.

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

XII. CONSENT CALENDAR

A. Miscellaneous

1. **Consideration and Approval of the Affordable Housing Agreement By and Between Santa Fe County and Joe Miller Doing Business as "Cow Springs Land & Cattle Co.," a New Mexico Limited Liability Company, and the Joseph and Alma Miller Revocable Trust (Legal Department)**

B. Final Orders

1. **CDRC Case # V 11-5190 Bert Scott Variance. Bert Scott, Applicant, Requested a Variance of Ordinance # 2002-9 (La Cienega/La Cieneguilla Traditional Community Zoning District), Section 6.4.3 to Allow a Small-Lot Family Transfer Land Division of 5 Acres Into Two 2.5-Acre Lots. The Property is Located at 31 La Lomita, within Section 6, Township 15 North, Range 8 East, (Commission District 3) Wayne Dalton, Case Manager (APPROVED 3-1)**
2. **CDRC Case # Z/S 02-4325 La Pradera Master Plan Amendment, Plan and Development Plan. Gardner Associates LLC and La Pradera Associates LLC (Alexis Girard) Request a Master Plan Amendment to Allow for the Creation of 27 New Residential Lots within the Previously Approved La Pradera Subdivision and to Allow for the Previously Approved 32,667 Sq. Ft. of Commercial/Residential Area, Parking Lot and 11 Condominiums to Be Replaced with 17 Single-Family Residential, Live/Work Lots. The Application Includes Modification of the Original Approval That Proposed the Use of Reclaimed Water for Irrigation and Toilet Water Flushing on All Private Lots. The Use of Potable Water is Now Proposed. Reclaimed Water Will Be Used to Irrigate Common Areas Only. The Request Also Includes Preliminary and Final Plat and Development Plan Approval for 27 New Lots and Several Lot Line Adjustments in Phases 2-6 and Four Master Plat Lots Which Could Be Developed into a Total of 17 Single-Family, Live/Work Lots (11 Condos and 16,334 Square Feet of Residential Space as Previously Approved to Be Converted to Single Family Lots) in Phase I. The Property is Located within the Community College District, West of Richards Avenue Between I-25 and the Arroyo Hondo, within Sections 17 & 18, Township 16 North, Range 9 East (Commission District 5) Vicki Lucero, Case Manager (APPROVED 4-1)**

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VIII. APPROVAL OF MINUTES

A. Approval of November 29, 2011 BCC Minutes

CHAIR STEFANICS: Any changes?

COMMISSIONER ANAYA: Move for approval.

COMMISSIONER HOLIAN: Second.

CHAIR STEFANICS: Okay. There's a motion and a second for approval of the minutes of November 29, 2011.

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

CHAIR STEFANICS: Thank you. On this item, do we not have the December 13th minutes yet? No. Okay. Thank you.

IX. MATTERS OF PUBLIC CONCERN -NON-ACTION ITEMS

CHAIR STEFANICS: This is when we have non-action items. Anyone from the public who would like to speak about something that's not on the agenda that we're going to vote on is invited to come forward. We have two people. If you'd please come forward. Just come on up to the front row so we can keep moving this along. Please introduce yourself and feel free to talk to the Commission about whatever you'd like.

SHIRLEY MCDOUGALL: Thank you, Commissioners. I'm Shirley McDougall. I'm with Santa Fe Public Schools. Thank you for the opportunity to speak today. I'm really just here to tell you about our Santa Fe Public Schools is having a funding election coming up on February 9th. It is a six-year renewal election. It is an election for school equipment. It includes computer equipment, athletic equipment, library equipment and so forth. It is not an operations or salaries election; it is simply a renewal. It does not raise taxes. We would greatly appreciate your support. Thank you so much.

CHAIR STEFANICS: Thank you very much, Ms. McDougall. Paul, do you want to introduce yourself please?

PAUL WHITE: Yes, thank you. My name is Paul White and I'm from the Village of Chupadero. I wanted to bring up one issue that I have not gotten any sort of response about. It's the Pojoaque wastewater project and I believe the County committed about a million dollars to that project. The wastewater plant is on Pojoaque Pueblo land and I understand that there was supposed to have been, as part of the memorandum of understanding with the pueblo there was supposed to have been a committee assembled for that and I haven't seen any notices about that committee or the members of that committee.

CHAIR STEFANICS: Thank you, Mr. White. We will pursue that and try to get you some specific information. So, Ms. Miller, could we have somebody work on information for that to give to the Commission as well as to Mr. White?

MS. MILLER: Yes.

X. MATTERS FROM THE COMMISSION

A. A Memorandum of Understanding Between Santa Fe County, the Pojoaque Valley School District and the Pojoaque Pueblo Establishing the Pojoaque Valley Community Recreational Fields Taskforce (Commissioner Mayfield)

COMMISSIONER MAYFIELD: Madam Chair, thank you. I have had meetings with different individuals and different community members out in the Pojoaque area, County Manager Miller and myself, Mr. Hvtce Miller, I believe Penny Ellis-Green was at an initial meeting. One thing that we're trying to do, Madam Chair, Commissioners is look at coming jointly together. We have a park out there that's owned by the Pojoaque Public Schools that's currently being utilized for a baseball field. Also the Pojoaque Valley Schools are allowing all of the community members to use this recreational area for youth activities. So we have all been brainstorming. There's been issues with if the County can maintain this property. If the County can't maintain this property we can get together and work collaboratively to put something together for the kids.

Right now Santa Fe County houses – and I shouldn't say houses – but we keep some of our equipment on this property. There's a benefit, I believe, to Santa Fe County by keeping equipment on this Pojoaque Public Schools property in that we don't have to transport that equipment back and forth to our Arroyo Seco yard, thereby saving some maintenance on the heavy equipment, saving gas, saving associated costs. So together what we did is we sat together and thought, what's a project that we could jointly work on.

Right now, Pojoaque Public Schools – I believe there's – and I may not have the title right, but maybe a Title IX where they have to keep all their academic sports programs together for young men and young women. So there's one field that Pojoaque Public Schools owns that's dedicated for women or for young ladies' softball. They're going to have to move that field and take it back to the local school area. They don't want to lose a field that they've invested a lot of money into and time into, nor do they want that adjacent field where all recreational youth right now play softball. They play little league baseball. They play T-ball. They use it for soccer.

And again, this is a regional complex that arguably all community members come to use, from Espanola, Rio Arriba, City of Santa Fe, Los Alamos County, Los Alamos Municipality, Santa Fe County, and that's what I'd like to put forward with this MOU. Pojoaque Public Schools, I believe, have already taken this to their school board. Their school board has approved this. Pojoaque Pueblo is looking at this also and I would look at Santa Fe County consider entertaining this MOU just to sit down, establish a work group, establish a process, how we can communicate with one another to provide this service for the children.

If you all want I'll read through the whole resolution, and thank you, Ms. Miller and staff for drafting this. The MOU basically says, it's an MOU entered into this day of 2012 by and between Santa Fe County, herein referred to as County, whose primary address is 102 Grant Avenue, Santa Fe, New Mexico, 87501; the Pueblo of Pojoaque whose primary address is 39 Camino del Rincon, Santa Fe, New Mexico; and the Pojoaque Valley School

District whose address is 1574 State Road 502, Santa Fe, New Mexico.

Whereas, the parties to the MOU identified a vital need in the Pojoaque Valley to establish multi-use community recreational fields in the Pojoaque Valley for the collective benefit of the parties and the region; and

Whereas, the parties recognize the participation in recreational sports and activities offers outstanding opportunities for youth to develop health lifestyles, positive self-esteem, and improve fitness and wellness; and

Whereas, youth sports and activities strengthen the quality of life for individuals and communities through education and training of recreational sports; and

Whereas, sports and recreational activities bring people and communities together, regardless of race, language, faith, generation, gender or locale; and

Whereas participation in sports and recreational activities builds positive character in individuals instilling teamwork, commitment, discipline, dedication and a sense of self-worth and accomplishment which benefits individuals and they're communities; and

Whereas, the parties aspire to address the need for multi-use recreational fields in the Pojoaque Valley by working cooperatively to address short and long-term needs; and

Whereas, the parties will examine the current location of the Pojoaque Valley which is used as a multi-use recreational field owned by the Pojoaque Valley Schools as a short-term and possible long-term solution to addressing the needs at hand; and

Whereas, the parties share a common community interest by being adjacent landowners at the current location; and

Whereas the parties desire to collaborate on matters that include the following: providing and sharing of information as it pertains to the establishing multi-use recreational fields that will meet the needs of residents of the region;

Now, therefore, in consideration of the mutual promise and covenants contained herein the parties hereby create the Pojoaque Valley Recreational Fields Task Force as follows:

1. Name. The task force shall be called the Pojoaque Valley Recreational Field Task Force.
2. Purpose. The task force is formed to a) investigate and analyze the existing recreational sports fields and facilities within the area and current uses of these facilities to become more aware of the current needs, meet future needs and related costs, and b) investigate and analyze what relationships among and between the parties could be formed to facilitate development of multi-use recreational fields in the Pojoaque Valley.

Three: Duties and Responsibilities. The task force shall a) meet on at least a monthly basis to develop a written proposal for submission to the parties regarding recommendations for the development of multi-use recreational fields in the Pojoaque Valley. The proposal shall at a minimum include a specific location and specific use for recreational fields in the area, funding options for the proposal, the structure of governance for any entity that must be created to accomplish the objective of the proposal, designation of the recommended fiscal agent for the proposal, a description of recommended improvements to any property identified, information about the current status of ownership of property identified for the purpose proposed recreational fields and which entity would own the property for the purposes of accomplishing this proposal.

- b) collect data on the existing recreational fields in the area and projected needs for

recreational fields.

- c) submit the proposal for consideration by the parties by six months after execution of this MOU.
4. Membership: The task force shall consist of seven members. Two members shall be selected by each party and one shall be selected by majority vote of the members selected by the parties. The County Manager or her designee shall be one of the two members representing the County.
 5. Chair of the task force: The task force shall elect a chairperson and vice chairperson.
 6. Term: The task force shall complete its functions within six months of execution of this MOU and the task force shall automatically disband eight months after execution of this MOU unless the parties agree in writing to alter the term of the task force.
 7. Vacancies on the task force: In the event a vacancy occurs after formation of the task force, it shall be filled in the same manner as initial appointments.
 8. Meetings: A quorum of the task force shall be at least four members. The task force will meet as needed but no less often than monthly. The task force shall abide by the 2012 resolution establishing the rules of order of the Board of County Commissioners of Santa Fe County.
 9. Termination: Any party to this MOU may discontinue its involvement in this MOU for any reason and at any time. The parties agree to provide at least five days notice of their intent to discontinue participation as a party to this MOU by sending written notice of termination to the other parties via first class mail. Such notice shall be deemed delivered three days after mailing.
 10. Notice: Notice under this MOU shall be provided to the parties at the following addresses: Santa Fe County Manager, Governor, Pojoaque Pueblo, Pojoaque Valley Schools, with attached addresses. And the signatures.

Again, Commissioners, this is just an endeavor that we started out in the valley to try to bring all the parties together to put a youth recreational field out there for our kids. Your support in getting this moving, short-term and long-term objectives, not committing the Santa Fe County to any financial funding at this time but just so we could at least sit at the table and talk.

There have been some issues, Commissioners, regarding this MOU also – not the MOU but the property, where we were just trying to figure out who owned the property. It has been identified that Pojoaque Public Schools owned that property. With that, Madam Chair, I would ask for your support in moving this MOU forward.

CHAIR STEFANICS: Questions, comments from the Commission?

COMMISSIONER HOLIAN: Madam Chair.

CHAIR STEFANICS: Yes, Commissioner Holian. Anyone else on the list?
Commissioner Anaya, Commissioner Vigil.

COMMISSIONER HOLIAN: Thank you, Madam Chair. Commissioner Mayfield, well, first of all, I think it's great for our kids to have a place to play and get out in the fresh air and get some exercise and so on, but there were a couple of things that I was a little bit confused about in here because on the one hand you actually mention specifically the multi-use recreational field owned by the Pojoaque Valley Schools, and then in the body of the therefore section you talk about locating a property for this. So I guess my question is is

there a specific property that has been identified that's going to be investigated or are there going to be multiple properties? And another thing that I'm interested in is this going to be something that's an adjunct to a school, or is it a possibility that it could be a park plus a recreational field?

COMMISSIONER MAYFIELD: Madam Chair, Commissioner Holian, good questions. One, when we all first sat down and met there were short-term objectives and long-term objectives. Short-term objective is we have identified a park that is owned by the Pojoaque Schools that is not adjacent or contiguous to property right now that the Pojoaque Public Schools are sitting on. It's actually – you know the area well, I believe, Commissioner. It's across the river. It's back there arguably between Jacona and El Rancho. And that's where right now they have the current softball fields/soccer fields.

So when we met short term we thought, look, this could be a great, viable solution for all of us if we could do this. Looking at the size and configuration people said well, what if there has to be a bigger expansion, a bigger need? That's when we said can we long term look at maybe this recreational facility needs to be adjacent to the Pojoaque schools. Maybe this needs to be another property that's owned by Santa Fe County. Pojoaque Pueblo said you guys might want to look at some property that we own across the river also.

So I don't know if that answers your question but short term, I think putting this existing park is just putting a little more money, a little more time and effort into what we have. As far as long term, depending on what the task force decides, which would have to come back of course to this Board, if they'd want to move this somewhere else, that could be their suggestion. I foresee it going on the existing land where they have the – that's owned by Pojoaque Public Schools, where they have the existing recreational fields right now.

And I apologize, Commissioner, Madam Chair, you had a second part to that question?

COMMISSIONER HOLIAN: I think you answered it. But I guess I also want to clarify, this is not committing us to any funding at this point, correct?

COMMISSIONER MAYFIELD: No, Madam Chair, Commissioner Holian, I don't believe it's committing us to any funding. What I did ask in short-term commitment though is right now, Santa Fe County utilizes part of this property. We keep our equipment there. And it kind of goes back to some of the past issues of working government to government. A public school with a County local government, if they need some assistance in grading the field, well, I don't believe they're charging us rent to keep our equipment on their land, and I think as long as that could be worked out through our Roads Department, through the County Manager, that in the short term if they can help do some general maintenance of that field for a short-term objective that we could do that.

Also, long term, we were going to sit down and talk I believe. Manager Miller was at one of these meetings, I don't think both, but we spoke I believe to the USDA as far as trying to get some grant money, some federal money for assistance. They were amenable to looking at that. I think there were a couple other parties. Manager Miller, do you recall who we spoke to?

MS. MILLER: Madam Chair, Commissioner Mayfield, we talked to – the schools were there, the Pueblo was there. They have grant writers; they were involved in the meeting. We had our Public Works staff on the Facilities and the Road Maintenance side, and

then we also had members from the federal delegation, I think Udall's office was there and we had USDA on the phone. We talked about looking at CDBG, whether the project could qualify for that type of funding, or also tribal – they have a similar program like CDBG but it's for tribal entities. So we kind of discussed that we would need to actually set what the project would be before we could decide which funding source to go after.

And then we also talked about looking at the state legislature as to whether they would be able to assist. I think that was everybody that was there. There were probably about 20 people there.

CHAIR STEFANICS: Commissioner Holian, you have the floor.

COMMISSIONER HOLIAN: Thank you, Madam Chair. So if it were going to be sort of a park, plus a recreational field it seems to me that we might want to have COLTPAC involved.

COMMISSIONER MAYFIELD: And Madam Chair, Commissioner Holian, that's a great point, and that was your second part of your question, a park. I'd love to have a park out there also. I also have spoken with some of our internal employees as far as – and I believe speaking with – and I may have the names wrong, but Colleen, Dr. Mills, that they've also identified, and I'm not speaking for them so hopefully they can speak if they're here. Mr. Hogan's here. They've identified a need in that area for a regional park, so this kind of came into play, of well, this may work for all of us and what we're trying to accomplish.

Again, the Pojoaque Public Schools, the Pojoaque Pueblo was on, at least initially on board with this. We were thinking of taking it out to further communities of interest, such as Rio Arriba, all of the pueblos, arguably the City of Espanola, the City and Township of Los Alamos, but they thought, look, why don't we just look at all the three adjacent property owners to the current park – Pojoaque Pueblo, Santa Fe County and Pojoaque Public Schools.

COMMISSIONER HOLIAN: Yes, and I think that's a great idea. I guess my one concern is if we were to take on yet another park where would the funding come from to be able to maintain that park because we already have a lot of parks identified throughout the county that I think are not being maintained properly because of the fact that we don't have the resources, either staff or financial resources to do that. So that would be my one concern but in reading this it seems like we're not committing ourselves to anything right now other than investigating the situation. Is that correct?

COMMISSIONER MAYFIELD: Madam Chair, that's how I read it also, Madam Chair, Commissioner Holian. But also I want to say in the short term I would like to see if we could offer some in-kind contributions to help maintain the existing park that they have. One of my worries, Madam Chair, Commissioner Holian, granted, Santa Fe County doesn't own this land, but we recently, at least I believe we recently just came to understand that within the past few months. Before it was arguably always no-man's land. Nobody knew who owned that property.

But one of my worries is just for the children. The children that are out there continually playing on this park, day in and day out, they're playing on fields that are dangerous, arguably, to the health, and that's what I would want to prevent from any child getting hurt running up and down those fields. And if Santa Fe County can do anything to mitigate that, to assist that from happening, knowing, and I spoke to Pojoaque Public Schools about this, they're still going to maintain the liability on that field at this time. What works

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out with this task force works out with this task force.

I just want to have a regional park where kids have a place to go.

COMMISSIONER VIGIL: On that point, if I may, Madam Chair.

CHAIR STEFANICS: Yes, Commissioner Vigil, on that point only.

COMMISSIONER VIGIL: On that point, and thank you for bringing it up because it was a part of my questions. I would like to ask Legal if there's any exposure for Santa Fe County providing in-kind contributions or any kind of donations when we don't own the property.

CHAIR STEFANICS: Mr. Ross.

STEPHEN ROSS (County Attorney): Madam Chair, Commissioner Vigil, we would have to structure it to avoid those kinds of liabilities, whatever transaction we did.

COMMISSIONER VIGIL: Okay. We would be exposing Santa Fe County, we would be liable for any kind of exposure to harm for kids or anything like that if we provided any kind of services or entered into any kind of agreement to provide in-kind or any other kind of contribution.

MR. ROSS: Well, Commissioner Vigil, along with the duty that accompanies ownership is a duty to maintain and maintain non-negligently. You get into exposure when you maintain something. So what we in the Legal Department would strive to do if you entered into an agreement with some entity for property is to minimize that exposure. We should for sure insure it, because we have insurance on all of the properties that we own or control.

COMMISSIONER VIGIL: But despite the fact – and I think I heard Commissioner Mayfield say that the schools would maintain liability, Santa Fe County would be named a party to a lawsuit if we entered into any kind of agreement. The possibility of Santa Fe County being named as a party to a lawsuit if we maintained any kind of agreement with them for in-kind or any other kind of contribution.

MR. ROSS: Madam Chair, Commissioner Vigil, if we can get the other party to agree to it we have techniques that we can use when drafting agreements to eliminate that.

COMMISSIONER VIGIL: We could request a waiver from the owner, correct?

MR. ROSS: Well, Commissioner Vigil, we usually use techniques that are more subtle than that, actually, but, yes, there's a number of techniques that we can use to keep our liability minimized, even if there's a multi-party lawsuit filed.

COMMISSIONER VIGIL: Okay. Even if it's a negligent case?

MR. ROSS: Yes.

COMMISSIONER VIGIL: Okay. Thank you, Madam Chair.

CHAIR STEFANICS: Thank you. Commissioner Holian, you still have the floor.

COMMISSIONER HOLIAN: So, Commissioner Mayfield, who owns this property now and who maintains it now?

COMMISSIONER MAYFIELD: Madam Chair, Commissioner Holian, my understanding is that Pojoaque Public Schools own this property. Pojoaque Public Schools does its best to maintain the property with community support and also the independent leagues, such as maybe the baseball league, the soccer league, the parents that go out there

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and try to do whatever work they can do on the field.

COMMISSIONER HOLIAN: And so why would we need to do any maintenance on the property? Why would the County?

COMMISSIONER MAYFIELD: Well, Madam Chair, and going back to Commissioner Vigil's point, right now, one of my worries and one of my other worries has been I don't see if we have any liability and the fact that a child gets on one of our heavy equipment pieces of machinery out there that we have parked on this property that are not fenced in, and kids get on and maybe start – as maybe children do. I know my son does, jump around on some equipment and gets hurt. Where I'm saying is where we would maintain it, I just think it's a community benefit for all of us. I would like to have a recreational program, recreational facility in my northern part of the district and hopefully that we could be a part of. I think the closest multi-recreational complex to us is here in Santa Fe. We might be able to go to Los Alamos. We also might be also able to go to the City of Espanola.

One thing that I have heard, Madam Chair, and I don't know if this is a reflection on, say, Santa Fe County, and by no means do I hope it is but if dealing with – my son is a participant of youth activities. I want to disclose that, but when we're going to play, say, against local leagues such as the City of Santa Fe or the City of Los Alamos, they're reluctant to even want to come and play on our fields in Pojoaque. It's like it's no, we don't want to go out there and play that, one, may be safe. So I wonder, are we sending the wrong message to our kids, that we don't want to support safety for them when other jurisdictions, other municipalities are saying we don't even want to go on your fields and play because we worry about the safety of our kids.

So that's why I think that this would be a good partnership for us to engage in. If it means that later one, future down the road that there's a bond issue that goes out, COLTPAC money that goes out, that this is one of the priorities that I would like to have a multi-use recreational park in my area. That's something I'd definitely push. But right now what I'm seeing is you have at least three huge entities as far as I'm concerned – Pojoaque Public Schools, the Pueblo of Pojoaque, and hopefully Santa Fe County that want to partner together in a positive way for children and for our youth. And that's why I think it would be a benefit for us to get to engage on this with them.

COMMISSIONER HOLIAN: So, Madam Chair, I still have a few questions. This is for staff, really, and that is do we have any kind of partnerships – a precedent for any kind of partnerships like this elsewhere in the county? And then the other question I have is in this MOU are we committing ourselves to any maintenance?

MS. MILLER: Madam Chair, Commissioner Holian, in this particular agreement we are not committing ourselves to maintenance. I would say that the intent of this agreement was at least to establish a task force to determine what we could and couldn't do and if we can determine a structure for that. So for instance if we did want to have a multi-use field that was multi-jurisdictional, we might then – then the recommendation would be to do that and set up a JPA that would say who's the fiscal agent, who's going to operate it – because there were a lot of ideas at the meetings. Some said we want it to be there for a student activity center, so they wanted it as open recreational fields for the community or to have tournaments.

Quite a few ideas where there but it was really difficult to get anything done with 30

people tossing around ideas so we said, well, the first thing we should do is establish some type of agreement that we all three governing bodies want to work together on coming up with some recommendations. That's what this essentially does, creates a task force to do that and does not commit us to any maintenance or any funding but rather to come up with plans and to bring those back to the respective governing bodies.

Now, if we were to do some maintenance or something, if it was determined, well, the Pueblo could cut the grass and it would be nice if the County could grade the parking lot, then we might come back and say, okay, we'll have an agreement that would reflect that. And that might be the only thing that gets done until there's funding to build buildings or something like that.

So this agreement does not commit us to that next piece. I think Commissioner Mayfield indicated there would be some short-term things and then there were some ideas for longer-term things. And those would need to come back in some different form.

COMMISSIONER HOLIAN: Okay. Thank you. I'm done for now.

CHAIR STEFANICS: Thank you, Commissioner. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, thank you. Three quick things. First thing is, did you make a motion, Commissioner, because if you did I'll second it, if you made that in the form of a motion.

COMMISSIONER MAYFIELD: I did make a motion but I understand their questions but I would appreciate a second.

CHAIR STEFANICS: We have a motion and a second.

COMMISSIONER ANAYA: The second item, I'll support the resolution. I think it's well thought out. I think it provides an opportunity to gather the community in a place where they can look at the issue and further evaluate what the needs are in the community. So I support the kids in the community and I'm hopeful that you guys can come up with something workable. I also support looking at some in-kind opportunities to help offset the short-term needs, even if they do include financials. So that's all I had, Madam Chair. Thanks.

CHAIR STEFANICS: Thank you, Commissioner. Commissioner Vigil.

COMMISSIONER VIGIL: I guess I had some questions. I guess the sort of basis for making this recommendation and the direction going on in-kind, is it accurate that we actually are parking vehicles there? And have we entered any kind of agreement to do that?

MS. MILLER: Madam Chair, Commissioner Vigil, we are parking vehicles there. I think actually after the meeting there were concerns about any potential liability so Public Works did move the heavy equipment off there, but it has been parked there for quite some time. But those issues were brought up so Robert Martinez did have the staff remove the equipment.

COMMISSIONER VIGIL: And were they done without an agreement?

MS. MILLER: I believe it was kind of a: you're welcome to store your equipment there. I don't think there was any formal agreement.

COMMISSIONER VIGIL: Okay. And that would be a concern for me, because I think some of the issues I heard with regard to liability would expose us. I also think the concept is actually very good. I would like to see this concept expanded to include

the entire county and a task force looking at recreational fields throughout the county. I know in each one of our districts we all deal with this. Probably the most visible recreational field that Santa Fe County has that is being utilized by both the City and the County is the Romero Park, the Agua Fria Park.

That had a lot of support to get the infrastructure in place but it certainly, as you probably may know, hasn't been maintained very well. And it's in an area that's identified for a multi-purpose field. I think currently there's a tennis court and there's actually a couple of fields that are baseball fields. There's a walking trail around there. There's actually a little snack bar. The recreational area can be utilized to a maximum degree. The problem we have is that we don't have anyone really assigned to really maintain them, to be able to really have any kind of an upkeep with them.

So my concern would be that before we look at investing anything in a multi-purpose field in one particular district that we look at other districts in terms of how best we can serve, utilize, and maybe prioritize. I believe in recreational fields. I believe in providing them for the youth. I like the idea that you're creating a coalition to discuss this. I think this committee/task force probably may come up with some good ideas and I'm okay with them coming forth with some of these ideas. What I really don't want us to commit to at this point in time, and it's sounding like I'm comfortable with what I'm hearing is any kind of exposure that would bring the County towards any liability, even negligent. That's huge.

The other issue I have, and I guess it's in the form of a question is who will be staffing this task force?

CHAIR STEFANICS: Ms. Miller, could you address that? That was one of my questions as well.

MS. MILLER: At the moment it's me or my designee and probably somebody from the Public Works Department. I would probably assign it to Adam and Mark Hogan but I haven't actually gotten to that level of discussion yet because the other parties have not agreed to this yet either.

CHAIR STEFANICS: Thank you. Commissioner, you had a –

COMMISSIONER VIGIL: I had a request. It's seeming like this is an idea – could constituency services provide this task? Because really and truly constituency services do that a lot. My concern would be they could interface with Public Works, because Public Works would have information for them, but our Public Works currently is overtaxed in a lot of what they have to do. So if it's possible that constituency services might be able to task it. I'm good with that.

COMMISSIONER MAYFIELD: Madam Chair, Commissioner, I have no problem with my constituent liaison being on this task force but one, I'm just going to say a couple things if I may. I think our Public Works is overtasked and they have too many vacancies and I think that is something we should work on. But Madam Chair, Mr. Ross, maybe you can help me with this. When Santa Fe County wants to engage in acquiring a piece of open space, who becomes liable for that land if somebody gets hurt on that land, when we take acquisition of that land? Is it just Santa Fe County bought this open space, now if you get hurt on it you go to somebody else, not Santa Fe County?

MR. ROSS: Madam Chair, Commissioner Mayfield, it's what I was saying earlier is that along with the duty or ownership comes the duty to maintain. With that comes

potential liability.

COMMISSIONER MAYFIELD: So Madam Chair, Mr. Ross, just help me, because I don't recall us ever discussing this, and granted, I don't mind discussing it but when there's a request for us to enter into a ventureship of acquiring a new piece of land, open space within Santa Fe County, I don't think we've ever broached the liability side of it. And that's something I actually would like make sure that's being done equitably for everything.

Also, Madam Chair and Commissioner, I hear what you're saying. I think this could be a study that needs to be initiated throughout all of Santa Fe County, and I would support that, but I also want to try to support regional efforts within District 1 that I believe and certain areas may be being underserved. One of my worries again is that we don't have a park really for the kids to come and play in because there's just different leagues. Santa Fe County, the northern part of Santa Fe County, Pojoaque, I guess the Pojoaque Valley area for one serves needs of a lot of community members and again, they're outside of just Santa Fe County. And I don't have a problem if we expanded this to Rio Arriba, to Los Alamos, to the City of Espanola, because those kids are also coming in. We have kids from Truchas, which I believe is Taos County that actually participate in these recreational fields and that's why I'd like to push this forward as far as folks getting hurt and who's going to sue who. Respectfully, I know I've lived out in the valley at least 20 years, I can probably say with certain memory that our County equipment has been parked on those hills for at least the last ten years, definitely the last nine years, and I know that I've brought this issue up, arguably since day one when I came onto this Commission. And I don't think there have been any claims that came against us with anybody getting hurt with that equipment out there.

I think it makes sense that that equipment is stationed in a medium point just to alleviate some costs for us, but I just thing, god forbid, when somebody gets hurt that net is going to be cast far and wide of who they're going to go after and try to sue and that's why we have the insurances that we have and hopefully, with Pojoaque Public Schools knowing and at least saying this is our property and we're going to hopefully be first. I don't know how that works, Steve. You know better than me who is first served and who isn't first served that they would be the ones.

But I would respectfully ask that hopefully you guys could support this MOU. I would definitely support looking at a task force countywide to try to initiate projects like this for all of Santa Fe County to identify who may have these parks in their area, who may not. I do believe, hearing, Madam Chair, Commissioner Vigil, that – and maybe I heard it wrong, but the one we have out in Romero Park, is that City-County or is that just Santa Fe County?

COMMISSIONER VIGIL: It's just County. I still have the floor?

CHAIR STEFANICS: Yes, Commissioner Vigil.

COMMISSIONER VIGIL: So Commissioner Mayfield, because one of the things I think would be necessary for this Commission to gain a full understanding of the needs, and I would advocate for them very well. If this task force, and if we could include language in this memorandum that this task force also provides an inventory of the current recreation facilities and availability to Santa Fe County. Because we don't have jurisdiction in Los Alamos or Espanola, but we do in Santa Fe County. So currently, maybe that's the way we should create the focus. If this task force, if we could amend this to include language,

and I'd be happy to just state that the task force would also provide an inventory of current multi-purpose and recreational fields, uses and facilities that are available for District 1 as a part of their task. Something of that nature. I think that would be very useful.

CHAIR STEFANICS: Commissioner Vigil, is that an amendment?

COMMISSIONER VIGIL: That's in the form of an amendment and I hope that it could be worded maybe a little better.

CHAIR STEFANICS: On this point, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, on this point, I do not support a countywide task force at this time. I think that will take up more time, more resources from areas in the county that right now maybe we don't want to evaluate. But I do agree with what you said again for District 1.

COMMISSIONER VIGIL: I don't think the amendment included a countywide task force. It just requested an inventory of District 1.

COMMISSIONER ANAYA: Right. And my comment on countywide came from your earlier comment that maybe this should be countywide. I do not think this should be countywide. I think communities of interest come forward with an express desire to move a project, we should leave that in those communities' hands. But I think your amendment is fine. Bu a countywide task force at this time creates more time, more energy and maybe from areas that right now don't want to pursue that right now. So I'm fine with the amendment. I think the amendment makes sense, but not a countywide task force.

CHAIR STEFANICS: Commissioner Anaya, are you seconding that amendment or not?

COMMISSIONER ANAYA: Sure. I'll second that amendment. It's just a friendly amendment. But I also want to say there's a lot of other business to attend to and I think that this item is about trying to figure out how to help kids in that community. So I prefer we move on if we can.

CHAIR STEFANICS: Okay. Commissioner Vigil, you still have the floor and I still have some questions, and there's a member of the public to speak.

COMMISSIONER VIGIL: My amendment got passed and I think I'm fine with that, Madam Chair.

CHAIR STEFANICS: Okay. Thank you.

COMMISSIONER VIGIL: Hopefully my amendment got seconded, so I don't know if we have to vote on it before we vote on the main motion.

CHAIR STEFANICS: Okay, all those in favor of the amendment please say aye.

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

CHAIR STEFANICS: Okay, so the motion has been amended and the amendment's been approved. Okay, so now, my comments. I think it would be very important for the Manager to actually appoint staff for this because it would set precedent for any future activities very similar to this. The other question I have is, Ms. Miller, could you comment on the relationship of this particular process to COLTPAC?

MS. MILLER: Madam Chair, at the moment there is no relationship to this

task force and this initiative to COLTPAC. It was purely a community – I think as Commissioner Anaya said, community-driven and Commissioner driven request and has not been tied to COLTPAC at this time at all. COLTPAC focuses on open space and this is more of a parks and rec field. And I just want to add we actually have been talking to Adam about coming up with an open space and parks and recreation plan. Because we do need to deal with this countywide but separate from this agreement and this initiative.

CHAIR STEFANICS: So Ms. Miller, I want to be very clear. Are you saying that COLTPAC does not address parks in the county?

MS. MILLER: I don't want to say they don't address parks because, Madam Chair, there's some that might have a park component to them, but their initial charter and assignment is for open space. But some of those have become more than just an open space acquisition. So we're starting to cross over. But you asked how does this relate? This particular MOU and this initiative did not come out of COLTPAC and has not been coordinated with COLTPAC to date.

CHAIR STEFANICS: Thank you. I see that we have a member of the public who's been trying to speak on this, so Mr. White, do you want to come up and just make a comment? Is there anybody else in the audience who wanted to comment on this particular item? Okay. Thank you. If you'd be brief.

MR. WHITE: Thank you, Madam Chair. Paul White again. I would like to – and after this item I also have some comments on the next agenda item if I could possibly speak at that. But this particular issue of assigning a task force, I believe that the Pojoaque Valley Planning Committee might have something to say about this because they have their community plan, and I would think that this should include their concerns where these areas might be designated.

I'd also like to say that in the Sustainable Growth Management Plan it calls for community organizations to review development and other issues that might be within the purview of the community organizations. So I would like to see this task force expanded to include the Pojoaque Valley Planning Committee as a member and as well, the community organizations. I don't believe that the community organizations have actually been implemented yet but the plan calls for it if I'm correct. I might not be correct about that at this point. But I believe that that was part of the plan.

And I would also like to say that I have grave concerns about entering into any kind of an MOU with the pueblos. We've seen what happens in the past based on jurisdictional and sovereignty issues and I think that legal should be consulted in this task force or whatever you're going to call it. Because of that we've seen a number of agreements that have been entered into where the pueblos have pulled out and we've been left having to put infrastructure, costs into infrastructure projects and I think that this is not a good idea. And so those are basically my comments.

CHAIR STEFANICS: Thank you very much for your comments. I'm going to make two comments back and then ask Commissioner Mayfield for his opinion. First of all, we don't usually consider anything that hasn't been reviewed by Legal, so I'm assuming that Legal would in fact stop us from using language that's not appropriate. And secondly, I read this as being time-limited, this task force. So it is an ending process for this particular task force; it will not go on forever.

Commissioner Mayfield, there was a suggestion that a community organization be included. Do you have any response to that?

COMMISSIONER MAYFIELD: Madam Chair, and thanks to you, Mr. White for that comment. I think that's a great suggestion.

CHAIR STEFANICS: Okay. So do you have any problem adding that group in?

COMMISSIONER MAYFIELD: No, Madam Chair, and on a prior point, I see that Mr. Ross hasn't signed off on this but I did believe this was drafted in Legal so that I would hope that there's sufficiency on that.

CHAIR STEFANICS: He's saying yes. So would you include that in the first paragraph of the groups? Or somewhere else?

COMMISSIONER MAYFIELD: Madam Chair, under Purpose –

CHAIR STEFANICS: No, I'm talking about the resolution of the group.

COMMISSIONER MAYFIELD: Madam Chair, whatever Legal feels would be sufficient to put in I would ask that that be put in also.

CHAIR STEFANICS: Okay, Steve, so we're asking that the Pojoaque Valley community organization be included.

MS. MILLER: To add them as two members from the Pojoaque Valley Community Planning Committee? Okay.

CHAIR STEFANICS: Okay, Commissioners, any other further discussion?

COMMISSIONER HOLIAN: Madam Chair.

CHAIR STEFANICS: Yes.

COMMISSIONER HOLIAN: I just want to make a comment that in general, I'm supportive of a task force to investigate this but I really feel that we need a larger, overall plan for parks and how to develop them in our county, because we have many parks right now that have not been developed that actually would be good places for kids to be outside and that sort of thing. We have a lot of needs in the other areas of our county with regards to parks that have not been developed and that are not being maintained property. And so I don't want this to just jump to the head of the list just because this particular resolution was brought forward. I want it to be considered in the entirety of the situation in Santa Fe County.

CHAIR STEFANICS: Thank you, Commissioner. Any further discussion?

COMMISSIONER VIGIL: Question for clarification. Will this task force be subject to the Open Meetings Act?

CHAIR STEFANICS: The answer to that was yes, for anybody who didn't hear that. Okay. Any further questions or comments? Okay, we now have a memorandum that has been amended and the Pojoaque Valley community organization has also been added as another group.

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

X. B. Request Approval of a Memorandum of Agreement to Authorize Snow Removal on Certain Pueblo of Nambe Roads By Santa Fe County for the Purpose of Allowing Safe Access for School Bus Routes and Those Children Riding School Buses (Commissioner Mayfield)

COMMISSIONER MAYFIELD: Thank you, Madam Chair and Commissioners. On this I think there might have been a little bit of miscommunication, maybe from my office and the Manager's office as far as exactly establishing an MOU with the Pueblo of Nambe or any pueblo or any other governmental entity for that matter. One thing that has happened is I regularly meet with local governments, pueblo governments. One meeting that myself, Mr. Hvtce Miller with the Manager's office had with Nambe Pueblo was just them asking for assistance on school bus routes to help get kids transported back and forth on some of the school bus routes.

Also, there was one road in particular that is adjacent, and Manager Miller, myself and a few others went out and looked at some of these roads. There's one road out in the Nambe-Pojoaque area that – it's kind of where always where a signed land that says County maintenance ends here that was causing a huge heartache where vehicles were getting stuck, buses were getting stuck, we still had to send staff out there. Also there was an issue I believe with BIA, how the BIA works with helping some of the local pueblo governments.

What I have done in speaking with the pueblo governments is letting them know also that if and when the County can assist, however the rules dictate up there from this Commission, you have to be cognizant that BIA may have different rules also, if we're going on, say, to pueblo land to assist, of how that funding mechanism works out. So arguably what I was asking for, and maybe that's where the miscommunication happened, is that we just start engaging in a process of how we can sit around talking, sitting at the table to discuss what factors in with BIA doing any of this road maintenance, what factors in with Santa Fe County, Santa Fe County's time, and what factors also in with the perspective pueblo.

One issue or concern that I have again is getting kids transported to school safely and timely. But two, if Santa Fe County, and I think this happens and arguably I think it happens throughout Santa Fe County, the City of Santa Fe, Rio Arriba County, the Town of Edgewood, maybe Pojoaque, excuse me, Pecos or the City of San Miguel, is that there are roads, I believe, where Santa Fe County will drop a blade to maintain if it's a Santa Fe County road, then they have to pick up the blade and maybe scoot another quarter of a mile, and then drop the blade again, because it becomes Santa Fe County.

So my worry or what I'd like to look at is some of the checkerboarded areas of how we either stop or not start. By no way to I want to provide any service on any private-owned property. That is not my intent. My intent with this is to work with the local government here of Pojoaque [sic] Pueblo to see where we can assist of providing needed emergency situational help. And I think, Katherine, excuse me, Madam Chair, Ms. Miller, we were going to sit down and talk about this a little more. I don't mind if it's tabled.

CHAIR STEFANICS: Commissioner Mayfield, you're not seeking formal approval of a –

COMMISSIONER MAYFIELD: No. I think it got put on as an MOU and that's not what it was. Also, referring to some public comment, that may come and what I

heard, that was not the intent of anything as far as establishing a protocol with any certain pueblo. It's just rendering assistance to other local government agencies if we can as the law permits.

COMMISSIONER VIGIL: So I would move to table.

COMMISSIONER HOLIAN: Second.

CHAIR STEFANICS: Okay. There's a motion to table and a second with the conversation continuing.

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

X. C. Resolution No. 2012-1, a Resolution Urging the New Mexico State Legislature to Amend Section 7-38-34 NMSA 1978 to Properly Reflect the Imposition of the Property Tax Rate Set By the New Mexico Department of Finance and Administration and Not By County Commissions (Commissioner Anaya)

CHAIR STEFANICS: Commissioner Anaya to explain.

COMMISSIONER ANAYA: Madam Chair, members of the Commission, I'm not going to read the entire resolution verbatim. I'm going to provide a quick summary and I'm going to ask for clarification from Mr. Ross or Ms. Miller if there's any deficiencies my summary. Essentially, county commissions across the state of New Mexico are annually asked to adopt the property tax rates in each county respectively. However, the tax rates are not set by each county; they're set by the Department of Finance and Administration, and then the counties are asked to approve them. So the appearance to the public is that if there are any adjustments where the rates go up and people's property taxes are higher, or rates go down, the assumption is that the county commissions have imposed these changes and that is not the case. We merely adopt the rates and are asked to adopt them.

This last time around I was one of I believe two Commissioners that did not vote to approve the rates because we really have no say in the computation of those rates. So this resolution is asking that the State of New Mexico and the legislature change the statute to reflect that the Department of Finance and Administration sets those rates, not the County Commission. Is that a clear summary, Ms. Miller or Mr. Ross? Both of you?

MS. MILLER: Madam Chair, Commissioner Anaya, that is correct.

COMMISSIONER ANAYA: With that, Madam Chair, I would take any questions or comments and move for approval.

CHAIR STEFANICS: I'll second. Questions, comments from the Commissioners?

COMMISSIONER VIGIL: Katherine, you being ex-cabinet secretary for DFA, is this something that will be received well or not?

MS. MILLER: It probably depends on who you, Madam Chair and Commissioner Vigil. I think it is true it's more of a process and the Commission coming back and setting that order. I think part of the intent of that is so that counties do verify that the information that the state has relative to assessed valued and debt service and things like that

are correct. But I don't think that that needs to be done at the Commission level. So I think if that statement is made, because you definitely want to close that loop, make sure that the state and the County are reviewing those rates that are set, but I don't think that this would preclude that. I don't think it has to be done by an order and action by the Commission to accomplish that.

COMMISSIONER VIGIL: Okay. So is it fair to say that this is a ministerial, administrative responsibility that's being shifted to the Department of Finance and Administration with concurrence, perhaps, by the Board of County Commission?

MS. MILLER: Madam Chair, yes. Because there are several different rates within. There's school, there's state debt, there's public schools, Soil & Water Conservation, all of those different entities have to submit information to the prospective agencies at the state and then they submit it all to DFA. And then DFA puts all of that together into one comprehensive rate table. And then they send that back to the counties and the county commissions must approve that, which does give the appearance as Commissioner Anaya said that the Commission is setting that rate. Really, I would say that the Commission doesn't have much of a choice, other than to determine whether there were errors in the calculation. That's it.

COMMISSIONER VIGIL: Thank you for the clarification. Thank you, Madam Chair.

CHAIR STEFANICS: Yes. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. Ms. Miller, let's say it does come to this Commission and this Commission unanimously disapproves it. What would happen?

MS. MILLER: Madam Chair, Commissioner Mayfield, I would defer to Steve but I would venture to say that an order would be – any one of the entities, the taxing bodies within that part of the tax rates could file a motion and have us ordered to set it. Because we do have to send out the tax bills. That's another statute. We have to have all of that done. And there have been counties in my time at DFA that have gone back and forth but ultimately the Commission ends up having to approve it and it getting sent out by the County Treasurer.

COMMISSIONER MAYFIELD: Thank you.

CHAIR STEFANICS: Thank you. We have a motion and a second. Any further discussion?

COMMISSIONER ANAYA: Madam Chair, just a comment if I could. This item as you know was discussed at the Association of Counties board meeting with the 33 counties present and many board members expressed the same frustration, so if this passes we're going to take this to the Association of Counties board of directors to seek their review and consideration.

CHAIR STEFANICS: Yes, Commissioner Anaya, we would want this transmitted almost immediately to NMAC since they have an executive board meeting next Tuesday morning, executive committee meeting next Tuesday morning and a board meeting Tuesday afternoon. Any further discussion?

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

X. D. RTD Update (Commissioner Anaya)

CHAIR STEFANICS: Commissioner Anaya, I asked that the RTD once a month be put on the agenda just for an update so that the other Commissioners could find out and if you don't want it on the first meeting of the month we can always make it the second meeting of the month. But this is at my request. So is there anything that you would like to share with us?

COMMISSIONER ANAYA: Madam Chair, yes, and we have our executive director here that I'd like to give just a couple minutes to make some statements. But Commissioner Mayfield and I have actually been serving on the board for the Regional Transit District and it's my opinion in sitting on the board for the last year there's been many improvements. There was a lot of questions raised in the paper and in the press relative to past audits not being completed and transparency of meetings, and Commissioner Mayfield and I have both worked along with the rest of the board members, who I would add are very responsible individuals on the board, with all the tribal entities and municipalities and counties, trying to do work in the best interest of the district.

There's been great improvements at the district associated with the ridership in the routes, but more importantly some of those questions that were raised by the press and members of the public associated with prior year audits and policies not being accurately adopted or transparency, many of those things have been addressed. There's always room for improvement. I think the district continues to grow. I would add that former Commissioner Anaya is riding the route to work every day when he can. He gets on in Galisteo, the route that comes in from Edgewood to Santa Fe. The route is very successful. However, the bus gets full so some of the members have to drive in in their own vehicles. Commissioner Anaya is the last person to get on so there's times that he can't get on. And so they understand that. Mr. Shepherd is one of the riders and there's some frustrations that get aired on that route when it's full and you can't get on, but they know that if they maintain the ridership and keep the numbers up that there's a possibility of getting a larger bus.

So it's that route, and not just that route but many of the other routes that have been successful throughout the entire district – I think before Tony comes up, Commissioner, I think it would be appropriate for you to provide a few brief comments as well, since you've been at those board meetings.

COMMISSIONER MAYFIELD: Thank you, Madam Chair and Commissioner and also I'd just like to recognize Penny Ellis-Green who served on that board for many years and former Commissioners. One thing, that I just want to commend all NCRTD staff and Mr. Mortillaro here is that they have a clean bill of health on all the audits. I believe they have cleaned up every past year audit finding. Am I correct on that, Tony? For the last three years? Four years?

CHAIR STEFANICS: Please introduce yourself.

ANTHONY MORTILLARO: Anthony Mortillaro, NCRTD executive director.

CHAIR STEFANICS: Thank you.

MR. MORTILLARO: Commissioner Mayfield, Madam Chair, the district

through its tenure has always had an unqualified audit, which is the best that you can get. It has had audit findings, management findings during the course of the year and as was noted here and as Mr. Mayfield was speaking to it, this is the first audit, the FY 11 audit that was submitted on time and that had no management findings. So not only was it unqualified but there were no management findings in the audit. There were some past management findings that because they crossed over to another audit year have been carried over, but those audit findings have gone from 17 to 5. So as both Commissioners indicated there's been significant improvement in our practices in terms of the audits.

COMMISSIONER MAYFIELD: Thank you. Madam Chair, it has been my privilege and honor serving on this board. I have seen how a board with multi-jurisdictional agencies should operate. It's operating phenomenally with the cities, with the pueblos, with other local jurisdictions. As a matter of fact, and I'll bring this up under Matters of Communication, the Regional Coalition of Governments with Los Alamos Laboratories, Los Alamos entities. You guys kind of need to look at how the NCRTD is modeled and that could be an example of maybe how we could do some modeling for executive director recruitment, everything else.

But it's been my privilege and honor to serve on the board.

CHAIR STEFANICS: Thank you. Commissioner Anaya, I have a specific question. It came to me recently that – and this happens every year – with the RTD debate, much like the RPA, whether or not to expand its membership. Could you comment on that for the members of the Commission?

COMMISSIONER ANAYA: Absolutely. We had a specific request from Nambe Pueblo came forward to actively seek the opportunity to participate on the board. The board had a discussion of which I was very supportive of in expanding the board for local government entities within the district. And so a letter has been remitted to entities that cannot participate on the board. It's a letter that states there's a district in your community. You have an opportunity to request to seek participation. That's not a guarantee you'll be able to participate. It's not a guarantee of funding either. So that letter is going out to the jurisdictions that aren't on the board to see whether or not there's an interest of members.

Nambe Pueblo said that they're interested in seeking opportunities for service. We had a route that was within a half a mile of the pueblo. I think it was, Commissioner, that I think they wanted us to look at. But I think it was yet another opportunity for us to seek feedback from all communities that live within the districts, so specifically that discussion did take place and that's what transpired.

CHAIR STEFANICS: Commissioner, the reason I'm asking is that when I sat on the RTD for the Commission, we had a membership subcommittee that grappled with this often. And one of the issues that was dealt with was when counties or cities or other members who are already on were contributing a specific fee financially to sit on the membership in order to support the administration of the entity while it was providing services, that there was no real decision about that financial fee, but people felt that any new members had a financial obligation. That's one issue.

And the second one was whether or not it would dilute any votes. So could you comment on either of those two items?

COMMISSIONER ANAYA: Sure. I'd be happy to. Every single entity

member or individual within the incorporated area of the NCRTD pays taxes. Those taxes are gross receipts taxes that have a direct impact on the budget associated with NCRTD. So as far as a fee, nobody pays a fee now, and we didn't discuss having any new members pay a fee. What we said was if there was entities that wanted to participate that it would send a request to be members on the board and the board would evaluate that.

That was overwhelmingly supported on the NCRTD board. I believe Rosemary Romero was one that expressed concern on that particular vote but the balance of the vote, and we can actually get the record. Tony, why don't you forward the actual vote to the Commissioners? Was unanimous to provide that. So I can't speak for what occurred previously and have utmost respect for your representation and all prior representation on the County. Commissioner Mayfield and I sit on the board as members representing the County in good faith with the balance of the members on the board. I believe that was a good, equitable discussion and that if there's entities that submit a letter of interest in this monthly update I will absolutely bring those back, let you and the rest of the Commission know who they are and if you have any specific concerns or items you'd like me to address that you may have specifically I'd be happy to carry those back as you have them as we have entities that come in.

Generally speaking, all the entities in the NCRTD that are either in or not in the district I believe should have an opportunity to benefit in some way for transit needs and transit opportunities. But by all means, as the individual representing this Commission, when we have entities that come in I'll bring those up and carry back any comments or feedback that you and the other Commissioners might have.

CHAIR STEFANICS: Thank you, Commissioner. The second part of my question had to deal with would new membership change any voting numbers that existing groups currently have?

COMMISSIONER ANAYA: Madam Chair, I don't believe so, but Commissioner Mayfield, did you –

COMMISSIONER MAYFIELD: Madam Chair, I was an alternate at the meeting that day and I asked some of the questions also specifically do that. And Mr. Mortillaro perhaps you'll be able to answer better than I can, but it's also reflected in the minutes. I asked when it was brought up would there be any dilution of say, voting strength by a specific county, city governments or not. They said they would have to look at that. But also in talking – I believe Peter Dwyer is the attorney representing that board, talking with Mr. Dwyer, I said, well, how are these numbers derived, Mr. Dwyer? He said from census data. I said well, then, based on the JPA, now that we just went through reapportionment in our state, maybe that regionally needs to be configured again, based on again the census data that's determined for the population of each district.

I believe I was told by Mr. Dwyer that that did need to be looked at and that the board, excuse me, the entity RTD executive director and maybe the attorney that staffs them was going to look into that also. So there could be some minority strength, majority strength I guess distribution, but I think also what was said, depending on the entities that came in, such as if it was Nambe Pueblo, if it was the Village of Chama or any other village, that the population there may not support more than the general person of membership that is already established for that area. Am I wrong with that, Tony? Mr. Mortillaro?

MR. MORTILLARO: Madam Chair, Commissioner Mayfield, I think just generally looking at it without doing the analysis, I think it would lead someone to that logic that for example, if you added another pueblo they'd get one vote. The question is does that vote come out of the voting strength of the county in which they were in or not and that kind of critical analysis or determination hasn't been made yet.

COMMISSIONER MAYFIELD: Also, Madam Chair, to a prior point that's semi-related I believe, and Mr. Mortillaro, if you don't mind just on that. I'd defer to you. Also the NCRTD board suggested to look at us becoming a member of the Rio Grande, because we're funding – excuse me, the Rio Metro District, because we're sending a significant amount of dollars to them although we don't have any voting membership on that board either. So we're at least initiating the process to start having a representative such as Mr. Mortillaro. Maybe hopefully having a voting membership eventually.

But Tony, will you correct me if I'm wrong? Was that ever established in the initial by-laws when the NCRTD was set up?

MR. MORTILLARO: Well, Madam Chair, Commissioner Mayfield, I think it was at our December or November board meeting. I can't remember. It's been a few meetings back, that the board authorized the chairman sending a letter to the Rio Metro District that has the Rail Runner in it. They operate the Rail Runner, requesting a seat on the board there, because, as Commissioner Mayfield has indicated we send 50 percent of the RTD GRT that's generated in Santa Fe County to Rio Metro in support of the Rail Runner. And as you might recall this summer there were some decisions made about the Rail Runner and reducing service that could have had a negative impact on the tourism and the economy here in Santa Fe.

So as a result of that we did send a letter. The board did authorize that, requesting a voting seat on their board. And as it just so happens we got an email today acknowledging the receipt of that letter and they're looking at that and they will be in contact with us in regard to different options or different ways that the RTD can participate.

I had the opportunity to participate as a member of the Rail Runner Financial Sustainability Task Force recently that resulted in a number of recommendations to the board there in terms of how action that can be taken in respect to the Rail Runner and hopefully making it financially sustainable and dealing with some of its financial shortcomings that it's facing here in the near future.

COMMISSIONER MAYFIELD: Madam Chair and Mr. Mortillaro, I'll ask this question. I may have asked in the past and I'm sorry if I did. What was the initial reason why NCRTD did not have a voting member serving on the Rio Metro board?

MR. MORTILLARO: Going back in time here. My memory – I was on the board at that point in time, and I believe it was a general concern about liability. Running and operating a railroad system of that nature, there was concern about whether in fact being a member of the board and having a vote on the board at that time would result in being named as an entity that was also liable. Kind of some of the same concerns that came up in your earlier discussions here. At that time I wasn't directly involved in it, but at that time what was relayed to us was that our risk carrier at that time had concerns about the RTD being a member.

So we structured the agreement so that our only involvement with the Rio Metro RTD

was a financial contributor to its operations, and that was the extent of our role. Since then, when this recent issue did come up about the Rail Runner, the same concern about liability was brought up in terms of historical memory. So both Peter Dwyer, the attorney and I met with our liability carrier and posed the question to them: Would that in fact be a concern? And this time around they said no, as long as you're named an additional insured and they have directors and officers' liabilities covered you'd be covered. As we know when lawsuits happen everyone gets named and they eventually get down to dropping those that don't need to be part of the suit, but that's for clarity.

CHAIR STEFANICS: Thank you very much. Any other questions and comments? I'm sure that you'll be reporting in the future too, but anything else today from other Commissioners that they wanted to ask or comment on? Commissioner Vigil.

COMMISSIONER VIGIL: Thanks. And thanks for the update. I actually, whoever represents us and as understand there's a few people who want to be on the RTD. I really like an update because what happens historically is we don't learn about what's going on until the issue is at a point of input from all of the governing entities involved with that. So a regular update on that would be excellent, even if it was by email. Having been involved in the negotiations and the JPA, whatever agreements were entered into with the RTD, it's very evolutionary. Initially we started with this Commission in union with the City of Santa Fe did not want to join the Regional Transit District. Santa Fe was going to create their own Regional Transit District and that still is possible actually, by statute.

As an advocate for regionalized government I was strong in advocating to work for the northern part of our communities. Transportation knows no boundaries. It didn't make sense for me for us to be very condensed. The issue with elected officials at that time was a large part of the gross receipts are collected here. I think the weighted system for votes were created as a result of that. Second, the City may have five, the County may have five. That's my understanding. Anyone can correct that. I'm happy to gain a better understanding if I haven't been directly engaged.

That became very critical to the transportation issues here within the city and the county, particularly because the City does have a transit system that needed some assistance and they wanted this system to supplant or supplement some of their needs at the time and I think they currently still do. And some of those services are going into the county also. So I think we came to a place where if we could create that weighted system then the City would be fine with it and the elected officials for the County at that time were fine with it too.

I think that weighted system was a huge comfort zone for all the participants who were making the decisions then. If that weighted system does get broken down I would have a concern. Another thing is I think one of the things is that they bring information to us that was sort of concern to me at the time was creating a taxing district and who participates in that taxing district. And I think within the statutory scheme of this RTD that the taxpayer district needs to be looked at too. If there's an entity that is not a part of that taxing district then I think that's a line-drawer. I'm not sure what that is, who is and who isn't a part of that taxing district is really critical I think to any kind of decision in terms of partnerships. That's it, Madam Chair.

COMMISSIONER ANAYA: On that point, Madam Chair.

CHAIR STEFANICS: Yes, Commissioner.

COMMISSIONER ANAYA: On that point, the letter I referred to only goes to participants within the taxing district; it does not go outside of the taxing district, and in no way does the intent of the discussion that the full board had I'll say once again unanimously making the recommendation was to dilute anybody. But the reality is that we're participating in the regional group of people wanting to work collaboratively on transit, and that we sit on that board as a regional participant but that our vote proportion, along with the City of Santa Fe's vote proportion and Los Alamos is still going to be a higher proportion always than anybody else sitting on that board. But I think from a more practical and pragmatic standpoint my interest is to garner full control of anything but to rather make sure that there's an open and honest dialogue and representation across the board in the district. So I think those members that sit on that board are excellent and their interest is to see the County and the City continue to work in partnership as we have.

So I guess, Madam Chair, I'd like to ask you specifically, I don't – and help me out. You're the new chair here and this meeting is going to set the tenor for the year I guess if you will. When I go sit on the board and I'm fortunate to sit with Commissioner Mayfield and I sit with you on MPO, we respectively go to the meetings and hear the issues within the board and do our best in our best judgment to represent the County and the Commission. I don't get calls from Commissioners asking me how to vote or saying can you do this or do that? I think we all respectfully go to the meetings and do our best based on the information and the feedback that we receive. So are you feeling like you didn't know enough and I should have come back to the Commission? Help me so that I can understand the context of your question.

CHAIR STEFANICS: Thank you, Commissioner Anaya. The first thing is more of a very general report that would be appreciated by the entire board. The second issue is that the RTD and the gross receipts tax for the RTD has been a very controversial issue. Before I was elected it was a very controversial issue. So the use of the funds remains a concern for our Commission and our county, because we would hate to see services not being provided as we think they should be. So for example, this is how it ties into the RPA itself, but for example, if the RTD were to just do their own planning minus the County and the City there would be some consternation.

The other issue is a block of votes and for some people on this Commission it will be important if the block of votes is diluted. For others it might not be. So there is some history here that predates me, predates you and I think is of concern to the Commission. So how we would actually break out by votes on any of these items I don't know until we would get to that matter.

COMMISSIONER ANAYA: Thank you, Madam Chair.

CHAIR STEFANICS: Thank you.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR STEFANICS: Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Just on that point, you know I also serve as an alternate; I wanted to get on as an alternate member on the NCRTD. I think what I'm going to do though is I am going to bring up some general questions when we go through I guess the next agenda item or two agenda item as far as Board appointments. There's a lot of questions I have as far as what our individual representation is to be on a board when

reporting comes back. I know I've had this discussion I believe with Mr. Ross. Steve, am I putting this County in a position if I take an action on at least my action as an individual who's representing this County on a secondary board. So I'm going to just wait until we get to this agenda item, but I'm going to ask for that. I may be even asking our County Attorney for a whitepaper, what individual authority to we have when we sit on a secondary board that has been voted on by this Commission?

Also just general questions. If we serve as the alternate, if we serve as the primary member. If a primary member is not going to show up – I know I've asked this through the Manager's office and I believe she had one of the ladies who work in her office trying to help me out. Hey, let me know if a member's not going to show up because as an alternate I definitely want to be there. There've been times when I just happened to be the alternate there so I took the action that I believe I needed to take, not knowing that maybe the member was going to be there or not. That might be some communication that we all need to have with one another, at least go through the Manager's office, saying, look, you're the designee, you're the alternate. If the designee is not going to show up, alternate be here or – and then if the alternate does show up, what is the alternate's voting authority on these boards that we represent.

So I'm just going to wait, just so you guys know that will be coming on the next topic. Thank you.

CHAIR STEFANICS: Thank you. Anything else on the RTD for today?

X. E. Resolution No. 2012-2, a Resolution Urging the New Mexico State Legislature to Strengthen New Mexico Driver's License Laws to Deter Fraud and Otherwise Maintain Existing New Mexico Driver's License Laws Regardless of Immigration Status (Commissioner Stefanics)

CHAIR STEFANICS: I would place that as a motion.

COMMISSIONER HOLIAN: Second.

CHAIR STEFANICS: Okay. To explain the resolution. Commissioners, last year we passed a resolution supporting driver's licenses for immigrants in our community. It had support of law enforcement. The Santa Fe legislative delegation would like to strengthen the laws of the state regarding New Mexico driver's license laws and so this resolution basically mirrors some of what our Santa Fe delegation will do. And I'm happy to answer any questions.

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: Yes, Commissioner.

COMMISSIONER ANAYA: Madam Chair, Commissioners, I was on the downside of a 4-1 vote on this item last year and I'm going to say clearly as I did last year – and I spoke with the Sheriff's Department here in Santa Fe County and other sheriffs in the state as well. I support a driver's license but I do not support the same driver's license that citizens have in New Mexico. I support that they need to have a driver's license to be able to drive because it helps law enforcement track those individuals, all individuals. It helps us track them and know who's driving on our roads and know that they've gone through a safe

process to acquire the license. But I do not support them having the same exact driver's license and it's on that basis that I would vote no.

CHAIR STEFANICS: Thank you very much, Commissioner. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. I just want to make a comment. I'd say that the record is clear that allowing undocumented immigrants to get driver's licenses actually increases public safety and I think that that's a crucial point. I think that this compromise bill that was passed by the Senate last year really takes care of the objections, such as people from out of state being able to come into New Mexico for licenses. So it really tightens a lot of loopholes and I think it makes our position even stronger. So I'm very supportive of this. Thank you, Madam Chair.

CHAIR STEFANICS: Thank you. Any other questions or comments?

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: Yes.

COMMISSIONER ANAYA: I would ask a question of you, Madam Chair. Madam Chair, the resolution states existing laws. Would you support a license if it was different from the license that you or I have for undocumented? Would you support – because that's what I'm saying. I'm saying I support a driver's license, just not the same driver's license as a documented citizen has. Would you – is that something that you could support or would –

CHAIR STEFANICS: I believe, Commissioner Anaya, that the Santa Fe delegation and others in the legislature are working on a compromise. I do not know if the compromise is to maintain existing licenses or a driver's license. So if we needed to amend this to get your support and otherwise maintain a New Mexico driver's license, but this really is maintain existing New Mexico driver's license laws. So I think I need to keep it the same way. Because the legislature is working off of the existing laws.

COMMISSIONER ANAYA: Madam Chair, I'll give you that. I can't support it based on the existing law language but if there is a bill or our legislators that come back that create an opportunity for a license that maintains their ability to drive and have identification that's different than the current I would support that.

COMMISSIONER ANAYA: Thank you, Commissioner. So from my perspective I will keep it this way. If something else comes up in the session I am happy to entertain a different resolution as well. Any other comments or questions?

The motion passed by majority [4-1] voice vote with Commissioner Anaya casting the dissenting vote.

X. OTHER MATTERS FROM THE COMMISSION

CHAIR STEFANICS: We'll start down with Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Madam Chair and congratulations to you and Commissioner Holian on your new chairmanship and vice chairmanship. Look forward to working with you in your leadership capacities. I have several things. I'm going to try to go through them quickly. I have several things. I'm going to try and go through them

quickly.

The first thing I want to do is I want to send out a hello to a good little friend of mine. He's the son of Roman and Ashley Maes. He's a first grader and when I was asking him what he was doing he had just come from one of his games and he just won his flag football game and his dad, Roman, who is the coach, and Roman, Jr. is former Senator Maes' and Dolores Maes' son, said – he looked at me, Nathan did. His name's Nathan. He said we learned the four B's of positive behavior, and that's be safe, be responsible, be respectful, be caring, no matter what, no matter what. And he said it like three times.

And I'll tell you what, it's kids like Nathan and learning those simple values that are important to kids and to all of us. So I wanted to send a shout-out if you will to Nathan out there and want to thank him – thank his grandparents and dad and mother and the whole team for what he's doing to take care of the simple things in life. Be safe, be responsible, be respectful, be caring, no matter what, no matter what.

Priorities, I wanted to see if I could get some feedback on quick. Ms. Miller, I know we have a Water Trust Fund Board application in for La Bajada. Have we heard anything associated with that application? Is there hearings coming up? This is going to be something I want to bring up at the legislative breakfast, but have we heard anything regarding the application?

KAREN TORRES (Utility Department): Madam Chair, we will not hear anything until I believe April. The Water Trust Board will get together and they will rank the projects, and then they will have a meeting and let us know which projects will be considered.

COMMISSIONER ANAYA: Okay. I appreciate the update and maybe Mr. Garcia and Ms. Miller, as we're looking at legislative funding which I know we have on the list there's emergency situations and this community was still under a boil order for their water. I haven't heard that that's changed so I don't think it has. Do you have anything you wanted to add?

MS. MILLER: Madam Chair, Commissioner Anaya, yes. We actually do have that and we'll be handing out a list later of projects like this that we have in your individual districts that we think we should also give to our legislative delegation in case they do get capital funding. And another point on the Water Trust Board applications we will also be watching these. They still have to do a bill that authorizes those. So we're going to make sure that the projects that we did submit are on that bill and make sure that they get through because then, they have to be in that bill in order to be considered in April when they do their award.

COMMISSIONER ANAYA: Excellent. Thank you, Ms. Miller. I'm going to ask, not today but at the next meeting, I'd like to see Adam and his team come up and provide an update on the wellness center in Stanley and the discussions that him and I had I think on his first day. So I'll give him a chance; I won't put him on the spot today, but give him a chance to maybe come back and provide an update we talked about – a portable and some other things that I know they were looking into.

We have a community meeting coming up with the Town of Edgewood on January 23rd to discuss current issues associated with the Fire Department, roads and senior services and other issues that may come up. I don't know if the Manager will be able to make that but

you're sending your key staff to the meeting, I think. Right, Ms. Miller?

MS. MILLER: Madam Chair, Commissioner Anaya, yes, and I am going to try to make it s well.

COMMISSIONER ANAYA: Excellent. I appreciate that very much as does the Mayor and town council. There's also an upcoming meeting on January – help me out, Chris – the 25th with La Cienega. Is it the 25th? With the Village of La Cienega and other people that want to participate to discuss specifically La Bajada Ranch and some of the things this Commission has already discussed and provide them an update and additional information regarding that. That's at 6:00 pm at the La Cienega Community Center on the 25th of January.

Could I get an update, Chief? Is the Chief here still? If I could get an update from the Chief on discussions relative to the fire station. I know you've been working with Ms. Miller and others, but could you provide a quick update for me and for the public on the Edgewood fire station kind of on where things are at?

DAVE SPERLING (Acting Fire Chief): Madam Chair, Commissioner Anaya, as you just mentioned, we'll be meeting with the Edgewood Town Council and administrator on the 23rd, and I have had a meeting with the architect to review the planning process and make sure that the plans are up to date and ready for permitting. We have also had some discussions about financing arrangements and they're still ongoing at this time.

COMMISSIONER ANAYA: Excellent. Did – for the meeting we were going to talk specifically about the entrance issues, because they're already working on that school section. So if that's something you could be prepared to talk about as well when we go down there that'd be great.

CHIEF SPERLING: Commissioner Anaya, absolutely.

COMMISSIONER ANAYA: Thank you. Thank you very much. I also see our Senior Service guru sitting out there in the audience, so I'm going to ask him to come forward. I know they've been in discussions regarding senior services in the Highway 14 region, going in all of Highway 14 and then going into Cerrillos, Madrid, Golden.

RON PACHECO (Senior Services): Madam Chair, Commissioner Anaya, the update I could provide to you is that currently, in the last month we have begun serving the seniors living in the Village of Cerrillos and about four miles out. So we've added – I want to say ten clients that are in great need of home delivered meals, and we've added them to our delivery. And then on Monday we are scheduled to meet to look at a site on Highway 14 very near Turquoise Trail Elementary, Commissioner, to take a look at that site to see if in fact it will work for us.

That would be step one, confirming that the site will work. Then our office is going to have to do some extensive research to make sure that should we build this center that we can operate it and bring seniors in, because it's one thing to do home delivered meals, but the establishing the program, operating the program and having daily activities will be what we'll shoot for next. But we have located a site. We do have discussions ongoing with the public schools on this site, because they own the property. As I mentioned, Commissioner, on Monday we will be going to take a look at the site.

COMMISSIONER ANAYA: Excellent. I appreciate that update and if you could keep us all informed and updated, and in particular Commissioner Stefanics and

myself. That site's in Commissioner Stefanics', right there in the school area? Excellent.

MR. PACHECO: Correct.

COMMISSIONER ANAYA: Excellent. Thank you very much. Madam Chair, earlier, I brought up the Edgewood to Santa Fe route. We still have a driver, a volunteer driver that's driving the bus. In order to prepare for a larger bus down the road, a 28-passenger, that individual will need a CDL license so I've started some dialogue with the Manager's office and the RTD on how we might figure out how to help the individual get that CDL license, and Commissioner Mayfield at the RTD meeting brought up that we should be looking at CDL licenses for other routes throughout the entire district which I fully agree to make sure we're prepared to drive a bus if we're able to get a larger bus to serve that area. So I wanted to bring that up.

The last thing that I wanted to bring up, and I know I've got to be careful because there's union implications. I did have a brief conversation with Bernadette and don't want to cross any inappropriate lines that would jeopardize the negotiations in any way. But the County negotiates with the AFSCME union, Corrections, Sheriffs, and our Fire Department, and dispatch. Those five. And in those discussions the union leaders bring, in conjunction with our management team, Bernadette brings us updates on what's happening with those negotiations. And then the Commission takes that input and provides feedback to the management team which the management team in turn takes back to the negotiating table.

There's a whole segment of people in the County that are non-union people that I want to make sure that as we're taking care of the needs and the negotiations and doing them up front and transparent with the union that we're also taking care of our non-union people at the County. So we've got to take care of everybody, not just any one group. So I want to make that publicly stated on the record, which I just did, and I know Bernadette and the Manager and others are going to be bringing back some things for us to consider that don't only deal with the union negotiations but also deal with the non-union people.

Madam Chair, I guess the last thing I would have is last year was an enjoyable year on the Commission. We have a lot of issues, challenging issues. We had tough discussions, some agreements, some disagreements, but I look forward to continued dialogue as we've had and look forward to a progression of doing things to incrementally improve District 3 as well as the lives of the residents throughout the county and look forward to working with all of you to do that. And I've enjoyed it and look forward to the coming year and we have to get to work because one year's gone and we only have three years left. So a lot of work to do but I look forward to doing that with the Commission, with staff and with the community at large.

[Commissioner Anaya left the meeting.]

CHAIR STEFANICS: Thank you very much. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. First of all, I'd just like to say Happy New Year to everybody who is out there who works in the County. I just want to take this opportunity to tell you thank you for your hard work and I'm really proud of our County. I would also like to say welcome to Chair Stefanics. I'm really looking forward to your leadership and to working with you this coming year, especially when you're here and I'm not.

In any event, I would also like to say to Robert Martinez, I went out to visit a

constituent in the Canoncito area this last week and I had the opportunity to see County Road 51, which has been resurfaced, and I have to say it is beautiful. It is one great road. In fact it's such a great road that when I was standing on the side of the road there were a couple of cars that passed me at about 60 miles an hour and I could just sort of see the headlines: Commissioner flattened on new road. But in any event, fortunately, they didn't get me, and as a matter of fact I think I'm going to talk to our Sheriff's Department about maybe going out there and doing a little bit of patrolling and giving out warnings to some of those people who are speeding, because it's my understanding that if people actually go the speed limit the road will last longer and I think that's a good thing.

I wanted to bring up a letter that I received from National Forest Service Supervisor Maria Garcia. In the aftermath of the two bad fires we had last summer in the Jemez Mountains and in the Sangre Mountains, apparently the people in this community have really come forward and they have really wanted to volunteer in order to help out with the remediation efforts in the forest areas. And so the Santa Fe National Forest is looking towards encouraging the formation of a Friends group to the Santa Fe National Forest, and this group would work towards the continued benefit of the National Forest trail, heritage, wildlife, land and water resources.

Now, there is some precedent for this in the southwest. In the Sedona, Arizona area there is a Friends of the Forest group and they have actually donated over 30,000 volunteer hours towards working on remediation of the forest in their area. And in fact in the Pecos Historic National Park right here in our own backyard there's been a Friends group that's collaborated with the park in order to secure grants to build a new trail in that park. So it can be a real success story and it can be a benefit to the national forest lands without investing a whole lot of money.

So I just want to make you all aware, all of you who are out there in the public, that there's going to be a meeting this January 17th starting at 6:30 pm. It's going to be in the REI community room. That's the REI store that's in the railyard area, and it is going to be talking about the formation of this group. So anybody's who's interested in volunteering for something like this, please come. I'm certainly going to be there.

Now there's one final thing. I got another letter from the Forest Service and this is about a statewide effort. The state is going – the National Forest in the state is going to be creating an advisory committee to guide management of our national forests and grasslands. And the purpose of this committee is to advise and give recommendations to the Secretary of Agriculture and the Chief of the US Forest Service. Now, on this committee there are going to be 21 people and there are three different categories, and each category has seven members.

So in the first category there are members who are elected officials, for example, or people from the tribes, and also members who would represent the youth. The second category is more members from local environmental organizations and conservation organizations and so on and so forth. The third group actually represents stakeholders in the forest, people who actually make money in the forest in various ways. That is people from the timber industry or from the energy and mineral development industry. So in any event it's my opinion that we should participate in this committee because the Santa Fe National Forest is a very important part of our county and a very important part of our community. So I was just

going to throw out there that I wouldn't mind putting in my résumé to participate in this committee but if anybody else on the Commission would like to do this instead I would have no objection. However, there is a deadline on this of February 21st, so I was just looking to get feedback from the Commission as to whether they think that we should participate in this, and if so, how?

One thing I could do is to bring a resolution forward but I guess if we have consensus one of us could just put in a résumé as well.

CHAIR STEFANICS: Commissioner Holian, on that point. If the Commission were going to add that to our list of participatory bodies we would want to put it on the list with everything else. Because while some of them are formal some of them are not as formal, such as the Regional Coalition or REDI, etc. So we might need a resolution if we decided to add that on, but it would need to be added to the list of all the bodies that we're representing.

COMMISSIONER HOLIAN: Thank you, Madam Chair. So would it be added today or would we consider it in a future meeting.

CHAIR STEFANICS: Ms. Miller, Mr. Ross isn't here?

MS. MILLER: I suppose you could, Madam Chair, Commissioner Holian, if everyone's in agreement. We could do that and we could bring back a resolution to make it a regular committee that you make an appointment to. I don't think it's a problem if you agreed today to say that, and then we'll bring forward a formal resolution that memorializes it if you like.

CHAIR STEFANICS: Commissioner Vigil, any comments on this?

COMMISSIONER VIGIL: I'm fine with the recommendation. We actually receive funding federally. Many counties do with regard to our forests and I think the more we engage in that the better we will be able to gain insight into what funding we do receive and how we can receive more.

CHAIR STEFANICS: Okay. So for this purpose, just so the audience knows, those listening and those here, Commissioner Anaya had to leave but he will be calling in within 15 to 30 minutes to continue participating in the meeting. So right now we do have a majority that are agreeing to adding this onto our list. So let's bring forward a resolution at the next meeting but we will put it on this list as needing a representative and then alternate.

COMMISSIONER HOLIAN: Thank you, Madam Chair. I would just like to add that it's not a sure thing that we'd be on this particular committee, because we would have to actually submit an application.

CHAIR STEFANICS: Okay. Thank you very much. Anything else, Commissioner?

COMMISSIONER HOLIAN: No.

CHAIR STEFANICS: Okay. Commissioner Vigil.

COMMISSIONER VIGIL: Thank you, Madam Chair. And I will state and ask Katherine to validate. I understand that based on current agreement with the unions that we negotiated with them that our Human Resource Department will be coming back to us with an equitable recommendation for those employees who didn't receive the same benefit; is that correct?

MS. MILLER: Madam Chair, yes, and I think when Bernadette gets up later, but we had five different unions – so we're in the midst of trying to put all of those out. I did

indicate to you that the department directors and division directions that they should let their non-union employees know just because we're in the midst of all of those does not mean that they will not be given some compensation as well. So we will would be bringing that back to the Commission and we're trying to do that at the end of the month.

COMMISSIONER VIGIL: Okay, and one of the recommendations that is coming before the state legislature is the state employees, the 1 percent increase in salary. I think the legislature is making that recommendation and I don't know how that will play out. They're making a separate recommendation for teachers. But if the state does make the recommendation for the 1 percent increase, that also affects county employees; is that not correct?

MS. MILLER: Madam Chair, Commissioner Vigil, no, what the State did in order to balance the budget and what the legislature has in their budget is that the State shifted retirement contributions from the state making them to the employee making them and they've been doing that for two to three years now that the employee has an increase in their contributions to the retirement of 1.5 percent but that does not – did not affect local government plans. So local government, particularly in Santa Fe County did not change their retirement contribution plan. So that would not affect county employees at all.

And I also I believe that they were looking at 0.5 percent pay increase was recommended to them – something like that.

COMMISSIONER VIGIL: I just wanted to let you know that these are all recommendations that's coming forth from the New Mexico Legislature. You know something that we should watch and probably something we should glean more information from when we have our legislative breakfast on Thursday morning. So I look forward to finding out what the legislators are recommending, of course, the executive and the LFC is recommendations are not always in line. But I'd like to see them all come forward with an increase in salary and if it does affect state employees we've always received some of the benefit and so we might need to look at that because I do understand that issue of the retirement system I thought, as far as the what the Legislature recommended, it was just going to affect the Employment Retirement Board and not necessarily the PERA but I think we're doing better with both of them – we're doing better understanding and if we continue build these – so I'm glad to note that we're still trying to take care of all our employees in the most equitable way and I look forward to seeing what our Human Resource proposes for equity in regard to what we've negotiated to the unions.

The other thing I wanted to bring up and this is there that there is a Sundance Film Festival host event on Main Street. As you know after the Santa Fe Studios opened what initiated since then has been economic development initiative with the City and the County and all of the other stakeholders and I know that Commissioner Mayfield has attended probably more than I have these meetings because I am getting more and more advised about them than I am. But one of the things that this committee and it's combined of the City of Santa Fe the County, the City of Española, Rio Arriba County, Los Alamos County and IATSE Union and private industry stakeholders, they have requested that everyone who is a part of that committee contribute to the Sundance Film Festival. That will happen sometime in January because the marketing piece is huge now. So I think what they created was a marketing strategy. It's called "Shoot Santa Fe" and they want to promote Santa Fe Studios

through all of the film festivals. The first one being the Sundance as I said. And they're going to do that. I think the Mayor and possibly the Mayor Pro Tem will be there. IATSE and anyone else who is willing to pay for their way is going to be there because this will be funded by those people wanting to participate in it. They're asking for \$2,500 from the Santa Fe County to help promote the marketing piece at the Sundance Film Festival and they're asking for the same amount from the City who is going to be contributing and Rio Arriba is going to be contributing, the City of Española and IATSE will probably be doing car rentals banners more of in-kind contributions.

Unless there's any opposition from members of the Commission on this, I think we should move forward with that small piece of contribution. I think we have the dollars for it and I think it's probably even within Santa Fe Studios' budget. I think we have it possibly through Lodgers' Tax. The problem is that they're requesting that this be done as quickly as possible so I don't know that we're able to go through that process. So if there's a way we can contribute to this, I'd like to see us move forward. Is there a way, Katherine?

CHAIR STEFANICS: Commissioner Vigil, on this point first. I would feel really uncomfortable on voting for an appropriation when it wasn't noticed.

COMMISSIONER VIGIL: No, I'm not asking that we vote. I'm asking that we look into the possibility of doing this.

CHAIR STEFANICS: Okay, and the second issue is that when we took a vote a year or so ago to support the Western Interstate Regional Conference coming here we are now in the position of approaching the Lodgers' Tax Board for funds for that as well. So we have some obligation financially for that as well that I just want to keep in everybody's mind for this national conference that is coming to us in May.

COMMISSIONER VIGIL: Right, right. So is there a way? This request could have come administratively. It was brought to my attention and I thought it would be only fair to bring it up to all the Commissioners' attention.

MS. MILLER: Madam Chair, Commissioner Vigil, would they need it before the end of this month?

COMMISSIONER VIGIL: I think that the Sundance Film Festival is January 21st but I don't know for sure. Is Duncan here? Does Duncan know? January 20 through January 22.

MS. MILLER: Madam Chair, Commissioner Vigil, I was trying to think off the top of my head it would be whether there is any existing funding within the budget under – I don't know what our funding source was for the Studios but whether there is anything remaining there if it wasn't capital outlay. The other option is whether there is lodgers' tax and I think they meet on the 19th and they do advertising. We have actually within their funding there is funding for advertising. I don't know within our contract with the advertising firm whether there is any funding in there but it would probably take me awhile to sort out what potential sources there are or the other opportunity might be if there's any other kind of marketing or advertising funding that we've got within the budget that isn't being funded. Otherwise I would have to bring it back for a budget adjustment to bring it from contingency cash which I couldn't get on the agenda to the 29th. So that's why I was asking if they need a commitment before the next meeting. I do think it is possible to locate that and if it's the general direction of the Commission we don't typically use contingency for that but

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we could do a budget adjustment from contingency.

COMMISSIONER VIGIL: Okay, I don't want to do this without it moving through all of our requirements, of course. But because I think that's why this committee met just recently, I don't think you were at that meeting were you Commissioner Mayfield? No, they just met I think since the holidays probably about a week ago. The idea to create a focus to make this and make it happen quick seemed to be what they had approached at least me about. So I'm thinking if there's a way it could be done maybe you look at these options and see if we could do this within in our own budget. I do believe that we should be able to help them. But I actually think that if they wanted to they could contact you or our Lodgers' Tax or somebody and just request it from them. I thought that this would be a more expeditious way of helping them.

MS. MILLER: As I said there is an advertising contract. I don't know how specific it is and whether it has all been set out to where that funding goes and it's already budgeted for that contract. Also, the Lodgers' Tax Board meets and does approve requests like this and I believe that they have a meeting on the 19th and I don't know that Teresa is here. Could we put a request to the Lodgers' Tax on the 19th and then that funding is specifically for advertising.

COMMISSIONER VIGIL: Okay, so then the request I would make from the Commission is to allow us to move forward for those purposes for the lodgers' tax.

CHAIR STEFANICS: Is there any comments specifically on this request from any members? Okay, so it looks like you have approval for the Lodgers' Tax Board to be asked for this funding at a subsequent meeting and then Katherine if they said no or that they don't have the funds or that we only gave a certain portion of that, what then would be the next step?

MS. MILLER: I think the only other existing budgeted source we have is through contingency of the Commission if the Commission wants to see that. Then we could move some contingency line item which is not a Commission action to contractual services line item for advertising and take it from contingency but that's not typically what we use contingency for that fund. Typically an emergency type of item but if that's something addressed and where the Commission would like to go that's the only way I can think off the top of my head unless Teresa has other ideas prior to the next Commission meeting.

CHAIR STEFANICS: Okay, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, thank you. On this point and it's going to kind of come into a few other points under communications from myself and a couple of questions that I'm going to ask but I guess maybe I don't know this, but does our economic development team which I think is arguably one person, Duncan Sill, does he have a budget to help promote economic development activities in here. And, again, I'm going to talk about maybe a review under my communications but that's something that I would want to advocate for is that we have do have a component of funding if we have we don't have it, maybe we have it.

MS. MILLER: Madam Chair, Commissioner Mayfield, not for something like this. We typically use lodgers' tax. The biggest issue with having any flexibility within the budget is that we really trimmed the budget back to the bone and that's why quite frequently we're not able to say Oh yeah, we can do this or that. What might seem like a small request,

we really did take anything kind of extra out of the budget and really in contractual services, you know, cutting \$15 million, \$25 million out of operating budget has significantly reduced our ability to do these kind of things. We've just gotten into in FY12 and we got travel and training back in and as you recall last year we didn't even have that. So a lot the contractual funding that we have throughout the budget to probably do some things like this, a lot of it was taken out. I don't think that Duncan ever had or the economic development had a fund like that. We have typically used lodgers' tax for things that would promote tourism or we've had a specific project already budgeted for.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. And, Commissioners, that is something that I would like to look at when we get to I guess our new budget makeup. If I can see the importance of it for maybe this matter and other matters but if there is something that can promote some sort of continuous dollars coming into our community that maybe there should be a specific line item for that. If it's used, great. If it's not used, that's great too. But just so we're not – arguably something maybe poor planning or something just happened to come up the last minute that we could have a fund to tap into like that. If it maybe means, Katherine, respectfully moving a little bit out of contingency money in there. It took full Commission approval minus your authority to expend those dollars maybe that is something that should be considered.

MS. MILLER: And, Madam Chair, Commissioner Mayfield, that was why I had said that. You had really reduced down all of that kind of flexible funding in the budget so the one area that we did leave in order to address stuff like that was the contingency. That would be my only thought.

CHAIR STEFANICS: Thank you. Commissioner Anaya, is that you on the phone? Commissioner Vigil, you still have the floor.

COMMISSIONER VIGIL: I just want to say that I appreciate our County Manager looking at alternatives and I appreciate Commissioner Mayfield looking at how to systemize this. I understand another, perhaps, place where we could find funding for these kinds of things. But I think we actually need to use dollars that are available through our budget for Santa Fe Studios. I'm not sure if those are restricted or not but I don't think they are and I'd like to see us as Commissioner Mayfield said create a focus for what we need to do to promote the things that we provide infrastructure for.

MS. MILLER: And, Madam Chair and Commissioner Vigil on that I will – we did budget getting the Studios up and rolling, it's capital budget but I don't know whether it was general funds or whether it was capital outlay gross receipts. If it's capital outlay gross receipts we can't use it for that. If it was general funds we could. We did save money there. We did not expend all that we budgeted for that. So that would be another alternative that would not require Commission action because that would just be moving from one line item to another.

COMMISSIONER VIGIL: Okay, thank you, Madam Chair.

CHAIR STEFANICS: Thank you. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Madam Chair and I hope to be brief and a Happy New Year to everybody and I'd like to thank staff for the tremendous amount of work that you do. I do appreciate it and you do help me out under these strict economics and so thank you. And this year, and hopefully you guys won't laugh, but I am

going to try to be a little more active and vocal in what I try to accomplish for this County.

With that being said, a couple of things that I have. I was recently, Mr. Pacheco please, recently at a meeting yesterday with Mr. Pacheco and if you have to take the phone that's fine. But a couple of things that came up from some of senior communities and I'd just to maybe address it with Ron here and I know he'll follow up on it or Manager Miller. There's been some request to have like, now that the County's gotten and has initiated taking over our senior program through Santa Fe County that the City of Santa Fe used to have a regional dance and a lot of the seniors are asking that we have a regional dance. I was hoping that we could do something in conjunction with our Santa Fe fairground. I don't know if there's an issue with cost or what goes on but I would hope that with some county government the left hand and the right hand could work together to help facilitate that at a reasonable expense to everybody without definitely violating any anti-donation clauses or anything.

Also, yesterday what kind of came up and a lot of our seniors do phenomenal inspirational work with craft. Weaving, anything with their artwork, anything that they do and I kind of thought when I was thinking about the dance issue is I haven't seen and maybe somebody can help me with either our Santa Fe County fair extension building or something, I haven't seen like the senior crafts entered into any of these county fair projects, the county fair award ceremony. And I don't know whether that's possible or not but it's kind of two-fold for me. It gives some more meaning to what the seniors are doing with their projects but it will also help bring different folks to appreciate what our Santa Fe County fairground does. So if that's something that you all can look at I would appreciate.

Then the last thing and we spoke briefly about the NCRTD a little earlier. A lot of the seniors are saying, Look, we can't move around from Area X to Area Y without, as far as transportation. I know our senior services does provide a great deal of transportation. They take meals out. One thing I did ask and I'm going to speak with [inaudible] but even if staff, like if our NCRTD can go and give a presentation to our senior centers because I believe at least the northern part there's usually a bus route stop adjacent to the senior centers – I don't know if they're down south or not – but that's something else I would like to look at Ms. Miller.

And then just as far as some of my other follow up questions here. Kind of in line with what Commissioner Vigil just started and me, Katherine, when will mid-year budget reviews come to this Commission and when will you start those within the County?

MS. MILLER: Madam Chair, Commissioner Mayfield, we're trying to set up the schedule for those right now. We'll be starting those I think this month and we'll be going through reviewing with the departments where they have deficiencies. We also review budget adjustments to bring in the union compensation package into each one of the union contracts that we've already approved and some other areas that we need to bring kind of a comprehensive adjustment step that we're going to be doing the reviews to make sure that we catch everything and bring that back to you for approval over the next couple of months but you're welcome to come to the meetings and we can get you a schedule of the department meetings.

COMMISSIONER MAYFIELD: Great, I would appreciate that. You know I asked a little earlier in one of my meetings of trying to, and I know I've said it, and I'd like to

have money for everything within Santa Fe County and I know I ask for that all the time guys, but definitely in public works. So on that, you know, I was thinking, look are we understaffed in public works? Are we not staff sufficiently in public works? They do a great job. They're working and I know they're out there working hard. As a matter of fact, yesterday when I was up in the Chimayo area I saw some folks, you know, putting dirt in the ground and doing some hard work up there. But with that being said, Katherine, I guess maybe I didn't understand and I think it came from this body up here as far as the moratorium on hiring and how hiring would take place in the future of this Commission and I believe that goes back to calendar year 2010 because I don't think that we really addressed it in 2011. Maybe if you guys could show me that. Is it something that this Commission has to vote on or not vote on? If it's totally under your discretion of what positions can be filled or can't be filled? I'm looking again at mid-year review. But also what I would like, and I know I've asked this in the past from staff and it was provided to me for awhile and for whatever reason, and there might be a good reason, it kind of fell off, but I was asking to look at new hires within the County just so I can have an understanding of where employees are being placed or being hired, maybe transfers, you know, separations from the County and for whatever reason that report kind of tailed off coming to me.

I also ask, and I know I missed the last meeting, but that any new hire we have within the County hopefully can come so we can recognize who they are and let the public know the importance to Santa Fe County. So if you all can provide me that report please just saying arguably since 2010 what hires have been made. And I would also like to look at the moratorium on hiring to see where it's been determined that these are the emergency needs in the County and I believe that all positions are emergency needs in the County but maybe collaboratively we could say, Hey guys there's support to get more people in public works or arguably there is no support to get more people in public works.

MS. MILLER: Madam Chair, Commissioner Mayfield, the actual freeze that were specific positions that the Commission took action on what we call the "hard freeze." And the funding was taken from those, I want to say it was like 85 or 90 positions. So they were specifically designated to be frozen and we call that the "hard freeze." And then in general there was what we call a "soft freeze" where each position then where somebody left it, there would be an internal evaluation to determine whether we could continue to save money by the department director working with HR and finance as to whether that position needed to be filled or not and then final approval to advertise the position coming to the manager. So that's how it has been handled since the positions were hard frozen and then the soft freeze. And then there are certain positions that are continually open and we have it posted that don't have to go through that individual process. That would be correctional officers, deputies, pretty much all the public safety positions and the health positions. So it has been up to a department director from them to request when somebody leaves whether they need to fill that position or whether they can rearrange staffing. If they want to fill it then they go through a justification process and get that approved and then announce it. But the only ones that have been hard frozen were hard frozen by the Commission and that funding was taken out.

To the report, we wanted to start dealing with instead of having all of these individual reports, however, Lisa has updated you on October/November. I just got December. But we

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are going to try and put a report at the back of your packet a quarterly report on a variety of things like that, hires, and things that would be maybe a contract awarded that may not come to the Commission, all of that stuff. So that you would have more of a comprehensive report that you can review quarterly at the back of your packets. But we do still have that information there. They are still putting that together and we can give it to you individually but rather than having each person doing an individual email we're trying to put together something a little more comprehensive together for you in your packet. And then on the new hires I did ask IT but we've been really understaffed but we had three new hires in there finally to get them staff again and we've asked directors to bring people so that you could meet them.

COMMISSIONER MAYFIELD: Okay, thank you.

MS. MILLER: So the ones you probably will not see are things like public safety, correctional officers and people that might be working shift work. But otherwise I have asked the directors to please bring them to meetings so you could meet them.

COMMISSIONER MAYFIELD: Great, and, also I had a conversation with Sheriff Garcia and he's kind of explained to me that and there's doubt, these guys have gone through training, these guys or ladies have gone through the training academy but then maybe they're getting picked off by another agency and I know he's out there actively trying to recruit to bring more sheriffs on board and I know that's something I'd like to try and help him out with also on public safety and wherever we can go.

One last thing, I sit as an alternate on the Regional Coalition of LANL Communities. It's kind of inline with what I brought up on Commissioner Vigil's comments as far as maybe economic development. I believe this County Commission and we had a Board meeting, Commissioners I'm going to say last week, it may have been the week before, but in that meeting they bring up the JPA that Santa Fe County has signed onto but they also bring up a mechanism to bring them the funding for doing some recruitment and that was something that was discussed as far as I'm aware from the past minutes that I've look at and from some past presentations it has been discussed on contributions from the local entity, such as, City of Santa Fe, Santa Fe County, the town I believe it's the [inaudible] okay, so you guys are familiar with it. But they've come back again and this was a discussion at the last meeting of saying we kind of either need to start moving forward or not moving forward; has Santa Fe County taken a position? And maybe even a brief scenario I guess, low, mid and the high range of what they wanted to try and do – they asked if Santa Fe County has made a decision. They didn't just ask Santa Fe County they asked the City of Santa Fe, Mayor Coss was there, representatives from Santa Fe County, representatives from Rio Arriba County, City of Española – all the entities that were there. They said, Look, we'd like to start moving forward as far as the funding mechanism especially short term of this year. I brought up and said, Guys, look, I don't know if it's only a non-recurring expense that we need to be looking at. Hopefully, you'll get there with securing the feds or whoever you want but short-term to me means maybe a two or three year period of some recurring dollars if this is where you want to go. I don't know if they necessarily agreed or not but all they're asking is basically, Look, Santa Fe committed to this JPA, Santa Fe County – they said it to every other entity – if Santa Fe County, Danny, could you take it back to the Commission. And, I'm not taking it back today. What I'm bringing back is information to you all is so that we can put it on and I think

it's probably going to take two cycles. This Board meeting I will bring it up under matters and I will ask that it be for an official action item at the next Board meeting if we will move forward in the facilitation of its funding and they said, Thank you, and they also would like to come and make a presentation to the Commission. So respectfully, Commissioners, you all may be able to comment on that a little more.

CHAIR STEFANICS: Commissioner Holian, you also were a member.

COMMISSIONER HOLIAN: Yes, thank you, Madam Chair. What I brought forward was the JPA and we did agree to that. But there was no agreement to any specific amount of funding. The number of \$10,000 was talked about at the time. I think that we should have that discussion.

COMMISSIONER MAYFIELD: And, then again, and I said, Look, I don't believe there's been a commitment about the money. They kind of thought it was out there. So, well, guys if there was show it to me because I tried to find as many minutes as I could find and I even asked how have you guys care take the minutes and they kind of said, Well, we kind of compiling them now from each individual. I guess it's a coalition that – and it does, it flows from county to county, city to city and arguably at that time maybe last or the year before last, each local government, municipal government kept the old minutes. So now Los Alamos is kind of trying to bring everything together and get a tracking of the minutes but I said I don't believe at least I can tell you for 2010 there has never been any mention of funding you guys or funding this coalition \$10,000. Now, if it happened prior to 2010 I don't know unless you guys show me the minutes, but I can tell you this: I will ask that it be brought forward to the Board respectfully, and I know you weren't even here as County manager at the time, so I think some of the documents and Penny Ellis-Green, I'm sorry, that they have your signature with the JPA or some the emails with recognition of the funding mechanism and how it would work. So I'm just asking we bring it up. We bring it back to the next meeting. Also, Councilor Stover from Los Alamos asked that some of us that are on this board get together now with New Mexico Association of Counties, I believe, we're going to have a delegation from our congressional districts there and our senate districts and we sit and start talking about maybe some federal funding for this coalition.

So, that's pretty much it. If you guys could research it and bring it back to the next meeting I would appreciate it.

CHAIR STEFANICS: Okay, on this point, Commissioner Vigil?

COMMISSIONER VIGIL: I was just going to give a little bit of history. I actually think I was the first person, the first Commissioner, that was approached by a Commissioner from Los Alamos sometime back with regard to this. Regional coalitions are always attractive to most of us because I do believe that we need to reach an alliance on a lot of our initiatives. Since then I believe that Commissioner Holian took a leadership role in this and we actually passed a resolution, didn't we that supported the creation of this; am I correct in that?

COMMISSIONER HOLIAN: Madam Chair, Commissioner Vigil, we just voted for the JPA. We did not actually commit to any amount of funding.

COMMISSIONER VIGIL: And that was my understanding because a lot of the discussion at that point in time was a concern for most of the Commissioners as to whether or not this would require funding. I had some sense of assurance that, and this is

why I took that vote that it would not. That it was what the coalition was to bring everyone together to start looking for federal dollars. That [inaudible] said federal lobbyist. So I would have it in a different context and I'm open to be further enlightened Commissioner Holian --

COMMISSIONER HOLIAN: Well, I actually do have some comments on that. It was discussed that whenever you start one of these regional coalitions they do not get funding from the federal government right away. So the discussion was that is for the first year or so of their lifetime the funding for, especially if they wanted to have a director and staff work on this that they would require funding for that and Los Alamos County, of course, stands to gain the most from this so they were going to put in quite a bit of money. But they wanted the other counties to put in small amounts of money to show they were really onboard. Then they were looking at the future years proving that this was a viable coalition and going to the federal government for grants or extending it other ways and there is a precedent for this in that they had a coalition like this up in the Rocky Flats area and that apparently is how they proceeded in time. But I think we should really have the discussion about whether we truly want to be part of this coalition; what they're doing and whether it really serves the needs our county and whether we do or don't want to contribute.

COMMISSIONER VIGIL: Okay, and I'm perfectly willing to have that discussion. I don't know that we can commit to anything at this point in time. I'm coming from the perspective that my vote has so many assurances that this would not be at any cost to the county and I do have a concern as to whether or not this coalition would create the larger benefit. So, I certainly want to be able to participate in a regionalized endeavor if a larger benefit is created so that discussion probably needs to be had. So I am wondering if the focus or if there has been any decision as to what their purpose would be and where the benefit would bring.

CHAIR STEFANICS: Okay, I'm going to ask that we hold this conversation. Commissioner Mayfield asked that it be put on the agenda the next time for discussion and so we can discuss the purpose and we can discuss whether or not the County wants to participate financially or wants to continue participating. So there was a request to put it on the next agenda; is that correct, Commissioner Mayfield?

COMMISSIONER MAYFIELD: Madam Chair, yes.

CHAIR STEFANICS: So I'm going to hold further discussion of this until then.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR STEFANICS: Yes.

COMMISSIONER MAYFIELD: But also with that discussion to say either if we're going to fund it or not make that decision.

CHAIR STEFANICS: Correct and you can help craft the items for discussions with the manager for the agenda.

COMMISSIONER MAYFIELD: Thank you.

CHAIR STEFANICS: Thank you. Anything else, Commissioner Mayfield?

COMMISSIONER MAYFIELD: No, that's all I had, thank you.

CHAIR STEFANICS: And if you would finish filling that out so I can ask Commissioner Anaya in a minute to. I only have two items. I would like to first of all wish

Commissioner Virginia Vigil a belated birthday. Her birthday occurs on Christmas of every year. So this was our first Commission meeting since then. And, also, our Assistant County Manager Penny Ellis Green, we wish you great wishes. Is it today or another day? Tomorrow, okay well we won't be here tomorrow but we wanted to make sure that you're wished a happy birthday. Thank you for all of your hard work, both of you.

Okay, if you noticed, staff and public, we have only gotten to the second page of several pages for our agenda. It's now 4:35 so there went my reputation for a tight agenda.

XI. APPOINTMENTS/REAPPOINTMENTS/RESIGNATIONS

A. Appointment and/or Reappointment of Board Members to the Following Committees: RPA, BDD, SFSWMA, ELUA, MPO, NCNMEDD, RPO, Regional Coalition of LANL Communities and NCRTD

CHAIR STEFANICS: Every Commissioner has been asked which committee they'd like to sit on and some responded and some did not. So today, we're taking a tally right now and before you go any further, Penny, I've taken this over. So, Commissioner Mayfield, are you finished? So I can ask Commissioner Anaya? Commissioner Anaya, are you on the phone?

COMMISSIONER ANAYA: Yes.

CHAIR STEFANICS: Commissioner Anaya, I'm going to read off some and you can tell me what you're interested in. There's BDD, there's ELUA, that requires all of us – one alternate and then the rest of us; the MPO, the Economic Development District, the RTD, the Regional Coalition that we just discussed, the RPA, SWMA, and then the National Advisory Committee for Implementation of the National Forest System Land Management Plan. Do any of those jump out at you?

COMMISSIONER ANAYA: Madam Chair, I think to make it easy and tell you that we're just getting our feet wet with the committees that we're in and I'm interested in continuing to serve on those committees which are NCRTD, RPA, MPO and ELUA I believe are the four that I'm on right now.

CHAIR STEFANICS: Okay. So right now I have you on ELUA – for last year, ELUA, MPO, RTD, RPA, the alternate for SWMA.

COMMISSIONER ANAYA: Yes.

CHAIR STEFANICS: Okay. Now, we have more individuals that are interested in some of these than not and we have some committees where there's no interest whatsoever that we might need to fill. So in following up on this, on the BDD there were two people who indicated they wanted to be on it – Holian and Stefanics, and Vigil as the alternate; no one else mentioned it. On ELUA all of us have to have some role. Which member would like to be the alternate?

COMMISSIONER VIGIL: I'm happy to be the alternate.

CHAIR STEFANICS: Okay. So Commissioner Vigil will be the alternate.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR STEFANICS: Yes.

COMMISSIONER MAYFIELD: I thought we were going to look at drawing

straws for all committees. Is that not it? Otherwise I would have interest in retaining every committee that I have.

CHAIR STEFANICS: Okay. Let's put you back for every committee then. So you were on the BDD, so we can draw straws for that. You're also on ELUA which we need you for. You were on the Economic Development District; you want to stay there. RTD, alternate; you want to stay on that one. The Regional Coalition? Do you want to stay on that?

COMMISSIONER MAYFIELD: Yes, I'd like to.

CHAIR STEFANICS: The RPA, you want to stay on. And let's see. SWA?

COMMISSIONER MAYFIELD: SWMA, I was a member of SWMA.

CHAIR STEFANICS: Okay. So we will need to pull straws, Penny, for the BDD, the ELUA is taken care of. The MPO says three plus an alternate, and right now I only have two people signed up for the MPO, Anaya and Stefanics. Let's say, Vigil was on that and Holian was the alternate. So we need one more member plus an alternate for the MPO. Any takers?

COMMISSIONER HOLIAN: Madam Chair, I could be the alternate but it's a little iffy because I'm actually a member of the Energy Task Force and that meets at exactly the same time.

CHAIR STEFANICS: Okay. If we could – Commissioner Holian as an alternate, Commissioner Mayfield or Vigil, are either one of you interested in the MPO.

COMMISSIONER VIGIL: I'm always interested in serving on committees, however, as this will be my final year I actually think that some of the newcomers should start engaging in some of these because they will be making decisions. So I don't know if that would work, but if it's not going to work you can put me in there.

COMMISSIONER MAYFIELD: Madam Chair, on that point, I know I'm a newcomer on the Commission. I have no problem with serving on any committee that the Commission has, even the Investment Committee. This is the first time I knew we even had an alternate serving on the Investment Committee, so I'd definitely like to serve there. But with that being said, and I'm going to speak for the two new Commissioners. Hopefully Commissioner Anaya doesn't mind. But if two new Commissioners have been serving on some of these boards, and if we, and a good majority of these boards at least that I sit on, it's either arguably the City of Santa Fe that chairs it one time or the County of Santa Fe that chairs it one time, so that I would hope that if I've established serving on a few boards we can maintain that so that we can establish some seniority on these boards also, enabling us an opportunity to also serve as a chair of one of these secondary committees. So that would be kind of my take on the initial committees that I sat in on this past year.

CHAIR STEFANICS: Thank you, Commissioner. So, Commissioner, do you have any interest on the MPO or not?

COMMISSIONER MAYFIELD: I don't mind. I put a request to Penny that if you all needed a secondary member I'd be more than happy to serve.

CHAIR STEFANICS: Well we do need – it says three plus an alternate, and I wasn't aware of that. The three plus an alternate. So the members of MPO are set then – Commissioners Mayfield, Anaya and Stefanics, and then Commissioner Holian is the alternate.

The Economic Development District, Commissioner Mayfield has indicated interest.

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We need an alternate. And they meet, Commissioner Mayfield, quarterly?

COMMISSIONER MAYFIELD: Madam Chair, no, they don't. That's kind of a discussion we had. The executive committee, which we weren't voted in as a member of the executive committee at last Saturday's meeting. They meet, I believe, quarterly. The actual committee of New Mexico Northern Economic Development Committee meets like, arguably two or three times a year – before the session, after the session and then kind of a September-October meeting.

CHAIR STEFANICS: Okay.

COMMISSIONER VIGIL: I'm happy to take that if nobody wants it.

CHAIR STEFANICS: You want to be the alternate, Commissioner Vigil?

COMMISSIONER VIGIL: Sure.

CHAIR STEFANICS: Okay. Thank you so much. Okay, so the RTD, we have four members who have expressed interest so we will need to draw straws there for the sitting member and the alternate. On the Regional Coalition Commissioner Mayfield expressed interest. Is anybody interested in being the alternate? Okay, on the RPA we have four plus an alternate. All five have expressed interest, so what we would need to do is draw straws for which person would need to be the alternate. And SWMA we need three plus an alternate and we have three identified: Commissioner Mayfield, Commissioner Vigil, Commissioner Holian. So Commissioner Anaya, either you or I need to be the alternate.

COMMISSIONER ANAYA: I'm fine with staying with the alternate on SWMA.

CHAIR STEFANICS: Thank you so much. Then we just decided to do the National Advisory Committee for Implementation of the National Forest System Land Management Plan. Commissioner Holian expressed her interest. Commissioner Anaya, do you have any interest in that?

COMMISSIONER ANAYA: Not right now, Madam Chair.

CHAIR STEFANICS: Okay. So it looks like, Penny, that we would need to draw straws for three of these and perhaps we could do that at a break and then announce this at a later time. So we have some of these set and three to be decided, but I'm going to hand you this sheet of paper so that we can move on with the agenda. Commissioner Mayfield, you had some questions about votes and membership about these you'd like to have the County Attorney address?

COMMISSIONER MAYFIELD: Madam Chair, thank you. I appreciate that. It kind of goes in line with maybe the presentation that was done or requested on the NCRTD today. If this Commission takes a vote, Madam Chair, Mr. Ross, as being an appointed member to a board, I'd like to know what authority we have and don't have on that. I don't believe we're on a position to bind this Commission, but I know I've sat on some boards either as an alternate present or as I guess the alternate to the voting member and I have taken some action that arguably I believe could bind this Commission. I think I've brought maybe one or two of those matters to your attention and maybe to one or two of my colleagues' attention. By no means do I want to position Santa Fe County in a position where this Board maybe hasn't made a decision.

I think it's relatively easy if four of us plus an alternate sit on the RPA and we come out with a decision there, of three saying yea to something and maybe one saying nay. But

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when you have a split board that's being represented and then maybe such as today as the RTD's action it comes back – and I'm not saying it was a question what was taken, but there's thoughts, well, what did you guys do here? What happened here? That that's something I'd like to know. So I'd like to see a whitepaper of what our authority is when we're sitting [inaudible]

The second thing I would ask, and I've asked Mr. Rios to initiate this, but if we could do it Countywide I think it would be a benefit for all the citizens. There's typically minutes generated at any one of these secondary boards we sit on. Sometimes – and I know Santa Fe County does a phenomenal job of posting the agendas of all these boards we sit on. One thing that I've asked Juan to do is, look, on every committee that I'm on, total minutes from whatever authority that's keeping these minutes and post the minutes under my website. But maybe that's just something Santa Fe County could do. Every board that every Commissioner sits on, just pull the minutes and post them, and then respectfully if any Commissioner, if any of my colleagues have a question – what did you guys do? Let's have a final report. There's always those minutes that they could review themselves, or again, there's those minutes themselves or they could ask that a full presentation come back to this Commission.

I have no problem presenting my viewpoints, the action I have taken on any of these secondary committees I sit on, but as you can see today, it takes a lot of time. So I think if we had the opportunity to look at minutes it would be a great opportunity.

My second request, and I requested this earlier, but I know Commissioners are really great as far as trying to communicate with one another. I know I get numerous calls, at least from Commissioner Anaya, if he can't make a meeting if I would attend instead as an alternate. But that's one thing that I did ask staff at one time is saying, look, if I'm going to be at a meeting, if I'm not going to be at a meeting, let me just let you guys know so that if there is a designated alternate, that alternate can make sure that they or at least have the effort to show up.

So I think if we're sitting down as the appointed board member that we should tell the alternate or at least staff if we can't make it for whatever reason. Guys, will you attend as my alternate? Those are just my thoughts for these boards that we sit on.

CHAIR STEFANICS: On this same point, Ms. Miller, some of the committees – well, all of the committees are attached to the City or the County for administrative purposes. Some of the committees, and I'm going to speak about BDD right now, have all of the materials related to the BDD website, but we have been asked by the citizens to have links to BDD information on both the City and the County. So if we could make sure that all of these committees, as Commissioner Mayfield indicated, were represented on the County's website so that any member of the public could also get to it.

MS. MILLER: Madam Chair, we do. We actually have links to all the committees, or if it's a committee that we're doing and we have the minutes we post the minutes on our website. But we have – that's what Kristine was just telling me, that we do have links to every one of the subcommittees or committees, either to their website or we have that in addition to posting the minutes on our website under that committee if we're the ones administratively keeping copies of those minutes.

CHAIR STEFANICS: Okay. Thank you. Commissioner Vigil, you had a comment?

COMMISSIONER VIGIL: I was just going to make the same comment, that any time I need to look at minutes for a subcommittee to reference something I do look at our website and our links and all, so if I'm familiar with a website of the subcommittee. So everything that you're requesting currently exists. The other thing that I wanted to say, and I think you had a concern about to what extent does an alternate serve? What is your capacity to vote? Can they take action without consulting with the Commission? Those kinds of things. It was my understanding, and this may be a sense of even maybe conflict some times. Each one of these agencies that are created have their separate legal counsel. They have their separate rules and regulations. They have their separate joint powers agreements. All of the agreement documents that exist when those authorities are created are the agreement documents that must be complied with. Rarely does the City or the County have to intervene with that. But I do know that some of these rules and regulations don't address all of the procedures so Steve is consulted with what needs to be done with regard to that. But each one of those authorities has spelled out what the role is of an alternate and in some cases an alternate can vote and in some cases they can't.

So it really is incumbent upon each one of us, especially when we're doing joint City-County meetings to learn from the authority what our role is. If there's a question I think we can come back to our own legal counsel. But it's my understanding, and I've been operating – when I serve at BDD we have counsel there. SWMA has counsel. The rules, regulations and procedures are identified there and they reference those. Some sometimes it's not so clear. I understand that and think that's when the City and County come in and say, well, this is how we operate.

CHAIR STEFANICS: Commissioner Vigil, I have a question on what you just said. If somebody is an alternate, what committees that you know of that they cannot vote?

COMMISSIONER VIGIL: Well, I actually think that in – is it MPO?

CHAIR STEFANICS: No. The alternate votes there. Every committee I sit on the alternates have voted in the absence of the other members.

COMMISSIONER VIGIL: I think you need to look at the rules and regulations with that. I'm not sure it's MPO, BDD but SWMA or something. There are – I think that it would be SWMA may be one that the alternate can go in. Or NCRTD, I'm not sure.

CHAIR STEFANICS: Steve, could you research that for us?

MR. ROSS: Madam Chair, I'll put together the whitepaper suggested by Commissioner Mayfield on all these topics and they're all easily resolved questions. The law of agency governs all this stuff so I'll put that so everyone has it.

CHAIR STEFANICS: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, and I'm going to bring up one specific point, and I voted yes for it, on the SWMA board. There was a request that came to the SWMA board three or four months ago where there was a request to give the City I guess – abate some fee requirements for them to dump some stuff to help for an environmental mess that they may have been addressing. So we as a board voted, but again, I may have other colleagues here who may have had a different thought of should we have let them have that credit, arguably between \$100,000 and \$200,00. I just want to make sure that I'm within my authority to do that when I'm a representative member on that SWMA board, or if I need to

say, wait, guys. I need to take this back to the full Commission and vet it out.

Now, again, that's one board, arguably, where there are three active County Commission members. So I think if three County Commission members vote unanimously on that board, I don't think it would really be an issue if it came back to this whole board. But those are questions that I have, Steve, that I would like to have addressed.

COMMISSIONER ANAYA: Madam Chair, on that point.

CHAIR STEFANICS: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, on that very particular point that Commissioner Mayfield raises. If we sit on boards, whether we're an active member or an alternate and we would be subject to having to come back to the full Commission to seek for approval or direction, I think that complete dilutes and disregards the whole intent of having the board in the first place.

Also, going along with some previous comments and questions that were brought about relative to the RTD discussion, as I said it once, I'll say it again, I was enjoying sitting on the RTD and it was good to get involved with the other [inaudible] but frankly, it seems that there's other intentions or possibly even agendas at play and with that said, I'm going to go up and take the high road that say that I'm going to take my name off of consideration of the RTD and you can go ahead and put me down as the alternate for the RPA. Thank you, Madam Chair.

CHAIR STEFANICS: Thank you, Commissioner. On one of your points that you made, decisions about budget are items that have come through this full body. So for example, at the BDD we could be asked to approve something as much as \$2 million worth of payments for us to give to the BDD. That would be very significant as voting members to do and bypassing the Commission. I think that policy issues might be a different case because we have all volunteered our time to learn the topic and to vote. But when we commit the County to some debt I think that might warrant bringing it back to the Commission. So I hope Steve will address that in his whitepaper.

Okay, so Penny, did you catch what Commissioner Anaya indicated? Okay. That he was willing to become an alternate for the RPA and then Commissioner, did you say something about the RTD?

COMMISSIONER ANAYA: Yes. Take me out of consideration for the RTD. Thanks.

CHAIR STEFANICS: Okay. Thanks. So he took his name off of RTD. So that leaves three members for the RTD. I think we are settled for the RPA then?

PENNY ELLIS-GREEN (Deputy County Manager): We're settled for the RPA, with Commissioner Anaya being the alternate and all the other Commissioners on. We still need to draw for BDD. We have three possibilities.

CHAIR STEFANICS: Right.

MS. ELLIS-GREEN: And NCRTD we still have three, so we would need to draw for that.

CHAIR STEFANICS: Okay. So if you would just get something ready for us to start drawing so we could announce this and move on.

MS. ELLIS-GREEN: Okay.

CHAIR STEFANICS: Thank you very much.

[For final disposition of committee assignments see page 57.]

[Commissioner Anaya ceased telephonic communication.]

XI. B. Accept Resignation of Mr. David Harwell From the Santa Fe County Health Policy and Planning Commission

CHAIR STEFANICS: I move to accept the resignation of Mr. David Harwell from the Santa Fe County Health Policy and Planning Commission.

COMMISSIONER VIGIL: Second.

CHAIR STEFANICS: Okay. Is there any discussion?

COMMISSIONER HOLIAN: Madam Chair.

CHAIR STEFANICS: Yes.

COMMISSIONER HOLIAN: I would just like to thank Mr. Harwell. I know that I met him about four years ago when we were both part of Leadership Santa Fe, and I have to say that he is one of those transplants to Santa Fe County who really wanted to make a difference in this community. And it is with great sadness that I heard that he cannot stay here.

CHAIR STEFANICS: Right. He did move.

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

XI. C. Appoint Glenn Levant as a Member of the Santa Fe County DWI Planning Council

CHAIR STEFANICS: Okay, Mr. Shepherd, do you want to talk about XI. C?

COMMISSIONER VIGIL: Madam Chair.

CHAIR STEFANICS: Yes.

COMMISSIONER VIGIL: I move we appoint Glenn Levant for the Santa Fe County DWI Council, and I just want to state that this gentleman has been before us. He is one of – his family is one of those families in the community who did an Adopt-a-Road for his deceased grandson. I didn't know this at the time when he was before us but he is the retired Los Angeles Chief of Police. He also is the founding member of the DARE program and he has worked with HPPC folks. I'm excited that he's interested and they are two. With that, I nominate Glenn Levant for the DWI.

COMMISSIONER HOLIAN: Second.

CHAIR STEFANICS: Okay. Is there further discussion about appointing Glenn Levant as the Santa Fe County DWI Planning Council member?

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

CHAIR STEFANICS: Thank you, Steve. You had a shining role today.

XIII. STAFF AND ELECTED OFFICIALS' ITEMS

A. Public Safety

1. Presentation on Fire Department Activities for Administration, Operations, Fire Prevention, Wildland, Emergency Management, and Volunteers (Public Safety/Fire)

CHAIR STEFANICS: Chief, is this going to be long or short? Because – the reason I'm asking this, if it's going to take a little bit of time we might want to delay it for some future attention.

DAVE SPERLING (Acting Fire Chief): Madam Chair, I have presented you with our organizational chart [*Exhibit 1*]. I do not have any slides. I can get through it in about ten minutes.

CHAIR STEFANICS: Okay. So why don't you go ahead please.

CHIEF SPERLING: Thank you, Madam Chair, members of the Commission. I'd like to give a quick rundown of activities of the Fire Department by division, sort of tracking our organizational chart with which I have provided you a copy. This presentation was originally scheduled for back in December and I had provided a chart at the same time. This is just a little bit updated to now indicate Public Safety Department instead of Community Services Department. That was the only change.

I'll also touch on ongoing challenges as a department, and challenges that I'll remind you have been well documented in our five-year plan from 2010 to 2014.

So as a little bit of history the Santa Fe County Fire Department as it currently exists was formed in 1997, from the consolidation of the County Fire Marshal's office, so we're really only about 15 years old. We operate and maintain 32 fire stations countywide. We have six staffed station and maintain an extensive inventory of 177 vehicles. The department's management team oversees the operation of the entire department. That includes the Fire Chief, the Deputy Fire Chief, three assistant chiefs, and we're tasked with working with all of our field personnel both volunteer and career.

We also work with the volunteer leadership of the 14 fire districts and develop and implement policies, procedures, guidelines, etc. to manage the department. As you can imagine, there are many challenges involved in managing a large combination career and volunteer fire department. We're not your standard fire department on the block. We don't really follow any kind of standard organization chart, I guess, for a fire department, but what we have we make work quite well, I think.

As a department leadership team we work diligently to provide strong leadership in a skillful manner and our goal is full implementation of the department's mission. If you look at your organizational chart I'll just kind of touch on it as we go through. Administrative Services Division on page 1 is led by Chief Steve Moya, and he oversees a staff of nine, which includes three emergency vehicle technicians. Dennis Patty, Eugene Brommer and Clyde Hill. Our accountants are Donna Morris and Lorie Schonrock, Elvia Martinez, who does our procurement, secretary Diana Acosta-Ortiz, and clerical specialist Angel Chacon. They provide management and oversight of all the department's finances and budget, and do all the accounts payable and budgets for our 14 fire districts. They also do ambulance revenue

collection, which last year totaled \$707,000. This division takes care of our fleet and facility maintenance, and helps guide us through apparatus purchases. Last year we did Stanley, Edgewood, Agua Fria, Hondo and Pojoaque districts.

They also, as I mentioned, take care of our purchasing process and it's not unusual for us to do 400+ requisitions in a single month.

Our construction projects this year managed by this division include the La Tierra addition, the Pojoaque addition, which we're doing a punchlist today, and we anticipate the contractor wrapping this project up in the next two weeks. The Rancho Viejo fire station, which is on scheduled and is slated to be completed mid to late March, depending on weather. This division also provides front-desk customer services to the public including Edgewood and Pojoaque, and manages our volunteer incentive budget, this year slated at \$225,000 with 256 volunteer participants. They also work actively to manage and implement our grants and just to let you know I'll be coming forward at our next meeting with the newest addition to our grant list, about \$340,000 from the state to purchase SCBAs for a number of our districts. We anticipate being able to purchase 80 to 100 SCBAs. So this is going to create addition to Santa Fe County Fire Department with recent notification.

Fire Prevention Division is led by the Deputy Fire Chief, who is also the County Fire Marshal, and most of the oversight work is performed by Captain Buster Patty, who works with three prevention specialists – Victoria DeVargas, Tim Gilmore and Renee Nix, who each divide the county up into a particular area of oversight. They are charged with implementing and enforcing the fire code, the wildland fire code, our public education programs, hydrant inspections, pre-planning and all our ISO preparations when necessary, when we're called for an inspection.

In 2011 they managed approximately 80 lot line splits, lot splits, family transfers and approximately 300 development reviews. They're also involved with movie and production reviews, special use permits, business licenses and so forth.

The wildland division, still on page 1 of the organizational chart, was organized in 2006. The captain position is currently vacant. It was Greg Gallegos who resigned earlier in the summer to take care of his family. We currently have three wildland interface specialists. These are three grant-funded positions. They are responsible for managing the County's fuel reduction projects, our public education program, specific to wildland, and all our wildland fire suppression efforts. They have overall coordination of those efforts as well as direct activities. And I just did want to note that the only position in the wildland division that is County-funded is the captain's position; everything else comes out of grant funding and whatever revenue they generate by their responses on behalf of the state and the federal government.

This past year they oversaw our YCC hand crew, which was a very successful program, and we're slated to enter that program again this coming year and we'll be bringing forward that grant agreement at the next Commission meeting. They also handle our resource mobilization plan, which allows our districts to perform wildland firefighting activities on behalf of the state or federal government.

As I mentioned, they're funded from a combination of NMAC grants, collaborative forest restoration project grants, and revenue generate from their activities. This year they

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responded to 141 wildland fires in the county, which I think is a record for us, totaling 3,434 acres.

Emergency Management Division is led by Assistant Chief Martin Vigil. He's responsible to prepare the various and diverse groups and communities of Santa Fe County for disaster readiness and response, mostly through his training program of personnel. He also is very active in the acquisition of equipment and apparatus, funded mostly through grants. He works hard on a number of exercises that are multi-jurisdictional, including National Guard, airport, public schools and hospitals, all done in the last year. He's also responsible for organizing and implementing our operations center when necessary, and our compliance with National Homeland Security directives. Martin retains a tangible working relationship with approximately 105 agencies – federal, state, local, tribal, private and non-profit, and his downstream activities truly go beyond the organizational chart to reflect a governmental working relationship.

On page 2 of the organizational chart our field operations and training division, led by Assistant Chief Kimmet Holland, and that's where the rubber really meets the road on a daily basis for us. Chief Holland oversees three battalion chiefs, each responsible for a shift of 20 career firefighters. They're responsible for the activities of the six regional staff stations, five paramedic ambulances, and any variety of fire apparatus on a daily basis that needs to respond. In this past year emergency response activities totaled 7,663 calls. To put that in perspective, in 2008 we did 5,489 calls and back nine years ago in 2002 we did only 2,051 calls.

So you can see from the spread that our activity has increased quite measurably in the last nine years. The division also oversees the training section for fire and EMS and includes Captain Karl Ehl and Jim Lovell, and Captain Mike Mestas over EMS in particular. This year they did two volunteer fire academies, two career fire academies, a number of EMS refreshers, regular career and volunteer fire and EMS trainings, and were heavily involved in policy and procedure rewrite and the development of a physical education program, which we're working toward. They coordinate with the state fire academy, Santa Fe Community College paramedic program. This year we graduated six paramedic students from Santa Fe Community College, and we've got four more who will be graduating this Friday at 4:00 pm at the Community College and will be returned to our field staff in the near future.

Captain Mestas has been heavily involved in our protocol rewrite with our medical director Dr. David Rosen from St. Vincent Hospital.

And then our Volunteer Division, or course the operational success of the department depends greatly on the services of our volunteers. We have 320 current volunteer members, 156 of them are interior firefighter qualified. They respond out of our 14 fire districts. Their funding sources include the EMS grant fund, administered by the state, the fire grant fund administered by the state, impact fees and the fire and EMS tax. Each district has a volunteer district chief who is elected annually to administer and coordinate the daily activities of that district's volunteer members. They are also instrumental in organizing district trainings, meetings and the daily non-emergency and emergency activities of the district.

ISO ratings, I thought I'd mention that this year we saw a very significant improvement in the Chimayo fire district. They went through a review in 2010 and we were notified that they improved from a 9 to a 6. That now means that all Santa Fe County's fire

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districts are better than a 7 on a scale of 1 to 10. So it's a very great improvement for the Chimayo district. Edgewood improved from a 6 to a 5 and Pojoaque, which also went under review stayed at a 5. We're awaiting results from other grading exercises for Tesuque, Hondo and Agua Fria. It takes ISO six to eight months to actually complete a grading.

Finally, the challenges ahead for the Santa Fe County Fire Department, I just will touch on these briefly. Stabilizing our funding stream, especially for operations and capital, we've had some discussion about that previously, completing our Project 48, that's Chief Holden's project to hire additional career staffing to manage our burgeoning call volume and improve response time. We have currently nine budgeted but unfunded positions that we are waiting to fill.

Training for career and volunteer members right now we need to work diligently to improve our training program. We do a good job on providing entry level training but our ability to provide ongoing training for both career and volunteer staff really is awaiting some additional resources. And then providing a competitive and supportive environment for our career staff really means continue to build our career ladder and providing expanded and administrative services to assist our volunteer districts. As you know, being a successful long-term volunteer is really a difficult and long-term balancing act.

That wraps it up. I'd be happy to answer any questions regarding the Fire Department, and I just wanted to thank you for the opportunity to talk a little bit about who we are and what we do.

CHAIR STEFANICS: Thank you, Chief. Before I turn it over to my colleagues I just wanted to say thank you very much to our volunteer staff and our paid staff. It was an exceptional year. I hope we don't go through the same kind of experience in the future. I personally would be interested in your comments on whether or not we still need to go back out to the public for the fire tax.

CHIEF SPERLING: Madam Chair, Commissioners, my desire is that we look at how best to accomplish that. I do feel that our long-term funding for capital improvements is very much dependent upon having a stabilized funding source. We have, as I mentioned, 170-some odd pieces of apparatus, 32 fire stations. Just to maintain our response capabilities with all of that apparatus and equipment, all the personal protective gear that goes into covering our volunteer career staff really takes a solid and established source of funding. As we talked about at the retreat we had we thought that perhaps doing a survey would be a wise way to proceed. We haven't really done any work further toward that end after our earlier discussion.

But again, I do feel like to stabilize our funding for capital outlay in particular and some of our operational expenses a fire excise tax is essential down the road.

CHAIR STEFANICS: Thank you. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, and Chief Sperling, thank you for your report. One thing that I'm going to ask about is ISO ratings, and I think I understand how they work at a state level. But Chief, what can Santa Fe County do? Here you are, you're improving our local fire districts and improving our volunteer fire departments as far as bringing in ISO ratings, and a good thing is to have a lower ISO rating. So you're bringing all these ISO ratings down, arguably you also have your review process for permitting and everything else that comes through Santa Fe County. We have a lot of requirements, and

they're to benefit the public, but again, anything we can do for public safety is great. But also there's an impact that folks feel in the pocketbook. What can we do to help those folks go back to their local insurance company and say look, I live within a fire district, within a fire station that has an ISO rating of a 5 now. Two years ago it was a 9. Santa Fe County, in order for me to get a permit to build a home in Santa Fe County, I had to do x, y and z, just to make sure I have fire protection on my home. Again, this is more of I think a state issue or even a federal issue. Or more of a state issue; it's regulated by state governments, but there's no correlation with folks receiving any type of discounts with their insurance home premiums. What can we do to help them?

CHIEF SPERLING: Well, Commissioner, Madam Chair, the best thing we can do, I believe, is to advertise to our homeowners in each particular district what their ISO rating means and that they have the opportunity to call their insurance company – and this is specific to their homeowner insurance policy and their fire insurance, and let them know that they have a specific ISO rating. An insurance company can choose how to apply a particular ISO rating in determining a policy premium. So there are a number of insurers out there and I would suggest if homeowners are not satisfied with the response they get from their current insurers they should shop it around a little bit, because as I say every insurance company will apply the ISO rating information a little bit differently. And it can mean a significant reduction in fire insurance premiums.

As an example, moving from a 9 to a 5, according to ISO in general terms means a 65 percent reduction in fire insurance premium.

COMMISSIONER MAYFIELD: But they don't always apply it.

CHIEF SPERLING: They don't always apply it and it's really I think incumbent on homeowners to make sure that they're working with an insurance company that's going to give them the best bang for the buck.

COMMISSIONER MAYFIELD: Thank you. And Madam Chair and Chief Sperling, can a homeowner or a even a commercial property owner come to Santa Fe County and say, guys, look, will you give me a letter saying where I am, where my location is, this is my ISO rating. Arguably Santa Fe County could say they're within a water district that's providing water for them. They're within so many feet of a fire hydrant, they're within so many feet of a fire station. Would Santa Fe County provide those folks with those letters if they ask for them?

CHIEF SPERLING: Madam Chair, Commissioner Mayfield, absolutely we do that almost on a daily basis, in writing and verbally.

COMMISSIONER MAYFIELD: Thank you. Thank you, Madam Chair.

CHAIR STEFANICS: Thank you. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. First of all, thank you, Chief, for the presentation. It was really helpful and informative and I plan to pass this information on to my constituents. I too want to thank all the firefighters in the district, especially this past year. I know that because of their quick response time they kept many, many fires from getting totally out of control that so easily could have been out of control. So you guys do really great work and I'm really, really super proud of our Fire Department.

I just wanted to ask you about – somehow I thought in the Hondo fire district that we had an ISO 9. But you're saying that every district is under 7?

CHIEF SPERLING: Madam Chair, Commissioner, the districts are – there's a split rating is how ISO makes a determination. So if you're within five miles of a fire station and within a certain distance from a water source, you will get the optimum rating for that district. If you're outside of that perimeter then you automatically per ISO go to a 9.

COMMISSIONER HOLIAN: So Chief, if we put fire hydrants in, say, Sunlit Hills, for example, that would improve our ISO rating. Correct?

CHIEF SPERLING: Madam Chair, Commissioner, that's correct. The availability of fire protection water in an ISO rating accounts for 40 percent of the rating.

COMMISSIONER HOLIAN: Thank you, Chief.

CHAIR STEFANICS: Thank you very much. I believe that we need to bring back the discussion about the fire excise tax and Katherine, perhaps we could plan a discussion about that in the future.

MS. MILLER: Madam Chair, I have some updates for you as well, because I did speak with the district fire chiefs, the volunteers, about their perspective and some information they'd like to provide in encouraging the Commission to take that back to the voters.

CHAIR STEFANICS: Thank you. Thank you very much for coming today. Commissioner Anaya, are you still on the phone? So we're at two members right now. Well, as soon as we have our Commission members back, we've asked our Assistant Count Manager to start – if you see her up here with us picking names it's going to be to have us identify those committees so that we can finish up that part of the presentation. So Penny, I'm just going to say come ahead and do it with everybody while we keep going.

XIII. B. Growth Management Department

- 1. Authorization to Publish Title and General Summary of Ordinance No. 2012-___, an Ordinance Amending Ordinance 2006-02, Amending the Applicability Provision, Deleting Certain Definitions, Reducing the Percentage of Affordable Housing Required, Expanding the Means By Which a Developer Can Meet the Affordable Housing Requirement, Removing the Distinction Between Major and Minor Projects for Purposes of Administering Density Bonuses, and Expanding the Applicability of Hardship**

DARLENE VIGIL (Affordable Housing Administrator): Thank you, Madam Chair.

CHAIR STEFANICS: Okay, just to explain. Penny has put all the district numbers for the Commissioners who want to be on a particular committee in a basket. They're picking it by Commission numbers to be on the committees and then the alternates, and we will announce it later. Sorry for all the confusion. So, Ms. Darlene Vigil, why don't you go ahead and explain this? It's rather important. So Commission members, this would be an important step forward if we decide to take this.

MS. VIGIL: Thank you, Madam Chair. Yes, staff is respectfully submitting a request for authorization to publish title and general summary for Ordinance 2012-___. This is

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an ordinance amending the current Ordinance 2006-2 as previously amended by 2010-9 and 2009-1. The basis and the background of this particular amendment is in 2006 Santa Fe County did adopt an Inclusionary Zoning Ordinance to require development projects in central and northern areas of the county to provide affordable housing to address the affordability gap that was in the region. The present affordable housing requirement for major projects, which is a division of property of 25 or more parcels, is at 30 percent at the present time, and we also have minor projects which is identified as property division of five and no more than 24 parcels, which is currently at 16 percent.

Due to the economic conditions and obviously through the growth management plan, the affordable housing meetings we've had, the Santa Fe Association of Realtors Task Force Focus Group, the retreat that the Board currently had over the past several months, and I would say it's probably been well over the year, the items that we have taken a look at for this ordinance would be: A) to reduce the required percentage for the affordable housing in major projects from that 30 percent down to 15 percent, and we do see the required percentage for the minor projects from the 16 percent requirement down to eight.

We would also like to expand the alternative means of compliance to allow some of the developers to provide alternatives to affordable housing. This would require obviously that any of their plans be consistent with the goals and objectives of the current Inclusionary Zoning Ordinance. And also to make sure that there is expansion of the long-term affordability which is obviously something that the County is extremely conscientious of. Those are the only recommended changes for this authorization and staff is here to answer any questions.

CHAIR STEFANICS: Okay, So, Ms. Vigil, I'll start with the questions. This would keep in place all four levels of affordable housing. Is that correct?

MS. VIGIL: Madam Chair, yes it would.

CHAIR STEFANICS: Okay. Questions, comments from Commissioners?

COMMISSIONER VIGIL: And I'm not real clear. Are we just taking action on the 15 percent or are we taking action on the 15 percent and then substituting some of the current units that have been built for affordable units?

CHAIR STEFANICS: Just to clarify, everybody received on their place today a separate memo [*Exhibit 2*].

COMMISSIONER VIGIL: I haven't had a chance to read it; that's why I'm asking.

CHAIR STEFANICS: It's different than the book.

COMMISSIONER VIGIL: That's right.

MS. VIGIL: Yes, Madam Chair and Commissioner Vigil, what we will be doing is taking the 30 percent requirement and dropping it to 15, and the 16 percent down to the eight, and there would be a requirement in all four income ranges.

COMMISSIONER VIGIL: That's the only item we're taking action on.

MS. VIGIL: The only other item that would be affected in this ordinance is that we expand the alternative means of compliance, and that would allow a developer to present another alternative that would be consistent with the goals and objectives of the ordinance and to further clarify and pull together the long-term affordability.

MS. MILLER: Madam Chair, can I make a quick point of clarification that all you're doing today, taking action on is publishing title and general summary. So your vote today is not to adopt it.

COMMISSIONER VIGIL: Okay. And I'm wondering if we need to move forward on the second item that we would be – and I guess maybe just for the purposes of discussion and based on the meeting we had with the Housing Authority that perhaps maybe we should. But I since then have had some concerns with regard to substituting for the third and four tiers because those are really applicable when there's an economic downturn. When there's not it's not applicable, but that can be discussed later.

MS. VIGIL: Madam Chair and Commissioner Vigil, this is one of the reasons that we have left all four tiers in place at this particular point in time.

COMMISSIONER VIGIL: I move for approval, Madam Chair, for title and general summary.

CHAIR STEFANICS: I'll second. Further discussion on this item.

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

CHAIR STEFANICS: Penny did our selecting but I think before I announce the BDD members, Commissioner Vigil, were you saying that you would stay on or you only wanted to be an alternate?

COMMISSIONER VIGIL: I'm happy to be an alternate, I'm happy to stay on and I'm happy to get off. So whatever people's preferences are with BDD I would be happy with.

CHAIR STEFANICS: So you don't need to stay on.

COMMISSIONER VIGIL: I don't need to stay on.

CHAIR STEFANICS: Okay. So we then have – we need one of these people as the alternate. Okay, so for the BDD we have Commissioner Stefanics and Commissioner Holian and Commissioner Mayfield is the alternate. For the RTD we have Commissioner Holian as the primary member and Commissioner Mayfield as the alternate. Thank you very much, Commission, for all that confusion. Yes.

COMMISSIONER MAYFIELD: Madam Chair, I don't know if it's the appropriate venue to do this but I would like to look at a resolution that if members, Steve, and I don't know how we'd do this, I'll work with Juan to draft a resolution, that if members are appointed to this board can't make two consecutive meetings maybe then that an alternate can be appointed to serve full time on this board. I know I've served on some board as an alternate where I would attend the last three meetings straight without the primary member there. I don't know if we have that in any rules, but that's something I'd like to look at as a resolution from this Commission.

COMMISSIONER VIGIL: On that point, I do believe each authority has their own rules with regard to attendance. Is that not correct, Steve?

MR. ROSS: Madam Chair, Commissioner Vigil, the only issue that I might explore is the approval authority of this body to appoint members. So there might be some room there for what Commissioner Mayfield is suggesting. So I'll look at that.

COMMISSIONER MAYFIELD: Thank you.

XIII. C. Finance Division

1. Approval of the Audited Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2011 [Full audit text on file with Santa Fe County]

CHAIR STEFANICS: Commissioners, you've been given copies of the audit. Thank you. We have with us today Ms. Helen Perraglio.

HELEN PERRAGLIO (Finance Department): Thank you, Madam Chair and Commissioners. We have before you the comprehensive annual financial report, and I just want to make note that this is the first time that we've ever done this internally. It's been a major undertaking. It's been in the works for years and a major goal of our Finance Division, and so I just want to right away say that a huge appreciation goes out to our Finance staff who was very much involved in this and to our Finance Director who, this is a goal for her for her whole entire career and we have finally completed one. So that means that we have now taken over responsibility for completing the financial statements on our own internally whereas before they were done by the audit firm that we would contract with.

The major difference here is that we have made it very comprehensive according to GFOA standards, meaning we included a statistical section that has very useful information, ten years worth of data. I think it will be very useful for any of you to take a look at and we'll be really happy to explain that to you in further detail at any time.

It's very similar to prior year reports in that it's presented and it complies fully with generally accepted accounting principles and GASB requirements. The goal of the report is basically to present the financial position of the County as a whole. Both our enterprise activities and our government activities, and then it goes down into detail of fund level accounting, at the fund level, and also it presents the results of the budget statements, meaning what we did as the budget. What we're used to seeing – the original budget, the final budget, and then the actual results, and then we look at the comparison of how we fared. So the budget statements can be very useful to anyone who is very used to looking at budget numbers.

As far as the results of the audit itself, the audited financials of the reports are included in here and we have with us today the partner from our audit firm, Heinfeld, Meech & Company. Her name is Melissa Spangler, and she is going to discuss briefly and then is open to questions the results of the audit itself and the findings.

CHAIR STEFANICS: Thank you very much and welcome. And tell me your name again. I'm sorry.

MELISSA SPANGLER: Melissa Spangler.

CHAIR STEFANICS: Melissa Spangler. Thank you so much for coming, and if you'd refer us to the pages you're going to be speaking about.

MS. SPANGLER: Okay. Thank you, Madam Chair and Commissioners, for having me here today to discuss the audit. The first page I'll have you look at is page 1. It's a little bit into the report because the beginning is Roman numeral numbers. This is the independent auditor's report. This is the opinion that our firm has given on the financial

statements of the County. It's an unqualified opinion, which as was mentioned earlier is the best opinion you can have. This means that the County's financial statements are free of any material misstatements. So it means that the County is in good financial shape as far as the transactions recorded.

Also as a part of our audit we also do the federal compliance audit and the state compliance audit in accordance with the Office of the State Auditor. In the back of the report, on page 211 is a summary of the auditor's results over the financial audit and the compliance audit for the federal government. There was an unqualified opinion on financial statements, which was that first letter, and then also an unqualified opinion on federal awards, which means that it was free of material non-compliance related to the federal awards that we looked at and audited this year.

Related specifically to the audit findings resulting from our audit, there were six in total. Six from the previous year were actually cleared. There were internal controls or other processes put in place that eliminated those findings from this year's audit report, and there were two that carried over from previous years, and an additional four that were noted in this year's current audit.

CHAIR STEFANICS: Could you refer to the pages for the findings, please?

MS. SPANGLER: Oh, yes. There's 211 that's the summary, as being what types of findings. If you look at page 220 as being the status of prior year findings. So this will tell you which ones in a previous report do you look at where it has the detail of it, which ones were corrected for the fiscal year 11.

CHAIR STEFANICS: So the ones that were not corrected, could you expand on those?

MS. SPANGLER: Yes. Noted on page 220, finding 07-01, was repeated for fiscal year 11. That's related to the Assessor's Office and the quality control function over ensuring the taxes are properly levied because the assessments are correct. The 07 indicates it's been a finding since the fiscal year 07 audit. So this would be the fifth year that it was reported.

Finding 10-05 was reported in last year's audit for the first time. This is related to the Utilities Department and that the Utilities fund is operating at a deficit, at an operating loss currently, and so from a financial statement perspective it's concerning that an enterprise fund, a fund that should be operated like a business is operating at a loss.

If you look at page 214 there's also the response from the responsible individuals as far as what's being done for the corrective action on that. And I'd also like to note that it has improved from last year. There was a much more significant loss in fiscal year 10.

Then would you like me to discuss the details of the current year's findings?

CHAIR STEFANICS: Yes.

MS. SPANGLER: Okay. Beginning on page 215 is the first finding that was new for fiscal year 11. This is related to the misuse of County property, and this is related to the prior County Sheriff and the internal controls of the Sheriff's Department which resulted in misuse of property. On page 217 is the second item noted in the fiscal year 11 audit. In accordance with the Office of the State Audit, part of the state compliance we look at is a property tax receivable reconciliation. This was completed and on that reconciliation there's a

large number that doesn't have supporting documentation, so it was noted as a finding to investigate and resolve that number that's used on the reconciliation.

On page 218 is finding 11-03. It's related to cash and investment procedures. In this finding we noted that there were accounts within the County that were not reconciled by the same process as other accounts. So the finding was related to developing procedures and internal controls to ensure consistency, and that the same controls are applied across all accounts that are reconciled.

And then the last finding on page 219 –

CHAIR STEFANICS: I'm sorry. I kind of blanked out there. Could you go over 218 again?

MS. SPANGLER: Sure. This one is related to cash and investment procedures. So currently all the bank accounts and investment accounts of the County are reconciled. However, there was a new account that wasn't reconciled under the same procedures as the others. And so our recommendation was to strengthen the internal controls and make sure those accounts fall under the same procedures that are already in place.

CHAIR STEFANICS: Thank you.

MS. SPANGLER: And then on page 219 is finding 11-04. This was the only finding we had related to federal compliance, and it's related to the Section 8 housing program. There's a compliance requirement that there's a depository agreement between the County and the bank where the Section 8 funds are deposited and during the year the County changed bank accounts and that depository agreement was overlooked, and it has subsequently been executed and we have a copy that was done after the audit here. Are there any questions related to any findings I can answer?

CHAIR STEFANICS: Okay, Commissioners, comments? Questions?
Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. First of all I would like to thank Teresa and Helen and your whole staff and really comment you on all the work that you did in putting this report together. It's really a huge achievement. The one question I had actually has something to do with something that's in our packet that you didn't really mention, but this was under prior year findings that were eliminated. There was a mention made in number 2, this was Santa Fe 07-02, and it said that the County maintained debit cards for use in emergency circumstances. That isn't allowed? Maybe somebody from our staff can answer that. I was just surprised that we couldn't use debit cards in emergencies.

MS. PERRAGLIO: Madam Chair and Commissioner Holian, that was a finding last year and it may have been the way that the debit card was established with the fiscal agent. As far as this year goes we do have emergency cards, but I think they're set up with certain limits that alleviate that.

COMMISSIONER HOLIAN: Okay. Great. Thanks, Helen.

CHAIR STEFANICS: Any other questions or comments. We need a motion for the approval of the annual comprehensive financial report for fiscal year ended June 30, 2011.

COMMISSIONER HOLIAN: So moved.

CHAIR STEFANICS: Thank you. Is there a second? I'll second. Further questions or discussion?

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

CHAIR STEFANICS: Thank you for all of your work on this.

XIII. C. 2. Resolution No. 2012-3, a Resolution Requesting an Operating Transfer From the General Fund (101) to the Property Valuation Fund (203) for Additional Funding Needed to Repair a County Vehicle Involved in an Accident / \$460 (County Assessor).

TERESA MARTINEZ (Finance Director): Madam Chair, Commissioners, there was a previous action approved by this Board and this is a matter of the repair fell a little bit short by that initial amount, so we'll move it from the deductible set-aside to the County Assessor.

CHAIR STEFANICS: Okay. Is there a motion for approval?

COMMISSIONER HOLIAN: Madam Chair, I move for approval?

CHAIR STEFANICS: Is there a second?

COMMISSIONER VIGIL: Second.

COMMISSIONER MAYFIELD: Madam Chair, I have a question.

CHAIR STEFANICS: Yes. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, Ms. Martinez, didn't we lower our deductibles at the last meeting? It doesn't apply to these folks?

MS. MARTINEZ: Madam Chair, Commissioner Mayfield, I think there was discussion but I don't know that we lowered it officially.

COMMISSIONER MAYFIELD: For automobiles, Madam Chair, Katherine, we didn't lower them?

MS. MILLER: Madam Chair, Commissioner, we did for a certain – you took an option on our new insurance policy. This was a claim under our old, last year's policy. Under the renewal policy for this year, I think on the public safety vehicles you did drop the deductibles to those.

COMMISSIONER MAYFIELD: Thank you. Thank you, Madam Chair.

CHAIR STEFANICS: Okay. Thank you. Further discussion?

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

XIII. C. 3. Resolution No. 2012-4, a Resolution Requesting an Increase to the Alcohol Programs Fund (241) to Budget Grant Agreement No. 12-D-J-G-27 with the New Mexico Department of Finance and Administration/Local Government Division Which Will Be Used for DWI Efforts in the Community / \$168,992 (Community Services Department)

MS. MARTINEZ: Madam Chair, Commissioners, a new grant, \$168,992. So we're asking to establish the budget for that relative to DWI initiative.

COMMISSIONER VIGIL: Move to approve.

COMMISSIONER HOLIAN: Second.

CHAIR STEFANICS: Okay. There's a motion and a second. Questions, comments?

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

XIII. D. Public Works Department

1. Request Authorization to Publish Title and General Summary of Ordinance No. 2011-___, Authorizing the Execution and Delivery of a Water Project Fund Loan/Grant Agreement Between the New Mexico Water Trust Board, the New Mexico Finance Authority and Santa Fe County. The Loan/Grant is for the Sole Purpose of Financing the Costs of Planning, Designing and Implementing a Vegetative Management and Bank Stabilization Plan on the Rio Quemado

MS. TORRES: Good evening, Madam Chair, Commission. I'm Karen Torres from the Utilities Department. We are requesting authorization to publish title and general summary of an ordinance for a Rio Quemado Watershed improvement project. The Quemado is actually tributary to the Rio Santa Cruz, so just in case you're wondering about the location. The reason why this ordinance has come up, back in October of 2010 we applied for several Water Trust Board funding for different projects and we were granted funding for one project, I'm pleased to announce. We received a 90 percent grant where we have to come up with a ten percent loan for that. So this ordinance allows for the execution of that loan.

CHAIR STEFANICS: Okay. Thank you. So we won't actually be voting on the ordinance this evening. It's just the authorization.

COMMISSIONER VIGIL: Move to approve.

COMMISSIONER HOLIAN: Second.

CHAIR STEFANICS: Okay. There's a motion and a second.

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

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XIII. E. Human Resources Department

1. Request Approval of Amendment No. 1 to the Collective Bargaining Agreement Between Santa Fe County and the New Mexico Coalition of Public Safety Officers on Behalf of the Santa Fe County Covered Corrections Department Employees

BERNADETTE SALAZAR (HR Director): Madam Chair, members of the Commission, Santa Fe County management team and the Corrections Union started negotiating the wage re-opener in September and we came to an agreement. Their union ratified the re-opener and we are requesting approval of amendment #1.

CHAIR STEFANICS: Thank you. Could we have some comments from the union please?

JOEY ROMERO: Madam Chair, Joey Romero, union president. We did meet with Bernadette and we did come along and we agreed on all the stuff that we had talked about. Knowing the budget is kind of low and stuff we kind of met her and we agreed with all the stuff that she had said on whatever, the number one amendment, that's what we agreed on.

CHAIR STEFANICS: Thank you very much. So the union, I understand is in agreement with this amendment.

MR. ROMERO: Yes.

CHAIR STEFANICS: Thank you so much.

COMMISSIONER VIGIL: Move to approve.

COMMISSIONER HOLIAN: Second.

CHAIR STEFANICS: Okay. We have a motion and a second. Now we're at comments, questions.

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

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR STEFANICS: Yes.

COMMISSIONER MAYFIELD: I didn't have a question at the time; I wanted to approve that. But the question now is, is this only, Madam Chair, Ms. Salazar, for union employees or is this for all employees?

MS. SALAZAR: Madam Chair, Commissioner Mayfield, this is just for the Corrections Unions employees, and as County Manager Miller stated earlier we will bring forward a proposal for non-union employees. We've pretty much taken care of all of the five unions with the exception of fire, which we're still negotiating the entire contract with them.

COMMISSIONER MAYFIELD: Madam Chair, Ms. Salazar, about how many non-union Corrections employees do we have?

MS. SALAZAR: Non-union Correction employees? I don't have that number with me. I have a number of non-union employees but not divided up with me as far as Corrections employees are concerned.

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COMMISSIONER MAYFIELD: And Madam Chair, Ms. Salazar, I apologize.
When are you going to bring that back to us?

MS. SALAZAR: At the end of the month, Commissioner.

COMMISSIONER MAYFIELD: Thank you, Madam Chair.

CHAIR STEFANICS: Thank you very much.

MS. SALAZAR: Thank you.

XIII. F. Procurement

1. The Santa Fe Health and Human Services Division Senior Program Requests a Waiver From Section 1 of Ordinance No. 2010-08 to Purchase Food and Associated Items for the Senior Meals Program in an Amount to Exceed \$100,000 Under the State of New Mexico Contract for Such Items (Community Services/Health and Human Services)

TILA RENDON-VARELA (Procurement Division): Madam Chair, Commissioners, the Purchasing Division would like to request your authorization and your approval to continue utilizing the state contract for the purchase of these items for the senior centers.

CHAIR STEFANICS: Questions? Comments? Motions? Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, a question. As far as Farm to Table, do you all have any initiatives in place to bring in any local food into our senior centers, that approved through the USDA. They're getting chopped up right now.

MS. RENDON-VARELA: I will refer that question to Steve.

STEVE SHEPHERD (Health Department Director): Madam Chair, Commissioner Mayfield, in the past we've used – we've bought some food from the Farmers Market, but that was strictly for our senior center in Eldorado when we had only one center. We're going to meet at the end of the month with the Food Policy Council and some procurement people from the City of Santa Fe. The idea is to form a regional purchasing collaborative where we can purchase food easier for all six centers. Because right now, trying to buy food from small farmers at the Farmers Market is not going to be feasible.

So we want to work something out where it's easy for Tila to help us out in Procurement.

COMMISSIONER MAYFIELD: And Madam Chair, Mr. Shepherd, this doesn't prevent us by piggy-backing off of state contract from ever doing that. Does the state have anything in place where they're doing Farm to Table with who they feed?

MR. SHEPHERD: Not that I'm aware of. Do you mean for senior centers?

COMMISSIONER MAYFIELD: For anywhere. If we can piggyback off of a state contract and the State of New Mexico is out there with local vendors, securing local produce, they're putting it where they're putting it. Wherever the state puts its food. Why couldn't we then go that route?

MR. SHEPHERD: Madam Chair, Commissioner, I believe some of the school districts, say Albuquerque Public Schools does have some and I think Santa Fe Public Schools, and we can look into those, but as for the State of New Mexico, I don't believe we do.

COMMISSIONER MAYFIELD: Madam Chair, and Steve, and I'm sorry, ma'am, when will you all bring us back that report to try to look at produce at least from our local vendors?

MR. SHEPHERD: Excuse me. I'm sorry.

COMMISSIONER MAYFIELD: When will you bring us a report back of what you're going to do to bring more local vendor produce into all of our senior centers instead of not just Eldorado?

MR. SHEPHERD: Madam Chair, Commissioner, I believe we can do something next month, if that's okay with you, the end of February.

COMMISSIONER MAYFIELD: Thank you. Thank you, Madam Chair.

CHAIR STEFANICS: Thank you.

COMMISSIONER HOLIAN: Move for approval.

CHAIR STEFANICS: Is there a second? I'll second. Any further discussion?

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

XIII. G. Matters From the County Manager

1. 2012 Legislative Update Provided By Rudy Garcia, Legislative Liaison [Exhibit 3: ICIP Priorities; Exhibit 4: Requests by District]

CHAIR STEFANICS: Ms. Miller, I know we're doing a legislative update. This is rather important, members of the Commission, since we have a breakfast with our legislators on Thursday morning.

MS. MILLER: Madam Chair, before we do that – they may have gone home. I just wanted to introduce the new employees but I think they left, which is one of the other reasons I wanted to switch around the agenda a little so that staff could – because we do have a few new employees I wanted to introduce to you and I was going to do that first.

But, yes, we have a legislative breakfast on Thursday morning at the Capitol. We've been working on – you passed a couple resolutions earlier today that are on a list of items along with previous resolutions you passed that were the Association of Counties priorities and any others that you had indicated to us, so we have that list. And we also put together a capital outlay request list. These things are items that are either continuations of items of projects that have previously been funded with the state or were on our ICIP countywide or by district.

What we did, I had asked Rudy and Hvtce and me to kind of work with you or your liaisons to get a sense of those things within your district that you would be interested in, plus we took what was on the ICIP that was approved by the Commissioners as top priorities countywide. Things like Public Works equipment, Public Safety equipment, improvements to

the jail facility. So I'll have Hvtce and Rudy go through that but I just kind of want to give you a little bit of background. What we were looking for tonight was any changes or anything in addition that you would like us to add to this list to provide to the legislators on Thursday.

CHAIR STEFANICS: Commissioners? Commissioner Vigil.

COMMISSIONER VIGIL: This doesn't have to be done this evening, but for the Agua Fria Park, I really would like a breakdown for what that request is specifically about, if someone could get that to me, I'd appreciate it.

CHAIR STEFANICS: Thank you. Anything else of members of the Board? Anything you disagree with on your list for your districts?

COMMISSIONER HOLIAN: Madam Chair, I sort of have a procedural question. What if we want to bring forward a resolution at the next meeting to support some legislation? Is there still time to do that?

MS. MILLER: Madam Chair, Commissioner Holian, yes, there would be. It's a 30-day session so it is going to be limited to fiscal items, bills that are fiscal or that are on the call of the Governor. So I would just say that you probably want to look at whether there's something already introduced by that time. There won't be a lot of time left, because our meeting is the 29th and there will probably only be about two weeks left in the session. So they'll be past the bill introductions time, but certainly anything that's out there you want to indicate Commission-side support for and make sure we inform legislators the County is supporting it we could still do that.

CHAIR STEFANICS: On this point, Commissioner Holian, from the past, during the legislative session we discuss legislation each and every meeting, so that as bills change or cropped up that were very important to the County we had the opportunity to consider it, as well as a comment that Commissioner Anaya brought up today about the driver's licenses for immigrants and I said we'd be happy to bring it back. So anything that comes up in the session that we need to further discuss we will discuss at further meetings. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you. Madam Chair and Katherine, just looking at some of the improvements, I just want to thank you for putting those in. But the Pojoaque-Nambe Community Center, I know we've had some discussions as far as the entrance and the exit, as far as kind of being a traffic safety hazard. I don't know if they're \$8,000 or [inaudible] would cover that. Maybe Mr. Martinez would give you a better guestimate/estimate on it with Diego. And then second, Madam Chair and Rudy, you may be discussing this, I think they've already introduced or dropped over a hundred and some bills. How many of those are impacting Santa Fe County?

RUDY GARCIA (Community Services Department): Madam Chair, we have been looking at the bills that have been pre-introduced. We have yet to actually give you guys a determination as to what bills will affect Santa Fe County but as Commissioner Stefanics says we'll give you guys not just an update at every Commission meeting but as soon as bills come or bills get introduced that affect Santa Fe County we'll actually email everybody up there on the podium as well as the County Manager. Any department head that the bill may affect, whether it's DWI, whether it's RECC, jail. So we will keep you guys update on a regular basis, not just at every Commission meeting.

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But we will go through the bills by the end of the week and outline or highlight the pre-filed legislations that we feel will affect Santa Fe County. We can get that to you within the next day or two.

COMMISSIONER MAYFIELD: Thank you, Rudy.

MS. MILLER: Madam Chair, also Hvtce has – they did poll the legislative recommendation for the budget. They've polled that. One of the issues of concern to the County is the teen court funding. Teen court funding had previously been a specific line item in the DFA Local Government budget for \$60,000 less shaving, sanding that had been done over the last couple years, and that is not included this year in the LFC budget, and indications are that the executive probably will not include it in their budget as a specific line item. It is listed on your priorities but I did want to tell you that.

Another one that has budget impact to the County is last year the admin fee was increased to municipalities on the gross receipts tax distribution and they left out counties. That's also in the legislative budget. We were going to give you a heads-up previously so Teresa has looked at what that fiscal impact would be across all our different GRT funds, but I just wanted to give you a heads-up. Those are two fiscal ones that we've already called through the bill and noticed will affect Santa Fe County, and I believe Hvtce found a couple of other bills too that have been pre-filed and might affect us. So we will keep updating you as each one of those comes across our desk.

CHAIR STEFANICS: Thank you. Yes, Commissioner Vigil.

COMMISSIONER VIGIL: Really, I'd like you to follow up with me and Commissioner Mayfield, maybe, on the Camino La Tierra road improvements. I'm not sure what specific roads that includes but those area has been redistricted a bit so we want to make sure that the roads that we're requesting remain within District 2 if that's going to be a District 2 request.

CHAIR STEFANICS: Anything else, Commissioners? Anything you'd like to see different or changed on the materials that are going to be presented to our legislative delegation?

COMMISSIONER MAYFIELD: Madam Chair, as per the earlier request maybe we could look at the entrance and exit on Highway –

CHAIR STEFANICS: Yes.

COMMISSIONER MAYFIELD: Thank you.

CHAIR STEFANICS: Okay. Thank you, gentlemen, for all your work and I'm sure you'll be working even harder in the next 30 days, 35 days. Whatever.

XIII. H. Matters From the County Attorney

1. Resolution No. 2012-5, a Resolution Determining Reasonable Notice for Public Meetings of the Board of County Commissioners and for Boards and Committees Appointed by or Acting Under the Authority of the Board of County Commissioners; Rescinding Resolution No. 2011-03

MR. ROSS: Madam Chair, this is one of those housekeeping items we do every year. It's a very important housekeeping item, however. The Open Meetings Act requires that we redo our Open Meetings Act resolution annually and it provides what we consider to be basic, reasonable notice of various types of public meetings – regular meetings, special meetings and emergency meetings. There's no changes from last year's resolution. I know we've made a lot of changes in supplemental notice over the years – additional website notices, additional notices to the news media and other people. Most of that stuff is not in here and it probably shouldn't be because this is the bare minimum. This is what we consider to be the bare minimum, the floor. We do a lot more than it says in here, but like I say, this is a requirement. We need to do it every year and specify what we consider to be the bare-bones notice, recognizing of course that we do more.

So with that, I stand for questions.

CHAIR STEFANICS: Thank you. Comments, motion? Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, I know Commissioner Stefanics has brought this up. Right now, I think the Governor and maybe one or two legislators have an initiative to kind of strengthen the Open Meetings Act. Steve, are we already complying with that pre-legislation? Are we already going above as far as Santa Fe County?

MR. ROSS: Madam Chair, Commissioner Mayfield, from what I understand about the proposed legislation we are. We would comply with it in advance. But we have to see what it looks like and if there are changes a few of the things will have to make a change to this resolution after the legislation becomes effective.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. That's all I had.

CHAIR STEFANICS: Thank you.

COMMISSIONER HOLIAN: Move for approval.

COMMISSIONER VIGIL: Second.

CHAIR STEFANICS: There's a motion and a second for the approval of Resolution No. 2012-5.

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

XIII. H. Executive Session

- a. Discussion of Pending or Threatened Litigation**
- b. Limited Personnel Issues**
- d. Collective Bargaining**

CHAIR STEFANICS: Mr. Ross, for the executive session, what items would we need to discuss?

MR. ROSS: Madam Chair, we need a brief executive session to discuss pending or threatened litigation, limited personnel issues and collective bargaining.

CHAIR STEFANICS: Okay. Is there a motion?

COMMISSIONER HOLIAN: Madam Chair, I move that we go into executive session to discuss pending or threatened litigation, limited personnel issues and collective bargaining.

COMMISSIONER VIGIL: Second.

The motion passed by unanimous [4-0] roll call vote with Commissioners Holian, Mayfield, Vigil and Stefanics all voting in the affirmative. [Commissioner Anaya was not present for this action.]

CHAIR STEFANICS: How long do you think the executive session will take?

MR. ROSS: Madam Chair, I would guess an hour.

CHAIR STEFANICS: Okay, so it is now 6:00. We're going to give the Commissioners a ten-minute break, and then if you would please be in executive by 6:10. That way we could be back here by 7:10. So anyone who is here for the evening session on land use, we will be back at 7:10 pm. So we are in recess; we're not adjourned.

[The Commission recessed from 6:00 p.m. to 7:10 p.m.]

CHAIR STEFANICS: Good evening. I think we're ready to come out of recess and could we have a motion to come out of executive session?

COMMISSIONER HOLIAN: Madam Chair, I move we come out of executive session where we discussed pending or threatened litigation, limited personnel issues and collective bargaining. Present was Chair Stefanics, Commissioner Vigil, for part of it, Commissioner Mayfield County Attorney Stephen Ross, Assistant County Attorney Rachel Brown, County Manager Katherine Miller, and Deputy County Manager Penny Ellis-Green, and I was also present.

COMMISSIONER MAYFIELD: Second, Madam Chair.

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

CHAIR STEFANICS: Commissioner Anaya might be joining us by phone again. So we could try him again. Great.

XIV. PUBLIC HEARINGS

A. Growth Management Department

1. **CDRC Case # V 11-5240 Dale McDonnell Variance. Dale McDonnell, Applicant, Carol Everett, Agent, Request a Variance of Article V, Section 8.1.3 (Legal Access) of the Land Development Code to Allow an Access of Less Than Twenty Feet (20') in Width and Road Grade to Exceed 11% for the Construction of a Residence on 20 Acres. The Property is Located Off Rogersville Road Near Madrid, at 233 Old Windmill Road, within Section 26, Township 14 North, Range 7 East, (Commission District 3) Wayne Dalton, Case Manager**

WAYNE DALTON (Building & Development Services): Thank you, Madam Chair. On November 17, 2011 the CDRC met and acted on this case the decision of the CDRC was to recommend approval of the applicant's request for a variance by a 3-2 vote. The applicant requests a variance to allow an access easement of less than 20 feet in width and grade to exceed 11 percent in order to construct a 1,125 square foot residence on a legal lot of record created prior to 1981. The subject property is located approximately 4.2 miles from Highway 14. The property receives access from three roads: Rogersville Road, Old Madrid Road, and Old Windmill Road. Rogersville Road varies in width from 9 to 18 feet and has three areas of 11 percent grade. There are also four low-water crossings which do not meet County standards for emergency access.

Old Madrid Road varies in width from seven to 11 feet with one low-water crossing and has a section or road grade ranging from 11 percent to 22 percent. Old Windmill Road is a two-track road and has a width of approximately 8 feet. Rogersville Road, Old Madrid Road and Old Windmill Road do not have an all-weather driving surface, which is also necessary for emergency vehicle access.

On August 19, 2011 staff and the Fire Prevention Division met with the applicant and determined that if a variance is approved there will be other fire protection requirements that the applicant must comply with. These improvements will include a turnaround on the property, a water storage tank, sprinkler system, a vegetation management plan and compliance with the urban wildland interface code for building materials for any proposed structures on the property.

The applicant states that the building site itself is flat land as is the immediate land leading to the property. The issue is the steep grade of the access road to get up to the property owned by the applicant and other adjoining property owners.

Recommendation: Staff has reviewed this application and has found the following facts to deny this request. Article V, Section 8.1.3 states parcels to be accessed via a driveway easement shall have a 20-foot all-weather driving surface, grade of not more than 11 percent, and drainage control as necessary to ensure adequate access for emergency vehicles. The applicant is requesting a variance to allow an access to be less than 20 feet and road grade to exceed 11 percent which are not allowed by the code. The purpose of the code will be

nullified. The applicant has not justified a hardship as contemplated by the code, therefore staff recommends denial of the applicant's request.

If the decision of the BCC is to approve the applicant's request staff recommends the following condition be imposed. And Madam Chair, that condition is:

1. The applicant shall comply with all Fire Marshal requirements.

CHAIR STEFANICS: Thank you. Is the applicant or agent here? If you'd like to make any kind of statement or presentation before we go to public hearing. And please identify yourself for the record.

[Duly sworn, Carol Everett testified as follows:]

CAROL EVERETT: I'm Carol Everett. I'm a general contractor and have been hired by the homeowners – the landowners, to build them the house. So I'm representing them. They're not here right now. I guess all I can say is what I said at the last meeting that the landowners bought this land, it's a legal lot of record, assuming that they could build on it. There are roughly 100 houses out on that road and I know it's a road that has increased in population faster than probably the County road could keep up with it. But there are many, many people that live out there.

The landowners have agreed to improve one section that specifically leads up to their land, which is the portion that we're asking for the variance on, even though there are many parts of that road that need improvement. They are willing to put money into improving the one section of about a half-mile that leads up to the mesa top so that they can build. And they are willing to agree to do everything that the Fire Marshal recommends. They just would like to build their house up there.

CHAIR STEFANICS: Thank you. Are there any questions from the Commission for the agent or for our staff? Commissioner Holian. Before we go to public hearing.

COMMISSIONER HOLIAN: Thank you, Madam Chair. Thank you, Ms. Everett. I do have a few questions. Do you have any idea how many lots are out there that exist that are yet to be built on?

MS. EVERETT: On the whole of Rogersville Road? No, I do not. The specific mesa top where the landowners own, I believe that there is probably only one more lot, possibly two that are for sale or that are not owned at this point. Most of the people up there have either temporary homes. A couple people have permanent homes. It's a rather small mesa top, so it can't go very much further as far as development.

COMMISSIONER HOLIAN: So when was this lot purchased?

MS. EVERETT: It was purchased, I believe, in 2008. I'm not 100 percent sure but I believe it was 2008.

COMMISSIONER HOLIAN: So that at the time that the current owner purchased the property did the owner look into this whole issue about the Uniform Fire Code? Was the owner aware that the road was not adequate?

MS. EVERETT: No, I don't believe he was.

COMMISSIONER HOLIAN: And does the owner now realize that under certain conditions the Fire Department will not be able to reach the home?

MS. EVERETT: Yes.

COMMISSIONER HOLIAN: And in fact it sounds like they will never be able to reach it with a tanker truck.

MS. EVERETT: Yes, he does understand those restrictions.

COMMISSIONER HOLIAN: Okay. Thank you, Madam Chair.

CHAIR STEFANICS: Thank you. Ms. Everett, I have a question. Is Rogersville Road the one where a lot of the homes are off the grid?

MS. EVERETT: Yes.

CHAIR STEFANICS: And you indicated there's approximately 100 developed parcels, or there are 100 parcels total?

MS. EVERETT: I'm just guessing, but I have been up and down that road a bit, being in the neighborhood for over 30 years. I would – my best honest guess is that the whole of Rogersville probably has 100 homes on it.

CHAIR STEFANICS: Okay. Thank you. Mr. Dalton, I have a question for you. Have you been to the property?

MR. DALTON: Madam Chair, yes I have.

CHAIR STEFANICS: And are there immediate surrounding developed homes with the same conditions?

MR. DALTON: Madam Chair, yes, there are a couple of homes adjacent to this property.

CHAIR STEFANICS: Thank you. Any questions, Commissioner Mayfield?

COMMISSIONER MAYFIELD: Thank you, Madam Chair. Madam Chair, Mr. Dalton, do you know when the last home was permitted and constructed out there?

MR. DALTON: Madam Chair, Commissioner Mayfield, no, I don't.

COMMISSIONER MAYFIELD: Could there have been any homes that were post-1996 permitted and constructed out there? Madam Chair, Mr. Dalton, have there been any prior variances given to other landowners out there?

MR. DALTON: Madam Chair, Commissioner Mayfield, not that I'm aware of. No. A lot of these homes, a lot of these lots are pre-code lots which were created before 1981.

COMMISSIONER MAYFIELD: And Madam Chair, Mr. Dalton, you're not aware of any homes that are post-code lots.

MR. DALTON: Madam Chair, Commissioner Mayfield, not that I'm aware of. No.

COMMISSIONER MAYFIELD: Thank you. And Madam Chair, Mr. Dalton, as far as, say, wastewater systems out there – I know I heard Madam Chair say they may be off the grid a little bit. Are they on septic systems? Are they doing shared systems out there? What are they even doing for water systems out there?

MR. DALTON: Madam Chair, Commissioner Mayfield, I believe the residents out there are served by conventional liquid waste systems, individual conventional liquid waste systems and also individual wells.

COMMISSIONER MAYFIELD: Okay. Thank you, Madam Chair.

CHAIR STEFANICS: Okay. Commissioner Holian, another question for staff?

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COMMISSIONER HOLIAN: Actually, Madam Chair, this is a question for Ms. Everett. I'm wondering if the owner has had or have there been any community discussions about the possibility of creating like a County improvement district to improve the entire length of the road.

MS. EVERETT: I'm not aware of any conversations among the neighbors there to that end, but I think with the development of that entire road, and again, I'm not sure how far that road goes. I have been personally down 4.5 miles. I don't know how much further it goes. But I think with the development that's happening out there it might be a conversation that needs to be had between the County and the taxpayers and residents there.

COMMISSIONER HOLIAN: Thank you, Ms. Everett.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR STEFANICS: Yes, Commission.

COMMISSIONER MAYFIELD: Madam Chair, a question for Chief Patty if you don't mind. I would hope we never have to use emergency services. I'm grateful and very proud that there here. Chief Patty have you all ever had to respond to any incidents or issues out there for emergency services out there on this road?

BUSTER PATTY (Fire Marshal): Madam Chair, Commissioners, yes we have. We've been out there several times on different calls. It's a very lengthy time to get out there because it's such a rough road. We can never say that we not going – we're always going to attempt to go. During inclement weather conditions there are times when we may not be able to get out there. The road is rough. To try to transport someone that might be hurt or injured on that road coming out would be very difficult.

COMMISSIONER MAYFIELD: Thank you, Madam Chair.

CHAIR STEFANICS: Thank you. Okay, this is a public hearing. Is there anyone in the public that would like to speak for or against this particular project? I'll wait another minute. Okay, the public hearing is closed. So, Commission, what is the pleasure.

COMMISSIONER MAYFIELD: Madam Chair, may I ask one more question?

CHAIR STEFANICS: Certainly.

COMMISSIONER MAYFIELD: Madam Chair and Mr. Ross or maybe Ms. Cobau, and I'm looking in the packet under Exhibit D. Under Exhibit D, I think I'm on page 10, there's a little arrow that points to 8.1.3, legal access shall be to provide each lot and each lot must directly access a road constructed to meet the requirements of Section 8.2 of this article. Parcels to be accessed via a driveway easement shall have a 20-foot all-weather driving surface, grade of not more than 11 percent and drainage control as necessary to ensure adequate access for emergency vehicles. When we require the 20-foot all-weather driving surfaces that are graded no more than 11 percent, what's the amount of the basecourse that we require? Because I just don't see that in the code. Is that somewhere else?

MR. DALTON: Madam Chair, Commissioner Mayfield, that would be six inches of compacted basecourse.

COMMISSIONER MAYFIELD: Thank you. Where is that spelled out to the applicant?

MR. DALTON: That would be in another section of the code, on road standards.

COMMISSIONER MAYFIELD: Okay. And then is road standards in here also?

MR. DALTON: It's actually not in this section of the code. It's in another section of the code. It's not included in your packet.

COMMISSIONER MAYFIELD: And then as far as – and I do have one other question. As far as the all-weather crossings that you all mentioned, you said there might be four that are not up to par? How are those situated on the property?

MR. DALTON: Madam Chair, Commissioner Mayfield, those are situated throughout the access roads. You have numerous – I think you have four low-water crossings on Rogersville Road and you have one or two on Old Madrid Road and Old Windmill Road. So you have a pretty major crossing as soon as you get off of Highway 14 on Rogersville Road, and then the other three – they aren't major crossings. They're pretty much drainage channels.

COMMISSIONER MAYFIELD: Thank you. And Madam Chair and Mr. Dalton or maybe Penny or Shelley, as far as the new code rewrite we're going through would any of the new provisions in the new code that you all could be anticipating address any of these concerns, where these are stronger requirements, potentially, than what the new code may have?

SHELLEY COBAU (Building & Development Services): I believe the new code will have similar requirements. I don't think we're suggesting that they be changed. That's really the minimum we need, a slope of 11 percent and a driving surface of 20 feet with six inches of basecourse that serves more than one lot, and a 14-foot lot for a single driveway for fire access. And this has been in the code for some time. There are several sections in the code that require when you do a land division that you provide adequate access. It's not a new concept; it's been on the books for over 20 years.

COMMISSIONER MAYFIELD: And I know – I thought we were going to maybe look at the 20-foot wide, that it could be debated. But real quick, Madam Chair, Mr. Dalton, what road, either a County road or a State road that accesses this road as a primary road to get on the road that we're discussing?

MR. DALTON: Madam Chair, Commissioner Mayfield, that would be Highway 14.

COMMISSIONER MAYFIELD: It is located right off of Highway 14.

MR. DALTON: The property itself is located approximately 4.2 miles from Highway 14, but yes, Rogersville Road is accessed by Highway 14.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. Thank you, Mr. Dalton.

COMMISSIONER HOLIAN: Madam Chair.

CHAIR STEFANICS: Yes, Commissioner.

COMMISSIONER HOLIAN: I would like to make a motion. First of all, I am concerned about creating more dangerous situations for our Fire Department for sure but I feel that in this case there are some extenuating circumstances. One, this is an area of relatively sparse vegetation. The owner does realize the situation, that the Fire Department is not going to always be able to respond to any emergency situation, and also the owner is

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willing to comply with all the extra fire protection requirements that were suggested by our Fire Department.

So I move for approval of CDRC Case #V11-5240, and then I would also like to make a comment afterwards.

COMMISSIONER MAYFIELD: I will second that, Madam Chair.

CHAIR STEFANICS: Okay. Thank you. Do you want to make your comment now or later?

COMMISSIONER HOLIAN: Yes. It's very simple. I just really want to strongly urge the owner to try to get the community together to create a County improvement district. It's very do-able to improve roads and it's a way of sort of sharing the costs for doing that. And I think it will make the neighborhood much, much safer and also, you have to think about our Fire Department and their safety as well, and I would like to urge the community to do whatever they can to not only improve their own safety but also to think about our Fire Department as well. Thank you, Madam Chair.

CHAIR STEFANICS: Thank you. Any further comments?

COMMISSIONER HOLIAN: And I'm sorry. It was with staff's condition.

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

XIV. A. 2. BCC Case # MIS 11-5390 Legal Tender Restaurant Liquor License. Learning Mind, dba Legal Tender at the Lamy Railroad and History Museum, Applicant, Requests Approval of a Restaurant Liquor License to Serve Beer and Wine with Meals. The Subject Property is Located at 151 Old Lamy Trail, within Section 33, Township 15 North, Range 10 East (Commission District 5 4) Jose E. Larrañaga, Case Manager

JOSE LARRAÑAGA (Commercial Development Case Manager): Thank you, Madam Chair. The Lamy Railroad and History Museum, formerly known as the Legal Tender, received non-complying zoning on August 14, 2007. The non-complying approval consisted of 3,500 square feet for the museum and gift shop, 500 square feet to be used as storage, and 1,500 square feet to be utilized as a restaurant and saloon. The zoning on this site allows for the designated area approved by the County as a restaurant and saloon to serve beer and wine with meals.

The applicant requests approval of a restaurant liquor license. The Legal Tender at the Lamy Railroad and History Museum will not have a bar. However, the intent is to serve beer and wine and meals. The issuance of a restaurant liquor license will not increase the intensity of the restaurant as there is not any proposed expansion of the existing site.

The State Alcohol and Gaming Division granted preliminary approval of this request in accordance with Section 60-6B-4 NMSA of the Liquor Control Act. Legal notice of this request has been noticed in the newspaper. The Board of County Commissioners are required to conduct a public hearing on the request to grant a restaurant liquor license at this location.

Recommendation: Staff has reviewed this application and has found the following facts presented to support this request. The zoning on this site allows for the designated area as a restaurant and saloon to serve beer and wine with meals. The applicant's request complies with the approved master plan. The applicant's request complies with the Santa Fe County Land Development Code. The applicant has met the State of New Mexico requirements for noticing, distance from schools and churches. Therefore staff recommends approval of the applicant's request. Madam Chair, I stand for any questions.

CHAIR STEFANICS: The first comment is that this is no longer in District 5 because of redistricting, so we could make that correction. It's not in District 5 anymore. So it's District 4. I have no questions. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. I just have one question. Is there actually a restaurant in the museum right now?

MR. LARRAÑAGA: Madam Chair, Commissioner Holian, yes. They received a business license just recently for a restaurant. What they mostly do is catering for special events out there.

COMMISSIONER HOLIAN: Okay. Thank you, Jose.

CHAIR STEFANICS: I should ask, are the applicants here, or their agent? Yes, would you come forward please and present anything that you'd like to before we go to public hearing, and then we'll go back to the Commission's questions.

[Duly sworn, John Jednak testified as follows:]

JOHN JEDNAK: My name is John Jednak with Learning Mind and a director at the Lamy Railroad and History Museum. It's been a long-haul process for us to bring the building up to occupancy standards with sprinkler suppression systems put in place inside. We've attained that through our events for the past two years and now we're looking at opening up the restaurant portion of the museum while the museum is open. We're currently planning only for a few days. We're staffed mostly by volunteers. And we'll also use it for catered events as well, all for the museum.

CHAIR STEFANICS: Okay. Thank you. Questions for staff or the applicant before we go to public hearing.

COMMISSIONER MAYFIELD: I have none.

CHAIR STEFANICS: Okay, is there anybody in the public here to support or oppose this particular request? The public hearing is closed. Okay, Commission, what is the pleasure?

COMMISSIONER HOLIAN: Madam Chair.

CHAIR STEFANICS: Yes.

COMMISSIONER HOLIAN: First of all I'd like to say that I'm very pleased that the Lamy Railroad and History Museum is in District 4 now, and I would like to move for approval of BCC Case #MIS 11-5390, Legal Tender Restaurant License.

COMMISSIONER MAYFIELD: Second, Madam Chair.

CHAIR STEFANICS: Thank you. Any further questions or discussion?

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

XIII. A. 3. CDRC Case # V 11-5320 Mauricio Solis Variance of Family Proper. Mauricio Solis, Applicant, Requests a Variance, of Article II, Section 4.3.2c (Family Proper) of the Land Development Code to Allow the Transfer of Land as a Small-Lot Family Transfer From Sibling to Sibling. The Property is Located within the Traditional Historic Community of La Cienega, at 22 Rancho Sin Vaca Road, within Section 22, Township 16 North, Range 8 East (Commission District 3) Jose E. Larrañaga, Case Manager

MR. LARRAÑAGA: On November 17, 2011 the County Development Review Committee met and acted on this case. The decision of the CDRC was to recommend denial of the applicant's request for a variance based on the findings presented by staff.

The applicant requests a variance of Article II, Section 4.3.2.C, Family Proper, of the Land Development Code. Family proper is described in Article II, Section 4.3.2c, as lineal relations up to and including the third degree, i.e. grandparent, parent, child. Step relations shall count as natural relationships so long as the step relationship is legally existent at the time of the transfer, including legal guardians who have performed the function of grandparent or parent to the person who is receiving the transferred lot.

The Applicant states both he and his brother make payment on the property. The property is under the Applicant's name and he would like to transfer one half of the property to his brother to protect his brother's interest in the property.

Article II, Section 4.3.2b, Definition of a Small Lot Family Transfer states, A lot created as a gift from a grandparent, parent or legal guardian to his or her natural or adopted child or grandchild or legal ward, which lot does not meet the density requirements of the Code Any person may receive only one lot through Small Lot Family Transfer.

Article II, Section 4.3.1b, states that the Purpose of a Small Lot Family Transfer is to permit transfers of lots which do not meet the lot size requirements of the Code from grandparents, parents or legal guardians as a onetime gift to a child or grandchild in order to provide a more affordable home site for these adult children.

The property has been in lawful possession of the Applicant for over five years. There are currently two residences and two conventional septic systems on site. The property is served by an on-site well. The 2.5-acre parcel is located within the Basin Hydrologic Zone and is in compliance with Article III, Section 10, Lot Size Requirements, of the Land Development Code.

Staff has analyzed the feasibility of this parcel of land to be subdivided as a Family Transfer per Code requirements. Staff has determined that if the Applicant met the Family Proper requirements, a Family Transfer land division could be processed administratively.

Article II Section 3 of the County Code states: Where in the case of proposed development, it can be shown that strict compliance with the requirements of the code would result in extraordinary hardship to the applicant because of unusual topography or other such non-self-inflicted condition or that these conditions would result in inhibiting the achievement of the purposes of the Code, the applicant may submit a written request for a variance.' This Section goes on to state In no event shall a variance, modification or waiver

be recommended by a Development Review Committee, nor granted by the Board if by doing so the purpose of the Code would be nullified.

Recommendation: Staff has reviewed this Application and has found the following facts presented not to support this Application: a Family Transfer from sibling to sibling does not comply with the definition of lineal relations as defined in Article II, Section 4.3.2c of the Land Development Code; the purpose of the Code may be nullified by allowing the creation of lots, which do not meet the minimum lot size requirements, by means of a variance of the Family Proper criteria; the Applicant has not justified a hardship as defined in Article II, Section 3 of the Land Development Code, therefore staff recommends denial of the Applicant's request.

If the decision of the CDRC is to recommend approval, staff recommends the following conditions be imposed. Madam Chair, may I enter these conditions into the record?

[The conditions are as follows:]

1. Water use shall be restricted to 0.25 acre feet per year per lot. A water meter shall be installed for both lots this shall be noted on the Plat. Annual water meter readings shall be submitted to the Land Use Administrator by January 1st of each year. Water restrictions shall be recorded in the County Clerk's Office.
2. A shared well agreement shall be recorded with the Plat.
3. A Plat of Survey meeting all County Code requirements shall be submitted to the Building and Development Services Department for review and approval.
4. No further division of either tract shall be permitted. This shall be noted on the plat.
5. The Applicant shall connect to the County Water System when it becomes available within 200 feet of the property line.

MR. LARRAÑAGA: Madam Chair, I stand for any questions.

CHAIR STEFANICS: Thank you. Is the applicant here? Would you come forward please?

MR. LARRAÑAGA: Madam Chair, if I may, I may have to interpret for the applicant.

CHAIR STEFANICS: That's great. So we would like to know if you have a statement.

[Duly sworn, Mauricio Solis testified as follows:]

MAURICIO SOLIS: Mauricio Solis.

CHAIR STEFANICS: So, Jose, do you want to go ahead. We're asking him for his statement about this.

[Mr. Solis' remarks were translated by Mr. Larrañaga.]

MR. LARRAÑAGA: Madam Chair, the applicant states that he's like for you to look at his request to protect his brother and his brother's interest as he said he pretty much mentioned at CDRC.

Madam Chair, he's like to split the property to protect his family, his wife, his interests and his brother's family and their interests and protect their total interest in the property.

CHAIR STEFANICS: Más?

MR. LARRAÑAGA: Madam Chair, what he's presenting is that Exhibit K. That exhibit shows other properties around him in proximity that have subdivided their property through the family proper family transfer and created 1.25-acre lots.

CHAIR STEFANICS: Okay, I have a question for you or the applicant. Does this property – is this property either in an arroyo or bordering an arroyo?

MR. LARRAÑAGA: Madam Chair, yes. On Exhibit K it's Lot 22, and you can see the two residences. Back on the bottom, there's I guess on the southeast side there is the road, it does run down below, where he has it looks like he has a round tent and maybe some tents for some horses. But the dwellings itself are outside of the floodplain.

CHAIR STEFANICS: So, Mr. Larrañaga, is this property – and maybe Shelley can answer this too. Is this near the other property that we considered that was in La Cienega near the arroyo? This isn't the same property?

MS. COBAU: Madam Chair, I've been to this site. I don't believe it's the same one that you've considered. You've considered family transfer divisions all around in this entire area.

CHAIR STEFANICS: But is this – the question I'm asking – is this the area where the horses are being corralled down in the arroyo?

MS. COBAU: That's correct, Madam Chair. The Floodplain Ordinance does, however, allow for horse corrals inside the regulatory floodplain, as long as it's a non-habitable structure it's permitted for our Floodplain Ordinance.

CHAIR STEFANICS: Okay. Thank you. Commissioners, questions for the staff or the applicant?

COMMISSIONER HOLIAN: Madam Chair.

CHAIR STEFANICS: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. This is a question for the applicant. Couldn't you protect your family and your brother's family through a will?

MR. LARRAÑAGA: Madam Chair, Commissioner Holian, he stated no. If something happens he wants to protect the interests of his family and his kids...He's afraid that if something happens to him and this isn't done then his kids would have problems later on.

COMMISSIONER HOLIAN: Well, Madam Chair, I guess my take on it is that it seems like he could leave he property in joint ownership.

MR. LARRAÑAGA: Madam Chair, Commissioner Holian, he has not investigated to see if he can do that or looked into a will. He's still worried about his kids, pretty much, and his brother's kids as far as having their own properties.

CHAIR STEFANICS: Okay, we're going to go to public hearings so why don't you have a seat right up front. This is a public hearing. Is there anybody here to speak either for or against this application? The public hearing is closed. Yes, Mr. Ross.

MR. ROSS: Madam Chair, one item that always comes up when we're talking about these lineal relationships with small-lot family transfers, our ordinance is not consistent with the State Subdivision Act on this point. We have granted these variances in the past because the State Subdivision Act permits people to take advantage of the family transfer when they are within three degrees of the transferor unrelated to whether it's vertical or horizontal or what have you. So I've always taken the position that that particular restriction

in the Land Development Code is probably void and we have not included it in the new code that we're working on right now. Just for your information.

CHAIR STEFANICS: Okay, so that leads me to a question for staff. Aside from the family connection, would we have any other premise to deny this on?

MR. LARRAÑAGA: Madam Chair, no. As stated in the staff report, we've looked at it as far as access, of course the buildings are already there. If he had a child that was old enough that he could transfer this property to we would be doing it administratively as a small-lot family transfer.

CHAIR STEFANICS: So just to clarify, the staff conditions – today it looks like the property already has two-plus, maybe four dwellings on it.

MR. LARRAÑAGA: Madam Chair, it's got two dwellings and a barn and stalls. But it only has two dwellings. They're allowed any amount of accessory structures, permitted accessory structures.

CHAIR STEFANICS: So if there are two dwellings, staff conditions don't really stop any further dwellings.

MR. LARRAÑAGA: Madam Chair, the density requirements do. At 1.25 acres they still should only have one dwelling for 1.25. It's not in an area where it would go down to the ¾ acre. So that would be – and these conditions would be implemented in the plat approval. If this variance would be granted he would still have to hire a surveyor and go through the process of the small-lot family transfer land division.

CHAIR STEFANICS: And is the applicant willing to abide by all of these conditions, including the water meter?

MR. LARRAÑAGA: Yes, Madam Chair. He's willing to abide by all the conditions. I'd given the applicant all the staff conditions before prior to CDRC and he was in agreement.

CHAIR STEFANICS: And has the County made the materials available in Spanish?

MR. LARRAÑAGA: Madam Chair, we are working on that, as far as the checklist and everything else we're going to be working on that very quickly.

CHAIR STEFANICS: And does our applicant read Spanish as well?

MR. LARRAÑAGA: Yes.

CHAIR STEFANICS: Well, I'm feeling that the applicant is really at a disadvantage by not having something in front of him in his own language, telling him what he would be required to do.

MR. LARRAÑAGA: Madam Chair, these requirements, if a variance is granted he is subject to doing – he would probably, maybe at that time we would have something in Spanish at the land division stage of this. These are standard conditions for any kind of land division or family transfer.

CHAIR STEFANICS: I understand that these are standard conditions but has somebody sat own and gone over each one of these conditions in Spanish with him?

MR. LARRAÑAGA: Prior to CDRC I went through the conditions with him if he got approved and he was well aware of the conditions.

CHAIR STEFANICS: ¿Y entendió todos? Okay. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. I guess this is a question for the County Attorney. Could we put another condition on this that would restrict the sale of either of these lots for, let's say, five years?

MR. ROSS: Madam Chair, Commissioner Holian, at common law, restrictions on alienation are void, so probably the restrictions would be void or voidable if they were put on.

COMMISSIONER HOLIAN: Okay. Thank you.

CHAIR STEFANICS: Commissioner Mayfield, anything?

COMMISSIONER MAYFIELD: Madam Chair, question for staff. As far as the diagram, and I'm looking at the three different structures for 22, which are the two homes? And I'm on Exhibit K.

MS. COBAU: Madam Chair, Commissioner Mayfield, closest to the road are the two homes.

COMMISSIONER MAYFIELD: So that one in the far right corner, what is that group?

MS. COBAU: Madam Chair, Commissioner Mayfield, that's a barn.

COMMISSIONER MAYFIELD: Okay, and then what's that kind of fence that's kind of protruding out from the other side?

CHAIR STEFANICS: Is that a driveway, perhaps?

MR. LARRAÑAGA: Madam Chair, the applicant just explained to me that he put this semi-wall there because the arroyo kind of drops off there so that the kids wouldn't drop off into that.

COMMISSIONER MAYFIELD: And Madam Chair, and somebody correct me if I'm out of line here, but I know we had a prior case about a month, two months ago, where they were concerned with horse operations out in the area. Is there that type of activity going on and is that going on in the arroyo there?

MR. LARRAÑAGA: Madam Chair, Commissioner Mayfield, the applicant just stated that he doesn't really have the horses down in the arroyo side. He's got it up where the barn is, on that third one that you mentioned, that third little structure.

COMMISSIONER MAYFIELD: And Madam Chair, and for the applicant, is that a commercial operation or is that just horses for their individual use?

MR. LARRAÑAGA: Madam Chair, Commissioner Mayfield, it's for his own personal use. He's got three horses on there.

CHAIR STEFANICS: Thank you, Madam Chair. I have another question for staff. The last time we had a case that was close to this area there were several people from the community that came to object, primarily because of loose horses, etc. What is different about this case?

MR. LARRAÑAGA: Madam Chair, that wasn't my case but I dealt with the people that were complaining about the horses. What's different about that one was that they were racing or exercising – basically they were racing but I assume they were exercising the horses up and down the arroyo and they built their stalls right in the arroyo which they can, and they were saying that the manure when it rained and stuff was going into their property. The stalls and stuff are not placed in the arroyo on this; it's completely different. I believe the

name was even the same but it's a completely different property. And I have not received any complaints or any letters and this was noticed properly.

CHAIR STEFANICS: Thank you. Other questions, comments? Yes, Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. I just would like to ask the applicant whether he continues to own his property and whether his brother does.

MR. LARRAÑAGA: Madam Chair, Commissioner Holian, he says it's under his name right now and he's going to keep it under his name unless he gets this variance and of course they'll split it.

COMMISSIONER HOLIAN: Well, Jose, I guess my question is do either of them, if the variance were to be granted, do either of them have plans to sell?

MR. LARRAÑAGA: Madam Chair, he says no, obviously.

COMMISSIONER HOLIAN: Thank you.

CHAIR STEFANICS: Okay, what is the pleasure of the Commission?

COMMISSIONER HOLIAN: Madam Chair, I move for approval of CDRC Case #V 11-5320, Mauricio Solis Variance of Family Proper, with staff conditions.

COMMISSIONER MAYFIELD: Madam Chair, I will second this but you brought up a point. Can those conditions can also be translated them into the Spanish language please?

MR. LARRAÑAGA: Madam Chair, Commissioners, yes.

CHAIR STEFANICS: Okay. Thank you. Any further discussion?

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

CHAIR STEFANICS: Thank you very much. You're approved with conditions and you'll be given a document in Spanish. Thank you. Maybe we have to hire some staff to do that for the whole County.

MS. ELLIS-GREEN: Madam Chair, we are looking at getting some vendors available to use as translators, and we'll use those also for getting our checklist translated into Spanish and for public hearings like this, when someone needs a translator we'll have an official translator come.

CHAIR STEFANICS: I'm sure we could get something going for under the \$5,000 mark with some of our older translators here in town. They'd be very happy for the work. Yes, Commissioner.

COMMISSIONER MAYFIELD: Madam Chair, on that point. Even citations that are issues to folks – I know there's some folks that get citations and they don't understand the citations that are written because they're just fluent in Spanish and they read and speak Spanish and they're saying, what's the citation about. Thank you.

CHAIR STEFANICS: Thank you.

XIII. A. 4. BCC Case # MIS 09-5071 Santa Fe Opera Master Plan Extension. Santa Fe Opera, Applicant, Paul Horpedahl, Agent, Request a Two-Year Time Extension of the Amended Master Plan Approval for the Santa Fe Opera Village. The Property is Located at 17053 US Highway 84/285, within Sections 25 & 26, Township 18 North, Range 9 East (Commission District 2 1) Jose E. Larrañaga, Case Manager

MR. LARRAÑAGA: Thank you, Madam Chair. On January 12, 2010 the Board of County Commissioners granted a request by the Santa Fe Opera for a two-year time extension of an existing master plan. On June 2, 2004 the Extraterritorial Zoning Authority granted a master plan amendment to the previously approved Inn at the Opera to allow a rehearsal and recital facility, meeting spaces, conference facilities and amenities, storage for the opera and housing for the opera performers and staff, directors, benefactors, conference participants and guests, consisting of 135,600 square feet on 44.10 acres to be developed in five phases.

The master plan amendment allowed the project to directly serve the needs and interests of the opera rather than being open to the public as allowed in the previous approval. The site and building layout are the same as the prior approval. The project will be developed in five phases as follows: Phase 1, overflow parking area to accommodate 139 parking spaces as well as picnic areas; Phase 2, a rehearsal and recital hall, storage buildings, spa and fitness building with pool, wastewater treatment plant and 26 new parking spaces; Phase 3 is the Opera Village Center; Phase 4, 50 apartment style units, 64 co-housing units for the opera staff and conference participants; Phase 5, 20 casita style housing units for opera performers, director and benefactors, conference participants and guests.

The opera property was governed by the Extraterritorial Zoning Authority under the Extraterritorial Territorial Zoning Ordinance. Ordinance No. 2009-01 dissolved the EZO and the EZA and the opera property is now governed by the Board of County Commissioners under the Land Development Code.

The applicant is requesting a two-year time extension and renewal of the master plan under the Land Development Code. Article V, Section 5.2.1b states, A master plan is comprehensive in establishing the scope of a project, yet is less detailed than a development plan. It provides a means for the County Development Review Committee and the Board to review projects, and the subdivider to obtain concept approval without the necessity of spending large sums of money for the submittals required for preliminary and final plat approval.

Article V, Section 5.2.7b states, Master plan approvals may be reviewed and extended for additional two-year periods by the Board at the request of the developer.

Recommendation: Staff has reviewed this application and has found the following facts presented to support this submittal. The master plan was approved and zoning was established by the Extraterritorial Zoning Authority prior to the enactment of Ordinance 2009-01. The property lies outside the presumptive city limits and is governed by the Santa Fe County Land Development Code. The approved master plan meets the criteria set forth in the Land Development Code.

Staff's review of the applicant's request has established findings that this application is

in compliance with Ordinance No. 2009-01 and meets the criteria set forth in Article V, Section 5.2.1b, Article V, Section 5.2.4 and Article V, Section 5.2.7b of the Land Development Code. Staff recommends approval of a two-year time extension of the amended master plan for the Santa Fe Opera Village, subject to the following conditions. Madam Chair, may I enter these conditions into the record?

CHAIR STEFANICS: Yes. Thank you.

[The conditions are as follows:]

1. The Applicant shall comply with the conditions of the approved master plan.
2. The Applicant shall comply with all requirements of the County Land Development Code.
3. The Applicant shall comply with any applicable ordinance(s) adopted by the County prior to the submittal of preliminary and final development plan.

MR. LARRAÑAGA: Madam Chair, I stand for any questions.

CHAIR STEFANICS: Thank you. Is the applicant here? If you could please come forward, state your name and be sworn in.

[Duly sworn, Paul Horpedahl testified as follows:]

PAUL HORPEDAHL: My name is Paul Horpedahl. My address is 101 Mateo Circle North here in Santa Fe.

CHAIR STEFANICS: Thank you. Do you have anything to add to the presentation?

MR. HORPEDAHL: Only that this is still a very conceptual master plan at this point and we are hoping on a time extension so that we can work more on what we really would like to do with this property to help for the mission of the Santa Fe Opera.

CHAIR STEFANICS: Thank you. Are there questions for the applicant or for staff before we go to the public hearing?

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR STEFANICS: Yes, Commissioner.

COMMISSIONER MAYFIELD: Madam Chair, and Shelley, this also now is in District 1, just on the redistricting, so you all know that. And then, Madam Chair, and a question for staff. Under condition number 3 that you are putting in: The applicant shall comply with any applicable ordinances adopted by the County prior to the submittal of preliminary and final development plan. And Steve may have already answered this question. But now that we're going through the code rewrite and the new plan, so we have something on the books before they go to construction phase they comply with the new ordinances that are on the books, not the old ones when they submitted applications? Thank you, Madam Chair.

CHAIR STEFANICS: Thank you. Commissioner Holian, anything for this? Okay, we are now at a public hearing. Anybody who would like to speak in favor of or in opposition to this please come forward. We'll have you all sworn in at the same time. Only one person? Anybody else, for or against? Everybody come up who's –

RICHARD EHRENBURG: I'm partially against.

CHAIR STEFANICS: Everybody who's going to testify, if you'd all raise your hands.

[Those wishing to speak were placed under oath.]

CHAIR STEFANICS: Thank you. We'll take you one at a time, your name, address and your statement.

[Duly sworn, Richard Ehrenburg testified as follows:]

MR. EHRENBURG: My name is Richard Ehrenburg. I'm a property owner at 12 and 12-A Calle de Luz, which is in back of the opera, kind of up from the second arroyo, so we have about 15, 14 acres there. And although I really personally like Paul, I think the plan is generally very good, there are certain issues in the plan that I really take questions about and one is the overflow parking.

Now, in the amended master plan it says that everything is going to be paved. Now, I don't know how many of you folks have been up to the opera but the whole thing is pretty much blacktop which means there's no percolation, there's no water getting into the soil in that area where the parking is. I would suggest that the parking areas could be done with a product called turf block, which is a concrete block that's set into the ground and dirt is put over it but the concrete is still there. Grass can still grow over it and in fact fire trucks – we've used it in projects where fire trucks actually go in there and park. So this is one item.

My second item is the traffic flow. And I'm not convinced – I use this road two or three times a day and there are 51 or 58 residential structures that use that road and although they don't use it in the wintertime it's still used in the summertime including the opera-goers. I don't know if any of you folks have driven this road but it is pitched and it's curved. So even though they have some concrete islands here to try to direct the traffic, somebody coming down that hill and somebody else making – even if they make a right turn to go further down the hill at the north entry, at some point there's going to be an accident.

They may want to man that with somebody there any time it's in use. That is something that I think needs to be discussed.

And the third item are the pools. None of us who have tried to put pools in have been allowed to put pools in by the County unless they're indoor pools, even though we have doctors' letters saying that we need to swim. So I swim at Ft. Marcy. I couldn't put a pool in; I wasn't allowed to. There is a pool that the opera has at the other side in back of the opera building. It is a kidney-shaped pool that was put in when that was allowed. I don't frankly see that – there's a spa building here with a pool. I don't really see the necessity for a pool when there is one on the property already.

And I guess my last issue is that the grade lines coming down off of the houses on the top of the hill is very, very steep and there's going to be a tremendous amount of runoff. I don't know exactly how the opera is going to handle that. I haven't seen any details about it. I know this is a general plan, but the reality is if one of the large, wealthy donors leaves something to the opera in their will, and this has happened in the past, they can get \$6 million really fast to start this project. So I just wanted to go on record with several of my neighbors who weren't able to be here tonight – they were here and then they had to leave – that we certainly don't want to put a blanket – say that we don't like the plan at all but there are certain areas of this which we feel are not really in the best interest of the land or the people that use the road on an annual basis.

And my last comment is that I would like to know whether this is going to be a year-round use or it's just going to be summer use while the opera is in session, and if it is going to

be can there be anything in writing by the opera that will state that. And thank you. That's all I have to say.

CHAIR STEFANICS: Thank you. We'll go on to the next speaker.

[Previously sworn, Buck Smith testified as follows:]

BUCK SMITH: Madam Chair, Commissioners, my name is Buck Smith. I'm a member of the board of directors of the homeowners association out in Casas de San Juan, a neighbor to the opera. We have a master association, and a condominium association. Just for the record. I was here before you recessed; I didn't see any of my neighbors here. I came here immediately after you reconvened. I didn't see any of my neighbors here.

The associations are not here to support or oppose the opera's plans. Due to our governing structure we're not able to take a vote on this on short notice. Most of our residents, many of them, I can't say an exact percentage, are non-residents. The Ehrenburgs are here 100 percent of the time. For us to take a vote on this is a big problem because we have non-resident members who are owners who sometimes don't even respond to mail, so that you know the facts here, and we never conduct off-cycle votes, just in case anyone wonders what the neighbors are doing out there, we just don't act like that; we can't.

Now, that said, the associations are here and I'm here to speak for myself, not as – not for all of our owners. We are proud of our association with the opera. They're very good neighbors. They've always been good neighbors to us. We try to be good neighbors to them and other than that we just want to be sure you understand that whatever you might hear from other owners they're not authorized to speak for our associations here because they have not been. And we gave Mr. Horpedahl a letter saying no one's authorized to speak on our behalf as an association.

CHAIR STEFANICS: Thank you. Is Commissioner Anaya on the phone?

COMMISSIONER ANAYA: Yes, Madam Chair.

CHAIR STEFANICS: Great. Thank you very much for joining us. Was there another comment from the audience? Wait. If you're going to make a comment you need to come up to the microphone so you're on the record please. We have public listening and watching.

MR. EHRENBURG: Thank you, Madam Chair. Madam Chair, I just wanted to mention that I am not a member of the association. We have a separate area, although we use the gates for Casas de San Juan. There are five or six homes that are not part of the association and I am, as I said, I am not representing them. A couple of them were here tonight. One of them lived in Casas but the other ones were not able to be here. And I also want to just go on record as saying that I enjoy the opera, I enjoy the opera people. John – I like Charles McKay and also Paul Horpedahl. I consider him – he helped me on several occasions and the general plan is something that I absolutely agree with and these were some four items that I had questions about. Thank you.

CHAIR STEFANICS: Thank you very much. Is there any other comment from the public before we close the public hearing? Okay. The public hearing is now closed. Commissioner Anaya, we're on the extension of the Opera Village master plan extension. So let's go back to questions of the staff and the applicant. Commissioners, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. Madam Chair and

staff, just going through some of the exhibits, I'm looking at Exhibit C. Exhibit C was EZ Case #Z 04-4050, the Opera Village. Does the City not have involvement in this anymore? Because that's how I'm looking at this document from 2004, that they did have some involvement in this.

MR. LARRAÑAGA: Madam Chair, Commissioner Mayfield, at that time the issue was the EZA, but Ordinance 2009-01 deleted the EZA. We do not have the EZA anymore; it's under County jurisdiction.

COMMISSIONER MAYFIELD: Okay. Thank you. But also looking at these documents, two questions. One, they were asked to consulting with the neighboring pueblo on this or at least give them an opportunity. Is that still the case? Is that not the case?

MR. LARRAÑAGA: Madam Chair, Commissioner Mayfield, any conditions that were imposed on the approval are still imposed.

COMMISSIONER MAYFIELD: Okay. And then I know that at least Tesuque Village is trying to come together with a community plan. Is there a community plan on the books or in the making that would include this opera area?

MS. ELLIS-GREEN: Madam Chair, Commissioners, I believe the Tesuque Village Plan is the other side of 285. It doesn't go to this side of 285.

COMMISSIONER MAYFIELD: Okay. Thank you, Madam Chair, Ms. Ellis-Green, and there's not – I'm not familiar with any other community plan in that area, minus maybe some local covenants from home associations.

MS. ELLIS-GREEN: Madam Chair, Commissioners, no, I don't believed this is covered by another community plan.

COMMISSIONER MAYFIELD: Okay. Thank you. And Madam Chair, Mr. Larrañaga, these folks are just coming asking for an extension, right? So when they get together what they actually want to do, when they finally come together with pen on paper, the community still will have an opportunity to say yea or nay.

MR. LARRAÑAGA: Madam Chair, Commissioner Mayfield, that's correct. As the code stands right now they would have to come in with preliminary and final development plan for each phase, and some of the items that this gentleman spoke of – parking, traffic, pools and grade, that's all going to go into preliminary and final. That's when we really look at the final plan before construction. And yes, the preliminary and final would go to CDRC for approval.

COMMISSIONER MAYFIELD: Thank you. Madam Chair, Jose, help me with understanding, what's the benefit for having a master plan already on file with the County and asking for an extension? Or what's the benefit of just letting it lapse and coming in for a whole new master plan again?

MR. LARRAÑAGA: Madam Chair, Commissioner Mayfield, the master plan is the zoning, so it gives them the concept approval and the zoning for this type of use. It doesn't give them any development rights, but it gives them the zoning where they can go forward with the development plan. If you let it lapse, well, just the fees involved in coming in to resubmit the engineering and the traffic impact analysis and the hydrology reports and everything else would be pretty high.

COMMISSIONER MAYFIELD: Okay. And Madam Chair, Mr. Larrañaga, with the new code that's going to come, and as this Commission approves it, would there be

anything that would put more restrictions? They would have to be in compliance with that, but I don't know what you all are going to bring to us, and knowing that this may be a moot point if the new code says, hey, you can develop this type of structure out there or you can't develop this structure out there. Am I off base on that question?

MR. ROSS: Madam Chair, Commissioner Mayfield, no, you're not, but you've got two members or three members of the code draft team right here and I don't think there's anything major contemplated with this type of development.

COMMISSIONER MAYFIELD: Okay. Thank you. Thank you, Madam Chair.

CHAIR STEFANICS: Thank you. Commissioner Holian.

COMMISSIONER HOLIAN: I would like to request Mr. Horpedahl to comment on the suggestions that were made by the neighbor.

MR. HORPEDAHL: Yes, thank you. We have listened to many comments from our neighbors in the past, ever since we first started with this development master plan and I have been taking excessive notes on all of these things. In fact I spoke with Mr. Ehrenburg two years ago about his concern about the road access and have told him that we would be taking all of these things under concern as we approach actually putting pen to paper, but at this time it really is just a concept. We've not changed anything in this whatsoever since 2004. So we really are just trying to figure out what would work best for us and for our neighbors at this point.

COMMISSIONER HOLIAN: Thank you. And so when you went forward for preliminary plat and final plat you would actually meet with the neighbors and try to update them on what your final plan was?

MR. HORPEDAHL: Certainly.

COMMISSIONER HOLIAN: Okay. Thank you, Mr. Horpedahl.

MR. HORPEDAHL: Thank you.

CHAIR STEFANICS: Commissioner Anaya, do you have any questions for staff or the applicant?

COMMISSIONER ANAYA: Not at this time, Madam Chair.

CHAIR STEFANICS: Thank you very much for joining us. What is the pleasure of the Commission?

COMMISSIONER MAYFIELD: Madam Chair, I'll move for approval to grant the extension of BCC Case #MIS 09-5071, Opera Village.

COMMISSIONER ANAYA: Second, Madam Chair.

COMMISSIONER HOLIAN: With staff conditions?

COMMISSIONER MAYFIELD: Yes, with staff conditions. Thank you, Commissioner Holian.

CHAIR STEFANICS: So there's a motion and a second with staff conditions. Any further discussion or questions?

COMMISSIONER HOLIAN: Madam Chair.

CHAIR STEFANICS: Yes.

COMMISSIONER HOLIAN: Well, I think that the suggestions that were made by the neighbor sound very reasonable to me and I would just really want to urge Mr. Horpedahl and the developer to take some of those into consideration.

CHAIR STEFANICS: Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, on that point though, they'll

still have their say on that when it comes in front of the CDRC and this Commission.

COMMISSIONER HOLIAN: Yes.

COMMISSIONER MAYFIELD: Thank you.

CHAIR STEFANICS: Any further questions of comments?

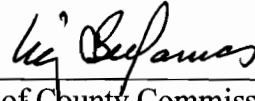
The motion passed by unanimous [4-0] voice vote. [Commissioner Vigil was not present for this action.]

CHAIR STEFANICS: Thank you very much, you're approved.

XV. ADJOURNMENT

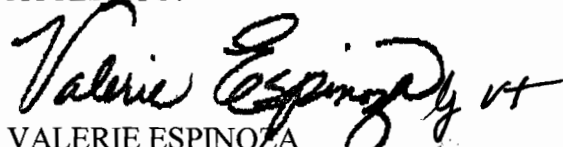
Having completed the agenda and with no further business to come before this body, Chairwoman Stefanics declared this meeting adjourned at 8:15 p.m.

Approved by:




Board of County Commissioners
Liz Stefanics, Chairwoman

ATTEST TO:

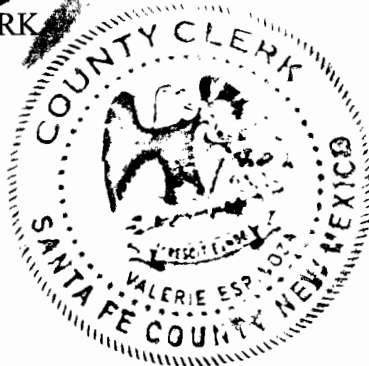


VALERIE ESPINOZA
SANTA FE COUNTY CLERK

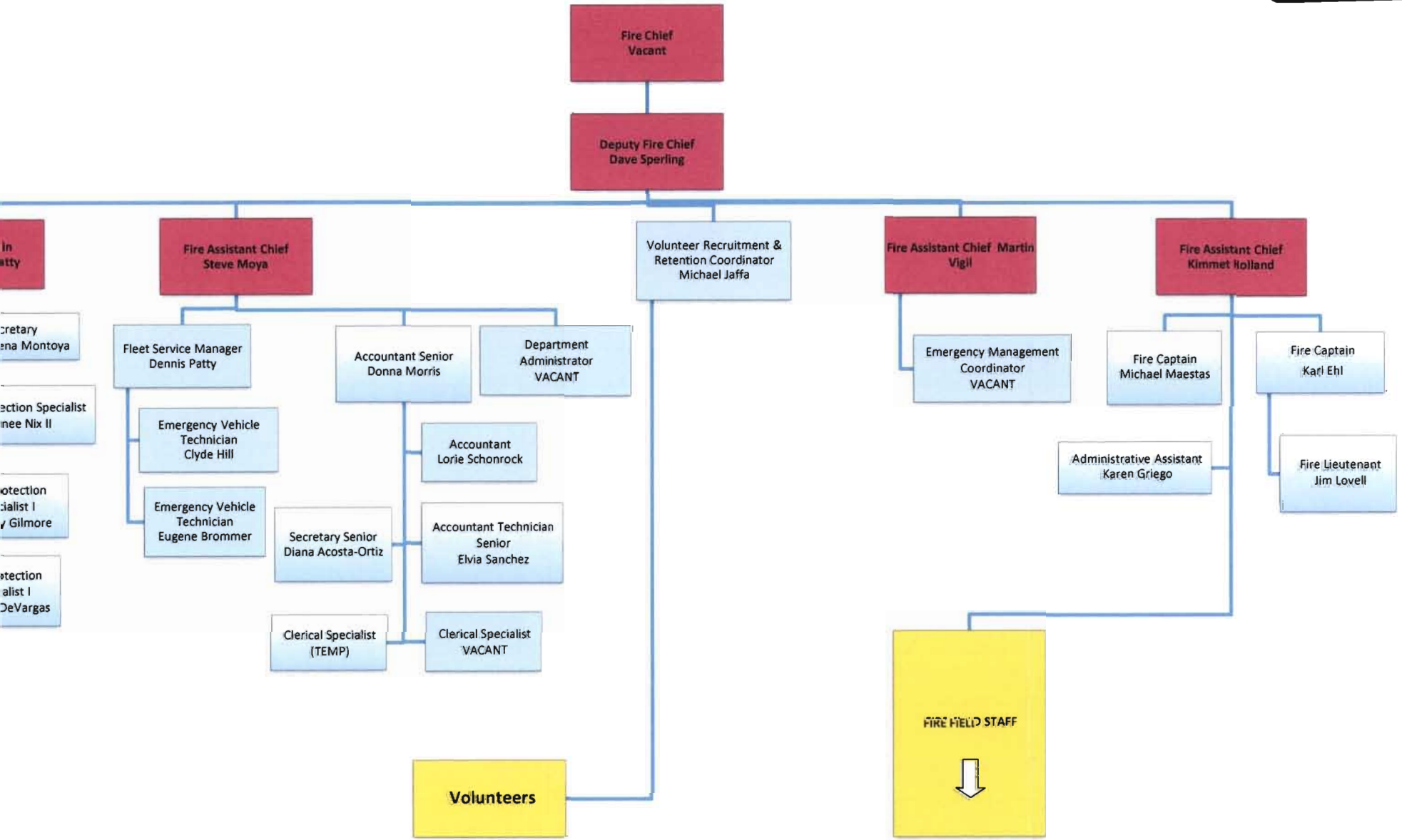
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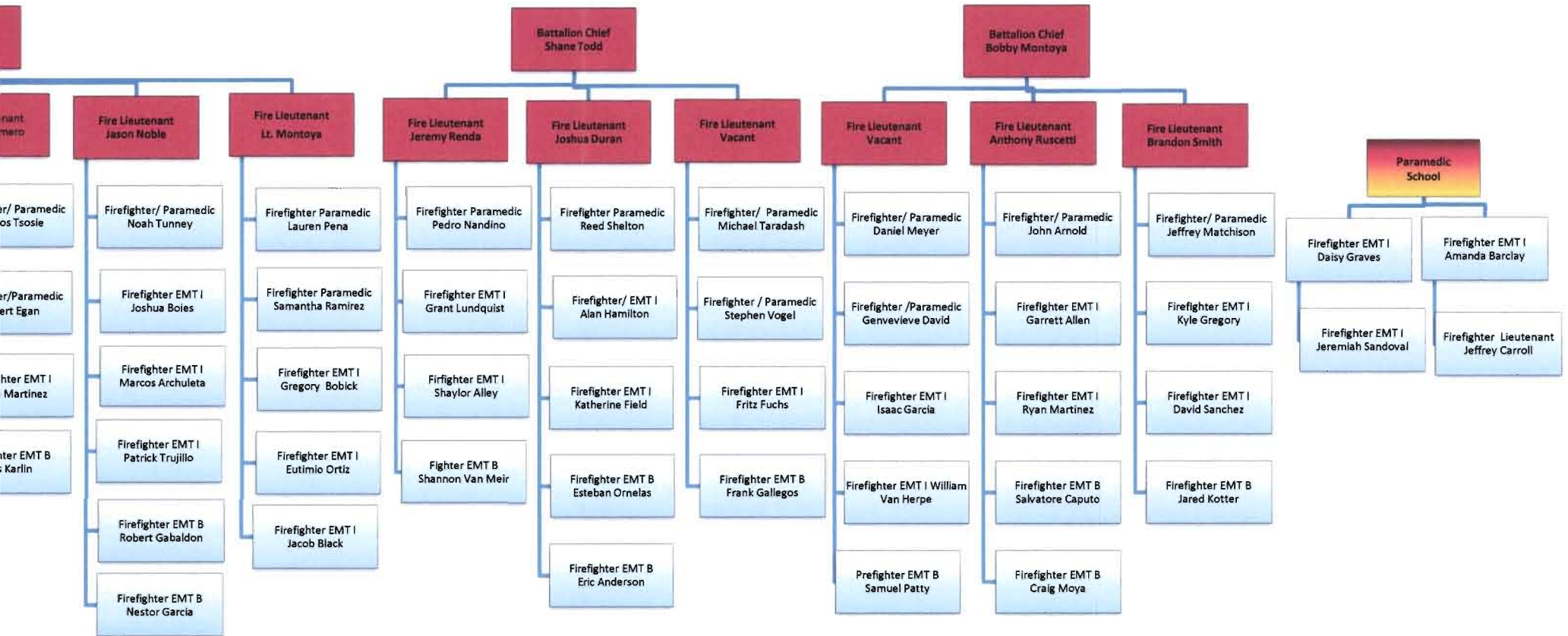
Karen Farrell, Wordswork
453 Cerrillos Road
Santa Fe, NM 87501



Santa Fe County Public Safety Department / Fire Division Administration



Santa Fe County Community Services Department / Fire Division Regional Shifts



0060
0063
0066



Memo

To: Board of County Commissioners
 From: Darlene Vigil, Affordable Housing Administrator
 Via: Penny Ellis-Green, Assistant County Manager
 Robert Griego, Planning Manager
 CC: Date: 01/09/2012

Re: Authorization to Publish Title and General Summary of Ordinance No. 2012-__ .
 Ordinance 2012-__ An Ordinance amending Ordinance 2006-02, 2010-9, 2009-1, as amended reducing the percentage of Affordable Housing required, expanding the means by which a developer can meet the Affordable Housing requirement and expanding Long-term Affordability

BACKGROUND:

In 2006, Santa Fe County adopted an inclusionary zoning ordinance to require development projects in the Central and Northern areas of the County to provide affordable housing in an effort to address the housing affordability gap in the region. The affordable housing requirement for Major Projects, a division of property of twenty five (25) or more parcels for the purpose of sale, lease or other conveyance is required to provide thirty percent (30%) affordable and Minor Projects, a division of property of five (5) and no more than twenty-four (24) parcels shall be required to provide sixteen percent (16%).

Due to existing economic conditions Santa Fe County Board of County Commissioners may consider

- a. reducing the required percentage of affordable housing for Major Projects from Thirty Percent (30%) to fifteen percent (15%)
- b. reducing the required percentage of affordable housing for Minor Projects from Sixteen Percent (16%) to eight percent (8%)
- c. Expanding alternative means of compliance to provide Affordable Units in a manner that is consistent with the goals and objectives of the Inclusionary Zoning Ordinance
- d. Expand Long-term Affordability providing developer subsidy and reducing the affordability lien at time of sale by 0.10 from date of first sale to calculate the total due to the county

RECOMMENDATIONS: Respectively staff recommends the Santa Fe Board of County Commissioners approve to publish title and general summary of Ordinance 2012-__ .

SFC CLERK RECORDED 02/15/2012

THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY

ORDINANCE NO. 2012-_____

AN ORDINANCE CONCERNING THE COUNTY'S AFFORDABLE HOUSING PROGRAM; REPEALING SPECIFIED PORTIONS OF ORDINANCES NO. 2006-02, 2009-01 AND 2010-09; ENACTING REPLACEMENT PROVISIONS THAT REDUCE THE AMOUNT OF AFFORDABLE HOUSING FROM 30% TO 15% OF THE TOTAL HOUSING PROVIDED IN A MAJOR PROJECT, AND REDUCING FROM 16% TO 8% THE AFFORDABLE HOUSING PROVIDED IN A MINOR PROJECT; AMENDING THE AFFORDABILITY LIEN TO PROVIDE FOR AMOUNTS CONTRIBUTED TO THE AFFORDABLE UNIT BY THE COUNTY PURSUANT TO ORDINANCE NOS. 2009-14, 2010-03 and 2011-6; AND PROVIDING FOR THE REMAINDER OF THE AFFORDABILITY LIEN TO DECLINE TO MATCH THE APPRECIATION SHARE LIEN TO PROTECT LONG-TERM AFFORDABILITY.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY THAT SPECIFIED PORTIONS OF ORDINANCES NO. 2006-02, 2009-01 AND 2010-09 ARE HEREBY REPEALED AND REPLACEMENT PROVISIONS ENACTED AS FOLLOWS:

Section One. Subsections 4(A) and 4(B) of Ordinance No. 2006-02 ("Affordable Housing Requirements") shall be and are repealed and new subsections 4(A) and 4(B)¹ enacted as follows:

"Section Four. Affordable Housing Requirements.

"A. Of the total housing provided in any Major Project, no less than fifteen ~~thirty~~ percent (15%) shall be Affordable Housing as defined herein. Of the total housing provided in any Minor Project, no less than eight ~~sixteen~~ percent (8%) shall be Affordable Housing as defined herein.

"B. The distribution of the Affordable Units provided in connection with a Major Project shall include Affordably Priced Housing Units provided equally to Eligible Buyers in Income Range 1 (3.75%), Income Range 2 (3.75%), Income Range 3 (3.75%), and Entry Market Housing Units provided to Entry Market Buyers in Income Range 4 (3.75%). The distribution of the Affordable Units provided in connection with a Minor Project, except as otherwise set forth in Section Five of this Ordinance, shall include Affordably Priced Housing Units provided equally to Eligible Buyers in Income Range 1 (2%), Income Range 2

¹ Changes shown throughout are from Ordinance No. 2006-02.

(2%), Income Range 3 (2%), and Entry Market Housing Units provided to Entry Market Buyers in Income Range 4 (2%)."

Section Two. Subsection 16(A) of Ordinance No. 2006-02 shall be and hereby is repealed and a new subsection 16(A) enacted as follows:

"Section Sixteen. Alternate Means of Compliance.

"A. A Project may alternatively meet all or a portion of its obligation to provide Affordable Housing by:

"1. providing Affordable Units outside the Project but within central and northern Santa Fe County, as shown on Attachment A, subject to the provisions of Section Sixteen (D) of this Ordinance;

"2. making a cash payment that is equal to or greater value than would have been required if the Project had been constructed or created Affordable Units as provided in this Ordinance, applying the methodology set forth in the Affordable Housing Regulations;

"3. dedicating property suitable for construction of Affordable Units outside the Project but within central and northern Santa Fe County, as shown on Attachment A, whose value is equal to or greater than that which would have been required if the Project had been constructed or created Affordable Units as provided in this Ordinance, applying the methodology set forth in the Affordable Housing Regulations; or

"4. otherwise providing Affordable Units in a manner that is consistent with the goals and objectives of this Ordinance."

Section Three. Section One of Ordinance No. 2009-01 (amending subsection 18(A)(" Long-term Affordability" of Ordinance No. 2006-02) shall be and hereby is repealed together with Ordinance No. 2010-09 and a new subsection 18(A) of Ordinance No. 2006-02 shall be adopted as follows:

"A. Each Affordable Housing Agreement shall include a form of lien, mortgage or other instrument (hereinafter referred to as "the Affordability Mortgage or Lien") that shall be executed and recorded along with the deed conveying the Affordable Unit to the first buyer, and that instrument shall create a mortgage or lien in favor of the County in the amount of the assistance provided pursuant to Ordinance Nos. 2009-14, 2010-03 and 2011-6 as specified in Ordinance Nos. 2009-14 and 2010-03, and a mortgage or lien in favor of the County in the amount of the difference between the Maximum Target Housing Price and ninety-five percent of the unrestricted fair market value of the Affordable Unit at the time of initial sale, as determined by an appraisal approved

by the County which specifies that the value of the mortgage or lien is calculated at any given point by multiplying the number of full years that have elapsed from the date of first sale of the Affordable Unit by 0.10 and then multiplying that result by the difference between the Maximum Target Housing Price and ninety-five percent of the unrestricted fair market value of the Affordable Unit at the time of initial sale. The liens, mortgages or other instruments shall be duly executed and recorded in the Office of the County Clerk.

Section Four. All other provisions of Ordinances No. 2006-02, 2009-01 and 2010-9 shall remain in force.

PASSED, APPROVED AND ADOPTED this 31st day of January, 2012.

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

By: _____
Liz Stefanics, Chair

ATTEST:

Valerie Espinoza, Santa Fe County Clerk

APPROVED AS TO FORM:

Stephen C. Ross, Santa Fe County Attorney

SFC CLERK RECORDED 02/15/2012



Santa Fe County ICIP Top Five Priorities

- Santa Fe County Fire Equipment
- RECC Facility Expansion and Equipment (911 Center)
- Public Works Equipment
- Corrections Facilities Improvements
- Public Housing Sites Improvements

Resolutions and Action Taken by County Commissioners on Specific Legislation

- **Resolution No. 2011-176**
A Resolution Supporting New Mexico Association of Counties Legislative Initiative regarding a County Commission Ban of Fireworks During Extreme Drought
- **Resolution No. 2011-177**
A Resolution Supporting New Mexico Association of Counties Legislative Initiative for Property Tax Solutions
- **Resolution No. 2011-178**
A Resolution Supporting New Mexico Association of Counties Legislative Initiative regarding PERA Retirees as Poll Workers
- **Resolution No. 2011-179**
A Resolution Supporting New Mexico Association of Counties Legislative Initiative regarding Liquor Excise Tax Distribution to Drug Courts
- **Resolution No. 2011-180**
A Resolution Supporting New Mexico Association of Counties Legislative Initiative regarding Fair Reporting of Gross Receipts Tax Payments
- **Resolution No. 2011-181**
A Resolution Supporting New Mexico Association of Counties Legislative Initiative regarding Decriminalizing Traffic Citations In New Mexico
- **Resolution No. 2011-182**
A Resolution Supporting New Mexico Association of Counties Legislative Initiative for Continuity of Hold - Harmless Provision
- **Resolution No. 2011-190**
A Resolution Strongly Urging the New Mexico State Legislature to Amend the Local Liquor Excise Tax Act to Include New Mexico Counties with the Requisite Population and Net Taxable Value the Option to Impose a Local Liquor Excise Tax, Upon Approval by Santa Fe County Voters; And to Authorize the Use of the Tax Proceeds to Fund Social Service Programs to Serve Persons Impacted by Alcohol and Drug Abuse

- **Resolution No. 2012-###:(Pending January 10 BCC meeting)**
A Resolution Urging the New Mexico State Legislature to Amend NMSA 1978, Section 7-38-34 to Properly Reflect the Imposition of the Property Tax Rate Set by the New Mexico Department of Finance and Administration and not by the Board of County Commissioners
- **Resolution No. 2012-###:(Pending January 10 BCC meeting)**
A Resolution Urging the New Mexico State Legislature to Strengthen New Mexico Driver's License Laws to Deter Fraud and Otherwise Maintain Existing New Mexico Driver's License Laws Regardless of Immigration Status
- **Maintain Existing Funding for Santa Fe County Teen Court Program** \$60,000

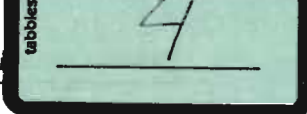
Additional Statewide Legislation That Santa Fe County May Bring to Your Attention

- 911 Surcharge
- Continuity of Hold Harmless Provisions
- Correction facilities
- Sole Community Provider
- Mortgage Fair Foreclosure Act

Project Description

Estimated Project Cost

Comm

**District 1**

CR 113 - improvements (river crossing)	\$300,000	1
Cundiyo Community Center - additional parking	\$200,000	1
Pojoaque/Nambe Community Center	\$38,000	1
Pojoaque Valley Recreational Fields	\$1,500,000	1
District 1 TOTAL	\$2,038,000	

District 2

Agua Fria - Pedestrian access and crossings between Park and community center along CR 62	\$250,000	2
Romero/Agua Fria Park	\$1,000,000	2
Camino La Tierra - Road Improvements	\$750,000	2
District 2 TOTAL	\$2,000,000	

District 3

La Bajada - Water storage tank and well improvements	\$250,000	3
Stanely Youth Agricultural and Wellness Center	\$1,500,000	3
Madrid Ballpark	\$280,000	3
Edgewood Senior Center Fire Supression	\$60,000	3
District 3 TOTAL	\$2,090,000	

District 4

Canoncito Water System Project	\$300,000	4
Glorieta Estates MDWCA - Water System Improvements (e.g. New Well and Connection to Village of Glorieta and new well)	\$1,595,000	4
La Barbaria - Road improvements-Grading and Road widening	\$416,000	4
District 4 TOTAL	\$2,311,000	

District 5

Herrada Road - asphalt surface (1.91 mi.)	\$788,700	5
Ken & Patty Adams Senior Center - expansion	\$520,000	5
Vista Grande Library - expansion	\$1,420,000	5
District 5 TOTAL	\$2,728,700	

Total: All Requests- FY2012**\$11,167,700**

List of ICIP Top Five Projects for Santa Fe County

Approved by the Board of County Commissioner on September 13, 2011 via Resolution 2011-138

Project Rank	Project Description	Estimated Project Cost
1	Santa Fe County - Public Works Equipment	\$3,500,000
2	Santa Fe County RECC Facility Expansion and Equipment (911 center)	\$2,750,000
3	Santa Fe County Corrections Facilities Improvements	\$8,200,000
4	Santa Fe County Fire Equipment	\$3,000,000
5	Santa Fe County Public Housing Sites Improvements	\$1,500,000
TOTAL: All Projects- Countywide and County Facilities		<u>\$18,950,000</u>